A REVIEW
OF
"THE REVIEW"
OF
THE LATE CONTROVERSY
BETWEEN THE
REV. ISAAC LEESER
AND THE
Philadelphia Congregation, "Mickve Israel;"
BY
AN ISRAELITE.

NEW YORK:
PUBLISHED AT THE OFFICE OF THE ASMONEAN,
140 Nassau Street.
1850.
A REVIEW

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THE LATE CONTROVERSY

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AN ISRAELITE

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1830.
When men throw their private quarrels before the public, they cease to be private, and that public to whom the appeal is manifestly made, has the right to approve or disapprove, as facts may demand. It is this feeling which prompts me to examine the controversy, and through the Press, to proclaim the opinion of an humble, but disinterested Israelite.

There are but few occurrences in life which may not be productive of good, and I can but trust that, though a good man may be sacrificed to the malice of his enemies, yet that this controversy between Mr. Leeser, and the Philadelphia congregation Mickve Israel, will be productive of the happiest results, by impressing the minds of the Jews of America with the necessity of elevating the Priesthood, of making them Teachers of Israel, not the mere hirelings of a moment, the pliant tools of a Parnas and Adjunta, who may, or may not be fit to rule. The paths of duty of the two are entirely distinct. The Parnas and Adjunta should manage the temporal concerns of the congregation, whilst the Priest, or Hazan should teach, guide, control, and direct the congregation. How can he be a Teacher unless he have power in all things pertaining to his office? How can he rebuke sin in high places, perhaps the very sins of his petty tyrants, when he is powerless, the mere servant of these very men? The idea, then of making a Hazan a bonded officer, and of forcing him to obtain leave of the Parnas before he may deliver a moral discourse, or perform the marriage or burial service, is altogether repugnant to a just conception of his proper position, and whilst such an idea obtains, he is no Teacher, no head of the flock, but a
mere tool and an underling. Any rule therefore which requires a Teacher in Israel to give a bond for the performance of his duties—a bond, forsooth, that he shall be "devout"!!—is a disgrace to the congregation, and at war with the spirit of the age. Our Priests should "be clothed with righteousness," men of character, and able to teach and control their flock. The Hazan should be elected as Mr. Carvallo was elected in 1815—"nothing being said about the term of office."

These remarks bring me directly to the pamphlet under consideration.

As regards "the regular Hazanim who preceded Mr. Leeser," I have nothing to say—comparisons are odious—they may have been intellectual "giants." I take it for granted, that they were undoubtedly men of worth—perhaps the superiors of Mr. Leeser. I repeat I will institute no comparisons, but this much I will say, that in our day and generation, Mr. Leeser stands unrivalled in the general good that he has done in America, and those very "English discourses" so delightingly spoken of in the pamphlet under review, have done more to exalt the Jewish name in America, to awaken a spirit of piety among our people, to breathe life, and spirituality into our religion, than the ritual could do in a thousand years, however dignified, and impressively it may have been said. And here, too, I may remark, it is strange that if Mr. Leeser has for years, hurried through our beautiful ritual in "an undignified, and unimpressive manner," that he should have been retained as Hazan for more than twenty years, have been five times elected, and "that a majority of the members would have been willing to have elected him for ten years longer." Alas! I fear the writer spoke from his prejudices, rather than his judgment.

At Page 6 of the pamphlet, we are told that "the Committee on the subject of certain complaints against the Shochet made a report in which they recommended that the tenure of his office, which before that time, was during the pleasure of the congregation, should be turned into an annual term"—and again—"it has always been the policy of the congregation to elect the Hazan for a stipulated period, and the principle is the same as to the
What! are the Shochet and the Hazan to be compared? Are there no distinctions in society? no grades in the various callings of life? Do the butcher and the Minister of God—the baker, and the lawyer—the blacksmith, and the physician stand on the same platform? Politically they are equal, but no farther. My minister, my spiritual guide and teacher, must be my equal socially and otherwise, or he can not have a proper and controlling influence over me. My butcher, or Shochet, may be an honest man—I may respect him as such, but he can not be a companion for me, or my family. And I am sure I hazard nothing in saying that the Hazan, and Shochet of the congregation, do, and will ever, occupy very different stations in the minds of all right-thinking people in Philadelphia, and everywhere else. The comparison therefore, does not hold good—there is no analogy in the duties of Hazan and Shochet, and the rules governing the one, would be inapplicable to the other. The one is the highest and holiest calling to which man can devote the energies of his mind, the other a mere physical duty, which any one may perform; requiring neither mind nor morals, beyond that morality which impels my barber, or tailor to do his work faithfully. When therefore, a candidate for the office of Hazan is a stranger to a congregation, it is perhaps well to take him for a limited period on trial, and afterwards he should be elected, and have nothing said about the term of service.

The Judge's tenure, dum bene se gesserint, may, or may not be proper—but again, there is no analogy between these offices. The life tenure of the Judge was created as a protection to the liberties of the people. If he held his office at the will of a tyrant, he would pander to the tyrant's pleasures—but again I see no analogy between these offices. If the writer really desired an analogous case, he should have referred to the Christian Preacher, or the Jewish Priests of former days. Are, or were, these elected from year to year? Do, or did they give bonds, with money penalties for their good behaviour, for their devout manner?

This idea of annual, or decennial elections, and of making the Hazan a bonded officer, finds no sanction in the habits of the
Jews in the palmy days of their nationality—none in the present practice of the Christian world. For our sins we are dispersed over the whole world. We have no temple—no regularly God-appointed Priesthood, but if we desire our Hazanim, teachers in Israel, men of worth, and piety, and really spiritual guides, we must elevate the Ministry; we must draw a distinction between things sacred and profane, we must raise our Hazan above our Shochet.

But let us pass on to Page 8, where we are told that Mr. Leeser "was willing to hold himself out to the world as elected for life, and yet take the office under a secret written engagement with the congregation, converting its tenure into a tenancy at will, subject to be determined at any time by a bare majority vote; which was the more degrading position, an open honorable engagement for ten years, or a false representation to the world, of an engagement for life, with the reality of a secret understanding that it was but a tenure at will? The congregation refused to become a party to such a hypocritical proceeding."—

Now I appeal to any candid man, and ask if such language is proper, if the writer (as he states on his first page) really desired to diffuse the light of truth," and "to give a brief review of the late controversies between Mr. Leeser and the congregation?" Is this language supported by the facts of the case, or rather, is it not, manifestly, the outpourings of bitterness, and prejudice? Let the pamphlet itself, answer these questions. At Page 6, we find "that Abraham Hart, Esq., Parnas, announced from the Chair, that he was authorized by Mr. Leeser to state to the congregation, that if they adopted any other tenure of office, than during good behavior, he would not be a candidate for re-election, but adding in substance, that if he were elected during good behavior, he was willing to hand in a written resignation of his office, to take effect whenever called for by the congregation." Was this any thing like "a secret written engagement?" Was this a false representation to the world? Did not Mr. Hart proclaim it aloud, before the assembly, over which he presided? Was it not known to the writer of the pamphlet, who is manifestly no friend of Mr. Leeser; and can any one justly call this
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a "secret engagement," "a false representation," "a hypocritical proceeding?" The truth is, Mr. Leeser assumed the true ground. The ground on which Mr. Carvallo's election was placed. The ground taken by Mr. Lazarus in 1824, and the ground which I trust, will hereafter be taken by every Hazan in America. The tenure of the office of Hazan should be at will. He should be bound to his congregation, and they to him, by the bonds of love, and not of money penalties; and he should serve no longer than was mutually agreeable, for no longer could he be useful.

Let us test this idea of making the Hazan a bonded officer, for limited periods, say five, or ten years, and to do this, let us examine the terms and character of the articles of agreement, which may be found at Page 10, of the pamphlet. The Hazan agrees to serve and officiate for ten years, during which time, he is to perform the duties of the station—these duties are subsequently defined, viz: on Sabbaths and Holy days, to read the prayers in devout manner in the original Hebrew. To attend funerals &c: to support and abide by, and obey the Charter and Bye-Laws, and obey the legal orders of the Parnas. In consideration of said services, the congregation agrees to pay $1200 per ann. during the ten years in quarterly payments. And for the due performance of the covenants, each party (Hazan and congregation) binds himself in the penal sum of one thousand dollars. Now as the covenant has expressed precisely, what each party is to do, no more could be claimed in law, or morals, than what is therein expressed. It is therefore manifest that a Hazan under that covenant would be entitled to recover his salary, if he read the prayers in Hebrew, on Sabbaths and Holy days, attended funerals, &c. &c., even though he lived in open violation of the moral law, and should ascend the tebah dressed in the most fantastic attire. I do not press this point of my argument too far. When men enter into written contracts, the contract becomes to them, the law, and they can not go beyond it. Expressio unius, est exclusio alterius. Could the congregation sue the bond, and allege as a breach the bad moral character of the Hazan, or if the Hazan were compelled to sue, would his
character be allowed in evidence? Certainly not. All this reminds me of an anecdote, of which I was personally cognizant. A man presented himself as a candidate for Hazan—it was remarked that he was flippant in his manners, foppish in his dress, and above all, of doubtful moral character. But said one of his advocates, "have you heard him read—he has a magnificent voice," and I suppose he might have added, "he would read our beautiful Hebrew ritual in a dignified and impressive manner." Let me not be misunderstood—I am no reformer—I love and venerate our beautiful Hebrew ritual. It is a noble language—it is the mother of languages, and above all, it is sanctified, by time, and the glorious recollection that it was the language of our Prophets, and our Poet King, and that in it, God spoke to his people amid the thunders of Sinai. Let it then be read in a sonorous voice, and in a dignified, and impressive manner; but let all this be secondary to the pure character, and moral teachings of the Hazan.

But let us return to the pamphlet. At page 17 we find that a vote of censure by the Adjunta was passed upon the Hazan, (Mr. Leeser) for an article which he published in the Occident of October last. Now, if anything were wanting to show the bitter persecution, and relentless hostility of Mr. Leeser's enemies, it will be found in this whole affair. It is marked by a tyranny and oppression, that, thank God, finds no parallel in our country, blessed as it is by free institutions, guaranteeing to every one liberty of conscience, and protecting the Liberty of the Press. But this Philadelphia Adjunta, riding above the spirit of the age, would trammel the press, and entrenching themselves behind the dignity of office, would punish by votes of censure any one who would differ from them, or animadvert upon their conduct. Mr. Leeser, as Hazan, had certain duties to perform, specifically set forth in the Bond, and I cannot find among these duties any that requires him to consult the Adjunta, as to what articles he might write, or that inhibits him from scanning their votes on any subject. But the whole affair seems to me extra-judicial—an assumption of power, and strongly savoring of all the ingredients of a libel. The Bond does not make him amenable to the
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Adjuncta, except as to marriage and funeral rites, and as he is elected by the congregation, it alone should have the power of censure. It is true that in political and national organizations, there are tribunals created to try and punish officers and others for misdemeanors, but surely a Hazan should be only responsible to the congregation—as the creating power. It will not avail to reply that the congregation approved the action of the Board, for no subsequent act can legalize an usurpation, the more especially when the rights of a third party are affected. And besides this, it is manifest that though the Adjunta had attempted to control and direct public opinion, still the congregation would have allowed the resolutions to pass unnoticed, thereby tacitly approving the contemptuous silence of Mr. Leeser, who properly disdained to offer "any explanation, palliation or apology,"—"but for an onslaught on the Board made by one or two of the Hazan's indiscreet friends." It was the conduct of the "friends" then, that the congregation animadverted upon, and not the conduct of Mr. Leeser. Such being the true version of the affair, the congregation committed the injustice of punishing Mr. Leeser for the indiscretion of his friends.

It is right and proper that we return again to this idea of making the Priest who ministers at the altar of God a bonded officer for a specified period of time. I am no advocate for a life tenure for the same reasons that I object to any engagement for a limited time. Suppose you engage a man for life, or for five or ten years, how are you to get rid of him until the expiration of the time of the agreement? He may perform his duties and yet be obnoxious to the congregation, or they to him. You are bound hand and foot together by the harsh chains of a stern agreement, and not united by the silken cords of love, and the interchange of mutual benefits and blessings. Nor does your Bond with a money penalty mend the matter—it circumscribes the power of the Hazan and congregation, and limits their rights to the terms of the bond. Let then our Hazanim (except perhaps when strangers to the congregation) be elected without any thing being said about the term of service," and then the majority of the congregation may dismiss, or the Hazan retire at pleasure. It
cannot be urged that this may leave a congregation without a
Hazan, for it cannot, in fairness, be supposed that the connection
would be dissolved without timely notice. But even supposing
the probability of this contingency, or that the Hazan may be
thrown penniless on the world, still it is far better for both par-
ties to have the connection thus arranged, than to have Hazan
and congregation tied to each other, even after love, respect, and
power of usefulness were all departed. And again, this tenure
at will is a guarantee, worth all the bonds in the world, for mu-
tual forbearance, respect, and devotion to their respective duties.

One word in conclusion, and that in relation to the pamphlet it-
self. To the casual and careless observers (and these form a
large majority of readers), it would seem that this was an official
expose, a manifesto from the Adjunta. This impression is fairly
inferrible from the three first paragraphs of the pamphlet, and the
internal evidence that the books, papers, and minutes of the Ad-
junta must have been under the free control of the writer. And
yet I for one am sure that it is not an official produc-
tion, firstly, because it is not declared to be so; and secondly, because it is anon-
ymous, and even the very office from which it is issued is con-
cealed. The writer of the pamphlet is evidently a man of talent
and of education, and his sense of justice should have induced
him to have declared in express terms, that he wrote on his own
individual responsibility, and not to have left so important a fact
in doubt. But there are other objections to the pamphlet, of a
more serious character: It charges a man, who for the fifth part
of a century has been the Hazan of one of the most respectable
congregations in America, with false representations, hypocrisy,
violation of duty, and a childish vanity that induced him to sacri-
fice his holy official duties to “one engrossing fancy.” And does
the “light of truth” thus daguerreotype the character of Isaac
Leeser? No, no, no, and such would be the echo and response
of ninety-nine hundredths of the Jews of England and America.
Mr. Leeser is “neither more nor less than a man,” he has the
faults and the frailties of humanity. His quick sensibility, his
ardent temperament, may, and perhaps do, rob him of that suavi-
ty of manner, which, like the tinsel glitter of false ornaments, too
often deceives and deludes. But he is honest, capable, intelligent, stands high in public estimation, and should be the pride, as he is an ornament, of our nation.

For myself, I have no personal object to attain. My desire was to protect and vindicate the private character and public usefulness of one who is "a great man in Israel," and whose writings will cause him to be remembered when his detractors shall be forgotten.

AN ISRAELITE.