BRANDEIS UNIVERSITY

Or אור
Hahigayon ההיגיון

HIGH HOLIDAY READER

With the arrival of the High Holidays, we're invited into a season of reflection and renewal. The High Holidays call us to take stock — of our lives, our relationships and our responsibilities. At Brandeis, this introspective spirit is not limited to the Days of Awe. It is built into the fabric of our university.

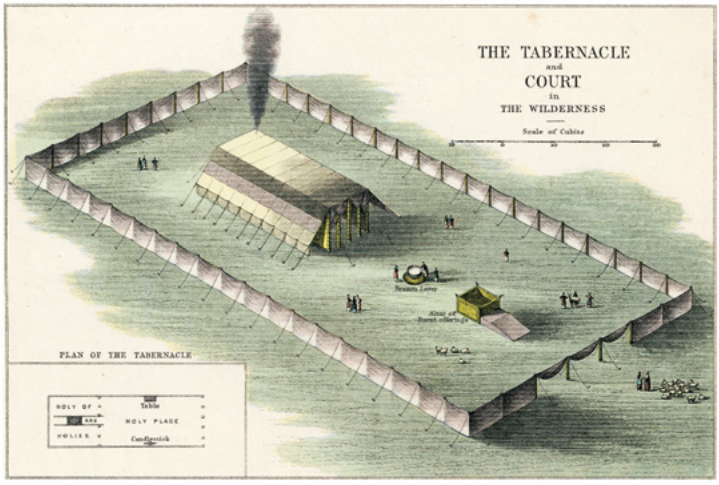
This collection reflects Brandeis University's distinctive place in American Jewish life: a university founded by the Jewish community, animated by Jewish values, and home to world-class Jewish learning and vibrant Jewish living. In these pages, you'll find serious and accessible reflections on the themes of Rosh Hashana and Yom Kippur by some of our leading scholars of Jewish history, education and philosophy, including Lisa Fishbayn Joffe, Jonathan Krasner and Jon Levisohn.

Their contributions offer more than insight into the holidays themselves. They model a kind of engagement that is intellectually rigorous, morally serious and rooted in community. That is what Brandeis has long stood for.

This past year has brought significant challenges to institutions of higher learning, particularly for Jewish students and scholars. And yet, Brandeis continues to be an oasis, one of the rare places in American higher education where Jewish life and Jewish scholarship are cherished, nurtured and renewed. Our university remains a place where students can ask big questions, deepen their commitments and imagine a future informed by the best of our tradition.

As we welcome a new year, may these reflections from Brandeis scholars inspire you to find meaning in the season's themes, and remind us all that the renewal we seek is made possible through community, learning and the enduring strength of Jewish life.

Shanah tovah umetukah,
Rabbi Seth Winberg



Contents

JON A. LEVISOHN

So. Many. Words.

Alongside familiar foods like apples and honey, and familiar sounds like those of the shofar, perhaps the most notable aspect of the Jewish High Holidays is the sheer volume of words. Think about it. The *mahzor*, the special prayer book for these days, runs for hundreds of pages. The primary practice of the High Holidays is the recitation of what we loosely call "prayers." Yes, there is serious inner work to be done. And there are also moments of physicality: bowing, standing, beating the chest, throwing bread into the water. But, mostly, there are words. So. Many. Words.

MODELS OF PRAYER

What is our relationship to all these words supposed to be? We are steeped in a culture that prizes authenticity. We believe we should "mean what we say." To do otherwise — to *not* mean what we say — is to be insincere or duplicitous. But is sincerity the only value at stake in the liturgy?

A curious story in the Babylonian Talmud (*Berakhot* 33b) offers an alternative perspective. In the story, an unnamed prayer leader conducts a service in front of Rabbi Hanina. But instead of sticking to the prescribed liturgy, the prayer leader embellishes. The traditional opening to the *Amidah* describes God as *gadol, gibor, ve-nora* — "great, mighty, and awesome." But this prayer leader adds seven more adjectives, offering an effusive, abundant description of the Divine.

Rabbi Hanina is not impressed. The text reports that he waits until the prayer leader finishes and then rebukes him with a bit of snark: "Have you concluded all the praises of your Master?"

He then continues in a more serious tone, "Why do we need all these?" We can imagine that the prayer leader is thinking about a response, perhaps an argument about how we ought to be aware of all the abundant

manifestations of Divine goodness in the world. But before the prayer leader can respond, Rabbi Hanina preempts him by declaring that the only reason we use the three words that we do — *gadol, gibor, ve-nora* — is that Moses said them in the Torah (because there is a verse in Deuteronomy 10:17 in which Moses uses those three words), and subsequently the Great Assembly included them in the liturgy (because the tradition teaches that the Great Assembly established the liturgy of our prayers). "If not for that," Rabbi Hanina concludes, "we would not even say them. And you add more?"

The dynamic here between the unnamed prayer leader and Rabbi Hanina seems to suggest two opposing models of prayer. For the unnamed prayer leader, prayer is expressive. Prayer is the place to pour out your heart to God. The goal is spiritual authenticity or sincerity when we say what we feel. So the justification for any particular description of God is that it aligns with our experience.

For Rabbi Hanina, on the other hand, prayer should be restrained. The liturgy is a script to be followed, regardless of whether it aligns with our experience. Prayer is not about self-expression. It is about participating in a ritual practice that was authorized by others, a practice that existed before we came along and will be here when we're gone.

SINCERITY VERSUS RITUAL

This tension, between prayer as personal expression and prayer as ritual discipline, remains alive for us today. Many of us lean toward the prayer leader's model, understandably so. We want to feel something in prayer. We want to be moved. We want the liturgy to reflect what's happening inside of us. And when it doesn't, we may feel that we've failed, or that the liturgy has.

But Rabbi Hanina's response reminds us that not all religious life is built on sincerity. Sometimes meaning arises not from inner authenticity but from outer form: from repetition, from structure, from saying the words not because they reflect us but because they shape us.

In their insightful book "Ritual and Its Consequences" (Oxford University Press, 2008), Adam Seligman and his co-authors contrast two modes of engagement with the world: the mode of "sincerity" and the mode of "ritual." The sincere mode focuses on transparency between inner states and outer actions. To be sincere is to say only what you mean, to align action with intention. The ritual mode, by contrast, allows for distance between feeling and form. "In doing a ritual," Seligman writes, "the whole issue of our internal state is often irrelevant. Getting it *right* is not a matter of making outer acts conform to inner beliefs. Getting it right is doing it again and again and again." Performing ritual means

participating in a set of shared practices that are stable, even when our inner world is not.

When someone greets us on the street and asks us how we are, we can answer sincerely by sharing what is actually going on for us at that moment. That's the mode of sincerity, and sometimes that's appropriate. But unless the person is a good friend, and unless there is reason to think that we have time to spend diving into the emotional depths, mostly it is not. More often the right thing to do is to recognize that the question is a formality, a ritual way of greeting someone. That's a feature, not a bug. The ritual establishes a connection between the people; it acknowledges our shared humanity or what Seligman calls "the maintenance of our shared social world." That's it. That's enough.

Ritual, in Seligman's words, "involves the endless work of building, refining, and rebuilding webs of relationships in an otherwise fragmented world." Ritual allows us to behave as if reconciliation is possible, as if community can be restored, as if we are already the people we aspire to become. "The work of ritual ceaselessly builds a world that, for brief moments, creates pockets of order, pockets of joy, pockets of inspiration." Ritual provides the structure within which we can rehearse a better world, even when we are not yet living in it.

HOW WORDS MATTER

Thinking through the tension between ritual and sincerity is especially relevant on the High Holidays. These days are about repentance and renewal. But we don't always feel repentant. We don't always feel ready to forgive, or to ask for forgiveness. We may not feel awe, or reverence, or spiritual elevation. No matter. The liturgy gives us the words anyway, to perform the rituals of penitence, of reconciling, of seeking, of worshipping, even if our inner states do not live up to the lofty ambitions of the words.

The sheer abundance of words in the *mahzor* are not there simply to express our existing feelings. They are there to create a space where certain kinds of feelings might become possible. They are there to bind us to others across generations. They are there to allow us to act as if we are part of a covenant, and as if our words matter, because through those rituals we are, and they do.

So. Many. Words. We need them not because they express our feelings. We need them because we need to perform the elaborate ritual of saying these words, as part of a set of practices that enable us to become what we aspire to be.

SHULAMIT REINHARZ

How Should We React When Told *'Zachor!'*

On Rosh Hashana and Yom Kippur, our prayer books list ways we have gone wrong during the past year. These lists are a guide to what we should remember about our behavior, our form of "*zachor*." Yosef Haim Yerushalmi, author of "Zakhor: Jewish History and Jewish Memory" (University of Washington Press, 2011), explains that the word *zachor* appears nearly 200 times in the Torah. We are familiar with many of these positive appearances: remember the Shabbat, remember the *brit* (covenant), remember the exodus from Egypt.

REMEMBER TO FORGET?

On *Shabbat Zachor,* the Shabbat before Purim, we are told to remember something horrible: what Amalek did to us *after* we left Egypt. "Amalek surprised us on the march, when we were famished and weary, and cut down all the stragglers in the rear. Therefore, you shall blot out the memory of Amalek from under heaven. Do not forget!" (Deuteronomy. 25:17-19) This convoluted commandment enjoins us to remember so that we can forget. In an earlier telling of the Amalek story, we are commanded to write down the story so we can blot it out.

Jewish educators and parents have been successful in inculcating in their American children an understanding of the importance of remembering the Holocaust but not to blot it out. For example, the Pew Research

Center's 2013 "Portrait of Jewish Americans" found that 73% of Jewish Americans consider "remembering the Holocaust" to be an essential part of Jewish identity, a greater number than any other response. Artificial intelligence has informed me that "47 countries, alphabetically from Albania to Uruguay, have Holocaust Memorials. Approximately 200 research centers dedicated to Holocaust, genocide, and human rights studies exist on university campuses in North America. The International Holocaust Remembrance Alliance (IHRA) maintains a directory of over 800 Holocaust-related organizations worldwide." The Holocaust has been institutionalized.

LET US REMEMBER

And yet, there is no dearth of additional stories that must be told. I am the author of a new one about the Holocaust. "Hiding in Holland: A Resistance Memoir" (Amsterdam Publishers, 2024) tells still another tale, this one of my father's describing his acts of resistance starting when he was a 12-year-old boy in Gunzenhausen, Germany. I was fortunate to have access to cartons of papers my father had saved from his birth in 1921 to his arrival in the U.S. in 1947 with my mother and me, a 7-month-old daughter.

My father addresses directly the topic of memory and is very specific about what we should remember. For my family, he lists all the people who were murdered. He screams to the heavens about the deaths of the young Jewish nurses in the Jewish Psychiatric Hospital in Apeldoorn, Holland, who accompanied their patients from the hospital to the gas chambers. Dad wants us to remember his best friend, Shushu, a Jewish youngster from Germany, like my dad, who saved my father's life by telling him not to obey the German/Dutch order to report to a particular train station. A few months after giving my father this crucial instruction, Shushu committed suicide in prison. Dad even wanted us to remember a decent German army deserter whom he befriended, and who was discovered and shot in Holland.

But Dad doesn't end his thoughts with these horrific memories. Rather, he complements the evil with the positive. Dad writes, "I value and want to protect my freedom! — freedom from terror, freedom to make my own choices, including the choice of religion, and freedom from having to hide. For me, freedom's birthdate was May 5, 1945, the day the Allies finished the job they had started on the beaches of Normandy. I will be forever grateful." In other words, *zachor* should remind us to remember both the 6 million who were killed, and the 3.5 million Jews who survived because other people helped them.

Let us remember those who risked their lives to save Jews. Let us remember not only that America was stingy in response to Jewish requests to cross its shores, but America also sent enormous armies to Europe (and the Pacific front) to save lives. In the process, approximately 450,000 American servicemen and -women were killed. Let us remember that because of the combined efforts of all the Allied forces, the seemingly invincible German military was defeated, ushering in 80 years of relative peace, notwithstanding the regional wars that still occur throughout the world.

To engage in *zachor* means to recall both specific people who died, and to remember those who helped Jews live and enabled the Jewish people to continue to exist. We need to read the work of historians who may teach us how it all happened. We need to give thanks to those who helped us at the risk of their own lives. And we need to remember the perpetrators. Perhaps before each day of Holocaust Remembrance — November 9, Kristallnacht; January 27, International Holocaust Remembrance Day; and April 13, Yom HaShoah, Israel's Holocaust Remembrance Day — we should make a list of all the people and ideas we wish to remember. We must continuously figure out what *zachor* means.

JEFFREY SHOULSON

Repairing Ourselves in the Image of God

In just a few weeks we will come to the biblical account of Noah and the flood, a story that, following so soon on the heels of the High Holidays and our fearful meditations on "who by water, who by fire ... who by earthquake, who by plague," might strike us as a bit too close to home. In the final verses of this portion of *Bereshit*, and in ominous anticipation for the following portion, we read the following verses:

> God saw how great was man's wickedness on earth, and how every plan devised by his mind was nothing but evil all the time.
> And God regretted that He had made man on earth, and His heart was saddened.
> God said, "I will blot out from the earth the men whom I created — men together with beasts, creeping things, and birds of the sky; for I regret that I made them."

By the end of the very same portion in which we have read of their glorious creation, human beings turn out to be inherently inclined toward wickedness, fatally flawed from their inception as a species, victims of a kind of coding error on the part of their programmer. God decides that a fresh start is called for ... and we all remember what happens next. A flood wipes out all living creatures with the exception of those who have been saved on the ark that Noah has been instructed to build and fill with representative animals, along with himself and his immediate family.

The waters recede, Noah leaves the ark, and his first thought is to construct an altar on which to present an offering to God in gratitude for having been saved from this global destruction. So far, so good. And yet, God's reaction to this offering is surprising:

> God smelled the pleasing odor and said to Himself: "Never again will I doom the earth because of man, since the devisings of man's mind are evil from his youth."

Nothing appears to have changed. Humanity remains a flawed creation. Has the whole deluge been for naught? Has nothing happened to address the fatal flaw that precipitated it?

'LIKE CLAY IN THE HANDS OF THE POTTER'

The Rabbis were intensely aware of these questions and they sit at the heart of several famous *midrashim*, among them one in *Shemot Rabbah*, where we find the following rabbinic parable:

> Come and see, if a potter makes a vessel and leaves a pebble inside it, once the vessel is removed from the kiln, when a person pours a beverage into it, it will drip out from the spot where the pebble was and the beverage will be lost. Who caused the vessel to drip and to lose the beverage? It was the potter, who left the pebble in it. This is what Israel said before the Holy One Blessed Be He, "Master of the Universe, you created us with a *yetzer harah* (the evil impulse) from our youth, as is written, 'Since the devisings (*yetzer*) of man's mind are evil from his youth,' and it [the *yetzer*] causes us to sin before you, and you do not remove from us the sin, rather, please, carry it [the *yetzer*?] away from us so that we may do your will."

Just as a potter forms a vessel and is responsible for any design flaws it might have, the *midrash* argues, *You* made us this way, God, so *You* are responsible for any faults found within us.

The connection between this discussion and the *Kol Nidre* service is not only the general reckoning with humanity's faults, but particularly the image of the potter and the vessel, which we also find in one of the liturgical poems we read during this service, *Ki Hinei Ka-Homer b'Yad HaYotzer*, "Like clay in the hands of the potter." Indeed, both this poem and the *midrash* in *Shemot Rabbah* cite a passage from Jeremiah (18:6) that serves as the origin of this image:

> O House of Israel, can I not deal with you like this potter? — says God. Just like clay in the hands of the potter, so are you in My hands, O House of Israel!

In its original context, this passage focuses on the power held exclusively by God to punish or reward the actions of humanity, and how repentance can convince God to alter a decree of destruction. As the verse that follows this passage asserts, "At one moment I may decree that a nation or a kingdom shall be uprooted and pulled down and destroyed; but if that nation against which I made the decree turns back from its wickedness, I can change My mind concerning the punishment I planned to bring on it." It's the same message as we find in the *Netaneh Toqef*, the prayer I cited earlier: "repentance, prayer and acts of righteousness avert the severity of the divine decree."

But taken out of context and placed in juxtaposition with the passages about humanity's *yetzer*, the original verse comes to mean something

different, shifting the weight of its argument away from *humanity*'s responsibility to repent to *God*'s responsibility for having created us with a *yetzer* that can be blamed for our misdeeds.

It is understandable that the *midrash* would perform such an act of inversion, since it appears in response to one of the most famous examples of human audacity in the face of divine anger, that of Moses arguing with God to spare the Israelites following their sin with the Golden Calf. Just as Moses exhibits a remarkable kind of *hutzpah*, confronting God over the intention to destroy Israel, so too the Rabbis demonstrate a kind of *hutzpah* in lifting the passage from Jeremiah out of its original context and resituating it in a way that transforms its meaning.

CREATIVITY, ARTISTRY AND AUDACITY

But just what exactly are the *brit* and the *yetzer* to which the refrain of the *piyyut* repeatedly refer?

Let's start with *yetzer*. Most modern translations offer words like *inclination* or *accuser*. Often these translations are accompanied by notes that specify the meaning as the rabbinic idea of the *yetzer ha-ra*, the evil inclination. This narrow definition has never sat well with me. It seems important that the *yetzer* in our *piyyut* is not accompanied by any modifier. It's not the *yetzer ha-ra* or the *yetzer ha-tov*. It is simply the *yetzer*. A fuller understanding of this term may be found in another *midrash*, taken from *Bereshit Rabbah*, responding to the description of the work of the sixth day of creation, which included the creation of humanity as very good rather than the simple good that was used to describe the prior five days:

> Rabbi Nahman said in Rabbi Samuel's name: "Behold, it was good" refers to the Good Desire; "And behold, it was very good" refers to the Evil Desire. Can then the Evil Desire be very good? That would be extraordinary! But without the Evil Desire, no man would build a house, take a wife, beget children or engage in commerce.

This far more expansive understanding of *yetzer* comes to mean the very characteristics that make us human and also make us like God. *Yetzer* is, to put it another way, the image of God in which humanity was created. It represents our creative capacities, our imagination, our inventiveness, our drive not only to survive but to thrive, to improve ourselves, our conditions and our surroundings. We all know that such drives can have both destructive and constructive effects. One only needs to look at the climate disasters we've produced through our aspirations to dominate and transform our surroundings. But we also know that climate change can only be reversed with the help of the same human ingenuity and creativity that brought us to our current environmental precipice.

The poem we are discussing is a particularly noteworthy example of just this aspect of human ingenuity, a poem that depicts acts of creativity and artistry in the service of an argument about the power of the audacity, the *hutzpah*, that undergirds it. This interpretive audacity is also present in the larger liturgical context in which the poem appears. Here I am specifically referring to the recurring citation of the 13 attributes of God that serves to draw our attention repeatedly to that same moment in Exodus that prompted the *midrash* I have cited, Moses' successful effort at persuading God to forgive the people after the sin of the Golden Calf: *Adonai, Adonai, el rahum v-hanun, erekh apayim v'rav hesed v'emet, notzer hesed la'alafim, nosei avon va-fesha v'hata'ah v'naqeh, "*Adonai, Adonai, God, merciful and compassionate, patient, abounding in love and faithfulness, assuring love for thousands of generations, forgiving iniquity, transgression, and sin, and granting pardon."

But this passage is a truncated version of the original, cut off before it finishes. In Exodus 34:7, the final phrase does not end with *v'naqeh*; it continues with a meaning that is precisely the opposite of how it signifies in our liturgical context: *v'naqeh lo y'naqeh, poqed avon avot al banim v'al b'nei banim al shileishim v'al ribei'im, "*He does not grant pardon but visits the iniquity of parents upon children and children's children, upon third and fourth generations." Quoted in full, the passage is ominous and threatening, hardly reassuring. The Rabbis have amended the text by explicitly *cutting off* the end. They've revised the biblical passage, imposing their own creative will on what is arguably one of the most sanctified moments in our sanctified scriptural heritage. Talk about *hutzpah*!

'FROM THE DUST OF THE EARTH'

But we shouldn't be too surprised by this act of creative audacity. It is, after all, a preeminent feature of rabbinic literature and of the composers of so many of the liturgical poems in our *mahzor*. Let's recollect the etymology of the word *piyyut*, the Hebrew term for these liturgical poems, which comes from the Greek word *poesis*, meaning *making* or *creation*. Which is, surprise surprise, another way of translating the word *yetzer*. I've held off mentioning till now that *yetzer*, and its verb form, *yatzar*, originate as terms for pottery, and it is the distinctive, unusual verb we find in *Bereshit* to describe the creative process by which God produced humanity, too: *va-yitzar Adonai Elohim et ha-adam afar min ha-adamah, "*the Lord God formed the human creature from the dust of the earth."

Ki hinei ka-homer is noteworthy for its figuring of God's power in the terms of human creation, reversing the notion of humanity having been

created in God's image and offering, instead, representations of God in humanity's image. Six of its seven stanzas draw attention to plastic arts: pottery, masonry, ironsmithing, glazing, embroidery and silversmithing. These are all vivid examples of how humanity intervenes in the natural world, taking raw materials and shaping them into objects of utility and beauty. We are encouraged to pay close attention to the operations of the simile, on both the tenor, the thing being described in the comparison (God's power), and the vehicle, the figurative language being used to describe it (humanity's creative power). What's more, the language of this *piyyut* is especially playful with respect to its aural qualities, filled as it is with rhymes, assonances and alliterations. This is a highly wrought poem, as highly wrought as the various crafts it describes.

THE COVENANT: IT IS UP TO US

And here, finally, I'll add a few words about the other term in the *piyyut*'s refrain, the *brit*, or covenant. Our tradition offers us several key examples of the covenantal relationship between God and the people, but my guess is that most of us think of the *brit milah*, the covenant manifest in the circumcision of the male child eight days following birth. This association is especially provocative, given what this *brit* is: possibly the most vivid example of a modification of our natural, physical state (at least for males). It is the embodied version of the textual amendment we saw in the liturgical revision of the 13 attributes of God.

Our *piyyut* is really a bold celebration or endorsement of the *yetzer* as imagination, the creative capacity of humanity, as reflected in those plastic arts and also in the poem itself. So while the refrain seems to argue for looking away from the *yetzer*, the *piyyut*'s very existence and insertion into the liturgy seems to be saying, *NO! look at the* yetzer, *look at how much humanity is capable of doing because of the imagination and creativity that has been granted to us.*

What I am proposing, then, in the same *hutzpadic* spirit as Moses and the Rabbis, is that the *piyyut*'s refrain, *la-brit habet ve'al tefen la-yetzer*, be read not as pitting the *brit* against the *yetzer*. Rather, we are calling upon God to recall the *brit* and not deflect or turn away our *yetzer*, to see the *brit* as a physical embodiment of what makes us most human, which are our ongoing attempts at self-improvement, at intervening in the natural world. In issuing this plea to God, we are also reminding ourselves of our own capacity for invention and creation while simultaneously warning ourselves that this capacity is value neutral, *yetzer* without the *bad* or *good* attached to it. It is up to us whether to expand or contract, preserve or smash, shape or dissolve, heal or sicken ourselves and our world.

ZACHARY MILLER

The Case of Louis D. Brandeis

A Moment of American Jewish Historiographical Reckoning

In 1964, Alden Todd published "Justice on Trial: The Case of Louis D. Brandeis," the first book to fully examine the hearings that culminated in the confirmation of Louis D. Brandeis to the United States Supreme Court.

BRANDEIS PRESIDENT SACHAR HELPS PROMOTE NEW BOOK

To garner publicity for the book, on the recommendation of Louis Brandeis' daughter Susan and her husband, Jacob Gilbert, Todd reached out to inaugural Brandeis University president Abram L. Sachar for a blurb for the book's jacket. To Sachar, Todd wrote: "Hopefully, my book will help people today understand the moral and religious ethos of which Louis D. Brandeis was the embodiment. If so, it occurs to me that the University may take an interest in it. I've already arranged to give the University Library all my working papers and correspondence. To save you time the intent of my book is stated in my brief Preface."

Sachar's executive secretary Claire L. Freeman delivered the statement to David Segal at the publishing company. At the time, Sachar was in Florida and he dictated his review to Freeman over the phone. Sachar was likely there for a vacation, as Brandeis University had recently suspended classes in connection with the Passover holiday and Todd's request was sent to the campus on the first day back. Sachar's submitted blurb read: "The courageous action of President [Woodrow] Wilson in nominating Louis

Brandeis for the Supreme Court ranks as one of the enduring achievements of his historic administration. Mr. Todd tells the story of the confirmation battle with rare perceptiveness, and in a style that fascinates the reader. The book, once started, is difficult to put down."

Todd responded to Sachar and Freeman's effort to submit the blurb from Florida by remarking:

> You've just proved again to me the wisdom of an old rule enunciated by Louis D. Brandeis long ago — that when an enterprise grows beyond a certain size, set by the amount of work that can be handled with personal attention by the top men, then its efficiency goes down. I think it would be tragic if Brandeis University got so big that it would violate Justice Brandeis's rule ... [W]hat you did last week probably could not have been done at Columbia or the University of Michigan.

JUSTICE FRANKFURTER AND THE 'FIRST'

In persuading Sachar, Todd noted that the book had "already been read with approval ... by Prof. Alexander M. Bickel of the Yale Law School." Alexander Bickel was a former clerk of Supreme Court Justice Felix Frankfurter and Frankfurter's authorized biographer. Bickel had assisted Todd in compiling materials for the book. Todd also amassed the aid of Frankfurter himself. In response to Bickel's decision to promote the book, however, Frankfurter wrote Bickel a contemptuous letter:

> Dear Alex:
> I don't expect discrimination from Sachar in giving a commendation to a book for blurb purposes, but I do expect you not to praise a book ... that says Brandeis's nomination was a turning point in the history of that institution when as a matter of fact Brandeis was not the first Jew to be named to the Court ... Judah P. Benjamin ... declined the nomination.

Based on this letter, Frankfurter's displeasure with the book stemmed from Todd's note on Judah Benjamin. On Benjamin, Todd wrote: "It has been asserted in various published works that Judah P. Benjamin was offered a Supreme Court justiceship by President [Millard] Fillmore but that he declined the offer ... My own research, however, has led me to believe there is no primary evidence to document this story. The point is of importance only in terms of the 'first' to be credited to Brandeis."

Benjamin served as the Secretary of State of the Confederacy during the Civil War, but this nomination would have transpired between late 1852 and early 1853 while Benjamin was a United States senator. Fillmore was a lame duck president awaiting the inauguration of Franklin Pierce on March 4, 1853. Irrespective of whether this event occurred, no direct evidence exists to confirm that such an offer was made and the historiography is hardly settled.

The eagerness of Frankfurter to depict Benjamin as the true "first" despite the opacity of the evidence is anomalous given the methodical staunchness that typically characterized Frankfurter's intellectualism. Frankfurter later conceded to Bickel that he agreed that Brandeis' appointment had marked a turning point in the history of the court. It instead appeared as though Frankfurter wished to repudiate the notion that the appointment was significant for the reason of Brandeis' Jewishness. Frankfurter participated in a telephone interview with Todd in 1961, wherein Frankfurter downplayed the extent to which antisemitism factored into opposition to the appointment of Brandeis. Frankfurter located the contentiousness of the confirmation hearings in a struggle between the 19th- and 20th-century views on society and government.

ANTISEMITISM 'SEEMS TO LURK JUST BELOW'

Yet, while writing the book, Todd privately noted to Bickel: "The more I get into it, the more interesting I find the story of the struggle over Louis D. Brandeis' nomination to the Supreme Court in 1916. And whenever I turn over a stone, anti-Semitism seems to lurk just below." In the book's concluding note, Todd wrote: "To answer the question as to how much of a role anti-Semitism played in the Brandeis nomination struggle is for each reader to determine after reading the evidence."

Todd's interest in the role of antisemitism in the hearings and Todd's dismissal of Benjamin to uplift Brandeis likely sparked Frankfurter's annoyance with the final version of Todd's book, as Todd risked inextricably linking the notoriety of Brandeis' appointment to Brandeis' Jewishness. In response to Frankfurter's chiding, Bickel placated Frankfurter's outlook on the situation:

> Dear Mr. Justice:
> You are a little hard on me. I didn't suggest that the Brandeis nomination was a turning point because Brandeis was the first Jew ever nominated, which I know he was not, although the only other name that springs to my mind is Judah P. Benjamin ... I was merely suggesting that the Brandeis appointment was a turning point in the history of the Court because Brandeis was a man of an entirely different cast from that of the other Justices ... I tried not to say that Todd's book was in any sense a great achievement, but to indicate merely that it was more than casual journalism, being based on rather careful research, and that the event with which it deals is worthy of attention.

Perhaps because of Frankfurter, when Bickel published his review of Todd's book in The New Republic magazine, Bickel prefaced his public review with an acknowledgment:

> Louis D. Brandeis was not the first Jew to be offered an appointment to the Supreme Court of the United States. President Fillmore tendered such an appointment to the fabulous Judah P. Benjamin of Louisiana (later Confederate Secretary of State) in 1853. Benjamin declined, preferring to take the Senate seat to which he had just been elected. Nevertheless, Brandeis' Jewishness was not as unprecedented as all that, and it was not his Jewishness alone that made the appointment ... the *cause célèbre* it was.

A TURNING POINT IN AMERICAN HISTORY?

Overall, the diverse range of responses to Todd's book highlights an interesting question facing the American Jewish community: whether Brandeis' ascension to the Supreme Court marked a turning point in American history, American Jewish history, or both, and the lenses through which one ought to view the legacy of Louis Brandeis. In this case, the two perspectives were encapsulated by the approaches taken by Felix Frankfurter and Abram Sachar. On the one hand, Frankfurter's desire to contextualize the Jewish community within the broader American tradition led him to emphasize Brandeis' views on government as the crux of Brandeis' legacy and award the Jewish "first" to a member of the Confederacy without any direct evidence. On the other hand, Sachar's quest to uplift the Jewish community as a distinct voice caused him to hastily endorse a work he likely could not thoroughly examine to further the goal of memorializing "the moral and religious ethos of which Louis D. Brandeis was the embodiment."

The questions raised by how to characterize Louis Brandeis are emblematic of the questions that American Jewry has faced throughout its history, and their imperfect answers. These competing approaches, therefore, remain in need of reconciliation.

JONATHAN D. SARNA

Mark Twain Explains Rosh Hashana and Yom Kippur

The great American humorist Mark Twain, as a 28-year-old cub reporter in San Francisco in 1864, wrote about Rosh Hashana and Yom Kippur. San Francisco at that time was the most Jewish city in the United States and one of the most cosmopolitan cities on the face of the earth. Chinese, Mexicans, African Americans and fortune seekers from around the world filled its streets. A whopping 9% of the city, about 5,000 people, identified as Jewish, an indication, perhaps, of the Jewish affinity for cosmopolitan communities. Most small-town Civil War-era Americans remained parochial and provincial, knowing no more than a few Jewish peddlers and storekeepers. Mark Twain, growing up in Hannibal, Missouri, recalled meeting only a single Jewish family in his youth. His years in San Francisco introduced him to Jewish life.

The 5,000 Jews of San Francisco, many of whom arrived during the gold rush, played an oversize role in banking, business and trade in the city; they enjoyed substantial wealth. “Nowhere else are they regarded with as much esteem by their non-Jewish brothers,” the Jewish world traveler I.J. Benjamin reported in astonishment shortly before Twain arrived,

"and nowhere else are they so highly valued in social or political circles." As a reporter, Twain would become personally acquainted with these Jews while he lived and worked in San Francisco. He came to understand that they were human beings just like himself.

As city reporter for San Francisco's Daily Morning Call, Twain introduced the city's diverse and colorful Jewish community to local readers. His articles, many of them related to petty crimes or minicourtroom dramas, bristle with names like Cohen, Kahn, Levi, Isaacs, Adler, Fink, Marks and De Young — all surnames known to have belonged to local Jews. On one occasion he humorously described a fracas between immigrants named Lena Oppenheim and Fredrika Kahn, witnessed by one Moses Levi. Mrs. Oppenheim, Twain recounted, "gave a portion of her testimony in damaged English, and the balance in dark and mysterious German," presumably Yiddish. "She had innocently trespassed upon the domain of the Kahn, and had been rudely seized upon in such a manner as to make her arm turn blue (she turned up her sleeve and showed the Judge). ..." Twain devoted two long columns to a blow-by-blow account of this contretemps, then described the case, tongue in cheek, as "of a most serious and extraordinary nature." He urged the public to "give to it that grave and deliberate consideration which its magnitude entitled it to."

Twain displayed similar humanity and good humor in writing about the Jewish High Holidays. He explained central aspects of the Jewish calendar, and noted that the Jewish New Year was observed "as the anniversary of the Creation of the World" as well as a "kind of judgment day in Divine Economy." His article exhibited sympathetic curiosity about Judaism, but in keeping with the practices of the city's religiously lax Jews, it misled readers concerning Rosh Hashana's central importance. "This holiday is generally observed by the adherents of Judaism, although not strictly required by their Church rules," Twain wrongly reported. Perhaps with that twinkle in his eye that later made him famous, he added that "business is not suspended when it works any considerable inconvenience."

As for the Day of Atonement (Yom Kippur), Twain correctly wrote that "for twenty-six hours" Jews would "not touch food." The day would be "rigidly observed by all those who have any regard for their religious ordinances," he explained, with daytime services lasting continuously from 7 a.m. until sundown. After that, he added, Jews "may break their fast and make up for lost time," perhaps a hint that hearty "break-fast" repasts had already become customary in town. From his own experiences with hunger, he knew that "healthy human appetite is like steam in a boiler over a furnace, it gathers a head by being kept in."

Mark Twain's articles, reprinted from San Francisco's Daily Morning Call, September 29, 1864:

THE JEWISH NEW YEAR

This evening, as the sun goes down, the Israelites will begin to celebrate the advent of the New Year, according to their peculiar chronology, with religious services, which will be continued through Saturday and Sunday following, at the hours of eight A.M. and six P.M. of each day. This holiday is generally observed by the adherents of Judaism, although not strictly required by their Church rules. Business is not suspended when it works any considerable inconvenience. *Jom Haddin*, as the day is called, is observed as the anniversary of the Creation of the World, and is believed by the Jews to be a kind of judgment day in Divine Economy. The year about to be inaugurated numbers 5,625 from the era of creation. Their religious almanac gives seven leap years, consisting each of thirteen months, in a period of nineteen years, viz: The 3d, 6th, 8th, 11th, 14th, 17th and 19th; the ordinary year, like ours, consisting of twelve months. The extra month in leap year is inserted between the sixth and seventh. The year begins on the day of the first new moon after the Autumnal Equinox. The Jews of this city will meet for religious services at their two Synagogues, and at other appointed places.

DAY OF ATONEMENT

At about sundown on Sunday, the 9th of October, the Jews will enter upon the observance of Yum Kippoor, or Day of Atonement, which lasts until seven o'clock on the evening of the next day, (Monday, 10th). For twenty-six hours they will not touch food. This fast is rigidly observed by all those who have any regard for their religious ordinances. Services will commence at their different appointed places at seven o'clock, A.M. of Monday, and last continuously until sundown, after which they may break their fast and make up for lost time. Healthy human appetite is like steam in a boiler over a furnace, it gathers a head by being kept in.

JONATHAN KRASNER

From Founding Ideals to Living Values

How Brandeis Reimagined Its Jewish Purpose

When Brandeis embarked on its latest project of revitalization during the 2024-25 academic year, I was asked to join a committee dedicated to supporting the university's "historic mission." As an alumnus of Brandeis ('88, GSAS PhD'02) and a student of American Jewish history, I enthusiastically accepted the offer. I was well versed in the university's history by dint of my professional research agenda and 22 years of life experience as a student and a faculty member, and looked forward to the committee's deliberations.

Even so, there is something inherently tricky about identifying and safeguarding a historic mission. On the most basic level, one inevitably confronts the tension between history and memory. Current Brandeisians like to tell a story about the university's history. But they are not immune from projecting onto the past the concerns and commitments of the present, or at the very least, viewing the past through a presentist prism. Similarly, Brandeis alumni, in particular, may be blinded by nostalgia. Equally important, Brandeis' mission has evolved over the course of its 77-year history. Even Brandeis' founding president, Abram Sachar, spoke differently

about the university in the first decade of the school's founding than he did in the late 1950s and 1960s, let alone when he became chancellor and wrote his 1976 book about Brandeis' early history, "A Host at Last."

AN EVOLVING MISSION, JEWISH CHARACTER AND THE TALE OF THREE CHAPELS

These dynamics certainly come into play when discussing the university's mission relative to its Jewish character. Brandeis has long described itself as "a Jewish-sponsored, nonsectarian university." Such a formulation telegraphs the Jewish identity of the university's primary financial benefactors while distinguishing Brandeis from parochial institutions like the Catholic-sponsored University of Notre Dame, which even today maintains a two-semester Christian theology requirement for all students. But it leaves a lot undefined about the nature of Brandeis' Jewish complexion.

An earlier, if more limited articulation of this "Jewish-sponsored, nonsectarian" balancing act can be found in the university's first academic bulletin, which describes Brandeis as "a Jewish contribution to higher learning in America" that is "open to persons of all faiths." But openness is not necessarily synonymous with equality, just as tolerance is not identical to acceptance.

This was importantly demonstrated in the case of the three chapels. The idea of placing the three dominant American faiths on equal footing — Islam, Hinduism, Buddhism and other religions were barely a consideration — emerged over the university's first decade. While the earliest university master building plan, developed by architect Eero Saarinen, anticipated the construction of a single interdenominational chapel, Sachar was soon confronted with a dilemma. In the early 1950s, friends and patients of noted Boston surgeon Dr. David Berlin presented the university with funds to construct a Jewish chapel in his honor. Should the university turn the potential funders away and adhere to its ecumenical plan?

Thinking pragmatically, Sachar was inclined to take the money and break ground on a Jewish chapel posthaste. After all, although Harvard long ago shed its Congregationalist affiliation, stately Memorial Church sits prominently in Harvard Yard and remains an interdenominational Protestant worship space. But in 1953, when Sachar announced his intentions to construct the Berlin Chapel, members of the Student Union protested this seeming violation of Brandeis' nonsectarian character, demanding that the university revert to its original interdenominational chapel plan. It was then that Sachar decided to make a virtue out of necessity: He committed to simultaneously building Catholic and

Protestant chapels alongside Berlin, even though funding for such structures had yet to be secured. With Saarinen no longer on the scene, the architectural firm Harrison & Abramovitz, which was responsible for many of the university's early buildings, was commissioned to develop a plan for the three chapels, an apt expression of the midcentury ideal of trifaith America. The same year that the chapels were dedicated, 1955, sociologist Will Herberg published "Protestant, Catholic, Jew" (Doubleday), his influential volume on religious sociology wherein he declared that the United States had become "a three religion country."

The story behind the three chapels is significant because it telegraphs the contingent and evolutionary nature of Brandeis' historic mission. Equally important, it illustrates how Brandeis' student body, as well as its administrators, trustees and funders, were integral to shaping the university's character, including the texture of its Jewishness.

UNIVERSITY'S 'SPECIAL CHARACTER'

A similar yet even starker story can be told about the current linkage between the university's Jewish heritage and its contemporary commitment to social justice, which is explicitly articulated in its present diversity statement. Likewise, anyone who takes the time to read the "About" section of the university's website will learn that Brandeis "is animated by a set of values that are rooted in Jewish history and experience," including "the Jewish ideal of making the world a better place through one's actions and talents." Yet one will search in vain for such a linkage in the university's founding documents.

Indeed, the founding documents have little to say about social justice. When Brandeis set about defining its "special character," the university highlighted its commitment to intellectual rigor and the values of "righteousness and freedom." By 1953, Brandeis was telling prospective and current students that it aimed "to develop the whole man, the sensitive, cultured, open-minded kind of citizen who grounds his thinking in facts, who is intellectually and spiritually aware, who believes that life is significant, and who is concerned about a going society and the role he will play in such a society." One can detect in this description a concern for societal betterment, the desire to graduate thoughtful and engaged citizens. But this is hardly the definition of a 21st-century social-justice warrior.

Yet Brandeis' founders were vitally concerned with Jewish history and experience, including a legacy of discrimination in both Europe and North America. Most immediately, Albert Einstein and other early champions of the university envisioned Brandeis as a response to the anti-Jewish

quotas that kept many Jews out of competitive universities. Brandeis would be open to all qualified students regardless of religion, race or national background. But it is unknown whether the founders would have welcomed academia's contemporary fixation on power as a central lens for analyzing and critiquing social structures and phenomena, let alone remedies like affirmative action for historic and systemic discrimination. In 1948, Sachar promised that "admission to the student body of Brandeis University will be based almost exclusively on the scholastic attainments of applicants." Brandeis' second president, civil rights lawyer Morris Abram, came to see affirmative action in university admissions as a self-defeating and corrosive idea.

THE PASSION FOR SOCIAL JUSTICE

As with the chapels and their message of religious pluralism, Brandeis' idealistic student body played a critical role in defining and accentuating the university's evolving commitment to social justice. Sachar admitted as much, in 1957, in another attempt to define "the special character of Brandeis University." This time, he homed in on the students' "highly sensitive social consciousness, the concern for the underdog, the resistance to any kind of discrimination." Sachar allowed that this spirit developed organically while acknowledging its cultivation by faculty, some of whom were refugees from Nazi persecution. He also tied it to "a long prophetic tradition ... which has woven the passion for social justice into the warp and woof of Jewish life."

But Sachar's efforts to root this emerging "special character" in Jewish history and memory does not obscure how the students were its primary authors. And herein lies the essential takeaway from any effort to define the university's mission. Brandeis is surely rooted in a set of commitments and ideals, as embodied in its motto, "Truth, even unto its innermost parts," including intellectual excellence, the liberal arts, social and religious equality, opposition to discrimination, and a sensitive and engaged citizenry. But the interpretation and application of these values is not static. It is a living process in which all of the university's stakeholders, including the students, have a voice.

LISA FISHBAYN JOFFE

Mothering and Resilience

Lessons From the Life of Sarah

I have to confess that I have always had a problem with one element of the story of Sarah. According to tradition, Sarah's prayer for a child is answered in the Torah reading for the first day of Rosh Hashana, which describes the celebration of the birth of Isaac. In the second day's reading, in the *akedah* or the Binding of Isaac, this same child will be the object of a purported sacrifice. Indeed, while Sarah is the protagonist in the story of the announcement of Isaac's birth in Genesis 17-18, she is not even mentioned in the *akedah* narrative. G-d remembers her with a baby, and then, the next thing we hear about is her death.

What happened between this moment when Sarah's prayers were answered and her later, rather abrupt disappearance from our collective story? Rashi identifies a causal connection between these two events, explaining that the narrative of the death of Sarah follows immediately on that of the Binding of Isaac, because through the announcement of the Binding that her son had been made ready for sacrifice and had almost been sacrificed, her soul flew from her and she died.

Why is this story of Sarah's disappointment, powerlessness and death included in readings meant to inspire hope in the future and trust in G-d's goodness? I found a key to understanding this challenging story in the work of Torah scholar Avivah Gottlieb Zornberg. She argues that it is Sarah who is the true victim of the *akedah*, because it destroys the very core beliefs upon which her worldview is based.

One of her convictions is that she and her husband are embarked on an important shared mission to understand and follow the will of this new G-d, as when her husband sneaks away without telling her, apparently willing to kill her only child. But the second principal core belief that Zornberg sees undermined is Sarah's faith in her own capacity to understand and control the world around her. Sarah repeatedly acts to defend the interests of her family. She believes the promise that Abraham would become a great nation and sees her infertility as a barrier; she recruits Hagar to bear a child so this promise can unfold. After Sarah has herself given birth to Isaac, we see how she responds with cruel decisiveness to her intuition that things will end badly for Isaac at the hands of Ishmael. She is certain that Ishmael will ultimately kill Isaac as Cain did Abel. While Abraham vacillates, Sarah urges him to send Hagar and her child away. Sarah has seen a danger to her own child, accurately or not, and has responded decisively.

But now, says Zornberg, after this close call on Mount Moriah, Sarah is thrown into awareness that she has no idea how the world works and where its dangers lie, and she can claim no foolproof way of protecting her child. Zornberg concludes:

> Sarah dies of the unbearable lightness of being, the restoration of Isaac in no way palliates the horror of what might well have been ... She dies of the truth that only a hair's breadth separates death from life.

Sarah's need for certainty and clarity runs counter to the actual lived experience of parenting, which often requires us to accept that our children may be at risk and may take risks that we might ideally wish them to avoid. In her work on the ethics of motherhood, the philosopher Sara Ruddick identifies this tension at the heart of mothering. She asserts that we want to preserve and protect our children, but doing our job well means letting them take risks and letting them go. In the face of a wide range of threats that might befall our children, a commitment to cheerful resilience in the face of whatever happens may be the most important virtue of all.

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About Brandeis University

Brandeis University, located just west of Boston in Waltham, Massachusetts, is a leading nonsectarian, private research university with a focus on undergraduate education. The university was founded in 1948 by the American Jewish community at a time when exclusionary practices prevented equal access to elite institutions. Named for Supreme Court Justice Louis D. Brandeis, the university embraces the values of academic excellence, critical thinking, inclusion and a commitment to *tikkun olam*, repairing the world. The university's founding Jewish values are a source of enduring vitality and distinction. Some 3,600 undergraduates and more than 1,500 graduate students attend Brandeis.

Centers and Institutes

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CMJS uses advanced social-science concepts, theories and techniques to study contemporary Jewish life. Research areas include demographic studies of Jewish communities, intermarriage, Israel, Jewish education, college campus life, and organizational and leadership development.

BRANDEIS.EDU/CMJS

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BRANDEIS.EDU/TAUBER

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Genesis is a three-week pluralistic, academically focused Jewish learning and identity-building summer precollege program for high school students (ages 15-18). Students engage in college-level learning, informal Jewish experiences and Shabbat celebrations while making lifelong friends and living on a college campus.

BRANDEIS.EDU/PRECOLLEGE/PROGRAMS/GENESIS

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HILLEL AT BRANDEIS

Hillel connects, inspires and empowers students to engage in meaningful Jewish experiences and to make a lifelong commitment to Jewish life, learning and Israel. Hillel supports more than 20 student groups and initiatives, including scholarships, travel, internships and Shabbat events.

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PRESIDENTIAL INITIATIVE TO COMBAT ANTISEMITISM

The initiative seeks to raise awareness of antisemitism in higher education by convening and supporting university leaders in common cause. The initiative partners with researchers, and provides tools and data-driven resources to develop action-focused practices.

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