

## *From the Pages of Tradition*

### **BENZION KATZ: MRS. BABA BATHRA**

Mendel Beilis (1874-1934) was the victim of the most notorious case of blood libel in recent history. Briefly, on March 20, 1911, the mutilated body of a 12-year-old Christian boy, Andrei Yushchinsky, was discovered in a cave on the outskirts of Kiev. Initial investigation led to the identity of the killers, a band of criminals associated with a woman of ill-repute, Vera Cheberyak. But various reactionary and anti-Semitic groups, such as the “Union of the Russian People” and the “Double-Headed Eagle,” insisted from the start that the murder was a ritual one, perpetrated by Jews. Mendel Beilis, a dispatcher at a nearby brick factory in Kiev, was arrested and charged with the ritual murder of Andrei Yushchinsky. Since the murder had occurred near the Passover holiday, it was “obvious” that Beilis had committed the crime in order to procure blood for the baking of matsot. The trial that ensued in Kiev in 1913 ranks among the most notorious trials in modern history. This was largely due to the collusion between the Czarist regime and the reactionary groups mentioned above, who conspired to influence the outcome of the Beilis trial. Interference on the part of the Czarist regime included explicit directives regarding the selection of the twelve jurors who would decide the case. That Beilis was acquitted nonetheless is a tribute to the extraordinary efforts of the defense team and to the integrity of those jurors who had the courage to vote for acquittal.<sup>1</sup> In no small measure, it was also a tribute to the

<sup>1</sup> As a general introduction to the Beilis case, Maurice Samuel’s *Blood Accusation: The Strange History of the Beiliss Case* (New York, 1966) remains unsurpassed. See also: M. Beilis, *די געשיכטע פון מיינע ליידען* (New York, 1925); *idem*, *The Story of My Sufferings* (New York, 1926); A.B. Tager, *The Decay of Czarism: The Beiliss Trial* (Philadelphia, 1935); M. Kotik, *משפט בייליס* (Tel-Aviv, 1978); S. Schwartz, ed., *Scapegoat on Trial: The Story of Mendel Beilis* (New York, 1992); E. Leiken, *The Beilis Transcripts: The Anti-Semitic Trial that Shook the World* (Northvale, 1993); and G.M. Reznik, et al, eds., *Delo Mendelia Beilisa* (St. Petersburg, 1999).

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integrity of the Russian judicial system prior to the Stalinist regime. Despite all the tampering by the Czarist regime, justice prevailed.

Benzion Katz (1875-1958) was born in Lithuania. Journalist and historian, he contributed to a variety of Jewish periodicals. After moving to St. Petersburg at the turn of the century, he founded the periodical *Ha-Zeman* in 1903, and served as its editor until 1915. He settled in *Erets Yisrael* in 1931, where he was a regular contributor to *Ha-Arets* and *Ha-Boker*, and authored several historical works, such as *Rabbanut*, *Hasidut*, *Haskalah* (Jerusalem, 1956-1959). As a journalist, he attended the Beilis trial in Kiev. The excerpt translated below is taken from his memoirs, published in Tel-Aviv in 1963.<sup>2</sup>



The Government needed to find an expert witness who could prove that Jews require blood for Passover. It was not easy to find such an expert witness. Ultimately, however, they located a Lithuanian priest who had been exiled to Tashkent. It was known that he had published a book, later translated from the Latin original, full of accusations against the Jews. His name was Pranaitis.<sup>3</sup> He graduated from the Catholic Seminary and read Hebrew with difficulty. At the time, Dr. Kantor<sup>4</sup> had exposed the ignorance of the author of the original Latin work, and therefore of the translation as well. But the book assumed importance in the eyes of anti-Semites. Pranaitis got caught up in some mischievous activity relating to a woman. Because he was a priest, he was exiled to Tashkent,

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Bernard Malamud's novel, *The Fixer* (New York, 1966), was largely based on and inspired by the Beilis case. The second edition of Beilis' autobiography in Yiddish (New York, 1931) contains a poignant letter of support from Chief Rabbi Abraham Isaac Ha-Kohen Kook, written in 1930. In it, he refers to Beilis' account as "the *Megillat Ta'anit* of our generation."

<sup>2</sup> Benzion Katz, זכרונות (Tel-Aviv, 1963), pp. 206-207; 209-212.

<sup>3</sup> Justinus Bonaventura Pranaitis, *Christianus in Talmude Judaeorum sive rabbinicae doctrinae de christianus secreta* (Petropoli, 1892). The original Latin version reappeared in German, Russian, and English editions between 1894 and 1911. The English edition is frequently reprinted under the title, *The Talmud Unmasked: The Secret Rabbinical Teachings concerning the Christians*. Pranaitis plagiarized almost all his arguments, including all the printer's errors in his sources, from earlier anti-Semitic literature. In general, see B.Z. Bokser, "Talmudic Forgeries: A Case Study in Anti-Jewish Propaganda," *Contemporary Jewish Record* 2:4 (1939), pp. 11-12.

<sup>4</sup> Judah Leib Kantor (1849-1915), journalist, *maskil*, and rabbi, also earned a degree in medicine but never practiced as a physician. He served as Crown Rabbi of Libau (1890-94), Vilna (1905-08), and Riga (1909-15).

where he continued to serve as a priest. With the advent of the Beilis trial, his name was recalled, and he became the expert witness. I knew that Pranaitis was an ignoramus, and I told R. Mazeh<sup>5</sup> that it will be possible to expose Pranaitis' ignorance in public.

Even before the Beilis trial began, I saw – when visiting with R. Mazeh – the transcript of the priest Pranaitis' views regarding blood libel. It was an entire monograph, with proofs and citations from the Talmud proving that Jews require blood for Passover.<sup>6</sup> The Government published the monograph even before Pranaitis presented his official transcript to the court, so that the sworn-in jurors would know, as it were, the established fact that Jews require blood for Passover.

After merely glancing at the monograph, I immediately said: “This view was not formulated by Pranaitis but rather by someone else.” I knew previously that Pranaitis was an ignoramus. The monograph, however, was replete with citations from the Talmud and from the Gaonic work *Halakhot Gedolot*. I immediately informed R. Mazeh (and others) that this was a [Russian] translation of a German work that Shmakov<sup>7</sup> had published sometime earlier. Moreover, I argued, since Pranaitis was an ignoramus, it will be easy to expose his ignorance in court.

<sup>5</sup> R. Jacob Mazeh (1859-1924), Zionist leader and rabbi, served as Crown Rabbi of Moscow from 1893 until his death. Due to his mastery of rabbinic literature and his fluent Russian, he would play a prominent role at the Beilis trial. See especially his *זכרונות* (Tel-Aviv, 1936), 4 vols.

<sup>6</sup> This is not the same as the Pranaitis book listed above in note 3. In that book, blood libel is not mentioned at all! The reference is almost certainly to Pranaitis's, “*Tajna Krov' u Evreev*” (St. Petersburg, 1913.) See also *Gutachten von Pranaitis* (n.p. and n.d.), a 48 page deposition taken in St. Petersburg between November 15 and 23, 1912, accusing the Jews of blood libel.

<sup>7</sup> S. Shmakov, a notorious anti-Semite, was a professional lawyer and a counsel for the prosecution. In 1907, Shmakov published a Russian version of the late nineteenth century anti-Semitic classic by Aaron Briman and Jacob Ecker, *Der Judenspiegel* [= *The Jewish Mirror, or a Hundred newly disclosed Laws Valid to the Present Day, concerning the Intercourse of the Jews and the Christians*]. Katz assumes that Pranaitis's statement on blood libel was drawn from this or a similar work. Other late nineteenth century anti-Semitic works that resurrected the blood libel include the many books and pamphlets by August Rohling (see below, note 11) and Joseph Deckert. Deckert also issued an expanded German version of Pranaitis's Latin work, entitled: *Das Christentum im Talmud der Juden oder die Geheimnisse der rabbinischen Lehre über die Christen* (Vienna, 1894).

Hopefully, a scholar expert in Russian and German will one day examine Pranaitis's statement on blood libel, as well as all of the nineteenth century German sources, in order to determine which were actually used by Pranaitis in preparing his statement on blood libel.

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It was decided that a consultation should take place with the [defense] lawyer Gruzenberg,<sup>8</sup> for he too had solicited expert witnesses [to counter the expert witnesses for the prosecution]. The next day Gruzenberg was informed of my opinion that the transcript of Pranaitis' view was not written by him. It was a translation of another document, and that the appropriate legal strategy for the defense would be to expose Pranaitis' ignorance. Gruzenberg rejected my suggestion. He claimed that no expert witness would endanger himself by presenting an opinion based upon a translation [of someone else's text]. My arguments were to no avail. R. Mazeh informed me that he could not contravene Gruzenberg's opinion, even though he was convinced that I was right.

Alas, it did not enter my mind then that I could have sent a telegram to Dr. Bloch<sup>9</sup> in Vienna. He was an expert in the Tisza-eszlar, Hungary blood libel,<sup>10</sup> who had disproved the claims of the German anti-Semite, Rohling,<sup>11</sup> who was a professor and actually knew some Hebrew. Had Bloch been consulted and requested to forward a copy of Rohling's views that had been published in German, Pranaitis would not have been able to appear in court at all! There could have been no greater defeat for Shmakov and the entire group of Russian anti-Semites! But it was not to be.

My seat in the courtroom, as if I were a relative of Beilis, was next to the lawyers [for the defense]. It was particularly important that I sat there when Pranaitis read his statement. For he had to read it himself. When I heard him recite the text, I was persuaded all the more that he was reciting a text [in Russian] translated from a German original. Even the

<sup>8</sup> Oscar Gruzenberg (1866-1940) served as the titular head of the Beilis defense team, and was its only Jewish member. One of the leading criminal lawyers in Russia, he was a Jewish activist who devoted his life to Jewish causes. He not only served *gratis* on the Beilis defense team, he paid for all the expenses he incurred while at the trial in Kiev. The other four members of the defense team were: Karabchevsky, Zarudny, Maklakov, and Grigorovitch-Barsky.

<sup>9</sup> Joseph S. Bloch (1850-1923) was a rabbi, journalist, and politician in Austria. He served in the Austrian Parliament, defending Jewish rights. He is best known for his defense of Judaism against the anti-Semitic propaganda that proliferated during the last quarter of the 19<sup>th</sup> century and the first quarter of the 20<sup>th</sup> century. See his, *My Reminiscences* (Berlin, 1923), and his *Israel and the Nations* (Berlin, 1927).

<sup>10</sup> The blood libel occurred in 1882, and the ensuing trial and appeals continued through 1884. See A. Handler, *Blood Libel at Tiszaeszlar* (New York, 1980) and E. Stern, *The Glorious Victory of Truth: The Tiszaeszlar Blood Libel* (Jerusalem, 1998).

<sup>11</sup> August Rohling (1839-1931), a German Catholic theologian, was a lifelong anti-Semite, whose *Der Talmudjude* (Münster, 1871) became a classic work of anti-Semitic literature. Bloch would devote much of his life to exposing Rohling's general incompetence as a scholar, and ultimately succeeded in forcing Rohling to resign from his academic post.

pronunciations of the Hebrew citations indicated that this was not the original work of Pranaitis. I listed for myself ten questions that the lawyers for the defense should put to Pranaitis immediately after his recitation. In his statement, he listed the sources he relied upon. These included the Talmudic tractates *Hulin*, *Eruvin*, *Yevamot*, *Baba Bathra*, and five others. My first questions were:

1. What does *Hulin* mean?
2. What does *Eruvin* mean?
3. What does *Yevamot* mean?
4. What does *Halakhot Gedolot* mean?
5. When did Mrs. *Baba Bathra* live? [*“Baba”* in colloquial Russian means “woman.”] Pranaitis should know the answer to the fifth question, since he mentioned *her* name! And I listed five similar questions.

I presented the list to the eldest member of the lawyers for the defense, Karabchevsky.<sup>12</sup> He replied: “Maybe he will answer correctly, and then your ploy will backfire!” I assured him that he will not answer correctly. Gruzenberg was asked for his opinion, and responded with an emphatic, “No, he surely was taught the correct answers; it will be dangerous to put the question to him.” But the lawyer for the defense Zarudny<sup>13</sup> said that sitting in the courtroom was the Jewish scholar Israelsohn.<sup>14</sup> “Let us approach Israelsohn, and we will do as he decides. He is more expert in these matters than Gruzenberg.” Zarudny approached Israelsohn and asked him specifically whether the lawyers for the defense could rely on Benzion Katz’s opinion that Pranaitis will not be able to answer the questions correctly. Israelsohn replied without hesitation that Benzion Katz was right; Pranaitis will not be able to answer the questions correctly. The lawyers for the defense decided to split the questions among two of them. Karabchevsky would pose the first five questions; Zarudny would pose the last five questions.

After the recess, Karabchevsky rose and turned to the expert witness and posed the following question: “In your statement, the word *“Hulin”* appears. In order to defend my client properly, I need to know what the

<sup>12</sup> N.P. Karabchevsky was the senior member of the Beilis defense team.

<sup>13</sup> A.S. Zarudny was the youngest and most impetuous member of the Beilis defense team.

<sup>14</sup> Jacob Izraelevich Israelsohn (1856-1924) was a gifted Jewish scholar who resided in St. Petersburg. He advised the Beilis defense team throughout the trial and arranged for the two non-Jewish Russian Hebraists to serve as expert witnesses on behalf of the defense.

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word means.” Shmakov, the counsel for the prosecution, jumped up and cried out: “Expert witnesses may not be tested in order to prove their expertise!” Karabchevsky replied: “I’m not testing the expert witness at all. I am simply ignorant of Hebrew. But surely the expert witness who recorded the word in his statement knows what it means. He would not record a word whose meaning he doesn’t know.” At this point the presiding judge, Boldyrev,<sup>15</sup> intervened. He ruled that the question raised by the lawyer for the defense was admissible. Pranaitis then answered: “I don’t know.” Karabchevsky then asked in order about the meaning of “*Erwin*,” “*Yevamot*,” and “*Halakhot Gedolot*.” Pranaitis gave the same answer to each of the questions: “I don’t know.” Finally, Karabchevsky asked what he described to the court as the most important of all the questions: “When did Mrs. *Baba Bathra* live and what was she famous for?” Pranaitis answered: “I don’t know.” Several people in the courtroom began to laugh, and I broke out in uncontrollable laughter.

It became apparent in the courtroom that I was the one who had approached the lawyers for the defense several times, and had presented them with the list of questions. I was expelled from the courtroom. I was not troubled by the expulsion at all. Quite the contrary, I viewed it as a great victory. Many congratulated me afterwards for having brought Pranaitis to his knees.

After Pranaitis’ testimony, R. Mazeh made his presentation. It was a masterful speech in elegant Russian. He spoke about Jewish ethical teaching which precluded Jewish use of blood. He gave a history of the blood libel accusation against the Jews. His speech left an indelible impression on the more educated of the jurors. It was less clear what impression it made, if any, on the peasants among the jurors.

This was followed by the testimony of Professors Kokovtsov<sup>16</sup> and Troyitzky,<sup>17</sup> who testified that based upon their mastery of Hebrew

<sup>15</sup> Feodor Boldyrev, presiding judge of the superior court of Uman, was carefully selected by the Czarist regime and its sympathizers to serve as the presiding judge at the Beilis trial. According to Leikin (*op. cit.*, p. 9), Boldyrev, “throughout the trial persistently badgered the defense witnesses and ruled consistently in favor of the prosecution on points of order. In his summation, Boldyrev displayed an unmistakable bias against the defense.”

<sup>16</sup> P.K. Kokovtsov (1861-1942) was the disciple, and successor, of the noted Orientalist and Professor of Hebrew and Aramaic at the University of St. Petersburg, Daniel Chwolson (d. 1911). A non-Jew and master scholar, he testified as an expert witness on behalf of the defense. Many of his studies in Judeo-Arabic literature (e.g., his classic study on the dating of R. Bahya Ibn Paquda) are still cited today.

<sup>17</sup> I.G. Troyitzky was a Professor of Hebrew at the Greek Orthodox Seminary. Not quite as able or distinguished as Kokovtsov, the defense team assigned Jacob

literature, the blood libel charge had no basis in fact. Troyitzky's testimony was particularly impressive because he wore the priestly garb of a professor at the Academy of the Greek-Orthodox Church.

Afterwards, several old Russian women testified that they allegedly saw Beilis in proximity with the Yushchinsky boy. Here, Karabchevsky excelled even beyond the other defense lawyers. He pointed to all the inconsistencies in their testimony, and proved that the testimony of the witnesses was contrived. Karabchevsky's cross-examination of the witnesses helped to exonerate Beilis.

Zarudny then spoke about the blood libel. He underscored Pranaitis' ignorance, saying that:

Pranaitis presented a long statement with imaginary proofs from the Talmud and other books that Jews require blood for Passover. But he is a boor and an ignoramus. He was asked when Mrs. *Baba Bathra* lived and didn't know the answer. But the two Christian professors [Kokovtsov and Troyitzky] can testify to the fact that no woman by the name *Baba Bathra* ever lived! The plain sense of the words is: "the last gate." In the Talmud there is a tractate devoted to a specific set of laws that is divided into three volumes. The last volume is called *Baba Bathra*, i.e. the last gate. Anyone who doesn't know the meaning of these two words, which every Jewish child knows, and insists on citing them in a document despite his ignorance, is a fraud.

Zarudny's words left an indelible impression on the more educated among the jurors. So too, the presentation by Gruzenberg, who noted that the reputation and fate of Moses was being placed in the hands of the twelve jurors. Even that notion left no impression on the peasants among the jurors.

The court reached a verdict. Beilis was declared innocent of the charges and released. But the acquittal was not a majority decision of the jury. Six jurors voted for acquittal and six jurors voted that Beilis was guilty as charged. But according to Russian law, a majority vote was necessary for conviction. The six who voted in favor of conviction were Ukrainian peasants. The seventh Ukrainian peasant on the jury sided with the five more educated jurors, and Beilis was acquitted.

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Israelsohn (see above, note 14) to Troyitzky, in order to review with him all the allegedly relevant talmudic and rabbinic texts relating to ritual murder and the blood libel. They studied together for some two months.