



KOL HAMEVASER

The Jewish Thought Magazine
of the Yeshiva University Student Body

ORTHOODOXY IN THE 21ST CENTURY



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of the Yeshiva University Student Body

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ABOUT KOL HAMEVASER

KOL HAMEVASER IS A MAGAZINE OF JEWISH THOUGHT DEDICATED TO SPARKING THE DISCUSSION OF JEWISH ISSUES ON THE YESHIVA UNIVERSITY CAMPUS. IT WILL SERVE AS A FORUM FOR THE INTRODUCTION AND DEVELOPMENT OF NEW IDEAS. THE MAJOR CONTRIBUTORS TO KOL HAMEVASER WILL BE THE UNDERGRADUATE POPULATION, ALONG WITH REGULAR INPUT FROM RIETS RASHEI YESHIVAH, YU PROFESSORS, EDUCATORS FROM YESHIVOT AND SEMINARIES IN ISRAEL, AND OUTSIDE EXPERTS. IN ADDITION TO THE REGULAR EDITIONS, KOL HAMEVASER WILL BE SPONSORING IN-DEPTH SPECIAL ISSUES, SPEAKERS, DISCUSSION GROUPS, SHABBATONIM, AND REGULAR WEB ACTIVITY. WE HOPE TO FACILITATE THE RELIGIOUS AND INTELLECTUAL GROWTH OF YESHIVA UNIVERSITY AND THE LARGER JEWISH COMMUNITY.

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A MESSAGE FROM OUTGOING MANAGING EDITOR GILAH KLETENIK

I AM HUMBLD AND PRIVILEGED TO HAVE SERVED AS FOUNDING AND MANAGING EDITOR OF *KOL HAMEVASER* OVER THE LAST TWO YEARS. IT HAS BEEN A THRILLING JOURNEY AND A TRUE LEARNING EXPERIENCE. I AM GRATEFUL TO ALL OF *KOL HAMEVASER'S* STAFF AND READERSHIP FOR THIS OPPORTUNITY AND LOOK FORWARD TO *KOL HAMEVASER'S* BRIGHT AND GOOD-LOOKING FUTURE.

THIS MAGAZINE CONTAINS WORDS OF TORAH.
PLEASE TREAT IT WITH PROPER RESPECT.

ONE EDITOR'S MUSINGS ON FREE SPEECH, CENSORSHIP, AND KOL HAMEVASER

BY: Alex Ozar

(To avoid confusion: These musings are my own, and I make no claim to speak for anyone else. This article is not a policy statement of Kol Hamevaser. Enjoy.)

Recently on campus, the appropriate parameters for free speech, intellectual openness, and general pluralism within the YU community have provided much fodder for discussion and debate. After a year of editing a magazine ostensibly dedicated to the free expression of thought, I would like to add to the conversation about two cents worth of my reflections on the matter. More specifically, I want to discuss what I believe *Kol Hamevaser* should and should not publish; the broader issues I leave for others, or for another time.

Kol Hamevaser's mission, as I see it, is to facilitate open, intelligent, and productive dialogue on issues of Jewish Thought of relevance to the YU community. This being so, I take it to be the ultimate deciding criterion for a particular article's acceptability or unacceptability for publication: Articles which in fact facilitate open, intelligent, and productive dialogue on issues of Jewish Thought of relevance to the YU community should be published; if this criterion is not met, they should not be published.

Now, to many this claim will appear trivial; what other options are there? Unfortunately, the matter is often not so easily resolved. I have encountered, in a great many people on this campus, two strands of opposition to this principle. One view seems to hold that *Kol Hamevaser* should be forbidden from publishing articles which express ideas at odds with either some perceived definition of Orthodoxy or another, or else not consonant with the views of some elusive majority of the YU community. As will become clear, I will, in many cases, agree, on a pragmatic plane, with this group, but for largely different reasons.

There is a second opposing view, however, which seems to hold that no article may ever be rejected on the grounds that doing so would constitute censorship, that gravest of sins. To repress another's thoughts, they claim, is to violate our deep and profound commitments to intellectual and journalistic integrity. And the transgression is all the more grievous for a Thought magazine, which has a duty to uphold its position as a vanguard for intellectual openness and the free expression of ideas. To violate that duty is nothing short of sacrilege, a deep betrayal of the community it serves and represents, and perhaps more so, a betrayal of itself.

This view, as I have represented it, is flatly ridiculous. It is quite obviously wrong to say that any publication has an obligation to

publish any and all articles submitted to it, and I doubt anyone actually believes so. To take a silly example, no one would require a respectable journal to publish an article composed of random strings of Windings. Nonetheless, the cry of "Censorship!", as well as its counterpart, "Kefirah!", is often made with little to no reference to what criteria should be used to make such determinations.

My suggestion, then, is that articles should only be included if they contribute to the furthering of *Kol Hamevaser's* mission, which, as I take it, is to facilitate open, intelligent, and productive discourse on matters of Jewish Thought of relevance to the YU community, no more and no less. I imagine that most will agree to this. Obviously, though, this formulation of our mission allows for widely divergent interpretations, and no doubt many will disagree as to its appropriate application. I would like, though, to make some prelimi-

son for it to be discussed. Blunt repression of ideas is hardly ever effective, either in protecting others from exposure or disavowing these people of their views, and can often result in further marginalization and more vigorous resistance to the consensus. Given both of these considerations, publishing ideas at odds with those of our community can often be termed "productive."

Many will no doubt argue that I am simply missing the point: publishing material at odds with Orthodox ideas and values is wrong, simpliciter, and so considerations of productivity and the like are simply irrelevant. From where might this prohibition arise? If it is a halakhic argument, presumably rooted in talmudic injunctions from association with *minut* and such (*Berachot* 12b, *Avodah Zarah* 17a, *Sanhedrin* 90a, and of course that famous Rambam about *sifrei Akum* come to mind), it will be a difficult one to make. One making

Hamevaser's endeavor is a meaningful one, but I hold no delusions about its ability to radically alter people's belief systems.

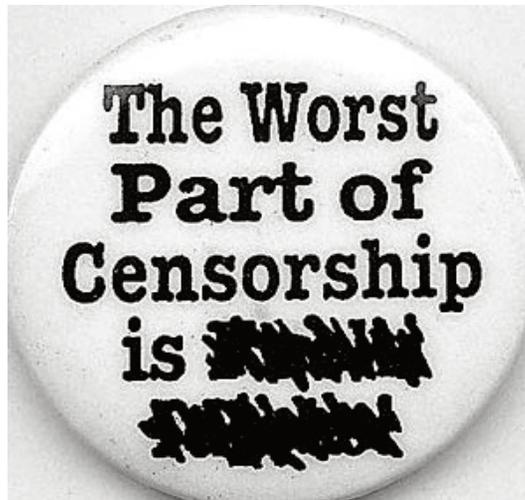
There is a further objection I have encountered, that publishing non-Orthodox material in a publication with YU's logo is harmful to YU's image, and as such should be unacceptable. First, I would question the seriousness of this concern; those who like and dislike YU will likely persist in their respective opinions come what may. More importantly, to whatever extent it is a legitimate problem, it is a pragmatic one, and so could in principle be outweighed by other pragmatic/utilitarian considerations. If publishing an article would, all things taken into account, be productive, that should provide sufficient license.

That said, there are a number of other important considerations. Some ideas, by virtue of their content, simply cannot be discussed productively by our community. In some cases, they are simply too far from the consensus to be considered seriously. This is much of what was meant by "of relevance to the YU community." Certain ideas are simply irrelevant to *Kol Hamevaser's* mission, and so, in the same way we easily and uncontroversially reject articles about botany or Kenyan politics, we should reject articles expressing ideas of this sort. This is obviously a fine line, not easily navigated, but it is no less real and important.

Some articles can prove unproductive not so much by virtue of their content, but more by their style and presentation. Even when issues can and should be addressed by the community, this must be done in such a way that reasonably allows for others to engage them productively. In the same way that we do not publish articles containing profanity or pornographic imagery, we should not publish articles which otherwise unduly offend our readership, as it is simply unproductive, and so not in keeping with our mission.

Of course, each case is unique and must be treated as such; neither I nor anyone else has a definitive, infallible and universally applicable guidebook for these issues. Hopefully though, we can add just a bit of substance to a discussion which too often devolves into mere slinging of high-minded clichés and ideological catchphrases. Often, our debates about free-speech, intellectual openness and the like involve far less actual disagreement than our rhetoric lets on, and we would do well to realize it.

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Source: filmgeeksrus.blogspot.com

nary attempts to provide some orientation on this issue. Most of the work can be done, I think, by a proper explication of the word "productive" as used in the criterion set forth above.

Publishing articles which express ideas foreign to the consensus of the YU community can be productive on two grounds. First, exposure to views other than one's own is often a good thing. Even when there is and should be no chance of our accepting these views, they may serve to enhance our own understanding, as well as the not-insignificant matter of our understanding of others. Cohesion and unity of thought and conviction can prove valuable, but may also result in an unhealthy intellectual and spiritual inbreeding. On the other hand, the intellectual and spiritual challenge of processing foreign ideas can improve us as individuals and as a community.

Second, the YU community is not really all that cohesive and uniform; ideas on virtually everything vary wildly. If an issue is a genuine and live one for some group of people in the community, then that is surely good rea-

this argument would have to come up with a reasonably clear, technical definition for the category of ideas prohibited, broad enough to be of relevance to this debate but restricted enough to remain grounded in the sources. This accomplished, one would then have to explain away the endless precedent from halakhic authorities of note who openly and explicitly engaged non-Orthodox ideas. Finally, one would have to explain and justify a sufficiently restrictive definition of "*le-havin u-le-horoi*" such that it would not provide ground for permission in the relevant cases. I doubt that such an argument will ever succeed, at least well enough to be universally binding. Now, even if there is no *halakhic* prohibition to discussing non-Orthodox material per se, it might still be objected that publishing such ideas could lead readers to adopt them, and as such should be prohibited (if this needs a source, *mesit* would be a good paradigm). I agree that were this ever a plausible worry, it would be wrong in that case to publish non-Orthodox ideas. However, I highly doubt that such a situation ever has or will arise. I believe *Kol*

Bugs in Our Broccoli

BY: Gilah Kletenik

Are the bugs in our broccoli really that important? Do the insects in our asparagus actually demand that much attention? Yes, I know. When we eat even one slimy creature we transgress a number of negative commandments. The precautions taken against ingesting these insects do not irk me in and of themselves. I am not even referring to the act of examining strawberries with a microscope, when only bugs visible to the naked eye are problematic. Rather, it is the fervor with which those among us approach these creatures and the message it sends to our children and ourselves about what service to Heaven looks like that troubles me.



Source: www.theclinicard.com

It goes without saying that these kinds of practices might leave one feeling as if Orthodoxy is an ideology of prohibition. Considering the breadth of Halakhah and the claim it has on every facet of our lives, this conclusion is not surprising. What is disturbing, however, about these bug practices is their zeal, which makes us wonder: where is the love and joy in our *avodat Hashem*? Where did we go wrong?

This is not to suggest that there is something inappropriate with taking a halakhic prohibition seriously. To the contrary, such an approach is admirable. Nevertheless, when our Judaism can be diminished to a fanatic fancy for that which is forbidden or the solemn sanctity of stringencies, something is amiss. A heavy emphasis on practices of this kind has a tendency to turn us away from the bigger ideas, the meta-values that underpin our halakhic system. We lose sight of the loftiness that a life of holiness offers and instead expend energy and effort which might otherwise have been channeled to a more fruitful purpose.

I know that some of these points have an

eerie resemblance to the kinds of arguments thrust Orthodoxy's way by some of our brothers and sisters whose Jewish observance is different than ours. At the same time, this insect enthusiasm makes me a bit uneasy. Perhaps it is because the practice reminds me of the "*humrah* of the month" attitude so pervasive in our community these days. Maybe it is because I wonder how many of our grandparents soaped their fruits and vegetables. Or because it does not seem like the rabbis charging ahead in our brawl against bugs are the ones who will be spending those extra minutes in the kitchen peeling, cutting, soaking, examining, and rinsing.

I realize that everyone serves God in dif-

ferent ways and that while I may connect to our Creator most intimately by volunteering with the homeless, someone else's religious experience may peak amidst their hunt for the bug in their blackberry. Still, I cannot help but ask myself: what would our lives look like if we soaked our souls in surfactant as regularly as we dose our dill in detergent? This is not to suggest that those who are zealous about hunting the creatures in their cauliflower are not self-reflective and self-improvement minded people. But, on the communal level at least, perhaps we ought to spend more time and money educating ourselves on how to extricate the demons from within ourselves instead of the bugs in our broccoli.

Gilah Kletenik is a senior at SCW majoring in Political Science and is a Managing Editor for Kol Hamevaser.

ORTHODOXY IN THE 21ST CENTURY

THE THEOLOGICAL CONCESSIONS OF MODERN ORTHODOXY

BY: Eli Putterman

Perhaps one of the most significant difficulties in articulating a coherent ideology lies in honestly facing up to the potential drawbacks or downsides of that ideology relative to other systems of thought that aim to address the same issues. The subjection of a deeply-held stance to a critical evaluation, including an assessment of the problems it engenders, can be painful and discomfiting. The candid acknowledgement of the disadvantages of one's own viewpoint is valuable insofar as it leads to pluralism and respect for divergent opinions and, in the ideal, to a higher level of understanding which can resolve some of the difficulties in one's own ideology.

With that introduction, it is my intention in this article to examine some of the difficulties in the Modern Orthodox hashkafah. Admittedly, in a realm as subjective as hashkafic inquiry, one man's *in hakhi nami* (granted principle) might be another man's *teyuvta* (refutation of a perceived commonly-held principle) and yet another's *lo kashya* (no difficulty posed to that principle), so this may indeed be more of a personal statement than anything else.

In conducting this discussion, one eye must be turned outward and the other focused inward. The Haredi community's critique of our community relates not only to the alleged laxity in observance of its adherents but also – and I believe more fundamentally – to the perceived heterodoxy, or at least illegitimacy, of its basic assumptions. (Of course, they see the two as inextricably linked.) To whatever extent their arguments have merit, intellectual honesty dictates that we acknowledge them, at least as a preliminary step to countering them.

Far more importantly, however, is that the very continuity of our movement depends on the acceptance of our ideology by subsequent generations. As the phenomenon of "flipping out" demonstrates, the Haredi ideology has proven itself compelling to significant numbers of Modern Orthodox youth. On the flip side, our lack of insulation from broader society allows for much exposure of our adolescents to the secularist worldview.ⁱ While the problem of keeping our children "in the fold" is more the concern of pedagogy, it seems unquestionable that dropout rates must at least in part be attributed to ideological rejection of Modern Orthodoxy. It is precisely the uncomfortable truths of the Modern Orthodox hashkafah that, unpalatable to the idealistic youngster, particularly if his or her teachers have not honestly engaged these issues, are apt to lead to tergiversation. Identifying these potential pitfalls is thus important from an educational perspective as well.

The Modern Orthodox ideology considered here will be that associated with the familiar principle of Torah u-Madda as articulated and implemented by Yeshiva,

which encompasses three distinct propositions. Firstly, that the engagement with the secular, whether through the study of *Madda* or the participation in cultural activities, carries religious meaning. Secondly, that academic disciplines, including Jewish Studies are, for the most part, legitimate in their assumptions and methodologies, and that their results are to be taken seriously in Modern Orthodox thought. Thirdly, that Judaism stands to gain through dialogue with contemporary Western society in the realm of ideas and values.ⁱⁱ

The theological difficulties that arise when these axioms are applied have been thoroughly, and highly critically, explored in the Haredi press.ⁱⁱⁱ However, it is in the nature of polemic to leave assumptions unstated, to exaggerate, and to substitute bombast for analysis; these characteristics make the Haredi response less than useful for our purposes. This article's analysis will be conducted *a priori*.^{iv}

The first difficulty to be considered is the assignment of intrinsic religious value to secular culture. Working from classical rabbinic texts, it is easy to find sources extolling the value of economic productivity, or *parnasah*, with some going so far as to assert that Torah study without work is valueless.^v However, statements that impute religious value to secular culture or study of disciplines other than Torah require a great deal of ingenuity to locate. The scant support for these latter ideas continues through the generations to this day. While some authorities, such as Maimonides, R. S. R. Hirsch, and R. Joseph B. Soloveitchik, have (variously) found a place for secular studies within their religious frameworks, most have followed the simple interpretation of the dictum of R. Hiyya bar Ami: "From the day of the Temple's destruction, [God] has nothing in His world but the four ells of Halakhah."^{vi} Thus, the Modern Orthodox position must discard the comfortable assurance that the *masorah* provides the indisputable answers on all religious matters.

Torah u-Madda must also confront sources such as "Delve into [the Torah], and continue to delve into it, for everything is in it,"^{vii} and "[God] looked at the Torah and created the world,"^{viii} which posit that the Torah is not only the basis of Judaism but indeed of the universe itself, the repository of all knowledge. However, no one who takes the natural sciences seriously can accept this statement on a rational level;^{ix} nowhere does any Jewish text describe quantum field theory or molecular biology. A more limited view of the nature of Torah must be upheld, which, needless to say, is not as satisfying as the maximalist view.

The issue of the obligation of Torah study has also been raised in this context. Given the unquestioned preeminence given to *talmud Torah* in rabbinic Judaism,^x can higher secular education be legitimately defended? Certainly, Judaism mandates the pursuit of a livelihood,

but this is possible without a college degree. If one is possessed of the financial wherewithal to spend four years in an institution of higher learning, should that not be a yeshiva rather than a university, in order to maximize the time for Torah study? Is it necessary to fall back to the seemingly radical position that the study of Mada is not only religiously worthwhile, but even a fulfillment of *talmud Torah*?^{xi}

The second issue to be addressed is that of academic Jewish Studies. While the rise of the study of Jews and Judaism as an academic discipline has, indisputably, greatly increased our knowledge of Jewish history and has enriched our understanding of our classical texts through the study of linguistics, realia, and cultural contexts, this comes at a price. Most obviously, much of academic Jewish Studies run counter to the principles of Jewish belief, as in the cases of its conclusions regarding the authorship and historicity of the Tanakh; its assumption that prophetic texts must be regarded as *vaticinium ex eventu*;^{xii} its denial of an accurate chain of transmission of fixed texts and beliefs in the biblical, Second Temple, and talmudic periods; and its full-out assault on the roots of the halakhic system manifested in critical Talmud scholarship.

Where to draw lines in the sand is a difficult question. It should be apparent, though, that each instance in which the results of scholarship are accepted is a theological concession. For example, consider the claim that the stories, laws, and poetry of Tanakh must be understood in relation to their Ancient Near Eastern context. This directly impinges upon two principles. Firstly, the timeless relevance of a Torah that devotes significant space to rehashing of Mesopotamian or Canaanite myth now long forgotten, even if such rehashing is understood as polemic, is difficult to assert. Secondly, it implies that Torah is not self-contained, but requires knowledge of outside disciplines, unavailable to two millennia of Jewish interpreters and commentators, to understand fully.^{xiii}

An issue quite separate from, but perhaps more fundamental than, that of the truth of these disciplines is the religious consequences of their study. Does not the disinterested, objective, academic study of Judaism, whether in “safe” areas such as Jewish history or “dangerous” areas such as biblical scholarship, inevitably lead to a deadening of spiritual passion and religious enthusiasm?^{xiv} Can we maintain our reverence for the Torah while viewing it as anti-pagan polemic as well as divine guidebook? Is our sense of mission and purpose as an *am ha-nivhar* (chosen people), whose destiny is guided by the divine hand, threatened by our historical consciousness of cause and effect and trends in Jewish history?^{xv} If the answers to these questions are “yes,” “no,” and “yes,” respectively, we should consider very seriously the possibility that it may not be worthwhile to engage in academic Jewish Studies at all.

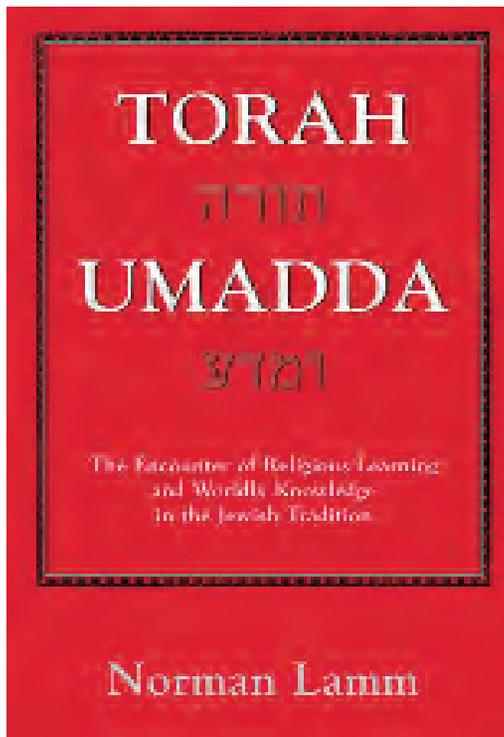
Finally, the issue of dialogue between secular ideas and Judaism is fraught with theological concerns. The first question to address is the necessity of such encounter: does not Ju-

daism offer a self-contained, coherent way of viewing the world, not in need of secular ideas to fill any lacunae in its *Weltanschauung*. For Judaism would then be (to borrow a term from theoretical physics) a background-dependent theory, whose fundamental assumptions and principles are dependent upon cultural and historical context. One possible counter to this difficulty is the argument that, according to Torah u-Madda, secular ideas are utilized to explicate Judaism in terms of an understandable framework, rather than change its nature. This resolution, however, seems to imply that the employment of the secular is only a *be-di-avad*, which should certainly be a discomfiting thought.

Another question that arises is the proper response when the values of Judaism and those of secular culture conflict. Obviously, when the clash is truly irreconcilable, Orthodoxy must

against the danger of contamination with these ideas? Given the phenomenon of “*frum hedonism*” in Modern Orthodox communities, and the lack of primacy given to religion in the worldviews of graduates of Modern Orthodox educational institutions,^{xviii} the answer seems bleak.

Laying out these questions should, I hope, be only the first step towards articulating the answers. But, in the meanwhile, the honest acknowledgement of the difficulties inherent in our position is in and of itself intellectually and religiously valuable. For the future of our way of life in the 21st century, and for our own growth in *yir'at shamayim*, it is essential that we face up to the concessions that we make as Modern Orthodox Jews on a day-to-day basis. Engaging with the issues, after all, is what Modern Orthodoxy is, on its most basic level, all about.



Courtesy of Eli Putterman

choose tradition; however, many instances of disagreement are not as clear-cut. In a case where secular norms are not in line with traditional Jewish practice, but no fundamental principle of Judaism prohibits accommodating those values outright, to what extent can this accommodation be countenanced?^{xvi} The maximum possible? Not at all? Somewhere in between? Furthermore, what theological justification can be offered for subordinating tradition to modern ideas, which seems also to be no more than a *post facto* response to a non-ideal situation?

Finally, as in the case of Jewish Studies, the pragmatic ramifications of engagement with secular ideals must also be considered. We cannot help but be influenced by values which are antithetical to a deeply religious worldview, such as the unmitigated individualism, disregard for authority, and the insistence, dominant in Europe but present in America as well, on entirely separating religious beliefs from public concerns.^{xvii} Does the value of dialogue with the secular obtain

and the Pursuit of Secular Knowledge,” *The Jewish Observer* 25:2 (March 1992): 27-40.

^{iv} A more educationally or sociologically oriented article would focus on the Haredi critique as presented, but this article is confined to the theoretical plane.

^v *Avot* 2:2; Rambam, *Mishneh Torah, Hilkhot Talmud Torah* 3:10.

^{vi} *Berakhot* 8a.

^{vii} *Avot* 5:20. The interpretation of the *Me'iri*, cited in Lamm, *Torah Umadda*, p. 47, obviates this difficulty but introduces a new problem, which will be discussed later.

^{viii} I.e., the Torah is the blueprint for the universe; see *Zohar, Terumah* 161.

^{ix} Mayer Schiller, “*Torah Umadda and The Jewish Observer Critique: Towards a Clarification of the Issues*,” *The Torah u-Madda Journal* 6 (1995-1996): 58-90, argues on p. 66 that all this knowledge is present in the Torah in a mystical sense. However, the rationalist approach, which is dominant in Modern Orthodoxy, would not be satisfied with this resolution.

^x E.g., *Pe'ah* 1:1; *Avot* 1:15 (according to the interpretation of Rambam in his *Commentary on the Mishnah*).

^{xi} See “The Inclusionary Model: Madda as Textless Torah,” in Lamm. 161-167. In Religious Zionist thought, a separate resolution has been proposed: education as a necessary component of *yishuv ha-Arets* (the settling of the land), which is also viewed as corresponding to all the mitzvot (*Tosefta, Avodah Zarah* 5:2). However, this rationale does not apply in the Diaspora.

^{xii} Any prophetic prediction of events yet to occur must have been composed after the events. This position implicitly denies the possibility of prophecy and results in the aforementioned issue of scholarly datings and ascriptions of authorship that conflict with tradition.

^{xiii} One source for this principle is the *Me'iri's* interpretation of *Avot* 5:20; see above, note vi.

^{xiv} Ironically, this point has also been raised in opposition to Brisker *lomdus*.

^{xv} See “Modern Dilemmas,” in Yosef H. Yerushalmi, *Zakhor: Jewish History and Jewish Memory* (Seattle: University of Washington Press, 1982): 81-103, esp. pp. 89-96.

^{xvi} One need look no further than the ongoing controversy regarding women’s issues, including leadership, prayer, and divorce, for examples of questions where the response of different strains of Modern Orthodoxy to the Western principle of egalitarianism have diverged significantly.

^{xvii} Lamm, 12.

^{xviii} See *Teaching Toward Tomorrow: Setting an Agenda for Modern Orthodox Education*, ed. by Yoel Finkelstein (Jerusalem: Academy for Torah Initiatives and Directions, 2008), especially the article by Yossi Prager.

ⁱ Shalom Berger et. al., *Flipping Out? Myth or Fact: The Impact of the Year in Israel* (New York: Yashar Books, 2007) and Faranak Margolese, *Off the Derech: Why Observant Jews Leave Judaism; How to Respond to the Challenge* (New York: Devorah Publishing, 2005) are the current definitive studies of these respective trends; however, they devote relatively scant attention to the intellectual aspects of the phenomena.

ⁱⁱ The presentation owes much to Norman Lamm, *Torah Umadda: The Encounter of Religious Learning and Worldly Knowledge in the Jewish Tradition* (Northvale, NJ: Jason Aronson Press, 1990).

ⁱⁱⁱ One significant example of this is the critique of R. Lamm’s *Torah Umadda* in *The Jewish Observer*: Yonason Rosenblum, “‘*Torah Umadda*’: A Critique of Rabbi Dr. Norman Lamm’s Book and its Approach to Torah Study

Eli Putterman is a senior at MTA.

The Decision For or Against MPR in Light of Halakhah

BY: Jessica Gross

The discussion of a woman's right to choose to have an abortion or to carry a fetus to term has been a pressing issue for decades, one that does not appear to be disappearing any time soon. One's position on this matter often plays a heavy role in one's political decisions, and is at times seen as indicative of a person's outlook on morality, religion, and life in general.

I would like to focus on a subtopic of the abortion discussion, one that has received intense media coverage lately as a result of the recent birth of octuplets in California. The issue to which I am referring is the question of multi-fetal pregnancy reduction (MPR), a procedure in which the number of fetuses is selectively reduced in hopes of increasing the possibility of a healthy and safe pregnancy. MPR complicates the discussion of abortion because of the additional factors involved. One factor is the consideration of the risks associated with multiple births, both for the mother and for the fetuses. Another is the fact that once a decision is made to reduce, the parents must decide how many fetuses should be left to develop to term.

I have been spending time over the last several weeks shadowing an obstetrician who specializes in fertility issues, in vitro fertilization (IVF), and high-risk cases. MPRs make up a significant percentage of the daily schedule of this particular obstetrician. As a result of infertility, many turn to IVF, and, in many cases, more of the implanted embryos develop into fetuses than the parents expected or hoped for. Women may become pregnant with three, four, or, in extreme cases, even more fetuses. The risks that accompany a pregnancy of that nature are elevated for the mother, and the likelihood of any of those fetuses growing normally and developing into healthy children is drastically decreased. As a result, many families, with the guidance of their doctors, choose to reduce the number of fetuses. Often, the decision is made to reduce to twins, but frequently to a singleton as well, on the theory that that is the best way to guarantee a healthy pregnancy for both mother and fetus.

As is true in many doctors' offices, the walls of the office I have been spending time in are covered with pictures of healthy babies, born as a result of the work of the doctors in the practice. I have spent some time looking at the pictures; there are many single babies, and almost as many pictures of twins – not surprising in an office that specializes in high-risk cases. Although significantly fewer, there were several pictures of triplets as well. In all of my looking through the pictures, I have found only one picture of quadruplets. Judging from the *kippot* worn by the boys in the photo, it is obvious that they belong to a religious Jewish family. I was immediately struck by the fact that the only picture of quadruplets was one of

apparently religious Jewish children, and that in all likelihood many families, when faced with a quadruplet pregnancy, would have chosen to reduce, to increase the possibility of having healthy children. The decision to reduce is not an easy one for any parent, but for Jewish families who live by Halakhah the decision is even more complicated. There are major halakhic considerations that must be taken into account in the decision to reduce a pregnancy, or, on the flip side, to allow one to continue if there is the possibility of the mother being at risk.

I would like to discuss the halakhic issues associated with MPR, and how issues of the health of the mother, the viability of the fetuses, and the best estimation of future outcome all play a role in the decision making. The first factor in the discussion is one that comes up in all issues of abortion – the question of at what point in development a fetus



Source: www.wesleyjsmith.com

gains the status of a living being. The Gemara in *Yevamot* 69b states that until forty days of development, a fetus is simply considered fluid and has not yet reached the status of life. However, while this may be true, based on a discussion in *Sanhedrin*ⁱ it is apparent that Judaism also believes that, from the moment of conception, potential life has begun and with it some level of the Godliness associated with being human. This is derived in that Gemara from the fact that a non-Jew is liable to the death penalty for the killing of a fetus (while a Jew is not). As a result of this, the fact that a fetus is simply within its first forty days is not reason enough to permit termination.

Unlike modern scientific discussions, which relate to pregnancy and fetal viability in terms of trimesters, the next temporal distinction made by the Gemara deals with stages of childbirth. Based on a *pasuk* in *Parashat Mishpatim*,ⁱⁱ Hazalⁱⁱⁱ determined that a fetus that is endangering the life of the mother is considered a *rodef*, someone who, because he is pursuing another to kill him, can be killed before he has the opportunity to do so. The *Shulhan Arukh*^{iv} states that if a woman is having a particularly problematic childbirth, it is permissible to kill and dismember the baby to save the mother, clearly indicating that, to whatever extent we consider the baby alive, it does not have the same status as a fully-grown person. It is obvious, in such a case, that while the situation may permit the termination of the pregnancy, it is not because the fetus is deserving of being sentenced to death; rather, every measure

is being taken in an attempt to save the mother. However, the Gemara goes on to say that once the majority of the baby has been delivered, it is forbidden to kill the baby to save the mother, since no one can choose one life over another. Apparently, by midway through delivery, a baby acquires the status of a full-fledged human.

Further discussion of terminating a fetus comes two *pesukim* later in *Parashat Mishpatim*^v where the Torah discusses repercussions and payment for damaging another person or the property of another. There, the Torah states that if two men are fighting and one of them strikes a pregnant woman and she miscarries, as long as she does not die as well, the damager pays the price set by the husband for the value of the fetus. If the woman dies, however, he faces the death penalty. Again, this discrepancy between the killing of a fetus and the killing of the mother is indicative of the fact

tion where a group of Jews are approached by an enemy demanding that they turn over one member of their group to be killed or else the entire group will be killed. The initial answer given is that the group may not turn anyone over; they must all be killed rather than actively sacrifice a human life. Then, the possibility is raised that if there is a member of the group who, for whatever reason, is not expected to live for much longer, he can be sacrificed to save the group. The opinions range so far as to say that if it is a guarantee that non-compliance with this order will result in the murder of the entire group, they may have a lottery, randomly choosing one member to be sacrificed to save the entire group. The applications to our discussion are clear: can parents choose to reduce some fetuses to save the rest? If not, the likelihood of any of them developing to term is unlikely. It appears from this fact that a reduction should be acceptable. If any of the fetuses appear unhealthy, and therefore unlikely to develop to the point of viability, that should be the fetus reduced, much in the way a sick individual would be selected to save the group. If all of the fetuses appear healthy based on the tests performed, then, as was true in the lottery, the ones to be reduced must be chosen randomly. This generally means the physician will choose the most accessible fetuses, those most likely to allow for a successful procedure.^{vii}

In a recent article in *Newsweek* magazine, a doctor wrote about his feelings as one of a small number of physicians in this country who perform MPRs. He wrote that reductions will never become commonplace enough that they will be considered acceptable by the total population. At the same time, people must understand that families choosing to have a reduction are not looking to take the lives of their potential children. In fact, just the opposite is true. Families seeking multi-fetal pregnancy reductions understand the beauty and uniqueness of a human life, especially as many of them have had an incredibly hard time conceiving in the first place. They understand that each human life is a reflection of God, and they hope that the decision to undergo an MPR will increase the possibility of them being able to bring a healthy baby into this world.

I believe this is the way Halakhah views the situation as well. Judaism believes that each and every potential life is unique and valuable, and everything possible must be done to best guarantee that healthy babies are brought into this world, even if it means procedures such as MPR.

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ⁱ *Sanhedrin* 57b.

ⁱⁱ *Exodus* 22:1.

ⁱⁱⁱ *Sanhedrin* 72b.

^{iv} *Shulhan Arukh, Hoshen Mishpat* 425:2.

^v *Exodus* 21: 22-23.

^{vi} *Yerushalmi Terumot* 8:10.

^{vii} Yitzchak Mehlman, "Multi-fetal Pregnancy Reduction," *Journal of Halacha and Contemporary Society* 27 (1994): 35-68, at p. 64.

that the fetus is not considered to truly be a life, and therefore terminating a pregnancy is not considered murder. Many *posekim* even believe that a fetus is not considered a full-fledged human being until several days after birth. This may be due to the fact that over the centuries an incredibly high percentage of fetuses, despite appearing healthy at birth, were not known to be viable until they survived beyond the first week or so. All of these considerations are integral to determining whether full abortions or reductions are considered murder, or if their performance would be acceptable as a means to save the mother, who is a full human being.

Le-halakhah, the vast majority of *posekim* believe it is acceptable to perform an abortion to save the life of the mother. Regardless of the possibility for life that the fetus represents, it clearly does not have the same status as the mother, and the mother as a full human being deserves to be saved.

With reductions, however, there is another issue at hand – not simply whether reducing to save the mother is permitted, but whether a doctor can choose to reduce one fetus to save another when they are all equal in their viability. They can each be seen as a *rodef* to the other fetuses, but at the same time they are each the objects of pursuit as the life of each is in danger. Assuming none of the fetuses appears less viable, how should a doctor go about choosing one fetus over another to reduce?

Approaches to these questions come from a discussion in the *Yerushalmi*^{vi} about a situa-

The Good Life

BY: Joseph Attias

There is a famous legend of Greek philosopher and cynic Diogenes (404-323 BCE) having used to go around Athens in the heat of the day holding a lantern, in search of a good man. A similar story, although attributed to Socrates, is mentioned in the very beginning of Jewish spiritual leader Rabbi Shelomoh Wolbe's highly inspiring book, *Alei Shur*. He quotes without reference the famed anecdote of Socrates walking the streets of Athens and in typical Socratic fashion—always eager to converse with the passersby, he would stop everyone he met and ask them, “How should one live?”ⁱ

The question of “the good life” and how an individual should conduct himself has occupied thinkers since antiquity. Treatises on ethics are voluminous and date back to well before Aristotle's *Nicomachean Ethics*. Great contemplators of life and society have expressed their opinions on ethics and humanity, some staying in vogue, others vanishing as quickly as they were conceived. Being in a yeshivah as well as a university, it can often be difficult and perplexing for students to differentiate between secular and sacred. While the value of secular studies is uncontested, we would like to argue that in matters pertaining to ethics, morals, and “the good life,” the yeshivah student need not appeal to secular thinkers and texts. Judaism is a comprehensive religion that includes its own system of values, ethics, and goals, and our own sacred texts have enough information on how one should live; turning elsewhere is simply superfluous.

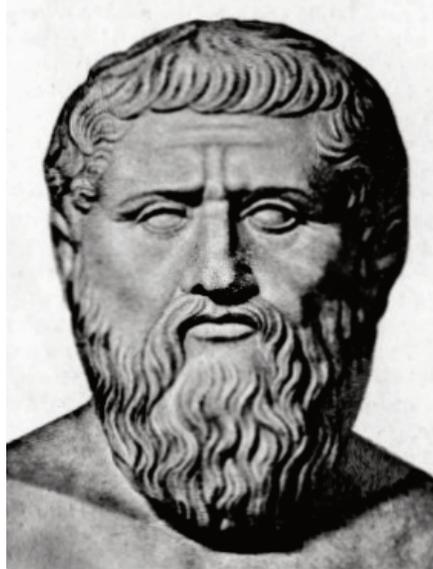
Fortunate are we, free from the burden of searching out “the good life” and what exactly that entails, for this very information has been taught to us thousands of years ago. The question of how to live was answered at Mount Sinai, when the Ten Commandments were given through Moses to the Nation of Israel. This answer continued to be given throughout the Torah via moral lessons, and then thoroughly elaborated on in the Talmud and Oral Law, which is saturated with information on proper conduct and ethics.ⁱⁱ

In the first chapter of *Pirkei Avot* (Ethics of the Fathers), Shim'on ha-Tsaddik is famously quoted as saying, “On three things the world stands: On Torah, on worship, and on kindness.”ⁱⁱⁱ This highly celebrated maxim is followed by six more chapters of undying wisdom from some of Judaism's most pious and saintly figures. *Pirkei Avot* deals with a wide variety of topics and Jews for the past two thousand years have drawn on its timeless advice. The good life for a Jew need not be sought out with a lantern in the heat of the day, for we have to look no further than our own traditional literature. The “good life” is one devoted to Torah study, worship of the Almighty,

and kindness to others.

The prophet Isaiah, according to our Sages in *Makkot* 24a, attempted to reduce all of God's 613 commandments into six explicit modes of conduct. “He that walks in righteousness, speaks uprightly; spurns profit from fraudulent dealings, waves away a bribe instead of grasping it, stops his ears against listening to infamy, and shuts his eyes against looking at evil...shall dwell on high” (Isaiah 33:15-16).

The aforementioned example of what we should strive for as Jews couples beautifully with the commandment in Deuteronomy



Source: filipsagnoli.files.wordpress.com

(10:12) to “walk in all His ways.” The verse asks, “And now Israel, what does the Lord thy God require of thee?” And answering its own question continues, “but to fear the Lord your God, to walk in all His ways, and to love Him, and to serve the Lord your God with all your heart and with all your soul.” We were all created in God's image, as seen in Genesis (1:27), “And God created man in his own image,” and according to Deuteronomy, it is our job to imitate Him. This concept, known as *imitatio dei*, is fundamental to Jewish thought and is expressed even more overtly in Leviticus (19:12): “You shall be holy, for I the Lord your God am holy.” God is described by King David in Psalms (145:8) as “gracious and merciful; slow to anger and great in loving-kindness.” Likewise, we, too, should strive to have these qualities.

This is no easy task, though. In order to “walk in God's ways” (Deuteronomy 28:9), we must learn as much as we can about Him. This can be achieved by the study of Torah, the Divine Revelation. Morality, ethics, kindness, and fairness are of key importance to us as Jews, but as the Mishnah in *Pe'ah* tells us, Torah study surpasses them all. The Mishnah states, “These are the things in which man eats their fruit on this earth and the seed waits for him in the world to come: Honoring one's fa-

ther and mother, acts of kindness, and the bringing forth of peace between man and his fellow; but Torah study matches them all.” The reason of the significance attributed to Torah study is simple: “For the learning will lead to action.”^{iv}

The study of Torah is of supreme importance to Jews, and if asked by a Socrates-like character what “the good life” entails, our answer should undoubtedly include it. As our sages reminded us earlier, “learning will lead to action,” for we cannot know how to be properly behaved, goal striving Jews without its study. Study and action are the crucial ingredi-

lect.”^{vii}

As Jews, we need not ask Karamazovian questions, such as “What is ethics?”^{viii} This inquiry has been answered millennia ago by our scripture and traditional writings. A life complete with kindness, worship, and above all the study of Torah is the ideal life. We are privileged to be a part of a religion that, as historian Paul Johnson said, “...has the most sophisticated system of moral theology, or ethics of any world religion.” We know the truth, as it has been passed down for thousands of years, and have no need to turn elsewhere for guidelines on how to live. The Judaic corpus contains all the necessary elements required to answer the questions of, “whence I came...whither I go, what I am [and] what I shall become.”^{ix} Looking anywhere other than our passed down tradition for a system of values or a guideline on how to live your life is simply futile. “The good life” for a Jew can be summed up with one short maxim by the pious Hillel the Elder: “Be of the disciples of Aaron, loving peace and pursuing peace, loving your fellow creatures and bringing them close to the Torah.”^x

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ⁱ As seen in Rav Wolbe's *Alei Shur*, Volume I, Introduction to Chapter 1.

ⁱⁱ A couple of famous examples: “Rabbi Joshua said: The evil eye, the evil desire, and hatred of his fellow creatures put a man out of the world” and “Do not judge your fellow man until you have been in his position” (*Pirkei Avot* 1:16 and 2:5, respectively).

ⁱⁱⁱ *Pirkei Avot* 1:2.

^{iv} *Kiddushin* 40b.

^v Whether study or action is primary is a subject of dispute among the commentators to the Talmud. See Rashi to *Bava Kamma* 17a, s.v. “*mev*” and Tosafot *ibid.*, s.v. “*ve-ha-amar*.” Nevertheless, the plain reading of the Talmud implies that action is of primary importance.

^{vi} Jonathan Sacks, *Radical Then, Radical Now: The Legacy of the World's Oldest Religion* (London: Harper Collins, 2001).

^{vii} Zvi Kolitz, *Confrontation: The Existential Thought of Rabbi J. B. Soloveitchik* (Hoboken, NJ: Ktav Publishing House, 1993).

^{viii} Question posed by Dmitry Karamazov in Fyodor Dostoyevsky, *The Brothers Karamazov* (New York: Barnes and Noble Classics, 2004), 537.

^{ix} Ben Redman, *The Portable Voltaire* (New York: The Viking Press, 1949), 437.

^x *Pirkei Avot* 1:12.

ents required to accomplish God's command in Leviticus (19:12) to “be holy.”

Although both Jews and Greeks placed great value in the attainment of knowledge, their starkly divergent attitudes towards knowledge underscore a deep philosophical difference between them. The pinnacle achievement of the ancient Greeks was the amassment of knowledge. In contrast, the simple read of the Gemara in *Kiddushin* quoted above implies that the action that learning leads to is the end goal; indeed, knowledge is meaningless without action.^v As Chief Rabbi of Great Britain Jonathan Sacks so eloquently puts it, “Philosophy represents truth thought, whereas Judaism represents truth lived. Greece is the paradigm of *hokmah* (wisdom), the search for knowledge of what is...Judaism ...is a series of truths that become true only in virtue of the fact that we have lived them.”^{vi} The English man of letters Mathew Arnold refers to the Jewish emphasis on knowledge as a guide to one's actions as “the Hebrew preoccupation with doing as opposed to the Greek concern with knowing.” “Right conduct,” continues Arnold, “is the prime concern of the Hebrew; right knowing, of the Greek. Duty and strictness are of conscience are paramount things in the life of the Hebrew; for the Greek it was the spontaneous and luminous play of the intel-

THE LONELY WOMAN OF VALOR

BY: Sarit Bendavid

The ideal role of the Modern Orthodox woman today is shrouded in ambiguity. Many women in the YU community, myself included, feel bombarded with conflicting values and expectations, only to be left in states of confusion as to what our place is as Jews. Throughout the ages, the question of the role of the Jewish woman was rarely asked. The paradigm of an “*Eshet Hayil*,” or Woman of Valor, as a homemaker and child-bearer was considered standard, just as the realm of Torah study was unquestionably attributed to men. In modern times, however, many women no longer accept their traditional roles blindly without serious questioning and searching. As more opportunities have become available to women in general in the last century, the Modern Orthodox community has also embraced a more equalized view of ritual performance, household duties, and education. Women today are encouraged to join in religious practices that were previously designated only for men, and are inculcated with the values of high academic achievement in both secular and Jewish Studies like never before. However, being an Orthodox woman in a more egalitarian society is not so simple. The new roles of the modern Women of Valor, who are educated and independent, frequently conflict with those of their traditional counterparts. In a way, this is a self-perpetuating problem; by embracing more opportunities for women, our community places in front of us an ideal of academic, professional, and religious excellence that challenges our other values.

At times, our community presents us with opposing ideals and expects us to choose one of them fully at the expense of the other. For instance, Stern College encourages women to be public leaders. It articulates in its online “Message from the Dean” that it is the college of choice “for women who wish to speak forcefully and effectively to the shared responsibility we all have for the future of the Jewish people, women who will make a difference in the world.”^{vi} On the other hand, Rabbi Hershel Schachter, the Rosh Yeshiva of the same institution, asserts that, “we [members of the Jewish community] only require and demand of the men that they compromise on their *tseni’us* and observe certain mitsvos in a *farhesya* (public) fashion. We do not require this of women.”^{vii} By maintaining that many public actions and roles, specifically reading a *ketubbah*, having an *aliyah* in *shul*, and, ultimately, being Rabbis, should be preferably performed by men, he seems to be supporting the traditional approach that women should preserve their sense of modesty, or *tseni’ut*, and lead more private and reserved lives. Assuming that both of these values are legitimate, how can women possibly reconcile

them and embody them both? These opposing expectations can never be met simultaneously; the only solution is for women to find the place of balance somewhere in between. However, many women do not know how to develop their niche of comfort among a myriad of mixed messages shooting at them from all different angles.

At other times, our community is not always ready to fully embrace the repercussions of offering women more opportunities. Although supportive of the Feminist Movement, our community is hesitant to progress too rapidly and veer from the traditional path. Therefore, they prescribe for us a safe place of compromise between two extremes and expect us to strive for neither one in its entirety. For



Source: www.judaica-art.com

example, we are encouraged to be well-versed in religious texts, yet studying Talmud, the most intellectually demanding aspect of Torah study, is reserved mainly for men. Both extremes, ignorance and academic excellence, are not befitting for women, and we therefore must find the exact place in between. This “happy medium” empowers women to be challenged, yet it hinders us from achieving full mastery in any field.

Hence, the problem is two-fold: on the one hand, women must find their own places of balance between opposing values, while on the other hand, our community at times provides us with its own ideal form of compromise, forfeiting our attempts to commit fully to any singular direction. Either way, we are in essence being bred, whether directly or by default, to strive for mediocrity. Although there is no solution to this pressing issue, it is important to raise awareness of this challenge that many women face.

Anthropologist Sherry Ortner explains why many women are taught to be merely intermediate in relation to men. In a larger dis-

cussion that explores the origins of patriarchy, Ortner theorizes that female subordination developed and sustained itself for millennia because women are seen as having closer ties to nature as a result of their ability to procreate. Since our society is based on culture, which aims to transcend the natural world, men are therefore viewed as superior for their detachment from nature. Men represent pure culture, while women straddle the fence, playing their roles in the spheres of nature and culture; hence, women are intermediaries between these two realms, not expected to excel in either field. Ortner speculates that women’s intermediacy between nature and culture implies ambiguity about their character. She paints a picture of the situation as follows: male-dom-

roles to be ambiguously defined. The term “culture” in Ortner’s work might be replaced with organized Judaism, which also attempts to create a way of life that transcends natural desires and impulses by infusing life with a higher meaning. Within our community, women are encouraged to learn Torah and participate in acts of religious worship. However, men are ultimately at the center, for it is unequivocally their role to uphold the Jewish Tradition. Classes entitled “Women and Halakhah” or “Women and the Mitsvot,” for instance, are often offered in Stern as well as in its feeder seminaries because Halakhah must be qualified for women. Yet such classes for men are inconceivable, for men and Halakhah are unquestionably and inextricably connected. Hence, women remain as intermediaries between the worlds of nature and religion, for they are so tightly bound to their natural roles as mothers and child-bearers. The implications of this state of intermediacy are as follows: our ideal roles are ambiguously, even at times contradictorily defined, and we are therefore limited from reaching great heights in any singular field.

Just like Rav Soloveitchik’s *Lonely Man of Faith*, the modern Woman of Valor asks, “what does the great challenge reaching me from beyond the fringes of the universe as well as from the depths of my tormented soul mean?”^{iv} She feels existentially lonely in search for a sense of worth and grounded security, yet her means in accomplishing this are unclear to her. Similarly, I find myself constantly questioning my role as a woman, whether within the Jewish Orthodox framework or the larger culture of 21st century America. I define myself as a feminist who supports equal rights and opportunities for both genders, and these tendencies tell me to embrace more progressive roles for women. However, I view gender differentiation as positive support of natural distinctions between men and women. I instinctively comply with the traditional notions of women and remain within the confines of stereotypical womanhood. At times, I feel like I am walking a tightrope while I strive to reconcile the progressive and traditional forces inside of me that are fighting against each other to push me off of the slender string. Sometimes it seems as if my life is a circus stunt that an average individual should not be expected to perform. Although I am thankful for the opportunities that are available to me now as a woman, the challenges that I face frustrate me and often fill me with bitterness. Our roles as Orthodox women are so hazily defined at this point, and the perfect balance is not easy to locate.

Though there is a large range of opinions concerning women’s roles within Orthodoxy, the Jewish tradition is founded upon the separation of spheres. For example, women are ex-

inated culture is “a small clearing within the forest of the larger natural system. From this point of view, that which is intermediate between culture and nature is located on the continuous periphery of culture’s clearing.” This image may explain, continues Ortner, “how a single system of cultural thought can often assign to woman completely polarized and apparently contradictory meanings, since extremes, as we say, meet.”^{viii} Since women figuratively stand on the outskirts of the clearing made for culture, Ortner explains that they receive a complete spectrum of values from the male-dominated center, including ones that diametrically oppose each other. The woman who attempts to embrace two values that conflict and counteract each other is left in a state of intermediacy, not having excelled in either one, while men are presented more consistently with values that enable them to follow one straight path unreservedly.

Ortner’s picture of men at the center of cultured society and women at the periphery can be employed as a model to explain why many Modern Orthodox women find their

Toto, We're Not in Kansas Anymore

BY: Rena Wiesen

empt from performing time-bound commandments and are not obligated in the central Jewish commandment of learning Torah, although they are praised if they choose to do so. On the one hand, I believe that since women have more time and resources to devote towards the type of education that was unavailable to them in the past, they should embrace the voluntary challenge of performing additional commandments and devote their energies towards learning Torah. Opportunities have opened up for women in all arenas since the feminist revolution and those opportunities should not be thwarted within the Orthodox community. However, I respect the Jewish communities that do not support progressive roles for women lest they be distracted from their natural roles of bearing and raising children. As an Orthodox Jewish feminist, I am torn between my religious tradition and my feminist sentiments.

After reflecting upon some struggles that I face as a Modern Orthodox woman, the only answer that I find satisfying is to find the balance between the opposing forces wrestling inside of me. But am I stopping myself short by not choosing any direction fully, merely finding someplace in the middle that gratifies neither sentiment completely? While I juggle so many different ambitions, my pursuit of any one of them loses intensity and fervor. Is balance really just a cop-out? In the meantime, balance is the best answer that I have. But I worry; are Modern Orthodox women destined to always remain in this state of in-between, never able to excel in any sure direction?

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For hundreds of years, Jewish religious worship was centered in the Temple. Sacrifices, rituals of the Day of Atonement, gatherings of men, women, and children on Sukkot of the *Shemittah* year for the *Hakhel* reading, all created a focus on the Temple as the place to which one comes to be close to God and revel in His presence. Although the first Temple was burnt down, only seventy short years later, a new one was rebuilt and ritual life continued.

One can only imagine the shock and despair that overtook the Jewish people when the second Temple was destroyed in 70 CE. Life as they knew it came to an abrupt halt, and now they had to deal with the new reality they faced: how do they continue being Jewish without a temple? How can one's sins be

loaves and the showbread from them. Let us not drink water, for they used to offer libations from it on Sukkot." They were silent.

Rabbi Yehoshua made it clear that it was necessary to adapt to the new circumstances in order to preserve Judaism for the coming generations, but how should one go about doing so?

One thing was crystal clear: it was absolutely imperative to defend the validity of Scripture and the Oral Law from the groups, both Jewish and Christian sects, who rejected the Oral Law. By remaining true to the text and its traditions, Judaism would survive against their attacks. However, it was also important to recognize the "dynamic" quality of the law, which would allow Judaism to adapt to the changing times.ⁱⁱ

God knew that the laws of this Torah needed extension or contraction, when-



Source: www.spacegoddess.net

atoned without the rituals of the Day of Atonement conducted by the High Priest in the Temple?

In short, the dilemma was one that Jews have encountered time and time again throughout history: how does Judaism endure when reality changes?

This is the very question with which the Pharisee leaders, who at that time first became referred to as "Rabbis," struggled. They knew that mourning was necessary, but that it had to be limited at some point, and life had to continue. The *Tosefta* in *Sotah*ⁱ describes how, after the destruction, there were many ascetics who refused to drink wine or eat meat. Rabbi Yehoshua asked them why they would not eat meat, to which they replied: "How can we eat meat? Every day the daily sacrifice used to be offered upon the altar, and now it is no longer [offered]." When he asked why they would not drink wine, they answered similarly: "How can we drink wine? Every day it was poured out for libation on the altar, and now it is no longer [poured]." Rabbi Yehoshua responded: "Let us not eat even figs and grapes, for they used to bring first-fruits from them on Shavuot. Let us not eat bread, for they used to bring the two

ever place, event and circumstances so required,... He therefore empowered the sages of every generation, ... to repeal some of the positive commandments of the Torah and some of its prohibitions, whenever the special situation and event so required. However, such a repeal should not be made for ever ... By this arrangement, the Torah preserved its identity, but allowed proper treatment for each time and event.ⁱⁱⁱ

Armed with the firm belief in the truth of the halakic system, the Rabbis developed creative solutions to the issues of the day.

One burning concern was where the religious rituals would take place now that there was no central temple. The solution was the synagogue. Synagogues already existed around Israel, even in Jerusalem, before the destruction of the second temple. The Theodotus Inscription in a synagogue in Jerusalem tells us the functions of the synagogue as a place for the reading of the Torah, the study of the commandments, the housing of guests, and the provision of food for those in need.^{iv} After the destruction, the synagogue became the primary holy place in which worship would occur. In-

scriptions on the Ein Gedi and Beit Alpha synagogues also contain biblical themes, calendrical matters, and names of builders or donors.^v Worship moved from one central location to individual communities.

There were also economic matters that needed to be attended to. The Jewish community of Palestine was in ruins, with the land taken over by the Romans. The Rabbis enacted legislation that helped reestablish the community. The Mishnah in *Gittin*^{vi} describes the law of *sikrikon*, (literally "thief" in Greek) a Roman soldier to whom Jews sold their land in exchange for their lives, who then sold the land for a profit.

If a Jew bought land from a *sikrikon* and subsequently bought the land from its original [Jewish] owner, the sale is void.^{vii} If he bought the land from the original owner and then paid the *sikrikon*, the sale is valid... This is the teaching of the earlier Rabbis. A later Rabbinic court said: Whoever buys land from a *sikrikon* must pay the original owner a fourth [of the value of the land]. When is this? When they [the original owners] do not have [the sum of the value of the land] in their possession, but if they do have [the sum of the value of the land] in their possession, they precede any man [in the right to buy back the land]. Rabbi [Judah the Prince] convened his court [to discuss this law] and they decided that if the land was in the possession of the *sikrikon* for twelve months, whoever bought the land first has the rights to it, but he must pay the original owners a fourth.

The law provides a way for Jews to repurchase the land from the Romans and help reestablish the community.

Rabbi Yohanan ben Zakkai also instituted a number of enactments that preserved Jewish ritual practice outside the Temple, and established Yavneh as the new spiritual center. This included calendrical matters, such as determining the new month, and the testimonies accepted for this determination, as well as the controversial decision to blow the *shofar* on Rosh ha-Shanah even if it fell on the Sabbath.

The adaptation of the Rabbis to the new situation included many new and sometimes controversial elements. This was just the first of many occasions in which this would be necessary. One of the most significant times, subsequently, was seventeen hundred or so years later, in the 18th century Enlightenment, when these same values would be challenged, and again, Rabbis would have to evaluate how to reconcile ancient tradition and a new world.

The Age of Enlightenment brought with it enormous change and an emphasis on reason, personal freedom, liberty and natural rights. Radically departing from the religious authority of the Middle Ages, the Enlightenment taught people that reason is the primary legitimate source of authority. Moses Mendelssohn, the father of Jewish Enlightenment, therefore distinguished between two

ⁱ Dean Karen Bacon in her "Message From the Dean," available at: http://yu.edu/stern/page.aspx?id=1892&ekmense=15074e5e_1684_1_686_1892_1

ⁱⁱ Rosh Yeshivah Rabbi Hershel Schachter in his June 2004 lecture on *Parashat Devarim* entitled, "Can Women Be Rabbis?" Available at: http://torahweb.org/torah/2004/parsha/rsch_dv_olim2.html.

ⁱⁱⁱ Sherry Ortner, "Is Female to Male as Male is to Culture?" *Woman, Culture and Society*, ed. by M.Z. Rosaldo and L. Lamphere (Stanford, CA: Stanford University Press, 1974), 67-87.

^{iv} Joseph B. Soloveitchik, *The Lonely Man of Faith* (New York: Doubleday, 2006), 20-21.

types of truths in the Bible: eternal and historical. The eternal truths were based on reason and on metaphysics that were universal for all of mankind. The historical truths, though, are specifically Jewish law, as they were given to the Jews by revelation at Mount Sinai. Therefore, advocates of Jewish enlightenment said, religion should be guided by human will and action, not by belief or dogma.^{viii} Spinoza also believed that the jurisdiction of the Rabbis and their authority collapsed with the destruction of the Second Temple. Rabbis today, he asserted, have no right to enforce Jewish law among members of the community. As a result of this, many Jews stopped observing Jewish law, and began viewing Torah simply as an ethical guide. Assimilation and intermarriage became serious dangers.

It was against this backdrop that official groups called Orthodox, Conservative, Reform, and Reconstructionist Judaism developed. Like the Pharisees in the second Temple who defended the validity of the Oral Tradition against the Sadducees, Samaritans and other sects who would recognize only the written Scripture, Orthodox Jews stood firmly by the validity, relevance and legislature of Scripture and Oral law, at a time when other groups were dismissing it as an outdated book of law, or reinterpreting tradition to fit the spirit and the culture of the time. In the 19th century this spirit was progress; in the 20th century it also included such ideals as freedom, equality, democracy and autonomy.^{ix} This struggle, in fact, continues today, as secularized Jews in America continue to abandon their halakhic observance and assimilate at an alarming rate. This time, rather than simply contending with a fear that Judaism would cease to exist the rabbis have to find a way to reconcile and integrate the ancient traditions of Torah with the modernist ideals of the secular world, which had literally changed the thinking of the entire Western world.

Two of the most popular approaches are those of the ultra-Orthodox, who isolate themselves from secular society and live in insular communities, and the Modern or Centrist Orthodox, who believe that integrating the best of the secular world into their Torah lifestyle actually enhances it.

Placing these two monumental world changes that had such tremendous impacts on the Jewish community side by side, and comparing the responses of the Rabbinic authorities in each situation, we have to wonder why their reactions differed so much in each case.

There is no one clear answer, and possibly not even any answer, but there is always room for speculation. From a more pragmatic perspective, maybe one can argue that it has to do with how much Torah and Halakhah were adhered to as binding legislature. At the time of the Temple's destruction, the laws as stated in Torah and explicated by the Oral Law were strictly followed in the Temple service. Once the Temple was gone, and its ritual worship became an impossibility, the Rabbis had to reinterpret and reapply halakhic concepts to almost reconstruct Judaism for the new reality.

Moreover, without this reapplication that

led to a different model of ritual worship, there would be no more Judaism. It was absolutely imperative that the rabbis adapt Jewish practice, because there was no way that Judaism could continue otherwise. However, they never rejected any of the law as obsolete and not legally binding. Torah never became, as it did for Reform, simply a moral and ethical guide that is not meant to be taken as actual law.

After the Enlightenment, however, there was no danger that Judaism would actually end. Religion could still be observed the way it had been for the past thousand years, by those who wished to observe it that way. The issue was, now that we have this new set of ideals called Modernity, can Judaism incorporate some of them into our religious lifestyle, or if we open the door slightly to allow in some good ideals, will it subsequently be shoved open too wide for us to control the incoming tide? Perhaps the ultra-Orthodox saw the potential dangers and decided to simply slam the door without testing the waters. Modern Orthodoxy, on the other hand, saw the potential of the good, and was willing to allow a small, carefully filtered, stream of pure spring water to trickle in.

On a more fundamental level, though, perhaps Modern Orthodoxy views Modernity as being as monumentally significant as the *Hurban* was. As such a dramatic and new change that has so clearly and widely impacted the world, it requires not just a passive reaction that refuses to have anything to do with new issues that arise, and does not wholeheartedly embrace the changes without suspicion, but a conscious and proactive search for value in this new entity, even if it is secular.

Two hundred years after the Enlightenment, we are still evaluating. With the changing times, some technical points have changed. But what we must keep asking ourselves is: even with those necessary changes, are we succeeding in maintaining the true spirit of our Jewish tradition and commitment to Halakhah the way it was two thousand years ago?

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ⁱ 15:10-15.

ⁱⁱ Ze'ev Falk, "Jewish Religious Law in the Modern (And Postmodern) World," *Journal of Law and Religion* 11,2 (1994-1995): 469.

ⁱⁱⁱ Moses Maimonides, *Guide of the Perplexed* 3:41, quoted in Falk, 469.

^{iv} Quoted in *Texts and Traditions: A Source Reader for the Study of Second Temple and Rabbinic Judaism*, ed. by Lawrence Schiffman (Hoboken, NJ: Ktav Publishing House, Inc., 1998), 431-432.

^v Schiffman, 431.

^{vi} *Gittin* 5:6.

^{vii} Since the original owner sold it out of fear of the *sikrikon* and did not intend the sale to be final. (Schiffman, 470)

^{viii} Falk, 466.

^{ix} Falk, 471.

An Interview with Rabbi Elchanan Adler

BY: Staff

Editor's Note: The following article contains questions posed to R. Adler which he answered in writing.

What are the major challenges and/or opportunities facing Orthodoxy in the 21st Century?

Merubim tsorchei ammecha – there are countless challenges facing Orthodoxy in the 21st century. These include: the spiraling cost of yeshiva/day school education; Orthodox attrition/kids at risk; social agendas that tear at the fabric of family values (e.g. the clamor for same-gender marriage); the precarious political situation in *Erets Yisrael*, and many others.



Source: www.riets.edu

Ve-ha-oleh al kullanah – perhaps what makes grappling with these and other issues so complicated is the phenomenon of globalization which thrusts everything instantly into the public eye. In an age of globalization, the potential for creating a *kiddush Hashem* or, *chas veshalom*, the reverse, through our collective and individual conduct, is magnified exponentially. The stakes could not be higher.

In terms of opportunities, the marvels of modern technology open up whole new vistas for *harbatsas Torah*. Disseminating Torah on a mass scale can be a step toward the literal fulfillment of the *pasuk*: "*Ki male'ah ha-arets de'ah es Hashem*." It is mind-boggling that so many people, from such diverse backgrounds, can log onto sites like YUTorah.org and learn Torah 24 hours a day. Having grown up with this type of technology, *talmidim* may take it for granted, but, in fact, if we really contemplate the implications of *talmud Torah* on the internet, it is nothing short of extraordinary.

At the same time, we must insure the primacy of the traditional model of *talmud Torah*. Online shiurim, even with video-conferencing and interactive capabilities, cannot substitute for the face-to-face experience of a *talmid* who imbibes Torah from a rebbe "*ke-nesinasah*" (as it was given at Sinai). It goes without saying that a "virtual beis midrash," no matter how sophisticated, cannot replicate the charged atmosphere of a live beis midrash and the booming *kol Torah* echoing off its physical walls.

Additionally, it is critical that the popu-

larization of Torah serve to enhance, and not diminish, the role and status of *gedolei Torah* and *posekei Halachah*. With so much information at one's fingertips, it can be tempting to read a little here and there and think one "knows it all" instead of asking appropriate *shailos* and appreciating the depth of *talmud Torah* and the nuances of the halachic process.

Finally, even as we actively harness modern media in the service of Torah, we must be ever-conscious of the risks and dangers associated with the internet. (This problem is one about which Dr. Pelcovitz of YU's Azrieli Graduate School, as well as many others, have warned about at length.) With the casual flick of a button one can instantly be exposed to the worst kind of filth, vulgarity, gossip, and more – the spiritual and emotional effects of which can be devastating. Frequent "surfing" of the net, even without encountering anything inappropriate, is, at best, an unhealthy distraction from more productive use of our time and, at worst, can become a serious addiction. Like the proverbial *Etz ha-Da'as*, the internet is an entity where "*tov*" and "*ra*" (good and evil) coexist in close proximity to one another. It is imperative that we build appropriate walls and safeguards to help us avoid falling victim to the dangers inherent in the worldwide web.

The perennial question of finding a proper balance between being "a part of" larger society and "apart from" the prevailing culture will need to be constantly re-examined in the context of the ever-changing world in which we live.

How have issues facing Orthodoxy changed over the past fifty years?

Fifty years ago, few predicted the extent to which Orthodox Judaism would become revitalized. Then, the issues facing Orthodoxy concerned basic survival – material and spiritual. While we should certainly not wish to turn back the clock, it is unfortunate that this generation cannot fully appreciate the *mesirus nefesh* (self-sacrifice) that went with living as a *frum Jew* just a few decades ago. Ironically, our primary issues today (notwithstanding the current economic crisis and individual cases of poverty) have more to do with the *nisayyon ha-osher* – excessive materialism, conspicuous consumption, and character and behavioral flaws that stem from attitudes of smugness and entitlement.

Is there a definition of Modern Orthodoxy? If there is, what is it?

Modern Orthodoxy is a "loaded" term which can mean radically different things to different people. Sadly, in some circles it represents an ideology which pays lip service to the primacy of Halachah while advocating compromise whenever Halachah conflicts with personal or communal predilections. The term

“Modern Orthodoxy” is sometimes perceived as synonymous with a lack of *yir'as shamayim* and a half-hearted commitment to the minutiae of Halachah. For others, however, being “Modern Orthodox” is a badge of honor that characterizes the courage to engage the outside world while remaining proud, halachically-committed Jews. It reflects an openness and willingness to embrace the best of what the secular world has to offer and a conviction to make a difference in the world while being informed by the values of Torah. This latter description is obviously the one espoused by Yeshiva University.

As much as the phrase “Modern Orthodoxy” can be a convenient term (especially for sociologists and journalists analyzing community trends), I believe that an over-reliance on labels such as these is counterproductive.

Firstly, many people who are comfortable with the broad ideology of “Modern Orthodoxy” (in its positive sense) have vastly different conceptions of what that means in practical terms. Moreover, there is a natural tendency to link Modern Orthodoxy with specific stances on certain controversial, hot-button issues. It is, therefore, a gross generalization to place everyone who believes in being non-insular, and therefore “Modern Orthodox,” under the same ideological roof.

Secondly, and perhaps more importantly, dogmatically branding oneself as “Modern Orthodox” breeds an attitude, consciously and subconsciously, that Jews who are more insular are “the other.” The trend to pigeonhole fellow Jews by focusing on aspects in which they differ from us is already all too prevalent in the Orthodox world today, and we ought not reinforce it. For one whose core beliefs are molded by Torah, it should seem most natural to think of him/herself simply as a “Torah Jew” who, while passionate about a particular vision of Torah, can nonetheless respect Jews across the spectrum.

As an aside, I have always been personally uncomfortable with labeling. Perhaps it is because I was raised on the Lower East Side, where elderly *Yiden* with *shtreimlech* would regularly *daven* alongside kids with *kippot serugot*. The neighborhood was filled with all kinds of Jews (including its share of colorful characters), but everybody managed to get along. On East Broadway, across the street from where I grew up, was “*shtiebel* row” – a string of *shuls* along the length of the street. Each year, during the week of Yom Ha'Atzmaut, the “Mizrachi” (which, ironically, had its *Aron Kodesh* facing West) prominently displayed an Israeli flag outside its window, which was literally next door to the *Boyaner Kloiz*. The *mispallelim* of the respective *shuls* greeted each other warmly that Shabbos as on each and every Shabbos.

To what extent does YU fit into the broader Yeshivah World and how?

I often emphasize to *talmidim* the importance of appreciating the bond that they share with *benei Torah* everywhere. The *Olam ha-Yeshivos* is today's link in the masorah of

Torah. The Torah that has been transmitted in our yeshivah since its inception is part of that same glorious process that began with “*Moshe kibbel Torah mi-Sinai u-mesarah li-Yehoshua.*” We analyze the same *sugyos* – the same *Rishonim*, *Acharonim*, *Rambams*, *Ketsosen*, *Rabbi Akiva Eigers*, *Rav Chayyim*, etc. – that are studied in yeshivos everywhere. The rabbeim at YU, both past and present, include *gedolei Torah* of the highest caliber.

The differences that exist between *benei Torah* at YU and those of other yeshivos – whether in terms of external dress or in matters of hashkafah – pale in relation to the common enterprise of *mesiras ha-Torah*, our shared vision on the centrality of *talmud Torah*, and our fastidious commitment to *shemiras hamitsvos*. *Talmidim* at YU need not feel conflicted or apologetic about those areas of hashkafah where they differ from the mainstream yeshivah world, whether this concerns attitudes toward the State of Israel, *limmudei chol*, women's learning, etc. Our *masorah* is broad enough to accommodate a variety of hashkafos on many of these issues. At the same time, we should also maintain a healthy respect for opposing views and work to insure that

“The differences that exist between *benei Torah* at YU and those of other yeshivos - whether in terms of external dress or in matters of hashkafah - pale in relation to the common enterprise of *mesiras ha-Torah*, our shared vision on the centrality of *talmud Torah*, and our fastidious commitment to *shemiras hamitsvos.*”

hashkafic differences not be used to fan the flames of personal and communal tensions.

A *bachur* who leaves YU for the Mir or Lakewood (or any of the other yeshivos in the constellation of the *yeshivish* world) should not be regarded as a “loss” any more than one who leaves from, say, Ner Yisrael to Mir or Lakewood. Assuming the decision is properly thought out and seems consistent with the *talmid's* goals and interests, YU should take great pride in having fostered within the *talmid* a strong sense of *ahavas ha-Torah*. (Obviously, it is hoped that such *talmidim* continue to maintain an appropriate measure of *hakkaras ha-tov* to our yeshivah.)

One way YU distinguishes itself from most other yeshivos is in its ability to educate and inspire *talmidim* in a variety of directions – ranging from a life of *Torah lishmah*, to professions of *kelei kodesh* (*mechannechim* and *rabbanim* who devote themselves to the spiritual needs of *Kelal Yisrael*), to what President Joel affectionately refers to as “lay *kodesh*” (committed *balabatim* who see themselves in the service of the Jewish community and of humanity at large and who are *kove'a ittim la-Torah* despite their hectic schedules). The ability to value and actively develop differing paths in the service of Hashem – “*u-bilvad she-yechavven libbo la-shamayim*” – rather than espouse a “one-size-fits-all” hashkafah, is probably our yeshivah's biggest strength.

All of this concerns how YU should relate to the broader Yeshivah World. How the Yeshivah World relates to YU is a broader discussion. Politics aside, the caliber of Torah

learning and Torah scholarship emanating from YU has long been quietly acknowledged and respected by many in the *yeshivishe velt*. This was in large measure due to the Rav's towering presence at YU. To this very day, *talmidim* of our yeshivah who spend time in other yeshivos are often regarded as being from among the top *masmidim* and learners.

While I am not a sociologist, my impression is that the past twenty years has seen a narrowing of the ideological divide between YU and the Yeshivah World. Some of the “hot-button” issues that played out in the '60s and '70s have since run their course, and, with it, much of the stridency in rhetoric. As a point of interest, both Rabbi Shulman and I joined YU's Gruss Kollel Elyon in the late 1980s after learning in “right-wing” yeshivos. I was attracted in part by the combination of high quality learning and the opportunities for *harbatsas Torah* that were incorporated within the Kollel Elyon's program.

In recent years, there seems to have developed a greater degree of tolerance and appreciation by some segments of the Yeshivah World for YU and its mission. While sharp ideological differences still remain, and old taboos

are not easily broken, there have been some hopeful signs indicating a willingness to look forward rather than backward and focus on what unites us rather than on what divides us. To the extent that this picture is true, it bodes well for the future of *benei Torah* everywhere.

How much emphasis should we place on keiruv (outreach) with unaffiliated/non-religious Jews versus dealing with currently religious Jews? How should one relate to members of one's family whose affiliation with Judaism is different from one's own?

Keiruv is one of the most important ways to be *mezakkeh* the *rabbim* (to create merit for the collective). It is literally “*hatsalas nefashos*” and should certainly be a high priority on the communal agenda. As far as the *yachid* is concerned, a lot depends on one's personal abilities and inclinations. Some people are better at *keiruv* than others.

As a rule, one should be genuine, sincere, and warm, whether with family, friends, or neighbors who are not observant. Living what we preach is more important than preaching it. Routine interactions – whether at work, in our neighborhood, or in the supermarket – can unknowingly serve as acts of *keiruv*. It is also important for people to sense that we value them as people, not just as “*keiruv* opportunities.” Nobody likes to be manipulated or controlled. People will be most inspired to learn and grow in their commitment when they feel that we are “real” with them.

To what extent should community rabbis be independent of well-known posekim in their own pesakim?

As a rule, every *rav* needs to recognize his own limits. Not every *rav* is a competent *posek*. A *rav* may have proficiency in one area of Halachah but not another.

If a *Rav* is genuinely qualified to *paskan* a given *shailah* independently, and the *shailah* is of a lighter nature (i.e. finding a mistake in a *sefer Torah*), he can take the *acharayus* on his shoulders even if his *pesak* is not consistent with the most mainstream approach. If the *pesak* has broader ramifications or if it is likely to generate some controversy, it would be best to consult and discuss the issue with others. When a *shailah* involves very weighty matters, such as life and death issues, one should almost always rely on established *posekim* who deal regularly with *shailos* of this nature.

Anyone even partially familiar with the literature of *she'eilos u-teshuvos* will notice how common it was to seek the consent of others when rendering a *pesak* on weighty matters (i.e. *inyanei ishus*). (Indeed, it has been said that reading through *Teshuvos Rabbi Akiva Eiger* is like learning a *sefer musar*.)

How should the Modern Orthodox community respond to women's desires to participate more completely in Jewish ritual life and leadership within a halakhic constant?

This is a delicate and complex topic. Let me sketch a few general impressions.

1. We need to realize that while the Torah and Halachah in no way discriminate against women, it is unfortunate that traces of chauvinism exist, on a conscious and subconscious level, within the Orthodox Jewish community. To state the obvious: women are full members of the Jewish community and are endowed with the same *kedushas Yisrael* as men. Women's needs and feelings are no less important than men's, and each woman's individuality should be respected and appreciated.

2. It is clear that many of the fundamental tenets of the feminist movement are antithetical to the spirit, if not the letter, of the Halachah. (See the famous *teshuvah* of Rav Moshe Feinstein, *zts"l*, to Rabbi Yehuda Kelemer in *Iggeros Moshe*, vol. 4.) At the same time, all of us are influenced, to some extent, by the cultural and societal mores of the times in which we live. It is unwise in our day and age to impute illegitimate motives to individual women who may well be entirely sincere in their quest. It is essential to relate to women who demand a greater role in religious life with understanding and sensitivity even if their requests are not consistent with halachic instincts and cannot ultimately be sanctioned.

3. With regard to women's prayer groups, it is well-known that both Rav Moshe Feinstein, *zts"l*, and Rav Soloveitchik, *zts"l*, were adamantly opposed to them. Besides specific halachic objections (see, for example, the essay in Rav Hershel Schachter's “*Be-Ikvei ha-Tzon*”), the crux of the opposition seemed to be based on the halachic “intuition” of these

gedolei ha-dor that this practice sets an unwise precedent and runs counter to the spirit of the Halachah, even if ways can be found to justify it on technical halachic grounds. All of this does not necessarily negate the “religious experience” or spiritual high that the participants feel. Again, it is important to react with understanding, even when disagreeing.

4. In terms of women’s learning, the Chafets Chayyim already opened the door for contemporary women to study more than what they had been traditionally taught throughout the ages. His basic reasoning was that with the breakdown of the ghetto walls and the easy access to much worldly knowledge that could potentially threaten the *masorah*, women needed to be empowered with Torah knowledge. Various *posekim* discuss the scope of this dispensation in terms of curriculum. As is well known, the Rav felt strongly that women may study *Torah she-be-Al Peh* to the same degree as men, and it is this view that has been adopted in the YU community today. But it is important to realize that the Rav’s position was essentially an extension of the reasoning of the Chafets Chayyim and an application for contemporary society, not an innovation of his own. (On a personal note, I would add that although the Chafets Chayyim himself did not advocate that women study *Torah she-be-Al Peh*, my maternal grandfather, who was a *talmid muvhak* of the Chafets Chayyim, studied Mishnayos with his daughters.) It seems intuitive to me that when choosing a *Torah she-be-Al Peh* curriculum for women, priority should be given to topics which have relevance *Halachah le-ma’aseh* (i.e. Shabbos, *kashrus*, etc.).

5. It is obvious that as much as Rav Soloveitchik was a strong advocate for women’s learning Torah, he would have been deeply disturbed by many of the egalitarian innovations that have surfaced recently within the fringes of Orthodoxy, including the recent granting of a quasi-*Semichah*. I fear that some of these reforms come dangerously close to solidifying a permanent, irrevocable fissure between a separatist “Open Orthodox” movement and the rest of “Torah Judaism.” It is reassuring that the various *Torah she-be-Al Peh* programs for women run under YU auspices have succeeded in empowering women with a high caliber of Torah learning while remaining within a traditional framework.

Does Halakhah change based on changing circumstances? (For example, should pesakim in kashrut in areas such as beli’ot and noten ta’am change based on the realities of modern cookware?)

The topic of how changing circumstances impact Halachah can be the subject of many shiurim. There are all kinds of variables to be considered such as the nature of the *din* – whether it is a *de-Oraysa*, *de-Rabbanan*, *takkanah*, *minhag*, etc. There are many *sugyos* that bear on this topic.

The short answer is that, generally speaking, even when changing circumstances yield different halachic conclusions, it is not Ha-

lachah that changes but rather its application. Sometimes, the halachic parameters need not reflect the actual *metsei’us*. An example would be the recent *Birkas ha-Chammah* on Erev Pesach which did not conform to the actual astronomical equinox. Another example is what the Rambam states concerning *tereifos* (animals not expected to live out the year because of a wound) – that those defects listed by Chazal as *tereifah* remain in that category even if we might find today that some of these animals can survive for more than a year.

(For those who wish to research this subject, there is an excellent *sefer* called *Hishtan-nus ha-Teva’im ba-Halachah*,” by Rabbi Neriya Gotel, which discusses many ramifi-



cations of this issue and contains a wealth of detailed information.)

Should/has our attitude toward the State of Israel changed as a result of the Hitnattekut (Disengagement) from Gaza?

It is easy to feel bitter toward the government of Israel for having pushed through what now, in retrospect, clearly seems to have been an ill-advised and poorly-executed decision. What makes this saga particularly tragic is the terrible emotional toll that it took on the former residents who, till today, have yet to recover. It has taken grassroots efforts, like those of Rav Yosef Rimon of Yeshivat Har Etzion in the founding of Job Katif, to help many individual families rebuild their lives. Again, it is hard not to feel betrayed by the Israeli government for uprooting its citizens and not having ensured a smoother transition for those whom it displaced.

And yet, it is important to realize that while hindsight is twenty-twenty, the decision at the time had the backing of many security experts. While one may disagree vehemently

with a given political decision of the Israeli government, one should channel these sentiments into a medium appropriate for a democratic society. Only through such an approach can one hope to make a positive difference in the future. To “disengage” from the State as a result of feeling betrayed means having less of a voice in the future. One certainly hopes that there will be no further “disengagements.” However, if, *chas ve-shalom*, Jews are again evacuated, then, at least, the appropriate lessons can be learned to see to it that the government does all in its power to ensure that those affected will suffer minimum stress in the process.

It is also important to realize that, sepa-

However, consultation with *da’as Torah* should not take the place of thinking through an issue for oneself. In fact, it is critical that we think through our feelings and options before consulting with *da’as Torah* because our perspectives affect the way we present information to others and are often vital factors in determining the *eitsos* we will be given.

Most “*da’as Torah*” personalities do not impose their view on the questioners and do not regard it as a binding *pesak*. Nevertheless, one should give their advice careful and serious consideration before rejecting it. More often than not, upon some reflection, the “*da’as Torah*” offered will resonate with the questioner and is not in the realm of “*yamin she-hu semol*.”

Da’as Torah has, unfortunately, become somewhat politicized to the extent that it is sometimes publicized that “*da’as Torah* on this topic is such-and-such,” when, in fact, it is only representative of a particular community or approach. It is important to remember that while a particular *kol kore* may represent *da’as Torah* for the community from which it emanates, it is not necessarily binding on those from other communities with other circumstances and with different *masoros*. I think it is vital for every community and individual to have someone whose counsel is sought for halachic and hashkafic guidance.

Should there be a unified rabbinic authority, like the Israeli Rabbanut, to determine key socio-halakhic policies, like standards for geirut?

The question of establishing a centralized rabbinic authority in Israel has been debated since the founding of the State. The bottom line is a cost-benefit analysis: having a centralized authority preserves a uniform standard and keeps the Torah from being splintered into many Torahs. On the other hand, this comes at the expense of personal autonomy.

In an ideal world, individual *rabbanim* should be allowed to exercise autonomy in areas like *geirus*. Unfortunately, however, in contemporary society, such a model can yield disastrous consequences. Firstly, not all practicing *rabbanim* are qualified enough to make *geirus* determinations that will be accepted and respected by others. Secondly, we are fragmented enough as a people, and the alternative to uniform standards of *geirus* would be further fragmentation, even within the Orthodox community, with regard to the issue of “who is a Jew.”

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Source: secure.groundspring.org

rate from the saga of the *Hitnattekut*, the Israeli government has far from a clean record on many issues. Ant yet, there is still much *hakkaras ha-tov* that we owe the State of Israel for all which it does provide its citizens. While it is perhaps easier to see things in terms of black and white, it is important to also see the grey.

To what extent should we take into account da’as Torah when making life decisions that are not directly impacted by Halakhah?

The notion of consulting *da’as Torah* for non-halachic matters certainly has merit. After all, it should be our goal to infuse all aspects of our life with *kedushah* and Torah insight. When confronted with pivotal life decisions, being *sho’el eitsah* from someone wiser and more experienced – and certainly with a *gadol ba-Torah* or one’s rebbe – can be very beneficial. Even beyond the particular “decision” rendered, doing so helps one sort out the issue at hand. It is generally best to consult a *gadol* who understands one’s unique circumstances and background.

An Interfaith Dialogue

BY: Alex Luxenberg

On Thursday, April 23, 2009, I attended an interfaith dialogue at a mosque in Queens. I walked in and I was immediately smacked in the face by the pungent smell of Middle Eastern food. Bait uz-Zafar, the mosque in Holliswood, NY, was host to the conference entitled “The Role of Religious Leaders to Promote Peace, Love, and Harmony in a Diverse Society,” which should have been an indicator of the type of people that were going to attend. Besides me, there were two other Orthodox attendees, Rabbi Yehuda Sarna and Jordanna Birnbaum. Rabbi Sarna, the Hillel Rabbi at NYU, and Jordanna, a student at NYU, invited me to join them on this journey. Though Rabbi Sarna has had much contact with the Muslim community at NYU, he shared the feelings of suspense and excitement that Jordanna and I were experiencing as we went over the Triborough Bridge. Including Rabbi Sarna and me, seven men and one woman were wearing yarmulkes; three crosses were around people’s necks and one turban and a spattering of Muslim headwear were present in the room as well.

The societal differences between the communities represented were put aside, as the bonds between the different faiths began to form. I specifically use the phrase “societal differences” because that is exactly the arena that was addressed. In no way was this event geared towards an academic reconciliation or understanding of the different faiths involved. Nor was it intellectually stimulating. The speakers were offensively apologetic, except for Rev. Norris, a reverend in the Holliswood area, who mentioned Jesus about thirty-seven times in four minutes and miscounted the amount of commandments Jews adhere to (a point that was cleared up by one of the rabbis who spoke later in the evening). What was fulfilled by this evening?

I realized that the evening at the Holliswood Mosque was not unique. There are programs like this going on all over the world. There is an abundance of lectures that focus on how multiple faiths living in the same community can approach linking their ideals and goals with those of the other people living around them. It seems that on a local level, these types of meetings can be very practical and productive. Many of the participants gathered that night were local leadership, people working together to bridge the communal gaps that separate them. Yet I did not feel apart of this society. I did not leave the mosque with a feeling of empowerment and opportunity. I was not inspired by the various speakers to go home and continue the mission and goals they set out that night. I was alone, though comforted by the similarities I shared with Rabbi Sarna and Jordanna.

Perhaps I felt alone because I do not live in Holliswood, Queens, but I think it was more than that. I think that the very reason that the dialogue did not revolve around traditional text and meaningful debate is the same reason I felt

like an outcast. What would have been accomplished, from a communal perspective, if the evening were geared to the intellectual elite? Nothing. The point of the evening was to build friendships and create conversation. The goal was not to come to an existential peace between and within the representatives of various religions.

The evening started off with dinner provided by the mosque. Kosher and non-kosher food was offered, a consideration that impressed many of the Jewish attendees. I cannot but think of a better way to connect people socially than through food. The organizers of the

standing the culture and mores of other societies. Rabbi Kook, as quoted by Rabbi Shalom Carmy in his essay “The Nature of Inquiry: A Common Sense Perspective,” argues that:

“The highest state of love of creatures (*ahavat ha-beriyot*) should be allotted to the love of mankind, and it must extend to all mankind, despite all variations of opinions, religions and faiths, and despite all distinctions of grace and climate. It is right to get to the bottom of the views of the different peoples and groups, to learn, as much as possible, their characters and qualities, in order to know how to base love of humanity on foundations that

Though I am not making a claim as to the nature of religion, I do wish to say that I felt a disconnect between myself and the other people in the auditorium of the mosque. I felt like they were celebrating something foreign. I do not mean a different religion; I mean to say, not a religion at all. I did not recognize their plights and struggles; therefore, I could not offer a remedy. I cannot share my religious experiences with them and they cannot share theirs with me.

Thus, I feel it is important to engage in dialogue with other faiths, but not necessarily on the issue of faith itself, for it seems that the ravine that is created by the disparities of differing faiths is not one that can be bridged. But, I do suggest that there is opportunity for conversation beyond the arena of theology and law and it seems that my suggestion stands in good company. In an April 2003 *Forward* article, Rabbi Meir Soloveichik writes:

“Overlooked in the debate is that in issuing a set of guidelines to Orthodoxy’s Rabbinical Council of America, titled “On Interfaith Relationships,” the Rav [R. Soloveitchik] did not ban all Orthodox interfaith engagements. When it came to causes that were not strictly theological in nature, the Rav insisted that there was much that Orthodoxy and Christianity could accomplish together. All human beings, he believed, are charged by the Almighty to enhance the physical and moral welfare of humanity. In seeking the moral betterment of man, specific religious beliefs of Jews and Christians serve to unite rather than divide us.”

It seems that Meir Soloveichik understands the Rav to be suggesting, just as Rav Kook did, that it is important “to learn, as much as possible, their characters and qualities, in order to know how to base love of humanity on foundations that approach action,” in Rav Kook’s words. Soloveichik adds, however, that “While organizational dialogue on dogma was prohibited, The Rav insisted that Jews and Christians can, and should, dialogue on the distinctly religious morality that they share.” He continues:

“We live in an age in which the biblical-moral traditions that have guided us for centuries are increasingly being forgotten. Orthodoxy now shares certain moral commonalities with some Christians that it does not share with other Jewish denominations, such as certain views on abortion and homosexuality. While most Orthodox rabbis rightly refrained from signing “*Dabru Emet*” [a September 2000 statement enumerating a series of theological beliefs shared by Jews and Christians], we Orthodox ought to issue a statement of our own, one focusing not on theology, but on morality.”

According to Soloveichik, what drives the Rav to support conversation between faiths is the common biblical morality that they share. It is through this shared morality that two distinct religions can uphold the very ethics and mores that are purported in the Bible.



Source: www.comics.com

discussion decided to start the evening with food, not with a detailed discussion of sources or reading material. In no way was this evening an exercise in substantively appeasing and reconciling religious differences; in fact, on a religious level, it was no more productive than a dinner party!

So, indeed, the only thing accomplished at the conference entitled “Role of Religious Leaders to promote Peace, Love, and Harmony in a Diverse Society” was a social harmonization of a diverse town in a borough of New York City. Possibly that was the only goal of I. H. Kauser, the imam at Bait uz-Zafar. Is there value in balancing the differences between various outlooks, goals, morals, and traditions that exist in a multi-cultural society?

Throughout classic Jewish texts, we are warned against creating relationships with people of other faiths. The very reason given in the Talmud¹ for not eating food cooked by non-Jews is that one should not become acquainted with non-Jews for the fear that if one becomes familiar with a gentile, he will intermarry. Nevertheless, Rabbi Abraham Isaac ha-Kohen Kook maintains that there is value in under-

approach action.”

In other words, we should strive to understand the deepest complexities of the people that surround us. So, then, did I “get to the bottom of the views of different people” at this dinner?

I dug just deep enough to encounter that the religious communities that I was exposed to are based around spiritually, not textually, driven people – spiritually driven people who turn to religion for emotional consolation and existential unrest. In contrast, Rabbi Joseph B. Soloveitchik, in his book *Halakhic Man*, argues that not only does religion not relieve the spiritually lost man; rather, it even further removes him and advances his confusion. In footnote four of the book, the Rav explains:

That religious consciousness in man’s experience which is most profound and most elevated, which penetrates to the very depths and ascends to the very heights, is not that simple and comfortable. On the contrary, it is exceptionally complex, rigorous, and tortuous. Where you find its complexity, there you find its greatness. The religious experience, from beginning to end, is antinomic and antithetic.

“Zot ha-Torah Lo Tehe Muhlefet:” Rav Kook on the Development of Halakhahⁱ

BY: Mattan Erder

In the controversy surrounding *Kol Hamevaser's* recent issue on sexuality,ⁱⁱ there was an underlying debate that did not get the full attention it deserved. Most of the discussion on campus and in the *Commentator*ⁱⁱⁱ dealt with issues of censorship and the propriety of publishing opinions perceived as beyond the pale of Orthodoxy, while the letters to the editor and the articles themselves dealt primarily with the specific issues of *negiah* and modesty. However, the deeper issue lurking beneath the surface did express itself. Consider the following statements from that exchange:

Time morphs the same halakhah into something new, causing it to mean something different in a new situation from what it meant at its original inception. Time redefines Halakhah... (Shira Schwartz in her article, “The Word of Your Body”)

Who do we think we are, suggesting that Halakhah should change or modify itself? For thousands of years it has been the same, but because we have T.V. we think we can change it? (Netanya Horowitz, letter-to-the-editor)

Halakhah certainly accounts for the changes in times and can be modified based on current realities. Even so, this only applies where the reality has changed, not the attitudes towards the reality. Therefore the modern approach towards sexuality should not alter our halakhic norms. (Shalvi Berger, letter-to-the-editor)

Things are not wrong automatically because they involve the word ‘change.’ Throughout our history, things have changed, time and time again. The question is never ‘if, but rather ‘what, when and how.’ (Shira Schwartz)

It seems to me that the debate between these competing views is the most central question facing Orthodoxy in the 21st century. The range of options that we have when facing all of our favorite Modern Orthodox “hot topics,” whether homosexuality, Zionism, Maharats, James Kugel, or anything else, will be determined by the stance we take on the questions of “what, when, and how” Halakhah can be changed (if, in fact, it can be changed at all), in addition to the incredibly important consideration of “who.” Some reflection on this central issue would help cut through a lot of the confusion and ambiguity that surrounds our debates on all of these issues.

Like in any other topic, the best way to approach this issue is by rigorously examining all of the relevant sources and evidence, rather

Before encountering the Soloveichik article, I was convinced that the sole purpose of interfaith dialogue was to create social bonds, devoid of any issues of faith. Included in my notion of faith were theology, law, and, now, morality. It is hard for me to distinguish, as Soloveichik does, between morality and other issues of faith. Morality, as defined by Soloveichik, is “the biblical-moral traditions that have guided us for centuries.” In other words, morality is directly connected to all aspects of faith and religion, for it is derived from the Bible. If ethics are so tightly connected to religion, then, why does Soloveichik not fear “equalization of dogmatic certitudes, and waiving of eschatological claims?”ⁱⁱ He himself notes that this equalization is the very reason to avoid, according to the Rav, interfaith conversation. Even if morality is the center point of religion and is shared by all faiths, why does discussion of the moral similarities between Judaism and Christianity not bring the danger of obscuring or blurring their widely divergent religious worldviews?

I can only conclude that, while there is value in interfaith dialogue, there is none in the realm of faith, morality included. And maybe that is what was really meant by the title “Role of Religious Leaders to promote Peace, Love, and Harmony in a Diverse Society” – that it is indeed the responsibility of the leadership (each individual in a community as well) to stress the importance of tolerance and understanding of other peoples in order to encourage the growth of a society that, on a purely social level, is not divided by religion.

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ⁱ *Avodah Zarah* 37b-40a.

ⁱⁱ Rabbi Shalom Carmy, “The Nature of Inquiry: A Common Sense Perspective,” *The Torah u-Madda Journal* 3 (1992): 37-51.

ⁱⁱⁱ Joseph B. Soloveitchik, *Halakhic Man*, transl. by Lawrence Kaplan (Philadelphia: Jewish Publication Society of America, 1983).

^{iv} Meir Soloveichik, “How Soloveitchik Saw Interreligious Dialogue,” *The Forward* (April 25, 2003). Available online at: <http://www.forward.com/articles/8692/>.

^v *Ibid.*

^{vi} *Ibid.*, quoting from the Rav.

than by knee-jerk, impressionistic statements. To that end, I would like to provide a sketch of the conclusions that arise from the writings of Rav Avraham Yitshak ha-Kohen Kook, one of the great Orthodox thinkers of the 20th century. His views on this matter should be a good starting point for the real discussion that needs to take place, for a few reasons. R. Kook is one of the most revered and authoritative leaders of the Modern Orthodox and Religious Zionist communities.^{iv} In addition to that, his views on this topic present a complete and developed version of an important stream in the Jewish tradition.^v Finally, he was aware of the modern scholarship that challenges typical Orthodox notions of the continuity and independence of the *masorah*, and provided an accounting of the role that social, economic, cultural and other external factors play in the halakhic process. Thus, his views will be a valuable contribution to any discussion of the parameters of halakhic change and development.

R. Kook’s mystical orientation towards Torah inclined him towards a fluid view of Torah. At the same time, he took a skeptical “R. Kook views Torah (broadly understood) as being infinitely deep and containing many different dimensions. Many of these dimensions, although included in the original revelation at Sinai, were hidden, buried, or otherwise obscured from view. It is only in the fullness of time that these hidden lights come to the fore.”

stance towards the idea of human innovation and development of the Torah. While many thinkers, such as the Rav, viewed *hiddushei Torah* as creations of the human mind and spirit,^{vi} R. Kook thought that innovation was basically illusory. In fact, all of the varied innovations and interpretations that arise throughout all of history are, in some way, revelations from God. God uses four main avenues to communicate His will to the Jewish people throughout the vicissitudes of their history: hidden parts of Torah, the sages, the entire nation, and history itself.

R. Kook views Torah (broadly understood) as being infinitely deep and containing many different dimensions. Many of these dimensions, although included in the original revelation at Sinai, were hidden, buried, or otherwise obscured from view. It is only in the fullness of time that these hidden lights come to the fore. R. Kook uses this type of thinking to explain why many aspects of the Oral Torah do not appear to be reflected in the world of Tanakh. In the period of the First Temple, the nation and its prophets struggled with broad issues like idolatry and the general immorality of society. These larger problems dwarfed more minute and technical concerns. How-

ever, with the end of the era of prophecy and Jewish independence, other concerns rose to the fore:

All of those details...which previously were revealed and established in life within the divine ideal...and which were collected and subsumed in that elevated treasury and were not recognizable and did not protrude at all in the face of this great universal light...like a lamp is outshone by a torch or a candle in broad daylight, began now, with the receding of the great universal light in the Second Temple Period, to be established in their special individual character.^{vii}

R. Kook goes on to note that these more individualistic aspects of the Torah were perfectly suited to sustain the nation in the conditions of exile. It seems safe to assume that for R. Kook, there are still other latent elements of Torah waiting to be discovered by the right people in the right time. As such, the Torah can potentially serve as a well from which to draw new, relevant insights in the future.

Unlike the Rav, who does not appear to acknowledge any role for prophecy in the halakhic process, R. Kook did not discount the possibility of divine intervention:

In the land of Israel, the spiritual spring of the holy innerness, which is the light of life of the Jewish nation, overflows on its own, and only needs minimal support from practical and intellectual labor...However, outside the land, the main portion of the acquisition of Torah stems only from effort, investigation, criticism...and the divine illumination which overflows from the spiritual impact of the soul serves only as support and something extra.^{viii}

R. Kook here lays out two different possible ways that Torah sages relate to prophecy. In the ideal situation in the land of Israel, they sages play a supporting role as the conduits of the divine spirit, serving as the mouthpieces of what is primarily a Godly output. While the situation is reversed in *Galut*, with divine aid playing only a supporting role, God still intervenes in the halakhic process. It would seem that for R. Kook, the Torah is not a closed system, but is constantly receiving new information and guidance from God.

Another way in which God can reveal His will to the Jewish people, according to R. Kook, is in the realm of history itself. All historical events are the products of divine providence and reflect, in some way, divine intention. In a letter to his student, R. Moshe Zeidel, R. Kook explains the historical necessity for the institution of slavery. He then goes on to write that:

The same is true in regard to all past historical events, all of it is the doing of God with kindness and wisdom.^{ix}

This belief is the true acceptance of God's absolute sovereignty, that all the causes which form and influence understanding, and the feelings leading to decisions in every generation, were prepared from the beginning, in the proper and correct way.^x

Because God designs the social forces and the various influences that have an impact on halakhic decision-making, it follows that even halakhic decisions that are due external influences can also express the will of God.

The sources noted above indicate that R. Kook espoused a flexible view of the way Torah unfolds. God prophetically guides Torah sages to uncover the hidden dimensions of Torah that are appropriate for the historical times and situations that He brought to fruition. However, the objection could be raised that the flexibility of R. Kook's views ultimately challenges their coherence. His arguments could conceivably be invoked to explain most events in the history of Halakhah. However, they could also be used to justify clearly non-Orthodox or non-Jewish points of view as well.^{xi} Why can Christological references not be "buried" or "hinted at" in Tanakh? What is there to stop a Sabbatean from arguing that his eschatological or antinomian ideas are not a deviation from God's original revelation, but merely the surfacing of a latent element? Why can the Conservative movement not argue that its allowance of driving on *Shabbat* is a prophetic revelation from God? Without a significant effort to qualify his view, and define its parameters, it could be used to justify everything and its opposite, resulting in legal and religious anarchy.

Before noting R. Kook's actual response to this issue, it seems worth noting that R. Kook could conceivably reject illegitimate possibilities on grounds that have nothing to do with halakhic development or the process of revelation. Instead, they could be rejected based on broader theological, moral, or practical concerns. R. Kook's thought in general pays a good deal of attention to the *kelalei ha-Torah*, the broader principles that define the Torah's loftiest goals.^{xii} He is clearly of the opinion that the Torah expresses certain broad, immutable beliefs and principles. These *kelalei ha-Torah* could be used as to filter out certain ideas that are clearly beyond the pale, even if they are too broad to be used for normative guidance in specific cases. For example, Christological readings could be rejected not because they break some sort of procedural rule that governs the halakhic process, but because they are inherently idolatrous.^{xiii}

In any case, R. Kook was clearly aware of these concerns. In his letter to R. Zeidel,^{xiv} he responds harshly to what appears to have been a similar suggestion: "You said that according to my words the Torah is continually developing. Heaven forbid! I never said such a strange thing. The idea of development, as most people understand it, is of change, [and

this idea] leads to irreverence." R. Kook insists that in his view, all new interpretations were included in the original Torah. He goes on to note several major constraints on the halakhic process. One is that he limits the fullness of his more fluid model to a *Sanhedrin* in the redeemed land of Israel, and not to exile: "The truth of the Torah can be revealed only when the entire nation of God is in its land, perfected in all its spiritual manners. Then the Oral Law will regain its essential condition, according to the understanding of the Great Court..." Later on, R. Kook emphasizes that "whoever wishes to judge in these times... according to the same exalted requirements, 'it is ready for those whose foot slips.'^{xv} God save us from this view."

In addition to this obstacle, R. Kook notes that the progressive revelation occurs through certain specific channels, namely, the interac-



Source: www.geocities.com

tion between sacred texts and sages, and ultimately relies on textual sources:

At that time we may be certain that any new interpretation will be crowned with all might and holiness...And if a question arises about some law of the Torah, which ethical notions indicate should be understood in a different way, then truly, if the Great Court decides that this law pertains only to conditions which no longer exist, *a source in the Torah will definitely be found for it*. The conjunction of events with the power of the courts and interpretation of the Torah is not a coincidence. They are rather signs of the light of the Torah and the truth of the Torah's Oral Law, for we are obligated to accept 'the judge that will be in those days' and this is not a deleterious 'development.'" (emphasis mine)

It seems that despite R. Kook's views about the

deep nature of the Torah, the prophetic powers of the Sages, and the divine control over history, new understandings of Halakhah ultimately need to be validated and supported by textual argumentation. If the legitimate authorities cannot find valid and convincing sources in the Torah for a particular innovation, then we cannot claim that this innovation is a product of continuous revelation. R. Kook's more open views of prophecy and divine guidance do not exempt anyone from the need to support their views with halakhic sources.

A final measurement that R. Kook places on halakhic legitimacy is the Jewish people's response. The practices and beliefs that the Jewish people adopt are, for R. Kook, an indication of God's will. R. Kook emphasizes that the nation's acceptance is the basis of the authority of the entire Torah, both oral and written:

derful in this from all nations, and included within this is the element of orality that is in the Written, which is the acceptance of the nation in its entirety and in its divine superiority which projects from all of its history and doings...^{xviii}

The importance that Rav Kook ascribes to the nation's acceptance has at least two significant implications for the ability of Halakhah to develop. The fact that the root of the Torah's authority is in national acceptance means would seem to entail that customs or laws that have reached a certain degree of longevity and universality are obligatory and cannot be seriously challenged by anyone.^{xix} Another implication of R. Kook's view is that future innovations should be judged, at least partially, by the degree of national acceptance they achieve. The Jewish people's choices ultimately determine what was optimal, what was acceptable but not ideal, and what was completely illegitimate.^{xx}

While the above sketch of R. Kook's views was preliminary and not comprehensive, it does point to some of the benefits that a well-sourced discussion of the fundamental issues could have for our communal debates. R. Kook's views are consistent with traditional sources and also allow for halakhic progress under certain conditions. He also provides some crucial legal constraints. According to R. Kook, halakhic advancements need to be consistent with the Torah's baseline assumptions (*kelalei ha-Torah*), based on textually and logically sound derivations, instituted by those people and institutions that have the requisite authority, and gain acceptance by the community as a whole.

Taking R. Kook's views as a hypothetical starting point would make it easier for the various sides in our Modern Orthodox debates to understand where and why they disagree. If someone felt that the views he expressed are inadequate, for whatever reason, they would have every right to explain why they differ, what their alternative conception of the halakhic process is, and provide textual, historical and logical support for their views. This would help bring the real, fundamental issues to the forefront of every discussion, and eliminate the annoying, irrelevant chattering about side issues that is currently so common.

For those working within these parameters, R. Kook's ideas would provide more specific and useful areas of discussion. The bar would be raised, moving from slogans to substance. Anyone who wanted to *pasel* some halakhic innovation would need to point at the specific halakhic axiom being violated,^{xxi} explain why the textual reasoning behind it is flawed, or demonstrate that it lacked the necessary communal and rabbinic support, rather than crying "*hadash asur min ha-Torah*." Those wanting to innovate would have to provide cogent textual justifications, demonstrate their consistency with the "givens" of halakhic Judaism, and marshal rabbinic and communal support, rather than generalizing that "when there is a rabbinic will, there is a halakhic way." Obviously, this does not mean that there will be scientific and unambiguous resolutions

Know that we uphold with love customs of Israel that we know were never commanded by any prophecy, and it is all because of our nation's love, its love and honor that are dear to us, with love of elevated divine holiness. And so too the central foundation of all the mandates of the Sages that we uphold is the acceptance of "the entire nation"...And even though we tie rabbinic obligations to the verse "*lo tasur*," nevertheless, the clearest foundation is the nation's acceptance.^{xvi}

And the practical fulfillment of the Written Torah, is certainly no less obligatory, from the viewpoint of its national foundation, than the Oral Torah and rabbinic laws, about which Hazal said: "The Holy One, Blessed be He, only formed a covenant with Israel for the sake of the Oral Tradition."^{xvii} Its (the Oral Tradition's) foundation is the divine status that is found in this nation, unique and won-

to all questions; there will be room to disagree when evaluating questions of what the axioms are, who is an authority or what is an invalid inference. But if we only move past our canned reactions and begin engaging the fundamental questions in a serious way, we can at least stop talking past each other.

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ⁱⁱ "Kedoshim Tihyu," *Kol Hamevaser* 2,4 (February 2009).

ⁱⁱⁱ See "Kol Hamevaser Pulls Issue on Relationships and Sexuality," *The Commentator* 73,8 (2009): 20.

^{iv} Obviously, R. Yosef Dov Soloveitchik is the major authority of the Modern Orthodox community in America, and so his thoughts would also be an excellent addition to any discussion of this issue. As space constraints do not allow me to outline his views in the print edition, the interested reader can see the longer version of this article at www.kolhamevaser.com which includes an analysis of the Rav's viewpoint. I will provide some comparative references to the Rav's thought in the footnotes that follow.

^v R. Kook's thoughts flow naturally from the opinions of the *Kuzari* (3:19-25), Maharshal (Introduction to *Bava Kamma*), *Shelah* 100-103, and various kabbalistic sources (although they also incorporate elements from the more rationalist stream). In contrast, the Rav's views follow a clear stream of thought that has antecedents in Rambam (Introduction to the *Mishnah*, *Hilkhos Mamrim* 2), Ran (*Derasha* 7), *Ketsot ha-Hoshen* (Introduction), and *Nefesh ha-Hayyim*. Interestingly, Ramban (*Devarim* 17) makes comments that seem to support both views.

^{vi} See, for example, *Halakhic Man*, transl. by Lawrence Kaplan (Philadelphia: Jewish Publication Society of America, 1991), 101-103.

^{vii} *Orot* 110. See *When God Becomes History: Historical Essays of Rabbi Abraham Isaac Hakohen Kook*, transl. by Bezalel Naor (Spring Valley, NY: Orot, Inc, 2003) for an abridged version of this essay. See also *Hakham Adif mi-Navi*, the introduction to *Ein Ayah*, and *Derekh ha-Tekhiyyah* for more on the differences between the First and Second Temple periods.

^{viii} *Orot ha-Kodesh* 1:117 (page 133). See also R. Kook's letter to the author of the *Dorot Rishonim*, *Iggerot Ha-Reayah*, volume I, page 122.

^{ix} *Iggerot Ha-Reayah*, volume I, Letter 88. Translations from *Iggerot Ha-Reayah* are from *Rav A. Y. Kook: Selected Letters*, transl by Tzvi

Feldman (Ma'aleh Adumim, Israel: Ma'aliot Publications of Yeshivat Birkat Moshe, 1986), 183-188.

^x *Ibid*, Letter 89.

^x Many would argue that this has already happened, in the writings of Tamar Ross on the subject of feminism and Orthodoxy. She bases herself largely on R. Kook's writings, although, by her own admission, does not rely on his authority. See *Expanding the Palace of Torah: Orthodoxy and Feminism* (Waltham, Mass: Brandeis University Press, 2005), 201, 204-207. The analysis of R. Kook's views here differs from Ross' significantly.

^{xii} See, for example, the beginning of Letter 88 cited above, or the introduction to *Ein Ayah*.

^{xiii} This possible constraint parallels the Rav's notions of "halakhic axioms" and "halakhic values." See *U-Vikkashtem mi-Sham*, 108-109, and R. Mayer Twersky, "Halakhic Values and Halakhic Decisions: Rav Soloveitchik's 'Pesak' Regarding Women's Prayer Groups," *Tradition* 32,3 (1998): 5-18.

^{xiv} Letter 89.

^{xv} Job 12:5.

^{xvi} *Eder ha-Yakar*, 40.

^{xvii} *Gittin* 60b.

^{xviii} *Eder ha-Yakar*, 40.

^{xix} This constraint parallels the Rav's argument in "Two Types of Masorah," *Shiurim le-Zekher Abba Mori* volume 1, 241-261.

^{xx} According to most opinions, this certainly holds true for rabbinic laws. See Rambam, *Hilkhos Mamrim* 2. Here, R. Kook expands this notion to include the legitimization of the Written Torah itself. Although he does not mention it specifically, it seems logical that the same would be true for interpretations of the Written Law – those interpretations that were accepted by the nation would also be validated by the same mechanism.

^{xxi} In the case of Schwartz's ideas about *negiah*, this is not particularly hard to do.

The Link Between Havvah and Women's Jewish Communal Leadership Positions in the 21st Century

BY: Ilana Gadish

From the primordial moments of woman's creation, a precedent was set as to the way in which women would interact with knowledge around them. The first events of Havvah's time in *Gan Eden* might serve as a prototype for the nature of how women are forever seeking knowledge that is forbidden to them. In the second chapter of Genesis, God brings forth from the ground "every tree that is pleasant to the sight," in addition to the *Ets ha-Da'at* *Tov va-Ra*, the Tree of Knowledge of Good and Evil.¹ It is this same tree that Havvah eats from one chapter later. She sees the tree and

that Havvah yearns and desires to attain wisdom and knowledge. She reaches out for the knowledge and understanding that is forbidden to her, whereas her husband, Adam, is found passively accepting from Havvah what is already being given to him.

From this point onward, women throughout history sought after the knowledge that men took so much for granted. This holds true both in the realm of general knowledge as well as in the realm of Torah. After a long and steady struggle spanning hundreds of years, most women in the 21st century find themselves with full access to whatever area of study they desire to explore. Similarly, as women find themselves



Source: www.jofa.org

notes *ve-nehmad ha-Ets le-haskil*, "the Tree was desirable as a means to wisdom."² She then proceeds to take the fruit from the tree and eat it, and in the same verse "she gave also to her husband with her and he ate." Adam, here, is not even referred to by name; rather, he is referred to by an accessory term *ishah*, or, in full form, *ha-ish shelah*, meaning "her [Havvah's] husband." He is not the one who commences the eating of the fruit. It is Havvah, the first woman, who initiates the eating from the *Ets ha-Da'at*.

These early stories of humanity might reveal to us the tendencies of human beings throughout time. If we pay less attention to the details of the story and instead focus on the way early humans related to their surroundings, a greater understanding of humanity can be achieved. Setting aside God's clear command that Man should not eat from the Tree of Knowledge of Good and Evil, and the implications that arise from Havvah initiating the sin of eating of the fruit, much insight can be gained by looking at the way Adam and Havvah both interact with the "knowledge" that hovers before their eyes. From verse 3:6, it is clear

with expansive Torah knowledge, the desire of women to put their Torah study to use grows. The most powerful way to share and utilize Torah knowledge within the Jewish community is to teach and give rulings on halakhic matters. This power in the Orthodox community is usually reserved for the leaders of the Jewish communities, specifically male rabbis. Recently, however, within parts of the Modern Orthodox community, more leadership positions are being extended to women who are extremely learned and wise – to those that exemplify the traits of an *ishah hakhamah*, a "wise woman."

Rabbi Avi Weiss's decision to ordain Sara Hurwitz with the title of *Mahara"t*, a *Manhigah Hilkhatis Ruhanit Toranit* (a "Halakhic, Spiritual, and Torah Leader"), has generated heated discussion within the observant Jewish community. Behind her ordination were responsa from several Orthodox rabbis with extensive halakhic discussion validating the decision to appoint a woman to a full position in the clergy of the synagogue.

In their respective responsa, Rabbi

BOOK REVIEW

Behind the Scenes of an American Keiruv Movement

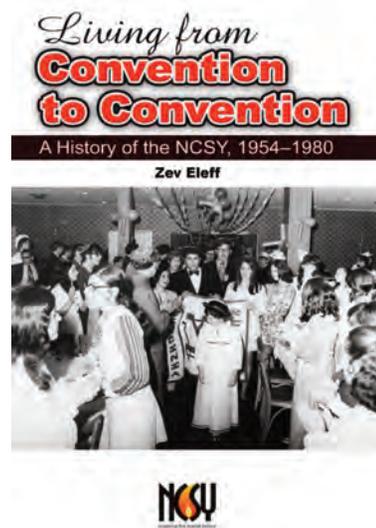
BY: Yitzchak Ratner

Reviewed book: Zev Eleff, *Living from Convention to Convention: A History of the NCSY, 1954-1980*, (New York: Ktav Publishing House, Inc., 2009).

Zev Eleff's *Living from Convention to Convention: A History of the NCSY, 1954-1980* is a groundbreaking book – the first scholarly work on the National Council of Synagogue Youth (NCSY), describing the founding and

Bureau's success led directly to the creation of Rabbi Morris Besdin's Jewish Studies Program at YU. This program catered to Yeshiva College students with a minimal background in Jewish Studies who wished to continue developing their Jewish knowledge, an ambition originally inspired by the Youth Bureau.

Rabbi Pinchas Stolper's appointment to the role of National Director in 1958, nearly four years after the creation of NCSY, is seen as the "real" inauguration of NCSY, as all attempts to create a truly national movement



Source: 1.bp.blogspot.com

first few decades of the organization. The book is meticulously researched, with information extracted from several archives and an extensive list of footnotes following every chapter. The amount of detail does not render the book boring; on the contrary, it is a refreshingly easy and interesting read for NCSYers and strangers alike.

Eleff opens with the hallmark of every good historical study: relevant context. He describes the state of American Jewish youth and recounts the successes and failures of non-Orthodox youth groups. Eleff notes the relatively late advent of the various Orthodox youth groups in contrast to those of other denominations and discusses why American Jewry did not create extracurricular Jewish education opportunities until the middle of the twentieth century.

Although the work is clearly intended as a historical review of NCSY, *Living from Convention to Convention* devotes an entire chapter to Yeshiva University's Youth Bureau, NCSY's predecessor as the first Orthodox youth group in America. Adumbrating YU's later inability to get along with other Orthodox institutions, Eleff notes that the Youth Bureau rose out of a failed partnership between Yeshiva and the Orthodox Union. The Youth

failed prior to Rabbi Stolper's arrival. Rabbi Stolper's task was fraught with difficulty. Paid only a meager salary, Rabbi Stolper was expected to assume the entire burden of fundraising for all NCSY activities. According to Eleff, Rabbi Stolper deserves credit for making NCSY the thriving movement it is today as well as for remaining within the boundaries of Halakhah throughout – no mean feat in an era where mixed dancing was a standard feature at all teenage social events, Orthodox or otherwise.

In his introduction to the book, Rabbi Stolper explains "that [he] quickly learned that it was unfeasible to buck local practice or the authority of the synagogue rabbi," and therefore cleverly framed all halakhic issues as "official NCSY policy" in order to meet halakhic standards (p. xii). I quickly learned that it was unfeasible to buck local practice or the authority of the synagogue rabbi," and therefore cleverly framed all Halakhic issues as "official NCSY policy" in order to meet Halakhic standards (p. xii). At times, though, even Rabbi Stolper had to compromise:

I received a call from Mr. George Kussak of Schenectady in 1960. He had received my written communications concerning

continued on page 19...

Daniel Sperber, President of Bar Ilan's Institute for Advanced Torah Studies, and Rabbi Yoel Bin-Nun of Alon Shvut both quote a plethora of sources supporting Rabbi Weiss. These sources include various *Tosafot*, a number of responsa throughout the ages, as well as passages in the *Sefer ha-Hinnukh* that support the idea that an *ishah hakhamah* who is capable of giving halakhic rulings may do so. One of the sources Rabbi Sperber uses in his responsum is a quote of R. Hayyim Yosef David Azulai, known as the Hid"ra, who says that "...a woman is ineligible to judge; however, a wise woman may give rulings."ⁱⁱⁱ And so he continues on in his exploration of the appointing of a Mahara"t. (For further investigation, one can find all of the responsa and relevant information on the website of the Hebrew Institute of Riverdale, www.hir.org).

The novel leadership position of Mahara"t is not the first category of Jewish communal leadership for women. Terms like "To'enet Rabbanit" or "Yo'etsat Halakhah" are now heard throughout communities in Israel, as well as in the United States. To'anut Rabbanit, literally "rabbinic pleaders," are women who are trained in Jewish law in order to be advocates in the rabbinic courts in Israel. Many of them deal with the thorny problem of women whose husbands deny them a bill of divorce (*get*), often referred to as *agunot*. Within the realm of Jewish family and laws of purity, Yo'atsot Halakhah, or "female halakhic advisors," are women who give halakhic rulings regarding the observance of *taharat ha-mishpahah*, laws of family purity. Women in both of these categories go through years of extensive learning and training in order to attain such a position, and are undoubtedly *nashim hakhamot*. Women in the 21st century have more opportunity to be a part of the Jewish communal leadership than ever before in history.

However, at the beginning of any innovative idea or establishment, there are always opinions of dissent, especially in the realm of Jewish law. It is always prudent for the Jewish community to examine every facet of a complex, pioneering *pesak halakhah* or ordination. Oftentimes, however, issues that initially have great opposition in the Jewish community end up being an integral part of it later on in history. In the early 1900s, the decision of the *Hafets Hayyim*, Rav Yisrael Me'ir Kagan, to give a *pesak* to allow Sarah Schenirer to establish schools of Torah learning for Jewish girls throughout Europe was not initially met with unanimous fervor and acceptance. The idea of instructing Daughters of Israel in any Torah subjects in a formal school setting was revolutionary at that time in Eu-

rope. The educational system of schools set up by Sarah Schenirer, so novel and unheard-of in 1918, is known today as the Bais Yaakov schooling system.

Additionally, women throughout the ages accepted upon themselves various mitsvot and positions from which they were exempt, ranging from hearing the *shofar* on Rosh ha-Shanah to taking the *lulav* and *etrog* on Sukkot (for women in Ashkenaz, at least), and even the more recent decision of Rav Moshe Feinstein to allow a woman to be a *meshgihah*, a supervisor of the kosher status of an establishment.^{iv} Over hundreds of years, there continues to be an ongoing process of change as to what roles and mitsvot are acceptable for women to take on.

Within the framework of Halakhah, there is a natural progression as time advances and transforms the Jewish communal landscape. Surely, in the past several decades there has been a revolution in varying outlooks on women and *talmud Torah*. Women's pursuit of *talmud Torah*, specifically in *Torah she-be-Al Peh*, has become slightly less contentious than it was when it was first introduced as a widespread phenomenon in the Jewish community. Similarly, the shift in attitude towards women as leaders in the Jewish community within the structure of Halakhah may be a slow process. And sometimes during these ongoing progressions, revolutionary decisions are made that jolt the community, challenging it to broaden its boundaries in positive ways.

In the introductory letter to his responsum, Rabbi Sperber writes: "This is indeed an innovation, and as such will undoubtedly be criticized by some, but our times demand it and the hour is right, and, as I have sought to argue...this initiative has clear halakhic legitimacy." The future of the role of the woman within Jewish communal leadership is uncertain, but if Halakhah ordains it, some type of change is imminent – as women have, since their very inception, been the ones to actively seek knowledge and throughout history have challenged and furthered the limits of their access to the Torah.

Ilana Gadish is a sophomore at SCW majoring in Biology and Jewish Studies.

ⁱ Genesis 2:9.

ⁱⁱ Genesis 3:6.

ⁱⁱⁱ See "Question as to Whether a Woman May Give Halakhic Decisions," the responsum of Rabbi Daniel Sperber, page 2. The responsum can be found at: http://www.hir.org/forms_2008/Complete_Sara_Hurwitz.pdf.

^{iv} See *Iggerot Moshe, Yoreh De'ah* 2:44.

THE UPCOMING ISSUE OF *KOL HAMEVASER*, TO BE PUBLISHED AT THE BEGINNING OF NEXT YEAR, SURROUNDS THE THEME OF "MUSAR AND JEWISH ETHICS."

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LETTERS-TO-THE-EDITOR

Words of Love

Dear Editor,

While I did, in fact, write an article for this issue I felt that there were other things more important to discuss right now. It seems to me that during this period of time, the weeks between Pesah and Shavuot, I should put forward some thoughts that I have been meaning to express for a while now about the way in which we treat one another in YU.

In the two years I have been in YU, I have, thank God, made many friends who understand and believe in Torah in a variety of ways. Some connect to God and to Torah through learning Torah, others through song, and others through *hesed*. What is wonderful about YU is that, from the various rivers, there flow numerous streams. Among those interested in learning, some of my friends enjoy learning Tanakh more, others Gemara, and still others Halakhah, and even those streams further divide into numerous ways of learning those subjects. In my personal opinion, the multiplicity of ways that exist for connecting to God and Torah is very beautiful and echoes the talmudic concept that there are indeed seventy ways of approaching Torah.

Unfortunately, however, in my time here I have also seen much that saddens me. While the fact that there are so many different ways of thinking about and approaching Torah is beautiful, in my opinion, it also causes great divisiveness in YU. Mocking and callous remarks are made by students and faculty alike, sometimes jokingly and sometimes not, about approaches to Torah that differ from their own and even sometimes about individuals who endorse such approaches. Entire groups of Jews, Jews who are Orthodox, religious individuals who attend this institution, are destroyed with a joke, a sneer, a laugh. Even certain Rashei Yeshivah are mocked and looked down upon by students who have never heard them speak before.

I do not come to you with *mekorot* for why this behavior is disgusting. I come without the vast arsenal of sources I could have dug up for this occasion for three reasons. 1. I believe that the things I am now writing are agreed upon by all who are in this institution, and these words are merely a reminder to all. (At least, I hope this is true.) 2. For all those who scream out "What is the *makor* for *mentshlichkeit*?" I fear nothing I say, no matter how vast an array of sources I bring, will convince them of the error in their thinking. 3. This letter is not meant to teach, per se, but rather to ask, to plead: Why must religion be a competition? Why are students judged based on their morning program? Does God sit on High and scorn me because I could not learn night

seder this semester? Because I regrettably missed morning *seder* a few times without giving heed to why I missed it? I should hope that all reading this would answer "no" to these questions.

If I am right and there is in fact a heart in all of you – if in truth my words fall upon the ears of true descendants of the *Perushim*, who believed loving one's neighbor to be the essence of the entire Torah, and not those of soulless pharisees – it distresses me greatly to inform you that there are individuals in this institution who act in ways very different from the way God, the Judge of Righteousness, acts. I have heard morning programs badmouthed and ranked. I have even heard that there have been occasions when the decision as to whether or not to hold open the door for a fellow student has rested upon the morning program he goes to. I have myself been told that I should not complain that my *sefarim* were not returned to my *makom* in the beit midrash because I had missed a few days of morning *seder*. That is, when that person could have asked me what was wrong and how I was feeling, he chose instead to enter into a private conversation unsolicited and inform me that I deserved my books not to be returned to me. Do these instances not smack of evil and cruelty?

As I said above, I find it beautiful that different people in this institution have differing opinions about and understandings of Torah about which they are passionate. However, I am disturbed by the way they approach opinions not their own. That a professor who is *shomer mitsvot* but has a view concerning Tanakh different from one's own should be called a *kofer* is anathema. In one word, his entire person has been destroyed. He is not only wrong, but he is evil, an apostate, a heretic. After thousands of years of Jewish deaths at the hands of those who cried "Heresy!" how can we be so bold and brazen as to stamp one of our own with the same brand?

I hope my words have not been too harsh, but at times harsh words are needed to arouse us from our dogmatic slumbers. My words come from my love of YU and my colleagues here and I hope they are taken in the same vein. I wish all of us a meaningful rest of the *Omer* and a restful and productive summer vacation.

With much affection,

Emmanuel Sanders, YC '11

Emmanuel Sanders is a junior at YC majoring in Jewish Studies and Philosophy and is a Staff Writer for Kol Hamevaser.

the recreation of NCSY and asked me if I would help form a region in upper New York State. I replied, "gladly, but first, we must agree on the ground rules." Kussak agreed to all of NCSY's standards. Soon enough, we scheduled a shabbaton event in his synagogue. The spirit of that weekend is hard to describe.

We had a light program planned for Saturday night. Just as the program began, suddenly, George came to me to report that he received a phone call to the effect that a few carloads of parents were on their way.

"If the parents see that there is no social dancing, we are in for significant difficulty."

"You made a promise, and I expect you to keep it," I insisted. "If we don't satisfy the parents at this delicate and crucial stage, we will not be able to continue hosting NCSY events. I propose that you take a ten minute walk while I turn on the phonograph for five minutes," he implored. "When you return, it will be off. Now, I promise you that if you accept my proposal, you will never again hear the term 'social dancing' cross my lips."

"George, give me a few minutes to think it over."

Who could I call? To whom could I describe my predicament? Who, in those days understood what NCSY was and what was at stake for our future success or possible failure? There were clear risks, no matter what course of action I chose. I realized that I had nowhere to turn but inward. I agonized and sweated and then returned to confront George.

"George, it's a deal."

Not only did he keep his part of the bargain, but in the scores of events that took place in the subsequent years, halachic standards were never an issue (p.xiv – xv).

At first, Eleff appears willing to readily engage with controversy, devoting an entire chapter to the "brief and bitter" partnership between the Youth Bureau and NCSY. In April 1964, "a deal was negotiated and agreed upon. In the final formulation of the Youth Bureau-NCSY deal, Yeshiva would staff and handle those... events that were primarily educational in nature... [while] all shabbatonim and conclaves would be run primarily through NCSY and its youth directors" (p. 34). However, by December of that year, NCSY founder Harold Boxer had written a twelve-page memo listing grievances that NCSY held against Yeshiva: "The charges by NCSY included allegations that the Youth Bureau had initiated new events without first communicating them to the Joint Youth Commission, had cancelled numerous joint events in the first year of the deal, and had repeatedly excluded NCSY's name from official fliers and program guides" (p. 36). By 1966, the partnership was dissolved, leaving only broken dreams for a united Orthodox youth movement in its wake.

The book ends with a description of NCSY during the 1970s, noting the decentral-

ization of NCSY during this period. Regional Directors gained more power as the disparate regions became too big to be run by one office. Justifying ending the book at this juncture, Eleff writes: "As NCSY entered the 1980s, it was a movement with too large a network to be identified by individual personalities or its national headquarters. Accordingly, the subsequent chapters of NCSY's history lie in the annals of the independent regions, each one well deserving its own chronicled story" (p. 85).

While this explanation sounds reasonable, one cannot help but wonder whether NCSY (the copyright holder of the book) is trying to avoid revisiting the Lanner scandal. In this particularly nasty affair, an NCSY Regional Director and high school principal engaged in inappropriate contact with young boys and girls alike. Sadly, after the original allegations against Rabbi Baruch Lanner were dismissed in a *beit din* in 1989, NCSY retained him on staff until *The Jewish Week* uncovered his heinous acts in 2000, starting an uproar that led to a well-publicized OU investigation and a prison sentence for Lanner.

Critics might argue that Lanner's odious behaviors started in the 1970's and should be included in the book. Even without resorting to such nitpicking, however, it is disappointing to entertain the notion that politics, rather than intellectual honesty, dictated what topics NCSY allowed Eleff to write about. Without direct proof or confirmation from Eleff or NCSY, though, such speculation remains just that.

As Eleff notes in his preface, it would be impossible to "depict every nuance of NCSY during the period covered" (p. xxiv). So instead of describing the programming of specific chapters, he prefers to discuss behind-the-scenes administrative issues that arose over NCSY's first few decades. Some matters mentioned are ubiquitous to large institutions – what Jewish organization hasn't had to deal with constant financial crises? – while others, like Rabbi Aryeh Kaplan's anti-missionary activity, were unique to NCSY.

All in all, this official history of the founding of NCSY provides the reader with a thorough understanding of how this movement – for, as Eleff accurately reminds us, NCSY is much more than a youth group – developed, molding American Orthodoxy into what it is today.

Yitzchak Ratner is a junior at YC majoring in Psychology and is a Staff Writer for Kol Hamevaser.

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