

HAPPY HANUKAH

חנוכה שמחה

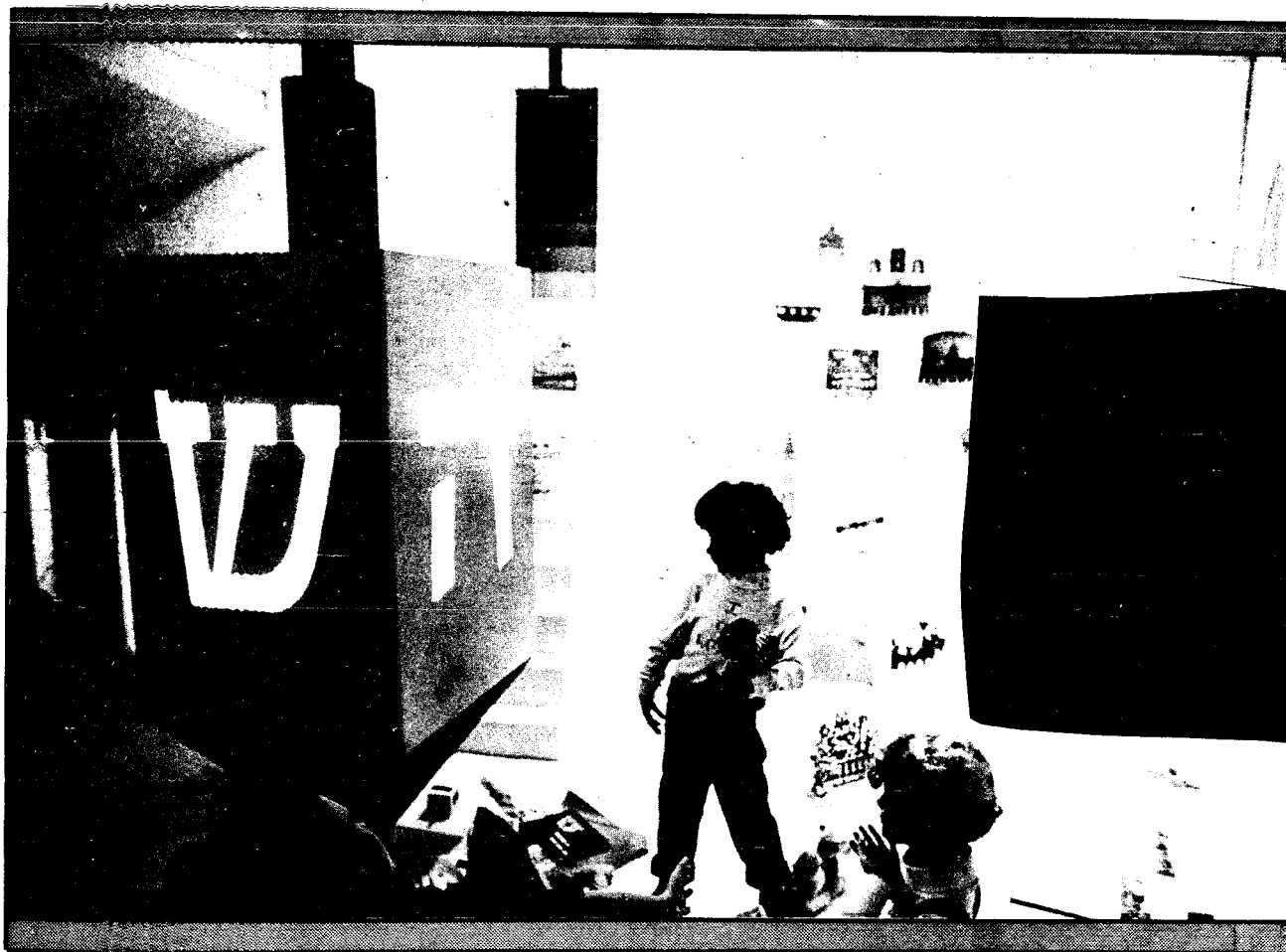
HAMEVASER

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Celebrating Hanukkah

Contemporary nursery, from "The Art of Celebration," a display of holiday environments from different countries and eras of Jewish history, now at the Yeshiva University Museum.

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HAMEVASER

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Letters

Centering the Debate

To the Editor:

With most of the controversy centering on violence and the extreme right, Gidon Rothstein's article about peace serves as a refreshing reminder of what we used to argue about. Once upon a time, the political center lay somewhere between refusing to give back one inch of Judea and Samaria and insisting that Israel has no rights even to Jerusalem. Now, unfortunately, we brand as an ardent leftist anyone who opposes violence perpetrated by Jews, even if he actively supports Gush Emunim.

In addition, I'd like to thank both *Hamevaser* and the author for printing an opinion which I haven't seen expressed in the paper during the three years I've been on campus. Yamit, no doubt, has faded in our collective memory, as, I'm sure, has the P'sak of a number of Gedolei Torah (e.g. R. Soloveitchik, R. Feinstein, R. Yosef) that parts of Eretz Yisrael may be relinquished for the sake of peace. It's about time we take that p'sak seriously enough to act upon it; maybe soon we'll be able to daven on Shabbat morning without having to pray for the safety of the friends we remember from Israeli yeshivot.

Alan Stadtmauer
YC '84, RIETS '87

Yesharim. I do not want to see in a future classic of *musarr* any references to those killed by the Bassam Shakas, by the future terrorists studying at the Hebron Islamic College, and by others of that ilk as "those who were smitten at the hand of Larry."

It is a difficult matter to confront, but dare we not confront the penetratingly simple question: "Would Aharon Gross be alive today, studying Torah in the Holy Land, if the Arab hand had been stayed sooner? Would those six boys, shot dead in cold blood on that awful Shabbat night in Hebron, be alive today if Bassam Shaka had been blown up a year earlier?"

We know this. Arabs are a danger and a threat to Jews living in Israel. It is for that reason that the Labor Party's Police Minister made the incredibly racist remark condemning a security-guard company for not adequately screening the Arabs who apply for jobs. It is for that reason that Labor's Abba Eban and others have made the incredibly racist statements that they would sooner hand away part of their patrimony than incur a large number of Arabs as residents of Israel. (Can one imagine an American cabinet minister urging that Harlem be granted self-rule rather than have all those Blacks living in America?)

The Arabs are a cancer—not because there is something wrong with Arabs, but because there is something very right about Arabs: they have pride in their history and heritage, and they will not rest until they drive out the Jewish sovereignty from their midst.

It is time that we learn from the lesson of Gedaliah. He was the victim of the assassin; yet, the commentators blame him for his death. We have got to get out of this millennia-old Jewish rut of showing excessive compassion for every Agag and Yishamel who comes our way. There is a time to show compassion.

And there is a time to say, as Rav Druckman said in the Knesset the day after Bassam Shaka was bombed: "Ken Yovdu Kol Oyvecha Hashem—Thus may all your enemies perish, O God!"
Ken Yovdu.

Rabbi Dov Aharoni-Fisch
RIETS '81

Larry Yudelson responds:

Since Dov Aharoni-Fisch's recent book, *Jews For Nothing*, is published by Feldheim, the publisher of the English *Messilat Yesharim*, I take his reference to a future *musarr* classic seriously: he may write it. I wish to point out that "the hand of Larry" did not write about Bassam Shaka; the only specific reference in the article was to those who opposed the Camp David accords at Yamit and the Dome of the Rock. If Aharoni-Fisch wishes to impute to me the views of Rabbi Blau, who wrote that the attackers of Bassam Shaka were undermining the authority of the Jewish state, I certainly won't deny it in print. Even according to this understanding of my article, I was comparing the attitudes, goals, and effects of the assassins, not their victims. Certainly I wasn't trying to compare Gedaliah to the Dome of the Rock. Similarly, Aharoni-Fisch cannot distinguish between the idea that some Arabs are a threat, and that all are a clear and present danger.

Dov is not the first person to blame me for the death of Aharon Gross; so did his rebbe and mentor, Meir Kahane. Allow me to ask the difficult question, would Aharon Gross be alive today if Rabbi Levinger and Gush Emunim had not decided that redeeming "part of their patrimony" in the heart of an Arab population center was of such vital importance? Before I am accused of blaming the victim, allow me to suggest a compromise: I didn't do it and Dov didn't do it, the actual murderers did it.

The question is, can Dov Aharoni-Fisch accept this? After all, according to him the Arab terrorists are guilty of no moral crime—they are merely demonstrating "something very right," their "pride in their history and heritage." It might be noted that this is exactly what the Crusaders and the Nazis were doing when they drove out the Jewish sovereignty from their midst. Is this homicidal xenophobia right? I'm afraid that Dov has fallen into a millennia-old Gentile rut.

To the Editor:

In Larry Yudelson's recent exposition of Tzom Gedaliah, he seeks to lump together Gedaliah's assassins with those who are today on trial for attacking the sworn foes of the Jewish people.

I am sorry, Larry. It doesn't wash. We shall not countenance the sudden comparison of murderers and inciters like Bassam Shaka with Gedaliah. An attack against a Shaka is no more comparable to an attack against Gedaliah than would be an attack against Arafat himself.

Ironically, though, Gedaliah's death does teach us a vitally important lesson about treating our enemies with the compassion and benefit-of-the-doubt they do not deserve. Commenting on Gedaliah's murder, Harav Moshe Hayyim Luzzatto writes in chapter 20 of *Messilat Yesharim*: "Behold, the incident regarding Gedaliah ben Ahikam is revealed to our eyes. For, as a result of his excessive saintliness in not judging Yishmael to be guilty and in refusing to believe 'lashon harah,' he told Yohanan ben Kareach: 'You are speaking falsehoods against Yishmael.' And what did Gedaliah bring about? He brought about his own death and the scattering of Israel, and he extinguished their surviving flame. And the Scriptures relate to him the killings of those who were killed as though he himself killed them, as the rabbis comment on the verse in Jeremiah 41: '...the bodies of the people who were smitten at the hand of Gedaliah.'"

Larry Yudelson should consider this *Messilat*

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External Ideas

By EDWARD REICHMAN

One of the political aspirations of Antiochus was to hellenize the Jews. His means of achieving this goal, although varied in practice, were united in theme. This common theme is the suppression of external Jewish worship, and correspondingly, the coercion to publicly serve his pagan gods. The former category is manifest in the decrees prohibiting the observance of the Sabbath, the holidays and circumcision, all obviously external in nature. In keeping with his plan, Antiochus intervened in the process of appointing the High Priest, an act previously performed by Jews, by substituting Jason for Onias III. This was but one step in his ultimate plan to convert the Bait Hamikdash, the prime instrument of external religious expression, from a Jewish to a Pagan temple. Antiochus' intentions to compel Jews to publicly serve his gods, are evidenced by the story of Chana and her seven sons, apparently not an isolated incident.

At the end of Parshat Miketz, we find the usual appendix of the Sofrim listing the number of p'sukim in the portion. In addition to this, however, the number of words is mentioned, something ignored by the Sofrim in the other portions of the Torah. This number is two thousand and twenty-five; the twenty-five purported to be reminiscent of Hanukkah, as Miketz most often falls out on the same week. This allusion of the Sofrim to the relationship between Miketz and Hanukkah suggests more than a mere mathematical anecdote; there may be existing parallels to be borne out.

One possible parallel is that Chazal associate Yaacov with the characteristic of fire, and Yosef, the main character of Miketz, with that of a flame. This association of Yosef with a flame recalls the miracle of lighting the oil.

There lies a deeper parallel, however, one thematic in nature and relating to the common element of the Antiochus decrees. Both the personality of Yosef and one of the main characteristics of Hanukkah relate to the external manifestation of spiritual values, or lack thereof. On Hanukkah, the Jews arduously fought to regain freedom of external expression. Yosef, on the other hand, shed his externalities, as the pasuk states: "וְיָסֵף שָׂמָלָו" — "and he changed his dress." At this point, Yosef began assimilating into the higher echelons of Egyptian society, leaving his external Jewish identity behind. Perhaps the Sofrim intended us to delve more deeply into this issue in order to delineate the difference between the two instances and possibly understand why Yosef acted justly in his situation while the Jews in the time of Antiochus proceeded to do quite the opposite.

It is necessary at this point to mention the primacy of externality in Judaism in general. One need not search too far for support to this idea. The Jews were redeemed from Egypt for publicly retaining their names, dress and language. The "Beit Hamikdash," around which Jewish worship revolves, was renowned for its physical beauty and external features. The High Priest, representative of all Israel, wore beautifully embroidered clothes of gold and linen, emphasizing the significance of outward expression. The mere nature of these examples and their centrality to Judaism is testimony to the necessity of the externality of religion. Internalized Judaism is not sufficient.

We may now understand why the Jews found it necessary to go to war upon hearing of the Antiochus decrees. Had the Jews acquiesced to Antiochus' plans, and stopped overtly expressing their religious beliefs, it would have been self-defeating to the "raison d'être" of Judaism.

The nature of the exemption of Yosef in this

Hasmonean Kingship and Davidic Kingship

By RABBI DR. JOSEPH WANEFKY
Shoel uMeshiv
(Research and Resource Advisor), RIETS

NOTE: A Hebrew version of this article will appear in *Bet Yithak*. English version edited by Shalom Carmy.

Let us examine the Rambam (*Hil. Hanukka* 3:1):

During the Second Temple period, when the Greek kings promulgated decrees against Israel, abolished their religion, did not permit them to engage in Torah, and mitzvot, extended their hands to their possessions and their daughters, entered and breached the *Hekhal* and defiled the purities, so that it was a great time of oppression for them until the God of our fathers had mercy upon them and rescued them from their hands and saved them, and the sons of Hasmonai the High Priest triumphed over them and killed them and rescued Israel from their hands, and they raised up a king from among the Priests so that kingship returned to Israel for over two hundred years until the second Hurban, it was on the 25th of the month of Kislev, when Israel triumphed over their enemies and destroyed them, that they entered the *Hekhal* and did not find pure oil in the *Mikdash* save for one cruse which contained only one day's worth of oil, and they lit the *maarakha* for eight days with that oil...Because of this, the Sages of that generation determined these eight days...as days of joy and *hallel* and to light candles in the evening...

It appears from this text that the restoration of kingship to Israel under the rule of the Hasmonean dynasty was a factor in the establishment of Hanukka. Thus Rambam's statement would imply that the Hasmonean Kingship was a good thing, its establishment was right; it was an integral part of the Hanukka miracle.

This is difficult to understand, for Rambam implies a very different position in *Hil. Melakhim*

1:8-10:

A prophet who raised up a king from other tribes [i.e. not Judah]—if that king follows the way of Torah and mitzva, and fights the wars of the Lord, then he is a king, and all the laws of kings apply to him. For Ahiyah haShiloni set up Jeroboam, telling him: "If you will listen to all that I command you, I will build you a sure house as I did for David..." and Ahiyah continued: "To his [i.e. David's] son I will give one tribe...before Me in Jerusalem...[I kings II] However, the kings of the house of David remain forever, as it says: "Your throne established forever (Psalm 89)" Thus, if there arise a king from the rest of Israel the kingship will eventually cease from that house, as it says, regarding Jeroboam: "But not all the days." Kings of Israel [not Judah] are not appointed with the oil of anointment...and one does not appoint them in Jerusalem unless they are of the seed of David...

Here, Rambam implies that there can be no non-Davidic king in Jerusalem. The Hasmoneans certainly did reign in Jerusalem. If that is the case, why does Rambam see their rule as something correct and good, to the extent that he views it as a factor in the miracle of Hanukka? They would seem to be debarred from ruling in Jerusalem!

Now Rambam (Genesis 49:9) is quite critical of the kingship of the Hasmoneans. He writes:

This was the punishment of the Hasmoneans who ruled during the Second Temple period. They were of superior piety, and, if not for them, Torah and mitzvot would have been lost in Israel; nevertheless they were severely punished...because they ruled, despite not being of the seed of Judah and the house of David...Perhaps they were punished because they were Priests, commanded to "keep their priesthood for all matters of the altar"...and they should not have ruled but rather done God's work...

In the light of this, how shall we understand the position of Rambam?

I believe that there are two distinct halakhot relating to kingship in Israel:

1. Kingship in itself: The chief executive power of the people, to unify them, lead them, to guide and teach them the laws of God and direct them in the way of Torah, be this with regard to internal problems or foreign relations. In this matter there is a preferred position to the kingship of the house of David, as Rambam and Ramban point out, and especially in Jerusalem.

2. Kingship as the basis for the building of Temple and its preservation: Let us note Rambam's language (*Ibid* 1:1-2):

Israel was commanded three mitzvot when they entered the Land...to appoint a king...to cut off the seed of Amalek...and to construct the *Bet haBehira*. The appointment of the King precedes the war on Amalek...and Amalek precedes building the Temple, as it says [II Samuel 7]: "When the king dwelt in his house and the Lord had given him peace from all his surrounding enemies, the king said to Nathan the Prophet: 'Behold I dwell in a house of cedar...'"

It seems that we have here not only an order of precedence in the fulfillment of commandments but rather a fundamental nexus between these three mitzvot defining the process of their realization. The appointment of the king is a prior condition for the war against Amalek, and both together make possible, as necessary conditions, the construction of the Temple. There is thus a specific obligation to appoint a king in order that he construct the Temple.

This second aspect of kingship may be found in the arrangement of Moses' apocalyptic speech (Dvarim 33): Revelation: "He came from Sinai, and shone forth from Seir, appeared from Mount Paran..." is followed by: "There was a king in Jeshurun, when the heads of the people gathered, all the tribes of Israel." The establishment of kingship in Israel is accompanied by the angel-accompanied theophany.

Note that the mitzva of *Hakhel* also takes place in the Temple (Rambam, *Hil. Hagiga* 3) and involves the king:

Proselytes who do not understand are obligated to prepare their hearts and incline their ears to hear, with dread and fear and joyful trembling.

as on the day of its giving at Sinai. Even great scholars who know the entire Torah are obligated to listen with especially great intention. And he who cannot hear must turn his heart to the reading, for Scripture fixed it for no other purpose than to strengthen the true religion, and he should see himself as if he were now commanded in it, and hearing it from the Almighty, inasmuch as the king is the messenger to repeat the words of God.

In the Temple the king serves as the messenger (*shaliah*) of God to inform and teach the people His Torah as it was given at Sinai—the fulfillment of "God came from Sinai" via the "king in Jeshurun." Every case of *hakkel* in the Temple reenacts the theophany of Sinai through the reading of God's Torah by His Servant the king.

This idea is also central to Psalm 30. What is the connection between the superscription of the Psalm, which refers to the *Hanukkat ha-bayit* by David, and the rest of the chapter, which expresses his thanksgiving to God who raised him from Sheol and turned his dirge to dance?

It would appear that David is stressing that without a king it is impossible to build a Temple in Israel. That David was saved from the Sheol—depths of despair, that his kingship was established over a secure Israel, indicated that the time had arrived to build the Temple and inaugurate it. The song to God's Glory which "shall not cease," with which the chapter ends, is the song which accompanies the sacrifices in the Temple.

Thus, we may conclude that Rambam's ruling, stating that one should not appoint a king in Jerusalem who is not of the house of David, comes under the first concept of kingship—that the king minister to the people and lead them. The second concept of kingship, that involving the maintenance of the Temple, is not necessarily limited to the house of David. Moreover, one might suggest that the Priests, who are charged with an abiding engagement in the Temple and its welfare, are not deviating from their vocation when they function as kings under the second rubric, according to Rambam (*pace* Ramban). The Hasmonean Priests who became kings fulfilled all the more vigorously their obligation for the safeguard of the Temple from any attack or diminution.

On Hanukah

matter is two-fold. Firstly, as an individual, his personal actions were not representative of Judaism as a whole. Hence, they were not threatening to the survival of the religion as was the case with the Jews of Antiochus. Secondly, and more positively, not only were his actions no threat, he acted on behalf of and in preservation of Judaism by facilitating Yaacov's journey to Egypt. Yosef acted under the direction of God and there were no alternate means of attaining his goal.

It is important to note that only the combination of these factors justifies Yosef's actions; one alone would not have sufficed. This may be the idea the Sofrim wished to convey. For all intents and purposes, we are not at liberty to conceal our religious expression, since for us, as individuals, these factors do not coexist. As for the communal responsibility regarding this issue, the stance is unshakable, as evidenced by the events of Hanukah.

With the aforementioned concepts in mind, one may better understand the hint to Hanukah in the Torah. In Parshat B'haalotcha, the portion dealing with the sacrifices of the Nisseim celebrating the dedication of the Mitzbeach is juxtaposed to the portion assigning the task of lighting the menorah to Aharon and his sons. Ramban notes that as Aharon and his sons did not participate in the dedication, God consigned them by informing them of a future dedication of which they would be a part, namely, the lighting of the menorah on Hanukah. When Aharon witnessed all the Nisseim bringing korbanot, external manifestations of religious belief, he, too, yearned to express himself in this manner. God responded accordingly by providing Aharon with a means of external worship, lighting the menorah. This is in keeping with the general theme of Hanukah.

The lighting of candles does not merely commemorate an historical occurrence, but serves

to remind us of the utmost importance of externalization in our lives today. This may be a reason for the stress placed upon *pirsumei nusa*, publicizing the miracle. This idea may also be applied to understanding the concept of "עשר מצוות"—the lighting of the menorah constitutes the mitzvah. The emphasis of Hanukah is an overt action reflecting internal belief. Consequently, the act of lighting is of the essence.

It is vital to be aware of the fact that the menorah lighting functions as a link back to the Beit Hamikdash, the prime instrument of Jewish external religious expression. I hope these ideas will be of some value in understanding the nature of Hanukah.

As an addendum, it is of interest to note that some Hasidim consider Hanukah the time of the *zeman ha'tikkun*. As one of the themes of Hanukah is the externalization of religious belief, we may understand why *teshuvah* is considered complete with the surfacing of internal belief, or conversion of thoughts into actions.

Condolences

The Editor-in-Chief and entire Governing Board extend their condolences to Dr. Arthur Hyman on the loss of his mother.

The Editor-in-Chief and entire Governing Board extended their condolences to Zvi and Reuven Ginsberg on the untimely loss of their father.

Corrections

In the last issue, Professor Steiner's letter (p.2) should read *mikzat mizakin* rather than *kulo patur*. The teaser box in Joey Lipner's article (p.8) should have read "academically relevant." The title over Steve Cohen's letter (p.3) was a misprint. Our apologies.

Aspects of Shabbos

One mitzvah whose broad appeal reaches even the secular world is *shemirat Shabbat*. Both psychologists and cardiologists have determined that a weekly respite refreshes mind and body. While these findings may correspond with our preconceived notions, Shabbat is so much more than a day of rest. Perhaps we can use some of the parshiot in the Torah which discuss Shabbat, as well as *ma'amrei Hazal*, to attempt a clearer definition of the day described as "*Me'ei Olam Haba*."

The analysis begins with two often-overlooked parshiot in Mishpatim (Shmot 23) and Ki Tisah (Shmot 34). Both describe Shabbat and the Regalim in very similar terms, yet with some significant differences. The most important of these variations is sequence. In Mishpatim, Shabbat precedes all three Moadim, whereas Ki Tisah mentions Shabbat after Pesach, but prior to the other Regalim. Apparently, the Torah is teaching us about two diverse aspects to Shabbat, one which predates Yeztzi Mitzraim and another predicated on the special bond formed between God and his chosen people on that first Pesach.

The Midrash states:

כל התחיל את השבת כאילו מעיד עוזה שקר בארון שלו
and conversely:

כל המשמר את השבת מציד על מי שאמר ויהי העולם
These midrashim convey the first aspect to Shabbat. God is seen as the creator of the world and thus, its master. By keeping Shabbat, God's creations attest to their subservience to Him. This concept of God as the Adon clarifies the peculiar

nature of the *issurai melacha* on Shabbat. The 39 melachot, which include such effortless actions as flipping a light switch, have already been explained by Rav S.R. Hirsch and others. God requires from man not abstention from physical labor, but rather cessation of all creation. *Melechet machashevet asrah torah*. Man recognizes God's *admut* by sacrificing that unique quality which has allowed him to conquer the earth. Ve'Chivshuha. This first aspect of Shabbat, accepting God as the Creator and Master, can be labelled Zecher Le'ma'ase Bereishit.

However, Shabbat is not only man's gift to God; it is also God's gift to the Jewish people.

הנה שבתה של ילי בביתנו ונו שבתה שבת
Shabbat generates a special *menucha* often mistakenly described to include only physical freedom from telephones, traffic, etc. It is more than that. Hazal say:

אין בן חורין אלא מי ששומע ביהמה

The Rav shlitza has often explained this strange idea that Torah restricts free man. Hounded by pressures, bound by time, man often feels little different from the animals he dominates. Torah allowed the Jew to free himself from this grim existence, rise above the physical and enter into partnership with the Almighty Himself. When man uses Torah to create a more ideal world, he is no longer subject to natural forces. Unfortunately, while busy with business or school, the Jew may not appreciate the majestic power God has granted

(Continued on page 7)

Nicaragua and the Jews

By PAUL TICK

(JSPS)—On July 10, 1983, at a special White House meeting for Jewish Community leaders, President Reagan stated that Nicaraguan "Jews have been terrorized into leaving" their country and that the PLO was a dangerous influence on the Sandinista government. These charges stem from a May 1983 report by the Anti-Defamation League (ADL) of the B'nai B'rith which claimed that the entire Jewish community of Nicaragua had been driven out, Jewish property seized and the one synagogue desecrated. For the past year, President Reagan has been repeating these charges as he did in a nationwide television speech on May 9, 1984. At that time, he further charged that "...the Sandinistas and the PLO joined in a declaration of war against Israel."

The report by the ADL is based on testimony by two Jews who left Nicaragua in 1979, following the overthrow of Anastasio Somoza, whose family had controlled the country for 50 years. One of them, Abraham Gorn, was reported to be a close friend of Somoza and was investigated for involvement in the sale of Israeli arms to Somoza. He was detained for two weeks, after which he fled the country. The second man, Gorn's relative, Isaac Stavishky, was a large factory owner in Nicaragua before fleeing to the U.S. He cited anti-Jewish graffiti, threatening phone calls and the bombing of the synagogue and its later confiscation as reasons Jews should fear the Sandinistas.

The few Jews who remain in Nicaragua today claim that while there may have been some isolated anti-Semitic acts, but there has been no persecution of Jews and no governmental discrimination. When property was taken from Jews, it was because of their involvement with Somoza, not because of their religion. The synagogue, which is now in the possession of the government, was taken because it was registered in Gorn's name when he was president of the congregation. It was confiscated under Decree 38 which authorizes the government to take property belonging to those with links to Somoza and his regime. This law has been applied to Jews and non-Jews alike. The Sandinistas have offered to return the synagogue to the Jewish community; however, the Jewish community is now so small (approximately five people) that they feel they could not support it.

Two Nicaraguan human rights organizations, one pro and the other anti-Sandinista, state that there have been no governmental policies against Jews. Investigation by the Organization of



Israel Lewites Mocket, a memorial to a Jewish fighter killed in the revolution. His brother, Herby Lewites, is the Minister of Tourism.

"Another Nicaraguan Jew told me in jest that the problem he faces today, as a Jew in Nicaragua, is that he cannot get any gefilte fish or Manischewitz wine."

American States, the United Nations, Pax Cristi, Americas Watch, the U.S. State Department Bureau of Human Rights and the U.S. Embassy in Nicaragua all concluded that governmental anti-Semitism in Nicaragua does not exist. Rabbi Klepfisz of Panama reported to the World Jewish Congress that he found no anti-Semitic activity but that "definite anti-Israel tendencies which were repeatedly justified by Israeli arms sales to Somoza" do exist.

The Nicaraguan Jewish community had always been small, numbering about 150 at its height in the 1960's. Most left after the 1972 earthquake. While a few of the remaining Jews joined the opposition of the Somoza dictatorship, many held close ties to Somoza. Almost all left voluntarily by

1979, Somoza's downfall. Their reasons for leaving were because of their ties to Somoza or because they feared anti-Semitic outbreaks. Though the incidents mentioned earlier apparently did occur, no governmental oppression did. Some of the Jews who left Nicaragua retained businesses and property there and today travel freely in and out of the country. On my recent trip to Nicaragua, one Nicaraguan Jew told me that there were never any problems for Jews either during Somoza's time or presently under the Sandinistas. Another Nicaraguan Jew told me in jest that the problem he faces today, as a Jew in Nicaragua, is that he cannot get any gefilte fish or Manischewitz wine.

Between August 12 and August 17 of 1984, a delegation of thirteen Jewish human rights

activists visited Nicaragua in an attempt to "critically examine and, if possible, resolve" the question of anti-Semitism in Nicaragua. The group first went to Miami where they interviewed three expatriate Nicaraguan Jews, who now reside in the United States. These three believe that the Nicaraguan government is anti-Semitic and treats Jews in a discriminatory manner.

The human rights delegation then proceeded to Managua, the capital of Nicaragua, where they met with government officials, pro and anti-governmental human rights organizations, opposition political leaders, members of the Nicaraguan press, the U.S. Ambassador, and members of the Nicaraguan Jewish community.

With only one dissent, the group issued a seventeen-page report which concluded: 1) "Charges of Nicaraguan government anti-Semitism cannot be supported; there is simply nobody with credible evidence to suggest the Sandinista government has pursued or is currently pursuing a policy of discrimination or coercion against Jews." 2) "Charges of anti-Semitism are far too serious an issue to be publicly raised without clear substantiation and should not be used as a partisan political gambit in the United States." 3) "The state of human rights and civil liberties within Nicaragua is mixed..." though progress has been made in the comparison to the previous government and other Central American nations. 4) The U.S. policy of confrontation with Nicaragua "...raised profound moral questions and is destructive of the very pluralistic and democratic institutions which we purport to desire for Nicaragua."

Today the anti-Semitism which does exist in Nicaragua seems to be from those who are angry about Israeli arms sales to Somoza and relate Israeli government policy to all Jews. The fact that some Nicaraguans (and other people) blame Jews for this, is, indeed, something to be concerned about. However, it is clear that the Sandinista government has not used this anger towards Israel and Jews for its own purposes in any way. What does appear to be happening, according to many Jewish leaders, is that the Reagan Administration is capitalizing on the American Jewish community's legitimate concerns about anti-Semitism. This seems to be an attempt to manipulate the American Jewish public to take an anti-Sandinista position similar to the administration's.

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Paul Tick recently returned from three weeks in Nicaragua.

Reflections in Rockland County

By RABBI PINCHAS PEARL

It's Shabbat morning, and I'm sitting in shul, davening. Since I'm the rabbi, I'm seated up front, a few feet away from the *baal tefila*, whose melodies and pronunciation are reminiscent of Brownsville forty years ago. Before me are seated fifteen or so men, and behind the *mechitza* are seated another ten to fifteen women. All rather ordinary, except that the shul is also my living room, and this *shitebel* is located in Orangeburg, a Rockland County suburb. This little group is a joint effort of Yeshiva University and a small group of *baal habaitim* to introduce traditional Judaism into the Jewish world of suburban New York. I would like to share some of the things I've learned while working and living in Orangeburg over the past two years.

The flight to the suburbs, which took place a generation ago, was not only a flight from urban deterioration. For many, the move to the suburbs was a move away from things Jewish. The new suburbs that were built on the outskirts of New York City in the 1950s and 60s were devoid of manifestation of Torah Judaism. The "temples" that were erected lived for three days a year, and the rites of passage, i.e. bar mitzvah, marriage, death, that needed a religious framework. They held no meaning, demanded no commitment, offered no warmth or sustenance.

As awful lot of Jewish souls died in the last

twenty years in places like Orangeburg. Yet, surprisingly, there is still a lot of life. For many of the families of my congregation, the catalyst that shook them up was their children. The *baal teshuva* movement has had a definite impact in the suburbs. In places like Orangeburg, it has impelled parents to organize *minyanim* where their children could daven in good conscience.

For others, the Conservative temple of the 1950s that was acceptable and even comfortable has evolved into something quite different, a place alien and offensive. Some of my members could not bear the grotesque distortions of Jewish tradition that they saw taking place on the bimah of the temple. A *mechitza* may not be their favorite piece of synagogue furniture, but at least they know it belongs there.

These two divergent factors led to the birth of Shaarei Torah of Orangeburg, and it is leading to the births of other congregations like it, in communities that until now were not on the frum map. The birth of these small, struggling shuls represents a trend and an opportunity, which the religious community must not ignore or take lightly.

I have grown close with the people of my synagogue, and the people of the community. I have visited them in their homes, studied with them in classes and discussion groups, worked with them on projects and activities. One conclusion I

have drawn is that the Conservative Judaism that guided the religious life of these people for so many years is not merely an empty fraud, but an outright evil. Too many of these people came to Orangeburg when they were at a crossroad in their lives, when they could have been influenced to Torah or away from it. A major factor in the decisions they made, to turn from observant lifestyles, was the preachings and teachings of the Conservative temple. Once misguided, it is terribly hard to turn the clock back, to persuade them that Torah can be lived. One often hears the argument that conservative Judaism is "better than nothing." No, nothing is far better, for emptiness can be filled with truth. But if a person has been filled with lies and distortion, it's much harder to empty them out.

A second conclusion is that Orthodox Judaism has and remains far too timid in pushing out into the Orangeburg's of America. My synagogue came into being because of a dedicated group of people, and the help Y.U. was willing to give. But if there had not been a few willing to lead, the rest would not have followed. How many communities exist with large numbers of Jews, who would welcome a Torah true synagogue, but lack a leader to tell them how to do it? Baldwin, Long Island, Little Neck, Queens, Pomona, Rockland County; these are but a few of the places waiting for a man or woman of courage and vision to lead the way. Where are they?

Third, we should not be contemptuous of the people who have gone into the suburbs, and tried. When I was in yeshiva, I always looked down on

the rabbi who took a congregation with mixed seating in the suburbs, as being a money hungry opportunist. I realize now, I was at least partially wrong. There are places where, for now, a congregation like mine cannot get started, where the resources and the people are not available for the uphill struggle that it will be to establish a new shul. I think it is legitimate for an honest, strong man to go in and try to make it better, if he has the inner strength and outside support to keep himself alive spiritually and not make peace with the deviations and mistakes of his community. If such a person would have come to Orangeburg 25 years ago, perhaps some of the dead Jewish souls I have seen around me would still be alive. I don't, God forbid, mean to endorse wholesale placement of *musmachim* into mixed seating synagogues (if those three words aren't a contradiction in terms). I only want to say that it is an option that might yet prove fruitful, for some situations and with some people.

I'm proud of my congregation, of the way we're overcoming all the obstacles and winning the fight to survive. Our proximity to Mansey and Manhattan is bringing inquiries from young, frum families, and, miracle of miracles, they've actually started to move in. It's exciting to watch a *teichyat hanaitim*, to see a live Jewish community grown where, only a short time before, rigamortis had set in. If it can happen in Orangeburg, it can happen anywhere. If not now, when?

The author received semicha from RIETS in 1981.

Serious Thoughts on Youth Movements in America

"When I consider the short duration of my life swallowed up in eternity before and after, the little space which I fill, and even can see, engulfed in the infinite of space of which I am ignorant, and which knows me not, I am frightened and am astonished being here rather than there, why now rather than then?"

PASCAL

"Those who do not learn from history are doomed to repeat it."

SANTAYANA

By RABBI MORDECHAI WINIARZ

What emerges from Pascal is a unique sense of the individual's peculiar place in the historical process. Even more dramatically there emerges a sense of the uniqueness and newness of every historical situation and period. There is no identity, no conformity, no sense of clean symmetry—all is different, all is new, all is special. In light of Pascal each moment in man's progress through his own history must be viewed separately, for each moment is much more than just the moment after the one which it follows, it is its own entity. And yet Pascal notwithstanding, Santayana also must be taken into account. Although every time occupies its own distinct temporal-existential space, there are also patterns, parallel lines, and similar historical configurations which seem to consistently recur within history. Friedrich Wilhelm Hegel, in one of the most brilliant "intuitions" in the history of philosophy, observed that these repeating patterns were not the stuff of pure coincidence but rather the major motifs of historical process.

In discussing the issue before us, the role of youth movements in America, my first Pascalian impulse was to analyze their breadth and scope as children or perhaps step-children of the American Jewish Community. However informative or interesting such an essay might be, I believe it would reflect an essential misunderstanding of the critical historical role played by the youth movement today. And now, allow me to explain.

Within the history of religious philosophy there are two diverse strands detectable in man's quest to traverse the infinite. There are essentially two types of bridges which man struggles to erect in order to span the chasm separating him from his Creator.

The first approach, we may perhaps appropriately dub "the approach from ritual." This approach is distinguished by two demarcating characteristics. First, it is essentially action oriented, the individual finds religious fulfillment through particular acts. These acts often involve many complex units thereby requiring great attention to seemingly minute detail. Secondly, this type of religious notion usually lends itself to the establishment of a tradition. The specific rituals are easily learned and are transmitted from generation to generation. The major advantages of this ritualistic method are twofold. It allows participation by all members of a society and does not discriminate based on religious sensitivity, capability, or acumen. Further, it allows the realm of the spirit to permeate the mundane world of routine, everyday life. It does, however, contain one inherent drawback. Frequently, excessive attention to the fulfillment of the minute demands of rituals tend to rivet one's attention on the particular act or hand, often at the expense of the object of ritual, namely God. More succinctly in extreme, but not uncommon situations, one unconsciously allows the ritual to in fact become a God, turning what was originally a sincerely motivated attempt at God worship into the most crass form of idol worship.

In response to this problem within the ritualistic approach there arose a new and entirely different religious notion. This notion we shall call the subjectivist or the "existential approach to God." This approach similarly has two major delimiting traits. First, it is not connected to any particular act or any specific mode of action. By definition, it has no universal concrete expression. The second is that it is virtually impossible to establish, based on this method, any sort of tradition. The religious forms of expression vary so sharply from individual to individual that it is pragmatically not feasible for one to "teach" another his particular

brand of religiosity. This particular approach however has one major advantage. It offers in a very real sense a much deeper, a much more profound, and a much more authentic religious experience. With its focus on inwardness it demands real involvement of the religionist. It forces one to reach down into the recesses of being, and from there to wrench forth a true sense of spirit and God.

Yet, built into this advantage there are also three marked disadvantages. Quite apart from its lack of transmissibility it is also extremely difficult for the particular individual involved. First, it is impossible to sustain this changed Religious expression for a significant time period with any sort of consistency. Second, because of its unstructured erupting nature one risks loss in the abyss of one's own spiritual nature. Thirdly, and most importantly, one is always in danger of worshipping in a way that is undesirable to the object of worship. It is precisely these objections which lead the ritualist to assert the pragmatic superiority of his approach.

The crucial question which we must raise is where does Judaism stand in relation to our dichotomy. The answer of course is that Judaism stands squarely on both sides of the question. With powerful Hegelian force, Judaism courageously charts a course which gives both elements their due, and from which emerges a third harmonious religious approach.

Judaism has as its underpinning, a complex system of ritual requirements and privileges known as Halacha. The Halacha, however, with its detailed demands, can never be isolated from the second half of Judaism—the Aggadah. Aggadah, translated simply, is the motive force which involves the ritual in life. Fulfillment of Halacha can never be perfunctory mechanical, rather, in order to satisfy the "legal" requirement, the technical action performed must be intended by the worshipper as a reflection of an inner state of mind. Halacha represents the ability to establish one's life according to a set pattern, it is that which gives life its form. Aggadah is the expression of man's ceaseless striving to transcend, which often has no limitations. Halacha is the rationalization and schematization of living; Halacha defines, specifies, measures and sets boundaries. Halacha gives structure to every day life. Aggadah talks to the numinous, to the ineffable in Man which seeks its creator.

Halacha deals with the realm of expression, Aggadah deals with that which cannot be expressed. Halacha teaches us how to perform common acts, Aggadah teaches us through these acts to participate in the eternal drama. On Sinai, both the content and the form of revelation were critical. One revealed the letter of the law, the other revealed the spirit of the law. Consider the following Talmudic passage: "Rav said the world was created for the sake of David so that he might sing Psalms and Hymns to God. Samuel said the world was created for the sake of Moses so that he might teach Torah." In the world of Jewish Philosophy we decide the law in accordance with both Rav and Samuel. The mind and heart, the spirit and the letter of the law, all attain a magnificent unity in the fusion of the Halacha and Aggadah. Both the Bible and the Talmud reflect this concern in their structuring. Each one is made up of these diverse elements, the story and the law, the Halacha and the Aggadah. Similarly, the Jewish heroes and role models are drawn from both sources. Moses is the lawgiver—the man of Halacha *par excellence*. King David, it is clear from the Book of Samuel, was not the greatest legal scholar of his day. Yet, he was chosen to be the Psalmist, the sweet singer of God, and the embodiment of the Aggadic

dimension in Judaism. Both share equal place in the annals of Jewish spiritual history.

In a more general sense, the Jewish people always had two spiritual leaders, the Cohen and the Navi—the Priest and the Prophet. The Priest symbolized the formal dimension. His sanctity stemmed from his wearing the proper vestments during worship. His position was essentially hereditary. The Priesthood was in effect a formal Jewish institution. In contradistinction the Prophet had no particular vestments, no official title or place in court, his position was earned by dint of his own merit, and it could not be passed down. The Prophet, through his own fire, seared his message on the hearts and minds of the people. When necessary, he defied both priest and king in championing the cause of his or her God. Both elements, Cohen and Navi, were crucial for the continued perpetuation of the Jew.

In the middle ages we find a new manifestation of this dialectic. Two new Jewish personalities emerged—the Rationalist and the Mystic. Each emphasized a different dimension, one Halacha and one Aggadah, yet both save themselves and each other as authentic, legitimate Jewish thinkers. Maimonides was a rationalist, his son a mystic. In more recent times the dialect found expression in the tension and the rivalry between the Chassid and the Mitnagid. Today, however, as always in the history of Halacha and Aggadah, the rivalry has all but played itself out, the Chassid and the Mitnagid being virtually indistinguishable. Halacha and Aggadah once again merged to form a symbiotic whole.

Jewish History is essentially a series of oscillation between these two forces. At times it was necessary for Jewish survival for one of them the upper hand temporarily eclipsing the other, at times they function in relative harmony each one complementing and enriching the other. Without either one Judaism could not have survived the ages and emerged as the dynamic and vibrant force it is today.

In recent years in America we have been witness to a new sociological and religious phenomena—the rise of the youth movement. By some it has been greeted with disdain, claiming that "a real Yeshiva" has no need of youth movements. By others it has been enthusiastically heralded as being

the messianic replacement of the Yeshiva. The great majority have responded with ignorant indifference.

Within the educational system itself the debate also rages. Is formal or informal education to be preferred, again with each side vehemently espousing its position as the true Torah way? In actuality, what we have seen in America today embodied in the sometimes tension, and sometimes partnership between the youth movement and the Yeshiva is the newest concretization of the old Jewish idea of Halacha and Aggadah. Youth movements have succeeded with a whole spectrum of youth which the Yeshivot couldn't reach and vice versa. Both are critical components in the development and perpetuation of Judaism today. To divorce one from the other is to castrate the whole. The youth group and the Yeshiva, the advisor and the Rebbe must form a partnership for neither is dispensable in assuring a Jewish tomorrow. If youth leaders are to provide an integral part of our children's education then we should do well to train them as such, and pay them as such; to properly work with a youngster there must be real and meaningful communication between youth leaders and teachers. Yeshivot and parents must recognize that youth work is a viable profession worthy of itself. Philanthropists must understand the need if financing the youth movements in a serious way with the same commitment that Yeshivot should be supported.

The same standards of excellence that we demand of our formal educational institutions we must demand of our youth movements. The parents of tomorrow will have to decide with equal gravity what Yeshiva to send their child to and what Youth movement they should be encouraged to attend. It is crucial for Jewish leadership to be cognizant of, and attempt to actualize the awesome potential latent in this newest manifestation of the Halacha/Aggadah dialectic. History knocks on our doors; and the History can be a very wily mistress.

When she knocks she does not loudly sound on our doors, rather she subtly beckons, enjoining us to take advantage of the opportunities she offers. Failure to take heed would be to deprive our children and ourselves of the unique Cohen/Navé experience which only Judaism can offer.

A Call to Unity

By ARIELLA SCHREIBER

Changes and new beginnings were the themes of Israeli Prime Minister Shimon Peres' lecture on October thirteenth at Hunter College. I was privileged to be present as the Prime Minister addressed American friendship organizations. It was a symbolic step toward unity in a time of great political and religious division, despite the fact that it was disrupted from both inside and outside the college walls.

The speech focused on Israel's need for security, unity and economic growth. Peres expressed a desire for support from the Jewish people living outside the land, but emphasized that the most important changes would be arising from within the autonomous State of Israel.

After the speech, time was allotted for questions from the audience; questions ranged from the war in Lebanon, to which presidential candidate would be the stronger supporter of Israel. In reply to the latter, Peres remarked that "Israel is a bipartisan issue."

That statement was quite ironic considering what had just occurred at the speech. The lecture began amidst sporadic outbursts from people in the audience protesting the imprisonment of the Jewish "terrorists." It took a number of security guards several minutes to quiet the protestors. The end of the evening was no calmer. Upon leaving the auditorium, the audience was confronted by hundreds of Satmar Chasidim hurling insults and blocking traffic. Our group immediately responded by singing "Am Yisrael Chai."

The evening, with all its outbursts, was a microcosm of the conflicts tearing Israel apart today. The struggles between Gush Emunim and Shalom Achshav, Sephardim and Ashkenazim, and the religious and secular were all played out in the course of the evening. It was the first time that I was confronted with this type of protesting and a number of emotions were awakened in me. I felt quite embarrassed for my fellow Jews as the passersby made comments regarding the Jews who "can't even get along with each other." What can one reply to this sort of statement?

I was tempted to wish Good Yom Tov to the protestors as a subtle reminder that we too were celebrating the holiday of Sukkot and the spirit of Yom Kippur was as fresh in our minds as theirs. Can one beg *kaparah* from Hashem with one breath and curse his fellow Jew with the next? It is understandable that a nation that has been scattered for as long as we have, will have different factions. However, if we don't give the courtesy of mutual respect to our own kind, we have no right to request it from others.

Israel is currently going through a difficult time, and while we may not support all of its actions, we must remember that Israel is a political state like any other and is in no way ideal. However, Israel is also our homeland, and we must tolerate diversity. When confronted by opposing opinions, our reactions should always be colored by remembering, "Kol Yisrael areivim zeh la'zeh", and only by working together can we change and improve our country.

Ex Libris Hamevaser

מספרי המבשר

The Jewish Family: Authority and Tradition In Modern Perspective

By DR. STEVEN BAYME

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The Jewish Family: Authority and Tradition in Modern Perspective. By Norman Linzer, N.Y.: Human Sciences Press, 1984.

Dr. Norman Linzer, professor at Yeshiva's Wurzweiler School of Social Work, has written an important document on the relevance of Jewish tradition and values to modern culture. Those who assume either that tradition has no meaning in the contemporary climate, or conversely, that tradition-minded Jews ought best remain oblivious to the claims of modernity will find this work disappointing. Rather, Dr. Linzer is engaged in a serious attempt at synthesis—careful comparison and contrast of the two value-systems, determining what one may learn from each, and analyzing the impact of one upon the other. For those who claim that Yeshiva's uniqueness lies in probing "Torah U'Mada," for the verities of both value-systems, Dr. Linzer has written an inspiring and even paradigmatic work.

Of particular concern to the author are trends in the modern Jewish family, particularly the decline of authority and the ascendancy of narcissism. He offers a philosophical perspective on the significance of the Jewish family for Jewish continuity in terms of communicating Jewish tradition and history. The major problems currently confronting the Jewish family, Linzer argues, are primarily conflicts of ideology and values. Increased emphasis on the individual and reduced respect for authority and tradition have combined to undermine the family's function as a

mediating institution between the individual and the community.

For Jews, particularly, the changing role of the family underscores the fundamental dilemma of Jewish identity in the modern world. How does one assert the claims of Jewish tradition in the increasingly open society? What are the possibly corrosive effects of modern culture on the Jewish family, and what can the Jewish community do to counteract those effects?

Borrowing the phrase made popular by historian Christopher Lasch, Linzer indicts the "new narcissism" as a serious threat to Jewish family stability. He notes that many young Jews, like their counterparts in the general society, concentrate on immediate personal gratification and individual fulfillment. Since the needs of one's spouse and children may entail the sacrifice of personal pleasure, this narcissism discourages marriage and encourages voluntary childlessness, preempting the traditional Jewish ethic of *Pr'u u'revu* ("be fruitful and multiply").

At present Linzer perceives ideological tensions between traditionalists who wish to communicate the demands of tradition in a quasi-authoritarian manner ("You must obey because the Torah commands it") and non-traditionalists who will accept a wide variety of alternative family living arrangements as equally legitimate. Linzer criticizes both these approaches. The traditional "What I say goes" will simply not work in today's world. Similarly Judaism can never adopt a "value-free" approach and attempt to be all things to all people. Rather Linzer searches the Jewish tradition for ways to strengthen family values in today's society. He addressed his book both to those who accept the authority of Halacha and those who do not, and asks both groups to

abandon the absolutism of authority and the relativism of permissiveness. Indeed, he stresses the variety of models available within Jewish tradition and makes it quite clear that the tradition, while not open-ended, provides many options.

For example, Linzer argues repeatedly for autonomy of intellectual thought. He cites an array of sources defending the right of the *zaken mamre* or rebellious elder to continue to reach and articulate personal opinion even if at odds with the prevailing wisdom. Linzer deduces from this case the need to encourage freedom of opinion and diversity of thought-qualities that he finds sadly lacking in the traditional community.

Similarly, Linzer argues that within the family parents must maintain the authority of tradition, yet recognize simultaneously the legitimate rights and freedoms of children. As an example, he cites the right of a child to override parental objections in choosing a mate. This in turn entails a concept of parenting as preparing a child for independence. He urges Jewish parents to understand their children as growing, maturing human beings and to guide them on that road.

Therefore, it is not surprising that Linzer both praises and criticizes the traditional Jewish family. He cites its model of Jewish continuity and its commitment to Torah and Jewish learning. Yet he criticizes the relative absence of independent thinking—the tendency to absorb the words of authorities all too uncritically. In this context, he notes that yeshivas may well be in error by beginning Gemara study at age 11 (in direct contrast to the suggestion of *hazal* to begin at age 15) much too early for intellectual maturity and curiosity. The results are well-known. All too often students become bored with *gemara* as children and never return to it as adults.

Similarly, he urges parents and yeshivas to abandon efforts to repress sexual urges among adolescents. Rather we should confront these natural desires realistically and attempt to provide possible outlets. Especially we should avoid showering adolescents with guilt and shame. Cries of "negiah" and exhortations to learn more Torah instead will most likely fall on deaf ears.

In his proposals for combating narcissism, Linzer draws heavily on the writings of Rabbi Joseph B. Soloveitchik and the Israeli scholar David Hartman. In Linzer's view, the Rav stresses the ethic of renunciation, calling upon individuals to acknowledge their limitations and renounce their heroic idea of seeking to accomplish everything. While acknowledging the philosophical beauty of this approach, Linzer feels it will not appeal to contemporary Jewish youth. He prefers Hartman's emphasis on the relational aspects of Jewish tradition. Judaism, Hartman teaches, builds bonds between people, and those bonds, in turn, create responsibilities. Self-fulfillment is bound up with involvement with, and responsibility for, others. "The relational approach," writes Linzer, "invites the narcissist to become involved with others, to step out of a self-centered world to give of oneself and to lean on others. Such sharing and dependency enable one to become more human and whole."

This is an important book addressed to parents, Jewish educators, and community workers. Yeshiva students will find much of it challenging and thought-provoking. That too is part of the struggle towards Torah U'Mada.

Portions of this review appeared earlier in the Newsletter of the William Pesschek National Jewish Family Center, American Jewish Committee.

Contemporary Halachic Problems

By Rabbi J.D. Bleich

Reviewed By NATI HELFGOT

The publication of the second volume of Rabbi J. David Bleich's *Contemporary Halachic Problems* is, as Dr. Lamm puts it in his foreword to the book, "testimony both to the vitality of Halacha in its encounter with contemporary life and to Professor Bleich's mastery of his subject matter." The topics covered in this volume range from relatively "minor" issues such as *violat kelim* for disposable utensils to ones of great weight, dealing with problems of life and death, such as capital punishment in the Noachide code. In all areas the Halacha has its opinions and judgments, albeit with numerous *shitot* among the *Poskim* with regard to many issues. Specifically, this book is invaluable for *bnei yeshiva* who want to get acquainted with modern and classical *sheilos ushuvo* but do not have the time. Thus, if used properly, it can be a great reference, enabling the interested student to quickly find the sources and work with them.

The book (or sefer which is what it is) is divided into two major sections. The first contains in R. Bleich's own words "a series of relatively brief discussions of related issues in a given area." The second part contains chapters devoted to "an extensive analysis of a single halachic topic." Thus, for example, in the first section, Ch. 3, Medical questions, in the course of 30 pages the issues of anatomy, pituitary dwarfism, physicians' fees and other topics are briefly discussed. As opposed to the second section where a similar amount of pages is given over to one issue such as Ch. 9, Judea and Samaria: Settlement and Return.

The wealth of sources and *b'keyuy* that R. Bleich demonstrates is clearly remarkable as the copious footnotes in each chapter indicate. However, two added features make this book all the more worthwhile. One is that, on the whole,

several complicated pieces of halachic reasoning have been presented in an intelligible fashion for the lay reader. Secondly, in introducing the different chapters, he has inserted a short piece dealing with the philosophic and theological underpinnings of the general topics at hand. So that before we get to the nuts and bolts discussion in the section about Shabbat and paper Kiddush cups, we have a beautiful essay dealing with different aspects of the Shabbat and its philosophic meaning. Before delving into issues of halacha and medicine we have a short but eloquent presentation of the obligation of a physician to heal. And before the chapter on business and commerce we have a short piece on the religious notion of business ethics. I believe through this method R. Bleich is trying to emphasize that halacha is not just a series of legalistic minutiae. Rather, it is the expression of the divine will in the real world. Through its meticulousness and concern for details it enables those lofty goals to be actualized in society.

There are, however, a few minor criticisms that I feel are in order. Firstly, in the first part of the book there are times when the presentation is uneven. For example, R. Bleich chooses to spend quite a number of pages explaining the issues involved in the lighting of Sabbath candles by young girls and Bircat Ha'hammah while other significant issues are presented in a much more terse fashion, almost to the point of resembling a list of opinions on a given topic. It may be that his unevenness is a result of the fact that much of this book was originally presented in R. Bleich's column in *Tradition* "Survey of Recent Halachic Literature" over the span of many years. Thus it was written at different times and in differing moods. However, as a book, there is a certain unevenness in some parts that can be straightened out.

Secondly, it would be useful if we had some guide or measure of what criterion the author uses to determine who's opinions are included in the essays. Certainly we understand the inclusion of the *Gedolim* and major *poskim* of our generation. However, when we go down to the next levels I do not see a clear pattern of who and what is regarded as legitimate halachic opinion. Thus, on the one hand R. Bleich will sometimes present the opinions and arguments of less well-known rabbis right along those of *poskim* such as R. Moshe Feinstein and R. Shlomo Zalman Auerbach, while on the other hand there are times when R. Bleich does not record opinions of other rabbis even though they are germane.

Let me cite a clear example from the first volume of this series. On pages 220-221 there is a discussion of electric menorah for Chanukah. The basic thrust of the discussion and presentation is that it is not permissible to use such lights for the mitzvah (this I might add is the view of most *poskim*). However, there were *tsuhot* written permitting the use of such menorot. One, in fact, was written by R. Aharon Burack z"l, who was a Rosh Yeshiva in Y.U. for a number of decades, and argued that the blessing of *שמע ישראל* could certainly be made on an electric menorah, and concludes that with regard to *תורה* he is in doubt.

This is a legitimate *tsuva* that I have heard quoted, albeit *נשמע דרמק* by certain Rabbanim. Unless R. Bleich was unaware of this *tsuva*, which I doubt, it seems strange that it is not at least mentioned in light of other essays where other minority opinions are quoted. In a word, it would be helpful if we were presented with some clear criteria of what constitutes valid halachic opinion and what does not, at least from the author's viewpoint.

Thirdly, in the presentation of the material, there

is one element that I felt was lacking. In today's world if we speak of halachic problems and their resolution, we cannot only relate to the printed word. Certain *gedolim*, for better or worse, choose not to print *tsuhot* while continuing to give oral "p'skai din". Thus, while one may decry the fleeting nature of this form of *p'sak*, they remain part of the contemporary halachic scene. Those of us in the Y.U. community are particularly sensitive to this because of the Rov Shlita's reticence to put *p'sak* in print, while continuing to *psaken* for those who ask him. Therefore, I felt that certain essays were lacking in the fact that such opinions are not recorded.

Let me cite three examples. In Vol. I, page 48 (published in 1977) Rabbi Bleich discusses the permissibility of shaving during Chol Hamoed. Anybody who has been at Yeshiva or has come into contact with any of the Rov's students know the Rov's opinion that it is permitted, and one may even be required to shave because of *Simchat Yom Tov*.

(Recently, this opinion has appeared in print. In the summer of 1981, the Israeli Torah Journal, *Techumin*, included a number of articles on the topic of shaving on Chol Hamoed. In the course of the discussion, one of the Israeli scholars writes that he has heard that Rabbi J.B. Soloveitchik permits shaving on Chol Hamoed. On this statement the editor, Rabbi Itamar Vahrhafteig, adds the following footnote: "In fact, the opinion of Rabbi Soloveitchik is that not only is it permitted, but it is obligatory because of *Simchat Yom Tov*. This I heard from his son-in-law, Mori V'Rabi HaRav Aharon Lichtenstein, shlit'a, Rosh Yeshivat Har Etzion, and he too concurs with his opinion." Page 133, ft. 37.)

Therefore, I am surprised at the omission of this well-known opinion of the Rov.

A second example is R. Bleich's discussion in the second volume, pages 254-267, of women sitting on synagogue boards and serving as presidents.

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Working With The Jewish Retarded

By CHAIM WIZMAN

In 1974 Geraldo Rivera did a famous expose on the Willowbrook Psychiatric Center. In it, he revealed that the clients were being sickeningly abused and maltreated. Many clients were beaten, undernourished, and even sexually abused. A substantial number of the clients never even got dressed during the day, remaining in the same filthy pajamas for weeks at a time. This shocking report prompted the government to establish a new type of home for mentally retarded individuals. One such home is the Women's League Community Residence.

Women's League, founded in 1980 by Jeanne Warman, a woman whose first child was born retarded, is a home for ten orthodox Jewish males in Boro Park. The majority of the clients were transferred to Women's League from Willowbrook after the scandal. The residence is orthodox in every respect. The food is strictly kosher, the clients wear kippot and Shabbat is enthusiastically observed.

Although psychologists argue about the precise definition of a mentally retarded individual, one with an IQ below 70 is generally considered mildly retarded. The majority of the clients in Women's League have IQ's that place them in the profoundly retarded range. The concept of the home is based on the process of "normalization." This means that we try to make the residents as much a part of the community as possible. Thus, Women's League is just another house on 38th street. There is no large sign that indicates that it is a Community residence. In fact there is nothing whatsoever to indicate that it is anything but an average family home.

The clients range in age from twenty to forty-seven. They are not referred to as "kids" because

they are adults in every sense. The clients are almost never permitted to be idle. They begin a rigid daily routine at 7 a.m. when they wake up, eat breakfast, and get picked up by a bus that takes them to workshop. At workshop they will work on the manual production of simple things such as watchbands. Despite their handicap, the clients do produce and gain great satisfaction from seeing a finished product from their own hands.

Each night the clients work on an educational recreation project that is planned for them by a recreational therapist. Most nights of the week are spent doing a night activity such as swimming at the YMHA, bowling, night school, or an arts and crafts project. There are three counselors on duty during each shift. Many of the counselors employed by Women's League are Yeshiva College students.

The professional staff at Women's League, virtually all of whom are orthodox Jews, meets frequently to discuss the progress of each client. One of the most significant parts of the daily routine is the completion of daily goals. The goals are a specific set of short and long range objectives designed by the residence psychologist to help the clients learn various skills essential for independent daily living. The clients are encouraged to fulfill these goals by means of positive reinforcement.

Many of the goals are designed to provide the client with a basic awareness of Judaism. For example, several clients have goals to recite the Shema, put on Tefillin, and make Brachot prior to eating. When a client successfully completes a goal, he is rewarded by going on the trip of his choice.

I work in Women's League on the weekends and I was amazed to discover that Shabbat in the home is spent exactly the way it is spent in any

orthodox Jewish household. We take the clients to shul and have traditional Shabbat meals. The clients wear Shabbat suits and each one performs a song in honor of Shabbat. On Shabbat afternoon the clients attend a special Pirchei session at which they sing Hebrew songs and listen to stories told by a local rabbi. Saturday night is a t night at Women's League. The clients go out for pizza and then back home for a melave malka with live music.

The term "home" in Women's League means just that. The atmosphere is warm and informal. Each client has his own room or shares a room with one other client. There is a living room with a stereo and a den with a T.V. At night, after the clients have showered, they sit down and watch T.V. together before going to sleep. The refrigerator has no lock. Clients may take fruit and other healthy snacks whenever they please. They get along well with one another and are encouraged to feel like it is their home and the other residents are part of their family. They enjoy living in such a comfortable atmosphere, especially after the horrors of Willowbrook.

The home is so successful that Women's League has recently opened three other government

funded homes under Mrs. Warman's guidance.

People's reaction when I tell them that I work with retarded adults is respectful but unenvious. Most feel that they are unable to do such work because it is too emotionally taxing. This is an unfortunate misconception. The clients are in no way pathetic. They have independent bathroom and shower skills and due to the efforts of the Women's League staff, are constantly acquiring new skills. They are extremely affectionate because they sense that they are part of a family where they are accepted and loved and they are eager to reciprocate. The clients have good senses of humor and are generally cheerful and pleasant to work with. On rare occasion, a client may have a "fit." A "fit" is not an epileptic seizure, it is merely a temper tantrum. The fits, however, are very infrequent and a simple crisis intervention is employed if the client attempts to hit himself or others. Working with the mentally retarded is far from onerous and depressing. The work is both enjoyable and rewarding. Few jobs are as appreciated and meaningful as this. Most people can work with the mentally retarded. It does not require a rare humanitarianism, it requires only a little love and compassion.

Aspects of Shabbos

(Continued from page 3)

him. On Shabbat, man is commanded to study Torah and reach the spiritual menucha of the soul. This menucha arises not from Creation, but from God's acceptance of the Jewish people as His nation.

We can now contrast *adnut* with *menucha*. God's *adnut* relates directly to Shabbat Bereishit—Zecher Le'ma'ase Bereishit, while *menucha Shabbat* springs from the bond formed between God and His people on the first *Pesach*—Zecher Le'Yetziat Mitzraim. Interestingly, according to the Rambam, a *ger toshav* was not included in the mitzvah of Shabbat. The *ger toshav* has accepted *Sheva Mitzvot Bnei Noach*, recognizes God as the Creator, and yet is denied Shabbat. It seems that the two aspects to Shabbat are inseparable; an outsider who cannot transcend his mundane existence cannot appreciate *menuchat Shabbat*.

The parshiot in Mishpatim and Ki Tisah puzzle us no longer. In Mishpatim God addresses us as the Adon. As such, Shabbat has no relation to the Regalim. However, in Ki Tisah, God has evolved from Adon Hashem (Shmot 23:17) to Adon Hashem Elokai Yisroel (Shmot 34:23). The Shabbat discussed in this parsha is one dependent on the special brit formed between Yisroel and Elokai Yisroel through Yetziat Mitzraim.

The Aseret HaDibrot reflect these same concepts. In the first sey of *dibrot* (Shmot 20), our Shabbat commemorates Shabbat Bereishit:

כי ששת ימים עשה ה' את השמים ואת הארץ ויום השבת אשר בו רוח ביום השביעי על כן ברך ה' את יום השבת ויקדשהו

"For in six days the Lord made Heaven and earth, the sea and all that is in them; therefore the Lord blessed the seventh day and hallowed it."

The Torah also mentions who must keep Shabbat:

לא תעשה כל מלאכה אהה ובן ובתך עבדך ובהמתך וגבר אשר בשעריך

"In it thou shalt not do any work, thou, nor thy son, nor thy daughter, nor thy manservants, nor thy maidservants, nor thy animals..." When discussing

Simchas

The Editor-in Chief and the entire Governing board wish a special mazel tov to Kenny Brander and Ruchie Tambor on their recent engagement.

Mazel Tov to Ari Goldsmith (YC 84) on his upcoming marriage to Barbara Carmen.

Mazel Tov to Morey Schwartz and Deena Zimand on their upcoming marriage.

Hamevaser wish a Mazel Tov to one of America's best publications—The New Republic—on its 75th birthday.

Must They Go

(Continued from page 8)

I have until now, basically presented the different sources in the Rishonim on this issue, and their super commentaries. Turning to the modern period, there are few *ishuvot* directly relating to the topic of Arab residence in the Land of Israel. However, there is one clear Tshuva that was written by Maran HaRav Avraham Yitzchak Hacohen Kook z"l. In Mishpat Kohan #63, Rav Kook paskens that not only are Moslems not idolaters, and thus permitted to live in the land, but have the status of *Ger Toshav*, and consequently one may sell land to them without violating any prohibitions. (see also the addendum to the Tshuva on pg. 363, ed. Mosad Rav Kook.) On the second part of this *p'sak* one can argue quite strenuously but the first half seems to be clear from all the sources in halachic literature.

In summary:
I. Many Rishonim hold that the prohibition of non-Jewish residence in the Land of Israel applies only to members of the Seven Nations, entities no longer in existence.

II. Other Rishonim claim that the prohibition includes all idolatrous nations, but any non-Jew who does not practice idolatry is permitted domicile in the land. According to this opinion as well, Moslems would certainly be permitted to dwell in the Land (and according to many opinions Christians as well because these opinions hold that Christianity is not *Avodah Zarah*).

III. According to other Rishonim (including Rambam acc. to Kesef Mishnah) the prohibition extends to all non-Jews as long as they do not

practice the Noahide Code. Once, however, they adopt the Noahide Code, they may remain in the Land. Similarly, according to this approach peaceful moslems would be permitted to dwell in Eretz Yisrael.

IV. According to one interpretation of Rambam (Minhat Chinuch, and Hazon Ish) not only is practice of the Noahide Code necessary, but also formal acceptance in Beit Din of the status of *Ger Toshav*. In the absence of this, the prohibition remains in effect. However, even according to Rambam, expulsion can only be done when *תכבידים* in effect. Clearly, today we are not in such a position of strength as Rav Uterman, Rav Yisraeli and others have pointed out.

Thus, in conclusion, Meir Kahane's statements such as "all the Rishonim agree to the Rambam" and "the expulsion of the Arabs today is mandated by the Halacha" are at best, simply wrong, and at worst a gross distortion of Torah and Halacha.

I think Meyer Kahane owes an apology to the student he attacked that night. Moreover, I think he owes an apology to the Jewish people and the Halacha which he has so brazenly distorted. I think it is time for the religious community, its leaders, poskim and Roshei Yeshiva to come out publicly against his distortions of Halacha and acts of *hillel hashem*. Only in such a way will it be made clear that he does not speak for the halacha or the Torah community, but rather only for himself.

בכל יום ויום בהקול יוצאת ומכרזת — אין להם לבריות מעלכותנו של תורה" — (חגיגה דף 47)

adnut, man and animals are equals.

The second *dibrot* (Devarim 5) neglect Shabbat Bereishit; Yetziat Mitzraim has taken its place:

והרת ה' עבד היותו בארץ מצרים ויצאת ה' אלקיך משם על כן צוה ה' לשנות את יום השבת

"And remember that thou wast a servant in the land of Mitzraim and that the Lord thy God brought thee out from there with a mighty hand and a stretched out arm; therefore the Lord thy God commanded thee to keep the sabbath day."

This parsha of *menucha* appropriately distinguishes man from animal. After repeating the prohibition of *melacha*, the Torah adds "Le'ma'an yanuach avdcha va'amatcha kamocha." By undergoing a brit milah, the eved has acquired a share in *menuchat Shabbat*.

Although God sanctified Shabbat on the seventh day of creation, many generations passed before it could be introduced to the world. Only after the partnership formed through Yetziat Mitzraim, when Bnei Yisroel sacrificed the *pesach* and God redeemed them, did Shabbat have a home. Even before *matan Torah*, God presented the Jewish people with Shabbat at Marah. Shabbat is a responsibility and a gift, but also a tool. Used properly, we can achieve ultimate redemption. Described as "Yom She'kulo Shabbat U'Menucha Le'Chayai Ha'Olamim."

Book Review

(Continued from page 6)

Once again, on this issue the Rov has issued a *p'sak* to numerous rabbis who have sought advice on this issue during the last few years. It is therefore strange that on this matter which is increasingly being thought of as an important issue, that the Rov's opinion was not presented in some form.

Lastly, one of the longest and most detailed chapters in this volume is R. Bleich's excellent treatment of the emotional issue of returning the territories of Yehuda and Shomron. In this instance the public statements of Gedolim such as the Rov, R. Ovadyah Yosef, and R. Shlomo Zalman Auerbach have not been included. Though it is true that often they were made in contexts that did not allow for halachic exposition of the topic (such as the interview of the Rov in *HaDoar* some years back), they still constitute halachic statements made by Gedolei Hador, and as such should be mentioned in any discussion of the topic.

Leaving these criticisms aside, R. Bleich has done a masterful job of bringing the wealth of halachic literature on modern problems to the lay reader and Ben Torah alike. And I would add that though the author basically stays in the background, and does not interject his own opinions into his presentation, still we have a dictum in our tradition: אין ביה מדרש בלא חידוש. Consequently, there are a number of places where the author presents his own ideas and often his arguments are quite cogent, and indicative of the great Rosh Yeshiva and scholar that he is.

Recently, in an event filled with controversy, Meir Kahane spoke at Y.U. In his talk he again reiterated his call for the expulsion of the civilian Arab population of Yehuda and Shomron. In addition to the political defense of this plan, he argued that this in fact was mandated by the Halacha. Basing himself on the verse in Shmot 23:33: "They shall not dwell in your land, lest they make you sin against me, for if you serve their gods, it will surely be a stumbling block for you," he argued (and has argued in his book "Al Haemunah V'al Hageulah," pg. 72) that the Halacha demands that we today expel all non-Jews, unless they accept the status of Ger Toshav (of which he presented some very stringent and strange requirements). Moreover, he claimed that those who disagree with him on this, are actually rejecting the "Halacha" for "hellenistic, western" ideas of morality. In this context, Kahane referred to the questions of one student as "obscene" because they were in fact not attacking his views but those of the "Halacha."

I think it behooves us to take a closer look at this particular "mitzvah" in Shmot, and see what it does entail for us in 1984.

The portion in Parshat Mishpatim, from which this verse is taken is the first section in the Torah in which God warns the Jewish people to take heed when entering the Land of Israel, lest they become ensnared by the paganism of the indigenous population. Rather, we are commanded to destroy their idols and temples. The section ends with the verses "You shall make no covenant with them, nor with their gods. They shall not dwell in your land, lest they make you sin against me; for if you serve their gods, it will surely be a stumbling block for you." Which nations is the Torah referring to in this prohibition? The context of the section clearly indicates that it is relating to the Seven Nations that the Jewish people were supposed to conquer. This is stated explicitly by Ibn Ezra on the spot.

However, instead of dwelling on the exegetical level, let us explore how this Mitzvah was understood by Hazal and the Rishonim. The Gemara in Gitin 45a states:

והניח לא ישבו בארצן. פן יטיאו אותך ליי כבוד עבודה כוכבים שקיבל שלא לעבוד ולא לעבוד עבודה כוכבים הכתוב מדבר ח"ל לא תטמין עבד לא אדוניו (דברים כ"ט) אשר ינצל אליך מעם אדוניו מאי תקנתו עמך ישב בקרב ארצך (שם)

"For it has been taught 'They shall not dwell in your land lest they make you sin against me...' shall I say that the text speaks of a heathen who has undertaken not to practice idolatry? [This cannot be, because] it is written, 'You shall not deliver unto his master a servant who has escaped from his master [i.e. who has left idolatry] what is to be done with him? He shall dwell with you.'"

Rashi, on the spot, comments on the verse "They shall not dwell in your land" states: "שבועה אמות חביב"—it is speaking about the Seven nations. This is also the opinion of Rashi in Eruchin-29a. Similarly the Rabad in his Hassagot on Rambam, Hilchot Avodah Zarah 10:6 states:

והפסוק שהוא: מביא שבועה אמות חביב "The verse (i.e. "They shall not dwell") that the Rambam brings is speaking about the Seven Nations." In addition this is the opinion of the S'mag—(Lavin-49): "It is



By NATI HELFGOT

forbidden to give domicile to a member of the Seven Nations for it says "They shall not dwell." Thus according to these Rishonim and others, this mitzvah only applies in relation to the Seven Nations entities which do not exist and have not existed since the days of Sanherib, King of Assyria (722 B.C.E.) as posited by the Gemara in Yoma 54a and Rambam Hilchot Melachim 5:4—

וכבר אמר זכרנו: The second approach to this Mitzvah, is the one which holds that the verse includes not only the Seven Nations but all pagans. However, once they have ceased practicing idolatry they are permitted to live in the Land of Israel. This is clearly the simple understanding of the Gemara in Gitin which speaks of "heathens" in general, and then posits that if they have abandoned idolatry they may dwell in the land. This position is explicitly stated by Rambam in his Sefer HaMitzvot—Mitzvah Lo Taaseh 51: "והזהירו מוהשיב עובדי ע"ז בארצנו כדי שלא נלמד כפרתם והוא אמרו: 'לא ישבו בארצכם' פן יטיאו אותך ליי, ואילו רצה העכו"ם לעמוד בארצנו אינו מותר לנו זה עד שיקבל עלינו שלא לעבוד ע"ז, ואז יהיה אפשר לו לשכון זה יקרא גר תושב, ורצים בזה שהוא גר לענין שיהיה מותר לנו לשכון בארץ לבד..." (מהדורת ר' חיים הלר)

"We have been commanded not to let idol worshippers dwell in our land so that we should not learn their blasphemy as it says "they shall not dwell in the land..." and if the non-Jew wants to stay in our land, he must accept not to worship idols, and then he may reside there, and such an individual is called a Ger Toshav, meaning he is a Ger in relation to the fact that he may dwell in the land." Thus the gentile who renounces idolatry may remain in the land and acq. the status of Ger Toshav. This is also the position of the Sefer Hachinuch, Mitzvah 94.

The last source we shall turn to is the Rambam, Hilchot Avodah Zarah, 10:6 and the commentaries on his statements. וז"ל "אבל בזמן שיד ישראל חקיפה עליהם, אמרו להניח עובדי כוכבים בנינו. ואפילו יושב ישיבת ארע"א או עובר ממקום למקום כסחורה לא יעבור בארצנו, אלא עד שיקבל עליו שבע מצוות בני נח שנאמר לא ישבו בארצן אפילו לפי שעה, ואם קבל עליו שבע מצוות היה זה גר תושב. ואין מקבלין גר תושב אלא בזמן שהיוכל נוהג, אבל שלא בזמן היובל אין מקבלין אלא גר זדק כלבו"

"However, in a time when the Jewish people are dominant over them (i.e. the gentiles), it is forbidden to leave idolaters to live amongst us...until he accepts upon himself the Seven Noahide Laws for it says "They shall not dwell amongst you"...but if he accepts the Seven Noahide Laws he is a Ger Toshav. And

we do not accept Ger Toshav, except when the Yovel is functioning, but in a time when the Yovel is not in place, we only accept Ger Tzedek."

Rabad on the spot comments:

"איני משווה לו בישיבת הארץ" "I do not equate it in terms of the ability to reside in the land." Kesef Mishnah explains Rabad to mean that though we do not accept Ger Toshav today in regard to other laws, if the gentile accepts the Noahide code voluntarily, he is permitted residence in the land. Kesef Mishnah points out that this position is quite logical since the prohibition is based on the fear "lest they cause you to sin against me" (i.e. idolatry). Once the non-Jew accepts the Noahide code, this consideration falls off. Furthermore, Kesef Mishnah contends that the Rambam would also agree that in such a case the gentile could remain in the land. He only states that the court does not accept him technically as a Ger Toshav, with all the other Halachot devolving from this status.

This position of the Rabad (and according to Kesef Mishnah and others of Rambam as well) is adopted by the Rashba in his T'shuvoth. Similarly, this seems to be the position of the Ramban in his commentary to the Torah, D'varim 20:10, as well as the Ritva in Makkot 9a. Thus, according to this group of Rishonim, any non-Jew who accepts the Noahide Code voluntarily would be permitted to reside in the land. Thus, for example, peaceful Moslems would clearly be permitted to reside in the land since adherents of Islam adhere to the Noahide Code (see Rambam, Hilchot Moahalot Asurot 11:7, and T'shuvoth HaRambam #448 [pg. 726—ed. Blau])

ואלו הישמעאלים אינם עובדי ע"ז כלל..." Minhath Chinuch—Mitzvah 94 argues on the interpretation of Kesef Mishnah in the Rambam. Rather, according to Minhath Chinuch, Rambam's position is that in the absence of the formal status of Ger Toshav (יבקה בנינו), that the gentile is forbidden to reside in Eretz Yisrael. Thus according to Minhath Chinuch there is room to raise the issue of non-Jewish communities residence in the land in our day. However, if we look more closely at this source we shall see that even according to Minhath Chinuch's understanding of Rambam, there is little justification for expulsion of gentiles in our day.

First of all, Minhath Chinuch points out that the prohibition of heathens dwelling in the Land may apply only to those areas which have Kedushat Eretz Yisrael. While many if not most Rishonim hold that the

sanctification in the time of Ezra is eternal (Kidsha Leshaatah, V'Kidsha Le'Atid Lavo), there are many who hold that this is not so and a third sanctification will be needed in the future. Thus, according to these opinions the Land today does not have the technical status of Kedushat Haaretz and thus even idolaters might be permitted to reside in the Land even according to the most strict views.

Secondly, Minhath Chinuch suggests that the Mitzvah, even in a time when the "Jewish people are dominant over the gentiles", does not require displacement of the gentile from land which he has legally purchased and is under his ownership.

More importantly, let us look again at the language of the Rambam.

"אבל בזמן שיד ישראל חקיפה עליהם אמרו להניח עובדים בנינו"

"However, in a time when the Jewish people are dominant over the gentiles it is forbidden to leave idolaters to live amongst us..." What does it mean that the Jewish people have the upper hand? Rambam in the previous halachot codified certain halachot that are applicable when the Jewish people do not have the upper hand. These include such laws as מפרנסין עניי עכו"ם מפני דרכי שלום (שם הל' ה')

Thus, there are a whole series of laws and courtesies that Jews must extend even to idolaters because of the repercussions non-fulfillment might have on the Jewish community. Thus, the stage of חקיפה יהודית is one in which the Jewish people is in such a position of strength that there is no longer fears of negative repercussions from the gentile community. Thus, can any rational Jew really suggest that we today live in a world where the gentiles are dominant in its full sense? When there are so many Jews still under the rule of tyrannical anti-Jewish governments can we really ignore the ramifications of our actions? What would be the fate of our brethren in Moslem lands if we began expelling Arabs en masse from Yehuda and Shomron? Secondly, the State of Israel is still heavily dependent on the economic and military support of the United States. Can one imagine what would happen to public opinion and congressional support if Israel began such a policy of expelling civilian Arabs? Can one really claim that we are in an age of חקיפה יהודית in a full sense when the State of Israel is so dependent on American aid.

Clearly, the Gedolim of this generation such as Rav Unterman and others felt that we are still in a state of חקיפה יהודית. Thus, in the 1960s when a non-Jew fell ill on Shabbat in Jerusalem they ruled that one must desecrate Shabbat to save the life of the non-Jew. Among the arguments presented was the issue of חקיפה יהודית. Clearly, then we still have to be sensitive to the repercussions of our actions. Thus, we are not in a state of חקיפה יהודית in our day and age as Rav Shaul Yisraeli shlit'a points out in Kovetz HaMedinah V'HaTorah—Vol. 7-8, pg. 106, and thus this Rambam, even according to Minhath Chinuch is inoperative in our day.

(Continued on page 7)

JOIN HAMEVASER