

HAMEVASER

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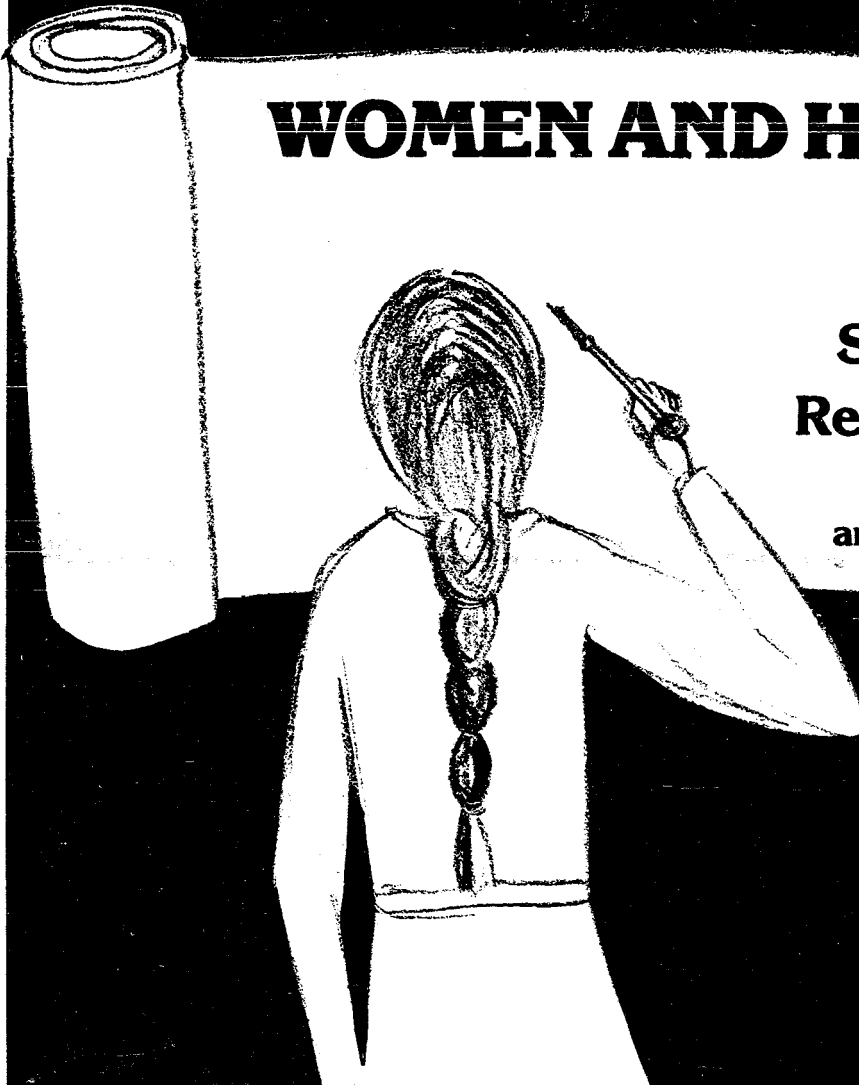
HAMEVASER New York City

March 1985. Adar 5745

WOMEN AND HALACHA:

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Synagogue Life
Reading Megillah

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HAMEVASER

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EDITORIALS

L'Haym

Rashi in Vayetze says that when a Tzaddik leaves a city, "panah hodah, opanah zivah, panah hadarah," part of its glory leaves as well. In a similar but less exaggerated way, Rabbi Haym Soloveitchik's departure to Eretz Yisrael has left a void in the Beit Midrash. Rabbi Soloveitchik's shiur provided two new experiences for the Beit Midrash to witness, or participate in: added excitement about, and fear of, shiur. The added excitement was a result of a completely new *derech* of learning which provided an extremely satisfying intellectual experience (see feature article in this issue). The fear was the result of the demand made that bochurim be prepared for shiur—a demand which allowed shiur to be only twice a week, while forcing the members of the shiur to learn more, rather than in any way lessening their learning. These emotions produced the most important result in the shiur members: an interest in shiur which caused it to be the topic of conversation throughout their day, as well as spurring them to spend late night hours preparing for the next day's shiur.

It is only since he is gone, and the Beit Midrash has resumed its everyday life, that we realize the effect Rabbi Soloveitchik had. Aside from taking this opportunity to note this loss to our yeshiva, Hamevaser would like to thank Rabbi Soloveitchik and the administration for having provided us with this stimulating experience in the first place. We hope for more such innovative, exciting developments in the future.

לחיים

The Gemara (Megillah 7b) tells how Rabbah and Rabbi Zeira made a Purim feast together. They got drunk, and Rabbah went and cut Rabbi Zeira's throat. In the morning, Rabbah prayed to God, and brought Rabbi Zeira to life again. The next year, Rabbah again invited Rabbi Zeira to join him for a Purim feast. Rabbi Zeira replied, "miracles don't happen all the time."

The Gemara is pointing out that drinking, even as a mitzvah, is not an unambivalent act. It is a dangerous act. Today, of course, we have progressed tremendously from the days of the Amoraim. Instead of an occasional throat-slitting, we have drunken driving to the tune of twenty thousand dead a year. This, to a large extent, is due to the technological advantage the automobile provides.

When Rabbah cut Rabbi Zeira's throat (leaving aside the various interpretations that are given), he certainly did not know the difference between Mordechai and Haman. When one is driving two tons of steel, the drop in reaction time, judgement abilities, and night-vision from even two drinks is enough to cause bloodshed—even if not fulfilling the mitzvah of *ad d'lo yada*.

The Midrash, referring to Achashverosh's drunken banquet, explains the phrase "*k'rizon ish v'ish*" as meaning that they could drink either like Mordechai or like Haman. Drink like Mordechai.

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Letters

Sandinistas

To the Editor:

I was surprised at the appearance of the article "Nicaragua and the Jews" in Hamevaser. Instead of presenting a balanced and critical appraisal of the important issue of what happens to a Jewish community in a country where Marxist-Leninists take control, it gave us a whitewash of the Sandinista government. I do not have at my disposal much of the factual material presented in the article and so cannot comment on its veracity. But even given the basic accuracy of the details, the overall tenor of the writing reflects a benign attitude towards the revolutionary government, an attitude which is totally unjustified given the record of that government and of similar governments in the past.

Thus, the article features a picture of a memorial to a Jewish fighter with a caption noting that his brother is the Minister of Tourism. This has about as much relevance to revealing the Jewish condition under left-wing dictatorships as the fact that many of the original Bolsheviks in Russia were Jewish. Conceding that anti-Semitic incidents carried out by pro-government forces did occur, the author further claims that there was "no governmental oppression." Much of this is reminiscent of the good press Fidel Castro received during his early years in power, particularly with respect to his relations with the Jewish community. Yet both Cuba and Nicaragua today are major supporters of the PLO. This fact cannot simply be dismissed (or "justified") by Israeli arms sales to Somoza. The fact is that practically every Marxist-Leninist government in the world today is hostile to Israel and to Jewish interests, regardless of whether these governments may contain some Jews, or are not actively persecuting Jews, at any particular moment or not.

Yours truly,
Harry Reich
YC '70, RIETS '73

Hasmoneans

To the Editor

Rabbi Dr. Joseph Wanefsky, in his article *Hasmonean Kingship and Davidic Kingship* (Hamevaser Dec. 84), attempts to bestow halakhic legitimacy on the Hasmonean dynasty by differentiating between a king whose role is to wield chief executive power and one whose mission is to build the Temple and to teach Torah.

The Hasmonean dynasty, Rabbi Wanefsky maintains, was halakhically legitimate because it was of the second category, and as priests, the Hasmoneans "fulfilled all the more vigorously their obligation for the safeguarding of the Temple from any attack or diminution." That this thesis, at least when applied to the Hasmoneans, does not stand up to historical analysis, is, at best, an understatement.

The first Hasmonean to proclaim himself king, according to most historical authorities, was Judah Aristobolus. A Hellenized despot (he took the name "Philhellene"), starved his mother to death, and played a role in the murder of a brother, this great grandson of Matathias continued the policies of his father John Hyrcanus by allying himself with the Sadducees. Fortunately, his reign lasted only one year.

Less fortunate was the tumultuous 27 year reign of his successor, Alexander Yannai, which saw a marked escalation of the Hasmonean-Pharisean confrontation. It was this king who, while officiating as High Priest in the Temple on Succot, discarded the water libation on his feet rather than following the Pharisean custom of pouring it on the altar. Bloodshed ensued when he turned his mercenaries loose on those assembled in the Temple courtyard, who had registered their protest at this desecration by pelting him with their etrogim. In similar spirit Alexander Yannai executed (by crucifixion) hundreds of Pharisees following the failure of their revolt against his tyrannical rule.

Finally it should be noted, that in the "two

hundred years" of Hasmonean rule alluded to by the Rambam (Hilkhot Hanukah 3:1) must be included the reign of Herod (who in fact was not of Hasmonean lineage). The tragic details of this bloody period of Jewish history are so well known that one need not elaborate. Herod, even more than his predecessors on the resurrected throne of Judah, was no shining example of a king dedicated to the teaching of Torah.

The contradiction Rabbi Wanefsky perceives between two halakhot of the Rambam will be more apparent than real. One need not infer from the Rambam's recounting of the establishment of the Hasmonean dynasty that on the merit of the latter, Torah was preserved in Israel.

One may rather explain it by the dictum perhaps best expressed by Samson: "*Mei'Az Yatazh Matok*"—"out of the strong comes forth sweetness." (Judges 14-14) Two notable examples of this in Jewish history come quickly to mind:

1) The ancestry of David from two less than laudable unions: that of Lot and his eldest daughter, and that of Judah and Tamar.

2) The reign of Jeroboam II saw the restoration of the boundaries of northern Israel to those of the days of Solomon. The Tanakh strongly implies that it was not on the merit of Jeroboam that this salvation took place. He, according to the author of the Book of Kings, was yet another idolatrous king of Israel who "did that which was evil in the sight of the Lord, he departed not from all the sins of Jeroboam, the son of Nebat, wherewith he made Israel to sin" (Kings 2, 14, 24). Yet, "He restored the borders of Israel...neither was there any helper for Israel...and...he saved them by the hand of Jeroboam, the son of Joash." (Ibid, 24-27; Malbim on V. 26)

The analogy to the Hasmonean dynasty is quite relevant. One need not bestow halakhic legitimacy on it in order to explain the good (i.e. the preservation of Torah) that came out of the "200 years" the Hasmoneans sat on the throne of Judah.

Sincerely,
Norman A. Bloom, M.D.

YC '59

Hamevaser welcomes unsolicited articles. We must, however, make the following requests:

- 1) All articles must be triple-spaced. We strongly prefer typewritten manuscripts, but neatly handwritten ones are acceptable.
- 2) Hebrew characters cannot be used in English sentences. A transliteration guide is available from the editors. Hebrew sentences as phrases should be submitted on a separate sheet.

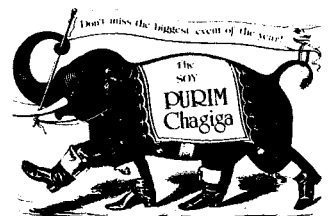
Condolences

To Avi Moskowitz on the loss of his father.
To Rabbi Aharon Kahn on the loss of his stepmother.

המקום ינחם אתכם בתוך שאר אבלי ציון וירושלים.

Correction

The unsigned article on page three of the last issue of Hamevaser, entitled "Aspects of Shabbos" was written by Yossi Prager and should have been titled "Shabbat U'Menucha." In addition, the phrase in the article, "Torah restricts free man" should have read, "Torah restrictions free man."



Wednesday March 6
Main Beit Midrash 9:00pm

Admission \$2.00 with Y.U. id.
Refreshments will be served

Epistemology of Limud HaTorah

By DAVID HORWITZ

The twentieth century world view that many Westerners possess has been shaped largely by the categories of three modern intellectual revolutions. Einstein's discovery that time and space are relative rather than absolute terms of measurement shattered a Newtonian universe based upon Euclidean geometry and Galileo's notions of absolute time. Freud constructed a comprehensive theory concerning the psychological structure and functioning of the human mind that introduced new categories (subconscious, Oedipus complex, etc...) of reality. Marx posited an analysis of economics and history (historical materialism) that maintained that "it is not the consciousness of men which determines their existence, it is, on the contrary, their social existence which determines their consciousness."

In his book *Modern Times*, Paul Johnson points out that Einstein's methodology was essentially different than that of Freud or Marx. The former insisted that his equations be verified by empirical observations. Had the celebrated solar eclipse of 1919 not validated his theory, Einstein would have not faulted the observation, but instead would have admitted his failure. Freud and Marx, however, constructed self-validating systems

that allow for no empirical refutation. If a fact appeared to contradict their systems, their response, and to a larger extent that of their disciples, was to explain the fact away via reinterpretation. Any disagreement was itself construed as a symptom of "resistance" or "false consciousness." Einstein did not refrain from proposing hypotheses; indeed until his dying day he sought the equation that would unify the fields of gravitation and electromagnetism. Yet he proceeded only after obtaining an epistemologically sound foundation.

This issue is not merely one for students of scientific and intellectual history. As Jews we possess a Divine obligation to perform the cognitive act of *almud torah*. This act serves a dual purpose; study qua study (*torah tishmah*) and study qua preparation for halakhically valid behavioral action (*limud al menai la'aso*). The texts that serve as points of departure for study are the Gemara and Rishonim. Thus the structure of one's analysis of the Gemara and Rishonim necessarily carries with it ramifications for proper understanding of the Gemara and normative behavior as well. Rabbi Hayyim of Volozhin, student of the Vilna Gaon, formed a yeshiva based upon the methodical examination of the Gemara and of the differing opinions of the Rishonim. Rabbi Naphtali Tzvi Yehuda

Berlin (the Netziv) helped expand the parameters of this approach by introducing the same methodology to the study of *Midrashei Halakah* and of the *She'iltot*. Although the conceptual approach of Rabbi Hayyim of Brisk stood in contrast to that of the Netziv, Rabbi Shlomo Yosef Zevin, in "Ishim Ve-Shitot" made the point that both men shared the concept of *ha'amaqah in hapashut* (literally, depth with simplicity). Rabbi Hayyim's conceptualizations were not self imposed structures, but were based upon a clear and distinct infrastructure; the analysis of what the Rishonim actually said.

When we study Gemara, we meet first with the interpretation of the Gemara given by Rashi and the Ba'alei Hatosafot. We often by rote adopt their categories to other Rishonim such as the Rambam, forgetting that what we have seen was a perspective, be it a definition of a word or a conceptual formulation, not necessarily shared by all. The problem becomes acute when, faced with the proverbial "difficult Rambam," we often solve it by utilizing terms and concepts that were subsequently framed by others, but not by the Rambam himself. Yet these intellectual "castles in Spain" may exist only in our own minds.

This past fall Rabbi Haym Soloveitchik gave shiurim on the sixth perek of *Bereakhot*.

One of the points he emphasized was that Rishonim should be studied on their own terms. Thus, for example, one cannot simply assume that the Rambam defined such terms as *boser* the way Rashi did. Many times he showed how the Rambam followed an interpretive approach that previous Gaonim had adopted. In other cases the controversies between different Rishonim boiled down to their fundamental positions concerning the definitions of "pri" or "lehem." For example, did the term *pri* in our *berakhot* "*boreh pri haetz*" necessarily imply an object that is subsumed under the category of *pri for zeraim*? Proper *havanah* of the Rishonim requires hard work, but the results of a rigorously documented analysis give one a sense of well-earned satisfaction.

Another important methodological lesson concerned one's approach in the face of doubt concerning the position of a rishon. If Rabbi Soloveitchik felt he could not adequately conceptualize a formulation of a rishon, he would resist temptation and simply say, for example, "I don't fully know what the Rasha means with these words." The talmidim who heard the shiurim were grateful to receive the added tools that enabled them to march on to further quests in the Yam haTalmud.

Kosher Cheeseburger?

By BINYAMIN BLAU

In regard to the relationship between *Olan Haze*, this world, and *Olam Haba*, the world-to-come, Jewish tradition implies that one can not have the best of both worlds. If a person wishes to obtain *Olam Haba* he must sacrifice his share in this world and if one wishes to enjoy this world he must forfeit his share in the world-to-come.

My former mashgiach, Rav Avraham Golombeck, used to bring out this theme through the following comparison: trying to enjoy both this world and the next one is like eating a kosher cheeseburger. How, one might ask, can a religious Jew eat a Kosher cheeseburger when by definition he is violating the prohibition of eating milk with meat? The answer lies in one of two options. Either he uses synthetic cheese or he inserts a soybean burger. Either way, one fact is clear: in order for the delicacy to be permissible, one of the two primary ingredients must be fake. So too, Rav Golombeck said, is the case when one attempts to partake of both worlds — one of the two must be fake!

However, in Parshas Vayetze we find the following strange occurrence. In perek 31:1 Hashem comes to Yaakov and tells him that it is time to return home. Yaakov tells his wives (posuk 5):

ראה אנכי אפ אפ אביכן כי איננו אלי חמורל שלשם.

"I see your father's face and it is not towards me as it was previously." From there he goes on to describe how Laban has mistreated him, switching his wages, etc., and it is only at the end of the dialogue, in posuk 19, that he finally mentions God's commandment to leave. Logically, these should have been Yaakov's first words — G-d told me to go so let's go. Why must he mention his poor relationship with Laban?

The response of Rachel and Leah is equally puzzling. They answer:

העוד לנו חלק ונחלה בבית אבינו —

"Do we still have a share and an inheritance in our father's house?" They continue in this vein, stating how poorly their father now treats them and it is only in conclusion that they say, "Whatever God tells us to do we should do." Once again, God's commandment should have been the initial point.

Rav Eliyahu Lopian in *Lev Eliyahu* offers this explanation: The Torah is teaching us that by listening to Hashem's words we will live a better life not only in the next world, but in this world as well! (This explains Yakaov's strange order of arguments — all his hardships will be alleviated if he follows Hashem's word — and answers the question of why Rachel and Leah respond in kind—their status will improve upon adhering to God's commandments).

We are now faced with a dilemma; who is correct—Rav Lopian or tradition? Is it possible to enjoy the fruits of both worlds or must one be sacrificed for the other? In response to the initial question I believe that on different levels both approaches are correct. On a simple level tradition seems more correct. The very nature of halacha causes us, either intentionally or unintentionally, to restrict our desires. We can not simply do as we please; all acts must be within the parameters of the Torah. Many mitzvos themselves require physical hardship, say the fasts and the laws of the Three Weeks. Obviously a person who strives for physical pleasure is traveling a dangerous path.

On a deeper level, perhaps Rav Lopian is correct. A person who fulfills God's commandments, and is therefore worthy of *Olam Haba*, feels a much greater sense of fulfillment than does the non-observant. He feels a sense of accomplishment; he is proud of his daily life. Although he may not live in a fancy house, he enjoys whatever luxuries he does have far more than his counterpart living only for this world. In this sense he truly attains the best of both worlds.

On the Other Hand

By GIDON ROTHSTEIN

Last semester, I read the eighth and ninth chapters of Spinoza's *Theologico-Political Treatise*. In these chapters, Spinoza attempts to prove that Moses could not have written the Torah. These proofs are based on anachronisms in the text, such as "until this day," a statement which requires the passage of time, or the reference to an area of Israel as Dan—a name it did not require until much later. His proofs were quite convincing and quite disturbing. The answers given to these proofs are important not so much for themselves but also for the reminder they provide about the interplay between faith and reason in Judaism.

At first glance, the answer to Spinoza appears quite simple. Judaism does not claim that Moses wrote the Torah; rather, God wrote the Torah—and, there can be no anachronisms. The problem is that this answer takes the whole question out of the realm of intellectual debate, and places it in the realm of faith, leaving us with one burning question: How does a twentieth century intellectual—in all other matters open to new ideas, a believer in the scientific method, etc.—so easily reject arguments which seem to show that, in this example, the Torah could not possibly have been given by Moshe at Har Sinai?

The answer was given to me in part by Rabbi Haym Soloveitchik. He pointed out that history does not establish the facts of an event, but rather the most probable series of events which fit the evidence. Moreover, the further back in history one goes, the more tenuous are any conclusions which historians

draw. For this reason, the man of faith chooses to place the Torah in the context and understanding given it by Torah she ba'al peh rather than the context established by students of history. However, this is all contingent on his original faith commitment.

Kierkegaard calls it a leap of faith. The Rav, in *The Lonely Man of Faith*, speaks of Adam Two, humble man who feels dwarfed by the magnitude of the cosmos and the tininess of his place in it. They are all speaking of the same concept: the understanding and acceptance of the limits of our own reason. We cannot understand everything, and on attempt to try will lead us to err in our assessment of certain issues.

Rav Aharon Lichtenstein, in the August 1966 issue of *Commentary*, claimed that scientism is the greatest danger facing Judaism today. Our century is one in which man has learned to fly, made television, walked on the moon. The Rav's Adam One (majestic, conquering man) is in full ascendancy—we have accomplished miracles, and are rightly proud of them. In the process, though, many of us have lost sight of the borders we must place on our science; we have lost our Adam Two. Particularly in college, when we are broadening our intellectual horizons, the urge to rely solely on intellect is great. Unlike Karl Marx who called religion the opiate of the masses, I believe it is the conscious acceptance of the limits of our intellect. It is not easy to accept these limits, but without this security in our faith, and slightly anti-intellectual stance, eventually we will all meet challenges which—on a purely intellectual level—will prove convincing and topple what was never a true faith.

Before I close, I would like to point out that the conclusions reached here were very much Jewish ones. The people who provided these answers were all members of the YU community—rebbeim, chevrasas, friends. For a student not in Yeshiva College, guidance he would receive on this issue or other issues of faith would probably come from professors, who are involved completely in the intellectual world, and the conclusions he would reach would quite possibly be outside the pale of Orthodox Judaism. This added security in our religious status, is an aspect of YU which is very often overlooked, or at best understated, and should be appreciated more.

SOY PURIM CHAGIGA

Wednesday, March 6

Main Beit Midrash

9:00 PM

Admission \$2.00 with YU i.d.

Refreshments will be served

Talmud Torah

By DEENA SCHRAMM

On December 16, 1984, the Yeshiva University Jewish Studies Faculty joined with the Stern College Alumnae Association and the Torah Activities Committee of Stern in co-sponsoring a conference on the topic "Women in/and Halacha". The first of the four people to present a paper was Rabbi Saul J. Berman, an associate professor of Judaic Studies at Stern and spiritual leader of the Lincoln Square Synagogue, Rabbi Berman, who served for more than thirteen years as chairman of the Stern Jewish Studies faculty, spoke on the topic of "Women and Talmud Torah."

Rabbi Berman began his address with a warning as to the dangers of generalization that can be found in statements such as, "All authorities agree that women are exempt from the mitzvah of *talmud Torah*." He illustrated his point with the following story, well known to his students: "One man turned to another on a plane and began asking what he did for a living. The second man replied, 'I'm a rabbi.' The first man said, 'I really don't know too much about religion but I believe it all can be summed up in that famous saying, Love thy neighbor as thyself.' The rabbi, needless to say, got a little upset, and turned away for a while. A moment later, he asked the first man 'And what do you do?' The first man replied, 'I'm an astrophysicist.' The Rabbi countered, 'I really don't know much about physics but I believe that the entire discipline can be summed up in the famous nursery rhyme: Twinkle, twinkle little star.'"

The fundamental debate is whether or not women are obligated in the mitzvah of *talmud Torah*, an issue that is raised in the Mishnah Sotah, fourth perek, with Ben Azzai maintaining a woman is either required or permitted to partake in this mitzvah and Rabbi Eliezer representing the opposite point of view with his well known statement

"כל המלמד את בתו חטוי אחר חטוי אחרת כאלו למדה תפלות" "Anyone who teaches his daughter Torah is considered to have taught her lewdness." It is interesting to note that both opinions base their arguments on the action of drinking the waters of a *sotah*. Ben Azzai holds that should she find herself in such a situation, the effects will be delayed in the merit of her studying. Rabbi Eliezer maintains that her learning will prove her undoing — because she knows the effects of drinking the water will be delayed, she won't be careful in her actions. Rabbi Eliezer's position, however, is nowhere else

mentioned in the Talmud—either to affirm or to reject (the position of Ben Azzai is elsewhere negated). The Gemara Sotah 21B suggests that Rabbi Eliezer's statement should be read as an equation, to be understood figuratively in the form of advice—teaching Torah to girls can be like teaching lewdness. Thus, with the close of the amoraic period one is left with the required/permitted stand of Ben Azzai, implicit prohibition or warning of Rabbi Eliezer, and the fact that women did indeed study Torah.

Rabbi Berman then proceeded to discuss the positions of the Rishonim, with the Sefardi position represented by the Rambam and the Ashkenazi point of view in the Ramah and Sefer Chasidim. The Rambam does a remarkable balancing act between the four different positions. He maintains that a woman who studies Torah receives the reward (*schar*) of one permitted, though not commanded to do an act (one interpretation of Ben Azzai). But even so, the *chachamim*

commanded a man not to teach his daughters Torah—giving cognizance of Rabbi Eliezer's position while simultaneously, reflecting the absence of a direct prohibition (it is not prohibited to teach one's daughter; it is commanded not to). *Tiflut* he explains to be Torah *she'baal peh*, the oral law; teaching Torah *she'bichav*, while not the ideal situation, does not fall under this category. Finally, the Rambam differentiates the majority of women whose abilities are not inclined toward the study of Torah and the minority who are so inclined. The Rambam, however, doesn't mention the fact that women are already engaged in the study of Torah.

Sefer Chasidim takes a totally different approach, differentiating between functional knowledge which women must learn (this obligation does not fall under the category of *talmud Torah*) and mystical studies which are

unrelated to performance and therefore need not be studied. The dominant position of the Achronim views a synthesis of these two points of view—the minority of women should be taught Torah *she'bichav* (though not Torah *she'baal peh*)—and specifically those laws which pertain to them. The question then focuses on this issue—what is included in "the laws pertaining to women?" Rav Shneur Zalman MiLadi, the first Lubavitcher Rebbe, is very expansive in his explanation as brought down in Shulchan Aruch haRav. Women are required to learn the laws of *niddah*, immersion of vessels, *kashrut*, positive mitzvot not regulated by time, and all the negative commandments. Rav Yisroel Meir haCohen, known as the Chofetz Chayim, relegates Rabbi Eliezer's position to one of advice (not a prohibition or a commandment) and that because of changing times, this advice is no longer practical. In fact, if women don't learn *Chumash, Navi, Keuvim* and *Musar*—all will be lost since today the Mesorah is weak. This approach, according to Rabbi Berman is revolutionary. But because of its concessive nature, retains many of its earlier limitations—very little Torah *she'baal peh* is taught. Another approach of *talmud Torah* for women is taken by the Rav and Rav Aaron Lichtenstein who, respectively, use the attainment of *ahavat Hashem* and the transmission of the *mesorah* as the reasons why women are commanded to learn.



Obedience to Her Husband

By DEVORAH KATSMAN

Now that the kids have all grown up, Mrs. Goldstein has decided to go back to school and fulfill her lifelong dream of a career in law. She faces one problem: Mr. Goldstein forbids her to become a lawyer. "All lawyers are crooks," he maintains, "and I don't want my wife to be a crook."

Must a woman obey her husband in such a situation? Is there a halacha from any source which obligates a woman to follow her spouse and defines failure to do so as a transgression? Dr. Elyakim Ellinson, professor at Bar Ilan University and author of *Bein ha'isat le'yetera* (which deal with women's halachic issues), broached the "Question of Obedience" and discussed its halachic parameters at the Women in Halacha symposium.

Disagreements between husband and wife can run the gamut from the wife's use of cosmetics to conflicts regarding the education of a child. Yet, "obedience," as defined by Dr. Ellinson, applies only to a situation where the submission of will or ideology is involved.

As in the case of Mrs. Goldstein above, the woman faces a dilemma of whether or not to submit her ideology for the sake of her husband's wishes.

"There is no מקור in the Talmud or the Rishonim that says she has to listen to him," Dr. Ellinson declared. He explained that since no talmudic commentaries mention a source for obedience, such a source does not exist.

The nearest source regarding this issue is Agadic, coming from Chapter Ten of *Almei* או אורי. This midrash asserts that Yael, wife of Chever Hakeni (Judges, Chapter 4) was singled out from all women for the salvation of Bnei Yisrael, because of her righteousness, "she was an upright woman." Yael carried out the will of her husband. Conversely, one who does not act accordingly cannot be "upright."

The Rambam picks up on the midrash in *Halakhot Avotot* סימן כ"ג: "הענינה לביקשת מלך מצויה על פי דרייה בענינה כמו או אורי מלך, הולכת בתאוה לכו ומדרכת כל מה שמשנה."

"All of her actions should be in accordance with his wishes, and he should be in her eyes

Rabbi Berman concluded with another story of a meeting between the Lubavitcher Rebbe and the Belzer Rebbe with the latter asking the former how to teach *yirai Hashem* and the latter responding "By teaching Torah, and Torah, and more Torah till you get to *yirai Hashem*." The Belzer Rebbe said "This sounds like Gemara also," and the Lubavitcher Rebbe answered "Sure." "But what about Rabbi Eliezer?" "Don't worry," says the Lubavitcher Rebbe, "we've got a different *p'shat*. When the head is filled with Torah, excess Torah is unnecessary. But when the head is filled with *tiflut*, Torah is the antidote. Even Rabbi Eliezer would agree to teach Torah."

After Rabbi Berman spoke, there were two commentators. The first was Mrs. Miriam Cohen a teacher at Prospect Park High School, currently working on her doctorate with Revel. She quoted the Satmar Rav who said that only a fool would think that the Chafetz Chayim has thrown out the past; he's going along with what has always been done. Women have always been educated, some at home. She also brought in the opinion of Rav Ovadiah Yosef in reference to learning Kabbalah, that once one has learned everything else, it is ok to start Kabbalah, though it may not be appropriate for all. The same with women. All must receive some form of Jewish education—but there are two points to *talmud Torah*. One is for everybody—to learn how to be a good Jew.

The second, the purely intellectual *pilpul* applies only to men. The second commentator was Rabbi Ephraim Kanerfogel, instructor in Hebraic Studies and the current vice-chairman of the Stern Judaic Studies department. Rabbi Kanerfogel basically pointed out that there are two ways a *posek* can change a *noheg*—by conditions being changed or by interpreting the opinion in a novel, less conservative way. In this way he presents the Chofetz Chaim as an example of the former, and Rav Zalman Sorotzkin, who posits that the precedent of women learning is found from the days of Chizkiyahu Hamelech and that the *melamed tiflut* of R. Eliezer applies only to Torah *she'baal peh* learned *ve...* intensively, as an example of the latter.

After Rabbi Kanerfogel spoke, the floor was opened to questions from the audience which was then followed by the second speaker.



Women Reading Megillah

By LARRY YUDELSON

In memory of Ruth Leah Yudelson 15 Adar 1 5727-14 Adar 1 5741

"Rabbi Yehoshua ben Levi said, women are obligated to read the Megillah, because they too were included in the miracle [of Purim] (Megillah 4a)." One question that this raises is the meaning of the statement, *af hen hayu b'oto hanos*, they too were included in the miracle, a dictum that is also used to obligate women in the mitzvot of Chanukah lights and the four cups at the Pesach seder. The Rashbam suggests that *af* implies that women were especially involved in the miracle. We were redeemed from Egypt through the merit of the women, the victory over the Greeks came about in part through Judith, and obviously by Purim, Esther was the agent of salvation. Tosafot disputes this: women were included in the miracle because they too were threatened with destruction by the Egyptians, the Greeks and the Persians. The Rosh brings a proof from the Yerushalmi, which obligates women to hear the Megillah *she'af otam havu bsafek*, because they too were in danger.

Through this, it looks like Mrs. Goldstein will be able to fulfill her dream to become a lawyer. By Dr. Ellinson's definition, Mr. Goldstein cannot stop his wife each morning when she leaves the house, books in hand, and traipses off to law school...although, she will have to put on some makeup, if he requests.

A general rule: whoever has the obligation to say something, can exempt the masses from their obligation.

and realities to which halacha cannot be oblivious, there are also rules of halachic discourse that govern the making and breaking of precedent. Issues that are ancillary to halachic discussions, he concluded, must be subsequent to halachic considerations. "The movement from halacha to social commentary," R. Meiselman stated, "is often a matter of speculation and interpretation, a response to social conditions...It is important but not halachically coercive." Thus, R. Meiselman chose to deal with both the halachic and attitudinal aspects of the topics he would present. The first subject discussed by R. Meiselman was that of women in positions of authority in the synagogue. He asserted that the essential issue is the arena of public power, citing the nomination of a woman as the Democratic candidate for vice-president as proof of the political aspect of feminism and the aspirations for power that are involved. R. Meiselman began his halachic analysis with the Rambam, who interprets the prohibition against the political role of a queen brought down in the Sifrei, *melech v'to malka* as applicable to all appointed positions of authority in the community. The Radbaz raises the obvious problem of Devorah, who was not only a leader of *Klal Yisrael* but also a *shofret*, while it seems from the Mishna that only one who is *kosher l'edut* is *kosher l'shotet*. There are three ways of dealing with the question of Devorah. The position of the Ritbah is that indeed it is permissible for a woman to be a judge and to have the authority to enforce her decisions. The second approach is that a woman may serve as a judge if the litigants accept her, but she may not have the power to force anyone to abide by her *psak*. A third opinion holds that a woman is permitted not to judge, but to advise. R. Meiselman pointed out that while the Shulchan Aruch paskens against the Ritbah and the second and third positions are overwhelmingly accepted by the Acharonim, the halachic disqualification of a woman from being a judge is not because of her perceived inferiority, since in any case she is permitted to set the tenor of the society. Rather, the question is one of technical responsibilities and authority. Having established the limited permissibility of women serving in the *beit din*, R. Meiselman then pointed out the statement by the Ramah

can exempt the masses from their obligation. The *tumtum* (someone who shows neither the signs of masculinity nor femininity) and the *androgynous* (who shows signs of both) are obligated, but cannot exempt the masses. The *androgynous* exempts his kind, but not others. The *tumtum* exempts neither his kind nor others. Women, slaves, and children are exempt from reading the megillah and cannot exempt the masses from their obligation." Women are "exempt from reading the megillah," according to the Halachot Gedolot, but they are obligated to hear it read. What about the Gemara in Arakhin, that all are suitable to read including women? This teaches us, explains the Rosh, that they can read for other women, since we might think that they had to hear it read by a man, who has a greater obligation. Why didn't Rashi and Rambam follow the Halachot Gedolot? How could they ignore the braitha? The Meiri notes the objections posed by the braitha, but concludes: "the essential thing is not to put aside the established Talmud that is in our hands for a braitha, or for the words of the Jerusalem Talmud, and certainly for a *sevara*." What is the *sevara* behind the Halachot Gedolot's distinction between men and women? According to the Tosafot in Sukkot, which does not quote the Tosefta, for a

(Continued on page 6)

Aspects of the Haggadah

HaRav JOSEPH B. SOLOVEITCHIK, *shlita*

Transcribed by Nati Helfgot

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The Haggada is based upon and revolves around the *arami oved avi* section of the Torah, which appears at the beginning of Sidrat Ki Tavo (Deuteronomy, Ch. 26). This is the passage that each Jew recited upon bringing the first fruits, the Bikkurim, to the Temple in Jerusalem. It is clear from the Talmud in Pesachim, and the Rambam's codification in *Hilchot Hametz U'Matzah*, that the recitation of this passage is essential to the fulfillment of the Mitzvah of *sippur yetziat mitzrayim* why in fact did our sages choose this passage as the focal point of the Haggadah?

We must conclude that each Jew, in addition to offering the first fruits, was commanded to fulfill the Mitzvah of *sippur yetziat mitzrayim*. Thus, other are two times during the year that the Jew must relate the story of the Exodus from Egypt: the *havaat bikkurim* and the night of the Seder.

The Torah presented us with the text for the *havaat bikkurim*. However, with regard to the Seder night all that we find in the Torah is the general commandment: "You shall tell your son on that day, saying, this is done (the Pesach observance) because of what the Eternal did for me when I came out of Egypt" (Exodus 3:8). A specific text is not mandated. Hazal, however, concluded that the "*arami oved avi*" text which fulfilled the requirement of *sippur* at the bringing of the *bikkurim* would also be appropriate at the Seder.

This use of a common text indicates that the seemingly distinct rituals, in fact have, have a common theme or purpose. That purpose is to give thanks and express gratitude to the Almighty; both are acts of *hakkarat hatov* to the Eternal.

The essence of the Seder, and hence of *sippur yetziat mitzrayim* is the expression of gratitude to the Almighty on the miracles and great liberation that he wrought for us in Egypt. As the Rambam states in *Sefer HaMitzvot*: "We are commanded to tell the story at beginning of the fifteenth of Nisan...and we are to thank Him for all the goodness He has bestowed upon us" (Mitzvah 157). On the Seder night at the climax of Maggid we say: "Therefore we are obligated to thank and praise...exalt and revere Him who performed for our fathers and us all these miracles."

Beta Yisrael

(Continued from page 8)

deal with this issue one can make a case for a lenient ruling. Though, the Mechaber in Yoreh Deah—264:1 rules that a non-Jew should not perform the Milah, bedieved he writes that this Milah is valid and does not require Hatafat Dam Brit (this is based on the opinion of the Rambam in *Hilchot Milah*). Thus, there certainly are poskim on which to rely in a case which is at worst Safek Milat Akum.

Let me conclude with the words of Rav Moshe who writes: "גם קרוב גירונם יש להציל משמר ומסכה דין כל ישראל. שטפס פשוטו הקלי" גם שאין חספו חי בצעם יחוסם כחוריים". And in a striking comment Rav Moshe adds:

"One should know that even if they are not Jews according to the law, still since they consider themselves Jews, and risk their lives to retain their Jewish identity, we are obligated to save them."

Let us pray that the rest of the Beta Yisrael will reach Israel safely, and will be integrated fully into Knesset Yisrael in the spirit of Torah and Halacha.

Similarly, the act of *havaat bikkurim* is an expression of thanksgiving and gratitude to the Almighty for granting the farmer and the people of Israel this holy land and its abundance after a history of wandering and suffering. The Jew recognizes that this land has come to him and his nation through a chain of miraculous and divinely ordained episodes throughout history. Therefore, the *arami oved avi* passage contains a short synopsis of early Jewish history, with an emphasis of the enslavement in Egypt, the Exodus, and the entry into the land of Israel. The Jew when bringing the *bikkurim* states: "I say today before the Lord, your God..." However, the Targum of Yonatan Ben Uziel translates: "I give gratitude and praise this day to the Lord..." The passage was understood by Hazal as a statement of thanksgiving and gratitude to the Almighty. (In fact from this comment of the Targum it is possible to suggest that the word Haggadah does not only imply the idea of "telling", but also the notion of thanksgiving and gratitude.)

However, the two rituals of *sippur yetziat mitzrayim* that the Jew engages in at the *havaat bikkurim* and the Seder night are not identical. In the act of *havaat bikkurim*, the Torah only requires that a text be recited. There is no requirement that it be translated or elaborated upon. In contrast, on the Seder night there are additional demands. The mitzva of *sippur yetziat mitzrayim* at the Seder is basically an act of *taimud Torah*. *Talmud Torah* involves within it elaboration and exegesis. The Mishna in Pesachim (10:4) mandates: "And he explains and elaborates from *arami oved avi* until he concludes the whole portion." The Mishna speaks of *limud*, which involves translation, asking of questions and conceptualization. In fact, the core of Maggid is a systematic exegesis and discussion of every word of the *arami oved avi* passage. We engage in a *Torah shebaal peh* analysis of a *Torah shebichtav* text.

In the Haggadah we find that all three areas of the oral law are used and applied. Firstly we have Midrash. The *arami oved avi* passage is interpreted and explained through the different devices of Midrash.

Secondly, the Haggadah includes a number of passages of Mishnah, of set *halachot* and statements. Examples include the passage taken from the Mishnah in Pesachim (10:5) "Rabban Gamliel used to say that anyone who has not said these three things at Passover has not fulfilled its obligation, etc.", and the response to the wise son, "And you shall even tell him (all the halachot including) 'We do not eat any food after the eating of the Afikoman'", which is a law found in the Mishnah in Pesachim (10:8).

Finally, the Haggadah contains elements of *Gemarah*, of logical deductions and inferences. An example of this is the passage "Therefore, it is our duty to thank, praise..." which is a logical conclusion based upon the reading of the immediately preceding Halachot (i.e. *pesach, matzah, and marror*). Thus the Haggadah not only involves *mikra*, but also *limud*. The word Haggadah and its root *haged* imply not only telling, but also an act of study and *talmud Torah*, as we find prior to the giving of the Torah when the Almighty commands Moses, "Thus shall you say to the house of Jacob and tell (v'ageed) to the children of Israel" (Exodus 19:3).

New YU Haggada

By YOSSI PRAGER

For the first time in its history, the Student Organization of Yeshiva has published a hardcover, clothbound *Haggada shel Pesach*. Printed in multi-color format by Keren Press in Israel, the Haggada supplements the traditional Hebrew text with a new English translation and exposition. Editors Kenny Brander and Steven Cohen should be proud of their worthwhile addition to the seder experience.

The question that any new Haggadah must confront is *Ma Nishtana?* Four answers can be given to this question. The first can be seen in the text of the *daled kushiyot* itself. How refreshing to finally see a Haggada that properly translates "*Ma nishana halayla haze mikol haleylot*," as "How different this night is from all others!" Most Haggadot, including Lehmann and Kasher, turn this introductory statement into a fifth question. Both the readability and the preciseness of the translation will make this volume a pleasure to use.

One aspect, perhaps unique to this haggada, is its footnoted historical overview and comprehensive references. The best example of both of these might be found in "*Vayichi Bachatzi Halayla*." A historical note opening the poem informs that it was written in the fifth century by the poet Yanai and incorporated into the Haggada in the thirteenth century. Then, at the bottom of the page, the Haggada offers a source for each line of the poem. For example, on "*Nitzachti k'nechlak lo Layla*," the Haggada imparts, "Avraham's battle with the kings (Bereshit 14:15) is described (Bereshit Rabba) as a miraculous victory which took place during the first half of the night. The second half of the night was 'preserved' by God for the miraculous future redemption from Egypt."

Throughout the Haggada, both the historical notes and the abundant sources add new flavor to the text.

Besides a compilation of "vortlech" taken and revised from earlier S.O.Y. Haggadot, this Haggada earns a preferred place on the bookshelf for the special articles that close the work. In addition to essays by Rabbis Lamm, Blau, Handel, Rabinowitz, Wanefsky, and Winiarz written specifically for the Haggada, the editors have included a writeup of a shiur given by Rabbi Herschel Schachter and a reprint of an article by Rabbi J. David Bleich. Heading the list is a previously unpublished essay entitled "The Nine Aspects of the Haggada," originally delivered by the Rav *shlita* as a lecture in 1977. The topics of the articles vary from *hashkafa* to *halacha*, and all are in English, so there is something for everyone.

The fourth distinguishing feature to this Haggada is the collaborative effort to achieve a high level of scholarship. In the text of the Haggada, after the bracha for *S'frat LaOmer*, two versions are given for the count—*LaOmer* and *BoOmer*. The note at the bottom mentions that the Rav's minhag is to say both. If one checks the footnote, however, he will find an exhaustive (and exhausting) list of the various Rishonim's *sh'itot* in the La-Ba controversy. Such attention to detail could not have been accomplished by the editors alone; indeed, the many students, as well as faculty, who contributed to this *sefer*, justify its name—the Yeshiva University Haggada.

While this Haggada will not replace the many Haggadot with detailed exegesis, especially to readers of Hebrew, this volume is more than a "YU Haggada." It is a professional work with many unique features; the careful translation, the historical overview, the thorough references, the "vortlech" (which, though sparse, vary from Maharal to *Da'at Mikra*), and the superb articles make this Haggada a wise purchase, as well as a good gift idea.

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Women and Megillah

(Continued from page 5)

woman to exempt the masses would be degrading, *zila bei milta*. Is this an explanation of the separate obligations of men and women the Rosh described, or is it another understanding of the Halachot Gedolot's halacha? The Korban Netanel takes it to be the latter, and applies it in a case where the Rosh's conception doesn't apply: a woman reading for many other women, which he forbids.

The Magen Avraham uses reasoning similar to Tosafot as an explanation of the lesser obligation of women. Reading the

megillah is like reading the Torah, and women are therefore similarly unable to read in public because of *kavod hatzibur*. To be consistent (*lo plug*), we prohibit even reading for an individual. (*Kavod ha tzibur* need not trouble Rambam and Rashi; unlike the Torah reading, which is a communal obligation, the mitzva of Megillah applies to individuals.)

However, while this explains why women cannot exempt men, it does not account for the Halachot Gedolot's understanding that women, while exempt from reading, must hear the megillah. Why not simply give the same obligation, but apply the rule of *kavod hatzibur* on to it? There seems to be a different level of obligation, reflecting which the Mordechai says that women should make the blessing on hearing the megilla, not reading it. As the Rama brings down, they should say *lishmoa megilla*, not "likro," even when they read it for themselves.

Where does this lesser obligation come from? The Aruch HaShulchan suggests that

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By HOWIE JACHTER

The Gemara in Berachot 30a establishes the rule that one who prays outside the land of Israel must face Eretz Yisrael during prayer.

The question arises as to whether this halacha is mandated by the Rabbis or by the Torah. The fact that the Gemara cites a Biblically verse as the source for this halachah would seem to indicate that it is a Torah-level requirement.

The Meiri seems to be of the opinion that this is a Rabbinic-level halacha. His comment "וי"מ אין המנהג להקפיד כל כך" that our custom is not to be highly scrupulous in this regard, clearly implies that the Meiri understands this halacha to be m'drabanan.

On the other hand, Rabbi Soloveitchick shlitza is of the opinion that the Rambam considers this law to be a Torah-level Halacha. The Rov points out that the Rambam includes our halacha in his description (Hilchot Tefillah 1, 1-3) of the requirements of prayer prior to Ezra's takanot.

The question we must deal with now is the nature of our Halacha. Are we in the galut required to face Israel in general or Jerusalem in particular? The Talmidei Rabbenu Yonah claim that one should strive to pray not only towards the land of Israel but specifically to the city of Jerusalem and the Temple site.

Interestingly, if one examines the Shulchan Aruch carefully he can discern that the Mechaber offers a compromise between the opinions of the Rambam and the Talmidei Rabbenu Yonah. He states:

"יחזור פניו כנגד ארץ ישראל ויכוון גם לירושלים ולמקדש ולבית קדש הקדשים"

On one hand, he only requires one to face Eretz Yisrael, yet he requires one to have an

they are only obligated because of af hen hayu b'oto hanes, they too partook of the miracle. This creates only a secondary obligation, which is why this principle is not used to explain women's participation in mitzvot such as matza.

The Marheshet (1:22) elaborates on this theme. The Talmud (Megilla 18a) proves that the Megillah cannot be recited by heart from the halacha of z'chirat Amalek. More significantly, it is implied (Megilla 7a) that the Megillat Esther was only allowed to be written because it was a fulfillment of the mitzva of z'chirat Amalek.

The Marheshet further claims that the mitzva of warfare only applies during the day.

Facing East During Prayer

active awareness of Jerusalem and the Beit Hamikdash during prayer. It should be noted that the Rambam only requires one to face towards Israel or Jerusalem but he does not require one to have a special awareness of these places.

An important question in regard to our halacha is how much precision is required. Is facing in the general direction of Israel considered to be sufficient or is more precision demanded of us? This problem was posed to the gedolei ha'acharonim when the Jewish community in Poland emerged. Previously, when the Jews were centered primarily in France, the practice was to face East as Tosafot note in Berachot 6a.

However, the Maadanei Yom Tov defended the practice of synagogues in Poland having their aronei kodesh facing East and not Southeast. He claimed that no precision beyond a general direction of East or West or South or North is necessary. In Poland, the Maadanei Yom Tov asserted, one has the option of facing either South or East while praying; however, facing Southeast is unnecessary. He cited Babylonia as a precedent where the Gemara in Baba Batra 25a implies that Jews in Babylonia faced South during prayer, despite the fact that Israel lies Southwest relative to Babylonia.

A problem arises when, as often is the case, the aron hakodesh of the synagogue does not face Eretz Yisrael. On one hand, one has an obligation to pray towards Eretz Yisrael, yet one is obliged to face the aron hakodesh. Both the Tosefta in Megillah (3:14) and the Rambam (Hilchot Tefillah 11:4) require congregants to face the aron hakodesh. Hence, the Shulchan Aruch (Orach Chaim 150:5) instructs us to place the aron hakodesh in the appropriate direction in which the worshippers will pray both towards Eretz Yisrael and the aron hakodesh of the synagogue.

Yet, the aronei kodesh of many synagogues do not in fact face towards Eretz Yisrael. In such circumstances the Magen Avraham

He has linked reading the Megillah to remembering Amalek, and the latter to annihilating Amalek. Since that only applies during the day, so too, the aspect of reading the Megillah which is z'chirat Amalek is only during the day. At night, only the obligation of publicizing the miracle remains—an obligation in which men and women are equal. A woman can then read for a man. This solves the contradiction between the Gemara in Arakhin (all are suitable) and the Tosefta (women are not obligated): the Gemara is referring to the night, and the Tosefta to the day. To explain the Rambam's view that women can always exempt men, the Marheshet points out that according to the Rambam, women do have to fight Amalek. They would thus be obligated in both aspects of Megillah, and would be equal to men.

As another explanation, the Marheshet quotes the Gemara that the reading of the Megillah on Purim day substitutes for the Hallel we normally say on a holiday. Women are not obligated to say Hallel, so again we have a dual-natured mitzva, with women only being obligated in half, publicizing the miracle. At night, however, there is no Hallel, and women and men have equal obligations.

(94:3) rules that one should face East despite the fact that he will not face the aron kodesh. However, a problem arises in a circumstance in which everyone is praying towards an aron kodesh which is not facing East. In this instance praying towards a different direction relative to everyone else may be highly inappropriate because it appears as if the congregants are praying to one God and he is praying towards another (mahzei k'shitei / shuyot). Moreover, praying towards the East while everyone else does not may be

considered to be יורה (religious one-upmanship).

The Be'er Hetev (94:3) quotes two differing opinions regarding this problem. One authority recommends facing East while the other prefers conforming with the other congregants by facing towards the aron hakodesh. The Aruch HaShulchan (94:13) suggests that in such a situation one should face towards the aron hakodesh with a slight inclination towards the East. The Mishna Berurah (94:10), in turn, recommends that one should position his body in the direction of the aron hakodesh, yet turn his head towards the East.

It seems to me that this halacha seeks to instill within our minds the importance of remembering Israel and Jerusalem, somewhat along the lines of the pasuk

"אם אשכח ירושלים ירושלים תשכח ימיני" The message for us Jews in America, particularly for us students at Yeshiva, is that despite the degree of physical or even spiritual comforts we enjoy in America, Israel is our true love, and it is where we are obligated to live.

Women and the Synagogue

(Continued from page 5)

that the technical halachot establishing qualification for participation in the bet din apply to all positions of authority, and therefore a rashah cannot serve in such a position in the community. It is unclear whether this statement is an adoption of the Rambam's shita and includes women in those disqualified from positions of authority, or whether the Ramah is referring only to the psul of rashah. R. Meiselman concluded that from a halachic standpoint, the consensus is that it is forbidden for women to serve in positions of authority in the community.

R. Meiselman then addressed the issue from the point of view of a social commentator. He questioned motivations, asking whether the desire to assume a position in the Jewish community stems from the wish to advance power goals or from a genuine sense of communal responsibility. Quoting the mishna in Pirkei Avot:

"הקנאה והתארה והכבוד מוציאים את האדם מן העולם"

R. Meiselman said that to think in terms of the

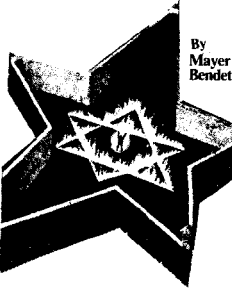
source of communal power is "repulsive" in the Jewish religious sphere. Additionally, he pointed out the existence in (T)rah of "thematic halacha," such as the idea of kol kvodah bat melech prima, which must be taken into consideration. For women to join men in the political struggle for power in the Jewish community, according to R. Meiselman, contradicts this Torah ideal.

The last few minutes of the presentation were spent on the issue of women's prayer groups. R. Meiselman emphasized that whether or not tfilah b'zibbur is a chiyuv, davening with a minyan is a guarantee that one's tfilot will be accepted. Any deviance from tfilah b'zibbur, then, must be carefully weighed to determine whether it is worthwhile. R. Meiselman pointed out that there is a difference between "spiritual communication" and "spiritual self-simulation", adding that when davening k'aved lifnei rabo, issues that reflect ego must disappear. While women's prayer groups are not forbidden al pi halacha, R. Meiselman posited the "bankruptcy" of opting for a way of tfilah other than what Hashem guaranteed acceptable.

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Halachic Status of Ethiopian Jews

By NATI HELFGOT

Recently with the revelations about Operation Moses, the secret airlift of thousands of Ethiopian Jews to Israel, interest has been renewed in the history of this community and their claim to be members of the Jewish people.

The earliest record of the existence of this community and its customs appears in the writings of Eldad haDani, a ninth century traveler who claimed to be a member of a group of Jews living in the land of Ethiopia. A short time later, in the ninth century, the question was posed to Rav Tzemach ben Chaim, Gaon of Sura as to the status of these people. The inquirer presents to Rav Tzemach some of the customs that they observe. A number of these customs such as Milah and certain laws of shechitah, and the four methods of capital punishment are similar to our practice. However, they do not celebrate Purim or Hanukah, nor many other laws that are part of normative halacha. R. Tzemach ruled that they were Jews, descendants of the tribes of Dan, Naftali, Gad and Asher. He inferred from the fact that they have certain laws that could only have been known through the oral law such as Henek and certain laws of shechitah, that they must have roots in Knesset Yisrael and were cut off with the exile of the Ten tribes in 722 B.C.E. by Sanherib. Consequently, he urged that teachers and rabbis be sent to help them return to the mainstream of Jewish practice.

After a lull of 700 years the halachic discussion of their status was again raised in the responsa of the Radbaz (R. David ben Zimrah). This discussion appears in two separate t'shuvot. In the first t'shuva (Vo. 4, #219), Radbaz was presented with a case of a woman from the Ethiopian community who was taken captive in the midst of a war. She lost contact with her husband and is not sure if he died in battle. Subsequently, she was sold into slavery and was bought by a Jewish man. He took her as a wife and had a son from this union. The question posed then, is this boy allowed to marry a Jew because he may be a Mamzer since the first husband in Ethiopia may still have been alive, making the woman an Eishet Ish. If this was the case the boy would not be permitted Lavoh Bakahal. Implicit in this query is the assumption that the Ethiopians are full fledged Jews and thus issues of mamzerut are relevant to them. Radbaz accepts this assumption and states:

”ונתברר שהיא מוצא ישראל. משכח דן”

In his response he again reiterates that they are Jews but he suggests that they are similar to the Karaite sects:

”וכפי הראה הם: מכת צדוק ובייתוס הנקראים קראין שהיו אינם יודעים תורה בשלע פה”

Moving on to discuss the issue of Mamzerut, he raises the general problem with regard to the status of the Beta Yisrael. Since they do not have the Oral law in our form, all their laws of Gittin are not according to the dictates of Halacha. Thus, their divorces are invalid raising the spectre of mass Mamzerut. However, Radbaz, in a striking and complex piece of halachic reasoning, argues that this is not a problem. One of the basic points he makes is that since they do not follow normative halacha, they are disqualified from acting as valid witnesses at weddings (Psulim leEidut). Thus their kiddushin were never valid and do not require Gittin for their annulment. Radbaz concludes that if the members of this community would agree to follow the dictates of normative halachic Judaism, which he terms *Kabbalat Haverut*, he would permit them to marry among the general Jewish community.

The second, and presumably the later, t'shuva (Vol. 7 #5) is similar to the previous material, but with significant differences. In this t'shuva he again compares them to the



Karaites. However, he points out that the enmity that the Jew must demonstrate towards the Karaites and assorted heretics (such as expressed by the halacha of Moridin (Lo Maalin) does not apply to this community. They are rather in the category of *Tinok sheNishbah*, the child who has been taken captive by non-Jews and thus deprived of Jewish background. This is a group who was forcibly cut off from the mainstream of Judaism, and did not willfully reject Torah sheBaal Peh. Consequently one is obligated to redeem and sustain them. However, in contrast to his lenient ruling with regard to their Yuchshin found in the previous t'shuva, here he ends the t'shuva with the grave doubts about the permissibility of their intermarriage with Jews of the general community.

”ולענין יחסי חושש אני שמא קידושין קידושין, גיטום אינם כתיקון חז”ל שהיו אינם יודעים סביר קידושין וגיטין.”

The position of the Radbaz as to the Jewishness of the Beta Yisrael was also espoused by his talmid Rav Yaacov Castro. After this p'sak the issue remained dormant for the next three hundred years.

In the 1860's the issue again arose with renewed concern for the plight of this community. Rav Azriel Hildesheimer, one of the leaders of Orthodox German Jewry called for a program to aid these Jews and save them from the onslaughts of the Christian missionaries working in Africa. A number of years later the noted semitic scholar Dr. Jacques Faitlovich began studying the customs of the Beta Yisrael. Faitlovich, a religious Jew, began a life-long campaign to enlist the support of world Jewry to improve their lot. One of the documents he obtained was a letter signed by 44 leading European Rabbanim including Rav Yitzchak Yaacov Reines addressed to the Beta Yisrael. It refers to the Beta Yisrael as "our brethren sons of Abraham, Isaac and Jacob, who dwell in Abyssinia" and expresses support for them and assurances of help. In 1921, Faitlovich obtained a letter from the

Chief Rabbi of Palestine, Rav Avraham Yitzchak haCohen Kook. In it he issues a call to world Jewry to "save our Falasha brethren from extinction and assimilation." All these documents referred to the Beta Yisrael as "brethren." However, they contain no halachic discussion of their status and the nitty issues of mamzerut and intermarriage in the community.

The growing aliyah of the Ethiopians in the 1960's and 70's forced the issue to the fore. In 1973, the Sephardic Chief Rabbi of Israel, Rav Ovadiah Yosef in a letter, affirmed the ruling of the Radbaz. He quotes the statements of Rav Hildesheimer and Rav Kook and adds that Rav Isaac haLevi Herzog also ruled that the Beta Yisrael were Jews. Thus, he concluded "that the Falashas are descended from the tribes of Israel who travelled southwards to Ethiopia. There is no doubt that the above sages who ruled that they are of the tribe of Dan, investigated and searched and came to this conclusion on the basis of the most trustworthy evidence and testimony. I also...investigated and searched thoroughly in the matter after their leaders turned to me with a request to be joined to our people, the House of Israel, in the spirit of Torah and halacha...I have decided in my humble opinion that they are Jews who must be saved from absorption and assimilation."

This position of lineage from the tribe of Dan was also adopted by the noted posek Rav Eliezer Waldenberg in his t'shuvo *Tzitz Eliezer* Vol. 10 #25, sec. 19. At this point a caveat must be added to the position of the Radbaz and affirmed by Rav Yosef. The view that the Beta Yisrael are descendants of the tribe of Dan is primarily based on the fact that they observe many Jewish practices such as Shabbat and Milah. It must however be pointed out that many of the Ethiopian Christians of that region practice a Christianity that contains many Jewish customs such as circumcision and Shabbat observance. This coupled with other

historical data cause many historians to cast doubt on the Radbaz's assertion of their Jewish lineage. Recently, a similar concern was voiced by Rav Moshe Feinstein in a letter printed in *Hapardes* (Tishrei 5745) where he writes:

”אבל לדינא קשה לסמוך על זה, שלא ברור אם הרב”י ידע היטב המציאות אודותם”

Secondly, Rav Moshe writes that even if the Radbaz was correct in the sixteenth century the situation may be different today, presumably because of intermarriage and other factors.

In today's rabbinic world it would appear that halacha lemaaseh, three positions can be discerned. A small minority of rabbis and many of the leaders of the Beta Yisrael accept the Radbaz's ruling in toto. Thus, they claim that there is no need for any conversion ceremony at all. Furthermore, they accept the heter of the Radbaz that resolves the problems of mamzerut. This group contends that this is the thrust of Rav Yosef's ruling as well, though he does not specifically deal with the mamzerut issue in the printed letter. At most this group would require some form of symbolic act such as immersion in a Mikvah to symbolize the Kabbalat Haverut or return to the fold that the Radbaz spoke of.

On the other end of the spectrum is the position espoused by Rav Moshe Feinstein and others that they are *Safek Akum* and thus require full fledged conversion as Rav Moshe writes:

”ולגבי יהדותם נחשב לנו בספק, ויש להצריכם גירור אמיתי קודם שנתיירם לבוא בקהל”

Thus males who did not undergo Milah in Ethiopia would have to undergo Milah, T'vilah and of course Kabbalat Mitzvot. Those who already had been circumcised in Ethiopia would be required to undergo Hatafat Dam Brit, as would any convert already circumcised. In reality this practice of requiring conversion for the Ethiopians was for a period of time the accepted procedure of the Rabbinat in Israel, though it was often called *Gerut leHumrah* and presented as a way of resolving the Mamzerut problems.

The third position is a variation of the previous one and is the current psak of the Chief Rabbinat in Israel. On the sixteenth of Kislef of this year the Rabbinat issued a letter. It affirms the basic ruling of the Radbaz. However, since this community was isolated for thousands of years questions have arisen as to intermarriage with and assimilation into the local non-Jewish population. Therefore, the Rabbinat affirms that the Beta Yisrael "should undergo *Gerut leChumrah* through Milah, T'vilah with a blessing and Kabbalat Mitzvot and through this all doubts will be resolved."

However, the Rabbinat adds a very significant heter to this ruling. Those who are already circumcised (and this is the overwhelming majority) do not have to undergo Hatafat Dam Brit. This is based on the p'sak of Rav Shmuel Salant, Rav Tzvi Pesach Frank and others that a child who was thought to be Jewish and was circumcised in the normal fashion, and later was found to be not Jewish, if he decides to convert does not require Hatafat Dam Brit because the original Milah was for entry into the covenant of the Jewish people. Though the letter does not cite it, this lenient position (albeit believed) with regard to a baby thought to be Jewish is also espoused by Rav Moshe Feinstein in *Igrot Moshe*, Yoreh Deah, vol. 3, #105.

This heter of the Rabbinat has been challenged by some rabbis. One of the main questions raised is that since the Jewishness of the Beta Yisrael is in doubt, their Mohalim performing the Milah in Ethiopia are *Safek Akum*. Therefore, this may be Milat Akum which should not be done, and according to Rema in Yoreh Deah—264:1 one is required to subsequently undergo Hatafat Dam Brit. Though the letter of the Rabbinat does not

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