

# HAMEVASER

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## **HAMEVASER**

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# Editorials

## All the World's a Stage

Over the years, the Yeshiva College Dramatics Society has provided a continued source for campus controversy. Rabbi Tendler has been one of its staunchest critics, arguing that the plays detract from a proper yeshiva atmosphere. Many were disturbed by the actors' lack of head-covering. This year, however, things will be different. Earlier this semester, Hy Pomerance, president of YCDS approached Dr. Nullman, Associate Dean of Students,

with a suggestion. "Brothers," this semester's play, deals with an important bioethical question. Would Rabbi Tendler agree to conduct an open discussion at one of the performances? Rabbi Tendler agreed to the idea in principle, and Dr. Nullman arranged a meeting to iron out the details. At that meeting Rabbi Tendler demanded, and received, one concession in return for relaxing (at least for one year) his long-standing opposition to YCDS: The actors must wear hairpieces to cover their bare heads. When the issue of payment for the hairpieces threatened the agreement, Dr. Miller's office handily stepped in and offered to bear the cost.

Although a post-play discussion may not seem all that important, here we have an example of "synthesis" in action. YCDS will present, as usual, a production whose dynamic energy and professionalism rate with the best secular colleges have to offer. Rabbi Tendler will discuss the play's theme from a uniquely Y.U. perspective: that of Torah. Hopefully, this compromise is not an isolated victory, but rather part of a general unifying trend. The dual performance is scheduled for December 18 (get your tickets), and Tony nominations must wait. But **Hamevaser** awards Rabbi Tendler, Hy Pomerance, Dr. Nullman and Dr. Miller "Hommies" for their starring roles in the pre-production drama.

## A Comedy of Errors

Has anyone wondered about the fate of last year's *Gesher*? Printed nearly six months ago, the journals sit, under lock and key, in closed boxes. Why?

# Letters

## Talmud at Stern

I would like to voice my wholehearted approval of Shoshana Jedwab's timely proposal ("Talmud Torah at Stern College," Sept. 1985) for a Beit Midrash program at Stern College that would include Talmudic and halachic learning - *LiShma*.

Teaching women *Chumash*, Jewish Philosophy, and Halachah without a systematic "inside" learning of Talmud is like teaching physics without Newton, or psychology without Freud. It is virtually impossible to do well. By continuing to teach this way, we force our women to be intellectually dependent on men (the cynic would say, "But that's the idea!") and to always feel that they are missing something (which they are), no matter how much they learn.

In addition, the absence of a systematic study of *Mishna* and *Gemara* has affected Jewish female students' entire approach to knowledge and learning. Having taught Jewish studies to both males and females, I have found disturbing differences between them. The girls tended to be more needy of pen and paper, highly dependent on assiduously recorded notes and less inclined to trust their own reasoning abilities. In general, the girls were more anxious about exams and more demanding that the teacher supply them with the right answer.

I found the boys to be much more relaxed — many did not even own notebooks — and if they did, it was more for doodling than for note-taking. They had more faith in their own minds

and memories, and were more willing to take intellectual risks.

I believe that this is in large measure a result of the separate and dissimilar way that Jewish men and women have been educated. Learning *Gemara* is an aural-intellectual experience. No amount of memorization can enable a student to understand the *sugya*. One must "reason through" with the *Shakla V'Tarya* in order to repeat it. A student thereby learns to develop his aural and intellectual skills and not his recording and memorization skills.

By withholding from women the opportunity to learn in this manner we are withholding not only the content of the Talmud, but an entire educational process.

For the Jew, the doctrine is "I learn, therefore, I am." Learning Torah, Written and Oral, can and should be an exhilarating intellectual and spiritual experience.

It must be available to us all.

Esther Orenstein Lapan  
Instructor, Bible  
Stern College for Women

## To The Editor:

As a recent graduate of Stern, where I majored in Judaic Studies, I read Ms. Jedwab's article "Talmud Torah at Stern" with great interest. My own assessment of the situation is, however, somewhat different from hers.

The major criticisms Ms. Jedwab leveled  
**Please Turn to Page 3**

# HAMEVASER

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# Y.P. on Y.U.

## Let's Debate the non-Debates

### By YOSSI PRAGER

In its continuing attempt to shift from what some called a "business" to a student-serving organization, S.O.Y. scheduled a November debate between Rabbi Tendler and Wurzbarger over "The Relationship Between the Orthodox Rabbinate and the Reform and Conservative Movements." The event would have been important for two reasons: First, as a response to last year's campus controversy, S.O.Y. recognized the need for social events (with "buses from Stern") within a Jewish intellectual framework. Second, the topic itself is crucial to contemporary Orthodoxy. We must decide which presents the greater threat: Judaism's growing polarization or legitimization of non-Orthodox movements.

I write "should have been" and "would have been," for there is to be no debate. Those who noticed the preliminary publicity for the event have now discovered its cancellation. Others, perhaps, never realized a debate had been scheduled. While no official explanation has been publicized, Rabbi Tendler's informal comments in shiur confirm that Rabbi Lamm prevailed upon him to withdraw. Rabbi Lamm's intervention elevates the non-debate to an issue deserving notice.

Unfortunately, the issue came to our attention too late for **Hamevaser** to contact Rabbi Lamm and conduct proper research. Rabbi Tendler explained that Rabbi Lamm opposed the debate for fear individual debaters' positions on this sensitive issue would be misunderstood as "official" Y.U. policy. The implications of such a concern include the ironic notion that Y.U.'s most prominent Roshai Yeshiva are to be excluded from free debate about issues of major concern to Yeshiva's students. However, we would be less than fair if we attempted to represent Rabbi Lamm's reasoning without speaking with him. At this point, we can only invite Rabbi Lamm to res-

pond. Both S.O.Y. and the students would have profited handsomely from the debate.

While we await word on one non-debate, I'd like to mention another in a similar vein. Larry Yudelson's article in the last issue of **Hamevaser** condemned Y.U. for missing the opportunity to participate in a *Moment Magazine* symposium featuring rabbinical students from the Conservative, Reform, and Reconstructionist movements. In this issue, we print two of the responses to his article. That both agree with Mr. Yudelson cannot be attributed to **Hamevaser** editorial bias. We publish signed articles and letters representing viewpoints of their authors, not of the **Hamevaser** Governing Board. In this case, all the letters we received shared a common viewpoint. Is opinion on this issue so monolithic?

Certainly not. The college and semicha students who approached me were sharply divided: Some concurred with Mr. Yudelson; others agreed with many of his points, but complained about his "obnoxious" tone or his use of satire to gloss over important points; a third group argued bitterly against the article's entire theme, some suggesting that it should not have been printed. (At least two Roshai Yeshiva align themselves with this final group.) So why no letters?

Apathy may often account for a paucity of letters, but the responses did arrive, if only from one side. Perhaps the answer is threefold. First, many who find it easy to criticize verbally — and loudly — refuse to expend the effort to present their thoughts clearly in writing. Second, those arguing against dialogue (in the broader sense, forgetting *Moment* for now) may feel themselves in the majority, allowing them to remain silent without conceding ground. Finally, maybe a lack of campus discussion has allowed students to brush the issue aside, forming vague opinions consistent with the general consensus. Of course, those bucking the flow, in this case, taking Mr. Yudelson's point of view, are forced to work through their positions more fully. If this last reason is indeed correct, Rabbi Lamm's quashing of the debate may prove more costly to our students than simply missing an event would be. The debate would have stimulated student thought on both sides of the issue, and isn't that what we're here for?

# Crossroads of Exile and Redemption

By DAVID AKIVA AZRIEL LEVINSON  
Y.U., the flagbearer of Torah U'Mada. Y.U., the symbol of Modern Orthodoxy. Y.U., the bastion of American religious Zionism. All of these associations should come to mind when one thinks of this great institution. They should, but do they exist in reality? As to the last of these ("bastion of religious Zionism") I have my serious doubts. It is in this area, Y.U.'s role as a religious Zionist institution, that some fundamental questions must be raised. The answers (whatever they may be) will have a bearing not only on the Y.U. student but on the American Jewish community as a whole.

Let us begin with a statement made by our president, Rabbi Lamm, in an article in the first edition of *Morasha Magazine* of 1984 entitled "Towards the Renewal of Mizrahi." There he discusses the importance of the role of education. One particular paragraph stands out:

"... In the long run, education is more important for the future of the State than Aliyah. Aliyah will not necessarily produce educated Jews. But education will improve and enhance Aliyah. Consider the Yeshiva University experience: despite (or maybe because of) no formal Aliyah propaganda or shlichim for Aliyah, we have some ten percent of our alumni living in Israel — some fifteen hundred families, may they increase." (my italics).

What sort of "education" which does not teach Aliyah to Eretz Yisrael can be more important to the State of Israel? When in the past I had surveyed the Y.U. educational structure, I had always assumed that the lack of education related to Israel was due to "benign neglect." Now, however, I have discovered that it is a "tefachilla." As Rabbi Lamm writes: "Despite (or maybe because of) no formal Aliyah propaganda..." This same education (or lack of it) proudly boasts of a ten percent Aliyah rate from amongst its alumni. Pride!! This is not a figure to be proud of. This is no great achievement. Perhaps, because of this low Aliyah rate, we as an institution should go

through a "Cheshbon HaNefesh" — self introspection.

Let us take a look at the Y.U. curriculum. In the history department there is no requirement for a history of Zionism course (though an optional course was offered last semester). In the already frantically paced Jewish history courses we find Zionism superficially glossed over. Even religious Zionism, one of the supposed cornerstones of our belief, may receive twenty minutes of teaching time for those lucky enough to catch it. The political science department offers such enlightening courses as "American Politics and Government," "American Civil Liberties," "Problems in American Politics" ... yet there is not one course on the Israeli political system and its problems. Queens College offers such a course, but somehow Yeshiva finds it too insignificant. Are we an institution which tries to prepare religious Jews for Aliyah, for an active constructive role in the political process of the State of Israel — I think not.

Let us look at the realm of limudei kodesh. Certainly there one would expect to find the pulse of religious Zionism beating. Even there the pulse is weak. The SOY Yom Haatzmaut Chagiga is a once a year reaction which occurs despite the lack of leadership. It is a rare celebrated occasion like Yom Ha'atzmaut or Yom Yerushalayim when special shiurim or sichot on Eretz Yisrael are given. Yes, some Rebbeim and some students have made a noble effort to bring Torat Eretz Yisrael to Y.U. but this has only been the valiant effort of a few individuals. We need widespread changes and support from the administration in order to make an impact. As a whole, Y.U. has become a bastion of passivity in this area — a bastion of "Shev Va'al Ta'aseh." When in Y.U.: a noble attempt at organizing a study group in Rav Kook's ideology on Eretz Yisrael manages to muster up a mere three students, we should begin to wonder what has gone wrong. When a symposium on Ruben Shul sponsored by *Morasha Magazine* on "The Changing Attitude of the Orthodox Community to the State of Israel" is attended by five Y.U. students, red lights should begin to flash. Let us be honest with ourselves. Even our

rather low ten percent alumni Aliyah rate is not due to any great effort on the school's part. Most of those who have gone and will go on Aliyah will do so because of their year's experience learning in Israel. It is the inspiration of that experience, carried within them, which hopefully will cause them to make that bold move of Aliyah. At best Y.U. offers a passive environment. I would suggest taking a poll and seeing how many students just returning from Israel express an interest in going on Aliyah and how many have lost that interest one or two years later in Y.U. Amongst my peers I have seen a staggering fallout rate. No, it is not the fault of the institution entirely, but it has failed to offer an education which can help to combat the many temptations life in America has to offer. Why is it that we pride ourselves on our eighty percent medical school acceptance rate yet are satisfied with a ten percent Aliyah rate? Perhaps it is a problem of priorities. Though the two need not conflict which would you choose: 1- having seventy percent of Y.U. graduates enter into the prestigious graduate schools and becoming doctors, lawyers ... in America. This might help reduce the "desperate shortage" for those professional types in this country. Or 2- having the same seventy percent spend more time in Y.U. with an enriched extended Israel-oriented curriculum. This might result in different vocational choices, but these same students would become Torah committed Jews who are also Eretz Yisrael bound Jews who will devote their skills to strengthening and developing that land in which our destiny lies. The first goal is quite tempting for it offers the students a future of "Torah Mada U'Money". The latter offers him "Torah Mada U'Moledet (homeland)." For me the choice is clear. I fear that Y.U. has chosen the former as its goal.

No doubt, many a student will pick option one over option two no matter how hard we will try, but at least let there be an option. Let us try. As the only religious Zionist institution of higher learning in America we have a responsibility to be active in the challenge of educating to Aliyah. We must strive to strengthen a diminishing American

Jewish community while channeling most of our graduates towards productive lives in Israel. The course we are on now is one of perpetuating the Galut of America rather than seeking to diminish it. "Atidin Batei Kneisot Shebebabel Sheyikavu B'Eretz Yisrael — The Shuls and institutions of learning in the Diaspora will one day move and be reestablished in the land of Israel" (Megila 29A) Let us actively work towards that goal. O.K., so we don't have to have a Sochnut office in Furst Hall. Let us change our direction, revamp our curriculum. We need shiurim and courses which will assist in the goal. We need Y'mai Iyun on Eretz Yisrael. As hard as it may be, we need to instill within the students the yearning for Eretz Yisrael which is buried deep in the soul of every Jew (Rav Kook; Orot, p. 45). For those who already have developed that connection we must see to it that this connection does not dissipate in the face of an overpowering American society. "L'maan Tziyon Lo Escheshe Ulma'an Yerushalayim Lo Eshkot." For the sake of Zion we dare not be silent.

No! we should not be proud of only ten percent. Rav Kook once eloquently wrote (Orot p. 62): "The source of sustenance for Diaspora Jewry is Eretz Yisrael and the yearning to return to it. But, there will come a time when even that yearning will not be enough to uphold it and Diaspora Jewry will begin to crumble. At that point its only hope will lie in actively realizing that dream by actually returning to Eretz Yisrael. All other attempts will fail for only Eretz Yisrael will succeed in reviving the dying spirit of our people." (Author's rough translation) Will we continue to fool ourselves and aim for perpetuation of a crumbling Galut or will we be wise and teach that return to Eretz Yisrael is the only answer? What will we choose? P.S.

The author would like to offer a "Kol Hakavod" to those who have worked recently to bring the spirit of Rav Kook Z"l to Yeshiva through various shiurim and other medium. This certainly is a positive step as we rise to the challenge of returning our people to their land, their Torah and to the final redemption.

## Confident Sinner

(Continued from page 5)

bam holds that a *hazaka* in human behavior can be established after only one act.

Another example, from the opposite angle, can be found in *Hilchot T'shuva*, 2:1. There, the Rambam defines the "Ba'al T'shuva Gamura" as one who is put into a situation where he could potentially repeat the same sin and does not do it, if his action was planned to be an expression of repentance. In the Gemara in *Yoma* 8b, however, R. Yehuda states that one has to be put in the same situation twice and not succumb to temptation before he or she is considered a "Ba'al T'shuva Gamura." Again we see the difference between the standard application of the concept of *hazaka* and the special applica-

tion that the Rambam seems to be making in a situation of forethought, premeditated behavior and intention.

A question could be raised from *Hilchot T'shuva* 3:5, as to why the Rambam starts counting sin only after the third transgression and not from the first as we have seen in all other cases. The answer is simple. Here it is speaking of a person who has fallen prey to his *Yetzer Hara* once, twice. There was no premeditation or foreplanning here, so one occurrence does not establish a pattern. Only in a case where the action was preceded by a pre-emptive intention, for good or for evil, has a pattern been set. In such a situation, either God will prevent *T'shuva* from being easily accomplished, or on the more positive side, the individual will be accepted immediately as a *Ba'al T'shuva Gamura*.

## The Sukkah

(Continued from page 4)

order of life which they have come to accept as normal and to view it critically. [Sukkot] ... is a call to self-emancipation from the artificialities and injustices of current civilization and it assumes the character of a yearning for an ideal past ... Viewed in this light, the *sukkah* becomes the symbol of ... the need to uphold the standards of righteousness which [each] civilization should seek to achieve.

Based on all of the above interpretations, one can appreciate more fully the insight of one of the Chasidic rabbis regarding the *mitzvah of sukkah*. While many *mitzvot* involve the external use of physical objects, we are commanded to *enter and dwell inside the sukkah*; the Torah requires us to wear *tzitzi* and to don *tefillin* but we must surround ourselves with the *mitzvah of sukkah*. Following the judgement on *Rosh Hashana* and the forgiveness and purification of *Yom Kippur*, we immerse ourselves in the *sukkah* and all that it stands for. Upon leaving the *sukkah*, our souls are elevated and we are thus spiritually equipped to begin the new year.

## Beit Yitzchak

The Annual Journal of *Chidushei Torah*

published by RIETS  
invites all *Talmidim* and  
*Chavrei HaKollel*  
to contribute.

SEE

Barry Schuman	M629
Hillel Horowitz	M320
Gershon Segal	M402
Barry Gross	M709

**DEADLINE — October 26**

# The Holiday in Everyday

By JAY ZACHTER

"How odd of God to choose the Jews." So goes the familiar witticism. Certainly it is not our place to question God's right to address. Yet one may see fit to declare, "How odd of the Jews to choose God!" Such a choice, I suggest, is the God-given right of the *Am Segulah*.

Recently, I overheard a debate on this very topic. The setting was the Beit Medrash; the two parties were Y.U. students. The first was upset at having been born a Jew. He felt that God forced Judaism upon him; God alone chooses into which faith a soul is born. He swore continuously that he did not remember standing at Mt. Sinai, nor accepting any covenant. To him, Judaism is truly a "Yoke of Heavenly Sovereignty" (*O! Malchut Shamayim*). However, he admits there is not much to be done. He fears God and therefore observes every commandment; God commands, and he is forced to obey. His observance is not his own. God's mighty imperative obscures any personal relevance he might find in his actions. Thus, his observance leaves him unfulfilled. He concluded in disgust, "I am a chosen Jew."

The second individual responded that his view of Judaism is completely different. He said that through being Jewish, he felt unique and special; knowing God chose him to be a Jew completely satisfies any religious doubt he may have. In whatever commandment he observes, he feels God's approval.

All this, he asserted, results from his very personal commitment to the *mitzvot*. His observance of the commandments is not based on fear, nor on the authority of tradition. Rather, he himself chooses to utilize these *mitzvot* to better himself. He feels that this element strengthens his religious commitment. His actions are self-motivated, meaningful activities with a tangible purpose.

For him, an observance must be more than a response to God's commandments. It also must be a personal action whose stimulus comes from within. He rose and announced, "I am a choosing Jew."

In the Torah the festivals fall into two different categories. One group includes the agricultural holidays of the First Fruit, the Ingathering and the First Harvest. The other group consists of the commemorative, historical holidays of *Pesach*, *Succot* and *Shavuot*.

The Rambam, in *Guide to the Perplexed*, explains the essence of the agricultural holiday. It is a summons to all people to thank God for His contributions in nature. This holiday serves as a reminder that the success or failure of a crop is controlled by Him. The festival is one of thanksgiving to an unseen God of Nature.

The historical holiday, on the other hand, is uniquely Jewish in character. It commemorates God's choice of one nation above the others.

of God's attention. Our celebration commemorates the past history of our "Nation Among Nations."

Rav Aharon Lichtenstein, during his opening lecture on Tractate *Succah*, dealt with the issue of specific festival commandments. He asked how we can conceptualize a *shofar* blown on *Rosh Hashana*, a *lulav* shaken on *Succot*, or a *matzah* eaten on *Pesach*? Are these *mitzvot* just like any other *mitzvah*, simply confined to a specific time or place? Perhaps, just as the morning sunrise specifies the *Mitzvah of Tefilah*, so too, the holiday motivates other corresponding *mitzvot*. Or, we can explain that the specific *mitzvah* of a holiday enhances the day by adding an essence of holiness that results in

The chosenness of the Jew is analogous to the holidays. Just as the agricultural holiday is observed to obey God, so too, a chosen Jew observes. The element of personal benefit and subjective meaning is lacking in both notions. However, the choosing Jew, one who chooses for himself, a self-motivator responding to an inner-call, is comparable to the historical holiday.

We are all, in essence, chosen Jews. We have all been subjected to God's whim of preference. He alone determines who is born into a Jewish home. Although we have no initial input, disagreement is futile. By observing the word of God through fear alone, without thought or approval, we denigrate ourselves. God will always remain in the forefront, since His word is absolute, while we remain the insignificant observers.

However, chosen man has the power to reverse his situation. If he contemplates his observance and attaches to it a personal meaning, he is basically approving God's wishes. His observance is now for himself. Although in the final analysis, he still observes for God, his subjectivity elevates him to a Godly level of "motivator of commandments." Thus he takes on the entirely new dimension of the choosing Jew. Like the historical holiday, this Jew becomes the center and recipient of God's attention. His personal attachment to divine evidence results in a true religious commitment. Similarly, as the historical holiday adds holiness to the festival, the religious commitment of the choosing Jew adds the holiness of the *Am Segulah*. As Eliezer Berkovitz writes, in the Spring 1961 edition of *Tradition*: "While objectivity may be the goal of scientific inquiry, subjective commitment is the very essence of religious life." Commitment needs to be one's own; it requires intellectual personality. When such commitment truly clarifies one's observance, one can achieve divine significance. In essence, we are not the *Am Segulah* until we become *choosing Jews*.

## 'If chosen man contemplates his observance, he is approving God's wishes

We celebrate our redemption from bondage which culminated in an exclusive revelation.

The verses in the Torah reflect a difference in character between the two Holidays. The agricultural holiday must be "celebrate[d] for me" (*Tachog Li*). God proclaims the thanksgiving holiday for Himself. It is our duty to observe this type of holiday in God's honor. God is the motivation for celebration, and we must obey. However, when referring to the historical holidays, the Torah tells us, "You shall celebrate for yourselves." (*Tachogu Lachem*). These festivals are in our own honor. We gladly remember that we were chosen and redeemed. We initiate the festivals in gratitude of the gift

a complete "holi-day." By blowing a *shofar* on *Rosh Hashanah*, one transforms this day into the holy "Yom Traah," adding to the unique holiday experience.

Rav Lichtenstein related this concept of *mitzvot* to the notion of two distinct categories of holidays. Every holiday at its root is an agricultural one, a thanksgiving holiday in God's honor. God proclaims and motivates its observance. Yet, by partaking in certain holiday *mitzvot*, we can spiritually enhance the day and add the dimension of the historical holiday. These *mitzvot* endow the day with additional *kedusha*, that of the historical holiday, completing the holiday experience.

## Letters

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were directed against the J.S. department of Stern, which deals with halacha. It seems to me that her solution — requiring all women to study Talmud — is somewhat naive and and misguided. Learning *Gemara* does not equal learning halacha — it is more a study of *masorah* than of practical application. Its value cannot be expressed in practical terms; rather, it teaches an appreciation for, as well as well as an understanding of, the underpinnings of the halachic process. Students need courses in day to day observance and general *halacha l'ma'aseh* as well. They will not get this from *Gemara* but rather from a *Mishna Brurah*, which one can learn to read quite well without any knowledge of Talmudic texts. There is no consensus among the *poskim* concerning their opinions as to whether or not women should study Talmud. Valid *heterim* do exist, but not all students may choose to avail themselves of them. It is presumptuous to assume that women cannot be intelligently committed to *Torah U'Mitzvot* if they haven't studied Talmud. One's religious integrity is not dependent on her ability to "make a *laining* on a *Gemara*." Ms. Jedwab also mentioned that there is no instruction of textual skills at Stern, and I agree that this is a problem. Skills cannot be taught in the classroom; there simply is not sufficient time. The institution of a Beit Medrash program would solve this problem. The program should exist on all levels, and the students should have the option of choosing to study Bible, *Mishna* or *Gemara*. Teachers would be present to help out in the preparation of texts, so that the students do not become overly frustrated and thus discouraged. This type of program would insure that all students on their respective levels would be receiving instruction in dealing with texts, while at the same time allowing for their diverse talents and interests to best be expressed in their chosen field of study.

Leah Greenstein  
SCW '84

## Aunt Jo and Judaism

I congratulate Larry Yudelson on his outspoken and courageous article regarding *Moment Magazine's* symposium on the rabbinite. YU was not represented, ostensibly because RIETS rabbinic students did not wish to appear in the same forum with Reform, Reconstructionist, and Conservative students. Another force playing a role in this non-representation of Orthodoxy is a reticence on the part of the RIETS administration to pursue and encourage participation in the symposium.

While I share Mr. Yudelson's concerns, I am surprised that he has not noted that Yeshiva has changed, perhaps radically, in terms of its self-definition. Yeshiva University, especially RIETS, no longer projects itself as a "modern Orthodox" institution. It is now a "centrist" yeshiva, representing a "centrist" Orthodoxy. Note that the final session of YURA's 41st Annual Convention is titled "Educational and Communal Directions for Centrist Orthodoxy." The "left" has been delegitimized by a steady stream of "right" invective for a decade now. Therefore, YU/RIETS must become "centrist," that is, somewhat more "right," in order to avoid the criticism of the "real" Orthodox right wing. Has Yeshiva, in fact, accomplished anything by its shift?

Two or three articles in the *Hamevaser* answer my question, I think. David Levinson's opening words in his article "Crossroads of Exile and Redemption" express doubt as to whether YU is still the home of Torah U'Mada, modern Orthodoxy, or religious Zionism. If it is not, then "centrism" is indistinguishable from the Orthodox "right." Except for one thing, YU/RIETS students, when asked where they are learning, stare despondently at the floor and mutter "YU" (See Yossi Prager, "YP on YU"). That must be because they do not feel as "authentic" as those in "real" Orthodox "right" institutions like Telz, Mir, Yeshivat R. Chaim Berlin, etc.

"Centrism," for all its attempts to placate

criticism from the "right," has apparently not fared well, nor will it. What "centrists," whoever they may be, fail to understand is that the "right" only recognizes the truth of its own view. Hence, YU will need to change more than its self-description to gain the "right's" acceptance. It will have to reject the possibility of "synthesis," distance itself from any relationship with non-Orthodox Jews and their spiritual mentors, love *Eretz Yisrael*, not *Medinat Yisrael*, and follow other prescriptions and proscriptions which are insisted on by the "right." Once that is done, YU will be "kosher," but, alas, no longer YU.

I came to YU because YU represented "modern Orthodoxy," a viewpoint not afraid to take on the question of tradition and modernity. Yeshiva's turn towards "the center" (read: "the right") deprives the enterprise that brought Orthodox Judaism to thousands and showed that it was an intellectually vibrant movement. If there is no longer a "modern Orthodox" yeshiva in America, there is no more "modern Orthodoxy" here. And if that is so, the entire spectrum of American Jewish life is both impoverished and endangered.

Rabbi Michael Chernick  
YC '65, RIETS '68

To the Editor:

In his article "Do They Know We're Jewish," Mr. Larry Yudelson raised important questions resulting from the lack of participation of YU rabbinic students in a *Moment Magazine* interview. I share with him many concerns about the unwillingness to articulate our position to American Jewry through such a forum, and was personally embarrassed that we did not seize the opportunity to express the goals and hopes of soon-to-be Modern Orthodox rabbis.

And yet, I believe he drew his conclusion too narrowly. By focusing on Rabbi Charlop's role in this entire incident he virtually ignored Rabbi Lamm's implicit involvement. Rabbi Lamm

was contacted by *Moment Magazine*. Had he felt strongly that RIETS students should be represented along with the students from the other rabbinic seminaries, he easily could have ensured their presence. It seems as if he too felt ambiguous on the matter and left Rabbi Charlop to be the fall-guy. The ramifications of Rabbi Lamm's apparent attitude as displayed in this lack of presidential directive are of great significance as it reflects more directly the official policy of our institution.

Mr. Yudelson put forth several explanations for the administration's decision. To that list I would like to add one that was suggested to me by several people, that seems to me most probable and perhaps most disturbing: The administration lacked confidence in the ability of RIETS students to express themselves, and our position, to such a broad public. In addition, I fear there may exist a feeling of inadequacy when presenting our students alongside students from other schools. If this is indeed a more accurate explanation, then we have a serious problem to confront. Modern Orthodoxy (or Centrist Orthodoxy if you are less courageous) must have spokesmen amongst its ranks of rabbinic leaders. In fact, I am confident that we have such people in every rabbinic class. But to develop as spokesmen, they must have the support and encouragement of our administration. They must be provided with opportunities like this *Moment* interview to define and articulate the agenda of Modern Orthodoxy, or perhaps we will be bereft of such leadership in the future.

I am sure that the decision was a result of complex motives and fears. No matter what the reason, however, it is appropriate to consider the historic examples left by the late Rabbi A. I. Kook z"l during this fiftieth yartzheit year as a model for our response to such challenges. Somehow, I imagine he would have met them differently.

Daniel L. Lehmann  
YC '85, RIETS '89

# She Who Laughs Last

By ELIHU SIEGMAN

The *Cannibal Galaxy* originated as a short story in *The New Yorker* titled, "The Laughter of Akiva." Cynthia Ozick drew the title from a Talmudic parable, which she slips into the plot of *The Cannibal Galaxy*. The parable reports that Rabbi Akiva and three colleagues, passing the barren and desolate site where the *Beit Hamikdash* had stood, saw a fox darting about. The three wept, but Rabbi Akiva laughed. When they questioned his strange behavior, he responded that true, Uriah prophesied that, "Zion shall be ploughed as a field, and Jerusalem shall become heaps," but Zechariah also envisioned, "Yet again shall the streets of Jerusalem be filled with boys and girls playing." In the novel, this is meant to characterize true pedagogy; to see beyond the apparent, "not to stop too soon." This moral lesson is Ozick's central theme.

The main character of *The Cannibal Galaxy*, the adult Joseph Brill, lacks faith in the future and embodies failed vision. As a child in pre-War World II Paris, he regularly detoured from his path home to steal into the Musée Carnavalet — with its enticing statues and rich treasures — before hurrying home to study Talmud with his beloved Rabbi Pult in the back of his father's *poissonerie*. At the onset of the war, he found refuge in a convent's cellar. There he plowed through boxes of old books — the former library of an eccentric priest — and became obsessed with the idea of combining the wealth of Western culture with Jewish moral teaching; "setting Racine and Corneille, Jonah and Kohelet, side by side." After the war, failing to pursue his greatest intellectual love, astronomy, he emigrated to "middle America" to implement his "Dual Curriculum" in the form of a Jewish primary school:

A children's Sorbonne dense with Hebrew Melodies, a Sorbonne out of exiled Eden. The water of Shiloh springing from the head of Europe.

In this, his life's work, he failed. Reconciling the ideal dual curriculum with its less-than-successful reality has long been a thorn in the side of Jewish primary education. Thousands of Joseph Brills crossed the ocean from post-Holocaust Europe with hopes of raising a generation of minds fully versed in Western scholarship and Jewish culture. In theory, this can be accomplished; Jewish religious and cultural identity can harmoniously coexist with Western culture on many levels. However, in the pragmatic aspects of education, example proves that the tension can only be resolved through compromise. The years spent in Hebrew day schools, and on the university level, at Yeshiva University, result in only a small percentage that can be said to have absorbed the best of both worlds. Some at Yeshiva convincingly argue that the college can never be a Yale, and the yeshiva cannot be a Har Etzion (or the yeshiva of your choice). Joseph Brill serves as a potent reminder of this reality.

His "Sorbonne" turns out to be no exception. Through Brill, Ozick brilliantly shows how thirty years of failed vision and unchangingness take their toll on a person. Brill grows bitter and sourly reflective. His pet Latin phrase, *ad astra* — the lingering remnant of his promising youth — tires his daily speech. Instead of turning inward to understand his losses, Brill blames his surroundings.

He had only these children, the cleverest not clever enough, the mothers shallow brass, the father no more than plumbers (his name for doctors), the teachers vessels of philistinism, rude, crude...Middling, middling! Himself the governor of all this. Royal charlatan.

The moral lesson of *The Cannibal Galaxy* is faith in the future, and the future, we find out, is children. Although Brill's faith in his own future is almost entirely extinguished, he still harbors secret hopes that his redemption will come in the form of an exceptional child, a Wunderkind.

Hope enters the novel when Hester Lilt, a philosopher, enrolls her daughter, Beulah, in Brill's school. Hester Lilt, an "imagistic linguistic logician," in whom the aging bachelor sees the intellectual mate he always

sought, eventually proves too much a genius, too great a success, for the principal. But as Beulah progresses through the grades, Brill slowly admits to himself that this child too is no Wunderkind, no reflection of the parent. Lilt, in material defense of the child, begins an ongoing verbal battle with Brill. Both the "laughter of Akiva" and "the cannibal galaxies" are part of her repertoire of clever stabs aimed at the self-described royal charlatan. Eventually, the principal is swallowed up by his middling surroundings and marries his

dilemmas. She contends that children's creativity (and lives) are too often stifled by the expectations and pressures which parents and educators impose on them. Ozick places the children on either side of a coin, one side representing faith in the future (Beulah), the other, scrutinizing guidance (Naphtali), and tosses it in the air, to determine which comes out on top. The coin, though, is fixed. Rather conveniently, poor, misunderstood Beulah Lilt suddenly re-emerges at the end of the novel a terrific success in the art world. Meanwhile,

Keeping this in mind, it seems that Ozick, portrayed in the character of Hester Lilt, is allowing herself a generous pat on the back. Certainly, Ozick's proven erudition and depth allow for moral lessons to be taught, but Hester Lilt's genius and foresight are so flawless, she becomes a prophet; sharing equally in the laughter of Akiva. Her staunch faith in Beulah's gifts triumphs with such profoundly silent glory, she becomes the heroine — the teacher of the moral. This detracts from the intended ending, in which the reader's identification and sentiments naturally belong to Principal Brill. He is the fallen hero, whose pitiful situation is the object of the moral: He stopped too soon.

Nevertheless, this novel offers keen insight, and abundant evidence that Ozick is a master of style. The thoughtful treatment of Brill's sisters, survivors of the Holocaust, is one among many observations beautifully woven through the text. These cleverly metaphorical and richly descriptive passages never run out of breath. She skillfully develops the thoughts of the novel within the mind of Joseph Brill with such subtlety, the thoughts come as naturally as one's own. The reader, not having to laboriously struggle through the novel, as some novels require, can process and absorb what this work has to offer with relative ease. As testament to this claim, I folded the ears of those pages containing noteworthy passages and phrases, and finished with a broken corner on nearly every other page.

## 'The moral lesson of *The Cannibal Galaxy* is faith in the future ... in children.'

secretary. In his later years, she bears a son, Naphtali, whom Brill calls his "witness". (This is clearly a reference to Abraham and Sarah, to whom in their old age, God grants a son. Abraham, however was ready to sacrifice Isaac, and in turn, Isaac was witness to Abraham's beliefs in the next generation.)

Juxtaposing the childhoods of Beulah and Naphtali, Ozick tests alternative approaches to education and child rearing. Lilt's philosophy carries Ozick's message regarding these two

Naphtali, the victim off Brill's overexpectations, does not fulfill his father's dream. Besides Ozick's not accounting for Beulah's instantaneous recovery from excessive blandness, Beulah fails to develop any Jewish identity, which both parents hold so important.

Ms. Ozick drew much of the novel's setting and plot from personal experience. In fact, the original manuscript so obviously resembled fact, she was threatened with a libel suit, and revised the story into its present book form.

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# Portrait of an Artist

By WENDY ZIERLER

Artist: one who professes and practices an art in which conception and execution are governed by imagination and taste esp., painting.

Using the example above give a definition of the following term: Jewish artist:

"Why the necessity for such a definition?" you might ask. Is not every man simply commanded to conduct himself in his work in accordance with Torah principles? Is there something about art, specifically visual art, that separates it from other disciplines and therefore demands a special definition for the Jewish artist.

Yes, there is. The first distinction stems from the artist's overwhelming drive to create and to find new forms of expression. This sort of motivation, that engages the artist in body and soul, must be defined and directed for the Jew, in Jewish terms. Otherwise, what prevents the artistic experience from becoming an end in itself, an entirely egocentric exercise aimed at nothing but the visual realization of artistic potential?

One could argue that this problem applies to any profession in which the individual is extraordinarily driven. There is a second problem, though, and it will be the primary focus of our discussion. This issue questions whether or not the Jewish definition of an artist may be for-



mulated at all; in other words, can the Jewish visual artist function without transgressing against the Torah? The problem originates from the second commandment of the famous "Ten"

In *Shemot* (20:3-5), we read:

Thou shalt have no other gods before me. Thou shalt not make unto thee a graven image, not any manner of likeness, of anything that is in heaven above, or that is in the earth beneath, or that is in the water under the earth beneath. Thou shalt not bow down unto them, nor serve them...

Ostensibly, the Torah forbids any form of representational art. And yet we read in Kings

(7:25) of examples of sculpted forms that were placed in the *Beit Hamikdash*, such as the *cheruvim* and the twelve oxen supporting the molten sea. Furthermore, a certain reverence for men of craft and art seems evident in the accolades bestowed upon Bezalel ben Uri and Hiram of Tzor, men "filled with the spirit of God, in wisdom, in understanding and knowledge, in all manners of workmanship..." (*Shemot*:31, see also Kings 7).

Because of these two, seemingly contradictory attitudes towards visual arts, we must come to an understanding of the nature of the prohibition.

Jewish thought teaches the belief in one non-corporeal God and eschews any attempt to reduce God to a mere material representation. The earliest form of visual art flourished, however, in polytheistic societies where the artistically crafted idol or image was deified. And with the worship of these man-made gods came a whole slew of equally "creative" forms of perverse behavior. It is the unfortunate fate of visual art that thousands of years ago it became the very stuff of theological controversy.

The question that we ask is, does the commandment against representational art forbid all art, including decorative art which is in no way intended for *Avodah Zara*? The sculpted forms in the *Beit Hamikdash* seem to suggest not. On the other hand, when Ezra and Nechemiah built the Second Temple, they specifically did not

include the *cheruvim*, remembering Nebuchadnezzar's soldiers carrying the *cheruvim* from the destroyed *Beit Hamikdash*, proclaiming them to be the "Jewish god."

In terms of Talmudic answers to this question, many of our sages seem to have tolerated or even supported the visual arts. For example, Rabbe Yehuda Hanasi was known to have owned a signet ring with engraved artwork (*Rosh Hashanah* 14b). *Rav* is said to have been a talented artist, having painted wall frescoes of birds and animals (*Bava Batra* 54a). Similarly, *Rav Yochanan Bar Napcha*, in *Avodah Zara* 42b, allowed frescoes. Later on, *Rashi* follows the path of his predecessors and permits them as well (*Rashi, Shabbat* 149a).

Furthermore, the *Gemara* in *Avodah Zara* 43b, makes the sweeping statement that "all likenesses (forms of representational art) were to be found in Jerusalem with the exception of human beings." Why is the restriction aimed only at human representations? One reason for this might stem from the story of creation. God allows man to be his partner in the creation of the plants and animals. He charges Adam with the power and responsibility to name and conquer them. But God alone created Adam. To imitate this creation would be an abuse of his creative privileges.

The distinction between the representation of the human and other forms of life is a critical

Please Turn to Page 11

# The Jewish Press

By ADAM FERZIGER

How often is a Jewish employee chastised for being unaware of a fireworks factory that blew up on Shabbat? Is finding kosher food in Zimbabwe a problem that many of us have had to deal with? Well, if one is planning to be both an observant Jew and a journalist, similar issues could conceivably arise.

The number of Orthodox Jews in journalism is on the rise. Five years ago, Sharon Efrogymson, former Editor-in-chief of SCW's *Observer*, and Rabbi Yoni Mosseson, a Y.U. *mumach*, founded the Association of Orthodox Jews in Communications (AOJC). Today they have over 140 members, including ten radio and T.V. journalists, and fifteen writers working for publications or freelancing. The AOJC provides Orthodox journalists with information in their various specializations, presents forums for discussion of professional development and encourages them to pool their talents to help the Jewish community. To accomplish these goals, monthly meetings are held, highlighting speakers representing various fields of communication. Furthermore, since journalists are in a position to influence the presentation of facts to the public, there is tremendous potential within this group. As Efrogymson put it, "Today's wars are more often fought by words than on the battlefield." One may not overlook the recent barrage of attacks of Farrakhan in the press. Many were written by Jews sensitive to their roles as journalists and to their Jewish identities.

The enlivened interest of some observant Jews in the field of journalism is an outgrowth of their matured views toward society. These pre-professionals are veering away from stereotypical expectations, such as medicine or law, to test new waters and confront new challenges. They are ready to go beyond what are generally considered "safe" professions, believing that in American society, Orthodox Jews should not feel their options limited. Indeed, in areas such as international journalism, it seems such a spirit of adventure is absolutely necessary for success. Orthodox Jews have found news agencies willing to tolerate certain constraints on people's hours in return for uni-

que talents. As Efrogymson of the AOJC explained, "If you're creative, they'll accept you no matter who you are." Others maintain that journalism in general is a popular field, and Orthodox Jews are just following the trend.

An important first step for the prospective Orthodox Jewish journalist is to be aware of the halachic problems that may be involved in writing or reporting for mass media. As of now, response literature has not dealt with Jewish involvement in journalism as a profession. Several rabbinic faculty at Yeshiva expressed two major problems in being a journalist: *Chilul Hashem* and *Lashon Harah*. *Chilul Hashem* generally relates to scandalous stories involving people easily identified as Jewish, thus giving the world a negative impression of all Jews. One may also question whether publicizing such facts constitutes an act of *Lashon Harah*. Rabbi Mordechai Gifter, in his *haskamah* to the book *Guard Your Tongue*, states, "It is inappropriate to bring most newspapers into one's home, since they are full of *Lashon Harah* and *Rechilus*." One can assume that, according to Rabbi Gifter, if there may be a problem in reading a newspaper, certainly writing for one would be more problematic. It is important to note that the halachic problems mentioned above are confronted most often by those who work for Jewish publications and will be writing about Jewish people on a regular basis. Even so, the average reporter for a secular publication will come across such stories from time to time.

Dr. David Sykes, Instructor of Bible at Yeshiva College, pointed to an inherent conflict between the ideology of a journalist and that of a *Ben Torah*. While a journalist's job is to methodically uncover every detail, whether or not the disclosure will be constructive, the *Ben Torah* must look for the good qualities in people without emphasizing all the sordid details.

The basic response to these problems is to recount journalism's virtues. First, there is value in telling the truth. Second, particularly in a democratic society, people must understand what is going on in the world. In the words of Ari Goldman, a Y.C. graduate who is

presently the religious writer for the *New York Times*, "Telling the truth has virtue; there is tremendous potential for doing good."

Many religious journalists share common views in dealing with religious conflicts and in understanding their roles as Orthodox Jewish journalists. In general, observant Jews have found that colleagues will respect a religious person if he or she is consistent in their beliefs and actions. Abe Rosenberg, former Associate Editor of *Hamevaser*, is a newswriter for WNBC-TV. Previously, he wrote for WPIX and his weekly radio show was syndicated by WYNY in six major cities. He has never taken off his *kipah* for a job. He feels that, "It's a crime that a *kipah* is not stapled on one's head, because people are too quick to take it off." When he started at WNBC, he was taken aside by the news director and assured that his religious commitment would not be an impediment to his career advancement. Regarding consistency in religious practice, many have found that the patience shown to Orthodox Jews is not displayed to those who are not fully observant. For example, while one observant Jew had no problem taking off for *Yom Kippur*, her non-religious counterpart was forced to work.

Some disagree when estimating the degree of conflict and amount of compromise inherent in being a successful journalist. Ari Goldman of the *Times* admits that "latent conflicts" trouble journalists, but he sees them as far less severe than the challenge faced by an "honest businessman." He feels that since each assignment is separate, it must be judged individually. Thus, the journalist must be flexible in judging the ramifications of conflicts, with each issue considered in its own context. In Goldman's opinion, what is important is, "to feel passionate about doing what is right." This is expressed by being, "a sincere religious person and a sincere journalist."

Socia Leibler, currently the News Director at WGBB radio and Long Island reporter for WOR, disagrees with the notion that journalism involves compromising Jewish religious values. Although she feels a need to overcompensate for taking off holidays, this slight inconvenience is common to most Orthodox people's ex-

periences in the working world. The way she sees it, "I have to be the best journalist I can be and I have to observe Shabbat. I'll try to go as far as I can until it interferes with my ability to observe the Torah; at that point I'll stop."

While most do not consider journalism an important means of helping the Jewish people, involvement in mass media presents unique opportunities to make a difference. Annie Charlop, graduate of Rabbi Zevelun Charlop and an SCW student, is an on-air investigative reporter for a cable news show. She hopes that her presentation of events "will change people's perspectives on Israel." Leibler, of WGBB, does not work in radio purely out of concern for *Klal Yisrael*. However, she always tries to add a little "warmth and knowledge" to a Jewishly oriented story, such as one she did about the High Holidays, or a piece on Israeli disabled athletes who participated in New York's Special Olympics. As she put it, "Better me than someone else."

As a reporter on religious issues, Ari Goldman is in a position where he can, "explain Jewish practice and traditions" in a most positive light. Abe Rosenberg views his role as an observant Jew in the newsroom differently. He sees his function not in terms of what is broadcast, but rather as an example to people who influence public opinion. He feels that somehow he may be able to counteract the negative attitudes people have towards Orthodox Jews. "After two years at WPIX, people have a different impression of Orthodox Jews; they see them as human beings."

Today a Lubavitch woman with her hair covered can be found writing headlines for WNBC-TV. An observant Jewish newspaper reporter can sit down to lunch with Cardinal O'Connor at St. Patrick's Cathedral and have kosher food served to him on new dishes. As more Orthodox Jews decide to enter the field of journalism and confront roadblocks standing in the way of success, such occurrences will become commonplace.

For information about the AOJC, contact Sharon Efrogymson (718) 258-4268

## Doctor: Halachich Compassion

By GERSHON KAPLAN

Abortion, euthanasia, autopsies ... the medical profession is at the center of many of the ethical problems posed by modern technological advances. Society often looks to doctors to settle these issues. However, Jewish society must look to the Torah for both the proper perspective and guidance on how to act in specific cases. The rabbi, the Torah's interpreter, is required to become familiar with the scientific issues involved or to consult with someone who is familiar.

Two summers ago, while working in a hospital, I encountered one of these cases. I was escorting a doctor who stopped to examine a patient with Lou Gehrig's Disease, a neuromuscular disorder that gradually destroys the victim's muscles until even those muscles associated with breathing cease functioning, ending life. The doctor explained that a respirator could extend her life for many months. However, before the disease had incapacitated her, she and her family had signed a "living will": A document stating that she wanted no life-preserving measures to be used on her behalf when her condition deteriorated. The doctor had signed a statement, confirmed by two other doctors and the hospital, that her condition was irreversible. On the respirator, she would have existed for months completely immobile, tubes attached to every orifice of her body, not breathing, eating, or excreting on her own. The legal procedures having been properly followed, she was allowed to lie peacefully. When two weeks later I returned to the ward, she was dead.

Was this course of action proper under Jewish law, or does Judaism give the preservation of human life inestimable value no matter how much suffering it entails? Instinctively, I felt that the woman's request was justified, but does halacha concur?

Issues such as this one come up on a daily

basis and halacha has not failed to deal with them. There are precedents in *Tanach* and throughout rabbinic literature. Contemporary rabbis and knowledgeable doctors deal with these issues in their modern form.

Probably, the most famous case of euthanasia is Rabbe Chanina ben Tradyon's, one of the *Asarah Harugai Maltchut*, who was burned at the stake. When his students suggested that he open his mouth to let the fire enter it thereby shortening his life, he responded, "Let Him who gave me life take it away, but no one should injure himself." Yet, when the executioner offered to remove the wet wool that had been placed around his heart to slow death on the condition Rabbe Chanina would guarantee him a place in the World to Come, Rabbe Chanina did. The executioner removed the wool, fanned the flames, and jumped in. A *Bar Kol* then declared that both had merited the *World to Come*.

This story distinguishes the two classic forms of euthanasia, active, opening the mouth to let the flames shorten life, and passive, removing the wet wool, an impediment to death. The first, forbidden, and the second, permissible.

The Talmud also relates a story of Rabbe Yehuda Hanasi's maid, a woman of great sagacity. Upon seeing the great pain caused to Rabbe Yehuda by his illness, she prayed for his death, and smashed a jar to disturb the concentration of the students praying for his life. Although no actual act of euthanasia was involved, we certainly can draw conclusions about the Talmud's attitude towards a state of intractable pain.

The mishna in *Semachot*, discussing the laws of a *gosses*, a dying person, states, "One may not bind his jaws...nor [place] any cooling object on his head until he dies..." The commentaries on the *Shulchan Aruch* quoting this mishna explain that the actions are prohibited because they hasten death. However, the

Ramah (based on the *Sefer Hachassidim*) states that one may remove an impediment to death such as salt on the tongue of the victim. Here we see *halacha* the distinction made in the Rabbe Chanina story.

Under the classical definition a *gosses* refers to a person within three days of death. However, Rabbi Tendler, an authority on bioethics, pointed out that actually a *gosses* is simply a dying person. A respirator can keep a dying man alive for months, but that does not change the fact that he is dying. The question asked in these cases is whether we are prolonging life or postponing death? He also explained that the question extends beyond purely physical disabilities, and that quality of life, as defined by halacha, is also a factor. According to halacha, intractable pain, whether physical or psychological is the key variable in decisions regarding passive euthanasia. He related the story in *Ta'ant* of Choni Hame'agel who awoke from a seventy year sleep to discover that he no longer had a place in society. Declaring, "Companionship or death," he prayed for his death, and his prayer was granted. Clearly, his pain was not physical. Similar to the story of Rabbe Yehuda, there is no act of euthanasia involved here, but we can draw conclusions about what the Talmud feels is a proper response to the pain Choni felt at the prospect of living a solitary existence.

Under Rabbi Tendler's guidelines it is clear that the request of the woman I encountered was justified. However, it is also clear that the process of applying halacha to this case and others posed by recent medical advances is quite complex. The constantly changing circumstances of today demand a rigorous analysis of the relevant sources to discover their underlying principles. They may then be freshly applied in a sophisticated manner to contemporary situations.

"runner" from societal norms; at best, people regard me as "insane" and beyond hope. No one can understand why I won't choose a "Jewish profession."

Lawyer. Doctor. Accountant. Engineer. Or maybe "Jewish profession" means water carrier, woodcutter or tailor. When one is choosing a profession, must one be guided by the "traditional" past? Selecting a truly fulfilling career requires following one's interests. Thus, someone interested in chemistry shouldn't become a doctor instead, simply because there is "nothing else to do"; become a chemist and ignore the fact that chemistry is not a career pursued by the typical Y.U. student. Every profession must have a "first"; I've often wondered whether the first Jewish lawyer was considered an "Indian Chief."

Of course, choosing any profession involves close scrutiny and a careful weighing of the pros and cons. However, for many, this is important only in theory, for, in practice, many people look solely at the material practicalities of a job without exploring other features. How many of us recognize the political science major going to law school, eyeing the potentially large salary, without exploring the less lucrative, but perhaps more fulfilling, fields of international affairs or public policy? A carefully considered choice brings contentment, leading to greater religious and secular self-realization.

Thus, I persist in my dream; my tribe eagerly awaits my return to the reservation. A friend of mine in pre-engineering called this dream absurd and unrealistic. I would never get a job, he claimed, and even if I did find one, it would be with a minor tribe and for meager pay. When I responded that I might, at least, be content, he took refuge in that inevitable argument "And who ever heard of a Jewish Indian Chief?!" I defiantly replied, "Maybe the first Jewish engineer was an Indian Chief, too!"



## Doctor, Lawyer, Rabbi, Chief.

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## Rabbi: The Rabbi Next Door

By BARRY HERZOG

When confronted with the idea that Israeli communities should integrate pulpit rabbis similar to those in the United States, many dismiss the notion as exclusively American. In America, the religious society, both Jewish and non-Jewish, revolves around a local spiritual leader. Furthermore, they say, pulpit rabbis aren't necessary. Religion thrives in Israel, and the multitudes of *Talmidei Chachamim* carry the yoke of leadership.

However, that claim simply isn't true. In fact, the most troublesome paradox in Israeli religious life is the inverse relationship between the number of religious institutions in the country and the percentage of Orthodox Israelis. Numerous yeshivot, spanning the full spectrum of religious ideologies, produce educated *talmidim*. *Roshei Yeshivot*, and a rich source of halachic literature. Simultaneously, the religious parties continue to force the government to ensure the religious character of the State as a whole, from stopping the buses on Shabbat to controlling the institutions of marriage and divorce. Yet, the rising fervor within the Orthodox community fails to arouse most Israelis.

Internally, the religious factions may be content. To a large extent they get what they want. But externally, there is not much to smile about. Although the religious character of the state is intact, the religious character of the people is not. Israel will never be a truly religious state unless the people want it to be one. Obviously, the Orthodox are not solely responsible for the secularism that permeates Israeli society. Modern Judaism has suffered with this problem since the Emancipation. Rather than utilizing their newly acquired freedom to become proud of their religion, masses of Jews chose to abandon their roots. But within this context of a losing battle, what can religious Jews do to shift the tide towards observance?

One option is to continue the general trend of strengthening and broadening religion through halacha. The strengthening from within manifests itself in the continuing establishment of yeshivot in Israel. Besides serving to enrich Jewish scholarship and to fulfill the mitzvah of *Talmud Torah*, the institutions provide a shield for its *talmidim* to fight off the enticing Bower of Bliss. In this aim, the Yeshiva is largely successful. Just as halacha protects the already

observant, religious political leaders' attempt to influence the irreligious by permeating the everyday life of the Israeli with halacha. While the prime objective of these laws might be to create a more religious environment for the observant, by consistently pushing for State laws concurrent with halacha, the parties are also forcing observance on the general populace. Eventually, the theory goes, Israelis will subconsciously come to accept halacha as a norm.

Yet, religious political persuasion, rather than broadening the appeal of observance, breeds resentment amongst the general populace. Much of the problem lies in the fact that the average Israeli only faces the rabbinic three times during his life: marriage, divorce, and death. In all three, the rabbinic has the power to significantly alter the lives of those involved. For example, *kohanim* are forbidden to marry converts. Wives of missing soldiers may not remarry until their husbands' deaths are verified. In none of the three does the rabbinic have a chance to display anything positive about the halacha.

Even when the Israeli fails to confront the halacha personally, he faces a general situation

## Lawyer: Law by the Book

By ELI CLARK

Ambrose Bierce defined the lawyer as "one skilled in the circumvention of the law." Henry Brougham added, "He is a learned gentleman who rescues your estate from your enemies and keeps it himself." Indeed, in the Jewish system of law there is no attorney. Despite all this (or maybe because of it), the practice of law seems to hold a special attraction for Jews; in 1979, twenty percent of the lawyers in America were Jewish.

Until the nineteenth century, the practice of law was generally forbidden to Jews. Even then, conversion to Christianity was usually required for admission to university or for authorization to practice. The Jew himself often chose to practice law as a means of gaining acceptance into gentile society. Historically, then, Jewish practice of law is associated with assimilation. Halacha, too, characterizes the affiliation with gentile law as a rejection of Torah and of God.

### 'Historically, Jewish practice of law has been associated with assimilation

The foundation of this attitude is the prohibition against suing a fellow Jew in a gentile court (*Archat Shel Gayim*). The source of the halacha is the verse (*Shemot* 21:1) "These are the judgements which you shall set before them — before them, and not before idolaters." From this, R. Tarfon learns (*Gittin* 88b) that "In any place where you find courts of idolaters, even though their law is the same as Jewish law, you must not resort to them." R. Yohanan asserts (*Hilchot Sanhedrin* 26:7) that if one uses gentile courts, "it is as though he reviled, blasphemed and rebelled against the law of Moshe..." Rashi echoes this in his commentary on the aforementioned verse: "[He] desecrates God's name and legitimizes idols... When our enemies are our judges, it is a testimony to the superiority of their idol."

This prohibition has been extended to testimony, as well. Ramoh (*Shu"t Ramoh*, 52) forbids testifying in gentile courts as "giving assistance to transgressors (*Mesayeah B'Yedei Ovrai Avera*)."

Sh'a'ar HaMishpat disagrees, citing that the source of the prohibition is the elevating of idolatry by choosing the gentile court over the *Beit Din*. Since giving testimony reflects no preference for gentile courts, it should be permissible. This dispute extends only to a case between Jews; when one or both

litigants are gentile; even Ramoh permits testifying in a gentile court.

The modern State of Israel has created a unique situation: a secular court system under Jewish auspices. Many *Gedolim* argue that Israel's secular system represents an inherent rejection of *Beit Din* and, therefore, of the Torah. Others (in the spirit of Sha'ar HaMishpat) respond that the root of the prohibition is the legitimization of idolatry. This is why R. Tarfon forbids resorting to gentile courts "even if their law is the same as Jewish law." Although Israeli law is not halachic, since Israeli judges are Jews, no foreign religion is being embraced. A second response has been the development of *Mishpat Ivri* (Jewish Jurisprudence), which incorporates a halachic voice into the Israeli law code.

Serving as an attorney in a secular court is dealt with in two contemporary responsa. R. Ovadia Yosef (*Yechave Da'at*, Vol. IV, 65 ff.) forbids representing a Jewish plaintiff in his claim against another Jew as "giving assistance to transgressors." However, one may represent a Jewish defendant being sued in a secular court by a "stubborn Jew (*alam*)," who refuses to sue in *Beit Din*. R. Menashe Klein (*Mishne Halachot*, Vol. VIII, 255) adapts a similar view, adding that besides transgressing "before them and not before gentiles," a Jewish attorney may be liable for stealing, if the court award violates Jewish law.

When one or both litigants are gentile, the halachic issue involved is the Noachide commandment of "Laws (*Dinim*)," by which gentiles are enjoined to set up their own legal and judicial system. According to Ramoh (*Shu"t Ramoh*, 10), this system should be based on that of the Torah. R. Rambam, on the other hand, maintains that only the other six Noachide laws must be enforced according to the Torah, while the rest of a gentile law code may be common law. R. Menashe Klein concludes, based on R. Yohanan and other sources, that a Jewish lawyer not only is permitted to represent gentiles, he may even be fulfilling a mitzvah by assisting them in upholding their laws. In this vein, R. Rambam (*Hilchot Melachim* 10:11) says: "The Jewish *Beit Din* is required to set judges over the gentiles... If *Beit Din* sees fit it may appoint Jews as their judges."

Law, it seems, will always be a halachic minefield. Yet, if one steps gingerly, disaster can be avoided. By choosing a specialty like corporate or constitutional law, the Jewish attorney can distance himself from the halachic problems surrounding litigation. Most importantly, the Jew can pursue a career in law without sacrificing his pursuit of God.

## Indian Chief: So Sioux Me!



By DANIEL FEIT

There is little doubt that normative Jewish thought rejects "Indian Chief" as a viable career option. Despite the lack of specialized education required (any major is acceptable and one must simply do well on his ICATS) and the prestige involved, the job has not kindled any excitement amongst today's Jewish youth. Nevertheless, my ambition to attain this post remains strong. Even ignoring the question of whether or not the American Indians are descendants of the Ten Lost Tribes, I anticipate

a truly fulfilling and happy chieftancy. But, strangely enough, the slings and arrows of outraged friends persist. I have been called "crazy" and "irresponsible." I have even encountered the question, "And how are you going to support a family on a Chief's meager salary?" Any defence of my quest for happiness and satisfaction is immediately dismissed by the simple response, "No, if you want to be a 'chief,' be a chief surgeon at a major hospital." I have been analyzed and rebuked, labeled a rebel against Jewish values, and a

*raison d'etre*. Besides, since the ultimate goal is not merely to change the religious image, but to eventually increase the number of religious Israelis, diluting the halacha and religious idealism would be counterproductive.

Neither suppressing the halacha nor forcing it solves the problem. Israel needs something much more fundamental to religion — a theological and emotional appreciation for its value. Only afterwards can adherence to its laws have significant meaning. Torah study enriches and satisfies yeshiva students because it merely enhances a well-rooted commitment to observance imbued in them by their families and communities. The irreligious, lacking that background, cannot be expected to embrace God and his halacha as a result of religious Shabbat restrictions.

On the other hand, an effort to educate the irreligious about Judaism's spiritual and moral aspects might encourage a slow return to halacha and an eventual enthusiasm for mitzvot.

The introduction of local rabbis would fill that essential gap. They would at the same time be halachic figures, spiritual guides, moral leaders and communal social workers. Presently, the

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# 'Though Shalt Build for Me a Temple'

## An Inquiry into Jewish Architecture

By ELIHU SIEGMAN

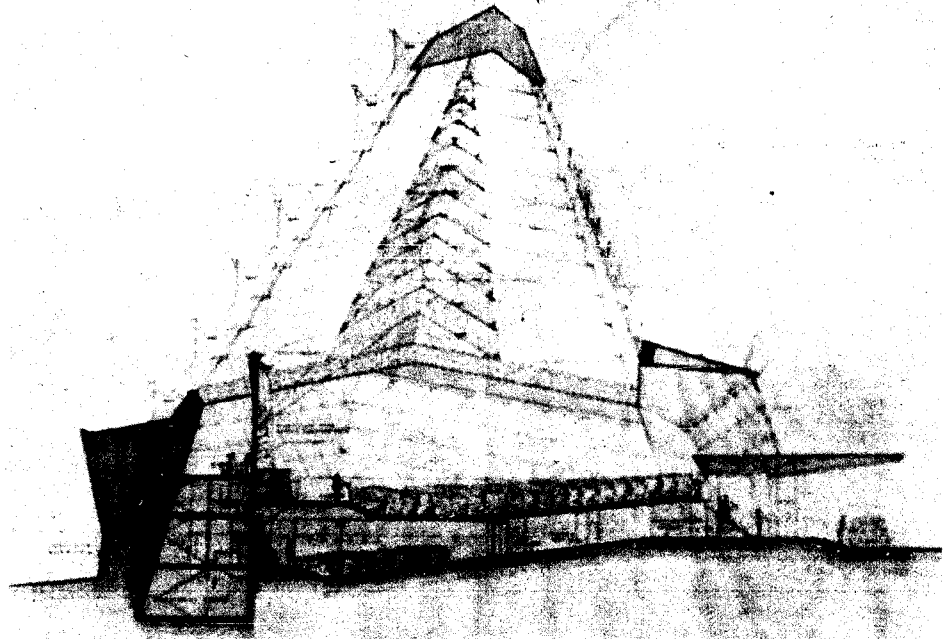
I was gravely disappointed to learn, some years ago, that the ancient Holy Temple of Jerusalem was not built primarily by Jews. King Solomon was apparently unable to find enough subjects in his entire kingdom capable of executing this holy architectural mission, and was forced to seek the aid of King Hiram of Tzor. In fact, the Temple's design shared many features with the "long-house temple" of Canaan and Assyria. The historical heir to the *Beth Hamikdash*, the synagogue, inherited a tendency to attract non-Jewish designers. I would dare to generalize, places of worship aside, that Jews have historically never produced a significant architectural presence in any of their temporary homes. How can we account for the distance between Jews and the process of designing the built environments in which they lived?

Any civilization creating a distinctive architecture requires more than a rich culture. (There is no doubt that Jews brought a rich, diverse, but otherwise portable cultural legacy to every land they sought to live in.) In addition, this society needs land to build on (preferably its own), an economy strong enough to finance design and construction costs, and relative peace during which to build. Jews have rarely been blessed with all three for a considerable period of time. Thus, the architectural history of the Jews can be recited in a few short paragraphs.

In ancient Palestine, the Israelites inherited crude Canaanite structures to live in, and did little to improve them. One might suspect the Jews would have picked up a few pointers from the Egyptians, the master builders among all ancient civilizations. Yet, with the affliction of slavery so bitter, few had time to jot down notes. In the course of time an Israeli style of building developed — culminating during the peaceful and prosperous rule of King Solomon — but the predominant Phoenician and Assyrian models heavily influenced these as well. In the late fourth century, along with the Greek conquest of Palestine, came the Hellenization of its architecture.

For most of the European exile, Jews never possessed land to freely build on. When they finally secured smaller parts of larger European cities, few Jews were familiar with the ideas and principles of architecture. With the possible exception of pre-Inquisition Spain, this condition persisted until the Emancipation, and lingered well into the twentieth century.

The emancipation, enlightenment, and improved economic status of the Jews in the nineteenth and twentieth centuries provided all the necessary components for Jews to enter the world of architecture in Western civilization.



Beth Shalom Synagogue, Elkins Park, Pa.; designed in 1954 by Frank Lloyd Wright.

Jews daily strolled past the many great examples of European architecture, from the Cathedral of Chartres to the Bauhaus (the German art compound where modern architecture was born). The founding of the State of Israel challenged Jews to rebuild their homeland in a uniquely Jewish fashion. Yet in both realms, Jews achieved only minimal success.

'Jews being architects' and 'achieving a Jewish architecture' may appear to be different issues, but are rather like two flowers that failed to bloom fully because they grew from the same root. The root, being Jewish aesthetics, does not run very deeply into history. In the high arts, no outstanding contributions can be

attributed to the Jews prior to the Emancipation. (How this phenomenon coexisted with extensive contributions in intellectual culture, literature, and even folk art, is too complex a question to answer here.) Thus, Jews apprehensively entered the field of architecture at a much slower rate than other professions. This is also partially to blame on the elitist, closed-door policy of most established architectural firms in America. Not until the late-sixties could Jews get both feet inside, and then largely to the credit of a few brilliant Jewish architects, such as Eric Mendelsohn and Louis Kahn.

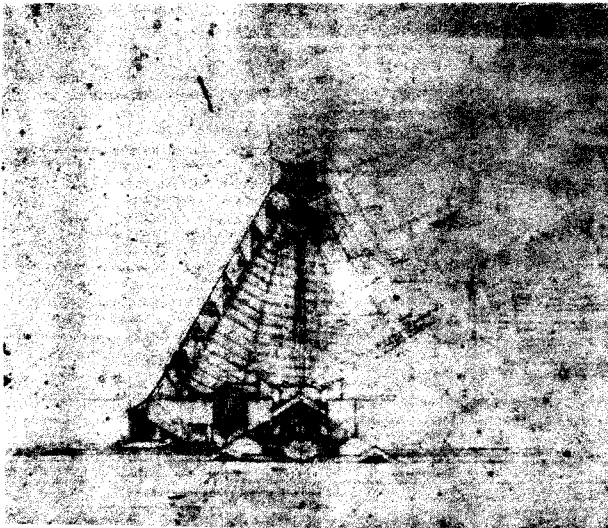
Even though the door was opened, only a steady flow of Jewish architects would make it a permanent invitation. Until today, the movement of Jews into architecture runs somewhere between a trickle and a stream, while in the other realms of visual and even performing arts, Jews contribute disproportionately to their numbers. Leonard Bernstein, Arthur Miller, Jackson Pollack, and Marc Chagall are household names. One might expect the reverse to be true since architecture, unlike other art forms, offered Jews the opportunity to express creativity within the confines of a relatively secure and established profession.

Indeed, some architects like Dunkmar Adler (co-founder of the modern skyscraper), Max Abramowitz (the Philharmonic Hall at Lincoln Center), and Gordon Burnshaft (the Modernist monument, Lever House on Fifth Avenue) immeasurably influenced contemporary architecture. Their impact though was purely secular, and the ancient paradox of the Temple continued. Many modern synagogues noted for exceptional design are the brainchildren of non-Jews, and offer little uniquely Jewish in their architectural conception. For example, Frank Lloyd Wright's famous Elkins Park Synagogue bears a curious resemblance to his Steel Cathedral plan, suggesting he simply reapplied a proven recipe for evoking spirituality in a building, regardless of the denomination it represented. Even more grossly ironic, Philip Johnson (architect of the new AT&T building), was chosen to design the Knesset Israel Synagogue in Port Chester, despite the fact that he was formerly a neo-Nazi. Within the realm of synagogue architecture, however, these were

no longer the rules but the exceptions. Eric Mendelsohn, whose curvilinear Expressionism had a profound influence on European Modernism, created many of Israel's landmarks (Hadasah Hospital and the Weizmann residence), and reached his zenith with many original synagogue designs. Nevertheless, in all other manifestations of architectural endeavor, even this prosperous period fell short of producing what can be called "Jewish Architecture." In fact, the first influential American Jewish architect, Leopold Eidlitz, was credited with designing "the churchiest church in America."

What then is "Jewish Architecture?" Is it a building designed by a Jew, a structure that serves the needs of the Jewish community designed by anyone, or any inhabitable building plastered with stars of David? Whether architecture, or any art form for that matter, can embody a culture remains a hotly debated issue. Granted, a building cannot inherently embody culture (walls cannot be Jewish), but it can surely be associated with one, much the same way the pagoda is uniquely associated with Chinese culture. Modernism simplified this task by questioning the meaning of architectural forms. It asked, for example, what purpose an arch served, and if it communicated its function. Other innovators forced architects to consider whether a building's materials and shapes clearly reflected its natural surroundings. Therefore, if forms particularly suited to Israel's terrain, construction modes, and architectural legacy are defined carefully, as the Israeli architect, Moshe Safdie, has attempted to do, an architecture unique to the Jewish Homeland is within reach.

Still, neither Israeli nor American Jewry has acquired all the prerequisites to advance towards an architecture to call its own. Both have produced capable architects, and American Jews have the economic strength and other means to do so. Yet American Jews lack the most essential variable, a land, in which all forms of architectural expression can make a unified statement. The reason Israel has come this far lies not in a stronger sense of security but in a sense of permanence. And the statement of permanence, expressed with beauty, is what architecture is all about.



Steel Cathedral for a Million People, New York, N.Y.; designed in 1926 by Frank Lloyd Wright.



# Memories of a Nightmare

Copyright Jewish Student Press Service, 1985

By AMOS NEUFELD

(JSPS) — "Shoah," a nine-hour long documentary film, is a compelling, detailed inquiry into the annihilation of European Jewry during World War II. The film, made over a ten-year period by Claude Lanzmann, is the most comprehensive documentary yet made on this difficult and often incomprehensible subject. Acclaimed as a masterpiece, "Shoah" is a work of major importance and unparalleled impact, a film as rigorous in its pursuit of detail as it is meditative in composition. Through his use of detail, Lanzmann slowly draws us into the heart of the abyss and leads us through its labyrinthine recesses.

"Shoah" — the Hebrew word for annihilation — is composed around a series of interviews with the victims, perpetrators and bystanders. The film does not contain a single frame of archival footage: It is made entirely in the present. The interviews are interwoven with contemporary scenes of the death camps, Polish towns, rivers, fields and woods — the landscapes of death as they appear today, their lush beauty incongruously reclaimed by nature.

Trains, arriving at Treblinka and Auschwitz, run through the film and punctuate it. They transport us to the death camps and transport the past to the present.

Mr. Lanzmann has said that he wanted to refute the notion that the Holocaust belongs to the past, that it is only a memory: "The film I have made is a counter-myth. It is an inquiry on the present of the Holocaust, or, at the very least, on a past whose scars are still so fresh and so inscribed in places and on minds that it appears with hallucinatory timelessness." Lanzmann has thoroughly succeeded in his mission. Anyone who sees "Shoah" will never again see Germany, Poland, or this world of ours without seeing it through the lens of the Holocaust.

Lanzmann's camera probes and accuses. All the Poles interviewed admit that they knew what was happening to the Jews. Polish peasants still living on the edge of former death camps, when asked how they feel about the extermination of the Jews, seem indifferent, even pleased. "If you cut your finger, it doesn't hurt me," says one Pole. They smirk; they claim they were affected by the horror they witnessed across the barbed wire, but, nevertheless, they continued to cultivate their fields beside death.

The Polish townsfolk of Chelmno tell the filmmaker that they are better off without the Jews: The Jews exploited and cheated them; before the war the Jews and Germans ran everything; Jews were rich and their women were beautiful because they didn't work. The Poles in the interview pile fantasy onto prejudice. Listening to them, one can't help but recall that Poles slaughtered Jewish survivors in pogroms after the war. A virulent strain of anti-Semitism exists today in Poland — even without Jews.

Lanzmann juxtaposes the past and the present to striking effect. He informs us that during the war, the Jews of Chelmno were imprisoned in the church before they were murdered. In the next scene, he shows a crowd of Poles standing outside the church. They claim sympathy for their murdered Jewish countrymen, but their anti-Semitism quickly surfaces: The Christ-killers deserved their fate. Lanzmann focuses the camera on a church procession. The head priest covers his face with a cross, but as the procession turns he is unmasked. The camera then cuts to the cross on the church steeple, silently accusing the church and the town of more than just indifference.

The Nazi officials who are interviewed, the men who made it all possible, reject any responsibility. They claim to have known less than the Poles or the Jews. Franz Suchomel, former SS *Unterscharführer* at Treblinka, dispassionately describes in exacting detail how the death camp worked. (He does not know that he is being filmed or the real purpose of the interview.) He explains his role in increasing the "efficiency" of the camp—how he reduced the time between the arrival of the Jews, gassing them and disposing of all the traces of extermination. He didn't want to panic the next arrivals, he explains: It would have reduced the efficiency of the death apparatus. "Auschwitz was an ef-



"Survivors," from a recent Holocaust exhibit at the Daila Tawill Gallery.

ficient death factory," he tells the filmmaker, "but Treblinka was merely a crude assembly line which functioned well anyhow!" There is a note of pride in his recollection.

Throughout the interview the audience waits for a clue, a motive for this man's heinous crimes. We wait for a pang of conscience, a hint of remorse, but get none. This murderer, like most of the other Germans interviewed, seems to have amazingly escaped all sense of responsibility. Should not Treblinka have deep-

One German official who "administered" the Warsaw ghetto claims that he was really helping the Jews "maintain" themselves in the ghetto (even as they were starving to death and being deported to Treblinka for extermination). These men do not seem burdened by their crimes. Of all men, they seem to have found it easiest — and most convenient — to forget. And by forgetting them, the world has allowed them to forget.

Remarkable as these interviews are, these

that their survival depended on their assisting the destruction of their fellow Jews. Yet, in order for them to rebel and bear witness, they had to survive. In the face of this horrible decision many of the Jews in these special units committed suicide. As one of the survivors, Filip Muller says: We confronted life's infinite price.

Muller, a member of a special unit working in the gas chamber and crematorium, describes the terrible battle that took place every time the gas chamber doors were sealed: Inside, the fierce struggle against death was horrible. One night, after having witnessed the savage beating of his fellow countrymen, Czech Jews who had refused to undress and enter the gas chamber and instead sang the Czech national anthem and *Hatikvah*, Muller, terribly moved, and feeling the sheer despair and helplessness of that moment and that his life had lost all its meaning, walked into the gas chamber to join his countrymen. A few women approached him and told him that his death would not bring them back to life. He had to survive to bear witness to the cruelty and the injustice they had suffered.

"Shoah" bears witness. It is a requiem of corroboration. Detail by detail "shoah" recreates a world that some have called "another planet," but which nevertheless is ours to confront. Viewing the film, one is both profoundly moved and disturbed. "Shoah" may very well change the way we see things — as it should. Lanzmann brings us face to face with the Holocaust, this awesome event which he merges with the present, integrating it as he thinks we must all do if we are to hold on to our humanity in the face of destruction.

## "The German official in charge of dispatching the death trains talks of 'group rates' and 'vacation and tour packages.'"

ty scarred him? Or is there nothing in him to scar, no shred of humanity?

Another macabre note is struck in interviewing Walter Stier, the German official in charge of dispatching the death trains to the gas chambers. He talks about "group rates," "vacation and tour packages," and "special trains." Listening to Stier, the viewer confronts the sheer absurdity of this man's denial. Stier acknowledges that his special trains, used to "resettle" Jews, went to concentration camps, but he claims he didn't know their ultimate destination. He was in charge of the Reich's railway, he says, not of extermination.

The perverse thinking of these men goes on.

murderers (all free men) remain a mystery: Their hearts and minds, their callousness and savagery remain unfathomed.

Unlike them are the victims, men who have held on to their memory and humanity, even after having faced the nightmarish abyss which often overwhelmed them. We feel their agony. As they tell their stories, they sometimes cannot go on: In retracing their steps, they relive the painful events. Yet, they continue for the record, for the living and for the dead.

The victims that Lanzmann chose to interview worked as maintenance men in the machinery of death. These men poignantly relate to us how they faced the ultimate dilemma: They knew

# Is Kahane the Real Issue?

By REUVEN SHECHTER

The recent condemnation of Rabbi Meir Kahane and his Kach movement by twelve major American Jewish organizations, is an event of more than passing interest. The breadth and unanimity of the anti-Kahane alliance is striking because one searches recent Jewish history in vain for such universal agreement on almost any issue of importance to the Jewish community. If the voices of the American Jewish Congress, the American Jewish Committee, the B'nai Brith, and the others were as strident in their outrage against the Soviet Union for destroying the spirit of our people, as they are against an ordained Orthodox rabbi, then there would at least be some consistency to their hysteria. Instead, however, the hypocrisy is glaring, for the historical record demonstrates indisputably that these organizations did not protest on behalf of Soviet Jewry, not during the 1920's, 30's, 40's, 50's, or 60's; rather, they consciously allowed the Soviets to forcibly assimilate our people, unchallenged, for more than fifty years. And need it be noted yet once again, that these same Jewish organizations were silent as six million of our brethren went up in smoke, primarily because they feared for their own status in America?

Why is Meir Kahane viewed as such a dangerous provocateur? What exactly is it about this man which forces the American Jewish elite into suddenly becoming "activists," as they raise high the anti-Kahane banner and issue scathing proclamations? What binds them together, as never before, in this Alliance of Hate?

The most significant of the accusations against Rabbi Kahane's ideas is the claim that they constitute a perversion of, and a deviation from, "Jewish values." As students of Torah, we should be alarmed at the charge that an ordained Orthodox rabbi who studied for thirteen years in the *Mirrer Yeshiva*, is publicly distorting Judaism. For if this accusation is true, we are confronted with a dangerous individual who should be hounded out of the Jewish community; if it is not true, then it would appear that a campaign to obscure controversial but vital aspects of Torah Judaism is taking place on the part of the American Jewish establishment.

Clearly, Meir Kahane's proposals regarding the legislation of Torah law in Israel violate the ideas of democracy, equality, and tolerance. But are these ideals Jewish in any sense? The traditional sources indicate that tolerance, in the Western sense, is foreign to Judaism.

Maimonides, for example, declares: "It is a positive commandment of the Torah to appoint judges and officers... these officers wield sticks and whips and patrol with the judges in the marketplaces, streets and stores... and they beat anyone who deviates from the law (*Hilchot Sanhedrin*, 1:1)." The *Sefer HaChinuch* (R. Aharon HaLevi, 1235-1300) speaks similarly: "...To appoint judges and officers who will enforce the people to observe the commandments of the Torah; and who will bring back those who deviate from the truth against their will, and who will command them to do what is proper, and who will prevent abomination, and who will establish restrictions (*Mitzvah* 491)." ...

Is the notion of equality a Jewish ideal? R. Ovadiah Sforno (1470-1550) writes regarding intermarriage: "For thou art a holy people and it is not fitting for you to desecrate your holiness by giving birth to defective seed (*Deuteronomy* 7:6)." The Torah itself decrees: "At the end of every seven years thou shalt make a sabbatical year... every creditor shall cancel the debts owed him, he shall not exact payment of his neighbor or of his brother; of a non-Jew, thou mayest exact payment, but if you have claim against your brother, thy hand shall release it (*Deut.* 15:1-3)." Indeed, the frequent references to the superiority of the Jewish People are very explicit: "He will make you supreme over all the nations which he had made, for praise, fame, and honor, and that thou mayest be a holy people to the Lord thy God as he has spoken (*Deut.* 26:19)." Likewise: "And the Lord hath separated you this day to be for him a treasured nation, as he has promised you (*Deut.* 26:18)." On this verse, the Sforno comments: "In order to realize in you what he wishes to achieve from the human race." And of course: "For thou art a holy people to the Lord thy God, and the Lord has chosen you to be a special treasure unto himself, out of all the nations that are upon the face of the earth (*Deut.* 14:2)." ...

One can only wonder what the Jewish champions of "democracy" think of the prophet Nehemiah, who said: "In those days also, I saw Jews who had married wives of Ashdod, of Ammon, and of Moab... And I argued with them, and cursed them, and beat them, and pulled out their hair... (*Nehemiah* 13:23-25)." And what a tolerant Torah it is that says: "And the man that will act presumptuously, and will not hearken to the priest or to the judge, that man shall die, and thou shalt put away the evil from Israel (*Deut.* 17:12)." ...

The volatile issue which has most inspired the recent spree of Kahane-bashing, is the question of rights for Arabs in the state of Israel. Does Jewish law address the issue of non-Jews living under Jewish sovereignty? According to Maimonides: "...Not only may a non-Jew not be king over you, he may not be appointed to any position of authority... even over the water system which irrigates the fields, and he certainly may not be a judge or a president, positions which can only be filled by Israelites... All of your political appointments must only be filled from amongst your brethren (*Hilchot*

52b)." "Ten measures of immorality descended to the world; nine were taken by Arabia and one by the rest of the world (*Kiddushin* 49b)." "Rabbi said to Levi — show me the Ishmaelites. Levi answered: They are like the demons of the bathroom (*Kiddushin* 72a)." ...

If these ideas are hard to swallow, they are nevertheless rooted in authentic Jewish sources, that is, they have existed for centuries prior to Meir Kahane. This suggests that Meir Kahane and his ideas are not the issue at all, but rather that the real issue is the inescapable fact that authentic Judaism and Western concepts are ir-

## 'Are the ideals of democracy, equality and tolerance Jewish?'

*Melachim* 1:4)." Not only are the Arabs of Israel barred from exercising political rights, according to Jewish law, their personal rights are curtailed as well. The primary source for these laws is the Radak (1160-1235) who says: "If the non-Jews in Israel make peace with you, uproot their idolatry, and accept the seven Noahide laws, they must also accept tribute and servitude to Israel, and they must be wholly conquered under your hand, as it is written, 'They shall be unto you for tribute and servitude (*Deut.* 2:11)' (*Radak* on *Joshua* 9:7)." This point is codified by Maimonides: "The servitude which they must accept is that they be degraded and humiliated, and not raise up their heads at all in Israel, but they must be wholly conquered under your hand, and they must be appointed over a Jew in any matter whatsoever (*Hilchot Melachim* 6:1)." ...

The rabbis of the Talmud have a few choice words regarding our Ishmaelite cousins: "Four things the Almighty regrets having created, and these are them — Exile, the Chaldeans, the Ishmaelites, and the evil inclination (*Succah*

reconcilable. Rabbi Kahane is hated precisely because he forces Jews to choose between classical Jewish teachings and the Western, gentile concepts with which all Jews have been indoctrinated. He pricks with a sharp needle at the most sensitive nerve of American Jews, so many of whom feel that they must uphold the ideals which, after centuries of inequality, have allowed us to flourish in America. In America, democracy is in fact the ideal system, because in a society with no objective standard of truth, the system must allow for each group and individual to practice its own truth. But the Jewish People have an objective standard to truth, the Torah. The Jewish mission and destiny is to build a society based on that truth, a better society than America's, in the Land of Israel.

Let us never fall prey to the terrible temptation to falsify and counterfeit Judaism when it doesn't agree with our personal, predetermined ideas and concepts. May God grant us the wisdom and the courage to distinguish between what is Jewish and what is not, between the holy and the profane, between Israel and the nations.

## Crowd Pleasers

By SHALVA GOTTESMAN

(In memory of my grandmother, Mrs. Frances Gottesman may she rest in peace.)

I run informal education programs in various Conservative and Reform temples in New Jersey. Last month I had the distinct pleasure of running the same program four times. One of the side effects of this exercise is that I hum trigger songs throughout the day for no apparent reason; another is that I eventually give some thought to the program's message. Do I really practice what I preach?

The thrust of the program was the importance of being an "individual" and of resisting the urge to conform. We used Judaism as a practical application of this lesson. Maintaining our Jewishness, we said, often demands withstanding pressure from non-Jews.

Fortunately or unfortunately, I have not really been exposed to pressure from a non-Jewish environment. I wonder, though, how much pressure does the Jewish community exert?

Thank God, we are growing up during a revival of Orthodox Judaism. There has been an increased observance of mitzvot in the last 25 years, both in quality and quantity. Yes, we are currently swamped by assimilation and intermarriage. And yes, Orthodox Judaism existed and flourished long before today. But within the Orthodox community, there has been a resurgence of religious spirit.

Many of us observe mitzvot that our Or-

thodox parents considered inapplicable or were simply unaware of. At the risk of beating a dead horse, I'll suggest *kisui-ros* as a prime example. (Yes, I am generalizing. And yes, it is unwise, unfair and maybe untrue. I welcome correction.) One must conclude that *thalacha* has not changed; our attitude has. If this progress has occurred because each individual has investigated the issue and made a conscious, deliberate decision (as many have), wonderful! But if this shift is a function of what's "in style", we may have a problem.

Before we get to the potential problem, let's look at another possible case of conforming. The "latest" in *kashrut* circulates constantly. "Don't rely on this *mashgiach*. That *hasgacha* is no good." How many of us check this out for ourselves? As accusatory as this sounds, it is not meant to be an accusation. This is not a rhetorical question, but a serious one. If we choose for ourselves, we are individuals. If we don't, we ought to consider to whom we're conforming.

What's wrong with following the crowd? What difference does it make as long as we're going in the right direction? It makes a difference if our children grow up when religious observance is not "in style". Trends can move in both directions.

This month we move on to a new topic on the program schedule. I hope I retain something of what I taught last month.

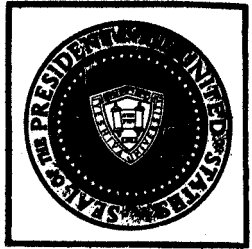
## Light Your Fire at YU's

### CHANUKA CHAGIGOT



## S.O.Y. — December 10

## I.B.C. — December 12



## Send it to the Committee

By DANNY MANN

The Student Organization of Yeshiva, led by the efforts of President Chaim Book, has formed an M.Y.P. committee to create a dialogue between the students, Roshei Yeshiva and administration. Although the committee, developed only very recently, has a somewhat vague and amorphous structure, it will definitely consist of several representatives from the student body, the Roshei Yeshiva, and the administration. As of now, the students on the committee include two M.Y.P. seniors - Chaim Book, and Mordechai Cohen - as well as one junior, Barry Schuman, and one RIETS student, David Hertzberg. The administration members include Rabbi Blau,  *mashgiach ruchani* of M.Y.P., and Rabbi Charlop, director of RIETS. The Roshei Yeshiva tentatively include Rabbi Parnes, Rabbi Tendler, and Rabbi Schussheim; however, a rotation system may be devised, with different  *rebbeim* coming to each meeting.

The current proposal is not the first of its kind. Until a few years ago, in fact, S.O.Y. members met regularly with the Roshei Yeshiva and the administration. However, that practice has disappeared recently, as different S.O.Y. boards emphasized other aspects of the

organization. According to Chaim Book, "Since this year's S.O.Y. stresses the importance of student representation, we felt it necessary to revive this type of student-rebbe interaction." The committee was proposed by S.O.Y. in late June, and, after much discussion, was approved by the Roshei Yeshiva earlier this semester. They concluded that although the committee should have no power of implementation, it could offer suggestions and remedies for any problems students face in all aspects of the Yeshiva Program, including  *shiurim*, attendance and  *chavrutot*.

Part of the reason for the uncertain state of the committee is that views may differ as to its purpose, and, consequently, to its power as well. Some may see the committee as an opportunity to give students a strong voice in decisions affecting M.Y.P. Others, such as Rav Parnes, insist that the  *rebbeim* remain the sole arbiters of Yeshiva policy.

In any case, the committee's effect on the Yeshiva Program as a whole probably will be neither immediate nor radical. "Things may take a little time," Rabbi Blau said, "and admittedly, not much has been accomplished so far, but the mere inception of such a dialogue is a major step."

is also a moral leader and "social worker."

Local rabbis would meet these requirements better than both the Yeshiva movement and the religious political community.

The yeshivot are not designed to handle the irrelevant for two reasons: function and geography. By nature, they serve as institutions for higher learning. The basic premises of the religion are not discussed in the yeshivot. Furthermore, the yeshivot limit their scope to students, not to adults whose jobs leave them with little time to devote to study. The geographic problem is that yeshivot are not located in populous areas where they might influence their neighbors. The four walls of the Yeshiva trap within them the  *daled amot shel halacha*.

The Yeshiva also suffers from the religious stereotype of Eastern European Shtetl Jewry. Israelis equate the traditional black garb and beard of many Roshei Yeshivot with close-mindedness and extremism. They view any approach by these leaders with skepticism and caution. And to an extent they are right. The Israel that many Rabbonim visualize is

## The Open Book

By CHAIM BOOK  
S.O.Y. President

The major issue in the elections last May was S.O.Y.'s previous representation of the student body: Some claimed that M.Y.P. students' concerns had gone unnoticed because no organization acted upon them. These people felt that S.O.Y. has been an activities-oriented organization, doing little if anything to represent the student body properly. They believed that S.O.Y. should be a voice for the students, and a liaison between students and administration.

First, allow me to relate what I feel S.O.Y. should be: An organization representing the religious interests of all Y.U. students. We are responsible for enhancing Jewish life on campus through various activities and events. We publish  *chidushei Torah* in various journals. And, of course, we represent the student body in dealings with the administration.

Although I disagree with the allegations voiced in last May's elections, I deemed it necessary to please the discontented. S.O.Y. has therefore tried to increase its emphasis on representation, without allowing activities to slacken. The first step was compiling a list of problems of concern to most M.Y.P. students, and verifying this list with various individuals; such concerns include a lack of standards in  *shiur* placement and the overcrowding of  *shiurim*.

Next, a committee was formed to meet with Roshei Yeshiva and administration to discuss student concerns. I had hoped that this committee would meet with success; however, after the first session, I sensed that something was miss-

ing. The dialogue went very well; all present received an opportunity to speak. All was completed in a respectful manner, offending no one. What was missing? A feeling of accomplishment; the students present did not feel anything had been gained. These meetings could feasibly continue all year without accomplishing a single thing. Why? A lack of public interest and support. "Y.U. students are already overworked with a double program. There is not enough time for learning Torah, studying for tests and getting involved with any extracurricular activities." is one common point of view. Another, equally problematic view is, "My opinions or concerns don't really make any difference."

For S.O.Y. to be a voice truly representing the students, we must hear all the ideas, concerns, suggestions and complaints of various students. Therefore, a public meeting will be held sometime in the near future, for which all M.Y.P. students are asked to set aside some of their valuable time to help themselves. There will be no administration present, and thus no need for subtlety. Every individual opinion is important. Only after such a meeting can S.O.Y. have the full public support necessary for action.

Of course, I cannot promise overnight miracles. However, inactivity and apathy will not solve anything. We must begin turning the wheels, concerning ourselves not only with the present, but with the future as well. Attend this meeting and make your opinion known. Only then can S.O.Y. fully achieve what it is supposed to.

## Rabbi

Continued From Page 7

Israeli rabbinate does send out rabbis to serve communities, but those rabbis tend to serve merely as  *poskim* for the already observant, without involving themselves in the community at large or even with the spiritual problems of the religious. The people need a rabbi who

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## Artist

Continued From Page 5

halachic lever used by many rabbinic leaders in their non-literal interpretation of the Second Commandment. The  *Ba'alei Hatosefot*, in  *Yomah* 52b, maintain that painting with colors is certainly permitted; only relief sculpture either depicting the human face by itself or the four faces of man, ox, eagle and lion together, in Yechezkel's vision ( *Yechezkel* 1:10), is forbidden.

There were many rabbis, of course, who adhered to a more rigid literal interpretation of the Second Commandment. For example, Rabbi Eliachim ben Yosef of Mainz (twelfth century) had stained-glass renderings of animals removed from his synagogue. Rabbi Meir of Rotenberg spoke out against the creation of illuminated  *siddurim*. Moreover, while the  *Tosefot* in  *Yomah* may have allowed the artist to engage in most art forms, they did not seem

altogether foreign from traditional Zionist conceptions. Many Roshei Yeshivot view the Zionist movement solely as God's way of eventually rebuilding the Temple. Rightly or wrongly, irreligious Jews disagree with these Roshei Yeshivot and therefore reject them.

Hopefully, local rabbis will shatter the stereotype. They will show, by example, that religion and Zionism complement each other. Observance should enrich Zionism instead of refuting it.

While the yeshivot suffer from a religious stereotype, the religious political parties face troubles of their own. The inter-party machinations and "dirty" back-room politics hardly seems to qualify them for the task of teaching the moral essences found in the Torah. On the contrary, the community rabbis must

dissociate themselves from politics as much as possible.

Even if the political parties could somehow circumvent their credibility handicap and serve as models of religion for the people, success would still elude them. For the present, religion must take hold on the grassroots level and not nationally. Pressing religion on a national level assumes that all that is needed is a forging of the people to unify them and achieve a religious State. However, without individual local commitments, the only result would be a forgery. Building a religious State requires a lengthy evolutionary process. Even in Biblical Israel after forty years of divine presence in the desert the people were led by generations of  *shofetim* local leaders, before finally uniting under a prophet and king. Today's rabbi is that local leader

to recognize the importance of art in Judaism. With reference to those artists who drew animals and the like, they wrote: "Certainly from looking at these forms they do not direct their hearts towards their Father in heaven." Thus we see the opinion among rabbinic scholars that artistic works distract the Jew from spiritual thought.

For most artists, however, painting, drawing or sculpting is a truly spiritual exercise. It enables them to take perceived reality, strip off its accidental appurtenances, and present the bare truth. It involves them in a true form of  *imitatio dei*, in which they are constantly discovering new forms of beauty and expression. It is the responsibility of the Jewish artist to tame his creative powers, and to avoid the "Tower of Babel" tendency towards self-defecation. It is probably with this idea in mind that the Mechaber, the Ramoh ( *Yoreh Deah* 141: 1-8) and the Rambam ( *Hilchot Avoda Zara*, 3:10-11, 3:6) pronounced the  *p'sak halacha* that allowed all forms of sculpture, even of the human form, provided that the works were in some way incomplete. The

Jewish artist must remember that he is human and fallible and in no way capable of competing with God on the "creation" market.

A very real challenge awaits the Jewish artist to invest his/her work with some element of Jewish meaning (subject to broad interpretation), to find artistic freedom within the context of halachic "restrictions". In this modern world of art-for-art's sake, which casts aside all socio-religious obligations for the sake of artistic expression and discovery, the observant Jewish artist faces great adversity.

This is the challenge and definition of the Jewish artist. We read in  *Bereshit* 9:27 the following blessing of Noah upon his son, Yafet: "God enlarge Yafet so he may dwell in the tents of Shem." The  *Gemara* in  *Megillah* 9b interprets this verse in a way that illuminates the hope of the Jewish artist. It is believed that Yafet is the progenitor of art in civilization. Hence, the  *Gemara* says: "May the beauty of Yafet be found in the tents of Shem." In other words, may the Jewish artist create works of art that will show the beauty of God's truth to the world.

# The Synthesis of Halacha and Agada

Based on a lecture by Rabbi Lamm.

By DAVID A.A. LEVINSON

In a day that was devoted to "relationships" (*Yachasim*), Rabbi Lamm chose to speak about the significant relationship between *Halacha* and *Agada* in the thought of Rav Kook. Rav Kook's approach to this relationship is a reflection of his general philosophical outlook on the world and Judaism. Therefore, in order to focus on the particular relationship between *Halacha* and *Agada*, we first need some background on Rav Kook's general *hashkafat olam* (philosophy).

The one key word on which Rav Kook's world view is based is harmony. The vision of the entire creation as one harmonious structure pervades his thought. In Hebrew, the terms Rav Kook uses for it are: *Kolelut*, *Hashva'ya* or *Achdutut*. A learned Kabbalist, Rav Kook followed the Kabbalistic concept of *Alma D'yichuda* in which everything in this world is part of a greater whole, just as different limbs make up the body. This broad perspective of the "greater whole" led Rav Kook to believe that *Kodesh* (the holy) cannot be divorced from *Chol* (the profane.) Likewise, Rabbi Lamm pointed out, Torah and Mada must come together in this broad, unifying world view. Rav Kook writes in *Orot Hakodesh*: "All is nothing but the revelation of oneness which appears in a multiplicity of flashes and sparks (ways)." What emerges, in reality, is an underlying unity between what appears on the surface to be conflicting streams and inconsistencies. "There is a world of *Chol* and a world of *Kodesh* and the two conflict with one another. However, this is only a subjective conflict. Man, with his limited comprehension, has difficulty bridging the gap between these apparently conflicting forces. But, objectively, "from above (the divine view) - they are one" (rough translation - *Orot Hakodesh*.) Therefore, Rav Kook believed that for man to appreciate the fullness of spiritual life, he requires the fullness of the physical life (*Gashmiut*) as well. The two together make him complete. From this world view stemmed Rav Kook's view of Zionism, insofar as it represented the need for a State and the physical as well as the spiritual renewal of the Jewish nation.

This perfect harmony exists in every aspect of life, and particularly in our case, it is reflected in the intrinsic harmony between *Halacha* and *Agada*. Rav Kook himself, writes Rabbi S.Y. Zevin ("Ishim V'shitot"), embodied the perfect synthesis of *Halacha* and *Agada*. He was the greatest scholar of his generation in both realms. In the Yeshiva world, there is a tendency to scoff at the importance of *Agada*. When the bulk of one's day is spent in *Halachic pilpul* and exhaustive Talmudic analysis, there is a natural tendency for some to disdain *Agada* and *Drush*. It was against this background, that Rav Kook struggled to return *Agada*, and all it stood for, to its proper place of importance.

What is *Agada* and what does it stand for? At this point, I would like to expand a little beyond the realm of Rabbi Lamm's lecture, and give a few examples from the writings of Rav Kook, in which he speaks of *Agada*. This is just to supplement the core of Rabbi Lamm's thoughts in this area, which due to limited time, were brief. *Agada* is an outgrowth of *N'vuah*, prophecy. Both represent dynamic, spiritual forces which elevate man to a greater level of spirituality. They give man the impetus to strive for perfection of the self and the world. In the *Agada*, we find a reservoir of deep ideas and uplifting majestic ideals. All this is hidden within the *Agada*. Therefore, Rav Kook felt that one should learn *Agada* systematically and regularly, just as one would learn *Halacha*. *Agada*, in a broader sense, represents *Machshava* or Jewish Philosophy, not in a detached intellectual way, but rather, in an uplifting, spiritual way. *Agada* provides the spiritual nourishment for the Jew, so that he may act ethically (*Mussar*) and cleave to God (*Devekut*), while he performs the *mitzvot* (derived from *Halacha*). As Rabbi Lamm said, in Rav Kook's view, the *Halacha* is the *guf* (body) and the *Agada* is the *neshamah* (soul). The *Halacha*, as opposed to the *Agada* deals



*Handwritten signature of Rav Kook*

with the practical, mundane details of life. It represents the intellect, the mind, as opposed to the heart and soul. It disciplines the Jew into a strict regimen of *mitzvot*. It directs the Jew in his daily life (*Orchos Chaim*). *Halacha*, which teaches us how to deal with the physical world and sanctify it, distinguishes our people and religion from all others. However, as Rav Kook points out, separating *Halacha* from *Agada*, can cause the *Halacha* (God forbid) to become dry and "tasteless". All the particularities, details and *pilpul* of *halacha* can become meaningless to us if we fail to see its connection with *Agada*. "The *Halachot* are gateways to the inner thoughts and concepts (of Judaism)" (*Igrot Harav Kook* I p. 25). "It is only through studying the *Agada* that we get a broader view and grasp the inner meaning of the *Halacha*. Every *Halacha* is part of a greater concept. These concepts are found in the teachings of the *Agada*. Rav Kook felt that in his generation (and little has changed), many Jews with great potential had left the religion because they had only seen *Judaism* in its compressed, rigid, *halachic* structure. These were highly idealistic Jews, driven by their great sensitivity to seek ways to alleviate man's suffering and be *M'taken Olam* through various revolutionary movements. By showing them a more complete picture of Judaism and not the cutoff portion which they were accustomed to, Rav Kook felt they may yet return. If they would see the *Halacha* intrinsically bound with the *Agada*, they would realize that all of their spiritual and ethical needs could be found in the Torah. Judaism must be presented as a dynamic, idealistic, life-giving force; these Jews would then find their way back to the *Halacha* as well as the *Agada*.

"The basis of *Halachot* are also *Agadot*" (*Eder Hayakar* p. 143). "As there are laws to song and poetry, so too there is song and poetry to law." This saying of Rav Kook, perhaps, best expresses his view of the interdependency of *Halacha* and *Agada*. "In every *Halacha* there is an element of *Agada* and in every *Agada* there is an element of *Halacha*". (*Orot Hakodesh*.) These two elements combine to form the greatest entity of unity found in the Torah and in *Am Yisrael*, both of which are reflections of the Almighty himself.

of importance. Why is this not so in *Ta'anit*? Using his earlier *yesod*, Rav Kook notes that in *Ta'anit* we speak of the daughter of the *Mashach Milchama*, not the *Mashuach Milchama* himself. With regards to inheritance nothing gets passed on to the next generation because the *Mashuach Milchama* represents *Chayei Sha'ah*. Only the *Mashuach Milchama* himself (not his descendants) stands above the *S'gan* (thus explaining the Gemara in *Horiyot*). This is but one example of the synthesis of *Halacha* and *Agada* in Rav Kook's works.

In concluding the lecture, Rabbi Lamm offered a new insight of his own, utilizing an *Agadic* concept of Rav Kook to better understand a famous, rather troublesome *Halachic* concept. The *Shulchan Aruch* (*Orach Chaim*; 998:2) states that one should not pray in a place or at a time not conducive to proper concentration. However, *halacha lema'aseh*, the *M'chaber* says that one fulfills his obligation of *Tefillah* even if he was not *m'chaven*, because today we cannot concentrate properly even if we tried. This *Halacha* is astounding. It seems to go against the very grain of the way we view *Tefillah*. What is *Tefillah*, if not the expression of "Tefillah Sheblev" (prayer of the heart). The Gemara in *Eruvin* (95a) goes as far as saying that a person returning from a journey should not pray for three days, because he won't be *m'chaven* until he rests. We see here and in many other *Gemarot*, that the very essence of *Tefillah* involves *Kavanah*. Yet, not only the *M'chaber* but also the Tur, the Ramoh and others rule that proper *Kavanah* is not critical to the fulfillment of one's obligation of *Tefillah*.

A similar problem in this area is neatly solved by R' Chaim of Brisk in his *Chidushim* on the Rambam's *Hilchot Tefillah*. This, however, is only tangential to our discussion, for it does not solve the problem we have raised according to other Poskim.

To solve this problem, we can utilize an *Agadic* concept found in Rav Kook's commentary on the Siddur, *Olat Reiyah*. The soul, he writes, is in a constant state of prayer, *Hatefillah Hamatmedet Shel Haneshama*. It is in a constant state of yearning for God. At the time of actual prayer (*Tefillah Ma'asit*), this hidden yearning surfaces and reveals itself. What follows is that man, even when not visibly praying or, when his prayer lacks *Kavanah*, nevertheless remains engaged in a level of subconscious prayer. Man is fundamentally religious, constantly seeking a relationship with God. Often, he is just unaware of this spiritual dynamism within him.

As such, a new concept of *Kavanah* emerges. *Kavanah* is not an action with which you create something new. Rather, it is the removal of all external distractions and interferences, so that the subconscious yearnings of the soul can surface and reveal themselves freely (as *Kavanah*) in *Tefillah Ma'asit*. Now, we can understand how one can fulfill his obligations of *Tefillah* even without *Kavanah*. Think of two high

## Every Halacha is Part of a greater concept found in the teachings of Agada

Mishna in *Ta'anit*. The Mishna recalls how Jewish maidens, would dance in the fields on the fifteenth of Av. In order not to embarrass the poorer maidens, they would all wear white and exchange dresses with each other. The Mishna gives a particular order to this exchanging process. In descending order of importance, we find the *Mashuach Milchama*'s daughter at the bottom rung. Preceding her is not only the *Kohen Gadol*'s daughter but also the *S'gan*'s daughter. At first glance, this should trouble us because the Gemara in *Horiyot*, places the *Mashuach Milchama* above the *S'gan* in order

voltage wires that are not touching; at a certain proximity, even if the two do not touch, a spark jumps out between them. So too, the mere mechanical action of *Tefillah Ma'asit* (*b'dieved*) allows that inner *Tefillah Hamatmedet* of the soul to surface partially and generate a spark. Unfortunately, for most of us, it is only this spark of *Kavanah* which allows us to fulfill our *Tefillah* obligation. We "pray", that *L'atid Lavo*, we will reach the level on which our *Tefillah* will be a *l'chatchila* and our whole life will reflect Rav Kook's vision of the eternal prayer of the soul, ... *Hatefilla Hamatmedet Shel Haneshama*