

HAMEVASER

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HAMEVASER

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Editorials

Shame and Slander

Life in Yeshiva University requires a well-developed sense of humor. But there must be limits. The recent posting of a sign denigrating one of our professors was especially tasteless. Such anonymous, public insults would be shameful in any institution, but especially in one founded on Torah principles.

While a bad joke may be tolerable, a harassment campaign certainly is not, and the student body should realize that these signs are part of the latter. They have been placed not only on general-access bulletin boards but also between the pages of *genaras* left in the *Beit Midrash*, inside locked display cases and even on desks in locked faculty offices. And their distribution has not been random — the rooms and books of people friendly with the professor attacked have been targeted.

Never mind the discourtesy of entering closed offices and the possible illegality of opening locked ones. These signs have been seen by and sent to both *frum* and non-*frum*, Jew and non-Jew — and the *chillul Hashem* from such an open display of *sinat chinam* has been tremendous. We ask whomever is responsible to consider what he has done to Yeshiva's and Judaism's image both internally and externally, and the pain he has caused individuals, and hope that he will regret the damage he has caused. We ask students to help repair that damage by

removing all evidence of his work. *Sinat chinam* is always destructive — let us work together on its elimination.

Staying Put

Establishing a Torah atmosphere at Yeshiva is both a significant and laudable goal. The administration's campaign to create such an environment has the stated objective to enhance the learning here as well as the atmosphere on Shabbat. We applaud their efforts and offer our full support.

However, the regulation announced this year barring acceptance into a YU *kollel* unless one agrees to live "adjacent" to the Yeshiva seems unduly coercive. As beneficial as it may be for *kollel* members to join our community, the decision should belong to the *kollel* member himself. Dictating where he may or may not live denotes an authority that borders on the controlling of lives. Not to mention that Washington Heights is not everyone's first choice.

On the other hand, were the Yeshiva to actively pursue the acquisition of *kollel* apartments and strive to upgrade living conditions considerably, then a requirement to reside near the Yeshiva would be entirely reasonable. We wholeheartedly encourage the administration to meet the needs of the *kollel* members as well as the needs of Yeshiva. They need not conflict.

Letters

Surrender

Dear Editor,

The issue of women and Talmud Torah is certainly an important and exciting issue to discuss. However, the unique approach presented by David Harbater (*Hamevaser*, April, 1986) is especially deserving of a response and, perhaps, even some criticism.

The author claims that there is an apparent contradiction between statements of *Chazal* with regard to women's intellectual ability and the reality of the modern world. In order to resolve this quandary, David offers us two possibilities: a) Accept *Chazal* with "blind faith," although this could lead to *Chazal* eventually being mocked or scorned; b) Reject *Chazal*, assume they are wrong, and our problems are resolved. Or are they? I fail to see how accepting the second option puts *Chazal* (or us for that matter) in a better position than the first option. Instead of being mocked yet accepted, they are erroneous and unaccepted.

David (I take the liberty of calling him by his first name as we were students together in Har Etzion a number of years ago) is aware of the possible dangers involved if

such an approach is adopted, as *Chazal* face the risk of being termed wrong on other fundamental issues. However, he contends this option is still preferable.

The last point, the assumption that *Chazal* could be wrong, is deserving of its own analysis. However, it is not my desire to create a debate or even a forum where the issue is "thrown to the floor" and discussed. I thought it better to simply quote from one of our contemporary leaders with regard to the assumptions made by David:

What does *kabalat ol malchui shamayim* - accepting the yoke of the heavens - require of the person who studies Torah?

First, we must pursue the truth through singular *halachic* Torah-thinking and Torah-understanding from within, in accord with the methodology given to Moshe and passed on from generation to generation. The truth can be discovered only through joining the ranks of the *Chachmei Hamesorah*. To say, "I have discovered something the *Rashba* didn't know, the *Ketot* didn't know, the *Geon* of *Vilna* had no knowledge of; I have discovered an approach to the interpretation of Torah which is completely new" is ridiculous.

Kabalat ol malchui shamayim, which is an identical act with Talmud Torah, requires of us to revere and to love and to admire the words of the *Chachmei Hamesorah*, be they *Tanaim*, be they *Ammoraim*, be they *Rishonim*. They are the final authorities.

An irresponsible statement about *Chazal* borders - I do not like to use the word, but according to the *Rambam* it is so - on the heretical. The *Rambam* says in *Hilchot Yeshuva* 3:8;

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A New Board and More

By YOSSI PRAGER

While most of us could find little excuse for avoiding the library and study halls over the past two weeks, the same could not be said for *Hamevaser's* new Governing Board. Soon after *Yeshiva*, this year's editors elected a few boys for 1986/87 — *Hamevaser's* silver anniversary — and since then, the new editors have worked steadily to produce their first issue.

The new Board contains many familiar faces. Eli Clark and Daniel Feit, Associate and Senior Editors this past year, have been elected Co-Editors-in-Chief. Both are Max Stern Scholars, MYP seniors, and double majors (Eli in English and economics, Danny in English and political science — "the real science," he says). They share demonstrated writing skill and analytical depth. And Eli carries with him the technical know-how and aesthetic eye that helped improve this year's layout.

Hamevaser's new Senior Editor is Adam Ferziger. Over the past year, Adam's articles have distinguished him as a person with deep sensitivity and conscience. Just a few days after Natsy Shecharansky's release, Adam wrote an article decrying the religious possessiveness that had begun to arise. With sincerity and courage, he provided direction and meaning to Yeshiva's students. An MYP senior, Adam is pursuing a combined BA/MA in Jewish history and majoring in political science.

Hamevaser's new Associate Editor, Wendy Zierler, to be a junior, should be familiar to *Hamevaser's* readers. Consistently, she has applied her energy and insight to write thoughtful, well-researched articles. Her two-part *about* the Jewish artist added a new — and growing — dimension to *Hamevaser's* scope. In addition to her writing (she is majoring in creative writing), Wendy has showed leadership and editing talent, acting as *Hamevaser's* Stern representative. Mordechai Cohen, the author of many comprehensive articles in the past, will continue to serve as Managing Editor for the coming year. Majoring in philosophy, he will be a senior and in MYP. Robert Klapper, another MYP student, joined *Hamevaser* during the past year as a Coor-

dinating Editor, and has already demonstrated his writing and editing abilities. This coming year, he will serve as Literary Editor. Majoring in English, he will be a junior.

Sharon Herzfeld and Yehuda Susman have been selected Feature Editors. Sharon, a junior, and Yehuda, a senior (MYP), are both majoring in philosophy. Both have written for *Hamevaser* in the past. Two other familiar names, Contributing Editors this coming year, are Barry Herzog and Jay Zachter, both in MYP. Barry will be a senior majoring in philosophy and English this coming year, while Jay will be a junior with pre-engineering plans, also majoring in philosophy. To round out the group (eleven is nearly a round number), Joshua Shoshan, a senior in MYP this coming year, has been selected Coordinating Editor. He is double majoring in economics and philosophy.

Traditionally, the editors' box also lists the previous year's Editor-in-Chief as Editor Emeritus. This coming year, that editor is a person I feel very close to; I can confidently assuage any doubts about his competence, integrity or modesty.

The nature of a publication devoted to ideas demands that editors share more than writing and technical skill. They must be men of spirit, interested in promoting thought. Over the coming year, the members of *Hamevaser's* Governing Board plan to develop as true *Anshei Ruach* and *Anshei Maaseh*.

Together with the school year, my tenure at Yeshiva and *Hamevaser* draws to a close. I will restrain myself from reflecting over the past year, but two "thank you's" are in order. Administratively, Dr. Nulman and the Jewish Studies Council's presidents (Chaim Book, Ram Roth and Jon Liederman) have been generous with advice and funding and frugal with questions and criticism. I thank them sincerely. To Rabbi Yosef Blau, *Mashgiach Ruchani*, I offer both personal and collective tribute. Occasionally, an acknowledgement of Rabbi Blau's help has appeared in italics at the close of an article; sometimes he fails to receive even that. In an editorial earlier this year about Rabbi

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As we went to print, *Hamevaser* learned of the tragic passing of Moreinu Rabbeinu HaRav Nissan Alpert, Rosh Yeshiva and Rosh Kollel LeHora'a (Yadin Yadin). For twenty years Rav Alpert has inspired talmidim at Yeshiva with his devotion to Torah and chesed, midot he particularly demonstrated in recent months. Yehi Zichro Baruch.

Hava Nivne Lanu Ir

Urbanization in the Torah

By PERETZ HOCHBAUM

Man's Natural Tendency to Urbanize and Develop

Since the very beginning of time man has moved toward urbanization. Soon after Cain was banished from the Garden of Eden (Genesis 4:12), he went to the land of "Nod." It was there that the Torah tells us, "And Cain knew his wife and she became pregnant and begot Chanoch; and [Cain] was a builder of a city and he called the city after his son Chanoch (Gen. 4:17; see Rashi on that verse)."

Although Cain's decision to leave the garden was forced upon him, his subsequent building of a city was in concert with an earlier blessing which God had granted to Adam and Eve on the sixth day of creation. "And God blessed them, (Adam and Eve), and God said to them, be fruitful and multiply and fill the land and conquer it (Gen. 1:28)."

The next case of urbanization, as reported in the Torah, came with the development of Babel. The Torah tells us in Gen. 10:11 that "Nimrod built Nineveh, Rehovot, Calach and Resen (which was the biggest). At the time all people spoke one language and had one common purpose (Gen. 12:1)." The people came together and said (Gen 11:4), "Let us build for us a city and a tower whose head will reach the heavens so that we can make a name for ourselves." This last statement, "so that we can make a name for ourselves," is the beginning of a new type of urbanization, as well as all the problems that the Torah has with it.

With the people of Babel we see, for the first time, the human desire to become immortal. The people wanted to make their mark on the world and establish themselves eternally. This mentality explains why the Mesopotamians built the Ziggurat Temple; it's why the Egyptians built the Sphinx and mummified their kings. Later still, it's why the Greeks built statues and the Romans buildings. Beginning with the post-diluvian generation of Nimrod, man embarked on the impossible mission of justifying being merely passing shadows on this earth with Matthew Arnold's desire to "leave footsteps in the sands of time" ("To cross the Bar").

Why Do People Build?

There are at least three major reasons that people urbanize. First, urbanization leads to greater prosperity. As a city develops, its inhabitants pool their resources of capital and individual skills, as well as share in communal resources, to promote progress and a better standard of living for all.

In addition to prosperity, urbanization provides people with greater security. Before the development of cities, might made right. With the advent of urbanization and its underlying concepts of community, people began to stand together against a common enemy and thereby provide one and all with a safe and secure home and city.

Finally, people urbanize because it helps them become self-sustaining. No person can provide fully for all of his needs. Pooling everyone's input and making use of those resources available to all makes members of a developed city, as a community, self-sustaining.

Urbanization As a Theistic Challenge

As a result of urbanization, man does in-

deed become more prosperous, secure and self-sustaining. In addition, man moves away from a "direct vision" of God's creations, to the hustle and bustle of a man-made city, devoid of nature. This situation creates serious tests for man's theistic beliefs.

Urban life can lead one away from recognizing God. An urban dweller is detached from nature; he doesn't see it, and he doesn't feel it. Further, the city dweller feels self-sustaining in food, clothing and shelter, the three most basic necessities. Anyone can buy processed foods or manufactured clothing, and live in a steel, brick or glass home. Where is God and who is God?

Man has provided himself with everything he needs. Further, in an age where technological advances are so great that computers and machines often become obsolete within a couple of years, human achievement is stressed, promoted and recognized. Man receives accolade for his brilliance and keen insight not only in having progressed so far, so quickly, but in his intelligently looking to the future and avoiding or solving problems before they arise.

In all, man sees his own greatness and begins to dwell on it. This leaves precious little room for the recognition of God and the absolute role He plays in man's progress. Man sees himself as being in charge and making his own decisions. It is impossible to maintain that attitude without, at the same time, denying God and the credit due Him. In an undeveloped, rural framework, man

as a teacher. Rabbi Akiva adds fruits, for they enlighten the mind. Perhaps the additional illumination provided by fruit is bringing people closer to nature. This way they are less likely to lose God.

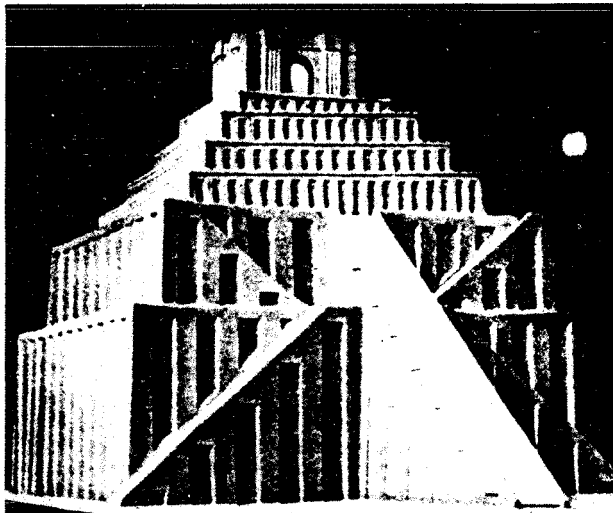
The Torah's Problem with Urbanization

City life's inherent test of man's belief in God puts urbanization in a dubious position in the eyes of the Torah. Many commentaries, based on their understanding of various texts, believe that urbanizing and developing, while not prohibited, is certainly frowned upon in the Torah and Talmud.

Earlier, I quoted Genesis 1:28 and explained it as a blessing from God that man build

Urban life can lead one away from recognizing God

cities throughout the world. The Ramban suggests an interpretation to the words "and fill the land" which is exactly the opposite of my previous explanation. The Ramban says that God did not want people to be together in one place, as were the builders of the Tower of Babel. Rather, God means



Reconstruction of Tower of Babel (after E. Unger)

feels his inadequacies and senses his reliance on God to provide for him. A farmer knows that without rain there will be no crops, and that he cannot make it rain. Thus, the farmer comes to believe in God by recognizing human weakness. A city person also knows that without rain there are no crops, but because his life is packaged and processed and generally lacks direct contact with nature and God's creations, he often fails to remember God and man's mortality and limitations.

The Talmud *Sanhedrin* 17b demands that if a city lacks any one of ten things, a Torah scholar is prohibited from living there. The ten functions are a court, a charitable kitchen, a synagogue, a bathhouse, public facilities, a doctor, a craftsman, a butcher, a tanner and

for people to separate and spread out, thereby avoiding urbanization.

The Talmud, in *Chulin* 89a, says that people are good in the eyes of God when they accept Godly blessings and react to them meekly. The Talmud proves this point with examples of Abraham and Moses. Conversely, people who accept Godly gifts haughtily are looked down on by God. To prove this, God gave power and wealth to Nimrod. In response, Nimrod said "Let us build for us a city [Gen. 11:4]." Rashi comments that Nimrod's name is from the Hebrew word "mered," rebellion. His leading the people to build a city made him wicked and rebellious.

The problem of man feeling self-sustaining and complete has led to much sin throughout

history. The Torah has numerous verses which charge the Jewish people with sinning "out of satisfaction."

Deuteronomy 8:5-14 describes a typical scenario that will face the Jews once they settle in the land of Israel. God will bring the Jews to Israel, a land that "lacks nothing" and provide them with everything they could possibly want. Then Moses warns the people, "Watch yourselves, lest you forget the Lord, your God" because "Your hearts will be uplifted and you will forget your God."

Later, in Deuteronomy 31:20, Moses warns the people that by angering God, they will only cause themselves hardship. And what will they do to anger God? They will, upon settling in Israel, the land of milk and honey, "eat and be satisfied and turn to other gods to serve them and anger God and break his covenant." Material satisfaction leads to self-satisfaction and forgetting God.

The Talmud in *Berachot* 32a describes a conversation between God and Moses in which God wants to punish the Jews for sinning against him (especially through idolatry). Moses points out to God that, indeed, God himself is responsible for the children of Israel sinning. Moses quotes a verse in Deut. 32:15, "And Jeshurun [the Jews] became fat and forsook the God who made him and condemned the rock of his salvation." God eventually admitted that Moses was correct by quoting the verse in Hosea 2, "And silver I provided plentifully for them and gold they made to the service of Baal."

Even the "kriat shema," warns against becoming satisfied with oneself. Right after the verse tells us "eat and be satisfied," it goes on to say "watch yourselves, lest your hearts turn . . ." On this verse Rashi says "a person does not rebel against God except out of satisfaction."

Can Urbanization Be Acceptable?

Despite these numerous proofs that relate urbanization to sin, I am not convinced that it is wrong, in the Torah's view, to urbanize.

The piece in *Chulin* 81a is inconclusive. Rashi defines Nimrod as a rebel. Perhaps that is why he is called wicked. Building a city, in and of itself, is perfectly legitimate. It's that desire to "build a tower up to heaven and create a name for ourselves" which Rashi himself interprets as meaning to rule the earth separately from He who rules in heaven (see Rashi Gen. 11:4) that God objected to.

I must admit that the verses and Talmudic pieces which charge that people sin out of satisfaction (a state brought about by urban society) have great validity. They do not, however, make urbanization a prohibition! The Torah and Prophets speak extensively of various cities — good and bad. Were cities not recognized as legitimate institutions, they would not be mentioned so frequently in *Tanach*. Indeed, there are even commandments which govern when a city of sinners must be destroyed! So we see that even wicked cities are recognized and dealt with. Nowhere does it say don't urbanize, don't develop.

To me it seems abundantly clear that urbanization and development, with all its associated problems and advantages, is an accepted fact of life in the Torah's eyes and must be approached on that level. The question now is: When is a city good — within the parameters of what God wants, and when does a city run afoul of God's good graces?

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Bringing the Story to Life

By GERSHON KAPLAN

In the last few years a new group of Bible scholars trained in literature, have turned from the traditional academic fields of biblical scholarship. They have moved away from such things as source criticism, textual emendation and studies of the "evolution" of Israelite religion. They are reading *Tanach* as it is written, for its content, not for its connotation.

Of course this is something Torah Jews have been doing for thousands of years. However, while for scholars this is a relatively recent form of events making them in one sense amateurs in this area of study, they also bring with them the finely honed tools of modern literary criticism, which are the products of centuries of development. To be sure we cannot accept the works of these nontraditional scholars uncritically, but by using their works and learning their methods ourselves, we are continuing and bringing fresh perspectives to a part of learning that Torah Jews have neglected during the last several hundred years: confronting the text of our most holy book. Through an understanding of the profound literary meaning of the text, we will be able to greatly increase both our appreciation and understanding of God's word.

One example of this may be found in the story of Avraham's battle against the Four Kings (*Bereshit*, 14), in which he successfully defeated the kings, freeing the Five Kings who had been defeated by them and freeing Lot. Immediately afterwards follows the *Brit*

Ben Habetarim (*Bereshit*, 15) which begins when God appears to Avraham and assures him, "Do not be afraid Avram, I protect you, your reward will be very great." An intimate connection between these two sections is suggested both by their juxtaposition and the opening of the second section which begins, "After these things." *Chazal* and *Rishonim* all point out connections between the battle and God's promise; God is assuring Avraham not to fear the Four Kings' regrouping and coming to take revenge or that Avraham has used up all his merits.

A careful literary analysis, however, reveals an added dimension to the connection. After the defeat of the Five Kings, the refugee approaches Avraham. The verse states, "and the refugee came and told Avram the *Ivri* [about the defeat and plunder of Sodom and Gemorrah and about Lot in the war that had just occurred] (*Bereshit*, 14:13). From the refugee's point of view, he is telling this news to an *Ivri*, a foreigner who might be interested in this news but would not be personally affected by it (The use of *Ivri* is especially significant, as this is the term's first and only appearance until Yosef is taken to Egypt). Now the Torah shifts to Avraham's perspective in his response, "And when Avram heard that his brother was captured, he led forth his trained men, born in his house, three hundred and eighteen, and pursued as far as Dan (14:14)." Avraham does not hear an impersonal tale of war, he hears that his brother has been taken captive and immediately

gathers forces and sets off in hot pursuit. Even the word used for Lot, *achiv*, brother, is significant. Although used here to mean a relative, the fact that its primary definition is a literal brother stresses the special tie that Avraham feels to his nephew. There was no necessity for the Torah, which carefully chooses every word, to inform us who told Avraham about Lot (as we see in the story of Yaakov's stealing the *bechora* where it says "and [it] was told to Rachel(27:42)").

What can we learn from today's Bible critics?

God (the author) uses the refugee as an ingenious contrast to Avraham's reaction. Even though Avraham and Lot had separated, Avraham still hoped to reestablish his relationship with Lot. Having no children of his own, he could look to Lot to be his heir, and it is this that transforms Avraham from *Ivri* to activist.

And he divided himself against them by night, he and his servants, and smote them, and pursued them unto Hobah, which is on the left hand of Damascus. And he brought back all the goods, and also brought back his brother Lot and his goods, and the women also, and the people (14:15-16).

The battle is over, Avraham is victorious, and Lot is saved. As Rabbi Sholom Carmy pointed out, the reader eagerly anticipates a meeting between Avraham and the man he saved. The reader proceeds to read, "vayerzey," (14:17) and out came. . . . The observant reader knows the next words without even reading them — Lot, Avraham's nephew — and together with Avraham he experiences the shock and disappointment that it is not Lot anxious for reconciliation, but the king of Sodom anxious to cut a deal for the spoils. In a brilliant ironic twist it is indeed the man Avraham saved who comes out to greet him, but not the one he had hoped for. All the hope that Avraham had held for a reconciliation with Lot, his only heir, are completely and finally quashed.

Now, as explained by Rabbi Carmy, we can gain a more complete understanding of the connection between the war and the *Brit*, a connection not only to God's promise, but also to Avraham's reply.

After these things... and Avram said: O Lord God, what wilt thou give me, seeing I go hence childless, and he that shall be the possessor of my house is Eliezer of Damascus. And Avram said, Behold, to me thou hast given no seed, and lo, one born in my house is to be my heir (15:1-3).

By utilizing methods of analysis such as point of view, character function, irony, unfolding of narrative, and careful attention to word choice, we are able to better elucidate the biblical text. Additionally, and possibly equally important, understanding literary analysis helps us to understand *Chazal* and *Rishonim*. When in their exegeses they are sensitive to these questions, it is impossible for us to understand them properly unless we too develop the same sensitivity. For example, the Midrash comments on the word *Ivri*:

R. Yehuda said: The whole world was on one side (*ever*) while he (Avraham) was on the other side. R. Nechemia said: He was descended from Ever.

The Rabbis said: It means that he came from across the river; further, that he spoke in the language of the dwellers across the river. (*Bereshit Rabba* 42:8) While the explanations of R. Nechemia and the Rabbis seem to be actual attempts to explain the simple sense of the term *Ivri*, at first

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Thou Shalt Not by Samuel Bak

Lively Discussions

Inspiration for this article came from two main sources. The first was a course I took this year with Rabbi Moshe Bernstein in Bernard Revel Graduate School, "Literary Styles in Jewish Narrative," devoted to the analysis of narrative portions of *Tanach* using literary methods. The second was a series of two sessions of Yeshiva Interdisciplinary Discussions devoted to the question of literary analysis of *Shema*. The first session was led by

Dr. Yehuda Szyf, the second, a rebuilder, by Rabbi Moshe Bernstein and Rabbi Shalom Carmy. Both sessions were highly successful and a series of members of participants and the discussions and discussions that followed their participation in these two sessions included Professor William Lee, Dr. Leo Tebbes, Dr. Bernard Schwartz, Dr. Carl Esst and Dr. David Saper.

Founded last year by Rabbi Carmy, Rabbi Bernstein, Dr. Lee and Dr. Shatz, YID was designed with a dual purpose in mind. One, to allow for topics of discussion which would benefit from bringing together knowledgeable individuals from different fields. A second, to allow for faculty-faculty and faculty-student interaction outside the limiting confines of a classroom, bringing together on a social level professors and ideas in diverse fields such as history, English and Bible.

Open the Boxes

By ALAN STADTMAUER

Conservative Jews are assimilated Americans who violate *Shabbat* because they find full *halachic* commitment too difficult. In fact, non-Orthodox Judaism as a whole is just a fancy course that's not the whole truth; as we all know, that applies basically to the laity, but their rabbis are hard core heretics who deny the existence of God (Reform) and the divinity of the Torah (all non-Orthodox groups), and who wantonly advocate changing *Halacha*. This is what we believe, isn't it? Well, even if it's not, we certainly have been saying it — at least in public (to say nothing of in the cafeteria and classrooms of our Yeshiva).

It's a very convenient system, is it not? We can maintain in our minds two neatly stacked boxes, one for the Orthodox, one for the non-Orthodox, and, when confronted by an issue, simply reach into the appropriate compartment, pull out the correct answer, and, content with the adequacy of our response, close the boxes and put them back on the shelf. We need not take a Reform rabbi's call for aid to the world's hungry too seriously because a quick inquiry into the box on the left betrays his plea as a simple way of avoiding keeping kosher. The Orthodox Rabbinate can ignore a Conservative challenge to help *agunot* since when we consult our boxes we pull out the name Lieberman, which equals J.T.S., which implies changing *Halacha*, which is *kefirah*.

This may be a simplistic explanation of Orthodox understanding of the other movements, but after reading the writings of Orthodox Jews, especially a recent interchange in *Moment* magazine, and listening to comments in *shuls* and classrooms, I suggest this is an accurate formulation of the Orthodox position.

Most Orthodox Jews, both rabbis and laymen, have little personal contact with serious Conservative and Reform Jews and, similarly, have virtually no familiarity with the theological positions of the other movements. As a result, their box contains exactly two rubber stamps — one says "lazy," the other, "heretic."

First, we claim that all non-Orthodox groups base themselves on the fundamental principle that *Halacha* cannot survive in the modern world because it is too difficult for an open society. Hence, the assumption that these Jews lack intense commitment to God and Judaism. It is in this context that we hear them, interpreting their lack of understanding of *Halacha* as lack of desire to understand and the insufficiency of their observance as insufficient willingness to face the rigors which God's service demands.

Additionally, the second "stamp" maintains that Conservative and Reform theology demands ignoring or at least modifying *Halacha*. This denial of the immutability of Torah constitutes the rankest of heresies, and our response must be immediate and total rejection. By extension, Conservative and Reform rabbis are *koprim* who in the long run threaten the survival of Judaism. Another frequent result of this view compares deviationist groups either with the early Christians or their modern counterparts, as one of the *Moment* letters put it, "It is no less an *avodat zarah*, an unauthorized refraction of the tradition, than is the Hebrew Christian movement."

While these views are not totally false, they also are not totally true, and they definitely lead us down dangerous paths. It may be that much of the non-Orthodox laity live a Judaism of convenience, but using the term "all" is the true villain. (By the way, it behooves us to remember that many Orthodox Jews also violate *halachot* which are "uncomfortable." The sprouting of *mikvaot*

in every town is a recent growth, and they still are not sufficiently used. *Tefilah betzibur*, exacting kashruth standards, and occasional minor *mitzvot bein adam l'chaveiro* also have been put aside by many.) On the other hand, many Conservative and Reform Jews, rabbis and laymen alike, are serious, if misguided, about *avodat Hashem*. They engage in the same spiritual quest and have the same zeal and dedication as their Orthodox counterparts, but the conclusions they reach often imply rejecting Orthodox methods of fulfilling God's will. This rejection stems, at times, from inadequate information, while other times from careful deliberation, and is often fed by the dour and disapproving face which Orthodoxy offers such sincere questing. (More precisely, most *kiruv* people accept the search if done on our terms — gladly providing *Shabbat* experiences and answers to virtually any questions posed, but as soon as the potential *baal teshuvah* demands respect for his exploration of non-Orthodox options they often back off, disapproving of contact with these unthinkable heresies.) Regardless of why they reject Orthodoxy, however, there clearly exist serious, thinking, well intentioned and very dedicated individuals to whom Orthodoxy should and does have much to say. Even if we cannot expect them to return, a positive vision of Orthodox Judaism will probably affect the fate of those they impact upon.

Just as we inaccurately label everyone "lazy," the "heretic" stamp requires modification. True, Conservative and Reform ideologies are absolutely unacceptable to us. Lumping all their views together, however, conceiving of them as one great anti-Torah mass, is false and cripples our efforts to effectively deal with the challenge posed by these movements. It is unreasonable to react to a left-wing Reform rabbi who insists that eating pork, if done with correct intentions, is an act of *avodat Hashem* in the same manner as we approach the claims of a right-wing Conservative Jew who is *shomer Shabbat* and *taharat hamishpacha*, but suggests that maybe a *tnai* should be written into a *ketubah*. In the long run both these views may be objectionable, but the ideas behind them are radically different, and hence our responses must be different.

These stamps present a twofold danger. Allow me to present the first through a

scenario. As a *talmid* in Rav Parnes' *shiur*, you have long been draining the muck out of the *halachic* quagmire, and enjoying every minute of it. One otherwise uneventful day in May, shortly before registration for next fall's *shiur* is to commence, Dave, a student from Rav Shachter's *shiur*, approaches you in the cafeteria. "Ari," he says, "the problem with Rav Parnes' *shiur* is that the guys never show up. And worse yet, the only reason the "serious" guys stay in that *shiur* is because Rav Parnes doesn't make them look up all the sources. There are other problems with the *shiur* too, so I really think you should switch next year." Assuming you don't laugh in his face, how would you react?

While I can't predict how Ari would react, I'm fairly certain how he wouldn't. Given the insult which has been indirectly leveled at him, careful deliberation of the other arguments presented is highly unlikely. It is difficult to take Dave seriously after the two mistakes he has just made, first, the insult

We maintain in our minds two boxes, one for the Orthodox and one for the non-Orthodox

to Ari's education, and second, the clear ignorance displayed of what really takes place in Rav Parnes' *shiur* undermines the basis of the ensuing discussion. The arguments which follow might be cogent, but they probably won't be heard.

In essence, Dave committed the grave error of not taking Ari seriously as a *ben Torah*, and hence, as a Jew. If we can see the damage such a perception can cause in a discussion between two *talmidim* of the same yeshiva, we need not be surprised that similar misconceptions ruin conversations between people from two different movements. If I am discussing the issue of egalitarian *minyanim* on a college campus (as I have a number of times), and I comment, "Were one really serious about praying, clearly you need a *mehitza* and avoid women singing the Torah reading." it

shouldn't shock me if I'm met with an inexplicably angry retort. The subtle implication that a Conservative Jew cares more about a synagogue social scene than conversing with his Creator insults and degrades the real, if misplaced, religious zeal of these Jews.

The religious strivings of Conservative and Reform Jews, especially of their rabbis, manifests itself as a commitment to *Halacha*. Of course, their definitions seem somewhat bizarre, at one extreme bearing absolutely no relationship to our vision of law and the other producing a gross parody of *she'ilai u'yeshuvot*. We reject the possibility of mult Fortunately, ignorance can be dispelled and our "little boxes" eliminated; all it takes is knowledge. After spending years training to learn, think and communicate, and many more acquiring a firm grasp of Torah, we require little to be able to respond to the challenges of Conservative and Reform. Spending time studying — through readings, classes and personal contact supplement to the training of both Orthodox rabbis and laymen. Developing sensitivity and understanding of the mindset of our fellow Jews may be the most crucial contribution we can make toward mending the rift threatening people.

Acquiring such knowledge is not always easy. Often we can easily respond to the challenges presented by non-Orthodox views, but at times such study requires careful and precise formulations. One current issue is the distinction between right-wing Conservative and Orthodoxy. The *Halacha* has, in the past, clearly undergone some change; for example, most Orthodox *poskim*, including Rav Moshe zt"l, feel that *chalav Yisrael* is no longer required. Another more difficult question is posed by the *Shabbos goy* and *mehchirat chametz*, neither of which existed in the time of Chazal. Now, given that *Halacha* has undeniably developed in some way, and the fact that the Union for Traditional Conservative Judaism doesn't advocate blatant and outright rejection of portions of the *Halacha*, precisely what is the difference between our two positions? Upon reading, for example, David Novak's book, one can intuitively sense some difference, yet the distinction is subtle and I have yet to hear an adequate explanation. I propose therefore, that the *Roshei HaYeshiva* address this, and similar issues, in a public forum, whether either in these pages or as a lecture/*shiur*. (Furthermore, I'd be happy to work on arranging it.)

We must still address one more implication of the boxes we carry in our heads. First, however, another scenario. A *kollel* student spends several years studying *Hilchot Nidda*. After careful digestion of the *gemara*, the *halacha* and the modern *poskim*, our older, and somewhat wiser, *talmid chacham* feels ready to *psakin* for the general community. His rebbe's confidence in him, however, is marred by one thing — he knows nothing of the biological processes involved in menstruation. Even had he known what the cause of each type of spot was, without the experience of seeing real *ketamin*, blood spots, he would never be unleashed on the world of married Jews. The danger of either *kulot* or *chumrot* is too great. Though he is intimately familiar with the appropriate *halachot*, ignorance of the underlying reality prevents his recognition as an authority.

I do not claim to know whether or not dialogue with Reform and Conservative Jews is appropriate, and I certainly am not prepared to advocate either position here, yet I am convinced of the incredible significance of the issue. A wrong decision, in either direction, will have tremendous ramifications on the state of the Jewish nation. On the one

continued on page 10

Nature of God

By BARRY HERZOG

On *Shavot* it is appropriate to ponder how major theologians deal with the nature of the Divine. How can man know God and what is his relationship with Him? Without an answer to this question, prayer becomes a totally banal act. Praying without knowing to whom one prays not only endangers the prayer's acceptance since it might be misdirected, but also weakens the intensity of devotion since the worship has no specific direction. Precisely for this reason the king of the Khazars, in Rabbi Yehuda Halevi's *Kuzari*, sought out various religious leaders to find a viable approach and eventually adopted Judaism.

Halevi's famous proof of God avoids the philosophical approaches which rest on reason and fail to personalize God. He bases his belief, instead, on the Jews' experience of Divine Revelation at Sinai. Six hundred thousand men attest both to God's existence and to His special relationship with Israel.

The Rambam, however, begins with a philosophical understanding of God as the First Cause. Every effect must have a cause. However, since this claim cannot go infinite-

Perhaps the Rambam, an intellectual, could accept man's limited potential to reach God. But others are less willing or less able to confine their yearning for spiritual experience. They probe their souls searching for meaning and fulfillment. Those who devote their lives to the quest for God cannot readily admit defeat before beginning the search. They seek new approaches.

Martin Buber created that approach. Following existential thought Buber invalidated Maimonidean theology on two levels. Buber maintains that stressing analysis and categorization of experience and nature not only lacks but detracts from spiritual meaning. Such a life quickly becomes one of separateness and indifference, where the individual objectifies the world without experiencing it. Through this method one may be able to understand the world, but one cannot find the spirituality that lies beneath the surface.

To attain spirituality one must develop relations with others, be they natural objects, other people, or even God. To enter into relation, one must drop one's veil and establish personal contact. This is the famous "I-Thou

of the Golden Calf was a natural outgrowth of the Revelation at Sinai. Precisely because they had just experienced God, they needed a physical manifestation. In their state, the desire and need to directly know God burned and swelled to an unsurpassed degree, demanding release. They had spiritually peaked, and the disappointment of not being allowed to climb higher was unbearable to the extent that they provided their own completely knowable God.

Moses' need paralleled that of the Jewish people. He had come even closer to God than they. He too yearned for that final step. Yet, he differed from the people in that he did not act on his own. He accepted God's refusal, while the people could not and that was their sin. Denied direct knowledge, Moses contented himself with a distant, yet accessible, God.

By RABBI MORDECHAI WINIARZ

I'd like to talk to you about a friend of mine, or should I say a "mutual friend" of ours. My friend is a fascinating personality, multi-faceted, gregarious, vivacious, yet, at the same time, shy almost to the point of being withdrawn. He is very wealthy. He owns numerous residences in this country; in fact, his homes span the globe. He has throngs of admirers. Yet, sadly enough, he has very few real friends. He is invited to all the major synagogue functions as a matter of course, yet, somehow, people seem to be almost "embarrassed" to talk about him. It's as if he makes them uncomfortable. When people do talk to him they always avert his gaze. My friend is lonely.

It's really a fairly amazing phenomenon. You see, my friend owns all the synagogues in the country; yet, in many synagogues, you

In Search of a Friend

will never hear his name mentioned. You can attend services, go to every sisterhood meeting, never miss a board meeting and see for yourself. Once in a long while, some elderly woman or young hotheaded idealist tries to mention his name but he/she is invariably silenced by the disapproving stares of the majority. The rabbi is too busy discussing important issues like culture and heritage, and the board is too involved in complex business deals for my friend to even get a word in edgewise.

At one point, my friend thought he could make his home in the schools. After all, there are several schools which devote the entire day to studying a bestselling book he once wrote, as well as all the subsequent scholarship on the book. But, as you might have guessed, the students really didn't seem too interested in him. Even the best students

became so involved in portraying themselves as the teachers of his book that, after spending infinities of time buying well-cut suits, trimming their beards to perfection, and buying hats that were sufficiently impressive, they had no time left for him. There were even schools built on the philosophy that they should only study his writings, but not talk about him. Alas, my poor, lonely and abandoned friend.

My friend's name (as you might have guessed) is God. Although we may not admit it, and perhaps we may not even consciously realize it, we all tend to avoid God; and, to a significant extent, we are all a little embarrassed by God.

There are two types of almost casual experiences in the life of the typical, modern, Orthodox Jew, which I believe will place in bold relief the precise nature of our embarrassed and uncomfortable attitude towards God.

The first generally takes place on Sunday morning. Hopefully, you've gone to *minyan*. You return home and, as you eat breakfast and skim your *New York Times*, you absentmindedly turn on the television, and there they are — resonantly booming and preaching — Pat Robertson, Jimmy Swagart and Jerry Falwell. As Jimmy or Jerry say to you from your television set, "My friends, I want y'all to bring God into your lives. God can make a difference. God can make you feel better. God can bring you peace and harmony. God can help you stop drinking. The Lord can give you a better marriage. Just accept Him and bring Him into your heart. The Lord Jesus saves."

And, if you're a modern, Orthodox Jew, you'll laugh. But, if you're honest, the laughter will be slightly nervous. You'll be repulsed by the obvious grandstanding, apparent insincerity and the repeated appeals for donations to the Lord. Of course, your Jewish intuition will react negatively to the invocation of Jesus as the Savior. But the underlying emotion will be an intense feeling of discomfort. That discomfort was summed up for me several years ago after giving a speech *Shabbat* morning in Norfolk Virginia, not two miles from the headquarters of the Christian evangelist, Pat Robertson. After the sermon a Virginia gentleman approached me and said with charming Southern grace, "Rabbi, I like your style." I should have accepted the compliment graciously. However, being young, I asked him, "Tell me, please, what did you like about the speech?" "Well, Rabbi," he said to me, "you're not like that Christian fellow, Pat Robertson. All he ever does is talk about God. You talk about religion." I was devastated, and I immediately knew that I was doing something very wrong; and, although I am not enamored of him, Pat Robertson was doing something right.

The second experience takes place in the context of our dealings and dialogues with its categorical imperative of action, "and you shall walk in His ways," i.e. we must fashion our beings in God's image. The verse further cries out in Deuteronomy, "You shall know the Lord your God." "Know" in the biblical phrase certainly does not mean less than cognitive apprehension of the Divine; in fact, it means much more. Knowledge in biblical Hebrew implies a relationship of infinitely more profound depth than mere logical apprehension. Knowledge is used in the same manner of the Genesis text: "And Adam knew Chavah, his wife," to imply intimacy.

and religious experiences all the time and starts talking about "real Jewish issues."

In fact, the differing perspectives of the *baal teshuva* and the *frum* from birth Orthodox revolve around a larger question of Biblical exegesis, particularly as it relates to the interpretation of a specific verse. The Torah says, "And these words which I command you today shall be on you hearts..." The key word is "today." The *frum* from birth interprets the word "today" in the spirit of the woman from Monsey who was comforted by her husband on the night of the

Hashirim, the biblical book which allegorizes the God/Israel relationship in categories of passion and sexuality, from the canon. Rabbi Akiva insisted, however, that "All the biblical books are holy. But, *Shir Hashirim* is Holy of Holies."

The God/Man relationship must be passionate at its very core. And although it differs qualitatively from human passionate experiences, one issue is clear, The God/Man relationship is certainly not less intense, rewarding or pleasurable than the human sensual experience. The human experience is but

"Rabbi, you're not like Pat Robertson. All he ever does is talk about God. You talk about religion."

Passover *seder*. You see, this woman had just built a pool in her backyard, and was planning an extravagant Bar-Mitzvah celebration for the following year. She heard her husband singing, "Next year in Jerusalem. Next year in Jerusalem." She was aghast at the prospect! I mean, after all... At which point her husband reassured her and said, "Don't worry, honey, it's just a song." So, when the *frum* from birth reads the verse which says, God commanded and spoke to you "today," he reacts by saying, "Don't worry; don't overreact. It's just words."

The *baal teshuva* understands that the verse means precisely what it says. Every day is filled with opportunities to glimpse the numinous and to literally hear and respond to God's voice. In effect, all of Judaism is the sensitizing of our faculties allowing us to respond to God's call.

Authentic Judaism, in contradistinction to Nietzsche and his *obermensch* and in radical departure from Sartre and his anthropophilosophy, is a theocentric system which definitionally locates God in capital letters at the center of its universe. We as Jews resist with every fiber of our religious being the impulse to, in the words of the great pre-Socratic thinker Heraclitus, "fashion God in

a pale reflection of the God/Man encounter. In fact perennial Jewish wisdom has always viewed the man/woman experience as preparatory for the Man/God relationship. Maimonides uses man's passion for woman as the descriptive model for the human/Divine meeting.

The central credo, the word upon which Judaism rises or falls is not ethics or morality, not even social justice or good deeds. Judaism is defined neither in terms of ceremonies and rituals, Bar or Bat Mitzvahs, holidays or hallowed customs. The major Jewish motif, which defines and encompasses all the aforementioned ideas, is revelation.

God, in order to be not only the object of reverence but also the subject of relevance, must reveal Himself. If God is essentially hidden, if we cannot know Him nor see Him in any way, then we cannot be obligated to Him, and we can have no relationship with Him. If God has no concrete reality, then we cannot touch Him; most critically, if God does not speak we cannot hear Him nor can we be expected to listen.

Thus, Judaism, which sees the telos of human existence within the framework of relationships, and which understands the relationship *par excellence* to be the Divine/man encounter, must hold revelation to be the only meaningful religious concept.

Thus perhaps the most relevant biblical verses in modernity are those in Deuteronomy which describe the Sinaitic experience as the "great voice which did not cease (*kol gadol velo yasaf*). Rashi explains, it did not cease because God continues to speak and reveal himself throughout the historical continuum. It was Rashi explaining the biblical verse who sets up the idea of continuous divine revelation as being at the heart of the Jewish System.

To punctiliously fulfill the minute requirements of ritual Judaism in a manner divorced from the commanding God is a mockery of the Jewish idea. To posture as Jews and not at least sense our obligation to try and become God-intoxicated is a blatant sham. We would do well in our personal and communal lives to put God back on the agenda and to reintroduce him as the motive force in our lives. Perhaps then we would be able to create a society which would provoke the laudatory exclamation: "Who is like your nation Israel, one unique people upon the earth."

Alas, my poor, lonely and abandoned friend

Rather, the Torah demands as its categorical imperative of action, "and you shall walk in His ways," i.e. we must fashion our beings in God's image. The verse further cries out in Deuteronomy, "You shall know the Lord your God." "Know" in the biblical phrase certainly does not mean less than cognitive apprehension of the Divine; in fact, it means much more. Knowledge in biblical Hebrew implies a relationship of infinitely more profound depth than mere logical apprehension. Knowledge is used in the same manner of the Genesis text: "And Adam knew Chavah, his wife," to imply intimacy.

To be cognizant of God is possible; to know him fully is beyond us

ly backwards, there must be an original cause, that is, God. The Rambam borrows this proof from Aristotle, believing it to be irrefutable. In fact, he considers the metaphysical quest for verifying God's existence as one of the five primary *mitzvot*, to know God, *Ladaat et Hashem*.

In addition to this metaphysical proof of God's existence, the Rambam believes that knowledge of God also requires the constant study of His ways to achieve a greater understanding of God. First, one must realize certain metaphysical truths that describe God and His attributes, such as His omniscience and omnipotence. Secondly, one must study how God manifests Himself in the world, both through revelation to people and through the laws of the physical world. Thus, knowledge of God requires a thorough knowledge of both metaphysical and natural laws.

Even such a comprehensive study does not satisfy the Rambam's quest for knowing God, because it can only result in an indirect awareness of God. Comparably, an archeologist would face similar limitations upon discovering the remains of an ancient civilization. He might verify that people did indeed live there, and upon examination, learn all about that civilization: their dress, their values, their thought, etc. But no matter how thorough his investigations are about them, he can never know an individual from that ancient place. He is missing the immediacy of direct knowledge.

This, according to the Rambam, was what Moses requested of God when he asked to know His glory (*Shemot* 33:12-23). Moses wanted to enter the royal chamber to ascend to God's throne and know God first-hand, rather than stand outside the doors. Yet, his wish was refused. Mortals can never pass beyond those doors and live. Instead, man must be satisfied with knowing God indirectly, as the servant who never lays eyes on his master.

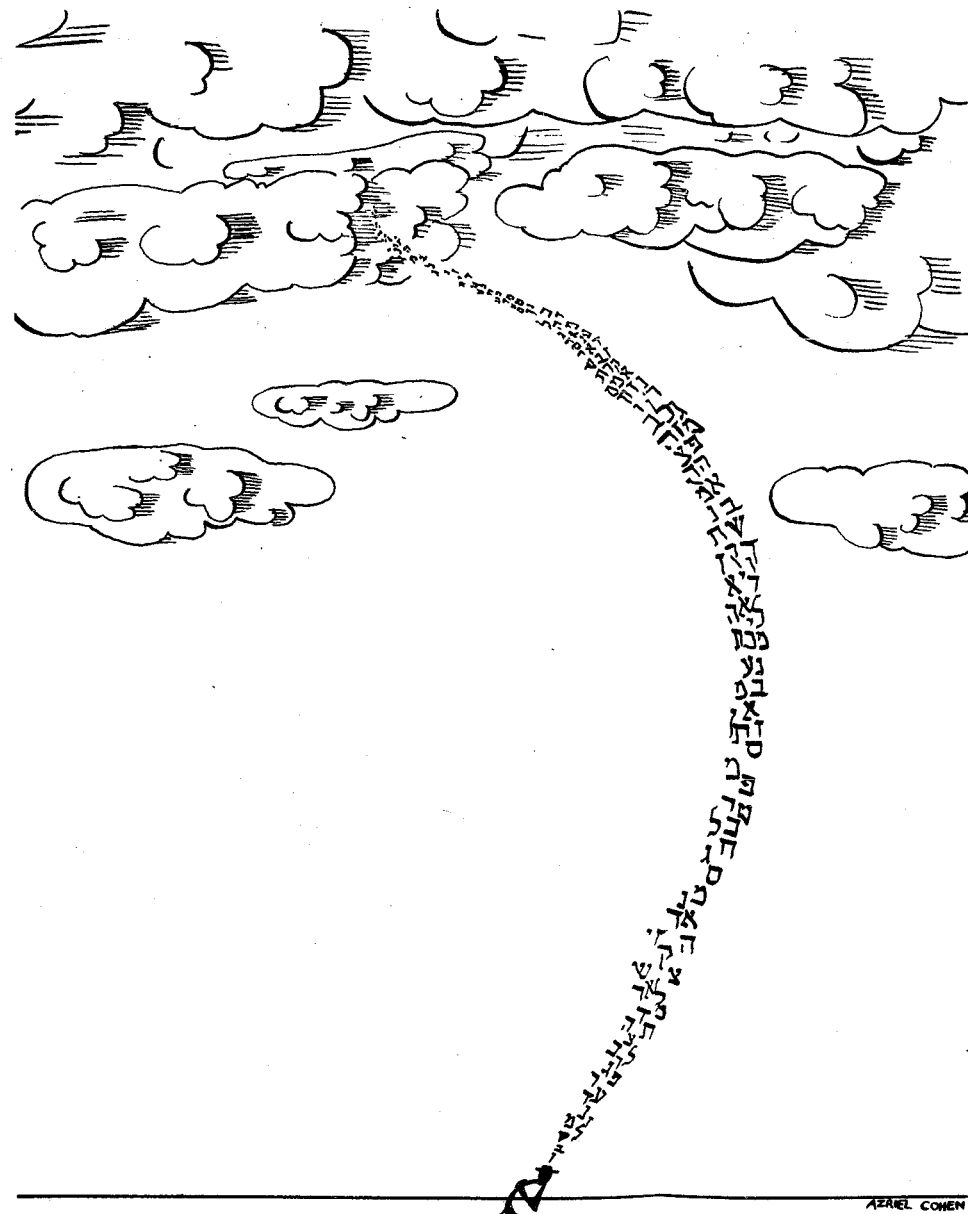
relationship." By this means, one can relate to God as the I that relates to the Eternal Thou. Thus, the Rambam's insistence that direct contact with God is unattainable is also challenged by Buber.

Of course, the Rambam didn't claim that Moses was seeking an I-Thou relationship. Rather, it was a rational probing for God's presence to verify previous assumptions about Him. However, if one accepts Buber's ideas, then not only is God's presence achievable by man, but Moses' request for divine manifestation becomes unnecessary.

Or is there? How can Buber explain the nature of Moses' dialogue with God? The answer reveals a common denominator between the rationalistic Rambam and the existential Buber. Buber's relationship with God is also lacking. He writes: "We have come near to God, but not nearer to unveiling being or solving its riddle. We have felt release, but not discovered a solution!" One cannot ask about the nature of God or who He is, even though one can relate to Him. God first revealed his name to Moses, as "I shall be what I shall be." One must accept this mystery, even while striving for answers. Moses did not accept it until God pronounced: "And my face you shall not see."

When speaking of God, Buber refers to the One who "is what He is." The Rambam prefers the God who created the world, a God philosophically verifiable. Finally, Rabbi Yehuda Halevi, who based his belief on experience, prays to the God who took us out of Egypt. These three different approaches share a common denominator. To be cognizant of God is possible; to fully know Him is beyond human capabilities.

The closest Jews have come to knowing God directly was at Sinai. The voice of God spoke and the people felt his presence. How then could such a spiritual nation descend so rapidly and build the Golden Calf? Did they not trust their senses? Perhaps the incident



AZARIEL COHEN

The Needs of Man

By MARK MARSHALL

In 1962, Abraham Maslow conceived Humanistic psychology because he felt that the existing schools of psychology were immersed in the study of deviants at the expense of understanding the behavior of normal, healthy human beings. He conducted extensive clinical research to explore the motives of the wholesome personality (Maslow, 1967, pg. 109). His conclusions were quite different from those of the two main schools of psychology at the time, behaviorism and psychoanalysis.

Freud, the father of psychoanalysis, saw man as a sophisticated animal, controlled by biological needs and instincts. Meanwhile, Skinner, one of today's leading behavioral psychologists, views human behavior as mechanistic conditioned responses (Skinner, 1971, pg. 24-29). Both suggested man's

1971, pg. 64). Because he shares his physical needs with the rest of creation, man is subject to the laws of nature. Biological man is a component of his environment; physically, he is a minuscule and insignificant addition to an infinite universe.

In the second story man's creation plays a very different role. He (Genesis 2:6-3:6) the Bible describes the creation of man and the cosmos as distinctly divided from one another. An abbreviated discussion of the creation of the environment is then followed by a detailed description of the creation and early experiences of man. It is clear here that man is not insignificant. He is the culmination of creation, the Image of God Himself. In this account, God alludes to the needs of metaphysical man (R. Soloveitchik, 1971, pg. 65). The juxtaposition of God's two assurances to Adam — that He will first

through one's career. People, however, find esteem in a wide variety of different activities, and none are necessarily more valid than any other. Some find the same satisfaction in their art, their family or other talent or hobby, as others find in their career.

This need for a creative outlet is also manifested in the story of Eden. In the Garden the Almighty directly took care of all of man's needs. He caused the trees to grow, the grass to flourish and regulated the weather so man would not need clothing. Yet, man must till and tend the Garden. Why is this? It must be, says Rabbi Soloveitchik, that working is also one of man's needs. Not only did the Garden provide man with his physical needs, it also allowed man to satisfy his intrinsic need to express his creativity and humanity (R. Soloveitchik, 1971, pg. 66).

The most sophisticated level of motivation according to Maslow is self-actualization. Self-actualization is the desire to pursue a higher obligation, be it truth, beauty or religion. A self-actualizing individual is self-motivated, "doing his own thing," disregarding outside influences. Therefore, the self-actualized people in this world belong to an uncommonly exclusive fellowship. Maslow lists a few of the people whom he considers to have self-actualized, including Beethoven, Einstein, Gandhi and Martin Luther King. For most people, however, self-actualization is only a goal to strive for, not a reality (Tallent, 1978, pg. 112).

Rabbi Soloveitchik develops a concept somewhat different from self-actualization in structure, but very similar in substance. He agrees that ultimately a person desires to pursue a goal which transcends his own needs. However, whereas Maslow felt that this mission must come from within himself, Rabbi Soloveitchik feels this mission has a source outside of oneself, God. God instills in everyone an instinctual mission to serve Him through the performance of His commandments. In the words of the prophet Jeremiah:

"Behold there will be a famine in the land, not a famine for bread, nor a thirst for water, but to hear the words of God." Regardless of whether these are the seven universal commandments for all mankind, or the six hundred and thirteen incumbent on Jews, the mission is the same — to serve the Almighty. This concept is not so different from Maslow's instinctoid motives, except according to Rabbi Soloveitchik the mission, as well as the need itself, are instinctual.

Adam and Eve's mission from God was to not eat from the Tree of Knowledge. When they allowed the serpent to entice them to eat of the tree, they failed in their mission, and hence failed in actualizing their potential. At this point another difference between the two opinions arises. Before the sin the corrupting influence (*yetzer hara*, represented by the snake) was only external. However, after the sin man came to know evil as an intrinsic part of himself (Rashi, Genesis 3:1). Maslow, in contrast, sees man as strictly, inherently good, and that only as a result of the pressures of society is he debased.

Certainly the two theories, although not identical, are quite comparable. They share a similar hierarchy of need, a concordance on the issue of free will and a mutual recognition of man's humanity. The two men disagree on the issues of the lower motives and self-actualization. While Maslow felt that the lack of fulfillment of the more basic motives eliminates the possibility for further growth, Rabbi Soloveitchik sees them as facilitating further growth, not as a necessary prerequisite. On the issue of self-actualization, Maslow saw the need itself as instinctoid but not the object. Rabbi Soloveitchik sees both the need and the object as stemming from internal "instincts" or drives. Despite these incongruities it is still intriguing that two men from such diverse fields, Maslow, a psychologist, and Rabbi Soloveitchik, a theologian, should arrive at such similar conclusions.

Comparing psychology according to Abraham Maslow and Rabbi Soloveitchik

behavior is determined by forces beyond his control; however Maslow saw man in control of his behavior, with needs transcending the biological (Tallent, 1978, pg. 111).

Maslow divided man's needs into a five level hierarchy: physiological homeostasis, safety, a feeling of pertinence and of being loved, self-esteem and self actualization (Lahey, 1983, pg. 387) (See Figure 1). These needs are inborn, and therefore he referred to them as "instinctoid" (Tallent, 1978, pg. 112). The first three levels of the hierarchy, physiological, safety and belonging needs, comprise the Deficiency motives (D-motives). D-motives are motives which result from man's "survival" needs. The two highest levels, esteem needs and self-actualization, make up what Maslow called the Growth motives (G-motives). G-motives outwardly supercede one's own self-interest, and therefore are uniquely human (Maslow, 1967, pg. 121). Maslow postulated that before one could advance to a higher level motive, he must first satisfy his more basic needs (Maslow, 1967, pg. 98). This new approach became popular among psychologists who were weary of existing theories of psychology and revolutionized fields ranging from clinical therapy to personnel management. They were all seeking to harness the power of self-motivation. Because of its widened influence humanism came to be known as psychology's "third force."

It is interesting to note that a contemporary of Maslow, Rabbi Joseph Soloveitchik, developed an analogous approach at about the same time. However, while Professor Maslow derived his theory from clinical research, Rabbi Soloveitchik derived his from an exegesis of the book of Genesis. This system also maintained the idea that while man possesses free will, he is still influenced by the interaction of his biological and spiritual needs. It even has a hierarchy of needs similar to Maslow's.

Rabbi Soloveitchik interprets the purpose of the two, seemingly repetitive, stories of man's creation to elucidate the duality of man's nature. The first story describes man's biological needs, while the second story details his metaphysical needs. Biological man's creation is integrated with the creation of the natural world (R. Soloveitchik,

attend his biological needs (Genesis 1:29) and that he need not fear the animals — follows immediately afterwards (Genesis 1:30). The Bible places man's physical desires before his spiritual needs to teach the difficulty of advancing spiritually before satisfying physical cravings (R. Chaim Luzzatto, The Path of the Just, pg. 19).

Similarly, the first two levels in Maslow's theory deal with physiological and safety needs. These counter all physical threats to the individual, both internal, such as thirst or hunger, and external, such as other people or wild animals. The belonging and love needs bridge the gap between the D-motives and the metaneeds (another word for Maslow's G-motives) (Lundin, 1979, pg. 358).

Rabbi Soloveitchik also sees belonging needs as the intersection of man's biological and metaphysical needs. For instance, in the story of biological man's creation, the Torah speaks of male and female, "*zachar u'nekeiva*," referring strictly to their physical and sexual aspects (Rashi, Genesis 1:27). For biological man the only companionship needed is on a physical level. In the second story, when God sees that man is lonely, he brings him the animals to keep him company. However, this is not sufficient for metaphysical man, who needs more than just the physical presence of another to fulfill his need for companionship. Here *Elokim* creates for man a wife, *isha*, a word which connotes a more spiritual, social relationship (R. Soloveitchik, 1971, pg. 68). In the first creation *nekeiva* represented the fulfillment of Adam's need for physical and sexual companionship.

Metaphysical man bears a different sort of loneliness, one which a person's physical presence alone will not satisfy. A person can feel lonely even in the middle of Times Square; the crowds may only make his forlorn condition more intense. This is the loneliness of metaphysical man, and, to cure this, God made man a "match," a "wife" (a social or ethical relationship which transcends the physical and sexual) (R. Soloveitchik, 1971, pg. 64).

The next level in Maslow's hierarchy is man's esteem needs. This is the need man has to secure both his own self-respect and the respect of others. One way to do this is

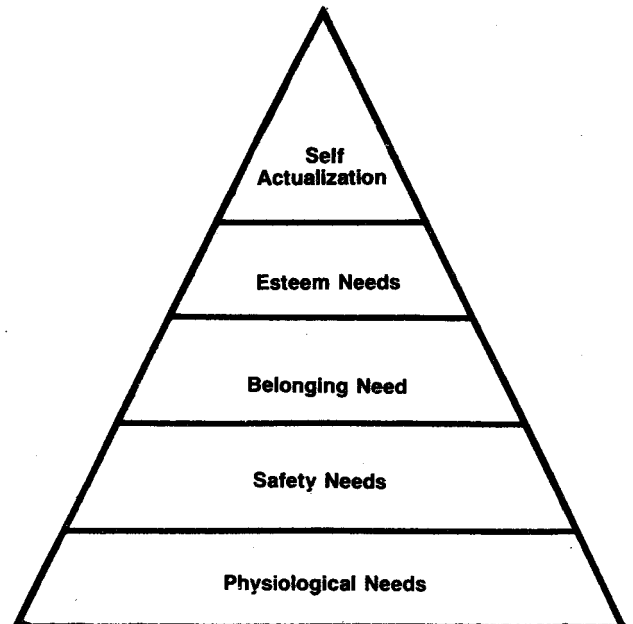


Figure 1

Did David Sin?

By CEMMIE GREEN

The story of David and Batsheva represents one of the most complex and tragic incidents in *Tanach*. Reading the *Tanach* objectively, as "just another novel," one concludes that David committed adultery with Batsheva. In *Shmuel* 2:13, David admits that he "sinned against Hashem;" any suggestion of innocence seems absurd.

However, the *Tanach* is not "just another novel," and David is not "just another person." The *Tanach* is the eternal bond between Hashem and *Bnei Yisrael*, and David is "*Melekh al kol Yisrael*." How does one approach such a morally disturbing incident concerning the holiest of our people in the holiest of our books?

Two distinct approaches to this problem have developed. The Abaranel and the Malbim offer differing views on this issue. These classic commentators must handle the Talmud's written verdict. In *Shabbat* 56a the verdict reads: "Whoever says David sinned is mistaken." It seems that the commentators would have to shape their ideas to complement those of *Chazal* — David must emerge unscathed and unblemished.

The radical approach of the Abaranel expresses the thoughts we were afraid to verbalize. The Abaranel somewhat defiantly declares, "I feel better saying David sinned

and returned, than suggesting that he did not sin at all; the words of *Chazal* are homiletical exegesis." He claims: "I shall not respond to them." Furthermore, "Rabbi Yehuda HaNassi misconstrued the incident due to his relation to David, rather than being truthful, and I will not contradict the simple truth." The Abaranel, refusing to ignore his per-

Instead of hiding our historical inadequacies, we learn from them

sonal sense of the truth, felt that the Talmud represents a biased opinion in favor of David and avoided the truth by proclaiming his innocence.

The Malbim's approach differs sharply. He declares: "With a proper *hashkafa* one is forced to agree with *Chazal*." The dilemma he claims, is how one must deal with the words of *Chazal*. The Malbim maintains a

concept of the intrinsic truth of *Divrei Chazal*, regardless of his own personal beliefs.

The Malbim's approach provides many obvious advantages. As an extension of our role as *Or Lagoyim* our leaders should be role models for all mankind. If a commentator manages to preserve a leader's reputation in the eyes of the world, his efforts are noble and his motives valid. *Eminat Chachamim* is of utmost importance; we must live by the words of *Chazal* and strive to understand them. Once *Chazal* proclaims David's innocence, we cannot question the judgment — we must simply explain it.

There are, however, advantages in the approach of the Abaranel. Throughout the ages, historians were baffled by the absence of historical records during the period of *Yetziat Mitzraim*. The Egyptians, it was reasoned, cared only about how the world would view them, not about the truth. They deliberately tainted history in their favor, hiding their valleys and exposing their glorious pyramids. Judaism is different — true we are the *Am Segulah*, but our nation consists of fallible human beings. Our history has its peaks, but also its pitfalls. Our ability to receive the Torah did not preclude making a golden calf. We admire the virtues of our leaders, but realize their weaknesses. We

do not rewrite our history; instead of hiding our inadequacies we learn from them. David killed Goliath, wrote *Tehillim*, learned Torah day and night, but he did sin. David was not an angel; he was a human being. People grapple with human problems, and try to overcome them. Instead of treating David's sin as a blemish on our history, it can be transformed into a source of inspiration for *Klal Yisrael*. Just as David sinned and was able to return to his regal status, so every Jew can return. Understanding the Abaranel in this way answers the following problem. The Talmud proves David's innocence by citing the passage, "and David was successful in every way and Hashem was with him." The Talmud asks, could the *Shechina* really have rested on David if he had been a sinner? The Abaranel could now answer that the whole lesson learned from David's sin is that Hashem doesn't abandon the sinner, but he remains by his side helping him to return.

Just as Hashem did not abandon David in his hour of need, so he will not abandon any Jew seeking to do *Teshuvah*. This understanding of David is compatible with the words of *Chazal* that state, "David was not worthy to sin except to teach the importance of *Teshuvah*." May this inspiration gained from David lead to the coming of *Mashiach ben David bimhera beyamenu*.

Torah U' ?

By ROBERT KLAPPER

Torah U'Mada. The phrase rolls so trippingly off the tongue that it seems like an expression of eternal truth. And yet, there are those who argue that it is naught but a distortion of Torah U'Mammon, a popular Brooklyn philosophy sometimes known as Torah U'Touros. Some even argue that it is just an alias for the same. A prominent Orthodox rabbi claimed that Torah U'Mada is but the first step in an ongoing historical process; he stated that it would eventually be replaced by "Mada U'Torah" and finally, *b'yimot hamashiach*, by "Madua Torah." Modern scholars have claimed that Torah U'Mada is not one phrase at all, but rather two divergent ideas joined by a redactor. With which and how many of these theories

does the truth lie? One potential source of information is the modern standard-bearer of Torah U'Mada: Yeshiva University.

At first glance, an analysis of Y.U. seems to indicate that Torah U'Mada is just another name for Torah U'Mammon; the accounting department is overcrowded, and plans for a business school were recently announced. There are even rumors that students take certain instructors solely because they are reputed to be easy graders. (I'm not *mekabel*, of course.) And in some Yeshiva circles, getting into grad school has replaced the acquisition of knowledge as the prime goal of a college education. But upon closer examination one finds that there is an underground movement at Yeshiva, which believes that *mada* means knowledge. Some *Talmidei Hayeshiva*

have been caught actually doing the reading for Survey of English Literature and Introduction to Philosophy, and there is a rumor that not everyone taking physics this term is pre-med. Last week I overheard a student declare (in a stairwell he thought was empty, to be sure) that he no longer believed anti-intellectualism was a *chiyuv d'oraiva*. And upon still closer scrutiny one finds that the third and fourth *sheetot* mentioned above are also represented here at Y.U. We have *aschalta d'yeulaniks* trying to bring the redemption by questioning the validity of learning Torah or symbolically refusing to do so for a few hours every morning; we have people who, when writing articles dealing with religion, will refuse to engage in the "mada" practice of eliminating dangling modifiers. And so it seems that within Yeshiva University itself the same confusion exists as in the scholarly world. To ascertain the true meaning of Torah U'Mada, then, we shall have to go back in time to its

and Y.U. was founded not by a Torah U'Madaist but rather by a religious anarchist. Scholem's view has the added advantage of justifying the chaotic theological state of present-day Y.U. In any case he has proven that the roots of Torah U'Mada lie elsewhere.

Perhaps the most interesting theory about the origin of Torah U'Mada claims that it was born as the result not of a redaction but rather of a split. Proponents of this theory disagree among themselves as to the date of that rift, with some arguing that it began in the Middle Ages with Rabbi Solomon ben Adereth's limited ban on Greek philosophy, and others placing it in the late 1960's at the time of the Yeshiva University charter change. The latter *sheeta* has some important implications for arguments stemming from that split. But the fascinating thing about this theory is not its explanation of present-day *hashkafat* but rather its view of Torah and Mada as essentially one. This opi-

An Orthodox rabbi claims that Torah U'Mada will be replaced by Mada U'Torah and, finally, by Madua Torah

beginnings — and to do that, of course, we shall have to find out when and who those were.

One theory is that Torah U'Mada was developed by the founder of Yeshiva University, a man identified as Bernard Revel. This view believes that the true meaning of Torah U'Mada has been lost with the fragmentation of Y.U.'s *hashkafa*, as there are no other sources in which to find it. Gershom Scholem has disproved this theory, though, by establishing that the only Bernard Revel alive at the time of Y.U.'s birth was a Texas oilman. "Bernard Revel" must therefore be, as Scholem claims, a Sabbatian pseudonym.

nion, of course, cannot be accepted without evidence. Some scholars have argued that such evidence lies within the Pentateuch itself, in that text's use of polished literary technique. This opinion, however, presupposes the inclusion of literature in the category of "Mada" — an inclusion that has been bitterly disputed, though the only logical alternative seems to be its inclusion within Torah. The same dissension occurs regarding philosophical concepts and mythological symbols in *Tanach*. It seems, then that we shall never be sure of the true T.U.M. Well, *vive le difference!* And may the best *mada* win.



Urbanize

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The answer to this question, from the Jewish standpoint, can be observed in the words and actions of Jacob when he left his father's home while fleeing his brother Esau.

The Torah in Genesis 28:9 tells us about Jacob's dream in which angels of God came down a ladder whose head reached until heaven to escort Jacob on his journey to the house of Laban. Upon awakening, Jacob realized that he was in a holy place and he exclaimed "This is only a house of God — for this is the gate to heaven." Then, in verse 19, "He called the name of the place the house of God, and yet, Luz was the name of that city at first."

Later, when Jacob returned to Israel and stopped at the same spot to sacrifice, he again renamed the place the house of God. The commentaries explain here that Jacob realized that he might have lost some of his belief in God during his stay with Laban. Therefore, upon returning to the land of Israel, he went immediately to a place representing Godliness and purity. Only with the mindset of Bet-El — House of God — could he then continue on to the city of Shechem.

This explains what God wants in a city. This explains how the Torah can have a Bet-El and a Shechem. If one approaches urban life with a positive attitude toward belief in God and Torah observance, then that person's urbanization and development will be viewed favorably by the Torah. If, on the other hand, a person removes himself from his relationship with God, and further defies God by becoming self-satisfied in his developed state, then that city is Luz or Shechem or Sodom . . . but never a complete city, a city of David, a true city.

Farewell

continued from page 2

Tendler's appearance at a YCDS production, we neglected to mention Rabbi Blau's name; yet his role in mediating that event was vital. However, a footnote or mention would not suffice, either. Rabbi Blau shares a unique relationship with Yeshiva's students. He consistently demonstrates his confidence in them — by sharing information, new ideas or non-conformist opinions. In return, students trust him — with their thoughts and problems. And the communication is not limited to a narrow definition of *daled amot shel halacha*. In an institution fraught with contradictions and tensions, Rabbi Blau represents a model for synthesis. An anecdote can be more revealing than a description. Here's an observation of my own. Rav Moshe z"l died on the night of *erev Purim*, about the same time we completed our *Hamevaser Purim* issue. Students who had heard of the *pirah* were despondent and broody. SOY was unsure whether to continue with plans for the Purim *Chagiga*, but Rabbi Blau decided that *simchat Purim* must override even such an overwhelming *avelut*, and the *Chagiga* should go on. (He spoke at the *Chagiga* to emphasize the point.) I then spoke to him about our *Ham & Vasser*. My concern was twofold: Rav Moshe's honor and people's gloom. As to students' mood, Rabbi Blau suggested we evaluate that at the *Chagiga*. With regards to propriety, in addition to repeating his remarks about the *Chagiga*, Rabbi Blau added a consideration uniquely his own: many people had spent hours and days to ensure that the issue be released by Purim; would it be fair to them to withhold it?

That students turn to Rabbi Blau for advice about a *chagiga* and paper is encourag-

Bible Stories

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glance R. Yehuda's explanation seems to be pure *drush*, completely removed from the context of the verse. However, as a result of our own inquiry we saw that the word *ivri* here is indeed being used to denote Avraham's separateness from others. While this might be a complete coincidence, it is also very possible that even as *drush*, R. Yehuda's explanation is grounded in *pshtat*.

Rav Mordechai Breuer tells the story of a secular Israeli Bible scholar who once remarked to him that he was positive that God was the author of the Bible. Rav Breuer, taken aback by this statement, coming as it was from a man who wore no *kipah* and spent *Shabbat* on the beach, asked how he was so certain. He replied that it was impossible that such a great work could be the product of the human mind! How many of us have studied *peshto shel mikra* (for this was certainly what this man was referring to) intensively enough, not ascribing every unusual word or phrase only to the realm of *drush*, but rather understanding the brilliance of their usage in the simple sense of the verse, that we would be capable of making such a statement? In the opening of his commentary to *Vayeshev*, the Rashbam writes that Rashi (his grandfather) admitted to him, "Illo haya lee pnai hayiti tzarich la'asot perushim acherim kefi hapshatim hamichadshot bechof yom: If only I had time I would have to write other commentaries according to the simple sense of the words which are newly revealed each day." By using these literary techniques, bringing our best efforts to bear to understand the Torah, we are truly continuing the legacy of the Rashbam and other *parshanim of peshto shel mikra*, exegetes of the simple sense of the verse, to understand what God was communicating to us through the words of the *Tn"ach*.

ing, but natural. That he insisted the *chagiga* take place, demonstrates his courage. But his human sensitivity, his compassion for my friends and co-workers, clearly distinguished him. I learned from him in a very practical sense at a very emotional time that the *ben Torah* considers people and their feelings in his religious decisions. With his learning, trust and sensitivity, Rabbi Blau achieves a special relationship with Yeshiva's students, in general, and *Hamevaser*, in particular. His advice is golden, his vocal defense of our right to publish priceless. For this and all else, I thank him.

Mr. Nachum Barishansky's "Newer Molds — Different Goals" (April, 1986) distinguishes between Yeshiva's *semicha* program and those of traditional *yeshivot*. The Supplementary Rabbinitics and Contemporary Halacha course offered by Yeshiva help produce pulpit rabbis "with the ability to cope with present-day problems," while the "singlemindedness" towards learning Torah of the traditional *yeshivot* "has been able to create vibrant *yeshivot* in rural areas previously lacking in vital Jewish religious life." In his words, "The *yeshivot* provide teachers for the coming generation, while the *shuls* guarantee that there will be another generation to be taught." A surface reading of the article suggests that Yeshiva maintains the overall spiritual welfare of the Jewish community, but the *lomdei Torah* and *talmidei chachamim* arise primarily from more traditional *yeshivot*. Perhaps Mr. Barishansky means less than his words imply, merely pointing to the different practical goals of the two groups. Certainly, Yeshiva's emphasis has been on the establishment of *shuls*, while traditional *yeshivot* concentrate on opening additional *yeshivot*. Furthermore, traditional *yeshivot* may reject certain courses indispensable to the contemporary pulpit rabbi as deleterious

Boxes

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hand, we risk aiding assimilationist tendencies within the community, and on the other, we face the prospect of dividing the Jewish people in two. Yet as important as the issue is, armchair decisions are made and promulgated at an alarming rate. We often make such decisions by pulling the answer out of a box. But though we may know the Torah issues well, our evaluations of the underlying reality frequently results from *a priori* models of what non-Orthodox Jews are like and how they will respond to our actions, rather than being based on the state of the current real world situation. If we do not accept a *posek* who has never seen a *ketem*, we ought not accept a *psak* which is not based on an accurate, non-stereotyped understanding of Conservative and Reform rabbis and laymen.

Once again, knowledge provides the key. If the Orthodox world wishes to impact upon the general Jewish community, whether through *kiruv*, political organizations, or as role models, we must commit ourselves to acquiring an understanding of the various non-Orthodox movements — through whatever means we ultimately deem appropriate. (Needless to say, personal contact is possible outside of Forums to Discuss Important Issues.) Furthermore, we must avoid condemning the possibility of interaction and cooperation until we acquire a clear vision of the realities involved. Most importantly, we ought to open and empty the boxes we keep stacked so neatly in our heads. It may leave the shelves of the mind slightly messy, but rest assured we will be able to find and apply the correct information when we need it.

to Torah study. However, any hint of a lesser Yeshiva commitment to Torah *lishmah* is deflating and unfair. Yeshiva produces its full share of *talmidei chachamim* and *melamdei Torah* (evidence our own respected Roshei Yeshiva, as well as some YU-trained Roshei Yeshiva in the "right — wing" world). We at Yeshiva disagree with the "right-wing" assertion that our *semicha* program "inherently weakens the selfless dedication to Torah study in its purest form." I strongly doubt that other *yeshivot* produce a greater percentage of *talmidei chachamim* than Yeshiva's *semicha* program; by suggesting otherwise Mr. Barishansky degrades the very program he writes to defend. Yeshiva deserves the respect Mr. Barishansky calls for, but not just for producing "pulpit rabbis." The *chinuch* vs. pulpit decision is one faced by all aspiring rabbis; the general trend at Yeshiva changes every few years. The only real constant has been the continued growth to Torah-*lishmah* — as each year, *yomam v'layla*, room in Yeshiva's *Beit Midrash* seems ever harder to come by.

Letters

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"Whoever denies the authenticity of Torah She Ba'al Peh is a *Tzaduki*." The Rambam adds, "veha machish magede'ha — whoever denies the authority of the scholars of the *mesorah*." Why did he add these words?

Under the category of *Kofrim beTorah* are classified not only those who deny Torah She Ba'al Peh — there is no doubt about that — but even those who admit the truthfulness of

Nagar

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not only between the secular and halachic but even within the halachic framework itself. With little imagination, one can conceive of further questions and pressures sprouting from a (secular) State court using halacha to reach its decisions.

Yet, rather than waiting for the ultimate redemption, we can help bring it — by slowly integrating Halacha into the Israeli legal system. When, relatively recently, a law was enacted recognizing *mishpat ivri* as a legally valid source of law-and-precedent for the Israeli courts, a door was opened. Rabbi Herzog, then Chief Rabbi of Israel, once wrote (*HaTorah V'HaMedinah*, vol. 7 pp. 9-12) that he considers it a great *chilul Hashem* for a Jewish State to be governed by secular law and further urged that we prepare *mishpat ivri* in an *Aruch HaShulchan*-like fashion, acceptable to jurists. "Perhaps, if we have prepared a book like this, they will not completely ignore the laws of the Torah... And if, in this way the Torah will be somewhat disguised, at least the *chilul Hashem* will not be as great." His words remain ever timely.

One final point: exciting and surprising *psakim* such as that of the *Nagar* case currently emerging from Israel can be traced less to the Israeli Supreme Court or to the special tribunals, than to the *Batei Din* themselves. Unlike in America, where all too many Orthodox Jews turn to American courts to resolve disputes, Israelis turn to *Batei Din*. Learning and training begin in the four walls of the *Beit Midrash*, but complete application of these *daled amot shel halacha* can occur only in a recognized — and utilized — *Beit Din*.

Torah She Ba'al Peh but are critical of Chazal as personalities. They find fault with *Chachmei Chazal* — faults in their character, or in their behavior, or they had some prejudice. He is a *kofar*, for he denies the perfection and truthfulness of Chazal.

I come from a rabbinical house. Believe me, Reb Chayim used to try his best to be a *maikil*, but there are limits to Reb Chayim's *kulot*. When you reach the boundary line, all you can say is, "I surrender to the will of the Almighty".

These are the words of Rabbi Joseph B. Soloveitchik in his article, "Surrendering to the Almighty" (*Light* number 116, Kislev 17, 5736). *Divrei harav vedivrei hatalmid divrei mi shomeem* — the words of the Rabbi are one way — the words of the *talmid* are another — to whom does one listen?

Rabbi Ron Yitzchok Eisenman
RIETS '85

The charge of heretic is a severe one and deserves a reply. In the interest of fairness, a rebuttal by Rabbi Harbater would be appropriate, however, publishing deadlines and other circumstances make such a response impossible.

Hamevaser congratulates
Rabbi
Shalom Carmy
on the receipt of the
prestigious Moshe and
Madeline Baumel Judaic
Faculty Incentive Award.
Yiyasher Kochacha.

Closing the Book

By CHAIM BOOK

This, my very last column, is the one in which I'd like to thank all of those who have helped and participated in S.O.Y. projects over the past year. It also serves as a reflection on the year's activities. But most important, I would like to point out the past progress and future potential of S.O.Y. S.O.Y. achieved the goals its Executive Council set for it: to create new respect for S.O.Y. as a student council and to increase student representation as an integral part of its regular activities.

S.O.Y. has gained thTis new respect by being the most active student council on campus this year. As usual, we held our annual *chagigot*, sales, *shabbatonim* and special *shiurim*. Thanks to Yosef Schreiber for his great job on the *chagigot*, and to Alan Friedman, Ronnie Morris, Moshe Mirsky, David Cooper, Adam Rosenbloom, Alan Tennenberg, Benjy Schmeltz and Binyamin Jungreis for the terrific publicity for all our events. Our appreciation to Daniel Greenwald, Elchanan Dulitz, Murray Sragow, Aaron Tirschwel, David Lehmann, Adam

Rosenbloom, Ari Stern, Yisroel Samson and Heshy Sommer for the many hours they invested in the *Seforim* Sale. And special thanks to Danny (KBY) Mann for a job well-done on the *Shabbat* program.

S.O.Y. also strove to improve the physical and spiritual aspects of the *Beit Midrash* and campus *minyanim* — through the purchase of bookcases, a bulletin board, and *sefarim* for the *Beit Midrash* and *talliot* for the *minyanim*. We distributed hundreds of dollars of *tzedaka*. We published two new volumes of *Bein Kotlei HaYeshiva*. We reprinted the *Yeshiva University Haggada* under the continued supervision of editors Steven Cohen and Kenny Brander. Through the efforts of Barry Schuman, Barry Gross, Hillel Horowitz and Gershon Segal, a new volume of *Beit Yitzchak* was published. Finally, Yisroel Samson should be singled out for his success with the innovative *parashat hashavua* weekly, *Enayim L'Torah*.

At the start of the school year, S.O.Y. felt concerned about the *kashrut* standards at a restaurant popular with Yeshiva students — Bernstein's on Essex St. — and therefore

helped influence them to obtain the *hashgacha* of the *Kuf-Kay*. Every activity, event, club or publication of Jewish content on campus was made possible with the help of S.O.Y. For example: WYUR, Anti Cult and Missionary Club, SSSI, *Daf Yomi*, the MBD concert, Yom Hashoa and Yom Haatzmaut programs, the Disco Rabbi, and, of course, *Hamevasek*. Thank you to all the student leaders for making this year a successful one for S.O.Y.

Student representation was an important issue in last year's election. Once elected, the Executive Council of S.O.Y. began to fulfill its campaign promises. Our first action at the end of last year was to form the M.Y.P. Committee, through which students meet regularly with Rabbi Charlop, Rabbi Blau and several *Roshei HaYeshiva*. I would like to thank Mordechai Cohen, David Hertzberg, Barry Schuman and Nattali Hartzstark for serving as student representatives. Aside from the Committee, I also met individually with Rabbi Lamm, Rabbi Hirt and Rabbi Charlop to discuss and attempt to resolve the special concerns of the M.Y.P.

student. I hope that this trend towards increased communication between students and administration is one that will grow in the future.

I would like to express special *hakarat hatov* to several individuals. Without Ben-Zion Fuchs, the *Lulav and Etrog* Sale would not have been as successful, the Disco Rabbi not as popular, and the *Seforim* Sale not at all. So, thanks Ben-Zion for everything. Thank you Benny Adler for all your behind-the-scenes work; God knows keeping track of our finances was no picnic. Thanks to my roommates Mordechai ("Fred") Friedman and Bruce Schwartz, as well as the entire second-floor Morg, for all your help (especially the "*Kashrut* Committee"). Our gratitude to the departments of Security, Housekeeping, Buildings and Grounds, Alumni and Development for their assistance and support. Finally, to Dr. Nulman, Dr. Rothenberg, Robert Katz and Norma Galio for their consistent help. The ultimate applause, however, goes to all who offered ideas and aid — helping S.O.Y. to succeed as never before.

Stars of Jewish Studies

By JOSHUA SHOSHAN

A valedictorian should represent the ideals of his school and embody the best it has to offer. The 1986 honorees of Yeshiva University's Jewish studies divisions, selected by the faculty and *rebbeim* of their respective institutions, certainly do so. The experiences and opinions of David Wasserman of the James Striar School, Jonathan Holland of Isaac Breuer College and Daniel Mann of the Mazer Yeshiva Program give rise to an appreciation of what JSS, IBC, and MYP can give the Yeshiva student; they also show what students in those schools can accomplish.

JSS's Wasserman, a twenty-one year old native of Flushing, is no stranger to the valedictory; he received the same honor upon graduation from John Bowne High School. At Yeshiva College, which awarded him a Belkin Scholarship, David majored in economics and minored in computer sciences. His on-campus extra-curricular activities included membership on the fencing team, disc jockeying for WYUR, and serving as Jewish Affairs Director for that station. He has also been actively involved in the Center for Return, a collegiate outreach organization. David's last two summers have been spent learning in the *JSS kollel* in Camp Morasha. He plans a career in law and has been accepted to the law schools of Harvard, Columbia and New York Universities. David stated recently that attending JSS had given him an excellent foundation in learning, one ranging "from the challenge of tackling original texts, to the importance of studying *hashkafa*, to the honor of learning from great *talmidei chachamim*." He added that "attending YU has meant being in an environment where Torah is taught not only in *shiurim*. Rather, we can see its precepts being performed in the dormitories just as one sees

them being learned in the *Beit Midrash*. My experiences here," he concluded, "have truly been meaningful and God willing will stand me in good stead in the future as a member of the Jewish community."

Jonathan Holland of Teaneck, IBC's twenty-two year old valedictorian, is also familiar with graduation awards; he was salutatorian of Frisch Yeshiva High School. He, too, received a Belkin Scholarship at Yeshiva College, where he majored in computer sciences. Jonathan was also very active in the CompuSci Society and has worked in a computer firm the last few summers. He plans to work next year as a computer programmer and hopes eventually to attend graduate school in the computer field. Jonathan spent his junior year at Yeshivat Hamivtar in Israel, an experience which complemented his IBC major in Talmud. Jonathan describes the IBC educational program as "truly unique," spanning "not only Talmud, *Tanach*, and Jewish philosophy, but also modern *halachic* problems and psychological themes in *Halacha*." He adds that it's a place where "one learns traditional Talmudic attitudes, as well as those of contemporary Hebrew culture, taught by some of the top scholars in their fields." Jonathan feels that the smallness of IBC is an advantage because it fosters close *rebbe-talmid* relationships. He also cheers IBC's use of Hebrew as the basic language of instruction, arguing that familiarity with the language "can only help them (students) as they continue in their learning." "IBC," he concludes, "provides one with both the skills and desire to further one's Jewish education."

MYP's valedictorian, twenty-two year old Daniel Mann of Kew Garden Hills, attended MTA for high school. As a junior there he was enrolled in Rav Willig's college *shiur*.

Following his freshman year in YC, Danny spent two years at Yeshivat Kerem B'Yavneh. Since returning to YU in 1984, he has learned in Rav Schachter's *shiur*. A Belkin Scholar and computer science major in YC, Danny has been serving as coordinator of YU's residence hall *Shabbat* programs. He feels, though, that night *sefer* has been his most important extra-curricular activity; in fact, he feels that it is "the most rewarding learning experience for most *talmidim*," one "where the voluntary extra-curricular nature of the learning bolsters the feeling of *Torah Lishma*." Danny is continuing a family tradition by studying at YU; among other relatives, his father received *semicha* from RIETS. He feels that this background has given him something necessary for success in MYP — "the initial motivation and the ability to persevere the triple program: *limudei kodesh*, *limudei chol*,

and recreational pursuits." Danny's success has certainly extended to *limudei chol*; he was a candidate this year for YC valedictorian as well.

Danny pushes for greater participation in Yeshiva ventures such as *chagigot* and SOY *shabbat*, which he feels help unite the Yeshiva. On a personal note, he says that some of his fondest memories "will be of friendships with *chavrutot* and other *chaverim*, forged around our *limud Torah*." After graduation, Danny will join the *kollel* while remaining in YU's *semicha* program. He says that "it's nice to be able to graduate and still remain within the same *kotlei beit midrash*," and adds that he feels one never truly graduates from a Yeshiva: "We refer to a *talmid chacham* as a *talmid* because the process is never complete." Ultimately, Danny plans to go on *aliya* and teach *limudei kodesh* in Israel.

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Nagar v. Nagar: Secular Halacha?

By YOSSI PRAGER

Talmud Torah for women is one of American Orthodoxy's "hot" issues. Hamevaser alone published two articles this year discussing the issue, and both drew abundant and vehement response. Despite the exposition and argument, little has changed — halachically or practically — as a result: individual women decide whether or not to learn. However, in a Jewish State, even one guided mostly by secular courts, women's obligation to learn — and teach — Torah can have important legal implications.

Israeli law provides that marriage and divorce fall under the jurisdiction of *Batei Din*, to be judged on the basis of Halacha. On the other hand, secular courts apply secular law in making custody decisions, unless both parents agree to ask a *Beit Din* to rule. A law dating back to 1929 mandates that in case of a jurisdictional dispute, a special tribunal, composed of two members of the Israeli Supreme Court and one representative of the *Beit Din HaRabani HaGadol*, be assembled to decide the question. Such a tribunal was convened in what has become a landmark case: *Nagar v. Nagar*.

In 1974 an irreligious couple named Nagari filed for divorce in the Tel Aviv-Yafo *Beit Din*. The divorce agreement, affirmed by the *Beit Din*, contained a number of provisions: while custody, child support, and education of their two sons, Elad and Asaf, would be Mrs. Nagar's responsibilities, their father would be allowed unlimited visitation privileges. Furthermore, any future dispute involving the children would be settled in a *Beit Din*, its decision binding on both parties.

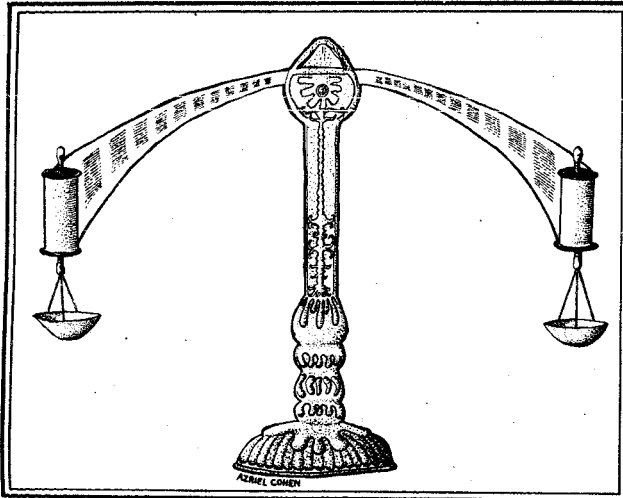
Between March 1974 and January 1976, Mr. Nagar underwent treatment in a mental health hospital. In January of 1980, Mr. Nagar, who had by then been *chozer b'teshuva*, petitioned the *Beit Din* for custody of the children. The *Beit Din* interviewed Elad and Asaf, who refused to return to their father. In June, 1980, the *Beit Din* postponed further discussion until November and restricted Mr. Nagar's visits to once every three weeks.

In July, before further custody discussion had been initiated, Mr. Nagar petitioned the *Beit Din* on another issue: in light of the change in his religious observance, he wished his children to attend a State religious school (*mamlachti-dati*). The *Beit Din* released a short *psak din* granting his request. Mrs. Nagar then appealed to the *Beit Din HaRabani HaGadol*, the appeals court of the *Batei Din HaRabani*. (Although the Halacha

Justice Shamgar and Justice Alon of the Israeli Supreme Court and Rav Kapach of the *Beit Din HaRabani HaGadol*, convened to assign jurisdiction in the case.

The three judges published their unanimous opinion on February 2, 1984. Written by Justice Alon, most of the 45-page opinion is devoted to technical discussion of the jurisdictional question, refuting various arguments presented by the district court judge. After ruling for the *Beit Din*, the tribunal chastised the district court for overstepping its bounds and creating the complicated, almost comical, situation brief-

ly outlined here. However, the last twelve pages of the opinion deal substantively with the *Beit Din*'s ruling that the two sons be enrolled in a State religious school over Mrs. Nagar's objection. (Since the *Beit Din HaRabani HaGadol* had not reviewed the question yet, the tribunal's codicil should be viewed as "advice," not law.)



the responsibility to educate their children in *shmirat hamitzvot*. The *Chayei Adam* 65:2 quotes two opinions on the question. In addition, both Rabbi Yonah and the *Shla* write that women bear the major responsibility for educating children, if for no other reason than their constant presence at home.

Alon continues to broaden the scope of "chinuch": raising children involves more than *Torah u'mitzvot*; it requires molding a complete personality. The *Rashba* (in the *respona* attributed to the *Ramban*, 38) rules that beyond age six, a son should live with his father — "so that he [the father] will

the conclusion of [a discussion in] *Torah Sheba'al Peh*, without questions and answers." Alon quotes a number of *rabbanim* who permit or require teaching *Torah Sheba'al Peh* to women, closing with a quotation of Rav Aharon Lichtenstein (from *Halsha V'Chinuchah*):

"To my mind, it is appropriate and necessary to give intensive education to girls also in *Torah Sheba'al Peh*, either because of the claim that women are involved in all fields — why should they suffer in *Torah*, or because of the words of the *Chafetz Chayim*...

"To my mind, ...we should elevate education for girls, both in quantity and quality...

...And when they teach, they should do so in depth... I have no objection to teaching girls *gemara*... It should even be an integral part of their education in school, *shur mamashi*... And this seems to me the advisable path for the community of girls in our generation."

Alon (with Rav Kapach concurring) then leaps from women learning to women teaching. The *gemara* exempted women from educating their children because they themselves bore no responsibility to learn; today, when — as we have just read — women are required to learn, they must teach their children, too. On this basis, Alon uproots the local *Beit Din*'s conclusion in the *Nagar* case.

To be sure, Alon repeats, there can be no simple ruling in the *Nagar* case. The general principle dictates that the court decide with the children's best interests in mind. Yet "best interests" is a term that defies objective definition. So long as the decision of the *Beit Din HaRabani HaGadol* (which could now begin discussion of the case) weighs all factors — religious, educational, and medical

ly outlined here. However, the last twelve pages of the opinion deal substantively with the *Beit Din*'s ruling that the two sons be enrolled in a State religious school over Mrs. Nagar's objection. (Since the *Beit Din HaRabani HaGadol* had not reviewed the question yet, the tribunal's codicil should be viewed as "advice," not law.)

The local *Beit Din* justified its ruling on the grounds that the Torah places the obligation to educate children on the father alone. Thus, even though Mr. Nagar had been denied custody of his sons and does not contribute to their support, he retains authority to choose their school. Justice Alon comments that this ruling may violate the special law mandating sexual equality even when that contradicts halacha, but in any case, halacha itself contradicts this ruling.

First, the guiding halachic principle in any guardianship question is the best interests of the child. In the *Nagar* case, the children live in an irreligious home. Certainly, Mr. Nagar's return to *Torah u'Mitzvot* justifies his request that his children receive a religious education. Yet, shouldn't the *Beit Din* consult educators and psychologists to help determine the effect of such a traumatic change in the boys' lives? Shouldn't the complexities of the case preclude such a terse *psak din*? Of course, a complete evaluation might suggest that changing schools would promote a stronger bond between father and children — upholding the *psak*. Regardless, the evaluation should be made.

Second, the guiding halachic principle in any guardianship question is the best interests of the child. In the *Nagar* case, the children live in an irreligious home. Certainly, Mr. Nagar's return to *Torah u'Mitzvot* justifies his request that his children receive a religious education. Yet, shouldn't the *Beit Din* consult educators and psychologists to help determine the effect of such a traumatic change in the boys' lives? Shouldn't the complexities of the case preclude such a terse *psak din*? Of course, a complete evaluation might suggest that changing schools would promote a stronger bond between father and children — upholding the *psak*. Regardless, the evaluation should be made.

Turning to the *psak* itself, Alon begins by chipping away at the exclusivity of men in some areas of *chinuch*. Women, too, may share the burden of *chinuch l'mitzvot*. According to the *Meiri* (*Nazir* 28b), the dispute between Rav Yochanan and Reish Lakish over the reason for women's inability to make their sons *nezirim* centers around this very issue. Further, *Rashi* on the first *mishna* in *Chagiga*, as well as one opinion in *Tosafot* (*Ervin* 82b) clearly holds that women share

The Beit Din found a pat "halachic" excuse to resolve a complex issue

(taking into consideration the mental health of the father) — with the "best interests" of the children in mind, its decision will stand in the Israeli Supreme Court.

One is left with a question Alon asks near the end of the opinion: had the case been reversed — the mother religious and the father irreligious — would the *Beit Din* have maintained its rationale and ruled differently? Alon seems to accuse the *Beit Din* of a simplistic ruling, finding a pat "halachic" excuse to superficially resolve a complex issue.

The *Nagar* case initially grabbed me because of its revolutionary conclusions: a definite *chiyuv talmud Torah* for women with a corresponding obligation to teach *Torah*. However, the case also serves as a lesson in the complicated and multifaceted nature of Israeli law.

Some in Israel, and with the increased use of *meshpat ivri* in Israeli legal cases (see Dov Frimer's article in the October, 1984 issue of *Hamevaser*) they have become more vociferous; view the incorporation of Halacha into the secular legal system as sacrilegious. Halacha's authority must remain supreme and divine. Certainly, the *Nagar* case highlights the tensions that arise

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The Torah places the obligation to educate children on the father alone

does not normally recognize a court of appeals, the *Rabbanan HaKashit* has enacted a *Takkanat Beit Din*, establishing the *Beit Din HaRabani HaGadol* as halachically binding.) At the same time, Mrs. Nagar raised an entirely new claim — that the *Beit Din* had no jurisdiction over the education of her children.

Before the *Beit Din HaRabani HaGadol* handed down a decision, Mrs. Nagar brought the case before the secular district court. Over the next year, both the *Beit Din* and the district court repeatedly ruled on the case — the former for the father, the latter for the mother — each claiming exclusive jurisdiction. A special tribunal, composed of Chief