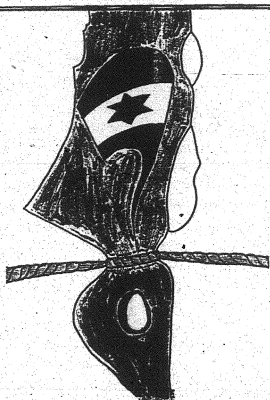


# I S R A E L

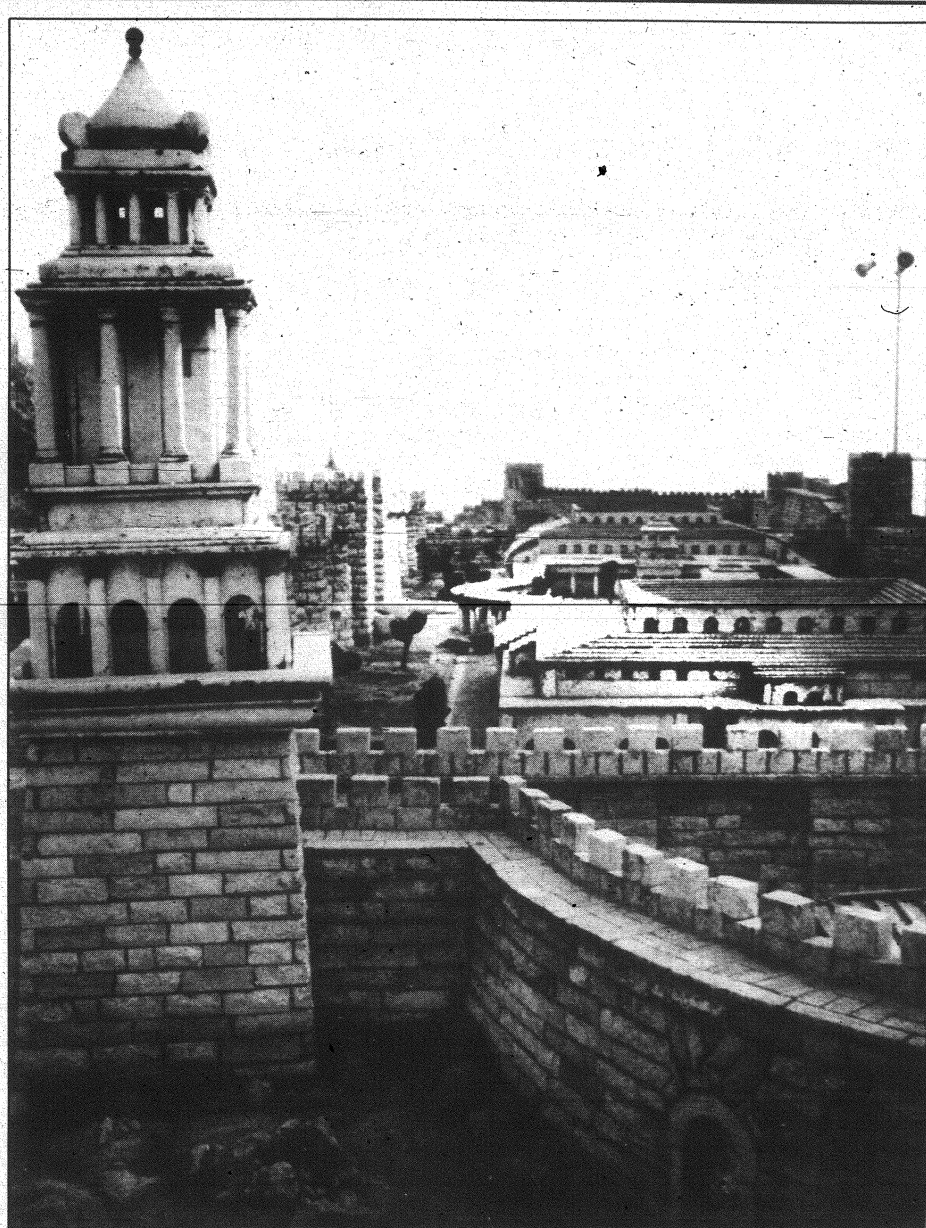


# HAMEVASER

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## A Welcome Opportunity

Once again, the floodgates of schoolwork have opened, their waters dragging many YU students down from the spiritual heights of the *Yamim Nora'im* and *Sukkot*. As exams, readings, and papers pile up, we often find *mitzvot* becoming more burdensome. *Talmud Torah*, *davening* on time, etc., take a back seat to more "pressing" matters. While there are clearly some *ma'amarei Chazal* which refer to *mitzvot* as a burden, it would profit us rather to view *mitzvot* as an opportunity.

Indeed, it is not difficult to find *ma'amarei Chazal* which speak of *mitzvot* as a gift from God, given for our benefit. "God wished to grant merit to Israel; therefore He gave them Torah and *mitzvot* in abundance." *Mitzvot* should bring *kédusha* into our everyday acts and focus our attention on what really matters. By elevating our natural desires and bringing out what is divine in each of us, *mitzvot* bring us nearer to our ultimate goal, cleaving to God.

But when we mumble a *berakha rishona* or rush through the end of *shacharit*, are we aware of all this? Do we experience God's presence, or are we just trying to "be *yotzei*?" Can we possibly fulfill our spiritual potential through zombie-like *kiyyum hamitzvot*?

Armed with an understanding of *mitzvot* as a God-given opportunity for spiritual growth, we should experience more than just a sense of elevation in their performance. We should feel actual joy that we are privileged to approach the Divine through our simple acts. Perhaps such an awareness will enhance our semester with a much-needed sense of *simcha shel mitzva*.

## Welcome Results

Hamevaser's Zionism survey confirmed the strong correlation between spending a year in Israel and intentions to make *aliya*. But the year's positive effects extend far beyond that. While fifteen years ago the nightly *beit midrash* crowd all knew each other on a first-name basis, there are now perhaps two hundred students learning in the *beit midrash* each night. No *beit midrash* at all existed at Stern until several years ago. One suspects that the Israel Program has been largely responsible for the change. The year in Israel also provides an opportunity for students to develop and mature before entering the college grind. The administration should be commended for supporting such a worthwhile program despite Yeshiva's attendant financial losses.

## Welcome Additions

Hamevaser welcomes YU's new Judaic Studies faculty members: Dr. Don Well, Associate Dean of Undergraduate Jewish Studies; Rabbi Meir Goldwicht, RIETS, Rabbi Reuven Aberman, Dr. Chaika Novetsky, Dr. Abraham Nuriel, SCW; Rabbi Alan Brill, IBC; Rabbi Howard Jachter, JSS; Rabbi Joshua Mark, Rabbi Shalom Richter, Rabbi Feivel Smiles, Guidance, JSS. Hamevaser also welcomes Dr. Haim Soloveitchik back to a full-time position at BRGS and welcomes Dr. David Sykes back from a sabbatical.

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Hamevaser wishes mazel tov to the following couples:

- Adina Mosak and Shimon Moshavi on their marriage;
- Joel Beasley and Debby Nowosiolski on their marriage;
- David Ehrenkrantz and Ilyse Braun on their engagement;
- Avraham Witty and Laya Glazer on their marriage;
- Barry Finkelstein and Alyssa Schwartz on their engagement.

# HAMEVASER

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# Watching the Sun Rise

by David Neustadter

Rashi Genesis 1:1

Rabbi Yitzchak said the Torah should have started with "This month is for you" (Exodus 12:2), which is the first commandment given the Jews. If so, why did the Torah open with Genesis? As the verse in Psalms 111:6 states, "He has declared to His people the power of His works, that He may give them the heritage of the nation." - if the nations of the world will say to the Jews "You are thieves! You took the land of seven nations by force!", they will say to them "All of the land belongs to God..."

Rashi Psalms 111:6

The *Midrash Tanchuma* says "He wrote the story of Creation for the Jews to inform them that the land is His and it is in His hand to settle in it whomever He wants and to expel those and settle others, so the nations cannot say to the Jews 'You are thieves! You took the land of seven nations by force!'"

Both of these Rashi excerpts cite *Midrash Tanchuma*. But a careful reading reveals that while Rashi on Psalms quotes the *midrash* verbatim, Rashi on Genesis expands the application of the passage. The *Midrash* itself refers only to Creation per se, yet Rashi extends the reasoning of this *midrash* to all of Genesis. An obvious question emerges: why does Rashi feel that the rest of the Book supports our rights to the Land of Israel?

Before suggesting an answer, one must first note that the *midrash* probably requires a non-literal understanding. It is unlikely that our Torah's statements describing God's creation of and sovereignty over the world will convince the other nations that our claims to the land are valid. More likely, the *midrash*

means that the Creation is recounted in order to reassure us; we should not feel as though we are stealing the land, because we believe that God has given it to us.

Rashi may mean to apply to all of Genesis a form of "*ma'aseh avot siman le-banim*" (actions of the fathers are a sign for the children) regarding our rights to, and relationship with, Israel. This connection can shed light on why the land is so often called "the land which I have promised to your forefathers." We should follow in the ways of our three fathers, and not hesitate to take the land when we are commanded to do so.

*Sefat Emet* on the verse "And Isaac went out to to meditate in the field" (Gen 24:63) quotes the famous *midrash* which posits that Abraham instituted the prayer *shacharit*, Isaac instituted *mincha*, and Jacob instituted *ma'ariv*. Rabbi Yaakov Medan of Yeshivat Har-Etzion correlates the relationship of each of the forefathers to Israel and the prayers each originated. Life outside of Israel, metaphorically considered dark and dangerous, is compared to night, while life inside is bright and secure, like day. Abraham entered Israel, so we say his prayer as the day begins; Isaac never left Israel, so we say his during the day; Jacob left Israel, so we say his just after dark.

This cycle of entering and exiting day underlies the *Midrash's* association of the fathers and their corresponding prayers. The fathers' relationships to Israel foreshadow the cycle of exile and redemption represented in the *Midrash* by a night and day that repeat themselves throughout Jewish history.

Within this cycle, we are clearly in a dawn period, the part represented by Abraham. When told "Go from your native land," Abraham did not sit still. Why do we?

# Orthodoxy on the Hill

On Thursday October 26, Ari Ferziger and David Debow of Hamevaser interviewed Sen. Joseph Lieberman by telephone. Sen. Lieberman is the first Orthodox Jew elected to the United States Senate. Excerpts from the interview follow.

**H:** Do you view yourself as a leader of American Jewry?

**Sen. Lieberman:** I'm a senator from Connecticut — the point is that I'm elected to be the representative of the people of Connecticut. Insofar as I'm a senator from Connecticut that happens to be Jewish, I guess that gives me some responsibilities, and they might be called leadership responsibilities; but...I'm not the head of the Presidents of American Jewish Organizations. I'll put it this way: I'm someone Jewish who happened to end up in a position of leadership in our country, and so perhaps there is an opportunity for leadership in Jewish questions as well, but that is coincidental.

**H:** So you would not see yourself having any personal agenda in terms of working with the Jewish community at large?

**Sen. Lieberman:** Not really, no, I think that is for someone in a different position.

**H:** This brings up the issue of dual loyalty. Do you feel a conflict being both a U.S. senator and a religious Jew?

**Sen. Lieberman:** I don't at all. I think that the whole premise of this country is to be open for people of all kinds and all religious persuasions. I certainly don't feel any conflict between my religious observance and my role as a U.S. senator. The schedules sometimes conflict, and then I have to make adjustments. There have been two occasions when the Senate met on Friday night, and pursuant to rabbinical advice, I stayed and voted; in one case, I slept over at the Capitol, and the other time I walked home. I don't find a conflict and I should feel good about that.

**H:** Do you take any special interest in Jewish issues on the Hill?

**Sen. Lieberman:** I have a natural and long standing interest in Israel, and really, at this stage of my career, I'm just trying to get to know, personally, the people who are the "players" and the participants in Middle East policy, such as the ambassadors from the Middle East countries etc. There are inevitably occasions when others come to me as a Jewish senator, or to the Jewish senators all together and talk with us about issues dealing with the Middle East or Soviet Jewish immigration.

**H:** What is your position on Soviet Jewry?

**Sen. Lieberman:** I think we ought to try to accommodate them. We have been trying for years to put pressure on the Russians to open up their doors and they are doing that now. We should accommodate as many of them as we can; but there is no way that America can accommodate them all.

**H:** What is your reaction to, in any way, trying to force them to go to Israel?

**Sen. Lieberman:** I think some of that will inevitably happen, but understand that there are 125,000 positions a year that are available to political refugees from around the world. [Political refugees are] people who want to come to America because they live under tyranny. 15,000 of those [positions] are promised to Soviet Jews. That is an enormous percentage. It comes to a point where it is not fair to ask for too many more of them. President Bush is talking about an additional 30,000 [positions] for Soviet immigrants under a special visa category, but the numbers coming out are greater than 50 or 80,000, so inevitably some are going to have to go to Israel — and that's great. That's what Israel is there for, so fortunately, if America can't

accommodate all the Soviet Jews, there is a country that can and will.

**H:** Israel would certainly like to have increased immigration. For the individual Russian immigrant who has the opportunity to enter the United States under the quota, would there be any validity in America's forcing him to go to Israel?

**Sen. Lieberman:** No. I think that goes beyond what American policy should be. I think American policy should be to accommodate a reasonable number of Soviet immigrants, acknowledging the fact that we have an obligation to a lot of other immigrants from around the world.

**H:** Touching on personal issues, what inspired you to get into politics?

**Sen. Lieberman:** There are many causes. If I can do a little self-analysis, I was taught by my rabbis when I was growing up that I had an obligation to serve the community and work for justice, and I think all those lessons sunk in. I also found that as I was in school, I enjoyed being involved in leadership positions. I know that I was inspired by President Kennedy's election in 1960. I was 18 years old, and it was a pivotal time of my life, and his election drew me, and a lot of others in my generation, into politics.

**H:** Do you feel any sense of *kiddush haShem* in your work as a senator?



Sen. Joseph Lieberman

**Sen. Lieberman:** As an observant Jew, any opportunity that I have for *kiddush haShem* is a welcome opportunity. I hope that in no small measure, I will be able to accomplish that in my public life.

**H:** Have you been involved in Jewish study at all?

**Sen. Lieberman:** Really more on my own. Unfortunately, when I was growing up in Stamford Connecticut there wasn't any day school, so I went to an "after school" Hebrew school. I tried on my own to study and read, but I'm not at this time in any normal program.

**H:** Have you studied any Talmud?

**Sen. Lieberman:** A little bit, not a lot... But it has not been part of my background and I regret that.

**H:** There is sometimes a "Yiddishism" of the *gemara kop*. [Have] the insights which the Talmud uses, helped you at all?

**Sen. Lieberman:** The whole range of the Jewish legal experience and ethics are a part of me, they are in my blood...

**H:** Sometimes you come across certain complex moral issues, such as abortion or environmental [questions] which [are] very important to you [NOTE: Senator Lieberman has distinguished himself a champion of environmental causes—ed.]. Have you ever consulted the Jewish ethic on those issues, and if so, has it affected your policy?

**Sen. Lieberman:** Over the years, I have read different rabbinical authorities on the subject [of abortion]. It is a very perplexing and personal question for me, and I have talked to people a lot about it regularly over the years. I have also looked through my own ethical tradition in both cases [abortion and the environment]. My sense is that there's a strong theme of environmentalism in the Jewish tradition.

**H:** You may have come across things within these spheres which are, from a Jewish versus legal perspective, conflicting. Might you see it as your responsibility, in terms of being charged with carrying out the Constitution, to decide a certain way?

**Sen. Lieberman:** No question, my first obligation, first and foremost, is to the Constitution, to the laws, and to the people of Connecticut, who elected me. So candidly, I'd have to say there are a lot of variables...

**H:** There is a concept of *bal tashchit* (prohibition of waste). Biblically, it comes from an idea that when Jews go to war, they can't have wanton destruction of the opposing nation's orchard's.

**Sen. Lieberman:** Sure; that's typical. The whole spirit of creation, *Bereshit*, involves and induces the respect for the environment. We were commanded to plant trees when we enter *Eretz Yisrael*, the whole notion of the Jubilee year and the Sabbatical year suggests that the land and the environment are not ours, that we are just trustees.

**H:** So you see your obligation, as being the "best trustee" possible?

**Sen. Lieberman:** Yes.

**H:** ... As an insider in politics, can you share your thoughts on how Jews could best further their specific interests in politics?

**Sen. Lieberman:** I think the Jews, like everyone else have an opportunity to become involved. With more than twenty years of involvement, I have always been impressed that the [American] system is opened and that people in public office respond to organized input and anybody who wants to get involved and take the time, on the local level, that is of course beyond voting. I assume and hope that everybody would be involved in most political activities — to run for committees and to contribute to candidates. In the ways that the political system involves dependence, candidates and organizations have to rely on others to do work, and they try to respond

to those who do the work. That's the way you get involved and there is a lot of potential for satisfaction there too.

**H:** Do you feel that AIPAC's place in American politics is too influential, or not influential enough?

**Sen. Lieberman:** I believe, (and I say this with a certain amount of independence, because AIPAC did not support me last year, [since] my opponent had been friendly to Israel, and they support friendly incumbents ...), I think AIPAC does excellent job as an organizer of an American Jewish opinion, and input to Congress. I think [AIPAC] handles the Congress very well and is one of the reasons that Israel continues to enjoy solid support from Congress.

**H:** How much influence do you think America should have in Israeli affairs, both domestic and foreign?

**Sen. Lieberman:** We should clearly treat Israel as we do other allies, which is to say, that Israel is an important ally of the U.S., we're friends, we're family, there are things that happen internally which are of concern to us. Internal politics, however, should be under the control of the government of the country, and I think we should be hesitant to intervene. We have a positive role to play in the Middle East, remembering that our first obligation is to Israel, our major alliance is with Israel. To do whatever we can to try to bring about peace to Israel is very much desired.

**H:** In terms of keeping out of internal politics, leaving the internal affairs of Israel, to Israel, can we use our influence to move Israel toward the peace process?

**Sen. Lieberman:** That is more a matter of foreign relations and clearly that could be a [situation where] America has a role, because America has an interest in the Middle East and in the peace process. So there is a role to play but always it should be played, not as a stranger but as a friend and a family. Israel is our ally and it's not just a situation for posture, it's more an opportunity to be helpful. Sometimes you argue with a friend, sometimes you agree, but you don't step out and do so publicly unless, of course there is nothing else you can do.

**H:** But there is room for behind the scene negotiation?

**Sen. Lieberman:** Yes, I think the role that Secretary Baker is playing now is a conservative one, and I hope that his latest efforts will lead to a meeting between the Israelis, the Egyptians, and the Americans, to work for the first steps of implementing the Israeli election plan for the West Bank.

**H:** In relation to the intifada, How do you react to it as a religious Jew, a humanist, and a U.S. senator?

**Sen. Lieberman:** I think it's appropriate to react to it as a U.S. senator. I'm troubled by it, again, thinking of our ally Israel. [The intifada] had an effect on world public opinion toward Israel, making the Palestinians look like the victims, and Israelis look like aggressors, and I think it builds the pressure for peace. This is a situation without a quick solution and that's hard to convince people of. Everybody wants a quick solution, but this is a situation with many deep problems, and the only way to solve them is by taking thing step by step, towards peace and trust. I think that is why the election plan put forth by the Israeli government is such a good idea.

**H:** Thank you very much, Mr. Senator.



# Between A Rock And A Hard Place

## Moral Limits Of Combating The Intifada



by Benjamin Nachimson

While in Jerusalem, Cairo, and Washington officials are attempting to break the Mideast peace deadlock, in Shechem, Bethlehem and Hebron Israelis continue cracking down on the intifada. Soldiers employ various methods to maintain order, sometimes even firing plastic and steel bullets at Arab mobs. Although officers command their subordinates to shoot only when their lives are endangered, Arabs have learned the soldiers' breaking point. Unfortunately, whenever shooting erupts, innocent bystanders invariably suffer. In one extreme instance, a stray bullet pierced a three year old child's skull. She instantly became another tragic intifada side effect.

How does halakha view these hostile reactions against adversaries and their resultant casualties? Since civilian involvement in war is a twentieth century phenomenon, classical rabbinic sources do not discuss the issue at great length. In fact, according to Rabbi J. David Bleich, "There exists no discussion in classical rabbinic sources that takes cognizance of the likelihood of civilian casualties in the course of hostilities legitimately undertaken as posing a halakhic or moral problem."

Lacking many primary sources, modern *poskim* have established their own criteria for evaluating these new halakhic dilemmas. Three different perspectives emerge. One views the Arab society as morally culpable for not maintaining its own internal judicial system. The second approach does not fault the society, but rather blames individual pursuers (*rodfim*) among the Arab populace. The third school perceives the intifada as an obligatory war against the Arabs with civilian casualties. In all three instances, halakha dictates extreme caution before sacrificing human life. However, the limits of such caution vary from one halakhic model to another.

Some *poskim* consider judging Israel's indigenous Arab society for withholding justice by utilizing the Biblical account of

Shechem and Dina. Like what occurs so often today, a native gentile (Shechem) attacked a Jew (Dina) who travelled along the way. Levi and Shimon retaliated by massacring the entire city of Shechem. Upon hearing the report, Jacob reprimanded his two sons. Assuming the brothers acted within halakhic confines, Rambam places responsibility upon Shechem's entire population for their prince's actions. In *Hilkhot Melachim* 9:14 he writes:

"Each gentile is obligated to establish judges in every province to judge on these six (Noachide) commandments and to admonish the nation. And a gentile who transgresses any one of these commandments shall be put to death by the sword. For this reason the people of Shechem deserved death. For Shechem stole and they did not judge him."

Nevertheless, Rambam here does not sanction collective punishment towards Arabs for not meting out justice to their rabble-rousers. If the people of Shechem deserved death, why was Jacob upset at Shimon and Levi for fulfilling their halakhic obligations to punish the people of Shechem? Furthermore, even if the brothers acted in accordance with halakha, can we compare the two situations at all? Modern-day Arabs may not be responsible in the same manner as their predecessors. Unlike the people of Shechem, any Arab opposing the intifada fears the collaborator's fate. This element of fear may absolve each individual Arab from his judicial obligation.

Arguing from the fact that Jacob chastised his sons, Rambam rejects Rambam's contention; he thus repudiates capital punishment against gentiles who do not establish justice.

A defense of Rambam may still not completely permit collective punishment. For instance: Rav Aharon Soloveitchik (*Beit Yitzchak*, 1986-87), in supporting Rambam's position, limits the death penalty for gentiles to a pragmatic tool that conditions their society to avoid further transgression of that sin. Rav Soloveitchik suggests that while the maximum penalty against the people of Shechem was death, as Rambam states, Shimon and Levi could have accomplished

the Torah's goal with less drastic measures. Following this logic, the Torah would discourage needless collective punishment.

Rav Shaul Yisraeli addresses the second question, whether Arabs who fear being branded collaborators can be held culpable for not maintaining law and order. In *Amud haYemini*, Rav Yisraeli states that even the Rambam would not apply his halakha to gentiles who, out of fear, neglect prosecuting criminals. Therefore, today's Arabs who fear their leadership's wrath would not be responsible for conveniently overlooking their troublemakers' violent actions.

In the second halakhic model, the intifada crackdown does not revolve around societal punishment. Rather the civilian deaths are mere by-products of Israeli actions against individual pursuers, *rodfim*. The *halakha* of *rodef* cannot permit troops to fire upon bystanders. Since the *halakha* of *rodef* is designed to preserve innocent life, it is only logical that it forbids the death of a bystander in the process; this would only entail the loss of another life. In such situations, the Talmudic principle "How do you know that your blood is redder than the blood of your fellow?" (Sanhedrin 74a) is fully applicable.

Yet if the bystander partially participates in the events surrounding him, does his status change? According to *Or Sameach* (*Hilkhot Rotzeach* 1:5) there exists a status between *rodef* and innocent bystander. In cases where one aids a *rodef*, he acquires the status of a *gorem le-rodef*, one who 'causes' a life to be endangered. *Or Sameach* then equates the laws of a *gorem le-rodef* to that of a *rodef*.

Based on that equation, the *gorem le-rodef* may also be dealt with harshly. Some *poskim* maintain that one is not only permitted to kill a *rodef*, but is obligated to. The same laws apply to a *gorem le-rodef*. On one hand, if we view Arabs who indirectly involve themselves in the intifada as *rodfim*, we must execute them. But if we do not view them as *rodfim*, we must avoid killing them, even at the possible expense of a Jewish life. Between these two extremes there lies no middle ground (according to those who believe one is obligated to kill a *rodef*).

With the stakes set so high, there can be no room for doubt as to what aid can be considered direct enough to render an Arab a *gorem le-rodef*. Rav Yisraeli, at the end of his analysis of *Or Sameach*, limits the *gorem le-rodef* category to the adult Arab population, excluding children.

Rav Soloveitchik, on the other hand, views both man and child as *rodfim*. He cites *Meiri* (Sanhedrin), which quotes Midrash Tanchuma (Pinchas) which deduces the halakha of *rodef* from the Numbers 25:17-18: "Vex the Midianites and smite them for they are vexing you".

Rav Soloveitchik writes, "The halakha that is implicit in the verse 'Vex the Midianites' implies a law and right of self-defense on a collective and national level. If a hostile foreign nation or group of hostile people such as the PLO attack Jews in Israel and throughout the world then the entire nation or entire group have the status of *rodfim*. Israel has the right of self-defense against them. This is the case when the group includes civilians whom the PLO, for example, might be, in effect, holding hostage."

However, Rav Chaim David Halevy asserts that this midrash allows Israel to punish only on a national level, not on a collective level. While Rav Soloveitchik applies this halakha towards both a "foreign nation" and a "group of hostile people such as the PLO," Rav Halevy limits the scope to national entities. For in context, the verse permits the Jews to declare a national war against the

Midianites. He therefore admonishes Israelis who exploit this law to defend their overly violent actions against the general Arab population.

Rav Halevy's distinction leads to a paradox. To quell the intifada, soldiers need to use collective punishment. To halakhically permit these tactics we must perceive the Arab residents of Judea, Samaria, and Gaza as a national entity. By doing so, we may admit that as a nation, the Palestinian Arabs have a right to a homeland. Such an admission would give moral foundation to the very same movement that Israelis wish to undermine.

Rav Ya'akov Ariel best illustrates this paradox. As *Rosh Yeshiva* of Yeshivat Yamit in Gaza, Rav Ariel feels strongly about the State of Israel's right to that land. Perhaps this creed motivates him to write that one may refuse military orders to collectively punish. He writes, "Collective punishment without rhyme or reason is not right since it contradicts the principle of peaceful coexistence." In an article entitled "Swords and Ploughshares," Rav Ariel states outright that since we view the punishment of Arabs as individuals, it is forbidden to inflict civilian casualties. However, he continues, if we perceive the intifada as a war between two nations, then, as in Beirut, civilian casualties would not be an impediment to military action.

Rav Ariel permits the slaying of innocents in a time of war by extrapolating from a verse in I Samuel 16:6. There, Saul warns the Kenites, "Remove yourselves from the Amalekites, lest you be included among them." Apparently, Saul was prepared to slay any Kenites who resided with the Amalekites, regardless of their guilt. So too, in time of war, Israeli soldiers can inflict casualties on innocent bystanders.

The intifada, however, might differ in circumstances from previous wars. The Kenites could voluntarily withdraw themselves from the Amalekites. But the Arabs, however, as Rav Aharon Soloveitchik points out, are "held hostage by the PLO." Any mass movement away from the territories would be met with oppressive measures.

Perhaps this motivates Rav Ariel to quote a second source. He quotes Genesis 32:8 which discusses Jacob preparing to meet Esau. The Torah there reads, "And Jacob was very afraid, and he was pained." Maharal and Mizrachi both comment that killing Esau, a *rodef*, did not "pain" Jacob. Rather, Jacob fretted over killing men forced to accompany Esau. It follows that we may even punish those Arabs who involuntarily involve themselves in the intifada.

Still, even in wartime, killing should not occur pell-mell. One must always treat human life with extreme care. Ramban (addendi to *Sefer haMitzvot*, #5) asserts that we must leave the fourth wall of a besieged city open for people to flee because we must show mercy, even in time of war, towards our enemies.

Through whatever perspective one views the intifada, sources can point to both employing the most repressive measures with little regard to loss of human life, and to exercising the utmost caution when even a Jewish life is endangered. Considering the issue's divisiveness, it may be impossible for any person to disassociate his feelings from the matter and make a rational adjudication. The ambiguity of all the sources only compounds this problem. Until someone overcomes these seemingly insurmountable obstacles, Israeli officers must utilize their own military knowledge and combine that with their moral sensitivities to properly restore peace in Judea, Samaria, and Gaza.





# Warriors In Spirit: Yeshiva Students And The Israeli Draft

by Benjamin Samuels

With artillery booming at the front and psalms echoing throughout the newly born state, the late Premier David Ben-Gurion approved military deferment for some four hundred yeshiva students. It was claimed that the decline of Jewish religious learning in the modern era, coupled with the physical and spiritual destruction of the Holocaust, necessitated a rebuilding of high-level Jewish religious scholarship. However, contemporary critics of this policy argue that while Ben-Gurion was dealing with just a few hundred students, today's numbers are grossly out of proportion. Whereas in 1974 2.4 percent of Israeli males reaching age eighteen were granted deferment as yeshiva students, in 1986 they numbered 5.3%, and in 1988 were estimated at just under 7% — that means more than one in every fifteen. In 1971 the number of deferments for yeshiva students totaled 6132, but today approximately 18,000 enjoy student status. These staggering figures and a generally anti-*Charedi* attitude among many of Israel's politicians have caused yeshiva deferments to become a major issue in secular and religious Israeli politics.

Shortly after an Israeli youth's seventeenth birthday, he receives a draft notice for three years of military service. While most Israelis go on to serve a full three years, some arrange to study in a university or technical school first and later serve the army in their field.

Many religious Zionists choose to enter *Hesder*, a five year program combining traditional Torah study with military service. For the *Hesder* student, army duty is divided into two shifts, one of nine months and the other of six months, both of which are preceded and followed by at least one year of intensive, full-time learning in a yeshiva atmosphere.

Most *Charedi* youths, on the other hand, opt for a yeshiva deferment. They appear at the army recruiting office on the dates of their physical examinations and present documents attesting to their yeshiva student status: one letter from the head of their respective yeshiva; and another one from the *Va'ad haYeshivot*, the "Eretz-Yisrael Yeshivot Commission," an umbrella organization recognized by the Defense Ministry. They are examined, given a medical grade, issued an army registration booklet, and granted twelve

months' deferment. The students can continue to receive annual deferments as long as they reappear each year and present the requisite papers.

Deferment requires a status of *Torato umnato*, Torah as his vocation. That means as long as yeshiva students receive military deferment they are forbidden to work. Deferment, however, is not exemption, and the *Va'ad haYeshivot* emphasizes that at least fifty percent of those who receive deferments eventually serve in the army. Critics argue that although the arrangement is not exemption in the legal sense, most of the students continue to enjoy military deferment until they reach an age and stage in life where military obligations are either minimal or even non-existent. For example, at age twenty-six, with two children, three years of military service are shortened to four months. A thirty-two year old only does annual reserve duty. And those still learning in a yeshiva framework at age forty receive a full exemption.

During the early years of the state, economic insecurity and a very low standard of living forced many yeshiva students to leave the yeshiva and go to work in order to marry and rear a family. However, recent economic prosperity among religious Jews has enabled benefactors to provide respectable grants and stipends for yeshiva students, thereby allowing the students to leave yeshiva much later in life and, in effect, to do minimal army duty.

In 1986, for example, of 375 students who left yeshiva, a quarter were sent to do their full three years service (over half of those who did full service came from *Merkaz haRav Kook* in Jerusalem), one percent did between twelve and eighteen months, twelve percent did basic training and then annual reserve stints, fifteen percent assumed teaching posts under an army aegis, twelve percent went to *Hagah*, civil defense, and a full third received a total exemption.

On occasion, the Defense Ministry has offered special conditions if the yeshivot would send their young men to the army. The *Va'ad haYeshivot*, however, holds firm to the principle that while in the yeshiva, learning must be the student's sole occupation. Rav Moshe David Tannenbaum, 72, who has headed the *Va'ad haYeshivot* since the establishment of the state, and who himself, as well as his three sons, served in the Israeli army, believes that despite all of the politics, the army is really not interested



in inducting large numbers of yeshiva students. "The army is not interested in contending with a wave of *ba'alei teshuva* or demands to upgrade the standards of religious conduct on the army bases. There is no interest in changing the color of the army."

However, in the political arena, the issue is not so black and white. The general consensus among secular Israelis is that the *Charedim* must face the responsibilities that accompany political power — namely, readiness to do full military service. In a society whose young men constantly put their lives on the line for national security, military deferment for yeshiva students has long been intolerable to many segments of the population.

The anti-religious Citizens' Rights Movement and the Liberal Party are not the only parties upset over yeshiva deferments. Labor's Rav Menachem Hacohen, who headed the Knesset subcommittee on the issue, believes that the situation is the result of "pure coalition corruption," which has "no moral justification." Hacohen thinks that an elite group of yeshiva students with high potential for achievement should be exempted completely, but for the rest, *Hesder* is the only legitimate option. He argues that the rabbis, teachers, and rabbinic court judges that *Yeshivot-Hesder* have produced attest to *Hesder's* success as a program.

M. K. Geula Cohen of Techayah, a mixed religious-secular party, believes that every yeshiva student should serve while he is young. "A proper framework can be found for every yeshiva student. It's true many of them [yeshiva deferees] eventually go in, but at age thirty-five — when they already have pot bellies. I admire those who learn Torah day and night, but part of the life of the Jew has to be defending his home in the Land of Israel."

Agudat Israel, on the other hand, supports the deferment policy. Rav Menachem Porush deems the above attitudes anti-Jewish. "The Jewish nation is the nation of the Torah, and its very existence is contingent on constant Torah study. If the government rules that boys will have to be taken from the *beit midrash* to the draft lines, then we won't leave the country like the others when the going gets tough — we'll go underground and continue learning."

Secular Israelis like to pose a theoretical question to *Charedi* leaders: "What if

everyone in Israel becomes religious? Who will there be to fly the planes and man the tanks?" Some *Charedim* counter that it is inconceivable that God would let war exist in such a situation. However, most proponents of the deferment system agree that if such were the case the system would have to change. They hold, though, that for the present situation army deferment is necessary.

Despite secularist accusations of "draft-dodging," and attempts to introduce mandatory conscription, the yeshiva world sincerely believes that it serves Israeli society by learning Torah. Rav Tannenbaum explains: "The Jews were given two gifts, the Torah and the Land of Israel. The army guards the body of Israel, and the yeshivot guard the spirit. Both are necessary for our survival. If you understand the real power of Torah in the world, there is no problem with this. We know that the spiritual level of the nation influences its physical security. But if you don't know what Torah is, if you don't understand its value, how are you supposed to grasp this? So you have ignorant people who have no understanding of this trying to make a comprehensive policy."

Yeshivot are very serious places. Rav Tannenbaum claims, and expects to be taken seriously. They do not harbor pseudo-scholars: "Our yeshivot are houses of Torah, not places of refuge. If a person isn't toeing the line, we tell him to leave. The condition of *Torato umnato* came from us. We stipulated that in our original agreement with Ben-Gurion. That means no work during the term, no work during the break. Or, on the person who is willing to sit in a yeshiva for thirty-six years and not be able to work just to get out of doing the army. That kind of person should be thrown out of the army."

Rav Tannenbaum admits that there are those who exploit the system, but stresses that they number but few. Some contend that anyone who is listed in a yeshiva and is not learning would feel no responsibility to the army either, and is therefore not worth drafting. Rav Tannenbaum, however, says that as soon as he finds out about a boy who is slacking off, he sends a letter to the army draft office notifying them that the boy has lost his yeshiva student status and may be drafted. Rav Tannenbaum tells that in the early fifties, he discovered that the son of a prominent *dayan* did not show up for his

Cont. on pg. 10

## The Educators Council of America

is pleased to announce that the following authors  
of recent works received Safra Author's awards:

Dr. Alex Kaminetsky

Tova Shimon

Dr. Moshe Sokolow

In recognition of their publications in the  
advancement of Jewish education



# Survey Says...

by Howard Sragow

Hamevaser's 1989 survey produced stacks of information, too much for inclusion in the journal. What follows is a summary of the more interesting observations. If a demand for a fuller analysis arises, more details will be published in the next issue.

The reader should note that differences between groups either demographic (e.g., YC versus Stern) or ideological (e.g., whether I intend to go on *aliya*) are exceptions, not the rule.

58% of respondents answered "yes" to "I intend to make *aliya*." History has shown and probably will again show that many will not live that idealistic dream. One would be more inclined to believe the 6% who said they would go right after graduation or the 19% who intend to go after graduate school (respondents could answer both, or theoretically all the possibilities of when to immigrate, including "I do not intend to make *aliya*"). Certainly the 22% (of whom significantly more are from Stern, 34% SCW to 13% YC, and significantly more have not spent a year in Israel, 11% to 16%) who checked "I am unsure whether I want to make *aliya*" are credible.

Spending a year in Israel certainly seems to encourage *aliya* intentions. Many more Israel alumni "intend to make *aliya*" compared to those who are not. All 7 respondents who plan to make *aliya* "right after graduation" did spend a year in Israel. Significantly more returnees checked "I intend... after graduate school" and "after marriage". And markedly fewer year-niks checked "I do not intend to make *aliya*" (see box).

All 24 respondents who are "actively pursuing *aliya*" spent a year in Israel; all who are active in *aliya* Shabbatonim (11) or *Yavneh Olami* (6) spent a year in Israel. In all "I consider *aliya* a factor in..." questions (dating, choosing a profession, etc.), year-niks consistently checked "yes" significantly more.

The statement "every Jew should move to Israel" also clearly divided Israel alumni from their counterparts. Respondents rated it on a scale of 1 (I strongly agree) to 9 (I strongly disagree). From the full response sample the mode is 5, though the median leaned towards agreeing with the statement (4). But from those who had spent a year, the mode was 1. This deviation may be because they had tried it successfully in a limited way. One would expect that they would for the same reason be more sympathetic towards the harsh realities of *aliya*. But instead, significantly less Israel alumni believe "low standard of living" and "employment problems" legitimate reasons to not immigrate (again, see box). It seems that their firm beliefs strongly override their direct experiences.

Whether a respondent spent a year studying in Israel also seems to affect his vote. Likud, currently the leading party in Israel, tied for a strong first (27%) with the combination of "I don't know" (6%) and didn't answer (21%). The surprise second (10%) was Meimad, Rabbi Yehuda Amital's as-of-yet unelected party. The National Religious Party (Mafdal) scored a close third (9%), and Labor posted a sad 8%, only good enough for fourth. Aguda garnered 4%, and Degel Hatorah, Kach, and Techiya were also mentioned. Obviously, our Israeli political party preferences only somewhat reflect the reality in Knesset.

But strangely (or perhaps not), those who did not spend a year in Israel tended to distribute their votes closer to the current Knesset situation. Labor received just 15%

of the votes from those who hadn't been to Israel for a year, and in the same group, Meimad's share decreases to only 6%. Kach and Agudah received no votes at all from them. In fact, Kach and Agudah received no votes from anyone at Stern either (it should be noted that significantly more respondents from YC spent a year in Israel and that significantly more respondents from Stern have family who have made *aliya*. Those facts could account for many differences).

Naturally, year-niks are significantly more familiar with the terms "*zechuyot*" (privileges), "*merkaz klita*" (absorption center), "*shaliach aliya*," "*sochnut*" (the Jewish Agency), and "*meches*" (tax) (then again, SSSB respondents are also significantly more familiar with the term "*meches*," and the identities of Israeli leaders.) They also say the whole Hallel on *Yom Yerushalayim* much more than do those who didn't go to Israel.

However, a sharper difference in knowledge of Israeli leaders exists between YC and Stern. YC respondents were significantly better able to identify the Prime Minister (Yitzhak Shamir), the Ashkenazi Chief Rabbi (Avraham Shapira), and the Chief Sephardi Rabbi (Mordecai Eliyahu).

Unexpectedly, many more Stern College respondents, compared to YC, believe "YU should be more Zionist." This difference seems to be the only significant contrast of YC and Stern along Zionist/non-Zionist or right wing/left wing lines. Considering that a higher percentage of YC students than SCW students go to Israel (77% to 57%), and that those who went to Israel for a year have lower opinions of how Zionist all sections of YU are, that result is especially surprising.

Although most consider "cutoff from family" and "economic problems" legitimate reasons not to immigrate, significantly less from YC and significantly more from Stern believe so. Consonantly, YC students are three times as likely to say "there is no excuse not to make *aliya*."

On a scale of 1 (not at all Zionist) to 9 (extremely Zionist), the median evaluations of "yourself," "YU," "YU rebbeim," "YU faculty," "YU students" and "YU administration" do not differ significantly from 5 and 6, the middle of the road. Yet more than half (60%) believe "YU should be more Zionist."

Respondents were asked to evaluate various activities for Zionist quality. They demarcated three far above the rest: living in Israel, serving in the army, and *sherut leumi*. To the exclusion of all others, the mode for those three was at 9 (extremely Zionist) on a scale of 1 to 9, the median at 8 or 9, and necessitate an extended residence in Israel. "Volunteering" scored near-equivalent votes of 7, 8, and 9; it apparently holds a regard high but reserved in comparison to the major three. "Lobbying-letter writing," "giving money," "spending a year in Israel," "marching in parade," "reading news about Israel," "vacationing in Israel," and "flying El Al" were not generally considered comparatively important. A surprising 7%, though, added forms of praying as defining a Zionist. Were that option also printed on the questionnaire, many other respondents probably would have checked it too.

In political issues, respondents generally tended less toward the radical answers of 1 and 9. 22% (although nearly all are from YC) "strongly disagreed" (9) with "American Jews can disagree with Israel," but the median was 6. The mode for "use more force against the intifada" was 1 (strongly agree), but the median centered on 3. On negotiating with the PLO and trading land for peace, however,

What kind of person would you consider a Zionist?

How Zionist do you consider	Not at all	1	2	3	4	5	6	7	8	9	Extremely
yourself	0	1	2	3	4	5	6	7	8	9	
YU	0	1	2	3	4	5	6	7	8	9	
YU Rebbeim	0	1	2	3	4	5	6	7	8	9	
YU Faculty	0	1	2	3	4	5	6	7	8	9	
YU Students	0	1	2	3	4	5	6	7	8	9	
YU Administration	0	1	2	3	4	5	6	7	8	9	

Should YU be more Zionist?	60% Yes	37% No
Can someone be a Zionist without making <i>aliya</i> ?	82% Yes	17% No
Can an Israeli be a Zionist without serving in the army?	56% Yes	40% No
Do you intend to go on <i>aliya</i> ?	58% Yes	24% No
If yes, then when? (check all that apply)		

6% A. Right after graduation.	23% F. After getting working experience.
19% B. After graduate school.	20% G. Not in the near future.
13% C. Within 3 years of graduation.	8% H. I do not intend to make <i>Aliya</i> .
29% D. After I get married.	22% I'm not sure whether I want to make <i>Aliya</i> .
29% E. After saving up money.	
What would you do if a war were to break out in Israel? (check all that apply)	
71% A. Donate money	35% F. Go to Israel to perform jobs vacated by soldiers
60% B. Collect money for Israel	24% G. Go to Israel to fight
35% C. Buy Israel bonds	50% H. Donate blood for soldiers
56% D. Lobby Congress to help Israel	12% I. I do not know
1% E. Nothing	[ ] J. Other
Are you actively pursuing <i>aliya</i> ?	20% Yes 62% No
If yes, how? (check all that apply)	

4% A. Garin <i>aliya</i>	5% F. Yavneh Olami
8% B. Shabbatonim	7% G. Bnei Akiva
3% C. Job fairs	4% H. Summer Internship programs
1% D. Tehilla	4% I. Machal/Hesder/Sherut Leumi
1% E. NAAM	J. Other

Where would you want to live in Israel?	
66% A. city	12% D. Yishuv kehilati
4% B. kibbutz	9% E. doesn't matter
7% C. moshav	3% F. other

In what geographic part of Israel?	
75% A. Jerusalem	6% F. Yehuda
4% B. Gush Dan	1% G. Shfela
3% C. Golan	3% H. Negev
6% D. Galil	11% I. doesn't matter
4% E. Shomron	2% J. other

I consider <i>aliya</i> a factor in (check all that apply)	
50% A. dating (looking for a spouse)	21% C. choosing a school
80% B. choosing a profession	40% D. financial planning
20% E. nothing	

I consider <i>aliya</i> (check only one)	
48% A. a mitzva presently binding on all Jews	8% D. none of the above
13% B. a mitzva not in force at this time	15% E. I don't know
15% C. not a mitzva, but desired by the Torah	

I consider our time (check only one)	
23% A. The beginning of the Jewish redemption	3% D. The messianic era
39% B. To have potential to be messianic	10% E. Normal time
24% C. Not sure	

The religious importance of the state of Israel is (circle one)								
Negative			None			Positive		
1	2	3	4	5	6	7	8	9

Concerning Hallel on Israel's Independence Day, I (check all that apply)	
16% A. do not say Hallel	31% D. say it with a bracha
21% B. say half Hallel	41% E. say it without bracha
50% C. say the whole Hallel	

Concerning Hallel on Yom Yerushalayim, I (check all that apply)	
24% A. do not say Hallel	24% D. say it with a bracha
20% B. say half Hallel	40% E. say it without bracha
44% C. say the whole Hallel	

Check the terms you are familiar with.		
98% aliya	32% Tehila	98% Knesset
81% shaliach aliya	16% NAAM	84% Nasi
62% Sochnut	64% merkaz klita	73% zechuyot
47% meches	98% El Al	

Israel

# 1989 ZIONISM SURVEY

Can you name Israel's

Prime Minister	83%
President	58%
Chief Rabbis	26%
	27%

name of currency and approximate dollar value  
90%, 61%

Which party would you vote for in an Israeli election?  
Do you agree or disagree with the following statements?  
(circle one number per line)

Israel should "trade land for peace."	1	2	3	4	5	6	7	8	9
Strongly agree									Strongly disagree
Israel should negotiate with the PLO.	1	2	3	4	5	6	7	8	9
Strongly agree									Strongly disagree

Israel should use more force in fighting the Intifada.	1	2	3	4	5	6	7	8	9
Strongly agree									Strongly disagree

American Jews have the right to publicly disagree with the Israeli government.	1	2	3	4	5	6	7	8	9
Strongly agree									Strongly disagree

	1	2	3	4	5	6	7	8	9	
Strongly agree										Strongly disagree
How well do the following activities define a Zionist? (circle one number per line)										

Giving money to Israel	1	2	3	4	5	6	7	8	9
Lobbying/letter writing for Israel	1	2	3	4	5	6	7	8	9
Spending a year in Israel	1	2	3	4	5	6	7	8	9
Vacationing in Israel	1	2	3	4	5	6	7	8	9
Flying El-Al	1	2	3	4	5	6	7	8	9
Serving in the Israeli army	1	2	3	4	5	6	7	8	9
Sherut Leumi	1	2	3	4	5	6	7	8	9
Living in Israel	1	2	3	4	5	6	7	8	9
Volunteering for Israel	1	2	3	4	5	6	7	8	9
Reading news about Israel	1	2	3	4	5	6	7	8	9
Marching in Israeli day parade	1	2	3	4	5	6	7	8	9

Rate the truth of the following statements (circle one number per line)

Every Jew should move to Israel	2	3	4	5	6	7	8	9	
All Jews are by definition Zionists	2	3	4	5	6	7	8	9	
Zionism is not an Orthodox Jewish concept	1	2	3	4	5	6	7	8	9
The messiah's coming is a prerequisite to establishing a Jewish state	2	3	4	5	6	7	8	9	

Only one who serves in the army or in sherut leumi is Zionist	1	2	3	4	5	6	7	8	9
Only one who lives in Israel is Zionist	1	2	3	4	5	6	7	8	9
It is better to be irreligious in Israel than religious in the USA	1	2	3	4	5	6	7	8	9

We should treat yordim like other Jews	1	2	3	4	5	6	7	8	9
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What are legitimate reasons for not making <i>aliya</i> ? (check all that apply)	
12% A. No reason is necessary	
29% B. Standard of living isn't high enough	
72% C. Employment problems	
34% D. War and terrorism	
32% E. Cultural background - adjustment problems	
58% F. Cutoff from family	
18% G. Army and reserve duty	
47% H. Spouse doesn't want to go on <i>aliyah</i>	
8% I. Unsatisfactory religious observance in Israel	
28% J. Involved in US Jewish communal services	
4% K. Other	
7% L. There is no excuse for not going on <i>aliya</i>	

What are legitimate reasons for yerida? (check all that apply)	
60% A. Economic problems	
34% B. War and terrorism	
13% C. Army and reserves	
18% D. Religious observance problems	
39% E. High tensions in all areas of life	
12% F. Other	
13% G. There is no legitimate reason for yerida	

# Method

The 1989 Hamevaser survey, one of the most comprehensive such undertakings in recent years, studied student attitudes towards Zionism and Israel.

Staff members Moshe Feintuch, Yossi Klavan, Ronnie Ziegler, Joel Beasley, and Aharon Haber prepared 133 attitude questions and 61 demographic questions. Expecting that some questions would not produce informative answers, we asked more than seemingly necessary. The plethora of questions may have been overkill but ensured procurement of the information we wanted.

The sample for the survey is close to pure random. We obtained a list of the residents of Brookdale, Muss, Morgenstern, and Rubin halls, ordered by room number (commuters were not included, and the results may reflect that). After randomly choosing one of the first ten names, a computer selected every tenth, producing 142 names (two of the targeted residents were not found because

they do not actually live in their respective rooms, so we consider the target base 140). The staff distributed the questionnaires to them during the third week of September.

Because 119 (85%) responded, the possibility of bias toward those who are more likely to answer a survey is very low. We therefore, believe our results are quite representative of the dormitory residents at the Stern and Main Campuses.

The staff converted the answers to numbers and formatted them for SPSS, a statistics program. Only a small portion of the reams of information this program produced could be analyzed; the rest awaits a hardy soul with a serious interest in Zionism and/or sociology.

Dr. Mareleyn Schneider, Assistant (check) Professor of Sociology, spent many hours of her personal time assisting us at every stage of the survey process. We express our deepest gratitude for her hard work.

# Comparisons

	Spent a Year In Israel	Did not spend a year In Israel
I intend to make <i>aliya</i>	82%	35%
I intend to make <i>aliya</i> right after graduation	6%	0%
I intend to make <i>aliya</i> after graduate school	24%	6%
I intend to make <i>aliya</i> after marriage	35%	13%
I do not intend to make <i>aliya</i>	5%	19%
I am actively pursuing <i>aliya</i>	20%	0%
I am active in yavneh olami	5%	0%
Legitimate reasons not to move:		
Low standard of living	21%	55%
Employment problems	21%	36%
	YC	SCW
% who know Prime Minister	87	72
Chief Ashkenazi Rabbi	36%	9%
Chief Sephardi Rabbi	34%	16%

Cont. from previous page.

most respondents felt just as radically as they did about Zionist activities: to both, 69% answered 8 or 9 (strongly disagree).

The philosophic-Zionistic questions generated much diversity. Although 43% disagree strongly with "All Jews are Zionists", 35% distributed equally onto 5, 6, and 7. For "Zionism is not an Orthodox Jewish concept", half the respondents distributed themselves equivalently onto 9 and 1 (25% and 24%, respectively), and an uncertain 14% chose 5. Similarly, 38% strongly disagree with "the messiah is prerequisite to the State", but a peak 13% were uncertain, circling 5. On "an Israeli can be a Zionist without serving in the army", the vote was almost an even split: 56% agree. Most respondents, however, (82%) believe that someone can be a Zionist

without making *aliya*.

Concerning halakha-oriented issues: 48% of the respondents believe *aliya* halakhically binding; 39% believe that our time has the potential to be messianic. 23% consider our time the beginning of the redemption, and 3% consider our age messianic already; 78% say at least half hallel on *Yom Haatzmaut*, 71% on *Yom Yerushalayim*.

Lastly, an interesting demographic observation. For "what religious designation best describes you?", 65% answered "centrist Orthodox" and 19% answered "right wing Orthodox" (apparently Rabbi Lamm has more support than some would believe). Since 7% refused to be categorized and instead wrote in "from Jew" or "observant Jew", both numbers are probably higher.





by Seth Kadish

Though most Y.U. students spend a year or more studying in Israel, they often lack exposure to more than a theoretical description of Zionism. Encountering the ideas of people who have spent their lives applying Torah to the practical problems of national existence in Israel can add a healthy perspective. The philosophy of Tzuriel Admonit z"l, one of the outstanding ideologues of the Religious Kibbutz Movement, provides a consistent thought-provoking religious approach to solving these national dilemmas.

Tzuriel lived most of his life in Kevutzat Yavneh, where, among other things, he especially involved himself in teaching *halakha*. Tzuriel was a fine *talmid chakham*, though for the most part he was self-taught. It was precisely because he was not a product of the yeshiva world that he was able to approach traditional sources with a fresh, original orientation. His intellectual creativity allowed him to apply the *halakha* to modern realities. The problems that he dealt with are almost all still crucial to the future of *Kelal Yisrael* and his solutions, which grew out of an intimate involvement with both the *halakha* and with the State of Israel, deserve our attention.

Towards the end of the Yom Kippur War, as the State of Israel began recovering from her great losses on the battlefield, Tzuriel Admonit died at age 58. The posthumous collection of his articles is entitled *Me-Tokh ha-Zerem ve-Negdo, In the Current and Against It*. Tzuriel swam against the mainstream with his strong, sometimes even radical, criticisms of life — particularly, religious life in Israel. But he was always "in the current", intensely involved in the

as a tool for social justice; women in *halakha*; and others.

Although he handles every issue with great seriousness, Tzuriel's sense of humor comes through even in the topics that he is most concerned about. Understanding Tzuriel's humor is one of the hidden rewards in reading this book. The editor explains it well in his introduction: "Humor is the trait (or ability) in a person to differentiate between important and unimportant things, and to set things in their proper proportions." Tzuriel weighed every opinion, argument, and attitude with complete seriousness, but had no problem dismissing arguments otherwise considered sacred. This is especially relevant in confronting religious problems. Tzuriel freely dismissed contemporary rabbinic statements when he thought that they were based on socio-historical assumptions that differed greatly from his own religious Zionist understanding of the issues.

While it is impossible to discuss here Tzuriel's opinions on all the major issues in the book, a few examples will suffice to convey his general approach. An interesting one is Tzuriel's views on religious education. He did not view all of the characteristic features of a "yeshiva" as fully positive. These include emphasizing *Torah she-be'al Peh* at the expense of *Torah she-biKhtav*, concentrating on the "lomdishe" tractates of *Nashim* and *Nezikin*, skipping *aggadta*, and pursuing a totally abstract study with no effort made to concretize the material with exercises, maps, or even a blackboard.

He viewed the yeshiva as a completely authoritarian institution, where those with authority stand out — that is, students stand respectfully in their presence, they receive *aliyot*, they dress differently, (remember that this authoritarian atmosphere is completely

created in yeshivot at the expense of weaker students and the idea that success in Judaism is a function of sharpness cause severe friction with Kibbutz haDati's egalitarian atmosphere).

The yeshiva also encourages the careful performance of *mitzvot*, but this is only actualized within narrow, artificial limits. For instance: *yishuv Eretz Yisrael*, the settling of the land of Israel, is as important as all the *mitzvot* together. The yeshiva world thinks that it satisfies this obligation by moving the Torah of Ponevezh to Bnei Brak and that of Mir to Jerusalem, but to Tzuriel this is insufficient. Realizing Torah in Israel is not so much expressed in yeshivot as in its realization in the kibbutz and moshav, in the army and in Negev settlements.

Tzuriel's goal for the actualization of *halakha* in the real, modern State of Israel becomes clear through his discussion of another highly controversial question: whether or not *shemitta* should be fully observed today. The halakhic conclusion seems to be that there is presently a rabbinic prohibition against doing agricultural work during the *shemitta* year. The famous *heter* of Rav Kook relies on a) uncertainties about the halakhic prohibition and b) the fear that Jews will leave agriculture and abandon the land to the gentiles because of the hardships of *shemitta*.

Poalei Agudat Yisrael argue, based on the Chazon Ish, that there are serious halakhic flaws in the *heter*. More fundamentally, however, they contend that even if the *heter* were valid it should not be implemented today. The land is not in danger of being left for gentiles and there is no danger to the State, no threat of life that should force religious Jews, as individuals, to farm during the *shemitta* year. They can leave the sinful question of "Mah nokhal ba-shana ha-shevi'it?" — What will we eat during the seventh year?" — to others — the non-Orthodox Jews who will keep the economy intact regardless by farming.

According to Tzuriel, however, leaving the question to others is an evasion of national responsibility. The fundamental assumption of religious Zionism is that the Torah was meant to apply to the entire Jewish nation and must be applied to modern Israel. Therefore, any *halakha* that cannot be binding on the State of Israel is also not binding on its citizens. Since in a modern economy agricultural activity cannot be halted once every seven years, Israel as a nation still requires the *heter*. Undermining the economy of Israel directly weakens military capabilities at a time when the country is under a constant threat of destruction. At the root of the conflict regarding *shemitta* there lies a hashkafic distinction: whether *halakha* is meant primarily as a guide for our nation or as a set of obligations and prohibitions binding on individuals?

Tzuriel wasn't only concerned with the religious condition of the State. He also saw a fundamental religious duty in guaranteeing social justice for the citizens of the State. Tzuriel deeply believed in the equality of all people created in God's image, and practiced this in the respect and warm friendship he felt for religious Jews, non-religious Jews, and non-Jews alike.

The Torah's underlying goal of social equality is the principle behind many important *mitzvot* of Eretz Yisrael, such as

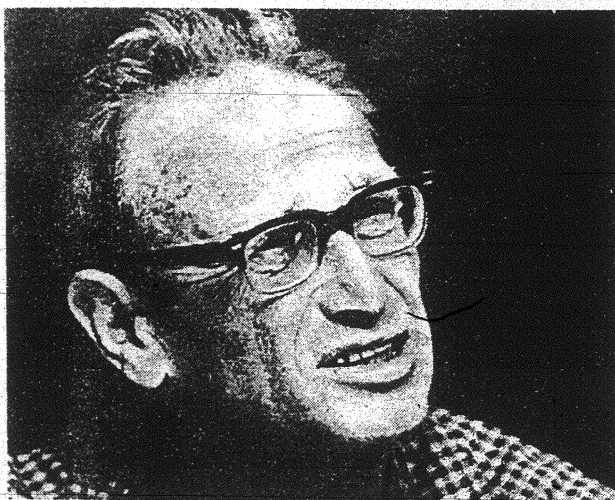
*shemitta*, *pe'ah*, and *maaser ani*. Tzuriel felt that the proper tool for achieving the Torah's social ends, especially when the above *mitzvot* cannot accomplish them in our contemporary non-agricultural society, is Socialism. To be sure, Tzuriel was anything but a fanatical communist or an unthinking proponent of disproven Socialist ideals. He was vividly aware of the bloody results of communism, and of the fact that old applications of socialism could no longer function. But he was thoroughly convinced — seemingly by his very personality as much as by the fact that the Torah commands it — that the elimination of poverty and proper respect for all types of labor, manual and otherwise, are timeless goals that can never lose their validity. These goals are a direct function of the dignity of man, who is the *raison d'être* of Creation.

Tzuriel's program for the State of Israel is *Torah va-Avoda*. *Torah* means that the *halakha* is to be applied to every aspect of life in our modern Jewish nation. *Avoda* refers not only to agricultural work in particular, but to all productive labor that is needed for a modern nation to function. *Torah va-avoda*, like religious Zionism itself, originated as a pragmatic combination, but soon realized its intrinsic religious worth. Religious Zionism was originally just that: Orthodox Jews with the pragmatic goal of participating in the secular Zionist dream. Later, thinkers such as Rav Kook and Rav Maimon arose, and gave religious meaning to Zionism itself. So too, *Torah va-avoda* originally expressed itself as *shomrei mitzvot* wanting to help structure the future state on ideals of social justice. This pragmatic ideology can be seen in such names as *Ha-Noar he-Chalutz ha-Dati*, Religious Pioneers, and *Kibbutz ha-Dati*, the Religious Kibbutz Movement. But later the quest for social justice itself was interpreted as a Torah imperative by thinkers such as S. Z. Shragai.

*Torah va-Avoda*, like religious Zionism in general, became "*lekatchila*."

Religious worldviews like those of Tzuriel Admonit can be surprising to those whose orientations towards Israel have been fashioned from within the yeshiva world. And regardless of one's background, it seems impossible that anyone could agree with all of his ideas — they haven't been completely accepted even in the Religious Kibbutz Movement itself. But Tzuriel himself would be quite content to know that his life and ideas stimulate thought about the practical application of Torah ideals to every area Jewish national life. Moreover, it is not only the content of his ideas that teach us, but also the way in which he applied them. Tzuriel tried to influence Israel by being a positive living example (*dugma ishit*) of religious Zionism, and what he wrote of others in one of his last articles is equally descriptive of himself:

"One thread stands out in the arguments [of the '*Torah va-Avoda*' movement], and that is the powerful desire to influence. Such 'missionary' leanings were also present among the leaders of Mizrahi — to influence the Zionists in the spirit of the Torah, and the God-fearing with the spirit of Zionism. But for [the Mizrahi] it was but a matter of influencing 'outwards' — as teachers, speakers, community leaders, whereas the '*Torah va-avoda*' movement influenced from within. It is impossible to influence laborers, pioneers, or soldiers without being found among them; to live with them, but as Jews who observe the mitzvot."



problems he dealt with, never trying to influence events from the outside.

Aside from essays on *halakha* and *machshava*, *In the Current and Against It* discusses many still controversial issues. For example: secular and religious Israeli relations; army service for yeshiva students and for religious women; proper commemoration of the Holocaust and Israel Independence Day; "Who is a Jew" legislation; the morality of settling Judea and Samaria; the contemporary relevance of yeshiva education; the role and limits of the Chief Rabbinate; Socialism

alien to the social equality that Kibbutz haDati tries to create).

Finally, the typical yeshiva graduate has some deficiencies. First, while at yeshiva his application of the Torah is restricted to a limited area. This confinement trains him to view other areas of life not encompassed by the yeshiva as *chullin*, secular, and consequently, he treats them with disdain. Second, the yeshiva encourages the spiritual "competition" of *kinat sofrim*, each student trying to excel above others in his breadth of knowledge and his sharp wit (the hierarchy

# Aliya: Do We Have A Choice?

## The Halakhic Dispute On Settling Israel

by Daniel Schreiber

For many religious Jews, *aliya* means nothing more than being called up to the Torah. But given the extensive rabbinic discussion of settling in Israel, perhaps *mitzvat yishuv Eretz Yisrael* merits more serious investigation. There exist three fundamental considerations regarding this topic: a) whether there is a *mitzva* of *yishuv Eretz Yisrael*; b) its relevance in modern times; and c) its nature. An attempt to clarify these issues will hopefully lend perspective to the serious decision of *aliya*.

Concerning the existence of the *mitzva*, Ramban indicates in his addendi to Rambam's *Sefer haMitzvot* (positive commandment no. 4) that the Torah explicitly refers to a *mitzva* of entering *Eretz Yisrael* only in discussing *yerushat ha-aretz*, inheriting the land. For example, Deut. 1:21 states: "Go up and inherit [the land] as God told you; fear not, nor be discouraged." Furthermore, Deut. 9:23 calls *yerusha* a *mitzva*: "Go up and inherit the land which I have given you; then you rebelled against the commandment of God." Such a formulation of the *mitzva* seems to leave open the option of allowing other nations to remain on the land, as well as the possibility of Jews living outside Israel while owning the land itself.

Ramban, sensitive to such implications, asserts that this would be true if the *mitzva* were purely one of *yerusha*. However, the additional passage, "You shall dispossess the land of its inhabitants and dwell in it, for I have given the land to you to inherit it" (Numbers 33:53), implies that in addition to *yerusha* there are commandments to dispossess the Canaanites and to settle the land. In truth, Numbers 33:53 can be interpreted as an assurance and not as a commandment; yet, Ramban assumes that since *yerusha* is a *mitzva*, and Numbers 33:53 concludes with the goal of *yerusha*, clearly *horasha*, dispossession, and *yishuv*, settling, are *mitzvot* functioning within the broader scheme of *mitzvat yerusha*. Ramban's assumption is debatable, especially because *mitzvat yerusha* does not necessarily relate to *horasha* and *yishuv*. Indeed, Rashi (Numbers 33:53) explains, "And you shall dispossess the land of its inhabitants and then you will live there" - that is, [if you dispossess them, then] you will be able to exist there, and if you do not dispossess them, you will not be able to exist there, "implying a promise and not a directive. Such an attitude eliminates settlement and dispossession as *mitzvot*.

Or *haChayyim* (ibid.), though, sees Rashi advocating a middle position - namely, that dispossession is a *mitzva* and settlement is a promise. Yet even Or *haChayyim* agrees that whereas *yerusha* is certainly a *mitzva*, it does not include *yishuv*. Support for such a position can be found in the Sifri's comment on Deut. 26:1, "And it shall be when you come into the land which God gives you for an inheritance and possess it and dwell therein, you shall take the first of the fruit of the earth: in the merit of possessing it, you shall dwell in it." This interpretation indicates a causal relationship between the meritorious act of possessing Israel and the subsequent preservation of *Benei Yisrael's* existence in the land. Although one can explain the Sifri as positing "the reward for a *mitzva* is a *mitzva*" (that is, the opportunity to fulfill more *mitzvot*), the simpler reading suggests that *yishuv* is a divine promise whose fulfillment is conditional upon Israel's performance of *mitzvat yerushat ha-aretz*.

Conceptually, then, we encounter a spectrum of opinions. At one end, Ramban holds that dispossession and settlement of Israel exist as *mitzvot* functioning within the broader category of *yerusha*. Rashi and Sifri, at the other extreme, explain *yerusha* in its most narrow sense - namely, demanding only inheritance, but not dispossession or inhabitation. In the middle, Or *haChayyim* states that *yerusha* and dispossession are commandments, to the exclusion of *yishuv*.

Having discussed the *mitzva's* character in context of the original conquest of Israel, we must address the question of whether there is a *mitzva* nowadays. This issue opens with Rambam, who, interestingly enough, quotes the Talmud extensively with regard to the positive aspects of living in Israel (e.g. *Ishut* 137a, *Melachim* 5:2), but does not count inheriting, dispossessing or settling in his *Sefer haMitzvot*. Thus, Rambam challenges the *Acharonim* for explanation.

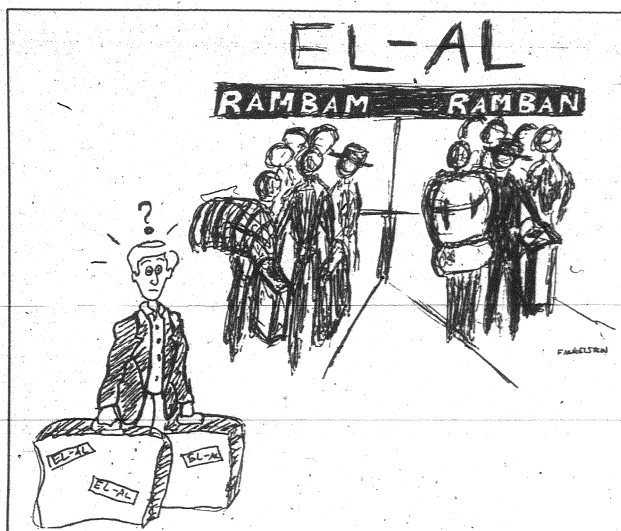
*Kneset haGedola* and Radbaz suggest that Rambam considers *yishuv* only a rabbinic commandment nowadays, though dispossession and settling were biblically mandated during the original conquest. This would exclude *yishuv* from the *taryag mitzvot* since Rambam does not count *mitzvot* which are temporary in nature. However, accepting the *Kneset haGedola's* explanation in principle, it is still possible to employ Rashi and Sifri to extend Rambam even further, i.e. that Rambam considered only *yerusha*, but never dispossession or settlement, as a *mitzva* during Joshua's conquest. Once Joshua and his generation staked their claim to Israel, they completed the fulfillment of *yerusha*, removing any need of its mention in *Sefer haMitzvot*. In sharp contrast, *Megillat Esther* (positive commandment no. 4 in Rambam's *Sefer haMitzvot*) contends that Rambam held that until the first exile *yerusha* was a biblically mandated commandment. With the advent of exile, though, God revealed that he did not want the Jewish people in Israel, and even imposed upon them the "three oaths" (Ketubot 111a - that the Jews should neither go up to take the land by force, nor rebel against the nations of the world, and that the nations should not enslave the Jews too much), thus abrogating the *mitzva* until the time of the messiah. Due to such a limitation of the *mitzva*, Rambam did not count it among his 613. *Avnei Nezer* (Yoreh Deah vol. 2, no. 454), categorically rejecting this theory, contends that Rambam considered *yishuv* an eternally binding Torah law, and did not count it in his *mitzvot* for purely technical reasons related to his counting scheme. Similarly, Ramban (Numbers 33:53) cites dispossession and settlement as eternal *mitzvot*, though perhaps for different reasons.

By uncovering the underlying reasons for the above-mentioned disputes, we can arrive at a more precise understanding of the nature of *mitzvat yishuv Eretz Yisrael*. One can suggest that the debate is entirely ancillary to the issue of *yishuv Eretz Yisrael* per se, but is rather founded upon technical or peripheral considerations, such as methodology of biblical inference, or analysis of the three oaths. Alternatively, perhaps this clash reflects opinions with fundamentally different approaches to the basic nature of *mitzvat yishuv Eretz Yisrael*. On one extreme, one may consider it a simple *ma'aseh mitzva*, similar in essence to dwelling in a *sukka*. Within such a general framework, it is possible to take the most limited position of the *mitzva* as does Radbaz, namely, that we must only inherit the land, but not necessarily live in it or exercise sovereignty over it.

Such minimal demands become feasible if one perceives *Eretz Yisrael's* uniqueness only in broad and general terms. Ritva (Gittin 2a), for example, posits that the defining characteristic of the land of Israel is that "Israel is the land chosen and beloved by God." Indeed, the *gemara's* statement (Ketubot 111a) "One who walks four cubits in Israel merits the world to come" is thus eminently sensible, if only as advice how to experience that which God loves. Yet, it is difficult to find support for such a minimalist position in *Chazal*; most sources underscore the need for a deeper and more intimate relationship with Israel.

Esther's understanding of history, one can still believe (as did Avnei Nezer) that *yishuv* is a *mitzva* for all generations. God may distance himself from us due to our sins, but he certainly wants us to rehabilitate our relationship of old. Moreover, one can argue that it is absurd to posit a prohibition against striving for greater spiritual heights; on the contrary, this is the goal of our lives!

Still, beyond the pragmatic nature of *yishuv*, there is an additional dimension which relates to the inherent value of living in Israel. This perception emerges within a background of various exemptions to *mitzvat yishuv*. These exemptions include poverty (Bava



What, then, is the nature of this unique relationship with the land of Israel? The *gemara* in Sota 14a adopts an extraordinary line of thought, stating that Moses desired to live in Israel in order to fulfill all the *mitzvot* connected to the land, thus illustrating *yishuv's* pragmatic function. The *gemara*, though, does not conclude that *yishuv* must therefore be a *mitzva*; indeed, Rashbam in Bava Batra (91a) states that *yishuv* is only a vehicle, allowing for the performance of the *mitzvot* linked to the land.

Nonetheless, Tosafot in Gittin 2a and in Ketubot 110b, in direct contradiction to Rashbam, appear to hold that *yishuv* is a *mitzva* precisely because of its pragmatic nature. In addition, according to Sifri's explanation (Ekev chap. 6) that the *mitzvot* were given to be fulfilled in Israel, and Avnei Nezer's opinion that *yishuv* helps to achieve a closer relationship with God - one endowed with more *hashgacha pratit* (see Ta'anit 10a) - we see that *yishuv*, beyond affording us the opportunity to fulfill more *mitzvot* quantitatively, also enhances our relationship with God qualitatively. This approach again highlights *yishuv's* essentially pragmatic nature.

We can now explain the *Megillat Esther's* rationale for the abrogation of *mitzvat yishuv* during the exile. By expelling His people from His land, God revealed that a rift had to be created between Himself and Israel. Such a gap can only be filled in the messianic age and not before; therefore, attempts at a reunion, while displaying admirable intent, could not be allowed on a wholesale level, nor could individualized settlement be formally considered a *mitzva*.

Nevertheless, even according to *Megillat*

Batra 91a), danger to life and/or violation of *mitzvot* (Tosafot Ketubot 110b), and interference with finding a wife or learning Torah (Tosafot Avoda Zara 13a). The common denominator amongst these examples is that the *mitzva* of *yishuv* is dependent upon leading a normal life. Rav Herschel Schachter (*Journal of Halacha and Contemporary Society*, Volume VIII) explains that this is true since Israel, the land chosen and sanctified by God, is the natural and proper place for Jews, the people chosen and sanctified by Him; therefore, conditions which make living in Israel unnatural abrogate the *mitzva*.

Under normal circumstances, however, *yishuv* is a positive act in and of itself which serves to actualize Israel's destiny as a "kingdom of priests and a holy nation" (Exodus 19:6). Various sources in *Chazal* seem to suggest this idea in one form or another. For instance, "Anyone who lives in Israel is considered to have a God, and anyone who lives outside is considered to worship *avoda zara*" (Ketubot 110b). Also, Maharsha (Ketubot 111a) explains that outside Israel, the evil impulse rules more extensively, while Bava Batra 158a states that "the atmosphere of Israel enlightens." Furthermore, *Chazal* mention (Yevamot 62a and Mo'ed Katan 25a) that Israel is a land of holiness and prophecy, accentuating its ideality. These, together with other sources, suggest a certain inherent value to living in Israel above the narrow utilitarian approach mentioned above. Such a perspective might be considered a basis for Ramban's position that *yishuv* is a *mitzva* for all generations, thus creating the most dynamic approach among the commentators. Even in

Cont. on pg. 10.



# Warriors In Spirit



Cont. from pg. 5.

afternoon seder in order to pursue a general education. Upon asking the Chazon Ish how to deal with the situation, the Chazon Ish replied that anyone who is listed in a yeshiva and is not really learning is considered a *rodef*, a pursuer. (The status of *rodef* falls upon one who pursues his fellow with murderous intent.) The halakha says the *rodef* must be stopped — and the Chazon Ish said the boy must be turned over to army authorities. Following this ruling, Rav Eliezer Menachem Shach has on occasion sent young men to the army and warns other *roshei yeshiva* that all military deferments must be legitimate.

Halakhically, the legitimacy of conscripting *almidei chakhamin* is greatly disputed. Almost all authorities agree that today, Israel is in a state of *milchemet mitzva*, as Rambam defines it in *Hilkhot Melakhim* 5:1, "Which is called a war for religious purposes?..." [a war] in defense of Israel from attacking enemies." The *Mishna Sota* 44b states that in the event of a *milchemet mitzva* all are conscripted, "even a bride-groom from his chamber, a bride from her wedding canopy..." The Chazon Ish explained that the novelty of the *mishna* is that this halakha applies even if the army does not need the extra manpower. Theoretically, the Israeli army reserves the halakhic right to draft yeshiva students, yet practically, since the army does have sufficient numbers without yeshiva students, the Chazon Ish supported military deferment. Rav Tzvi Yehuda Kook also believed that as long as the state can maintain a powerful army without yeshiva students, learning Torah must remain the principle objective for religious youths.

Rav Aharon Lichtenstein, an advocate of the *Hesder* option, believes that, halakhically,

"...the prospect of secular criticism should not routinely be the decisive factor in determining religious policy. Nevertheless, it cannot be totally ignored. Chazal, at any rate, did not regard *chillul ha-Shem* and *kiddush ha-Shem* lightly." Representing the *Merkaz ha-Rav* Kook school of thought, Rav Zalman Baruch Melamed, *Rosh Yeshivat Beit El*, disagrees. He contends that learning Torah is a *ma'aseh mitzva*, fulfilling a divine commandment, and cannot be construed as *chillul ha-Shem*, despite all negative reactions. He bases himself on the Rambam, *Hilkhot Yesodei ha-Torah* 5:10-11, "Anyone who voluntarily transgresses any of the commandments enjoined in the Torah, not under compulsion but spitefully and contemptuously, profanes the name of God..." There are other things which are included in the term *chillul ha-Shem*. When a great Jewish scholar, who is widely known for his piety, does certain things that make people talk against him, even though they are not sins, (Rav Melamed says this phrase does not include *mitzvot*), he profanes the Name of God."

While negotiating with Ben-Gurion for the deferral system, Rav Isser Zalman Meltzer, leader of pre-State religious Jewry, is said to have quoted *Koheler* 9:18 to the late Premier: "Wisdom is more valuable than weapons of war." While it appears from this that Rav Meltzer believed the deferral system to be the ideal, he is known, on other occasions, as having referred to military deferment as a *hora'at sha'at*, a decision based on the necessity of the times. This possibly implies that were he alive today he might feel differently.

While the *Ya'ad ha-Yeshivot* was fighting for the deferment system, Rav Shlomo Yosef

Zevin, the eminent talmudist, published a passionate open letter to Israel's religious communal leaders entreating them, halakhically, historically, and ideologically, to send yeshiva students to the army. While many authorities disagreed with Rav Zevin's halakhic analysis of the issue, it is interesting to note that Rav Tzvi Pesach Frank did not argue in principle with Rav Zevin, but rather said that the Israeli Army's irreligious posture threatens the spiritual corruption of religious youth, and therefore he advocated keeping them in yeshivot.

On the other hand, even assuming a state of *milchemet mitzva*, Rav Y. M. Tuchchinsky, a pre-state pillar of Jerusalem Jewry, Rav E. Y. Waldenberg, author of the halakhic work *Titz Eliezer*, and Rav Chaim David Halevi, *Av Beit Din* in Tel Aviv, believe that, halakhically, yeshiva students are categorically exempt from army service. They base themselves on Rambam, (*Hilkhot Shemita ve-Yovel* 13:12-13) "And why did not the tribe Levi partake of the patrimony of *Eretz Yisrael* and its spoils with their brethren? Because they were set apart to serve God, to worship Him and to teach His just ways and righteous ordinances to the masses... Therefore, they do not wage war like the rest of Israel... And not the tribe of Levi alone but each and every person throughout the world whose spirit has uplifted him and whose intelligence has given him the understanding to stand before God, to serve Him, to worship Him, to know Him..." While these rabbis believe that these lines sanction full military exemption for yeshiva students, they do admit, however, that yeshiva students can voluntarily enlist.

Rav Lichtenstein, who disagrees with their halakhic analysis of the issue, argues that even

according to their reasoning, *Hesder* should be accepted by the yeshiva world as a legitimate option. Rav Lichtenstein believes that *Hesder* is very much *le-khaichilla*, a freely willed option grounded in moral and halakhic decision, and not a second-best alternative for those unable or unwilling to accept the rigors of single-minded Torah study. Military service is a *mitzva*, and for the overwhelming majority of *beni Torah*, defense is a moral imperative. He writes: "*Hesder* is not the result of a compromise between the respective positions of *Roshei Yeshiva* and the Ministry of Defense. It is rather a compromise with reality."

For the religious Israeli, reality causes a conflict of priorities. Syrian tanks poised at the northern border constantly remind him of the necessity of a strong military. On the other hand, the religious Israeli also believes that *talmud Torah* is fundamental to Jewish national existence and does, in fact, protect national security. Turning to his religious leaders he encounters a myriad of opinions. He knows he must respect the ideological and halakhic rulings of religious scholars, even those to whom he does not subscribe, while at the same time, he must pursue a course of action with which he can live. Some religious Israelis choose full army service, others decide to remain in the yeshiva, and yet others prefer *Hesder*. As long as status quo remains standard political policy, perhaps it is best to view the situation with pluralistic optimism, hoping that, together, Israeli yeshivot and the military preserve Israel's security.

## Yishuv HaAretz

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a time of God's wrath and distance, the inherent value of *Eretz Yisrael* still exists, affording *Benei Yisrael* a key lifeline for continued success and spirituality.

Contemporary *poskim* have different approaches regarding *yishuv Eretz Yisrael*. Rabbi Yoel Teitelbaum (*VaYoel Moshe*), the Satmarer rebbe, vociferously supports the position of Megillat Esther, prohibiting *mass aliya* to Israel. At the other extreme, Rabbi Ovadia Yosef considers *yishuv* a positive commandment in full force today. In the middle is Rav Moshe Feinstein (*Iggerot Moshe*, Even HaEzer vol. 1 no. 102), who posits that *yishuv*, even according to Ramban, is an optional *mitzva* in all generations. Perhaps the basis for this dispute is dependent on one's overall outlook on the nature of *yishuv Eretz Yisrael*. As a pragmatic vehicle for spirituality, *yishuv* could be an optional *mitzva* affording *Benei Yisrael* the opportunity to realize its own spiritual potential. On the other hand, were we to regard *yishuv* as a natural and fundamental component of *Benei Yisrael's* spiritual existence, it would clearly be an obligatory *mitzva*, demanding that *Benei Yisrael* continuously reaffirm and give expression to their own unique spirituality.

There is a final problem. How do the *poskim* who maintain that *yishuv* is a *mitzva* today deal with the three oaths, which seem to deny this possibility? One of two approaches can be suggested: to deny the problem or to confront it. The three oaths, being an aggadic passage, are found neither in Mishneh Torah nor Shulchan Arukh, and thus are probably not accepted as binding law. In addition, even if the three oaths are

binding, they do not necessarily uproot the *mitzva* in principle, but only in practical application.

It is even possible to assert that, oaths notwithstanding, *yishuv* is a biblical commandment still in force today. Firstly, Maharal from Prague (*Netzach Yisrael* ch. 24) explains that "*shevu'a*" (oath) can mean "*brit*" (covenant), possibly indicating that such are the laws of nature, i.e. that it will be organically impossible for Israel to live in the land. Therefore, any attempt at *yishuv* which will succeed is not a triumph over the will of God, but rather over nature. Moreover, according to the three oaths, the only prohibition is to take Israel by force, and clearly, in light of the Balfour Declaration, the UN partition plan, and the favorable UN vote, *Eretz Yisrael* has been voluntarily relinquished to *Benei Yisrael* and was in no way taken forcefully.

In addition, the validity of the oaths depended upon relaxation of the nation's persecution of the Jews. Since, as history sadly testifies, this has not nearly been the case, the oaths are no longer binding, giving us free access to Israel. Finally, perhaps the most convincing argument is that the present success in building Israel both spiritually and physically attests to the end of our time of punishment, and is not only an encouraging sign but is also a resounding call to return to the Holy Land of Israel.

1. See *Sedei Chemed* (*Ma'arekhet Eretz Yisrael*) in the name of *Knesset HaGedola* to Yoreh Deah 239; also *Ar'ah deRabannan* quoting responsa of Radbaz.

2. Ritva himself, however, uses this idea in the opposite direction, i.e. that this is the

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# Holidays Happiness Is...

by Kevin Taragin

Although the concept of *simcha* pertains to all the holidays, *Sukkot* emerges as the one holiday which is the very embodiment of celebration and jubilation. The Torah itself stresses the aspect of *simcha* on *Sukkot*. The Talmud describes the elaborate *Simchat Beit haSho'eva* celebration which highlighted the intermediate days of *Sukkot*; Rambam (*Hilchot Lulav* 8:12-15) posits that the holiday as a whole is one of extra *simcha*. The *tefila* refers to *Sukkot* as "*zman simchateinu*," a superlative not found in relation to any other holiday. We end *Sukkot* with the celebration of *Simchat Torah*. [Despite the fact that *Sukkot* and *Shemini Atzeret* often are viewed as distinct entities, there is an obvious indisputable chronological connection between the two.]

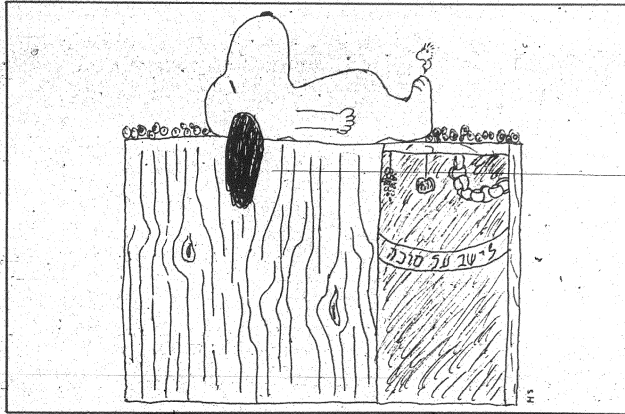
The highly charged *simcha* of *Sukkot* is, in fact, not just a quantitative expansion of the regular *simchat yom tov*, but a qualitative one as well. The act of relishing the divine gift of agricultural prosperity in Jerusalem, is the general "*simcha*" of *Yom Tov* that the Torah espouses when it uses the word *simcha*. On *Sukkot*, however, in addition to this general, materialistically oriented *simcha*, the Torah commands man to revel in a special spiritual *simcha* which crystallizes the pure, primal relation to God that he has developed during the recent *Yamim Nora'im*. The chief devices for experiencing this spiritual *simcha* are the *Simchat Beit haSho'eva* and the rejoicing of *Simchat Torah*.

One can already sense a basic difference between the *simchat yom tov* of *Sukkot* and that of the other holidays commanded in the Torah. Significantly, out of the three times the Torah mentions *simcha* in a holiday context, two relate to *Sukkot*. Moreover, the only time prior to Deuteronomy the Torah uses the word prescriptively, as opposed to descriptively, is in respect to *Sukkot*. The Torah, though, does not elaborate on the reason for this increased *simcha* on *Sukkot*.

A broader examination of the Biblical usage of the word "*simcha*" reveals that the Torah reserves the prescriptive "*simcha*" for a very specific purpose, marked by three distinctive factors. First, without exception, "*simcha*" describes the emotion man is obligated to feel when offering his contributions to God or His agencies in appreciation of a bountiful harvest. Second, the location of the *simcha* is always "before the Lord thy God" (in Deuteronomy 16:14-16 described as "in the place which the Lord shall choose"). Third, the Torah commands man to realize that his success and joy are due to the grace of God alone and not to "the power and might of [his] hand." Thus, the prescriptive *simcha* reflects only that emotion which one is to feel upon presenting his thanksgiving to God for material prosperity, in Jerusalem.

As a result, the Torah uses "*simcha*" only in relation to *Shavu'ot* and *Sukkot*. *Shavu'ot*, "*Chag haKatzir*," is a time of great joy for the farmer reaping the first profits of his labor. Similarly, *Sukkot*, "*Chag ha-Asif*," represents the harvest season, as stated immediately prior to the use of "*simcha*," "after thou hast gathered in thy corn and thy wine." This is a time of immense satisfaction and unbridled "*simcha*" for the farmer; he collects the vast majority of his produce, tantamount to his income, for the entire year.

In the passage concerning *Sukkot*, however, the Torah employs a use of "*simcha*" which suggests an exceptional type of *simcha*. Amidst the Torah's discussion of *Sukkot* in Emor (23:39-43) lies the only mention of *simcha* outside of Deuteronomy, and the only one which breaks from its general usage. In



the place of all unkept and broken commandments. It is this mindset, which is the purest and the final goal of *mitzvot*, that is symbolized by the modest *arava*.

By its physical nature, the *arava* is a simple, leaved reed, an unexceptional sight with no aroma or taste. *Halakha* does not even demand that the *arava* grow from a tree as it does of the three other *minim*. In terms of its appeal, the *arava* diametrically opposes the glorious *etrog*, the queen of the four *minim*. Yet perplexingly, it is this plain *arava* which seizes a place of distinction arguably greater than that of all the other *minim*. Chazal single out the *arava* on *Hoshana Rabbah* and choose it as the *min* to be held when circling the Temple altar seven times, the climax of the entire day.

The elevated status that the *arava* achieves on *Hoshana Rabbah* can best be understood by recalling its aforementioned personification. The *arava* is the paradigm of simplicity. It is the symbol of legendary boy who musters more unadulterated feeling in whistling his heartfelt tune than most people can evoke in reading flowery liturgy; it is the symbol of the *ba'al teshuva* who knows not what to do, but only that he wants to do it; it is the symbol of *na'aseh ve-nishma*. On the *Yamim Nora'im*, penitents achieve this *arava* state of possessive love of and unseeing devotion to God, in impassioned singing of "*Ki anu amecha*" and thunderous shouting of "*Avinu Malkenu*." When *Sukkot* arrives, we see ourselves as the mythical Sisyphus, agonizing to keep the rock atop of the hill without it rolling back down once again on us; in our case the rock is a feeling of increased proximity to God.

Living in the *sukka*, which represents the Divine presence of the clouds of glory, serves to maintain the feeling of proximity achieved during the first half of the month. We focus place of using *simcha* in a context of the celebration of agricultural success, the Torah refers to *simcha* in connection with the commandment of the four species. "Also, on the fifteenth day of the seventh month, when you have gathered in the fruit of the land, you shall keep a feast to the Lord seven days... And you shall take for yourselves on the first day the fruit of the tree hadar, branches of palm trees, and the boughs of thick-leaved trees, and willows of the brook; and you shall rejoice before the Lord your God seven days..."

It seems logical, then, that the Torah is in some way hinting at a unique additional brand of *simchat yom tov* on *Sukkot*. Perhaps the key to the nature of *simchat Sukkot* lies in the subliminal character of the fourth *min*, the willow or *arava*, whose description in the verse neighbors the aberrational usage of

"*simcha*." Leaving aside the traditional agadic typecasts of the *minim*, one can see the *arava* as the symbol of the simple, well-intentioned personality. It is the intangible blind faith, the childlike devotion to God which is the genuine *avodat HaShem* so characteristic of the two earlier holidays of the month of Tishrei, Rosh Hashana and Yom Kippur.

While actual *mitzvot* are undoubtedly indispensable to penitents, nonetheless they are only a means to the ultimate end of cleaving to God. Under the glaring spotlight of *mishpat* (judgement), we recognize our innumerable shortcomings in observing these *mitzvot*, and shamelessly admit our absolute dependence on God: "Today is the birth of world; today You will call to judgment all living creatures. If [You judge us] as sons, have mercy upon us as a father has mercy upon his sons. If [You judge us] as servants, our eyes hang upon You until You will pardon us..." Clearly, aware that we are incapable of saying, "We have not sinned," we must resort to a flash of intense devotion to fill on our intimacy with God, maintaining and developing the *arava* forest rather than emphasizing the *etrog* persona of preoccupation with the trees of *mitzvot*. Furthermore, it is in this vein that the *arava*, the symbol of pure unpretentious devotion to God should be taken around the altar, the classical symbol of *avodat HaShem*.

The *Simchat Beit haSho'eva* provides us with the opportunity to express the unique

combination of feelings inherent *simcha* *sukkot*. On the other hand the farmer participates in a ceremony reflecting agricultural success. The ceremony revolves around the use of water, the base component for agricultural survival. On the other hand, Chazal tell us that "There is no water but Torah." Water is essential for physical survival while Torah is basic to spiritual existence. Furthermore, Torah is the best method of "connecting" to God and maintaining the level of closeness to him achieved on *Sukkot*, as Chazal state on Berakhot 8a: "After the destruction [of the Temple] God has no place in this world but the four cubits of halakha."

Thus, the *Simchat Beit haSho'eva* represents a double entendre -- from one perspective it is a show of joy and gratitude for physical provisions while from a second angle it is a realization of hope for a continued enriched spiritual existence. However the real... clearly were the stars of the *Simchat Beit haSho'eva* were the "*gedolei chakhmei Yisrael, roshei yeshiva, Sanhedrin, chasidim, etc.*" (*Hilchot Lulav* 8:14) for although a *simcha* reflectant of *parnasa* can be expressed by the farmer who has just gathered his crop, the ultimate *simcha* of closeness to God can only be expressed by the greatest sages rejoicing in the Torah.

Sages scheduled *Simchat Torah* during *Sukkot* to highlight the underlying meaning of Torah -- to foster love of God. Unfortunately, we often overlook Torah's noble purpose by fascinating ourselves with its acuity and breadth. Thus, only after a meaningful *Sukkot* holiday of solidifying the feelings developed on the can we safely introduce the Torah with the knowledge that people will approach it correctly with the right sense of priorities.

In reality, the material and spiritual levels of *simchat Sukkot* share a common goal: man's recognition of his fortuity in both realms. By coming to "the place which the Lord shall choose," he realizes that everything he does and receives has importance only within the framework of "*HaShem Ehad*," the all-encompassing presence of God. From this feeling, then, does man reap the ultimate elation (the elation of realizing self-worth); although his place within the universe is so minuscule and seemingly meaningless, he, as a Jew, has a personal relationship with the Omnipotent and Omnipresent.

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# What Words Cannot Express



"Kaddish," lithograph by Abraham Krol

*nachamu* (Isaiah 40:1), the term introduces prophecies of the return to Zion and the coming of the Messiah. Certainly, these descriptions of the future redemption serve as praise of God.

The first phrase of *kaddish*, "Yitgaddal ve-yukdash shemei rabba," recalls a uniquely similar passage, "Ve-higaddalti ve-hikaddishiti ve-nodati..." ("I will be made great and I will be praised before the eyes of many nations, and they will know that I am God" (Eze. 38:23), which refers to the future redemption. Furthermore, "*shemo ha-gadol*," a direct Hebrew translation of "*shemei rabba*," appears only once in the Bible: "*Ki lo yihosh HaShem et amo ba'avur shemo ha-gadol*," "because God will not abandon His nation, for the sake of His name" (Sam. I 12:22). The phrase thus certainly carries with it the promise of redemption. Also, the close proximity of references to God's great Name and His reign over the world parallels "and God will become king on all the land; on that day God will be one and His name will be one" (Zech. 14:9).

Indeed, the hope in Zechariah that "God's name will be one" parallels the earlier reference in *kaddish* to the nations of the world, while "*uvizman kariv*" at the end of the first section of *kaddish* reflects "on that day God will be..." In all likelihood, the phrase "*uvizman kariv*" derives from "*karov yom HaShem*" which appears in several places in the Bible (such as Joel 1:15, Ob. 1:15, Zaph. 1:7, and others). The whole phrase "*ba'agala uvizman kariv*" then amounts to "*karov yom HaShem hagadol, karov u-maher me'od*" (Zaph. 1:4), which clearly refers to the coming of the Messiah.

Thus, the entire first sentence of *kaddish* relates to the future redemption. The second sentence contains similar references. Besides "*shemei rabba*," which carries the very implications present in the first sentence, the phrase "*le-olam u'le-olmei olmaya*," hints to the messianic era by repeating the word "*olam*." In the third sentence, only "*nechematah*" refers to the Messianic era. So despite greater awareness and understanding of His glorious and grand nature, even by non-Jewish nations, the ability to adequately praise God will continue to elude us.

The prominence of the *chatzi-kaddish* in our prayers can be better understood in this light. In order that we may maintain a proper frame of mind throughout *tefilla* and know before whom we stand, *chatzi-kaddish* repeatedly reminds us of God's transcendence and of our inability to properly praise Him.

## by Lowell Abrams

"The great name of God will be magnified and sanctified in the world that He created as He wished and where He will establish His kingdom, in your lives and in your days and in the lives of all of Israel, quickly and soon."

"His great name will be blessed forever and ever."

"The name of the Holy One, blessed be He, will be blessed, praised, glorified, exalted, uplifted, honored, elevated, extolled above all blessing and song, praise and consolation [that can be] said in the world."

The *kaddish*, in any of its various formulations, ranks as the single most common component of the daily prayers. A *kaddish* marks either the beginning, end, or both, of every major section of every *tefilla*. Surely, though, *kaddish* plays some much more significant role than just "waymark." Just how does the *chatzi-kaddish*, in particular, enhance our daily *tefillot*, and how can we explain its prominence in our prayers?

Despite its length, the *kaddish* contains a startlingly simple structure. It consists of three sections, each section comprising only one sentence. Further, each sentence consists of three phrases — verb, subject, and adverb. Both the first and third sections have this phrase order (in the Aramaic) while the middle section places the subject before the verb. Aside from sharing these structural aspects, the sections also correspond in content. In all three sections, the subject is the name of God, appearing twice as "*shemei rabba*" (His great name) and once as "*shemei dekudsha berich hu*" (His holy name, it is blessed). Each verb, each in the future passive, deals with God's praise. The adverbial phrases center on "the world," as "*be'alma*," "*le'olam u'le-olmei olmaya*" (taken literally), and again "*be'alma*."

But despite these strong similarities, subtle development exists between the sections. While all three speak of God being praised, each focuses on a different aspect of that

praise. The first sentence describes its source: "the world that He created as He wished, and where He will establish His kingdom." The second sentence tells how long God will be praised — "forever and ever." The third sentence describes the praise itself: "above all blessing and song, praise and consolation that can be said in the world."

The disparate attitudes toward the world expressed in the first and third sections show another aspect of thematic development. The first section establishes the importance of this world as a source of praise for God. It emphasizes that God chose to create this world and will establish His ultimate kingdom here. The third section, however, looks askance at this world. No "blessing and song, praise and consolation" uttered in this world can approach the unreachable heights of genuine praise. While the first section of *kaddish* attributes cosmic significance to the world, the third section undermines its value.

Careful selection of words emphasizes that contrast between the sections. While the first two sentences speak of "the great name of God" and "His great name," the third sentence speaks of "the name of the Holy One, blessed be He." The key terms "great" and "holy" differ as descriptions of God in a fundamental way. "Greatness" implies a basis of comparison; we consider God, and, in our context, ascribe greatness to His name. "Holiness," however, meaning "separation," precludes the possibility of comparison. In truth, the third section declares that we cannot adequately describe God, but only speak of His transcendence. The third sentence underscores God's transcendence with the use of several words which imply height: "*yitromam*," "*yitnaseh*," "*yitaleh*," and "*le'eila*."

As yet, the word "*nechemata*" (consolation) has gone unexplained. What does it add to the phrase "*birchata ve-shirata, tushbechata*?" Several times in Isaiah (such as "*Nachamu*,

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