

# HAMEVASER

A Student Journal of Traditional Thought and Ideas  
Published by the Jewish Studies Divisions of Yeshiva University

Volume 29 No. 6

Iyar 5750, May 1990



LeShana ha-Ba'a bi-Yerushalayim ha-Benuya

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# If We Forget Thee, Jerusalem

Hamevaser applauds the efforts of those who orchestrated an inspiring evening of celebration for *Yom HaAtzma'ut*, with special thanks to *Bnei Akiva*. Joining together to thank Hashem for the forty-second anniversary of the establishment of the State of Israel, Yeshiva's student body affirmed their undivided support of the *Medina*. We hope that in the future more rebbeim and faculty will match the students' enthusiasm with their attendance at the annual *chagiga*.

It is also our hope that the students themselves will celebrate *Yom Yerushalayim* with renewed spirit. Unfortunately, this year's *Yom Yerushalayim* falls out on YC and SCW's last day of finals. Obviously, most students will be too busy to attend a *chagiga* quite like that of *Yom HaAtzma'ut*. Nevertheless, we believe that Yeshiva ought to sponsor some sort of *chagiga* in honor of the day. A short burst of *simcha* during exam week surely will not hurt students' grades. In these times of stress — for both Israel and YU students (*lehavdil*) — our displays of support, however small, carry even more significance. We must realize that the joyous shouts of a *chagiga*, and not those out our dorm windows at midnight, prepare us to "come with shouting to Zion."

## Letters to the Editor

Before Pesach, the YC Philanthropy Society collected students' leftover chametz to distribute to needy non-Jews. On Erev Shabbat HaGadol, three large crates of food were delivered by Philanthropy Society volunteers to the New York Urban League, 204 W. 136th Street, in Manhattan. The agency sent the following letter, addressed to all those who donated and distributed the food. Yet another kiddush Hashem performed by the Philanthropy Society.

The New York Urban League and other social service agencies depend on the good will of people and organizations like the Yeshiva University Philanthropy Society. May God bless you and your work.

Sincerely,  
Beth J. Meador  
Borough Director, Manhattan

Dear Sirs:

We are very grateful to you and your fellow students for the donation of food which you made to our agency. Perhaps the most frequent inquiries that we receive from our clients concern their need to obtain food for themselves and their families. Indeed, as you made your deliveries, we had two people in our waiting room who had come to inquire about meals. They were very grateful when we made up bags of groceries for them.

To the Editor:

In regard to "The Case for Hebrew" (March 1990), Yeshiva College offers a variety of advanced Hebrew literature courses that allow students to improve their Hebrew vocabulary and fluency while enhancing their understanding of contemporary Israeli culture.

I am currently auditing Dr. Shmuel Schneider's "Literature of the Kibbutz" course. Dr. Schneider's lectures, delivered in a vigorously Socratic style, provide extensive

# HAMEVASER

500 West 185th Street, New York, NY, 10033<sup>®</sup>

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Robert Klapper, *editor emeritus*

background with respect to the roots of the debates dividing modern Israeli society; they are also spotted with comments about the worlds of literature, music, agriculture, fashion, architecture and more. The texts themselves, like all literature, first come alive after dissection. Here, from the high diction and ironic subtleties of Amos Oz to the slangy existentialist monologues of Yitzchak Ben Nir, the stories judge or justify the Kibbutz's attempt to tame human nature and create a uniquely Jewish (but secular) Utopian society. In addition to teaching about the Kibbutz, the literature helps American

readers appreciate some of the reasons behind many Israelis' abandonment of religion. Unfortunately, the high quality of Yeshiva's English department coupled with the ease of studying in one's native language combine to steer many good students away from Hebrew Literature courses. For those interested in both Israel and literature, however, these courses provide a challenging opportunity to learn substance and technique, improve Hebrew language skills — and fulfill a literature requirement, as well. Yossi Prager  
YC '86

# Simcha at the Square

by Shmuel Landesman

I went to the Garden the other night. No, I was not there to mourn for the Rangers nor cheer on the Knicks. Instead, I came to participate in a Torah celebration — the *Siyum Hashas*. As most of those in attendance, I have frequented *simchos* in the past. In my mind, however, the joy of those celebrations never managed to equal the powerful positive force of Torah energy I experienced that night. Many of the greatest rabbis of our generation, together with a capacity crowd of over 20,000 Orthodox Jews, assembled to commemorate the realization of a common goal — the completion of the Talmud by those who studied *Daf Yomi* — the daily page.

Rabbi Schwab characterized the study of *Daf Yomi* as pure *Torah Lishma*, a sincere effort undertaken to achieve a better understanding of God's wishes. This purity of intent contributed to the total lack of rancor and tremendous sense of communal warmth that permeated the evening. For me, this atmosphere lent renewed meaning to Rashi's commentary on the Torah's description of the encampment at Mount Sinai: "*Vayichan sham Yisrael*" (Exodus 19:2) — "*am echad b'lev echad*" — "a united nation with a united spirit." This motif was poignantly emphasized by the striking range of participating Yeshivot: from Vishnitz, Ger, and Bobov to Frisch, MTA, and Flatbush. Speakers represented groups from Litvish to Chasidish (Hungarian, Galician, and Ukrainian) to Sephardic to German.

Agudath Israel, which sponsored the *siyum*, did not employ the occasion to promote itself or denigrate others; learning Torah, alone, received publicity. The people from its office were extremely friendly and cooperative. They even accredited me with a press pass due to my Hamevaser affiliation. They also enlisted Rabbi Metzger, a Stern College professor and a translator of Lubavitch *farbrengens*, to provide simulcast translation of the speeches, the majority of which were given in Yiddish. These conveniences further enhanced the effectiveness of the event, concentrating its focus on its singular purpose: stressing the importance of Torah study. Furthermore, YU *Roshei Yeshiva* were invited to sit on the dais, as were prominent *Rabbanim* who are clearly not Agudist in outlook.

Aside from *limud ha-Torah*, the evening's speakers developed two major themes in conjunction with the celebration: *achdut* and the Holocaust. Speaker after speaker emphasized the unifying purpose of *Daf Yomi*, not only on this particular night, but throughout the seven year cycle of study. *Daf Yomi* provides an opportunity for *Klal Yisrael* to join together in study.

At the *siyum*, I conducted an informal poll on its significance. From Lakewood Yeshiva students to Manhattan attorneys to *Chasidische Yungeleim*, the vast majority extolled the ability of the *siyum* to unify its participants in the celebration of a shared accomplishment.

After dedicating the *siyum* to the victims

of the Holocaust, especially the children, Rabbi Schwab noted the aptness of concluding the Talmud, whose last chapter is entitled "*Tinoket*" — "Child," with the phrase, "*Hadran Alakh Tinoket*" — "We will return to you, oh child." Rabbi Schwab's insight accents Jewish survival and renewal, two additional themes of the evening. Many speakers also cited moving anecdotes in remembrance of the victims of the Holocaust.

As might be expected at such an event, the speeches were a bit too long. A couple of YU *Roshei Yeshiva* remarked to me that they were disappointed at the speeches' lack of content. Many people were also dismayed at the lack of any mention of *Eretz Yisrael*, even in Tehüim. I was personally bewildered that not a single European *Rosh Yeshiva* spoke at the event. But let me not be so negative since the entire evening was really such a positive event.

Following the speeches, *kaddish* was said for the Holocaust victims by a surviving disciple of Rabbi Meir Shapiro, the originator of *Daf Yomi*. Cantor David Werdyger, himself a survivor, then sang an incredibly moving *kel malei rachamim*. I could not help but wonder if during the hell of Auschwitz or Treblinka he could have possibly imagined praying for all the victims in front of 20,000 Jews at a *Siyum Hashas* in Madison Square Garden.

This was followed by the communal singing of *Ani Ma'amnin* to the tune sung by Jews on their way to the gas chambers. Tears swelled up in my eyes as I thought, "No, they have not been forgotten." Neither annihilation nor assimilation has been able to stop us. Only a little more than a generation after

the war, in the capital of Western culture, 20,000 Jews proclaimed their desire for the coming of *Mashiach*. Yet I was confronted by the sobering fact that over 300 times the number of Jews in Madison Square Garden were murdered in the Holocaust.

We then davened *ma'ariv* in unison. Davening in a *minyana* of 20,000 people was quite an experience. The "*Amen yehei shmei rabba*" reverberated throughout the arena. Following *ma'ariv*, the audience recited a psalm on behalf of the Jews in the Soviet Union. The *siyum* concluded with the singing of *Leshana Haba'a BiYerushalayim*. Afterward, people envisioned an even greater *siyum* in another seven years; indeed, no place could be more appropriate than Jerusalem.

Media coverage of the event was extremely favorable, emphasizing the importance of Torah study to Orthodox Jews. A Garden security guard mentioned that the crowd was one of the most orderly, well-behaved audiences he ever had to control. Rabbi Schwab referred to the *siyum* as the "most colossal [display of] *kevod shamayim* (respect for God) that we have ever seen." In light of these reactions, I could not help but agree.

Walking up Broadway after the *siyum*, I was approached by two Gentiles. They asked me how come all these Jews were going in and out of Madison Square Garden all evening. I explained to them about the celebration of the *Siyum Hashas*. One of them then offered his hand and congratulated me. He said, "It is great to have such a positive celebration," and then wished me well. As they walked away I could not help but think, "It is good to be a Jew." Never before was I so proud.

# Av Beit Din of Russia: One in Two Million

*Rabbi Pinchas Goldschmidt currently serves as Av Beit Din of Moscow. Born in Switzerland, he was trained at Ponovez in Israel and Ner Israel and Telz in America. After leading a kollel outreach program in Nazeret Illit for several years, he was invited to the Soviet Union to set up a beit din under the auspices of the Steinsaltz yeshiva. Arriving in September 1989 with his wife and two young children, he has almost singlehandedly dealt with all cases in the Soviet Union involving gittin (divorces), gerut (conversion), and determination of personal status. With the current mass exodus to Israel, Soviet Jews are coming to realize the significance of these issues, which have been largely ignored for seventy years. While in the United States over Pesach, Rabbi Goldschmidt discussed his experiences and impressions with Hamevaser's Ronald Ziegler. Excerpts from the interview follow.*

**Hamevaser:** ...What did you expect to find when you arrived in the Soviet Union, and what did you find?

**R. Goldschmidt:** It's hard for me to think back, but I was certainly unprepared for what I found. Before I settled there with my family, I went for two weeks and discovered a small but very vibrant Jewish religious community, with many outstanding people involved in it — professionals and musicians, authors, people who are way above average in society. It was extremely interesting to work with them, to be involved with them in the business of studying and in all areas of my work. Now, in the last few months, things have changed over there, since the old group of refuseniks — the ones who were fighting the system — have all left or are about to leave. Today, we deal with a whole new group of people who have just approached *Yiddishkeit* in the last few months. I would say that in some ways the Yeshiva has turned into a regular *ba'al teshuva* yeshiva. The normal process is to learn *aleph-bet*, to perform a *brit mila*, to start to learn. In the beginning, it wasn't this way. It was more of a classical yeshiva; people didn't have the same background as in other yeshivot, but they were learning at such a level of intensity and at such profound levels, it amazed me.

**H:** They could learn *Gemara*, *Shulchan Arukh*, etc.?

**R. Goldschmidt:** They could certainly learn a piece of *Gemara* — and even though a lot of the words were not clear to them, the way they understood the clear axioms of learning was unusual.

**H:** In terms of the *beit din* itself, are there two other *rabbanim* who permanently serve with you?

**R. Goldschmidt:** Unfortunately not. I usually use the *rebbeim* or teachers who are in the Yeshiva when we need to constitute a *beit din*.

**H:** These people are there on a temporary basis?

**R. Goldschmidt:** Yes, most of them. We have one permanent member of the Yeshiva — the Rosh Yeshiva, Rav Gedaliah Rabinowitz, who was Rosh Yeshiva at Skokie for many years. Besides him, everybody is on a non-permanent basis; they change every two to three months.

**H:** Let's deal with the function of the *beit din* itself. Of the three main areas of your activity — *ishut*, *gerut*, and personal status — which is the biggest problem? Which has the most volume?

**R. Goldschmidt:** Divorces. A Russian couple is expected to get divorced at one time or another since the process of getting divorced is so easy. It was intentionally made easy by Stalin because, in order to enslave the human spirit, the first thing he had to do was break up communities, break up societies and friendships. For example, until very recently, no phone books were printed in Russia because nobody was supposed to know anyone else's phone number. And they also broke up families. If there was strong family life, then the government wouldn't find it as

*I have cases involving a non-Jewish wife -- she keeps everything, she knows halakhot by heart, and when I ask her if she believes in God, she answers, "Maybe."*

easy to move people from one place to another. Therefore, the process of marriage and divorce was made very easy. It's enough to stand in line for a few minutes or pay a few rubles and, I think even without the consent of the other side, a person can get divorced. So as of such, marriages are even less stable than those in the West.

Now, according to most rabbinic sources, today when a woman gets married and divorced civilly, without *chuppa* and *kiddushin*, we still require a *get* because of *chashashot*. Rav Henkin, for example, wrote that a civil marriage can have an effect *le-halacha* as well. So even though Rav Henkin himself states that in Soviet Russia state marriages are not as strong halakhically as are other civil marriages, still *batei din* in Israel and elsewhere expect that a woman who got married and divorced civilly in Russia should still get a religious divorce. This has brought an onslaught of hundreds of people to the *beit din* in Moscow who want to leave to Israel. Let's say one of the spouses wants to leave, and he or she got divorced once or twice or maybe three times; if the person wants to get remarried in Israel, they need a religious divorce while still in Russia [where the spouse is still available, etc.].

People from the northern part of Russia, which means the Ashkenazi part, usually did not get married "*ke-dat Moshe ve Yisrael*," but rather only civilly; they want a *get* so they won't have problems when they come to Israel. In the southern part of Russia, however, people are more traditional. I'm talking about the Sephardic parts. There are 400,000 Sephardim in Russia — in Tashkent, in Uzbekistan, in Azerbaijan. In those parts of Russia, tradition prevailed: in terms of *kashru*, there is a *shochet* in every town. People do *brit mila*, people still come to *shul* on Shabbat, and usually the *chazzan*, the cantor of the *shul*, performed the weddings of these people. Now, [I mean] only the weddings, and not the divorces — a lot of

people got married and afterwards they just separated and never got divorced according to Halakha.

**H:** They just completely forgot about *gittin*?

**R. Goldschmidt:** Yes. There were only two ways of acquiring a *get*. If the couple went to Moscow, there was a Rav popularly known as the "Odessa Rav," who in the most difficult of times made *gittin* in Moscow. But he passed away many years ago. The other method was to make a *harsha'a*, *kitvu u-tnu* (write and deliver), which means appointing somebody to write a *get* for you and also to give it over to the woman. And the woman also used to appoint a *sheliach le-kabbala*, an emissary to accept the *get* for her. Even though according to Halakha it was a very problematic to have a *get* done this way (only in writing and without the presence of either the husband or the wife), still, because there was no greater *she'at ha-dechak* than Russia, it was *bedi'aved* acceptable to the halakhic authorities of the time. For a long time there was no other way of making a *get* there [and as a result many *gittin* were written and delivered entirely in the West, all by emissaries].

Now there was one time that a *get* was written in Russia with a *mesader get* from America being on the phone for five hours with the *sofer* who wrote the *get* in Russia. Afterwards, I saw the *get* which had been written. It wasn't perfect, but it came out pretty much all right. But there is no question that the need for a regular *beit din* was very great, and I don't think that only one *beit din* can answer all the different problems all over the country...

**H:** This fact — that we require *gittin* for people who were married only civilly — isn't this against the *psak* of Rav Moshe [Feinstein]?

**R. Goldschmidt:** Rav Moshe, in one instance where a woman could not obtain a *get* after a civil marriage, permitted her to get remarried.

*There were days when it was rumored there might be a pogrom, so all the Jews we knew just stayed in their homes and were afraid even to be seen in the street.*

**H:** That was *bedi'aved*, you're saying?

**R. Goldschmidt:** I would say it was a one-case question. *Lekhatchila*, most *batei din* in Eretz Yisrael request a *get* after a civil marriage.

Rav Henkin himself, when he writes about civil marriages in Russia, offers an interesting thought, but it is not clear if he really accepts it *le-halacha*. The Rivash (in *siman 6*), states regarding the *Anusim*, the Marranos in Spain, who got married under the wings of the Catholic Church, that this marriage has no validity whatsoever according to Halakha.

His reasoning is that since they got married according to another religion, it is clearly not *ke-dat Moshe ve Yisrael*. [A civil marriage, however, does not contradict the possibility of Jewish marriage.] Since Communism can be seen as a religion as well, civil marriage according to Communist law is not like a regular civil marriage — it's like a religious marriage of a different religion. But it's not clear if he took this assumption as being finally accepted *le-halacha* and that's the reason I assume most *batei din* in Israel *lekhatchila* request a *get* for a civil marriage.

**H:** If, for example, someone didn't get a *get* and got remarried anyway, would the *beit din* declare the children *mamzerim*?

**R. Goldschmidt:** No. Not at all... The problem of *mamzerut* is much smaller than the problem of *eshet ish*. *Eshet ish* is a problem of *karet*, and you have *safek eshet ish*; regarding the children, *min haTorah*, we say, "*Vadai mamzer amar Rachmana — lo safek mamzer*." The moment you have even the slightest doubt, [he is not a *mamzer*,] and the whole reason we are *choshesh* for civil marriages is a *chashash de-Rabbanan*, especially in Soviet civil marriage...

**H:** What does your *beit din* do when you have a wife who wants a *get* and a husband who is *mesarev get* [refuses to give a *get*]?

**R. Goldschmidt:** Today, it is easier to deal with this problem, since most people expect to leave to another country. Now, for the time being, the only country open to most of them is Israel. I explain to them that if the wife comes to Israel and she does not get the *get* beforehand, she has a right to ask for *mezonot*, for alimony from her husband. And when the husband comes to Israel, he might have to pay a hefty price. Since most of them want to be able to go to Israel with no big problems, most of them agree after I have explained to them the consequences of not giving a *get* after they have been already separated.

**H:** Technically speaking, who writes the *get* and who are the *edim* (witnesses)?

**R. Goldschmidt:** We have a *sofer* (scribe) who was trained in Russia, who, fortunately for him and unfortunately for us, is about to leave for Israel. Also, the *sofer* who worked for the Rav of Odessa just came back after many years in Israel to train four new people as *sofrim*. I hope that by the time our *sofer* goes away, the new *sofrim* will have been trained. Often, no *sofrim* are available, so I write the *get* myself, *bi-she'at ha-dechak*. In terms of *edim*, we usually use Russian *bachurim* from the yeshiva.

**H:** You gave a figure of about 400,000 Sephardic Jews in the USSR. How many Ashkenazi Jews would you estimate live there?

**R. Goldschmidt:** Officially, I think there are about two million Jews total in the Soviet Union today. Unofficially, I think the number is higher. And why is there a discrepancy between the official and the unofficial numbers? Because of two reasons. One reason is that according to Soviet law, every person whose parents have the same nationality has no right to choose a new one for himself. So if both parents say "Yevrei" on the passport, he has to be Jewish as well. But if one of the parents was not Jewish, the child has the right, and in most cases uses the right, to write another nationality. If the person had a non-Jewish nationality written on his

Continued on page 10

# It Began Many Many Moons Ago

## The Multiple Themes of Kiddush Levana

by Dov Chelst

Yesterday, drained of all energy, I bordered on lunacy pondering the simple question: Why should I say *Kiddush Levana* every month? What purpose is there in rejoicing in the moon's regeneration? Diana's children died long ago: are we their survivors? Certainly not!

As this pessimistic chord resounded within me, I tried to discover what makes the moon intrinsically special. Unlike the sun, its light provides little warmth. A modern street lamp illuminates more efficiently. A modern landlubber like myself cares little for its pronounced effect upon tides. Why should I care about something 380,000 kilometers away?

To me, the moon has no personal significance. Nonetheless, the moon as a symbol reminds me of various themes which pervade the ceremony of *Kiddush Levana*. The moon's cyclical nature awakens within me the realization of the constant ebb and flow of the Jewish religious experience - both on a personal and on a communal level. When I think of the moon's celestial orbit carefully orchestrated by God ever since the time of creation, I sense the warmth of his omnipresence. I bask in the light of the first commandment which Hashem gave us - the lunar calendar - which *Kiddush Levana* celebrates.

The *mishna* in *Masechet Sofetim* (20:1) places the origin of *Kiddush Levana* as early as the Tannaic period, when the *Beit Din* still retained the right to establish the lunar calendar using actual testimony instead of prearranged calculations. It connects *Kiddush Levana* with *Kiddush HaChodesh* by changing the standard version of the ambiguous blessing "He who renews the months" (Sanhedrin 42a) to "He who sanctifies new months." Even the *gemara* in Sanhedrin, the major source for our modern version of *Kiddush Levana*, incorporates a derivation from the verse in Exodus (12:2) which forms the basis for the commandment of *Kiddush HaChodesh*.

*Kiddush Levana* may very well have evolved from the sanctification ceremonies surrounding the new moon. The *Maharzo* (an *Acharon* named Rav Zev Wolf Einhorn from Vilna) attempts to explain the *Midrash* in *Shemot Rabba* (15:24) which seems to imply that *Kiddush Levana* should no longer apply since we no longer actively sanctify the new moon. He divides the *Midrash* and explains that originally there were two blessings: one for the average Jew and another for the *Beit Din* which sanctified the new moon. Although the latter blessing was abrogated, the former still exists today. The *Radal* (Rav David Luria), dealing with the same question,

chooses another route. He argues that although we may not actively sanctify the new moon, our passive acceptance of Hillel's lunar calendar is enough of a *de facto* sanctification to still enable us to recite *Kiddush Levana*.

Many *Rishonim* clearly accepted the link between *Kiddush Levana* and the sanctification of the new moon. The *gemara* in Sanhedrin poses the question: "Until when may one bless the moon?" Of the two answers, we support the view that one has fifteen days during which he can bless the moon. However, many *Rishonim* explain that this time span is really an *ex post facto* allowance, whereas one should really recite the blessing on the first of the month (Rambam, *Hilkhot Berakhot* 10:17, Me'iri, Sanhedrin 41b and possibly Rashi in Sanhedrin 41b s.v. "Ad Kama"). They emphasize that only if one fails to recite it promptly does he have until the fifteenth. Nonetheless, only the *Sfefer HaKana* (quoted by the *Magen Avraham*) explicitly states that it is preferable to recite *Kiddush Levana* on the first day of the month.

Although we do not follow the decision of these *Rishonim* and instead wait a minimum of three days after *Rosh Chodesh* before saying *Kiddush Levana* (*Talmidei Rabbeinu Yona*, *Berakhot*, end of Ch. 4), our version of *Kiddush Levana* now contains an even greater indicator of the connection between *Kiddush Levana* and the laws of the new moon. During *Kiddush Levana*, we customarily say "David, the King of Israel, lives and endures for ever and ever." In *Rosh Hashana* (25a), the *gemara* relates a circumstance when R. Hiyya used this phrase as a code to signal Rabbi Yehuda HaNasi to sanctify the new moon the following morning.

The idea of dancing before the moon during *Kiddush Levana* in order to show one's happiness at fulfilling such an important commandment may also relate to *Rosh Chodesh*. In the times of the Mishna, they had a similar custom of dancing and merrymaking on *Rosh Chodesh*. One can explain this as the joy of fulfilling the first commandment that Hashem gave the Jewish nation.

*Kiddush HaChodesh* stresses the rights of the *Beit Din* to establish the beginning of a month, regardless of the accuracy of their calculations. Even if on the day which *Beit Din* declared as *Rosh Chodesh* there could not have been a new moon, once *Rosh Chodesh* is proclaimed, the decision is final. *Kiddush Levana*, on the other hand, stresses God's supervision of the moon's monthly revolution, and thus His participation in the establishment of the new month.

According to Rabbi Samson Raphael Hirsch, the main point of *Kiddush Levana* is "declaring God to be the Founder and

Sustainer of the universe and of the laws of the heavenly bodies; and perceiving the heavenly bodies...as the servants of one God and as fulfilling His will" (*Horeb*, *Edot* ch. 35, p. 259). Hirsch draws this conclusion from the blessing itself, in which we recite "He who with His utterance created the heavens, and with the breath of His mouth all their legion." While this emphasizes God's role in creating the heavens, the phrase "A decree and a schedule did He give them that they not alter their assigned task..." coupled with the phrase "The Worker of truth, whose work is truth," highlights God's supervision of the heavens' inner mechanics.

One might ask: "Every single heavenly body, with its specific movements, attests to God's creation and his supervision of the heavens. Why, then, do we make such a hubbub over the moon?" Whether in the Ptolemaic or Galilean celestial systems, the moon undisputedly has the lowest orbit in relation to the Earth. Thus, its presence and its mutability are highly visible. Furthermore, the *gemara* (*Berakhot* 59b) does have examples of blessings for other heavenly bodies - most notably that of *Birkat HaChama*, which one recites every twenty-eight years. We no longer recite the other blessings alluded to in *Berakhot* because we simply don't know when to recite them (*Arukh Hashulchan*, *Orach Chaim* 228).

The fact that *Kiddush Levana* is an affirmation of God's creation of the universe imposes certain requirements upon its performance. We may only say *Kiddush Levana* when we can clearly see the moon and thus feel the inspiration for the commandment which we subsequently fulfill. Some *Poskim* even require us to wait a number of days after *Rosh Chodesh* in order that the moon will attain a suitable size to warrant *Kiddush* (*Talmidei Rabbeinu Yona*, *Berakhot* Ch. 4; *Shulchan Arukh* 426:4; *Rama* 426:1).

The difference between the related discussions in the *Bavli* and *Yerushalmi* emphasizes the dichotomy of *Kiddush Levana* as either a part of the general *Rosh Chodesh* ceremony or a distinct commandment reminding us of God's act of creation. In our *gemara*, the commandment of *Kiddush Levana* emerges amidst a discussion of the topic of testimony, which is naturally associated with *Kiddush HaChodesh*. On the other hand, the *Yerushalmi*'s counterpart to this *gemara* appears in *Berakhot* (9:2) right among the other commemorations of God's supervision of creation. Although a small *gemara* referring to the moon does appear in *Bavli Berakhot* (59b) it is extremely short and vague and may not even refer to *Kiddush Levana* at all. Rambam (*Hilkhot Berakhot* 10:17) merges these two ideas. He clearly links *Kiddush Levana* and *Rosh Chodesh*, as evidenced by his opinion that the first of the month is the ideal day for the blessing's recitation. Nonetheless, he groups it in *Hilkhot Berakhot*, preceded by the blessing for a rainbow and followed by *Birkat HaChama*.

When we view the regeneration of the moon, Hashem's universal supervision becomes so obvious that the *gemara* (Sanhedrin) tells us that it is equivalent to meeting him personally (Rav Zevin: *Encyclopedia Talmudit* s.v. "*Birkat Halevana*"). The *gemara* says this in two quotations. First, Rabbi Yochanan uses a standard derivation to prove this statement from a comparison of two verses in *Shemot*. The first verse refers to the commandment of *Kiddush HaChodesh*, "*HaChodesh ha-zeh lakhem*," while the second verse - "*zeh Keli v'arvehu*" connects

*Kiddush Levana* (verse 1) to the Divine presence (verse 2). Then a tanna from the school of Rabbi Yishmael states that if we only merited viewing our "father in heaven" once a month - during *Kiddush Levana* - it would be sufficient.

A whole host of practices related to *Kiddush Levana* stress our reception of the *Shekhina*. First, in Sanhedrin, Abaye responds to the two verses relating *Kiddush Levana* to the divine presence by saying, "Therefore one must recite it while standing." Furthermore, since we are greeting our King, we should dress in clean and perfumed clothing (*Shulchan Arukh* 426:2). In addition, we should preferably recite the blessing with a *minyán* (*Birur Halakha* 426:2), due to the general principle that a group of people performing a *mitzva* together pleases God more than a bunch of separate individuals. Also, we must go outside to greet Hashem instead of casually saying "Hello!" through a window within our houses. The *Be'er Heitev* (426:5) quotes an opinion which carries this motif within *Kiddush Levana* to the extreme. He says that the reason we normally refrain from reciting it on *Shabbat* or *Yom Tov* is because of the prohibition of *Techumin*. One may not travel more than 2000 *amot*, in any direction, outside of the boundaries of one's place of residence on *Shabbat*. According to some (the *Magen David* quotes the *Maharil*, *Hilkhot Yom Tov*), this prohibition even applies skyward, and the moon is clearly more than 2000 *amot* (1 kilometer) away from the earthbound Jew. Thus, greeting the moon on *Shabbat* would appear as if one were violating this prohibition by addressing someone outside of the *techum*.

Later in the text of *Kiddush Levana*, it says "To the moon He said that it should renew itself as a crown of splendor for those borne [by Him] from the womb, those who are destined to renew themselves like it, and to glorify their Molder for the name of His glorious kingdom..."

Thus, the moon's regeneration is a harbinger of Israel's ultimate regeneration and return from a long exile. The comparison of Israel to the moon may seem a bit forced when one realizes that the moon constantly regenerates its light while Israel suffers an protracted exile. Yet, even Israel's exile has its physical and spiritual peaks and valleys.

The *gemara* in *Chullin* (60a) relates the story of the primeval moon. Originally, the moon was the sun's twin. It then complained, "It doesn't make sense to have two rulers in the sky." "You're right," responded God, and subsequently punished it for its ill-will by dimming its light. This "sin" clearly correlates with the original sin of Adam and Eve. During *Kiddush Levana* we also say:

"May it be Your will, Hashem, my God and the God of my forefathers, to fill the flaw of the moon that there be no diminution in it. May the light of the moon be like the light of the sun and like the light of the seven days of creation, as it was before it was diminished, as it is said: 'The two great luminaries.' And may there be fulfilled upon us the verse that is written: 'They shall seek Hashem their God, and David, their king Amen.'"

Here, one can clearly draw the comparison between Israel and the moon. When we return from our exile at the time of the Messiah, the moon shall return to its former glory.

There are many similarities between the children of Israel and the moon in terms of general tendencies. But, what is their explanation? Why are *Bnei Yisrael* like the moon? Ironically, the answer lies within modern science. Just as the moon has no independent light, serving only as a reflector of sunlight, *Bnei Yisrael* have no independent light of their own, serving merely as conduits, channelling the divine light of Torah upon the rest of the world (*Torah Lodaat* on *Kiddush Levana*).

Continued on next page

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# Modeling Torah Umadda

by Mark Gottlieb

The ubiquity of the slogan "Torah Umadda" in the environs of Yeshiva University needs little confirmation. It is the motto of our institution, and, as such, is emblazoned on a host of items, ranging from letterheads to coffee cups and paper napkins. Unfortunately, the immediacy of the slogan's presence often obscures the profound doctrinal implications of our Yeshiva's mission. Many students glibly toss the term around, not realizing that *Torah Umadda* is not simply a motto on a university seal, comparable to Yale's *lux et veritas*, for example, but rather a subtle, complex and serious *derekh ha-avoda*.

An unfamiliarity with the sources and conceptual underpinnings that support our basic approach seems to be the cause of the problem. For many, distinct versions within the general camp of those who assent to the value of secular knowledge remain hazy and amorphous. To correct this lacuna, Rabbi Lamm's highly anticipated new offering, *Torah Umadda: The Encounter of Religious Learning and Worldly Knowledge in the Jewish Tradition* provides a thoughtful and systematic presentation of several versions of *Torah Umadda* and their respective educational implications.

Rabbi Lamm is an eloquent stylist who employs his talents to successfully orchestrate a balance between scholarly precision and impassioned fervor. To be sure, Rabbi Lamm is no detached observer, and his approach is avowedly provocative. His approach is more "phenomenological" than historical" and background material is marshalled to support a specific position. This is no mere exercise in intellectual gymnastics, as is so often the case with academic scholarship.

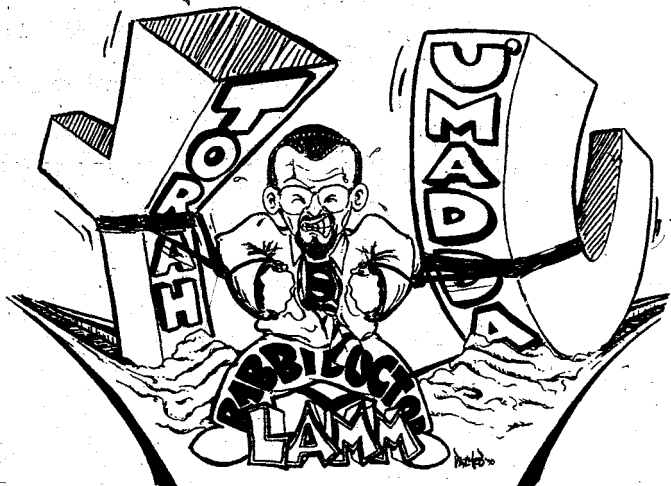
Before discussing the individual paradigms, Rabbi Lamm presents a brief historical survey of the opposition to *Torah Umadda*. Rabbi Lamm is fond of rhetorical flourish, and his nightmarish metaphor for the potential danger inherent in an insular, bifurcated lifestyle is quite effective. Also, Rabbi Lamm has a sharp insight into the teleology of mission of Israel's exilic odyssey, viz., only if we are a "holy nation and kingdom of priests," not a "sacred sect and denomination of priests," can we succeed as the agent of universal redemption — a light unto all nations.

The individual paradigms are presented in a rigorous fashion, and R. Lamm's analysis displays an undeniable clarity of thought. This is especially evident in his various critiques of the "Rationalist" model of Maimonides and the "Cultural" model of R.S.R. Hirsch. R. Lamm incisively remarks that invoking the Rationalist model in a contemporary

setting is of limited value, for Maimonides' assent to the value, indeed desirability, of secular learning was restricted to a static, now obsolete system — Aristotelian cosmology and metaphysics. R. Lamm's penetrating comparison of the Hirschian and Kookian systems serves to highlight the dichotomy of synthesis and coexistence. (For further discussion, the reader is directed to R. Lamm's "Two Versions of Synthesis" in *Faith and Doubt*. Also, for a thoughtful critique of R. Kook's

flows from the conviction that God is both the author of Creation, as well as Revelation. Rabbi Lamm utilizes the Chasidic doctrine of *avoda she-begashmiyut* — "worship through corporeality" — to bolster his thesis. This association is interesting, if not slightly problematic. If Rabbi Lamm is saying that any act can be transformed into "worship," even a mundane act such as tying a stitch on a shoe, provided that the requisite spiritual intention is present — namely the act is done

ous forces." Rabbi Lamm draws on an analogy from modern atomic physics — Bohr's theory of complementarity — to illustrate that pluralism is not only integral to the Halakic system — "elu va-elu divrei Elokim chayyim" — but part of the very fabric of the universe. Theology, Mysticism, and Halakha all recognize that "reality requires apparently conflicting outlooks in order to grasp the underlying truth." This a subtle and profound insight which is neatly summed up



mystical monism, see R. Walter S. Wurzbarger's article in *Tradition* 1962.)

Next, R. Lamm proceeds to develop three fresh models of *Torah Umadda*. R. Lamm recognizes that these paradigms are not wholly new, but are based on previous models with slight modifications to add additional scope and emphasis. These attempts are bold and original, yet they are not immune from some slight difficulties. R. Lamm claims that the Inclusionary model is built on, yet surpasses, the Rationalist model in scope, for it is "content-neutral with regard to the nature of the *Madda* itself." However, we can only affirm *Madda* as "text-less *Torah*" if we appeal to the Rationalist model of the Rambam. Rambam admittedly limited his purview to the speculative metaphysics of his day and certainly can't be invoked in defense of the humanities. How the Inclusionary model salvages the temporality of the Rationalist model remains unclear.

The climax of the book is clearly the development of the Chasidic Model, which posits *Madda* as a form of worship. It is original and alluring in its attempt to imbue the totality of experience and Being with religious significance. This thesis naturally

for the sake of heaven" (see Midrash Talpiyot on Enoch) — then we need not invoke the doctrine of "worship through corporeality" to defend the desirability or value of worldly knowledge. Worldly knowledge, per se, is not really valuable in its own right. What is valuable is the subjective "spiritual" intention. Some might argue that this trivializes the value of worldly knowledge, for it is no longer worthy in its own right. Also, the scope of the necessary intention is unclear. Does it have to be constant, or does a general assent to the value of nature and the world, based on God's immanence, suffice? Finally, the Chasidic model can be employed to give equal significance to other forms of experience, not just cognitive ones, such as athletic or aesthetic development. Rabbi Lamm rightfully recognizes the implications of his thesis, yet realizes that a systematic treatment of the non-cognitive faculties would go beyond the scope of the present work.

Rabbi Lamm concludes his work with an insightful discourse on the dialectical nature of truth and pluralism and his near-Utopian vision of a pluralistic Torah community. He eloquently "asserts the harmonious blending of the diverse and the resolution of autonym-

in the coinage of the Catholic theologian Hans Urs Von Balthasar. Truth is symphonic.

Those hoping to find a neat syllabus of required readings garnered from Dante, Shakespeare, Milton, Goethe, or Kant, necessary to become an overnight "Torah Umadda Man" will be sorely disappointed. However, such a wish would be foolish and unrealistic. "Torah Umadda" is not simply a curricular desideratum. It is a demanding and complex religious system which requires the nourishment of an all-encompassing religious sensibility. It must never be restricted to the confines of a classroom. Rabbi Lamm clearly recognizes this fact, and therefore, his book is by no means programmatic. The odyssey of the individual *Torah Umadda* practitioner is intimate and personal. The realms of Nature, Knowledge, and Beauty are wide enough to accommodate the inclinations, interests, and affections of the sensitive practitioner. Rabbi Lamm does not spoon-feed us. Instead, he provides the necessary framework to enable each of us to develop and pursue the particular model suitable to our own needs and taste. *Torah Umadda* merits our praise, deserves our attention, and demands devotion to the ideal it espouses.

Continued from previous page

God regretted needing to diminish the moon's luminosity. In order to atone for this act, he asked the children of Israel to bring a sin-offering for him every *Rosh Chodesh* — the time of the moon's nadir. At this point, God, having "sinned," is exceptionally receptive to repentance and will pardon our sins more readily (*The Book of Customs* of Rabbi Asher ben Saul from Lunel). In this way, *Rosh Chodesh* is a mini-Yom Kippur, when we should look back on our past transgressions and resolve to begin the new month with a clean and pure slate (*Shla*). Hirsch stresses that we should "link up with the moon's renewal the import of your (our) personal renewal and that of the future regeneration of Israel..." (*Horeb, Edot*, Ch. 35, p.259)

In *Horeb* (ibid, p.260), Hirsch draws a comparison between *Kiddush Levana* and the Sabbath:

"Just like the Sabbath, *Kiddush Levana* serves as a reminder of Creation and the Creator and leads us to remember and to contemplate. For this reason, it is considered an especially meritorious act to perform *Kiddush Levana* at the conclusion of the Sabbath or festival, although as a rule it should not be recited on a Sabbath or *Yom Tov* itself."

The suggestion that one should recite *Kiddush Levana* at the conclusion of the Sabbath first appears in *Masechet Soferim* (20:1). Amazingly, the moon is connected to the Sabbath in other ways as well. According to the *gemara* (Chulin 60a) as well as various *Midrashim*, the date of the primordial moon's obfuscation was *Motzaei Shabbat*. Also, one may view

each week as a separate entity. Thus, the Sabbath would be a time for one to reflect over his actions throughout the past week and to begin the new week anew. Furthermore, both the Sabbath and the moon have a commandment of sanctification. Just as we have *Kiddush Levana*, on the Sabbath the motif of *kiddush* emerges in every prayer and during both the evening and morning meals.

The difference between *kiddush* of *Shabbat* and the *Levana* is that the moon is a physical object instead of a spiritual concept. Thus, in *Kiddush Levana* one must worry about appearances. Even though Luna's minions are long dead, there are modern people who would assert that Judaism retains an element of moon worship from the olden days. Thus, the *Shulchan Arukh* suggests precautions to prevent anyone from drawing such an idolatrous conclusion. In *Orach Chaim* (426:2), he says that during *Kiddush Levana*,

although one customarily dances before the moon, one should dance with locked knees. For a true moon worshipper would undoubtedly bend his knee to the moon. The *Shla* goes even further in his precautions. He says that one should only look at the moon once during the whole process of *Kiddush Levana* — right before the blessing (*Magen Avraham* 426:8).

Today, once again in the late hours of the night, I realize why I am doing this. Through the use of the commandments of *Kiddush Levana* and *Kiddush Hachodesh*, God transformed the meager moon into a beacon of spiritual light radiating its greatest message upon the dim dawn of a new cycle. The *tannaim*, thus, specified *Motzaei Shabbat*, so that after spending a full day attuned to the world's spiritual dimension, we could easily perceive the moon in its true light.



# Beastly Morality

## The Ethical Example of Animals

by Anne Gordon

"The ox knows its owner, and the donkey its master's feedbag; [but] Israel knows not, my nation pays no attention" (Isaiah 1:3). By contrasting Israel's actions to those of the animals, the prophet Isaiah admonishes his people to heed the example of nature's creatures. Eihu similarly chastises Job for demanding that God account for divine justice. Eihu observes that when animals cry out for justice and receive no answer, they abandon their request. "From the beasts of the earth we learn," he chides, "and from the fowl of the heavens we will gain wisdom" (Job 35:11).

Isaiah and Eihu raise important questions regarding the concept of a universal ethic. Does a natural ethic exist? Should Man look to lower forms of life for higher moral standards? Chazal address these issues, and



from Eihu's rebuke, derive the principle that Man can learn morality from the behavior of animals (Eruvin 100b). R. Yochanan applies this principle: Had the Torah not been transmitted to the Jews, Man could have learned modesty from a cat, aversion to robbery from an ant, sexual morality (chastity) from a dove, and proper marital convention from a cock. R. Yochanan's examples support the position that Man can extrapolate ethical mores from animal behavior.

The demure cat illustrates the concept of *tzeniu* — literally, hidden. Cats will not mate in the presence of others, and they fastidiously cover their dung from the eyes of the world. Just as a cat keeps these acts private, so too should Man sustain a mystique about certain bodily functions. R. Samson Raphael Hirsch, in his commentary on Leviticus, maintains that by keeping certain physical actions private, Man elevates himself above the level of animals. As a rule, animals fulfill their biological needs of the moment with no consideration for polite company. Ironically, the cat, an animal, can teach Man the propriety which sets him apart from animals.

The ant's lesson is more complicated than that of the cat. R. Yochanan claims that the ant's behavior preaches against theft. Proverbs (6:6-8), however, instructs the sluggard to learn diligence by observing the ant. Each ant, on its own initiative, prepares and stores its summer harvest to eat in the winter. Rashi synthesizes the two-fold lesson of the ant. He explains that the ant's inherent respect for property leads it both to be diligent and to shun theft. Man should also respect property, be diligent, and shun theft. The ant's ethic provides for communal harmony, every society requires a conception of property ownership to guard against social anarchy.

But why does the Talmud shift the

emphasis of the ant's lesson from diligence to honesty? One might argue that since the ant teaches diligence in Proverbs, the Talmud chose to preach a "new" ethic. Perhaps the ant instructs against theft because diligence, though a character strength, is not truly a moral issue. The Talmud discusses ethical and moral behaviors, which, in the absence of Torah, Man would only learn from the animals.

The dove's "moral" is fidelity. According to Rashi, a dove will conduct conjugal relations only with its mate, implying that doves are not promiscuous birds. Even the story of the Flood depicts the dove as a loyal creature. Noah first sent a raven to scout for dry land. The Bible does not record the raven's return. Noah then sent a dove who returned twice to the Ark, first empty-handed and then with the famous olive branch. Only after the dove indicated that dry land had surfaced did

it depart from Noah's hand to build a life for itself. Man should emulate this fidelity. Monogamous relationships, as the dove instinctively knows, allow harmony to reign over society. Sound marriages are the pillars of a strong community.

Yet another bird counsels proper marital etiquette. The cock teaches a Man to court the woman with whom he wishes to mate. The Talmud explains the bird's behavior in a lyrical manner. How does the cock appease the hen before he mates with her? He spreads his wings and tips them toward the ground, thus promising her a coat that will reach her feet. After conducting "marital" relations with her, he shakes his head downward swearing, "May the cat tear off my crest if I have the money to fulfill my promise, but do not do so." The cock phrases this statement with cunning; he will never possess the money for the coat. Nevertheless, the hen is mollified because the process of courtship lends dignity to the encounter. Man should similarly comport himself with dignity. Once again, Man can learn morality from animal behavior.

Maharal, R. Judah Loew of Prague, in his great moralizing treatise *Netivot Olam* (*Netiv HaTzenuit*, ch.1), presents a different perspective. According to Maharal, the animals discussed in Eruvin 100b do not act as they do to educate society about propriety, communal harmony, sound marriages, or dignified courtship. Rather, certain ethical characteristics are inherent in the world, and therefore a logical component of the integral nature of the world. The animals of R. Yochanan do not merely advise morality; Maharal sees their ethics as necessary for the structure of the world.

All traits inherent in the world, whether positive or negative, are displayed in nature. Even man's innate nature reveals itself in the

world around him. He therefore can learn proper conduct — the human approach — from other creatures of nature. Man can discover the essence of the world through observation. He discovers the intrinsic value of the different elements of the world by studying animal behavior and distinguishing between that which is "good" and that which is "bad." Man can learn from animals because nature — not intellect or inclination — governs them.

Yet, not all agree with the position that Man ought to learn morality from the behavior of animals. R. Ya'akov ben Shlomo ibn Habib, fifteenth century author of the *Ein Ya'akov*, a compilation of, and commentary on, the narrative passages of the Talmud, expounds upon the idea of learning ethics by observing the actions of particular animals (see unabridged version). He recalls that the Talmud discusses the hypothetical case of a world without Torah. One might first think that if in a Torah-less world Man could learn morality from the behavior of animals, perhaps in a world with Torah, Man has even greater reason to learn from them. One would recognize certain ethical principles in the conduct of these animals, and decide that since even some animals act with morality, Man is certainly obligated to do so.

Ibn Habib, however, does not condone observing animal conduct for moral education. He argues that were such a tradition of instruction established, Man might internalize certain unsavory traits of the animals as well. Even those creatures which can teach Man morality could unwittingly instruct him to behave in an unethical manner. The *Ein Ya'akov* uses the animals of R. Yochanan's hypothesis to illustrate his point.

The cock who cunningly appeases the hen before he mates with her speaks from a position of falsehood. He knows that the promise of a coat is empty, for he will never possess the money to fulfill it. Though the cock technically does not lie, his statement smacks of deception — not a fine, upright character trait. And he who internalizes the traits of the cock might neglect his responsibility to God and himself in the pursuit of women. The non-thieving ways of the ant also incorporate a negative side. The ant, compelled against robbery, obsessively hordes its property. Were Man to emulate the ant's preoccupation with the material world, he would never find time to grow spiritually.

The verse in Proverbs which instructs the sluggard to learn wisdom from the ways of the ant, despite its obsession with the material world, at first seems to contradict the teachings of Ibn Habib. He argues that Man should not study the behavior of animals to learn morality; the Torah presents, among other things, a moral code. Nevertheless, when a verse of the Torah advises Man to study the conduct of the creatures of the world, Man should adhere to its counsel. Only the explicit statement of the Torah gives him license to learn from animals' behavior.

The modest cat, therefore, also should not be emulated. Cats may be modest, but they chase mice, steal fish, and generally brew mischief. The *Ein Ya'akov* agrees that animals may act in an ethical manner. Nevertheless, since the Jews did receive the Torah, they should not learn from the behavior of any animal, lest they internalize the animal's negative traits along with its positive. (Interestingly, Ibn Habib neglects the dove in his delineation of possible negatives.)

In *Petach Enayim*, R. Chaim Yosef David Azulai (the Chida, 1724-1806), questions this instruction from nature. Should Man learn from the traits which in fact typify particular animals? Some animals stereotypically exemplify given characteristics: owls are wise, mice are timid, and foxes are sly. The Chida wonders at R. Yochanan's selection of animals in the passage in Eruvin. He notes

that R. Yehuda ben Tema chose the "animal" instructors" of the Mishnah in *Avot* (5:24) based on different criteria than did R. Yochanan. R. Yehuda advised Man to be as bold as a leopard, as swift as a gazelle, and as strong as a lion in fulfilling the will of God. He identifies the natural strengths of the animals he names, teaching that the inherent traits of animals do instruct man. The passage in Eruvin, however, tells Man to learn from a few specific instances of behavior, and not from any animal's overarching nature.

The Chida focuses on the different kinds of animal behavior from which Man may learn. The principle of learning wisdom from animal behavior, as expressed in Job, refers not to particular actions of the world's beasts, but to their inherent natures. Without R. Yochanan's specific examples in Eruvin, Man would be oblivious to the cases he describes. The Chida explains that Man can emulate the fundamental natures of animals and deduce morality from given peculiar instances of behavior. Man can therefore heed, for example, the ant's model of both honesty and diligence.

Throughout the ages, rabbinic scholars clearly differed in their approaches toward animals. Maimonides, in the third section of *Moreh Nevuchim*, contends that animals were created to serve man. Man therefore has an obligation to treat them in a humane manner. In his discussion of animal nature, Rambam ignores the Chida's agenda based on Job and Eruvin. True to form, he focuses on their ability to reason. But even those who examine animal behavior, from R. Yehuda ben Tema and R. Yochanan to Hirsch and the Chida, take different positions on precisely what may be learned from it.

Does a natural ethic exist? Since Isaiah, animals have been used as a means of instruction. Chazal clearly felt that some form of ethic is inherent in the world, as the Maharal's interpretation reveals. Ibn Habib, however, stipulates that the Torah determines the ethical wisdom of man, regardless of the behavior of any animal. Nevertheless, the animals provide Man with valuable lessons of morality and character.

# Dor Enosh: False Start or New Beginning

by Benjamin Kaminetsky

The ten generation span between Adam and Noah leaves readers of the Bible with a perplexing gap in their understanding of the beliefs and actions of pre-Noachide humanity. Aside from the thorough account of the Tower of Babel, the sole reference to this ancient period offers little more than a genealogy. However, one seemingly innocuous verse gives us a clue to the state of man during these textually silent years: "And to Shet, in turn, a son was born, and he named him Enosh, *az huchal likro be-shem Hashem*" (Genesis 4:26). This verse, describing the third generation after Adam, has been the subject of intense discussion in rabbinic, medieval and contemporary sources and commentaries, yielding a qualitative and quantitative gold mine of diverse exegetical arguments.

Rashi argues that *huchal* denotes the profaning of God's name. He writes: "*Huchal* is an expression of *chullin* — profaneness. Men began to call the names of men and idols by the name of God, to make for themselves idols and to call the idols divine beings."

Maimonides identifies the generation of Enosh with mankind's initial venture into idolatry as well (*Hilkhot Akum* 1:1). Accord-

# Ours to Reason Why: The Quest for Ta'amei HaMitzvot

by Sammy Levine

The *mishna* in Berakhot (5:3) reads: "One who says... 'Your mercy extends even upon birds' nests...' We silence him." In the *gemara* (33b), one *amora* explains that this statement ascribes a merciful basis to *mitzvot*, such as the one alluded to in the *mishna*: sending away the mother bird before taking its eggs. He asserts that the person espousing such a viewpoint is silenced because the laws of the Torah should be seen simply as *geze-rot* (objective decrees).

Rambam addresses this *mishna* in *Moreh Nevuchim* (3:48), after offering a merciful basis for several *mitzvot*, including *shiluach ha-kan*. He writes that although some hold the opinion that there is no reason for the *mitzvot* other than the will of God, "we have followed the other view," that there do, in fact, exist other reasons.

Rambam expresses this opinion in *Mishneh Torah* as well: "Although all of the *chukim* of the Torah are *gezerot*... it is proper to delve into them, and all to which you can ascribe a reason, you should do so" (*Hilkhot Temura* 4:13). Having discussed the apparently mysterious laws governing an attempt to transfer *kedusha* from one animal to another, Rambam posits that man possesses not only the justification, but the obligation, to search these laws for an underlying rationale which he can understand. He applies this approach to the similarly mysterious laws of *tumah ve-tahara* as well, calling them "Gezerot hakatu... [which] are not among those things which man's intellect would dictate," but adding that "nevertheless, there lies within them, a deeper message" (*Hilkhot Mikvaot* 10:12).

The position of the *Sefer HaChinukh* is more ambiguous. The author speaks of the importance of finding *ta'amei ha-mitzvot* (reasons for the *mitzvot*), describing such a pursuit as "my vocation in all my effort" (Commandment 537). Nevertheless, he writes in both his introduction and his

commentary on various *mitzvot* (e.g. 126, 504) that his objective in offering *ta'amei ha-mitzvot* to the reader is to help young children adapt to the *mitzvot*, so they will realize that "the words of the Torah have reasons and purpose." Therefore, he says, even when an explanation seems remote from the actual commandment, it is beneficial because it still appeals to a child's "undeveloped intellect." Thus, *ta'amei ha-mitzvot* emerge as a noble aspiration, but more as an educational tool than as an ideal means to understand the Torah.

Yet, even a positive view of investigating *ta'amei ha-mitzvot* must not ignore the several dangers inherent in this activity. While man may have the ability to find reasons for the *mitzvot*, he should not base his religious performance on his understanding of those reasons. The *gemara* relates in several locations (*Kiddushin* 68b, et al.) the dispute between R. Yehuda and R. Shimon, the latter of whom held "*darshinan ta'ama d'kra*." R. Shimon felt that, having discovered the reason for a *mitzva*, he could then decide the applicability of the *mitzva*. R. Yehuda, however, argued that the *mitzva* must always be followed, even if its reason does not seem to apply to a given situation. Tosafot (*Gittin* 59b) point out that the dispute existed only when there would result a similar dispute in practice. If so, R. Yehuda was not opposed to seeking the reason for a *mitzva*, but only to basing on such a reason the observance of that *mitzva*.

Rambam appears to share the view of Tosafot. As most commentaries explain, Rambam's halakhic rulings follow the opinion of R. Yehudah; yet, Rambam is clearly in favor of investigating *ta'amei ha-mitzvot*. R. Yosef Karo, in his *Kesef Mishna*, explains that the Rambam in *Hilkhot Avodah Zarah* (4:4) conforms directly to the rule Tosafot suggests, quoting the reason for a *mitzva* as offered by R. Shimon, but only because it will not result in a difference in practice of the law.

According to Rambam, we could expect the Torah to assist man's understanding of the *mitzvot* by telling their reasons. Nevertheless, as the Talmudic statement in *Sanhedrin* (21b) notes, the Torah does not reveal the reasons for most of the commandments. The *Gemara* therefore points out that the Torah does, in fact, disclose the reasons for three prohibitions regarding a king's conduct: that he not have an overabundance of wives, money, or horses. As a result, King Solomon, "the wisest man in the world," failed to properly observe the prohibitions, believing that he was not subject to the dangers motivating them. Therefore, the Torah did not reveal the reasons for most of the *mitzvot*, lest others err in the same manner as King Solomon.

Rambam shows concern for one's investigation of *ta'amei ha-mitzvot* affecting his performance of the *mitzvot*, citing the *Gemara's* evaluation of King Solomon in both *Moreh Nevuchim* (3:26), and, more expansively, in *Sefer Hamitzvot* (*Lo Taseh* 365). The *Sefer HaChinukh* brings the same example of King-Solomon to explain why the reasons for *mitzvot* are not explicit in the Torah. The author even extends this idea to the area of forbidden foods (79), which he asserts are dangerous to the health of humans who consume them. Had the Torah revealed the danger of each individual food, some people "who consider themselves great wise men" might limit the Torah's warnings to specific circumstances, permitting in others what is always forbidden.

Such an attitude, however, challenges what the author refers to as his primary function, to bring forth the *ta'amei ha-mitzvot* which are not explicit in the Torah. His answer to such a challenge is based on precedent, as he relies on "my teachers" who possess "deep knowledge, strong wisdom, and great holiness" and have already discussed the reasons of many *mitzvot* (152). Nevertheless, this answer only seems to shift the challenge to "my teachers," whom he identifies in a letter concerning his book as Rif, Rambam, and Ramban. Since Rambam and Ramban (Deut. 22:6) both cite the case of King Solomon, their positive attitude towards revealing *ta'amei ha-mitzvot* not exhibited by the Torah requires explanation.

A possible answer is offered in Maharsha's commentary on *Pesachim* (119a). The *gemara* there supplies one of the many sources which Rambam and Ramban use to support their views, as it praises those who "reveal *ta'amei Torah*." Maharsha notes the apparent contradiction to the *Gemara's* explanation for the Torah's concealing *ta'amei ha-mitzvot*. He resolves the contradiction by suggesting that perhaps only those reasons which the Torah itself reveals present a danger of laxity in *mitzva* performance, should one think the reasons do not apply to him. Reasons which are deduced, however, do not present such a danger. Apparently, a person will not be confident enough with a reason not explicit in the Torah to rely on it in judging the necessity of his fulfilling a *mitzva*. When the Torah gives the reason, however, since the individual knows this is the true reason, he might come to excuse himself from the *mitzva*. In fact, such a distinction has validity, based on the Talmud's statement in *Sanhedrin* (21a) that even R. Yehudah holds "*darshinan ta'ama d'kra*" when the reason is explicit in the Torah.

Another danger against which Rambam cautions is that if someone does not find what he considers a valid reason for a certain *mitzva*, he may not feel the proper respect for that *mitzva*. In *Hilkhot Me'ila* (8:8), after

praising the pursuit of *ta'amei ha-mitzvot*, he warns "that which he will not find a reason for it... should not be light in his eyes." He continues to say in *Moreh Nevuchim* (3:26) that if such an occasion does arise, it is a result of a "lacking in your care." Quoting the *gemara*, he writes that "if it is empty, it is because of you." Man should recognize that all the *mitzvot* have a purpose; if he is unable to understand the purpose of a certain *mitzva*, the fault lies with him, not within the *mitzva*.

The *Sefer HaChinukh* similarly attributes the inability to understand the reason of a *mitzva* to "our limited intellect and the deep profundity of the *mitzvot*" (537). In fact, the author's introduction openly admits that "I do not expect or propose to reach the absolute truth." Nevertheless, he insists, "those whose benefits we can ascertain through our wisdom, in them we should rejoice" (152).

Rambam places one more restriction on understanding *ta'amei ha-mitzvot* (*Moreh Nevuchim* 3:26), asserting that the details of many *mitzvot* serve as necessary clauses to those *mitzvot* but do not represent any special symbolism or benefit. For example, he writes, the Torah's prescription of a certain species or a particular number of animals for a sacrifice is based simply on the "necessity to have a given animal" or a "specific number."



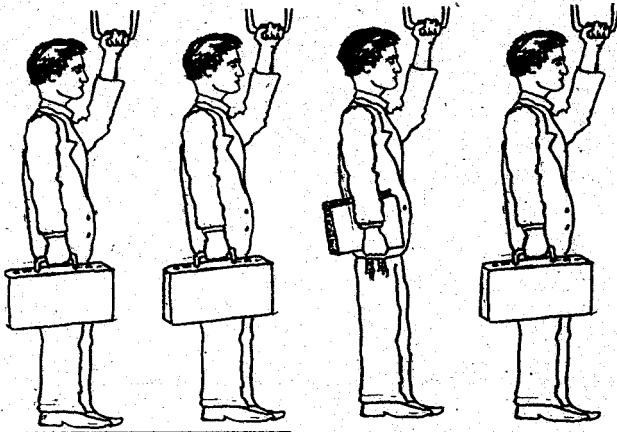
The Kuzari's approach to the qualifications of various *mitzvot*, likewise, is to restrict man's understanding. Thus, "even societal and logical *mitzvot* are not understood completely." Although we clearly recognize the importance of respect for parents and the impropriety of dishonest business dealings, for example, the definition and limits of these acts "can be [decided] only by God."

Throughout the generations, some of the greatest authorities have accepted the view of Rambam. While techniques and individual reasons may vary, the pursuit of *ta'amei ha-mitzvot* continues to offer religious insight and inspiration.

- See, however, *Hilkhot Tefilla* (9:7). Various resolutions to this contradictory formulation have been discussed.
- Rav Yehuda Halevi, however, does not share such a positive view of the search for *ta'amei ha-mitzvot*. In the *Sefer HaKuzari* (2:26), the *chaver* tells the king that "who accepts [the Torah] absolutely, without consideration and judgement, he is greater than the one who judges and investigates." It is only the person who "strays from this high level" and looks for explanations who will then benefit from finding reasons for the *mitzvot*.
- Rav Yosef Albo, in *Sefer Halkarim* (3:16), actually offers a theoretical scenario (see 3:20) through which G-d might abrogate certain *mitzvot* if their reasons no longer apply. Nevertheless, he shares the view of his teacher, R. Chasidai Crescas, that "it is proper... for all who follow the Torah of Moshe" to believe that no *mitzvot* will change. Though his scenario has no practical application without a manifest Divine revelation, the failure to recognize this necessary component would still justify the concerns of the *gemara*.

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# Wall Street Woes: Religion in the Workplace



by Martin Klamen

Many of you will soon be leaving college and spending many hours each day pursuing a career. Certainly, a person serious about religion cannot compartmentalize his life. The workplace can challenge us as Jews in many ways. I have been working in the business world for nearly four years and in corporate firms for most of that time. I would like to share some thoughts and ideas with you.

A religious Jew faces at least three concerns in the workplace. First, keeping *mitzvos* becomes more difficult and challenging. Second, there are specific halachic obligations for a worker. Third, contact with non-Jews and non-Orthodox Jews will give rise to new questions and situations.

The most common continual practical challenges to observance of *mitzvos* are *kashrut* and *shemirat Shabbat*. People tend to strongly associate religion with ritualistic laws, so these observances are not usually serious or problematic. What people often do not understand is that actions - such as hugging and shaking hands - are also religious concerns for Jews. Speaking disparagingly about others may not only be accepted in the workplace, but sometimes expected. Although this may not be technically prohibited, it may be a bad habit to get into. I have found consistency to be the best way to deal with such halachic problems.

Sometimes, a situation arises where one is pressured to compromise. Some employees will make their own *gedarim* to help avoid halachically problematic situations: "*aseh seyag la-Torah*." For example, even though it may be permissible to enter a non-kosher restaurant for business, some will never do so on principle.

Others will make a point of choosing that which is preferable over that which is merely acceptable. For example, they will make sure that they find a *minyán* for *mincha*, especially during the short days of winter. Although *davening be-yechidut* is permissible, it is surely preferable to *daven be-tzibbur*. While striving to be successful in business, one should consider the costs.

New obligations confront the Orthodox Jew entering the workplace. The Jewish work ethic requires one to use his time efficiently on the job. (*Shulchan Aruch, Hoshen Mishpat 337:19,20*) One's time at the office should be spent on the job he is paid to do. One should question extended coffee breaks and attending to personal business on company time. Furthermore, an employee should put forth his best efforts on the job, exerting himself to the utmost, even to the extent that outside activities which adversely affect an employee's productivity should be avoided. In general,

one should be productive and strive for quality work. (see R. Aaron Levine, *Economics and Jewish Law*, Chapter 6)

When associating with non-Jews and non-Orthodox Jews, one should be aware of the differences in ideals, priorities, and modes of living between oneself and others. This is not to suggest that the Orthodox Jew has nothing in common with his co-worker. You may share ideals and values with others - non-observant Jews and non-Jews are people too. Friendships may develop. However, our value system is Torah-based while our neighbor's may not be. On the one hand, there is no prohibition to work for or with non-Jews. At the same time, prohibitions such as *pat akum* and *bishul akum* set a spirit of limited socialization. (Mishneh Torah, *Ma'akhalot Asurot*, 17:9)

Spending the whole day in the company of your co-workers may blur these distinctions. When I worked in Midtown, I made a point of going out to a kosher restaurant for lunch and attending a *mincha minyan*. Besides the desire to eat kosher and to *daven b'tzibbur*, I wanted to have something Jewish in my daily routine.

Having a prepared answer for a common question can, likewise, be helpful. A common query - by those who know such a thing exists - is the definition of kosher. People know that there is something different about the food, but they are not sure what. And, yes, some mistakenly believe kosher food is blessed by a rabbi. I offer the following response: "There are some animals which we may eat and others which we may not. Those that are permissible must be prepared in a certain way. Finally, meat items and dairy items may not be mixed." Such an explanation covers the basics without getting bogged down in the details. (On the permissibility of teaching Torah to non-Jews; see Rabbi J.D. Bleich, *Contemporary Halachic Problems II*, "Teaching Torah to non-Jews.")

Sometimes people ask questions or make statements based on misconceptions and mistaken notions. For example, a (Jewish) co-worker once asked why someone would want to start Sabbath early in the summer. "What if you want to do something fun and enjoyable late Friday afternoon?" she wondered. She viewed the Sabbath purely as a day of prohibitions and restrictions; as something which must be very burdensome. I knew *Shabbat* as a day of *menucha* and *kedusha*. To respond by saying the restrictions are not really that bad would not have corrected the misconception. So I responded, "I usually do enjoy my Friday evenings," thereby indicating that her assumptions about *Shabbat* were incorrect.

Not every question or provocation deserves

or dignifies a reply; sometimes no answer is the best response. Some people will actually harass a Jew about various aspects of *shemirat mitzvos*. Although such a person may be asking questions, like Korach he does not really expect answers. Also, there are some areas of halakha which are based on a whole set of notions and assumptions which may be foreign to others. Trying to explain why one wears a sheitl (if it is discovered) would, on the whole, not go over very well.

At times, one may feel defensive or even apologetic about the Jewish way of life. This approach can be bad for oneself and may also misrepresent Judaism to others. If you have to defend your positions by someone else's standards, something is not quite right. One employee makes it clear that she will not accept the use of vulgar language in her presence. Some men will *davka* wear a *kippa* on interviews and on the job. Of course, pride can mutate into elitism. Additionally, some employers and co-workers will not like a proud Jew, and sometimes such an approach is inappropriate. But on the whole you will probably feel more comfortable with yourself and people will respect you more if you stand up for what you believe.

At times, one may be the only Orthodox Jew - or only Jew - with whom fellow employees have any contact. The impression one gives in such a situation may be how they perceive Jews - at least the Orthodox - in general. Being a *mensch* will not only reflect upon the individual, but on Torah and Judaism as a whole (see Yoma 86a). Another way an employee is viewed by his co-workers is by his work. A positive image can be built with integrity and quality, being productive and doing a good job. An Orthodox Jewish employee was once told, "I think the values of your religion positively affect the diligence

and quality of your work." Indeed, the potential for *kiddush Hashem* is great. But there is an equal danger of the opposite.

I have found that working with others who have different backgrounds has, in some ways, strengthened my own commitments to and understanding of *Yiddishkeit*. Facing everyday challenges test one's commitment to Torah and force one to actively and consciously choose to do the right thing. In the realm of *hashkafa*, discussions with co-workers may actually help in formulating and clarifying certain concepts and ideas. One must give more thought to one's beliefs and actions. And whatever one must explain to others can indeed be a learning experience for oneself. Of course, working people will not get the same benefits as those learning within the *arba kollei beit ha-midrash*. However, each new experience gives one a new way of looking at things. Ben Zoma says in *Pirkei Avot*: "Who is wise? He who learns from every man." Surely, this idea can be extended to every new exposure as well.

Though the workplace poses numerous problems and challenges, work itself is seen as something positive in Judaism. Man was placed in Gan Eden "le-avdah u-leshamrah." (see *Avot d'Rabbi Natan*, 13) The Talmud associates a certain dignity with being self-supporting (Berachot 8a, based on Tehillim 128:2). According to some, the gambler may not testify because he does not take part in *yishuvo shel olam* (Sanhedrin 24b). Productive people contribute to communal needs so that society can function properly. Rambam states that one should be involved all his days in "*divrei chokhma u've-yishuvo shel olam*" (*Gezeila* 6:11). A productive job is indeed a worthwhile endeavor.

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#### ENOSH - Continued from page 7

and his generation. While Maimonides and the Gaon attribute the introduction of idol worship to a misunderstanding of the relationship between God and his creations, Malbim feels that mankind adopted such methods due to a psychological inability to comprehend this relationship. He explains the verse "*az huchal likro be-shem Hashem*" as meaning "*ve-hechelu likro rak be-shem havaya*" - they called [God] only with the tetragrammaton (YKVK). The *shem havaya*, defined as "*haya, hoveh, ve-yihyeh K'echad*" - past, present and future united, describes a phenomenon beyond human comprehension. The generation of Enosh mistakenly reasoned that since God is "unearthly" and since temporal beings cannot comprehend his very existence, so too God's power must not govern the merely mundane. Thus, by confining their understanding of God exclusively to the level of *havaya*, they assigned godlike powers and qualities to those natural objects and forces within human comprehension.

Ibn Ezra and Abarbanel offer a wholly contrasting interpretation of the text. These exegetes argue that the text of "*az huchal likro be-shem Hashem*" reflects a positive effort to elevate one's worship of God to a higher level.

Ibn Ezra rejects Rashi's association of *huchal* and *chillul* by showing how such an interpretation is grammatically inconsistent with the simple reading of the text. Ibn Ezra interprets the verse to simply mean "and they then began (from *huchal - lehachil - to begin*) to call the name of God," i. e., in prayer. Sensitizing himself to a grammatical nuance in the text, Ibn Ezra redirects the spiritual vector of Enosh's generation from an

extremely negative one that points towards the desecration of God and the descent of mankind to a positive elevation in the quality of man's service to God.

Abarbanel, referring to what appears to be a more elaborate text of Ibn Ezra, also interprets the text as signalling a constructive theological breakthrough. The verse "*likro be-shem Hashem*" indicates a transition from an era of simple acknowledgement of God's existence to one of worship and of the establishment of a relationship between God and man. Thus, according to Abarbanel, Enosh represents an important link between Adam and Abraham, as it was he who first revealed the accessibility of God to mankind.

After reviewing this *tr* age of approaches, one cannot help but wonder how such a seemingly innocuous verse lends itself to such diverse interpretations. Although Rashi, the Vilna Gaon, and the rest of the first group of commentators oppose Ibn Ezra and Abarbanel regarding the act's destructive or constructive nature, I think that both portrayals of this enigmatic act attempt to respond to a similar dilemma facing the generation of Enosh.

Immediately after creation, when Adam and Eve lived in the utopia of *Gan Eden*, the serpent inexplicably persuaded Eve to put her very existence into jeopardy. It told her: "...but God knows that as soon as you eat of it or touch it your eyes will be opened and you shall be as gods, knowing good and evil" (Genesis 3:5). Rashi explains that "and you shall be as gods" suggests that "you will be Gods - creators of worlds."

The serpent successfully tempted man with the prospect of being godlike. It was the first

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# Back to the Sources

by Chaim Steinmetz

While the notion of *kiruv rechokim* is an intuitively obvious means for insuring the survival of the Jewish community, it is also explicitly mandated by various halachic sources. The numerous possible sources of the *mitzva* reveal *kiruv* to be a more multifaceted commandment than is commonly assumed.

The clearest source for *kiruv* is the *mitzva* of *Talmud Torah*. The Torah was not meant to be an esoteric work, reserved for study by an elite few, but to be studied by all, even "the woodcutters and water-carriers." Chazal express great concern about ensuring that Torah study become as widespread as possible, praising those involved in teaching it to the masses. Rambam (*Hilkhot Talmud Torah* 1:2) says that although the words "Velimadtem otam et beneichem" specifically obligate one to teach Torah to his children, there is a *mitzva* "on all wise men of the Jews to teach all students even though they are not his sons...for the students are called sons." (Even so, children and grandchildren take precedent over unrelated students.) This shows that the *mitzva* is to teach Torah to the maximum number of people. (cf. *Avot* 1:1, "Have many students;" *Baba Metzia* 85, "One who teaches the son of a friend Torah will merit to sit in the heavenly Yeshiva;" *Sanhedrin* 99, "One who teaches the son of a friend Torah...is as if he created him.") In addition, the *takkana* implemented by R. Yehoshua ben Gamla (*Baba Bara* 21a, Rambam *Talmud Torah* 2:1), that there be a teacher of children in every town, gave children whose fathers could not bring them from town to town an opportunity to study Torah locally. The *takkana* of R. Yehoshua ben Gamla shows Chazal's emphasis on spreading Torah to all Jews. This aspect of the *mitzva* has clear implications regarding

*kiruv*: it is necessary to expend much effort on those whose Jewish educational opportunities are limited.

Another source for *kiruv* is the *mitzva* of *ahavat Hashem*, loving God. Rambam (*Sefer HaMitzvot, Aseh* 3) says that one aspect of the *mitzva* of *ahavat Hashem* is calling others to the service of God, as Avraham Avinu did.<sup>1</sup> Engaging others in the service of God shows the extent of one's own love for God. Rambam also reasons that "when one loves a specific person he will speak his praises a great deal and call others to love him...similarly when one loves God truly... he will certainly call the unenlightened to know the truth that he knows." This shows that loving and knowing God requires sharing that love with others.

The *mitzva* of *tokhacha*, rebuke, also seems to obligate outreach work. The Torah says that one must rebuke a fellow Jew who commits a sin. According to the Rambam (*De'ot* 6:7), the purpose of *tokhacha* is to return the sinner to Torah. The Chazon Ish (ad. loc. cf. *Chazon Ish, Yoreh Deah* 13 100:6) quoting the Chofetz Chaim (who based himself upon the Maharil), says that in modern times, people lack the skills necessary to rebuke properly. A simple reading of this Maharil would completely exempt one from the *mitzva* of *tokhacha*. However, one could argue that the objective of *tokhacha*, returning the sinner to the Torah, is still obligatory. If it cannot be accomplished through rebuking others, it should be done in a more effective fashion, such as education. (This would be particularly relevant today.) It would be pointless to rebuke a non-observant Jew who knows and cares little about his religion for sinning. Yet he may value and appreciate the Torah more if his understanding of Judaism were enhanced by educational *kiruv* programs. Thus *kiruv* may be the only way one can accomplish the original goals inherent to the *mitzva* of *tokhacha*.

Continued from previous page

to understand the human anxiety inherent in a creator-creature, God-man relationship. A human being, by nature, disdains the unfathomable and the uncontrollable, constantly yearning for understanding and authority. Both Adam and Eve, as well as the generation of the Flood, engaged in failed efforts to control God by attempting to elevate themselves to celestial eminence. These futile exercises, however, did not distinguish man's perverse need to gain control of his Master; instead, idolatry — a lowering of their conception of God to a more tangible level — replaced their quest for elevation. Maimonides explains in *Hilkhot Akum* that the beginning of idol worship was nothing more than a tragic attempt to relate to God in a more understandable and psychologically rewarding manner. However, even when performed with a holy and meaningful intent, God deems such actions unacceptable.

This innocent error of idolatry, as described by Maimonides, was later committed by the very people he claimed to be immune to such a mistake: *Bnei Yisrael*. Rabbi Yehuda HaLevi, in *The Kuzari*, describes the nature of their sin of the Golden Calf: "The worshippers of the first calf...had no idea other than that they were serving the God of Israel, though in the way they did it they were disobedient and deserved death" (*Kuzari* part IV:14). Like Rambam, he depicts the first attempt at idolatry as an innocent act motivated by a need to better understand God, intending all the while to righteously serve the God of Israel. This motivation clearly does not constitute a malicious rebellion against God, but comprises yet another unacceptable venture on the part of

mankind to comprehend the incomprehensible.

The impossibility of a material God, even for the benefit of His chosen people, is again illustrated in reference to the sin that caused the destruction of the First Temple. The *Midrash Rabba* on *Eikha* explains the tautology in the verse "...and you have forsaken me and you have not kept the Torah" (Jeremiah 16:11) to imply that it would have been acceptable, even preferable, if *Bnei Yisrael* would have "merely" forsaken (literally, left) God, as long as they kept the Torah. We could understand the destruction of the Temple in light of a total abandonment of God. Yet, the *Midrash* maintains just the opposite: that the idolatry performed at the time of the destruction was once again an attempt by man to reach God via humanly comprehensible means instead of through the performance of His *mitzvot*. Thus, the First Temple joins the ranks of *Gan Eden* and the Tower of Babel as yet another casualty of man's misplaced desire to elevate himself to the level of his creator.

We can now more easily understand the different, and at first glance, opposite approaches to the act of "az huchal likro beshem Hashem." The difference between the positive and negative interpretations lies not in an insurmountable controversy on exegetical approaches to the text, but in their understanding of the consequences of an act performed out of the very same motivation. According to the first camp, the human need to comprehend God led them onto a path of idolatry. The second camp maintains that the very same motivation led them to the discovery of a new and acceptable form of service to God: prayer.

The concept of prophecy is yet another source that underscores the importance of *kiruv rechokim*. According to Rambam (*Yesodei HaTorah* 9:2), God sends prophets to the Jews in order "to command the Jews" to keep the Torah and to remind the nation not to transgress it." (However, it is important to distinguish between the prophet as a messenger, who is sent to communicate a specific message, and the experience of prophecy which is an end in itself; see Rabbi J.D. Bleich, "Lo BeShamayim He" in *Studies in Jewish Philosophy*, ed. Norbert Samuelson.) This function of a prophet shows God's insistence on active retrieval of religious strays. Although this interpretation of the concept of prophecy does not have the standing of an obligation, it underlines the importance of *kiruv*.

"Ve-ahavta le-re'akha kamokha," loving one's fellow Jew, defines many aspects of our interrelationships with our co-religionists. While the simple understanding of this *mitzva* directs one to care for the physical needs of another, two *acharonim* extend the scope of this *mitzva* to include his spiritual needs as well. Love for another entails concern for his whole being, spiritual as well as physical. In a similar vein, the *Tanna Dvei Elyahu* (27) says that our obligation to "clothe the naked," includes those 'naked' in Torah and *mitzvot*. Also the Chofetz Chaim (*Ahavat Chesed* 3:7-8) says that one can fulfill the commandment of *gemilut chasadim*, which is derived from the verse quoted above, "by teaching others, which is a form of hesed...as it says in tractate Sukka...that to teach others is the Torah of kindness." One who is ignorant in Torah is considered spiritually "poor" and enriching his understanding of Torah is therefore an act of kindness.

The Tanya, in his interpretation of the *mitzva* of *Ve-ahavta le-re'akha kamokha*, takes this idea a step further. According to the Tanya, *Ve-ahavta le-re'akha kamokha* focuses primarily on one's concern for another's spirituality. One ought to view "one's body with scorn and contempt, and find joy only in the joy of the soul alone..." Only by doing this can he feel true love for his friend because only then will he realize the greatness of another's soul, since "their greatness and excellence are in their root and source in the living God." "All Jews are called real brothers by virtue of the source of their souls in one God; only their bodies are separated. Hence in the case of those who give major consideration to their bodies while regarding their souls of secondary importance there can be no true love ... among them." While not denying the obligation to support the physically needy, Tanya clearly perceives the *mitzva* of *Ve-ahavta le-re'akha kamokha* as relating primarily to the spiritual relationship between two Jews. These sources see *Ve-ahavta le-re'akha kamokha* as encompassing aid in Torah study and the performance of *mitzvot*; enriching one "poor" in Torah and *mitzvot* is an exceptional act of kindness. The Minchat Chinukh (269), applies the *mitzva* of returning lost objects to returning spiritual losses as well: "For certainly if you can save one from a sin, which is the loss of his body and soul, you certainly have to return the person to the good and save him." To the Minchat Chinukh, bringing someone closer to Torah helps restore his "lost" spirituality.

Halachic authorities also consider the prohibition of *Lo ta'amod al dam re'ekha* (see *Minchat Chinukh*, *ibid.*) as referring to one's religious status. According to the Minchat Chinukh, saving one's soul is no less important than saving one's life. The Taz also accepts the *Minchat Chinukh's* equation. The *Shulchan Arukh* (*Orach Chaim* 306:5), says that one is obligated to violate *Shabbat* to

rescue a child kidnapped by a monastery. The Taz explains that although one may not violate the *Shabbat* in order to avoid doing any sin, no matter how grave, violating *Shabbat* is required in this instance because "they want to convert her and she will remain a convert...for this is worse the one's life being in danger." The Taz follows the Minchat Chinukh's logic that one's religious life is as important as his physical, and would probably agree with the Minchat Chinukh that the *mitzva* of *Lo ta'amod al dam re'ekha* extends to one's religious values. And while one may never encounter a situation quite as dramatic as a kidnapped child in a monastery, any help one offers to affect the spiritual quality of another's life might be considered part of this *mitzva*, as any kind of life preserving help (e.g. helping someone quit smoking) would be considered within the obligation of *lo ta'amod*.



From the above sources, at least three conclusions can be drawn:

- 1) *Kiruv* is an actual obligation and not just a convenient weekend distraction for college students. This would require all students (even college graduates), according to their time, ability and inclinations, to help other people grow spiritually, whether by giving a shiur, learning with a chavrusa, joining NCSY, JPSY, etc.
- 2) *Kiruv* can be *hatzalat nefeshot*. Rabbi Noach Weinberg has pointed out that if thousands of Jews were being killed yearly in another country, our Jewish community would pour an enormous amount of resources into saving them, yet when it comes to assimilation in our own backyard, we seem unconcerned. With this in mind, the urgency of *kiruv* cannot be underestimated.
- 3) *Kiruv* is not only *bein adam la-makom*, but also *bein adam le-chaveiro*: Unfortunately, some people have a "notch on the door" mentality and are more concerned with how many people they have made "religious" than in the person qua person. This type of an "I-it" relationship obviously lacks proper *ahavat Yisrael*, and is a possible *chillul Hashem* as well. Understanding that *kiruv* is rooted in *chesed* means that the advisor and teacher are interested in both the student's emotional and spiritual needs. The concern is with the whole person because the two parts are inseparable.

<sup>1</sup> Avraham and Sarah were involved in converting many people to some form of proto-Judaism (Rashi *Beresheet* 12:5). They used home hospitality as a stepping stone to conversion; see Louis Ginzberg, *Legends of the Jews*, Volume 1, pp. 219, and 270-271. Iyov, Yitro and Elyahu were also involved in missionary activities; see Ginzberg, vol. 2, 229-230, and vol. 3, 75 and 202.



# INTERVIEW — Continued from page 3

passport, he could advance much faster in whatever work he was doing. And this is the reason why today you have many people who according to Halakha are Jewish, yet in whose passports they are stated not to be Jewish.

The second reason why the actual numbers might be higher than the official numbers is that in Russia you have a lot of "closed cities" — cities which are closed to foreigners. Now, according to international law, a city with more than a certain number of inhabitants has to be open. So if there were, say, 15,000 Jews, they would claim there were only 10,000 Jews in order to keep the official numbers down.

**H:** What are your guidelines regarding *gerut*?

**R. Goldschmidt:** We deal mostly with cases of mixed marriage... We are ready to talk about *giyur* only when there is a basis of *shemirat mitzvot* on the part of the Jewish partner, and also from the non-Jewish partner eventually. The issue of *giyur* has been a very volatile issue, in Moscow especially because of the many different groups, as long as there was no official *beit din*, people made *gerim* among themselves and it was often not accepted by the other groups. Therefore, I decided to perform a *giyur* only with the consent of two other important rabbis from outside Russia. Because I am originally from Zurich, I usually counsel with the cousin of the Rav, Rav Moshe Soleveitchik of Switzerland.

**H:** Do people apply to you for conversion only from sincere religious motivations or are there other reasons as well?

**R. Goldschmidt:** We have had a lot of *goyim* coming not because they want to be Jews, but because they want to go to Israel, or rather just to get out of Russia. For example, we recently had a person coming from Lvov. Lvov has a newly established Jewish community, a new shul which was established just a year ago and they just started some services there. People don't know about anything there — they have started from scratch. A person came to me from Lvov after having been refused a visa by the Israeli delegation since they could not accept his story that he was Jewish. He brought a letter from the community of Lvov that he had gone through the process of *giyur* — a letter signed by the president of the community, the vice-president of the community, and the *chazan*. A "*beit din*." And then he told me a story that his mother-in-law was Jewish from birth and she was kidnapped by Ukrainian non-Jews and therefore his daughter and his whole family is Jewish but he. And I followed up on the story and I found out that the story was not true to begin with.

A lot of non-Jewish people who might have been married once to a Jew, or people who have nothing to do with Jews, are just trying to jump on the bandwagon and prove somehow that they're Jewish in order to leave Russia. So in most of these cases, I respond that if a person tells us that he wants to be Jewish after he has received a visa, that's already a statement that he does not mean *le-shem shamayim*, and he only wants it for a certain purpose, so its like *geri arayot* in the time of *Shlomo haMelech* and there's no reason to accept it.

**H:** What basis of *shemirat ha-mitzvot* do you require?

**R. Goldschmidt:** We ask for *kashrus*, *Shabbos* and *taharas ha-mishpacha*, and two additional things: a clear statement that the person believes in Hashem, in *hashgacha* (providence), and that the couple will send their children to religious schools once they come to Israel.

The reason we ask specifically for a declaration of belief in Hashem is since atheism is very prevalent in Russia, and people regard religion as opium for the

masses, we find that even many Jewish people who come back to religion still have something against religious beliefs even though they are *shomrei mitzvot*: they keep *kashrus*, they keep *Shabbos*, they want a *bris mila*. They don't see it as religious practice; they see it as a national practice. Being Jewish is having a *bris mila* and putting on *tefillin*. So we have a lot of people whose first steps are to keep the *mitzvot ma'asios*, which means *shemiras ha-mitzvos*; the last step is *emuna* in Hashem. In terms of *gerus* this is a big problem. I have cases involving a non-Jewish wife — she keeps everything, she knows *halakchos* by heart, and when I ask her if she believes in God, she answers, "Maybe." So, that's one of the reasons we always have asked specifically if a person believes in God or not.

**H:** What standards do you mean by *Shabbos*, *kashrus*, *taharas ha-mishpacha*? Aren't they all very difficult to keep there?

**R. Goldschmidt:** Regarding *taharas ha-mishpacha*, in most big cities there are *mikvehs*: you have *mikvehs* in Vilna, in Riga, in Moscow, Leningrad, and Kiev. Now in Tbilisi they are preparing a *mikveh*. So if the people live in a place where there is a *mikveh* and the woman is ready to go to the *mikveh*, fine.

The second, *kashrus*, is in some ways much more difficult since a lot of families do not live in one-family apartments. They live in a three-bedroom apartment for three families, they share a bathroom, shower and kitchen. So how can you keep kosher if the other families do not keep kosher? And sometimes if you deprive your children of meat and chicken and cheese and other things, you are depriving them of a very important part of their diet. In Russia, food, as it is, is very limited. So I find *kashrus* the major problem in terms of *Kabbalas mitzvot* by anybody — by *ba'alei teshuva* and by other people as well, since practically speaking, it's very hard. So to keep kosher, people get their own set of dishes for *milchig* and they keep it in their room, and they do not touch meat or poultry for years and years unless they come to the Yeshiva or anywhere else where there is kosher meat.

**H:** What about the nutrition for the children that you mentioned?

**R. Goldschmidt:** Until now, every time I had a *ba'al teshuva* or a half-Jewish family who said in principle they are ready to *kasher* the kitchen and ready to be *mekabel mitzvot*, but the problem is that they fear that their children will not have enough meat or chicken, we made sure to provide them with meat and chicken from the Yeshiva in order that the children should have enough food.

**H:** Why *davka* these three — *taharas hamishpacha*, *kashrus*, *Shabbos*?

**R. Goldschmidt:** The *She'eilos U-teshuvot* of Reb Moshe and the *Seridei Esh* mention these, because they make the difference between a Jewish home and a non-Jewish home... These are the three most difficult things. If a person really takes on himself these three, then he takes on himself all the *mitzvot*. If a person is ready to keep kosher all year long, so a person will also keep *Pesach*. On the other side, if a person takes on these three, it means that in terms of time and in terms of food and in terms of his sex life he is ready to take on Halakha, it means that a person is committed to *shemiras ha-mitzvos*.

**H:** When we mentioned large figures of Jews — 2 million — how many of them would you say are halakhically Jewish?

**R. Goldschmidt:** Very hard to say. I would say that among the Jews who come today to Israel, most probably 30% are halakhically non-Jewish.

**H:** And the goal is to take care of the problem before they come to Israel?

**R. Goldschmidt:** No. We couldn't. If we are

talking about 100,000 Jews coming to Israel this year alone, that means 30,000 Jews who need *giyur*. Until now we have done relatively few *giyurim* because most of them have no background whatsoever and maybe do not want to be *mekabel of mitzvot*. The rabbinate in Israel will have to deal with this delicate problem...

**H:** You mentioned that the third area that the *beit din* deals with is personal status. What does that entail?

**R. Goldschmidt:** Many people claim that halakhically they are Jewish even though in their papers it is written otherwise, so they bring me proofs. Some of them are not acceptable, like pictures. This is, really work which only can be done in Russia since they cannot take the documents out of Russia and their relatives who can testify are not going anywhere else...

**H:** Was this one of the reasons for forming the *beit din* or is it just something that happened as you were there?

**R. Goldschmidt:** No, no. This is one of the things which happened. By the way, I would add that some of the *giyur* we do is in border cases — if a person thinks he's Jewish while other people say he is not, and therefore we go through *giyur le-chumra*. I just had a *bocher* in the Moscow Yeshiva, an excellent fellow, who came one day and said, "My mother was adopted and my mother said she is from a Jewish mother but I don't know if she knew what she was talking about." So he wanted to go through *giyur* to have a good conscience...

**H:** Do you live in the yeshiva there?

**R. Goldschmidt:** Yes. And we also have an apartment in the city not far from the synagogue, but since the fear of pogroms started in Russia, my wife decided not to stay there alone...

**H:** And on the subject of fear of pogroms, what's your feeling?

**R. Goldschmidt:** The fear is real... You have to understand that there are no Jewish newspapers or radio stations, so the method of communication within the community is through rumors. There were days when it was rumored there might be a pogrom, so all the Jews we knew just stayed in their homes and were afraid even to be seen in the street.

**H:** Even in Moscow?

**R. Goldschmidt:** Even in Moscow. The synagogue was closed down. I remember it once happened on a Sunday and we decided we were going to continue our *shuirim* as usual, and one *shuir* was given by Dr. Dashevsky in the Great Synagogue, but the Great Synagogue was closed. So he gave a *shuir* in front of the Great Synagogue — about 30 people came. Usually 80-90 people come.

The fear is based on the fact that the masses are angry — there is an anger building mainly against the government because the people don't have food to eat. Perestroika and Glasnost have been good especially to writers and to intellectuals who can now speak their mind without fear of being jailed, but a normal person in the street — a cabdriver, a construction worker — only experiences problems since perestroika. His money has lost its worth; he can buy fewer things; store shelves are about 80% more empty than they used to be. He is very unhappy now, and the anger might erupt at some time, as it did in Azerbaijan or Tajakistan. Often, the anger builds up against an ethnic minority within one of the republics. So the fear of the Jews is based on the possibility that such anger might be turned against the Jews, wherever they are. And therefore they are very afraid, and this is what created the mass emigration now. Everybody — even people who have high positions in the writers' unions and in other very high positions — everybody has decided to leave.

Now, on the other hand, this will solve some problems. There are two types of *refusniks* in Russia. There are the "security

*refusniks*" who cannot leave since they are believed to know state secrets. And then there are the poor relatives: if a person wants to leave Russia, he needs the agreement of all the relatives — his ex-wife #1 and his ex-wife #2, and his grandmother and his mother — and if they do not agree, he cannot leave. So a lot of the *refusniks* could not leave for many years since not all the relatives consented, because once they left Russia, their relatives were afraid of losing their jobs. But now since the panic of the pogroms, many parents or grandparents who had previously refused to sign not only signed now, but even applied themselves to leave...

There is also no question that the pressure exercised by the Jews in the West to let the Russian government know that the Western countries will not tolerate pogroms against Jews, makes the Russian government put on its priority list that nothing should happen to Jews. And therefore it is very important that this pressure should continue.

**H:** There are a lot of students at YU who are trying to help Russian Jews, whether in America or Israel, with education or visits or *tzedaka*. From your dealings with Russian Jews, what guidelines would you give them, especially in cases of *kiruv*? What sort of approach would you advise them to take?

**R. Goldschmidt:** Today, it is much easier to work in *kiruv* with Russians since in every part of Russia, nationalism is rising. Something has to replace Communism and atheism, since Communism has failed. So Jews as well are much more receptive in starting to experience a new philosophy of life. But because they are so trained as atheists, we have to go the other way around; start with Jewish practices like eating kosher, living in a Jewish environment and sending the children to Jewish schools and continue slowly building up. [Afterwards, they will come to *emuna*.] As the *Sefer HaChirukh* says, "*Acharei ha-ma'asim nimshakhim halevanot*" (One's attitudes are swayed by one's actions).

I believe that if religious Jewry will rise to the challenge posed by the present mass emigration from Russia, we can look forward to at least a very large minority of these Jews becoming *shomer Torah u-mitzvot*. Just to take an example: at a conference of all the Russian-Jewish organizations in Russia in December, I would say that at least 30% of the participants were in some degree religious... The congress was also opened by benediction by me. Yet the president of this *va'ad*, of this congress of Russian Jewish organizations, is a person named Tchlenov — he is not Jewish; his father is, though his mother is not. So we have a paradox here. From one side we have a very active assimilation, and from the other side we have a very active interest in looking for a new philosophy of life, a new way of life. If we equip them and grab them at this point when they are ready to make changes in every way — in their language and in their culture, I think we can reach out to a very large number.

**H:** Do we have to approach these Jews through nationalism and culture and philosophy and not necessarily through religion?

**R. Goldschmidt:** I don't say this about everybody. There are some other Russians who might be ready, not practicing *shemirat ha-mitzvot*, but believing in God. But one of the things I have never experienced outside of Russia is that there are people who are ready to take the steps in *shemirat Torah u-mitzvot* without believing in God. For sure, the opposite also exists. The Russians, again, are not a homogeneous group. The people from the south of Russia, the Sephardim, are completely different. They always were traditional; they always believed in Hashem. Some of them, though, might get lost in the transit to Israel or to America. In the North, where people come with no background whatsoever — regarding them we may have to adopt this different kind of approach.

# The Case of the Stolen Mind

## An Inquiry into Geneivat Da'at

by David Neustadter

The prohibition of "geneivat da'at," deception (literally, "stealing one's mind"), first explicitly appears in Chullin 94a, where the Gemara cites the *amora* Shmuel: "It is forbidden to steal another's mind, even the mind of a non-Jew." *Rishonim* dispute the source of this prohibition. Ritva (*op. cit.*) says that the Torah itself includes *geneivat da'at* in its general ban on theft (Lev. 19:11). He claims that the Torah refrains from specifying types of stealing in order to incorporate *geneivat da'at* of both Jew and non-Jew as part of the broader category. The *Sefer Mitzvot Katan* (261), on the other hand, maintains that *geneivat da'at* is not proscribed on the Biblical level, and has a purely rabbinic basis.

Regardless of its origin, Shulchan Arukh (*Choshen Mishpat* 228) rules that *geneivat da'at* is prohibited: "It is forbidden to cheat people in business or to steal their minds. For instance, if there is a defect in a product, you must inform the buyer .... In addition, you may not steal the minds of others with words. If it appears that you are doing something for him when you are not — this is forbidden. For instance, you may not beg a friend to eat with you when you know that he will refuse ...."

What constitutes *geneivat da'at*? The Gemara presents three types of cases:

1. When you neither say nor do anything inherently misleading, but your withholding information leads the second party to draw incorrect conclusions.
2. When your actions create misconceptions and you do not make a conscious effort to inform the other person that he is being misled.
3. When you intentionally mislead someone by means of devious words and/or actions.

An example of the first type of *geneivat da'at* occurs in a story related in *Chullin* (94b): Mar Zutra was met on the road by Rava and Rav Safra. Although Mar Zutra assumed that the two rabbis had come out specifically to meet him, their presence was, in fact, merely coincidental. Most authorities rule that in such a case, you are not held responsible for someone else's misconception.

The Gemara also clearly illustrates the third type of *geneivat da'at*, as when you tell your friend that you are opening a sealed barrel of wine for him, but, notwithstanding the truth of your statement, you had intended to open the barrel anyway to sell the wine on the following day. Verbally misguiding him, you know that he will incorrectly assume that you opened a barrel to honor him and incurred a loss in the process. In this scenario, all authorities agree that you transgress the prohibition of *geneivat da'at*.

The halakha pertaining to the second type of *geneivat da'at* is subject to more controversy. A dispute arises regarding the situation in which you open a barrel of wine for your friend, and he cannot reasonably be expected to know that you are going to sell the wine tomorrow. While you do not explicitly misguide him, your actions and evasive silence naturally mislead him. Rashi (*Chullin* 94), Rabbeinu Gershom (*ibid.*) and Rambam (see *Lechem Mishneh* on *Hilkhot De'ot* 2:6), argue that if you do not verbally mislead, you need not take responsibility for someone else's conclusions drawn from your actions; you have not transgressed *geneivat da'at*.

In contrast, Tosafot (*Chullin* 94) and the *Bach* (*Choshen Mishpat* 228) contend that

you are responsible for the outcome of your actions as well as your words. Therefore, if your actions naturally mislead someone, you must set things straight. If you do not speak up, your silence constitutes *geneivat da'at*. In expressing their respective opinions on this case of *geneivat da'at*, the *Rishonim* employ the terms "you misled him", or "he misled himself." Such phraseology suggests that all of these *Rishonim* agree that the prohibition of *geneivat da'at* applies only in a case where you mislead someone else, and not where someone misleads himself. The disagreement, then, is simply whether withholding information while someone is misled by your actions

is considered your misleading him (Rashi, *et al.*) or his misleading himself (Tosafot). It must also be noted that the Gemara mentions two limitations on the parameters of *geneivat da'at*: (1) honor, and (2) a misunderstanding that does not conflict with potential intentions.



is considered your misleading him (Rashi, *et al.*) or his misleading himself (Tosafot).

It must also be noted that the Gemara mentions two limitations on the parameters of *geneivat da'at*: (1) honor, and (2) a misunderstanding that does not conflict with potential intentions.

With respect to the first exception, honor, it is permissible to mislead someone in order to honor him in the eyes of others. For instance, the Gemara explains that while normally it is prohibited to bring an empty wine bottle to a mourner's house because of *geneivat da'at*, the act is permissible if other guests, thinking that you brought him a bottle of wine, will gain additional respect for the mourner. Rashi extends this exception to allowing one to verbally mislead in all cases where another's honor is concerned. Rambam and Rabbeinu Gershom do not cite this extension.

The second exception occurs when a person mistakenly assumes that you have done him

a favor, but had the opportunity arisen, you really would have performed the favor. The Gemara relates that Rabbi Yehuda once opened a barrel of wine in honor of Ulla even though he had already agreed to sell it to a storekeeper. The Gemara offers two explanations for the permissibility of Rabbi Yehuda's actions. First, the Gemara says, Rabbi Yehuda told Ulla that he had already sold the wine, thereby correcting the potential misconception. Second, since Rabbi Yehuda would have opened the barrel for Ulla even if he had not sold the wine, he did not have to inform Ulla of the sale.

Tosafot (*Chullin* 94b) distinguish between

*da'at* applies to deluding oneself into thinking that a person did something that he actually did not do, but would have done had the opportunity arisen. They base their respective opinions on the Tur's and Rambam's silence on the issue. The *Beit Yosef* claims that the Tur leaves out this exception because he considers it obvious. Conversely, the *Lechem Mishneh* claims that both the Tur and Rambam leave out this exception because they do not rely on it in Halakha.

The *Sefer Me'irat Einayim* (Sma, *Choshen Mishpat* 228) adds a twist to one of our cases. The Shulchan Aru quotes the halakha based upon the Gemara that you should not beg someone else to come for a meal when you know that he will not accept the invitation. Nor should you beg someone to accept a gift when you know he will not accept it. The Sma says that the Gemara specifically chose to employ the word "beg." In these cases it is proper to ask once or twice, because if you don't ask at all you will insult him. In such circumstances, "begging," not asking, falls within the prohibition of stealing one's mind.

One point left unclear by the *Rishonim* is the reason behind the prohibition of *geneivat da'at*. The language of many *Rishonim*, especially that of Rashi, implies that *geneivat da'at* can potentially generate undeserved good will. For example, falsely inducing favorable treatment in future business transactions is tantamount to stealing. Not all of the aforementioned cases, however, seem to satisfy this definition. Failure to inform a customer of flaws in a product, for instance, is not likely to result in payment of unearned favors. The *Me'irat Einayim* (*Choshen Mishpat* 228) hints at the resolution of this problem. In justifying the requirement to tell a buyer about any faults in the product he is about to purchase, the *Me'irat Einayim* says that withholding such information is like *geneivat da'at*. This nuance in the *Me'irat Einayim*'s formulation accounts for the discrepancy between the scope of the prohibition and its basis. While the term *geneivat da'at* specifically addresses cases leading to undeserved good will, the associated prohibition includes any deception that resembles *geneivat da'at* *per se*.

Above and beyond the technical disputes over the scope, nature, and origin of *geneivat da'at*, the prohibition calls attention to our moral obligations as Jews. Our halakic system's recognition of the outcomes of one's actions - even if neither direct nor guaranteed - to the extent of instituting a ban on *geneivat da'at*, illustrates the increased sensitivity with which we must consider and evaluate our daily affairs. The opinion of many *Rishonim* that *geneivat da'at* directly relates to the biblical proscription of theft and robbery highlights the severity that the Torah attributes to deceit and delusion. Finally, the *Me'irat Einayim*'s observation that the laws of *geneivat da'at* apply even when the original motivation is lacking points to our obligation to maintain not only the letter of the law, but its spirit as well.

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Chesed

# MeAshpot Yarim Evyon

## Lessons of the Philanthropy Society



Philanthropy Society Purim Celebration for Recent Russian Immigrants

by Danny Wolff

We live in exciting times. Consider the spectacle of 20,000 Jews celebrating the *Siyum HaShas*, swaying gently in *tefilla* like waves of grain in the breeze. Witness the exodus from the Soviet Union. Do the current events in Eastern Europe not affect the way in which you say, "Blessed are You, God, Who gathers the displaced of His nation, Israel?" Contemplate the immensity of the *Yeshiva* and *Teshuva* movements. Dream about *Eretz Yisrael*, the Jews reunited in their homeland. "*Kvata D'Meshicha*": Do you not shiver?

Sorry, no time to dream. About the hour Cinderella's coach becomes a pumpkin, we students sit somewhere between 183rd and 187th on Amsterdam. For us, the night is unfortunately young. Exhaustion weighs heavily on our heads, yet remains far from our minds. Exams - three of them today and tomorrow - and a paper loom, threatening like the dark sky. Phone calls, applications, summer jobs and grad school. Jim's engaged - hey, that's great, but I've got no time - MCATs, LSATs, shower, grab a bite, that sheet with the assignment - where DID IT GO? ... Dream? All we ask for is sleep.

Time was money; today it's air. College chokes our lifestyles. Our workload removes us from our families, friends, the community, the world, our thoughts, and ultimately from ourselves. Perhaps the proper perspective is that while pursuing a finer future, one must discard the present. Logically, this reasoning applies equally to graduate schools and the like, finding a job, and earning a living. Because of money, there is no time. As a result, we take a leave of absence from life, deferring humanity from year to year.

Torah, we believe, ought to alleviate self-applied pressures by refocusing on higher ideals and long term goals. Nevertheless, experience has proven to me, and likely to all of us, that Torah and *Madda* co-exist only as long as no assignments, midterms, papers, or finals override our behavioral patterns and better judgments. One expects that at some point in one's life, if not in the course of education, the scourge will end. But how many adults have we met whose grip on Torah could not withstand the test of time, Jews for whom Judaism has become a hobby, or

merely an identity? Very often these same people turn around and accuse the rabbis of failing to help, or blame religion for their personal failures. We ought to cry for such soiled *neshamot* - oy, there are so many of them. We must avoid the same mistakes. The problems arise not, *chas ve-shalom*, from Torah or the philosophy of *Torah U-Madda*, but from our failure to apply its wisdom.

Similar to - if not identical with - Rabbi Samson Raphael Hirsch's well known philosophy of *Torah Im Derekh Eretz*, *Torah U-Madda* strives to release the energy of Torah into the world through Jewish interaction with society, encouraging us to confront the world shielded and armed with Torah. One *shabbat* this past January, I attended a lecture on the topic of *Kiddush Hashem*, held at the world center of *Torah Im Derekh Eretz*, K'hal Adas Yeshurun. The speaker blatantly omitted mention of *Torah Im Derekh Eretz* in his lengthy talk. Besides not recognizing the roots of the community to which he was talking, the guest lecturer denied his audience an exposition of a philosophy founded upon the ideal of being *mekadesh shem shamayim be-rabbim*. Wherever one travels wearing one's *yardmuke*, eyes turn instinctively. At that point, picking a newspaper up off the ground in support of the government's efforts toward cleaning New York City, not to mention out of a feeling for cleanliness and orderliness, as opposed to punting that paper into the street, will likely change someone's attitude toward all *yardmuke* wearers. The philosophies of *Torah Im Derekh Eretz* and *Torah U-Madda* attempt to increase our awareness of the universal guidance granted by Judaism, for whether we pursue law, medicine, social work, or otherwise, we wear the name of God, benefit from His teachings, and promote our way of life.

Perhaps more importantly than serving as "a light unto the nations," Judaism in 1990 requires a strengthening from within. As Jews from Russia regain their rights to religion, there remains a dearth of willing teachers and role models seeking to welcome, help, and provide for these lost souls looking for their home. Sorry to say, the immigrants are not the only ones needing spiritual assistance, since American materialism has invaded our

culture, and carried many of us off. Ideally, our needs should have solved themselves. In the "me" generation, however, Jews in general have become so consumed with their personal welfare, turning *Torah U-Madda* into *Madda U-Mannam*, that the well of educators will soon run dry. For all the broad applications of *Torah U-Madda* in theory, in practice we constrict and narrow ourselves beyond belief. Activism should not stop in Washington. Our knowledge should not be poured out on a booklet and left to wither and die. Torah especially ought not be a selfish pursuit. If we unify ourselves with the cause, the infinite chain could be linked.

If only we would dare to dream. Each of us - and I refer to all Jews, but most specifically to the graduates and undergraduates of Yeshiva University - possesses the ability to open the gates of Heaven for the Jewish people. I think back on the two-year existence of the Philanthropy Society. Russian children who had never experienced Purim dance with wild happiness. The old woman, standing behind her walker, pulls the door open and says in Yiddish, "You don't know how happy I am to see you. I don't see people all week." Mrs. Greenwald, the widow, welcomes us with, "Bless you, my children, bless you." Victor, to whom we have delivered three beds and a table for eating, shakes my hand in his two and doesn't let go, while his two year old daughter hugs my

leg. Tonight she won't have to sleep on the wooden floor. "We saw the article, we love what you are doing." The stories don't end, the satisfaction runs deep; the dream grows vivid.

Hillel Novetsky once suggested that the Philanthropy Society adopt as its motto, "*Me'ashpot yarim evyon*" - "from the refuse He uplifts the needy." How appropriate; how true. Greatness begins with humility, patience, and sweat. Maybe I have been reading too many *drush* and *musar sefarim* lately, yet I can't help but mention that our efforts begin with insignificant aluminum cans. The maintenance men forever marvel at what we do with "all them bottles." Anyone who has "shlepped" for the Philanthropy Society, overlooking drudgery for the sake of charity, has earned our respect. Two shining examples (out of so many - I hope the others will forgive me): Harry Shapiro and Dovid Korn. Neither has been in pictures or papers, neither demands recognition. Harry has utilized his Floridian background by driving U-Hauls to deliver furniture to new immigrants, doing so for hours at a time. Dovid, an accounting major, has kept the books in order every day for two years. What enviable *mesirat nefesh*.

When the Philanthropy Society volunteers gather for one project or another, coming together from the four corners of our campus, I picture a society in which "*Chaverim Kol Yisrael*." YCPS is on the verge of breaking new ground in establishing Russian programs with the Jewish Community Council of Washington Heights. The *Shabbat* meal program feeds twenty people who might otherwise have nothing, and continues to grow. Dani Rapp, through his involvement in YCPS, has gone on to play a major role in establishing Russian schools in Queens and Brooklyn. From came came the Philanthropy Society; from the Society...dreams.

As finals approach, try this foreign concept on for size: when school concludes, no matter what your GPA, your role in *Klal Yisrael* will remain constant. Speaking as a graduating senior, I confess to discovering this simple truth only after years of tension and aggravation. Hillel said in *Pirkei Avot*, "If I am not for myself, who will be for me," since one must work to establish oneself, "but if I am only for myself, of what worth am I?" Maybe after finals. Maybe when I graduate. No, Hillel said. "If not now, when?"

"All those who partake in the needs of the community in good faith, The Holy One, blessed be He, will repay them in kind...and will bless them in all their endeavors, with all of *Yisrael* their brothers."

### HAMEVASER

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