

HAMEVASER

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Editorial

Mending Ripping Reportage

On December 4, student leaders convened with Rabbi Lamm for their annual "state of Yeshiva University" discussion. This dialogue, conducted in the informal setting of Rabbi Lamm's apartment, provided students with an opportunity to present an unrestrained version of their concerns directly to the President. This year, the representatives spoke sincerely and candidly about some highly sensitive issues, including the effectiveness of the Mazer Yeshiva Program and the James Striar School of Jewish Studies. Hamevaser applauds them for availing themselves to this opportunity.

The casual atmosphere of the dialogue rightfully encouraged students to present their arguments as vigorously as possible. Making the most of the occasion, they purposely used forceful, perhaps excessive arguments and terminology they would never consider printing in a public forum.

Unfortunately, the informal language used in the discussion has been dissected with a thoroughness usually reserved for the words of Maimonides. When released to the public, the genuine, heartfelt, productive session metamorphosed into a vicious, untamed, no-holds-barred attack on the cornerstone of this institution — the Yeshiva.

While Hamevaser esteems the success of our Yeshiva's programs, Hamevaser acknowledges that certain shortcomings within the MYP program demand our attention. Many students fail to establish a relationship with a *rebbe* during their years in YU. We pinpoint two contributing causes to this situation. First, the *talmid-rebbe* ratio remains high despite the recent addition of new *shiurim*. Second, the absence of many *rebbeim* from morning *sefer*, due to obligations to their own congregations and other organizations, only exacerbates the problem.

The annual *Mishna Berura* exam, dubbed the *Mishna Berura* Aptitude Test (MBATs), has become an object of ridicule. Students rarely prepare for more than a few hours prior to the exam. They cling to the precious answers until the test is over, and then, more often than not, let them slip from their grasp. When these individuals become *ba'alei batim*, and rabbis, will they know how to deal with daily halachic questions? More importantly, will those who don't feel they have a *rebbe* have whom to ask?

Hamevaser feels that most of these students would master the material if presented in a structured framework. We therefore suggest the implementation of a series of one credit *Mishna Berura* courses, to be held during the first hour and a half of morning *sefer* once a week. Students would take one course per semester. They must transfer three credits from this series to YC; the other courses they will have taken would be treated like *shiur*.

As teachers for these courses, we recommend to the YP office the recent successes of their own *semicha* program. Introducing undergraduates to some of the highly qualified, new and aspiring *rebbeim* in the *Beit Midrash*, in this context not only gives undergraduates a structured halachic *shiur*, but provides them with another "*rebbe*," to whom they can feel comfortable addressing questions when their *shiur-rebbe* is absent.

Letters

To the Editor:

My dear friend, Jeff Greenwald, showed this year's first issue of Hamevaser on my desk during a recent class and urged me to read Michael Shurkin's article, "The Epistemology of a *Ba'al Teshuva*" (Halacha article Oct. '90). It was the nicest thing Jeff ever did for me.

At first I thought Jeff was rightly trying to infuse a little more Judaism in me. But, after reading Mr. Shurkin's article, I knew Jeff's motives were far beyond the mere obvious. Mr. Shurkin's article allowed me a glimpse into his extremely deep and precious introspection. In the more than two years I have attended this college, never have I read in any of the on-campus publications such an eloquent and heart-felt piece as Mr. Shurkin's. Mr. Shurkin beautifully expressed some of the feelings that, not only *ba'alei teshuva*, but all Jews feel at various times. Mr. Shurkin's extraordinary writing should be commended to the highest degree.

In addition, the entire HAMEVASER staff deserves kudos for publishing an article many in this institution may have shied away from.

J.J. Hornbliss
YC '91

To the Editor:

In "The Epistemology of a *Ba'al Teshuva*," the author deals with a crucial problem that, unfortunately, many of us often evade. The best way for me to illustrate the point is with a story.

One *Shabbat* afternoon, as I was leaving *shul* after *Mussaf*, an elderly man approached me with a look of deep sadness and concern on his face. He pointed to a boy, standing a few feet away from us, who had shoulder length hair and wore a *yarmulke* slightly larger than the lid of a tin can; it was barely visible. The man looked back at me with tears in his eyes and asked, "Why? Why are so many young modern Jews like this?" I didn't have a good answer for him, so I simply listened. "In Czechoslovakia it wasn't this way," he said. "A Jewish boy was a Jewish boy!"

He began relating stories and memories from his childhood in his little town in Europe, and how things had changed so much in this generation. He described how he would walk to *cheder* every day — through rain, through blizzards, through four feet of snow, it didn't matter. It was so cold in *cheder* that his knees would shake uncontrollably. When the young *talmidim* would complain about the cold, the *Rebbe* would say, "it's okay to suffer — it's for the Torah!" The *Rebbe* would stand over the kids, making them pay attention and greeting them with a slap when they refused. All the while, the glowing smile never left this man's face as he described the struggle and hardship of his childhood! The warm, reminiscent tone never left his voice as he relived his difficult past. Why? Because this was his life! Everything in it was a real and an essential part of him. The *Rebbe* was still real and alive and standing in front of him; the *cheder* remained untouched and important in his mind, and the Torah held a firm place in his heart. This was his reality. This was "him."

Is our religion "us"? So many times I've sat in different *shuls*, trying to hear the reading of the Torah over the din of voices discussing who knows what. So many times I've tried to concentrate

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Hamevaser
wishes all
its readers
a rejuvenating
Tu Bishvat

ABOUT THE COVER:

"Exodus," 30 x 40 inches, acrylics, by Simma Krames.

The bittersweet image portrays the ambivalent feelings of Jewish immigrants. Despite a joyous return to their ancestral homeland, the tragedies of the past mar the Jewish immigrants' optimism towards the future. This juxtaposition of hope and despair colors the emotions of the new *olim*. Playing off of each other, shadows of memories wished forgotten appear as spectres haunting the immigrants' strides towards freedom. This painting, somberly celebrating the return of skeletal survivors to the Jewish homeland, takes on new significance in light of the latest Exodus. Arriving physically healthy with their personal belongings, the new Soviet *olim* defy images of upheaval. This painting offers a deeper look; it reveals the anxiety and fear felt by all immigrants.

About the Artist: Simma Krames is a freelance artist currently attending Stern College for Women. She participates in the joint program with F.I.T. Her major is in fine arts and her work includes illustration and portrait.

A MORAL MALAISE: Prejudice in the Jewish Community

by Benjamin Samuels

Through the cracks of big-city sidewalks, seedlings of prejudice shoot out from their rooted foundations. Mankind's social progress trails far behind its technological advancement. Even in societies publicly committed to ending discrimination, racial and ethnic prejudices burgeon. Behind social edifices of tolerance and impartiality, hatred and distrust displace moral keystones.

While most people in our society renounce racial and ethnic discrimination, we tend to disclaim the strains of prejudice which pervade our social attitudes. This holds true for all segments of the Jewish community. From the avowed defenders of liberal politics and civil rights, to radical right-wingers.

At the most basic level, Jews feel hostility toward the entire non-Jewish world. Centuries of oppression and ruthless persecution nurtured intense suspicion and anti-"goy" sentiment. Unable to express our outrage toward the gentile host, we transformed our eruptive anger into quiet antipathy. During the Holocaust, the indifference of the nations to Hitler's genocidal antisemitism proved to Jews once and for all that Jewish survival meant self-reliance; the non-Jewish world cannot be trusted. When Israel's staunchest allies waver in their support, our resilient distrust justifies our enmities.

Goyim-bashing may be most intense amongst Jews who have little in the way of an active daily religious life ... all they have to substantiate their Jewishness ... is the degree to which they see themselves as different from the non-Jew," writes Michael Lerner of *Tikkun*. But too often in the Orthodox world, we also channel the negative energies of our frustrations and insecurities into an anti-"goy" mentality. Rav Aharon Lichtenstein laments: "We must understand how we have come to a situation in which a *talmid* in a yeshiva high school — and this really happens — believes that one must determine whether it is permissible to kill a non-Jew based on the *girsat* ... in the Rambam ... Is this what we wish to see as the fruit of our educational system? Surely, we must teach dedication to Halacha. But not a narrow perspective, — obscuring to the extent of absolute moral opacity ... The realm of ethics, an ethical existence, is part of the realm of Halacha, and this must be thoroughly understood" (Translations of R.A.L. from the Hebrew by author).

Through education, we can teach future generations, as well as ourselves, proper Jewish attitudes toward *benei-Noach*. To begin, we must open a *Tanach*. Pinnacled the first chapter of *Bereishit*, God's creation of man shapes the biblical attitude toward mankind: "And God created man in His image ... male and female He created them" (Genesis 1:27). Through this verse, God confides in man; He reveals man's sublime potential. R. Akiva says: "Beloved is man for he was created in the image of God. Out of special love it was made known to him that he was created in the Divine image (Avot 3:18)."

In *Tehillim*, David haMelech ponders man's divine commission in light of his celestial insignificance. He muses: "When I behold Your heavens, the work of Your fingers, the moons and the stars You set in place — What is man that You have been mindful of him? Mortal man that You have taken note of him? That You have made him little less than divine and adorned him with glory and majesty? (8:5-7)" David haMelech binds all men in metaphysical kinship: "Ma enosh." God created us all for His service — Jew and non-Jew.

Today, the nature of *avodat Hashem* may vary for Jews and non-Jews, but a universal vision of God-service applies to all. "In the days to come," Isaiah prophesizes, "the many peoples shall go and say: 'Come, Let us go up to the house of the Lord ... That he may instruct us in His ways, And that we may walk in His paths ...' (Is. 2:2-4). In the days to come, mankind will join in solidarity to fulfill God's will: "As for the foreigners who attach themselves to the Lord ... I will bring them to my sacred mount ... For my house shall be called a house of prayer for all peoples (Is. 56:7)."

Just as Jew and non-Jew commonly acknowledge God's presence through prayer, so too, in times of distress both question His seeming absence. Job, about whom God said, "There is no one like him on earth, a blameless and upright man who fears God and shuns evil" (1:8), exists outside a framework of time, place, or people. Thus, Job teaches that all people must grapple with theodicy: questions of good and evil — *tzadik vera lo, rasha vetov lo*. Speaking to every man; the book of Job depicts God's unspoken dialogue with human destiny.

Amos affirms the homogeneity of mankind by emphasizing man's potential for good and evil. Amos exhorts: "For three transgressions of Damascus, for four, I (God) will not revoke it (the decree of punishment) ... of Gaza ... of Tyre ... of Edom ... of *benei-Amon* ... of Moab ... And finally as the central targets: ... of Judah ... because they have spurned the teachings of the Lord ... of Israel ... because they have sold for silver those whose cause was just, the needy for a pair of sandals (1:3-2:6)." Governing the world's actions, God metes out punishment equally among all nations.

The book of Jonah, on the other hand, focuses on God's providential relationship with the non-Jewish nations. God commands Jonah: "Go at once to Nineveh, that great city, and proclaim judgment upon it; for their wickedness has come before Me" (1:2). Jonah refuses to accept God's ubiquitous solicitude for all of his children. Thus, God chastises the dejected prophet: "And should I not care about Nineveh, that great city, in which there are more than one hundred and twenty thousand persons who do not yet know their right hand from their left, and many beasts as well!"

Imparting an optimistic, positive attitude towards *benei-Noach*, the *Tanach* reveals God's love for all his children. He worries for them when they sin; He rejoices when they fulfill His will. Recognizing this, we Jews must reevaluate our attitudes toward non-Jews. We are all God's children.

Subject to the same vicissitudes as the rest of humanity, Jews submit to a second level of bias — namely, racial and ethnic prejudice. Very few Jews uphold racism out of conviction. Teaching that God begot humanity from one man, the Torah negates racism — the formation of social attitudes on the basis of inherently insignificant physical characteristics. Unfortunately, lack of ideological support does not preclude irrational or emotional antagonisms.

Historically, American Jews have battled against prejudice. At the turn of the century, Jews and Blacks both advocated a strong governmental role in combating discrimination, alleviating urban poverty, and promoting social mobility. Pursuing similar political agenda, the Jewish-Black coalition intensified in the 1930's when Jews and Blacks joined in support of Franklin D. Roosevelt's New Deal. The Jewish-Black alliance continued to flourish, reaching its apex in the 1950's and 60's under the civil rights movement.

Tensions between Jews and Blacks, however, began to develop during the late 60's. Despite major legislative and court victories, some Blacks, unhappy with the slow pace of change, began to champion confrontational strategies. The civil rights movement's ideological shift from human equality to Black pride further alienated many Jews. In the 70's, the rise of "Black Power," the changing economic status of Jews, affirmative action initiatives, and conflict over Israel, finally ruptured the great Black-Jewish alliance. During his 1984 presidential campaign, Jesse Jackson's political policies and "Hymietown" remarks pushed Jews into a position of seeming opposition to Black social mobility. The antisemitic speeches of Louis Farrakhan of the Nation of Islam, and the embracing of Yasir Arafat and the Palestinian cause by many Blacks, have impeded political and social reconciliation through the present.

Yet, despite political disillusionment and increased racial tensions, a recent American Jewish Committee study on "Jewish Attitudes Toward Blacks and Race Relations" posits that Jews consistently support racial equality more than Whites of any other religious preference. Sociologist Tom Smith writes: "Jewish support for racial equality comes from a complex set of factors, including religious principles, cultural traits — such as general value orientations and an emphasis on education, and some situational circumstances — such as geographic separation from the traditional racism of the American South." Turning from our liberal politics of the 50's and 60's has not altered our values. Our religious convictions and dedication to a color-blind society, however, cannot suppress the racial and ethnic prejudices induced by frustration and insecurity. Anti-Zionist politicking, high crime rates among minority groups, and "deviant" cultural values, prompt slanted outlooks. Our language reveals our social attitudes. In our Washington Heights setting, we often hear students refer to our Hispanic neighbors as "Spics." Likewise, the often used, Yiddish epithet "Shvartza" conveys tremendously pejorative connotations, especially when employed in an English conversation. These bigoted attitudes also express themselves in condescending and uncordial behavior.

Justifying our prejudices, we summon stereotypes. Why do we resign ourselves to these exaggerated beliefs, oversimplifications, and uncritical judgments? Sociologist William Helmreich explains that "stereotyping is an efficient way of coping with our environment, an environment so complex that we have to break it down into categories before we can understand it." Stereotypes, usually as inaccurate as they are convenient, eliminate the need to learn about people. Thus, out of laziness and apathy, we dehumanize whole groups of people.

Railing against social injustice, the biblical prophets introduced to humanity the evil of indifference: "Seek Justice, relieve the oppressed, uphold the rights of the orphan, plead for the widow (Isaiah 1:17)." Through deeply loving, yet acerbic rebuke, the prophets warned *benei-Yisrael* that God deems social morality a factor in national destiny. God judges Israel and Judah for selling "for silver those whose cause was just, the needy for a pair of sandals (Amos 2:6)." Jews have a moral obligation to think critically, to judge honestly, and to defend the rights of the underprivileged. When we show insensitivity to another's human dignity, when we indulge in disparaging epithets and condescend to our fellow man, we blaspheme the divine image present in all men. Having created man in His image,

God commanded man to actively maintain his *tzolem Elokim* through imitation of God (*Sefer HaMitzvot LaRambam, m'a 8*). The Talmud states: "Why does it say (Deut. 13:5): 'One should walk after God?' Is it possible to walk after the *Shekhinah*? Is He not like a consuming fire" (Deut 4:24)? Rather, it means that one should imitate his ways ... Just as Hashem acts graciously, compassionately, and kindly, so too we must strive toward *hidlamut haKel* (T.B. Sota 14). Rav Lichtenstein emphasizes: "Clearly we should view the imitation of God as a universal, religious value; we also want non-Jews to walk 'in the path of the Lord.' But beyond this, for Jews there is a specific obligation to walk after the Lord your God and Walk in His ways." The acts of *chesed* obligated by this verse (*tsiva*) apply to non-Jews as well." Thus, beyond the minimalistic obligation of *darchei shalom*, peaceful coexistence with our non-Jewish neighbors, the Torah maximizes our commitment to universal *chesed* under the rubric of *vehalachta b'drachav*.

Unfortunately, many non-Jews do not aspire to the standards of moral consciousness that God requires of all men. Antisemitism exists in the world. Seeking to assure survival, the modern Jew ardently responds to this virulent threat. But habitual keenness can slip into hypersensitivity, deeming all criticism and statements not in Jewish or Israeli interests antisemitic. These uncritical assessments then lead to non-discriminating antagonisms, surrendering Jews to a third level of bias toward non-Jews — namely, categorical hatred against entire populations.

Ethnic prejudice in contemporary Western Europe, for example, is part of a new wave of anti-foreignism aimed in particular at Arabs. While Jews spurn the reemergence of xenophobic nationalism in Western Europe, few express outrage at anti-Arab sentiments. Categorical hatred for all Arabs silences our condemnation of social injustice.

In Israel, Arab-Israeli tensions transpose mutual animosity into malevolent action. Ignoring the *tzolem Elokim* in all men, terrorism and vindictive vigilantism escalate bilateral violence into unilateral destruction. Reverberating throughout the world, the war of enmity pits Jew against Arab (and Arab supporter), irrespective of location. Categorical hatreds towards any group, including Arabs, help conserve worldwide belligerence.

In addition to imperatives of *darchei shalom* and imitation of God, God obligates every Jew in another *mitzva* — namely, "Love thy neighbor," which, *Chazal* explain, applies to fellow Jews. While many Jews exhibit extreme tolerance for prejudices directed towards non-Jews, few would admit to bigoted attitudes against other Jews. Yet, prejudice against Jews, by Jews, exists, if not abounds, in the Jewish community.

Hayim Angel, in his article "Sephardim and Jews," (Commentator Nov. 28, 1990, p.8) deplores Ashkenazic bias against Sephardim. He writes: "Jews often lose sight of the fact that different valid positions exist within Halakhic Judaism. This approach often starts as a harmless, subconscious sentiment; however, enough of these feelings can develop into a nation-splitting crisis, where Jews treat other Jews in less than friendly terms." Modern Israeli history attests to *sach* a "nation-splitting crisis." Through neglect and mistreatment of Sephardic immigrants, the early Ashkenazic-dominated Israeli establishment fostered an anti-Sephardic society. "Thus," writes sociologist Daniel Elazar, "in the 1950's and 1960's Israeli leaders,

Continued on page 10

HEAVY HEARTS HAVE HOPE:

A Supplication

by Simi Chavel

Tu B'shvat, "the holiday of trees," celebrates the regenerative element in nature, inspiring us with the hope necessary to forge forward in the face of challenge. One month before the arrival of *Tu B'shvat*, the Fast of the Tenth Month, *Asara Betevet*, beckons us to realize that the first part of the regenerative process involves the recognition that dangers revealed and concealed affront us, and that our only true hope depends on God.

The roots of our frightening present situation stem from three different sources:

Throughout the recent Gulf crisis, the United States has prevented Israel from protecting itself by restraining Israel from taking a preemptive strike against Iraq. Now, in a bitter and hateful motion, Saddam Hussein has unequivocally stated that, should war break out with the United States, Iraq would direct and fire its missiles at Tel Aviv. The subjugation of Israeli self-interest to non-Israeli influence allows Hussein's hatred to threaten Israel's security.

The resources necessary for Israel's defense have been drained by a situation to which not many of us have given much, if any, attention. Normally, the rainy season on which Israel so

desperately relies begins with Succot. This year, Israel still awaits its supply. For the past three months, God has plagued Israel with a real drought. The water level in the Kineret has dropped so low that some have suggested desalinating water from the Mediterranean Sea and importing water from Turkey. The economical, political, and social expenses will hit Israel very hard. Considering the present difficulties the influx of Soviet immigrants causes Israel, the situation is truly scary.

But even that source of pride and excitement, the *aliyah* of Soviet Jewry, has turned to partial shame. On December 25, The New York Times reported (p. 1) that up to ten thousand Jews emigrating from the Soviet Union prefer escaping to Germany rather than Israel. One of the horrifying reasons, as one of the new German Jews claimed, is that "Israel is a militarized state" and "we want to be in a peaceful country like Germany" (p. 4). Bitter irony!

Even more excruciating than the perception of an immoral and oppressive Jewish government burns the reality of Jews who prefer to escape to the security of a non-Jewish government, despite the horrors of our history under non-Jewish rule. Searing is the reality of Jews who

trust Germans more than their own people.

On the tenth day of *Tevet*, we read the inspiring words of Isaiah: "Search for the Lord whosoever He may be found; call out to Him for He is close" (55:6). The roots of the words "search," *drsh*, and "call out," *qra*, imply an articulated search for God. "*Drsh*" indicates inquiry and explanation, and though the calling out signified by "*qra*" certainly carries more emotion than "*drsh*," "*qra*" literally referring to reading, also implies intellectual quest. According to Isaiah we must enlist our rational faculties to rediscover God. Therefore God promises: "For as the rain or snow drops from heaven and returns not there, but soaks the earth and makes it bring forth vegetation, yielding seed for sowing and bread for eating" (v. 10), so, too, the word of God does not return to Him without fulfilling His desire and succeeding in His mission (v. 11). This mission God defines: "For with *simcha* you will go out and in peace you will blossom" (v. 12).

Elsewhere in the Tanach, when the Israelites were oppressed and frustrated, their pleas needed no clear articulation. They could not search for God; they needed Him to show Himself, to come forth and save them. Thus, when the Israelites panic on the banks of the Reeds Sea (Exodus

14: 10), and when they cry of frustration because Yavin, King of Chatzor, governs them with an iron fist (Judges 4:3), the Tanach employs the root "tz'k" Nechemia (9:27), likewise, applies this root to repentance, which marks the Jewish people's relationship with God.

In instances of personal crisis, the Tanach also utilizes the root "tz'k" to describe the anguish people experience: when Moses entreats God to heal Miriam (Numbers 12:13); when the poor and oppressed and those without clothing and shelter call out to God (Exodus 22:22,26); when the Jewish hearts weep and wail during the destruction of the First Temple (Lamentations 2:18). The root "tz'k" indicates the inarticulate screams and cries for salvation. These cries swell from the depths of a people's soul and erupt outward, shattering the very gates of Heaven until God responds.

This is our cry today, on the tenth day of the month of *Tevet*. When we call out during the *shmonah-esrai*, during the blessing of *ge'ula*, salvation, let us think of the Gulf crisis; in *tain beracha*, the blessing for the productivity of the Land of Israel, let us plead for the end of the drought; in the blessing for redemption and a return to Israel, *qabzeinu*, let us remember that we do, in fact, desire redemption. We must not remain with that pathetic question, "How have we fasted and You did not see; we imposed suffering on ourselves and You will not know?" (Isaiah 58:3). Let us wait to God until He responds, as Isaiah promises: "Nevermore shall you be called 'Abandoned,' nor shall your land be called 'Desolate'; but you shall be called 'I desire her,' and your land, 'Consummated'; for God desires you, and your land will be consummated" (62:4). And we will celebrate the holiday of rebirth, *Tu B'shvat*.

BREADTH AND BOUNDARY: The Powers of Beit Din

by Sammy Levine

The *mishna* in *Eduyot* (1:5) declares: "*Ein beit din yakhol levatei divrei chavero ella im kein gadol mimenu bechachma u'veminyan* - A *beit din* may not annul the view of an earlier *beit din* unless it exceeds it in wisdom and number." While this rule offers insight into rabbinic authority, various *Gemarot* and *Rishonim* discuss its scope and limitations.

Concerning the requirement of greater *chachma*, Rambam (*Perush Hamishna*) writes that the "leader of the *beit din*" must be wiser than his predecessor to overrule him. Radvaz (Responsum 1490) argues that the *mishna* refers to the caliber of the *beit din* as a whole.

A disagreement also exists over how to define *minyan*. As Rambam (*Mamrim* 2:2) notes, a straightforward translation is impossible, since every *beit din* *ha'gadol* contains 71 members. Instead, he maintains, the number is that of the "wise men of the generation" who accept the rulings of the *beit din*.¹ Ra'avad (commentary on *Eduyot*) cites the Yerushalmi, that the number refers to the "number of years," or age, of the *beit din*. Ritva (*Avoda Zara* 7a) provides two further possibilities, the number of years that the members of the *beit din* "served *talmidei chachanim*," or the number of students they consulted regarding their judgement.

Although the *mishna* seems to limit greatly the power of future *beitei din*, does it apply even to a law enacted by an earlier *beit din* for a particular reason which no longer exists? In that instance, when the later *beit din* acts in concert with earlier opinion rather than contradicting it, perhaps even a lesser *beit din* should be able to nullify the law. In fact, one might suggest that there be no need for an act of *beit din* at all in this case; if the reason for a rabbinic law no longer applies, maybe the law itself should automatically be annulled. Nevertheless, the Talmud (*Betzah* 5a, et al.) clearly states that such a case known as a "*davar she'beminyan*," requires another assembly to revoke it. Still, what kind of

assembly does the Talmud demand?

Rambam (ibid.), equating the Talmudic statement with the *mishna* in *Eduyot*, calls for a *beit din* that is "*gadol mimenu bechachma u'veminyan*," even when the rationale behind a law has disappeared. Ra'avad, however, finds this statement puzzling, since, in the Talmud's example of such a case, Rabbi Yochanan ben Zakkai annuls the decree of an earlier *beit din*, even though, Ra'avad feels, "he was not greater than the earlier [rabbinic]." Defending Rambam, Rav Yosef Karo writes in the *Kesef Mishna* that Rabbi Yochanan ben Zakkai may have indeed been greater than those who instituted the decree he nullified. In the *Responsa Kehillat Ya'akov*, Rav Ya'akov Karlin rejects the *Kesef Mishna's* answer, bringing several other supports to Ra'avad's claim. (*Choshen Mishpat*, Responsum 2, p.27).

Other *Rishonim* set different criteria for the type of *beit din* that can abrogate a *davar she'beminyan*. In the *Chidushei Haran* (Sanhedrin 59b), we find that the later *beit din* must be "[equal in] number to the earlier rabbinic." Meanwhile, the *Yam Shel Shlomo* (Beitzah 1:9) says that they must be "as important as [the first ones]."

A significant exception to the rule of "*tzarich minyan acher lehatiro*" arises in *Teshuvot Harosh* (2:8). Though the Talmud (Menachot 40a) states that one should not wear *tzitzit* on a linen garment, Rosh noted that many Jews in his time violated this law. He justifies their practice, first examining the reason for the law. Although the *mitzva* of *tzitzit* supercedes the prohibition of *kilayim*, thus allowing for the wool strings necessary for *techeilet* to be placed on linen garments, the *mitzva* applies only in the day. Therefore, a person wearing such a garment into the night has violated the prohibition of *kilayim*. Because we no longer have *techeilet*, writes Rosh, we can be confident that wool strings will not be placed on a linen garment, since linen strings will now suffice. Naturally, the rule of *davar she'beminyan* complicates the issue, indi-

cating that the law should remain in effect until there emerges a "*minyan acher lehatiro*." In fact, Rosh agrees with Rambam that even a *davar she'beminyan* can ordinarily be nullified only by a *beit din* greater than the one which enacted the law. If so, when did such a *beit din* nullify the law that one should not wear *tzitzit* on a linen garment?

Rosh answers with an important principle. When *beit din* enacts a law for a particular purpose which is "[widely] known," then "once the purpose terminates, the law terminates automatically." In the case of *tzitzit* on a linen garment, the purpose of the prohibition was obviously to prevent the wearing of *kilayim*. Therefore, with the disappearance of *techeilet* signaling the end of such a fear, the prohibition ended as well, without the need for action of any type by a "*minyan acher*."²

In the *Responsa Torat Chesed* (17:6), Rav Shneur Zalman Lublin elaborates on Rosh's principle, applying it to many Talmudic laws that are no longer in practice. He writes that the reasons for these laws were "known and clear," so the laws depended completely on the reasons. Yet the author admits the problem of applying this principle to modern *psak*, since "we cannot conclude through our knowledge or decide with our intellect which *gezeira* is considered to have its reason known and which is not." He asks, rhetorically, "who among us will be so brazen" to declare that a given *gezeira* does not need a "*minyan acher lehatiro*"? He concludes that we have only "the words ... of the *rishonim*" to settle such matters.

Malbim, in *Arzo Hachaim* (*Hameir La'aretz* (9:41)), offers a different motivation for permitting *tzitzit* on linen garments. He notes that the original decree was actually "*okair davar min hatorah*," impeding the performance of a *mitzva*, according to the Torah, one must place *tzitzit* on a linen garment. Nevertheless, the rabbis who instituted the decree deemed it necessary in order to prevent the violation of *kilayim*. If the danger of this prohibition disappears, as it has with the

loss of *techeilet*, those same rabbis would unquestionably wish to nullify their own decree, allowing for the fulfillment of the Torah's commandment.

Based on a further reading of the responsum of the *Kehillat Ya'akov*, Rav Hershel Schachter (*Ohr Hamizrach* 33:2) uses logic similar to that of Malbim to resolve the problem raised by the *Torat Chesed*, offering a practical framework for when a *davar she'beminyan* would not require a "*minyan acher lehatiro*." By first noting that "*kol detikin rabbanan ke'eyn de'oraita tikun*," "rabbinic laws are patterned after biblical laws," Rav Schachter refers to the halachic guidelines governing a biblical law whose reasons do not apply. We accept the opinion of Rabbi Yehuda (Sanhedrin 21a, et al.), that "*lo darshinan ta'ama dekra*"; the applicability of a *mitzva's* reason does not govern that *mitzva's* performance. Nevertheless, in the unique cases that the Torah itself reveals the reason for the *mitzva*, if the reason does not apply, neither does the *mitzva*. If we relate these guidelines to rabbinic laws, Rav Schachter writes, the relevance of a law's reason to its performance depends on the phrasing of the particular *gezeira*. When the Rabbis instituted a *gezeira* without explicitly stating its reason, then even if the reason no longer applies, the law of "*kol davar she'beminyan tzarich minyan acher lehatiro*" must be followed. If the reason was declared, however, the absence of the reason automatically nullifies the *gezeira*.

Rav Schachter further posits that when the Rabbis made a *gezeira* that was "*okair davar min hatorah*," they explained as part of the *gezeira* their rationale for such an action. If not, their *gezeira* would directly contradict the Torah. As Malbim writes, the Talmud's *gezeira* against placing *tzitzit* on a linen garment is "*okair davar min hatorah*." Therefore, we can understand Rosh's opinion that in this particular case, since the reason for the law no longer applies, the prohibition itself is automatically lifted. Furthermore, we appreciate why Rosh called the reason

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OF HUMAN BONDAGE: The Avot As People

by Kevin Taragin

The interpretation of biblical personalities is an important, yet controversial area of Torah study. The familiar idiom, "Ma'ashev avot siman la-banim," advises us to learn from the Avot and their actions and necessitates our understanding their lives and personalities. Such a fundamental issue, however, has fostered heated, often vicious, controversy.

Intuitively, one feels that the Avot should represent paradigms of Judaism. Thus many consider them infallible, or, at least, unaffected by the trivial human frailties and emotions which often hamper religious observance. The Zohar constantly refers to the Avot as "ofanei kisei Hakavod," ("the wheels of the celestial chariot"). Hence numerous passages in Chazal elevate the conduct of the Avot, as well as other biblical characters, to superhuman levels, justifying many of their questionable actions. A famous example of this is the Gemara's assertion that whoever claims that Reuven, David, etc. actually sinned, errs (*Shabbat* 55b).

On the other hand, the literal interpretation of many passages often implies fallible Avot. They make mistakes, often react emotionally, irrationally, or incorrectly, and receive rebuke and punishment. Both Avraham and Yitzchak have sons who do not practice the traditions of their fathers; Esav actually fools Yitzchak in this respect for many years. Both Avraham and Yitzchak conceal their wives' identities in questionable ways and suffer for it. Many of Ya'akov's actions, such as his manipulation of Esav and his relationship with his wives, expose themselves to criticism.

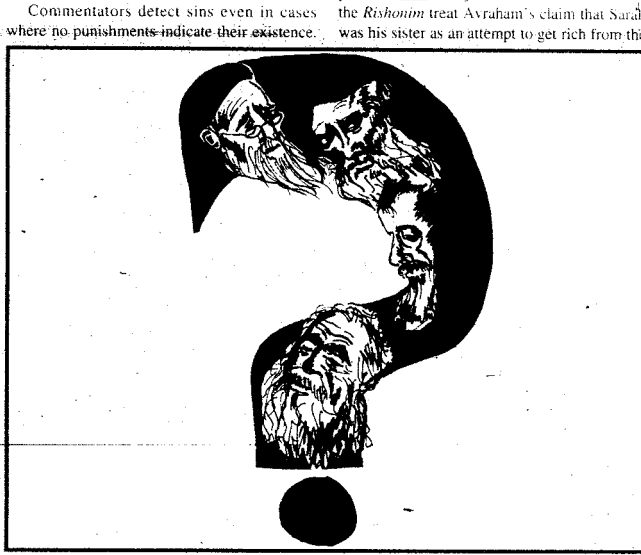
Many Bible critics, primarily non-religious, have opted for this literal reading. Religious commentators who write from this perspective have provoked venomous backlash from those who claim the illegitimacy of an approach which dilutes the Avot's pristine image. (It must be noted that these religious scholars do not criticize the Avot per se, but glean instructive lessons from their mistakes. The Mussar movement, then, which often admitted to the Avot's mistakes in order to infer didactic lessons, set the precedent for the modern religious commentators under attack. (See David Berger's "On the Morality of the Patriarchs in Jewish Polemic and Exegesis".)

Thus, an intelligent, religious student wonders whether interpretations which imply the human fallibility of the Avot contain any validity. However, even a cursory perusal of Chazal and the traditional commentaries of the *Rishonim* clearly delineates the minimal bounds of acceptable interpretation.

In numerous situations the *Rishonim* do not hesitate to find the Avot and the *Imahot* culpable or to attribute human emotion to them. Examples of this are too numerous to list exhaustively, but any sample would sufficiently prove the acceptable limits of this approach, if any.

Commentators' recognition of sin in the actions of the Avot ranges from areas where God seemingly punishes the Avot, to situations where the Avot's actions seem neutral or even positive. Chazal, in separate sources, identify two causes for our exile to Egypt: Avraham's question, "baneh eida" (*Tanchuma Kedoshim* 84:13, *Nedarim* 32a) and Ya'akov's favoritism for Yosef (*Shabbat* 10b). They view Yitzchak's blindness as punishment for taking "bribery" from Esav (*Sa'ahedrin* 99b), while *Sforno* understands Yitzchak's lack of rebuke of Esav as the cause (*Gen.* 27:1). Chazal write that since Ya'akov caused his parents anguish by inappropriately prolonging his stay in Charan (*Megillah* 16b), God punished him. They perceive Dinah's abduction by Shechem as punishment for Ya'akov, who hid her from Esav (*Bereishit Rabba*). Ramban claims that God continuously punishes us because of the pain Avraham and Sarah afflicted on Hagar (*Gen.* 16:6). Some *Rishonim* understand the injury inflicted on Ya'akov by the angel as punishment for his lack of trust in God and for inappropriately honoring Esav (*Radak, Chikuni Gen.* 32:26).

Commentators detect sins even in cases where no punishments indicate their existence. (Torah Sheleimah *Bereishit* 18:159). They relate that Avraham hurt Sarah when he failed to defend her when she was challenged by Hagar (*Bereishit Rabba* 45); they understand the battle between Yitzchak and Yishmael as a material struggle over their inheritance (*Yevotza Sotah*, 63); they suggest a dialogue in which Esav and Rachel fight over Ya'akov's *Hom* (*Gen.* 30:14). They also accuse the *Imahot* of having sexual relations with improper intentions, even for men with pleasure (*Ibid., Tosafot Rosh, Ravin* and most of the *Rishonim* treat Avraham's claim that Sarah was his sister as an attempt to get rich from the



Chazal criticize Avraham for accepting Hagar as a wife (*Midrash Ha-gadol, Gen.* 37:10); they fault Avraham and Yitzchak for not guiding Yishmael and Esav in the proper way (*Tanchuma Shemot* 1); they criticize Ya'akov for resting peacefully after splitting with Esav (*Bereishit Rabba* 84:3), and for delaying the fulfillment of his pledge to Hashem (*Ibid.*, 81:2); they reprehend both Ya'akov and Rachel for their handling of Rachel's barrenness; while Rachel acts disrespectfully toward Ya'akov, Ya'akov responds to her too harshly, and relies too heavily on his own righteousness (*Bereishit Rabba* 71:6-7, *Ramban Gen.* 30:1, *Tosafot Ha-shalem* 30:15:3-4, 30:32:2). Chazal describe Leah as a "yatzanit," one who goes out, criticizing her aggressiveness in claiming Ya'akov after her deal with Rachel (*Bereishit Rabba* 70:1); they also attribute this trait to Dinah and accord it the cause of her defilement. Ramban explains Avraham's escape to Egypt during the famine, and the identification of Sarah as his sister, as a lack of faith in God (*Gen.* 12:10, 20:2, 15:12). While *Abaranel* criticizes Leah for tricking Ya'akov into marrying her (*Abaranel* 30:14), *Rabbeinu Bachya* criticizes Ya'akov for transgressing a biblical injunction by marrying two sisters (*Gen.* 32:25).

In certain instances, Chazal attribute sins to the Avot even when they seem to have acted appropriately. For example, although God did not rebuke Avraham for laughing at the promise that Sarah would conceive, Chazal say he was just as guilty as Sarah, who God actually reprimanded (*Midrash Ha-gadol* 18:13).

One also finds many examples within Chazal and the *Rishonim* where the behavior of the Avot is compelled by human imperfections. Chazal explain that Sarah says, "and my master is old" because women do not like to admit their age

Egyptians (*Gen.* 12:13), and *Rabbeinu Bachya* asserts that Avraham wanted Lot to go to the "left" so that Avraham would possess the wider grazing areas for his own huge flock (*Gen.* 13:9). *Radak* and *Abaranel* explain that Avraham found it difficult to send Yishmael away due to his fatherly love for him (*Radak Gen.* 21:11, *Abaranel Gen.* 21:9). *Ibn Ezra, Ran* and *Chikuni* ascribe Sarah's hatred of Yishmael to jealousy (*Gen.* 21:9-10). An example of love based on physical beauty exists in Ya'akov's love for Rachel (*Rabbeinu Bachya Gen.* 28:5) and *Chikuni* (*Gen.* 29:18).

Thus, we see conclusive evidence that Chazal and later commentators were willing, and often may have preferred, to attribute faults to the Avot, and clearly viewed the Avot as people influenced — and sometimes overpowered — by human sensations. The volatility of this issue, of the method of exegesis, surrounds not the existence of these differing approaches, but the influence these alternate interpretations of the Avot might have on our general impressions of the Avot and how they affect the way we should analyze *Sefer Bereishit*.

One approach often taken (at least subconsciously) is to heavily stress *genarot* like the one in *Shabbat* (55b). According to this passage, the Avot were indeed beyond reproach. We should therefore downplay all existing negative references to the Avot, let alone contemplate the possibility of sin in other instances. In this vein, one of the past generation's *gedolim* wrote that *Ramban* could not have written that Avraham lacked *emunah*; rather, it was a later addition. However, evidence for such an assertion does not exist, and, in the context of many other sources which align themselves closely with *Ramban*, one wonders whether the assertion solves the problem. In the last century there have been

many similar stories of rabbis who deny the existence of critical interpretations, and attempt either to stop the printing of authentic sources or to alter their original content.

Although, from the point of view of scholarship, these types of responses are rather embarrassing, they are motivated by the dangers of biblical criticism which may threaten the basic integrity of the Avot. However, this reactionary stance fails to confront the numerous acceptable sources for criticism which this article presents. Beyond the actual sources, though, lies an inherent difficulty. How can one categorically claim that David and Reuven did not sin if God disciplined them for specific actions? Natan admonished David and Ya'akov rebuked Reuven. Were they reprimanded for nothing? David's exile was a punishment (*II Kings* 12:13). How can one not reprove him for anything?

Viewing the Avot as human beings, rather than as idealized figures, allows us to understand the human side of the Avot. *Zohar* and *Zohar's* identification of the Avot, more importantly, what characteristics give our ancestors the status of Avot as opposed to people who simply initiated a nomadic tribe?

The key to this perplexing puzzle lies in the distinction between the Avot, per se — who they actually were and how they conducted their daily lives — and the way God presents them to us in the Torah. The tremendous gaps in time during the Avot's lives in the Torah, and the general ambiguity the Torah maintains regarding their personalities, bothers many commentators. Who was Avraham before he found God? How did he find God? What, besides the sacrifice, were the major events of Yitzchak's life? What kind of personality does the phrase "Ve-Ya'akov ish tam yosheiv ohalim" imply?

The Torah does not address these and other similar questions, for the Torah does not aim to provide a biographical sketch of the life of each Av. Rather, the Torah presents excerpts of each of their lives for us to derive message and meaning. *Radak* writes about the story of Hagar that the Torah includes the details of the story so that man can glean a moral lesson (*Gen.* 16:6). The Torah guides us in building lives of morality and in worshipping God properly. Thus, it includes information and perspectives helpful to that end.

Two important points follow. Since the goal of the Torah here is to teach us moral and religious lessons, the possibility exists for any biblical story to imply many different, even contradictory, messages. In addition, we must realize that the actual Avot may have differed from the picture the text draws. The *Gemara* in *Shabbat* indicates this: the Torah writes for us. For people on our level, Reuven and David actually gravely sinned as depicted. Chazal, though, want us to avoid the mistake of defining the Avot based on the literal interpretation of the Torah. Ironically, by using the literal interpretation of the Torah to define the Avot, not only may we come to misunderstand the Avot but we may subvert the Torah from its original purpose — changing us. The Avot as they truly were might have been wheels of the "kisei Hakavod," but the Torah presents them to us as humans, and wants us to see them as such and learn from their lives and mistakes. A model for another's conduct must be one who faces the same types of tests, battles with the same emotions, and, when necessary, repents for similar mistakes. The Avot may or may not have had to repent for sins, but the Torah definitely presents them as if they did.

Realizing, then, that the Torah gives us the actions of the Avot as a mirror through which we can see ourselves, if one, reading through *Sefer Bereishit*, perceives a mistake or flaw in the Avot, he should not attempt to blot it out. The flaw the reader has perceived is obviously one the reader recognizes as existing either in himself or in others. The Torah has managed to bring this flaw to his attention by couching it in the story of an Av. Denying the flaw restricts the Torah from instructing the reader; recognizing the flaw while realizing that the true Avot may not have been guilty of it allows the Torah to serve as the "yalim" (antidote) in our lives.

Moved by the seriousness of the Gulf crisis, Hamevaser has resolved to provide a thought-provoking symposium of Yeshiva University scholars on this pertinent issue. Editor in chief, Benjamin Samuels, interviewed Dr. Ruth Bevan, Rabbi Shalom Carmy, Dr. Albert Marrin, Dr. Saul Roth, Dr. Ellen Schrecker, and Dr. Walter Wurzbarger. Their views, artfully presented here as a round-table discussion, offer keen insights toward understanding the complexities of this world-gripping predicament.

Hamevaser: Having established a strong military presence in the Gulf, what should U.S. objectives be?

Dr. Marrin: The objective is, as stated in the U.N. resolutions, it has to be the withdrawal of Iraq from Kuwait, which was seized contrary to international laws. It's just that simple.

Hamevaser: So if this can be accomplished through a negotiated settlement, then the whole crisis stops there.

Dr. Marrin: That's right.

Dr. Roth: From my perspective, the paramount objective of the United States — the only objective that justifies massive involvement of our country in this effort — is the elimination of all the military weapons of mass destruction that are available to Saddam Hussein. I do not see (how) the economic interests could be a source of motivation for this operation. It certainly should not justify it. And I don't know that the United States is obligated or even has the capacity to respond to every act of aggression committed by a nation against another nation around the world, but certainly when one country has the capacity and develops the potential to do the widespread damage that Iraq can do at the present time, then I regard that as providing the basis of a moral obligation to respond in the manner in which the United States has responded.

Dr. Marrin: No, [it's not an issue of disarming Iraq's nuclear capabilities and disabling Saddam Hussein's potential threat to world peace.] The Soviet Union, remember, had been a greater threat to world peace through its nuclear capabilities for some forty years; and there was no thought in the West, at least by sane people, that we could disable their nuclear capability. We lived with it, and we contained it, just as we live with the Chinese capability today. It's something that's real, it's something that you deal with.

Hamevaser: Why do you think that the United States is more afraid of Iraq now than it was of other nuclear capable countries during the Cold War? Why does Iraq suddenly get us moving?

Dr. Schrecker: Well, it gives some people moving; I'm not so sure that everybody would agree that there is this terrible mess. You know, Iraq's not a first rate power. I think the reason for concern is because this is such a volatile area; the Middle East is an area where there has been, more or less, constant warfare...I think that there would be ways of eliminating this arms making potential within an international framework that might very well work. An embargo is already in place; nobody has proposed to take the embargo off...Obviously, the ultimate goal is peace in the Middle East...so you negotiate, step by step, so that ideally we can get Iraq out of Kuwait.

Dr. Wurzbarger: I think the United States should try to avoid getting embroiled in an armed conflict, because I believe it is a no win situation. Any victory against Iraq would create a power vacuum which in turn would rally the Arab world against both the United States and Israel. Therefore, I believe...we should allow sanctions to achieve our objectives: not the total destruction of Iraq, but rather, the reduction of its potential to wage aggressive war in the future...

Hamevaser: When you say "reduction of its potential," how does that relate to Iraq's nuclear and chemical potential?

Dr. Wurzbarger: There has to be...some kind of international agreement to see to it that Iraq would be demilitarized, or at least stripped of its potential for nuclear or chemical warfare. But I don't think it has to be done through immediate attack on Iraq. I personally feel that those who caution and advocate restraint — the U.S. Congress and Senate — have the better argument.

Dr. Bevan: When I think of the Gulf crisis, the

two obvious problems...are related to 1) oil and 2) nuclear proliferation. The assumption is that Iraq, within the next five years, will certainly have nuclear capability; they already have chemical warfare capability and a million-man-strong army...I think the Gulf crisis is the first of the area's crises that we're going to see in what is now termed the post-Cold War. The American reaction here is testing the waters in terms of how the U.S. will handle these crises in the future. I believe they were late in response to the modernization problems within the Arab world...

The other part of the Gulf crisis at the moment is part of what we call the North-South problem...In political science lingo that means...the problem of the rich industrialized nations versus the poor industrializing nations...Even within the Gulf area itself there is a mini-North-South problem in which the richer states are the Gulf states and the poorer states are Egypt and Jordan.

Hamevaser: What are Saddam Hussein's current motives? How have they changed since the initial Kuwait invasion?

Dr. Roth: His motives are, in my view, the enhancement of the posture and position of Saddam Hussein in the Arab world and to project himself as another saviour of the entire Arab people. He places himself in the same category as one of the classic Arab leaders. Obviously, one of the ways of doing so is exhibiting the kind of hostility to Israel that he has...

I don't think that his motives have changed one iota. His goal is the same. His tactics, his strategy, the procedure that he might have decided upon to accomplish his goals might have been modified by a change in the distribution of power and forces that are present in the Gulf at the present time but I don't think that his goals or his motives have changed at all.

Dr. Bevan: What has come out from various Arab writers is that Hussein seems bent on making Iraq a modern state and achieving this by whatever means necessary...There is evidence that Hussein has...the attention of a certain segment of the Arab world — that is, the downtrodden, the poor, and the frustrated...who look at his actions...as waging a battle against the maldistribution of wealth in the Arab world.

Hussein is not the first Iraqi to think of taking over Kuwait. This already happened in 1961 and British troops had to go in...Hussein argues that Kuwait is related to Iraq — ethnically, religiously, and historically — it was part of the Ottoman empire; therefore, it is Iraqi. The crisis is geo-political, it's economic, and right now it's a stand off with Uncle Sam, which could make Hussein a tremendous hero in the Arab world. We have to be so leery of making him a martyr, which is what we did in a sense with Ho Chi Minh. And that's what Hussein wants. That's why we

—If as a result...Iran will emerge as the dominant military power...we simply have shifted the name but not the game—

are over a barrel. Sitting in the desert with a half a million men, who are not prepared for combat according to our generals, who wouldn't be ready 'till the spring, which we openly discuss in the newspaper, and if we follow Kissinger and stay there until the spring, then we destabilize Saudi Arabia — the whole thing grows to such mammoth, satirical, farcical proportions, that it's frightening. It's not a policy that has been thought through.

Dr. Marrin: I think that Saddam Hussein's motive was to seize Kuwait and hold onto it. I think he's playing a game of chicken with Bush, and it's really a question of who is going to back down first. My own feeling is that he has some

very strong cards, that the administration in Washington has underestimated or not considered at all. Militarily, he's not in a bad position in Kuwait...he has excellent artillery, some very good stuff...more powerful than the guns we've got there, except for the very big naval rifles on the battleships...his men are dug in very strongly, in such a way that the only way they're going to be overwhelmed is by direct ground attack...which is what he wants. He knows that American public opinion is not going to put up with heavy casualties in the Persian Gulf for a long period of time. He's figuring that a costly war of attrition will ultimately have a political payoff for him — that American public opinion will crack, as I believe it will, and that the pressures will grow for peace. And I don't think that the administration has addressed that point.

Dr. Schrecker: I was just teaching about the United States going into the Second World War, which was a situation in which there was considerably more public support. And Roosevelt was not willing to commit American forces before Pearl Harbor, even when there were 70 percent approval ratings in the public opinion polls. Clearly, it is not possible to embark on an open-ended military action without the support of the public.

Hamevaser: How does the present situation compare with past crises — specifically, the Vietnam war?

Rabbi Carmy: The Rav was a hawk on Vietnam; I was opposed to the prolongation of the war. The Rav explained that he subscribed to the Domino theory: if Communism triumphed in Vietnam, much of the rest of Asia would fall. But, he continued, if you reject the Domino theory, then you were morally right to protest the war. [Ed. note: See J. Gurock's *Men and Women of Yeshiva*, p. 230, note 30, where Gurock documents a discussion between the Rav and R. Carmy on this topic.] In fact, the fall of Vietnam did not lead to the spread of Communism throughout Asia, because North Vietnam did not enjoy the continued backing of the Communist superpowers. If anything, it was the American investment in an unwinnable war that accelerated the sense of Western weakness and decadence. Iraq, if not stopped, is able to cause large scale damage on its own, unlike Vietnam.

Thus, the United States is morally and politically justified in permanently disabling the massive Iraqi war machine. Unless this is done, the present Iraqi regime will recover confidence and momentum, and will constitute a greater menace in the future. The scope of Iraqi armaments, together with Saddam's proven inclination to initiate war after full scale war, make the current crisis different from the situation in Vietnam.

Dr. Schrecker: Having studied the Vietnam war at great length, I am always reminded of the wonderful statement by George Ball. [Ed. note: George Ball was a State Dept. official under Kennedy.] The American government was deciding whether or not to escalate military action in Vietnam. Ball said: "When you get on the tiger's back, you can never be sure of the place it is at now." Quite frankly, that is what happened in Vietnam...If you saw today's *Times*, the

American military is not very prepared for whatever is going to happen. The problem with an outright military action is that we lose control. Given the volatility of the situation in the Middle East, that is too dangerous for the Americans and certainly for the Israelis.

Hamevaser: What ramifications would a total Iraqi defeat have for the Middle East geo-political balance?

Dr. Marrin: Well, I don't know. That requires prophecy. I don't think anyone can say, really. I don't think we know enough about the region to see all of those nuances. Besides, war is a very unpredictable thing. When Hitler invaded Russia, he said, "Truthfully, I feel like I'm opening up a door to a darkened room." And that's true: war is a darkened room...In studying history, I have found that there has never been, at least in modern times, a prognosticator before the event who has been right after the event. Events falsify all predictions, and it would be foolhardy to say...because it's predicated on events that haven't happened yet and predicated on turns of events that nobody can know at this point. It's not knowable. And I think that anybody who says it is is talking mighty foolishly.

Dr. Wurzbarger: I caution - if you get rid of Saddam Hussein by a military attack which will demolish all of Iraq, destroy its entire industrial capacity, and inflict very heavy civilian losses, then America will not emerge victorious in the Middle East in the final analysis. On the contrary, America's reputation will be so spoiled that it would never recover...if as a result of the total defeat of Iraq, Iran will emerge as the dominant military power in the Middle East, we simply have shifted the name, but not the game.

Dr. Bevan: Basically, I think the idea is to maintain Iraq with some kind of a power bastion. We don't want them to be a nuclear power, or at least a power that will eventually use its nuclear capacity, but we need something there that's going to act as a balance to Syria.

Dr. Roth: The elimination of Iraq might strengthen the hands of two great potential enemies of Israel with whose power I am equally concerned. One is Syria and the other is Iran. In some sense, the presence of Iraq as a power provides a counterbalance to Syria and Iran who are sworn enemies of Israel...I am not at all sure that I would necessarily want to eliminate Iraq as a force in the Middle East, but I do want to see the extermination of its potential for mass destruction.

Hamevaser: How will America's new Arab alliances, most notably Syria, affect U.S. foreign policy?

Dr. Schrecker: Well, you know what it reminds me of. You remember when during the Iran crisis — that was a period in which, of course, our ally was Iraq. I think maybe we can learn from history that our "allies" come and go.

Dr. Roth: Well, obviously, any American association with Syria is immoral. Perhaps necessary, but for the President to have met with the head of a state which is identified by our own State Department as terrorist in character is incompatible with any sort of standards by which America ought to guide itself. I had a conversation with Senator Robert Kasten, who pointed

out that there are such things as allies of principle and allies of convenience. At the present time, Israel is an ally of principle and Syria is one of convenience. Notwithstanding, I do not think America ought to give status and standing to a man like Assad when he has been identified as being responsible for terrorist acts...Even from a practical standpoint, it cannot be justified. The attempt is made to vindicate what America is doing on the grounds that Syria is needed for the coalition, but America is strengthening Assad now precisely as it had done heretofore with Saddam Hussein when he was fighting Iran. We are creating our own monsters, and I think it is a disaster.

Dr. Marrin: I have a real problem with the President: does he believe in what he says, or does he, indeed, believe in anything? The President has told me many things which he stated very convincingly at the time, but which subsequently were rendered inoperative. He told me to read his lips, that under no circumstances would there be new taxes — and there were new taxes. He told me that before the US would grant any kind of economic assistance to the Soviet Union the Soviet Union would have to curtail its financing of Castro's Cuba and the government in Afghanistan. Then, last week he told me something else.

He told me that Syria was a terrorist state. Then, two weeks ago he had a meeting with Mr. Assad at the very same moment known terrorists are being sheltered in Damascus. So I don't know what to believe. If a person has no firm convictions, no ideology if you will...then a person like Mr. Assad is not too disgusting to embrace. Particularly since it has been made quite clear that the Syrians are not going to fight alongside the Americans if it comes to a war. It seems as if we have bought some very expensive temporary allies, so that if it does indeed come to conflict, they will hold our coats while we fight and get a lot of people killed.

Hamevaser: What effects will these new alliances have on U.S. Israeli relations?

Dr. Marrin: What concerns me is that this administration does not believe in anything very strongly, except what needs to be done at the moment. This administration is quite capable of promising Mr. Shamir something today, and then several months down the line, when something else becomes expedient, completely forgetting about its promises, saying "read my hips." I don't think there is anything you can depend upon in this administration because of its lack of fundamental intellectual coherence...The Syrians will try to use us, and as long as it's felt to be beneficial, we will allow ourselves to be used by the Syrians. And if that involves Israeli interests, I think the people in Washington are quite capable of pushing those aside. I'm not very confident of the leadership in Washington. That's really what I'm saying. I'm not confident of them *vis a vis* this crisis...A president who can knock out one of the basic underpinnings of his own party, which is the Republican party's traditional pledge to be conservative in taxes, is to me a loose cannon. He's an unpredictable quantity. And I voted for him.

HAMEVASER

SYMPOSIUM ON THE GULF CRISIS

Dr. Bevan • Rabbi Carmy • Dr. Marrin • Dr. Roth • Dr. Schrecker • Dr. Wurzbarger

presents tremendous problems for the state of Israel, because it is quite clear that there is an alliance forged between the U.S. and the so-called "moderate" nations, which include Syria...I can hardly believe that Syria is less of an enemy to the state of Israel than Saddam Hussein, and I'm not very complacent about the situation that both Saudi Arabia and Syria have a tremendous capacity to inflict heavy damages on Israel because of the new weapons available to them...Right now Bush and Shamir are officially in very good terms, but this is just an image projection...I'm not too hopeful that America will remain as the one staunch ally of Israel, because it now has very heavy IOUs toward Saudi Arabia, Syria, Egypt, etc.... Don't forget, America still does not recognize the sovereignty of Israel over East Jerusalem, and I am afraid as a result of this crisis in the Gulf that the strategic and diplomatic position of the state of Israel has deteriorated.

Dr. Bevan: Just this afternoon, Congressman Reingold, who was invited by one of our clubs, said that most of Congress was absolutely hostile to the idea of our "new Arab friends." These are unstable alliances; the Arabs themselves are not stable in terms of their own politics and we don't have similar world objectives at all. This was a sheer marriage of convenience for the particular moment. On the other hand, it certainly makes Israel very apprehensive...because it looks as if we are selling Israel short — with our backing of the UN resolution on the territories, the Palestinians, and Jerusalem.

Hamevaser: What is Israel's role in the Gulf crisis?

Dr. Wurzbarger: I don't think for Israel to take any kind of action against Iraq at this particular time would be wise, because Israel can always be the catalyst to reunite the Arab world. It is for this reason that I would urge patience on the part of America. I never know what will be the outcome of a war and I am afraid that a war — even if successful — against Iraq would then lead to tremendous problems for Israel.

Dr. Marrin: Saddam Hussein doesn't like Israel...If America were to attack Saddam Hussein — if I were in his place, I would attack Israel and I would force the Israelis to counter-attack. Once that happens the whole Middle East will explode.

Dr. Wurzbarger: I was alarmed when certain members of the Israeli cabinet, like Sharon, said that the US must not make a negotiated settlement but must fight — this I believe is very dangerous. I would not want to see on TV caskets being delivered to various air bases, and commentators saying that Israel demanded that the U.S. go to war.

Hamevaser: To what extent should Israel's interests decide American Jewry's political leanings, in particular, with regard to U.S. objectives in the Gulf?

Rabbi Carmy: In this matter, American interests and Israeli interests coincide. As much as is intellectually possible we ought to encourage modes of thinking that maximize the coincidence between American and Israeli interests.

Dr. Wurzbarger: Obviously, I am a Jew, and when I perceive the national interests of the U.S.

in certain ways, I cannot deny the fact that as a Jew, my love for Israel and the Jewish people influences my judgement. But I would not, as an American, tell the United States to go to war in order to save Israel. I will repeat what Israel has emphasized time and again: Israel doesn't want the U.S. to fight for them. If the U.S. feels its national interests are threatened — as Baker would say, because of jobs, or as other would say, because of the world economic situation — that's another story, but certainly Jews should not go out and say, "save the state of Israel." If you want to say that a nuclear danger is developing...I could see the validity of that kind of argument from a person involved in the Jewish community. But I certainly would not advocate an attack on Iraq in order to forestall aggression against Israel.

Dr. Roth: I really do not see this as a question of dual loyalty. I think that the interests of the U.S. and the interests of Israel largely coincide with respect to the question of the Gulf. In pursuing that which we perceive to be in the interests of Israel, I believe we simultaneously pursue that which is in the interests of this country.

Hamevaser: Do you think vocal support by American Jews for a strong U.S. military policy would incite antisemitism?

Rabbi Carmy: In general we ought not to be overly concerned about arousing antisemitic feeling; moral action is invariably accompanied by a measure of risk and discomfort. To ignore a moral and civic imperative, to keep silent out of fear, is the mark of a "slavish mentality" (the term used by the Rav to describe anti-war people who feared that expressing their views would affect Nixon's support of Israel). Yet, in the present debate, I see no reason, either moral or practical, for Jews, *as Jews*, to push their way to the forefront.

Dr. Wurzbarger: From a practical point of view, it would be the height of folly if American Jewry would be perceived as saying we don't care at all about the national interests of the U.S.; that we simply are patriots of the state of Israel, and we only get out of America whatever we can.

Dr. Roth: I would argue that this position is strong U.S. military policy should be vocally supported by the American Jewish community, and by the entire American community. I would not have any hesitation in recommending to the Jewish community to express itself, to articulate its views, to be vocal about its position. In the past, Jews have hesitated to express their views because of the possibility that by doing so they might arouse hostility and antisemitism. I think this is an error. My view is that when we have a view and we feel strongly about it, we should express it. By doing so, we project an image of strength which is essential in terms of our relationship with the world. I believe that it is much more advantageous when the Jewish community is perceived as being strong than when we are perceived as being weak. And we will be perceived as being weak if we refuse to state our views...

Dr. Marrin: American Jewry had better watch its words very, very carefully; it can easily create the impression that it's pushing the U.S. towards a war, not for the U.S.'s national interests, but for Israeli interests. And if that idea gets established in the American public mind that America is going to war for Israel, that would be very harmful to Israel. I would say that American

have to come to the realization that the "special relationship" between the U.S. and Israel is not going to last forever. Personally, I feel that Senator Dole's idea of cutting back on aid for Israel and giving some of that money to Eastern Europe — which horrified many Jews, who asked "What's happening to Dole, is he becoming antisemitic?" — should be taken like the warning of Minerva's owl — that it's a good shock. Eventually — hopefully, Israel will begin to wean itself away from U.S. financial aid. Only then will Israel begin to play a Middle East role in accordance with its own interests... It's going to be tough; Israel's going to have to politically straighten out its domestic scene and its going to have to tighten its belt and get its economy in order. More of our business majors are going to have to go there and start enterprises. But the end result can only be healthier for Israel. The present attitude of many Israelis is that if Israel lays too low, then many Americans will not think of Israel as a strategic asset any more. If America can solve this problem by itself, what does it need Israel for any way? I think that the response to that is, first of all, the U.S. is not going to solve this alone.

Rabbi Carmy: Frankly I am also a bit unsure of our collective judgment, and for that reason I would not encourage Jews to make themselves conspicuous right now. Whether as a result of undisciplined emotional involvement, excess of self-righteousness or intellectual narrowness, our community seems to have a gift for misconceiving our relationship to the reality that surrounds us. At first, we fail to consider that everybody's perspective does not naturally agree with ours; the next moment, we pugnaciously color the Gentile world antisemitic. In the first mood we treat all Gentiles like congenial *Shabbos Goyim*; inevitably disappointed, we shift defiantly to the second. The initial response of many Orthodox individuals to the Pollard case is a good example of this: there are many others. In a situation as complicated and labile as that in the Gulf today we, as Jews, can ill afford to bind ourselves blindly and without self-awareness to poses and formulations we may regret tomorrow.

Jewish spokesmen had better be very careful with the kinds of words that they use and the kind of limb that they go out in using to get a leg up in the Middle East, especially given the kind of military that we have now — that is, a volunteer army. There aren't many Jews — there are some — but there aren't many — on the ground in Saudi Arabia. The argument that can be used is that the Jews, who have very little part in the military, are calling upon Christians to die for Israel. American Jewry should be very, very careful.

Dr. Bevan: I have what may seem like a very harsh attitude. First of all, I am not really in favor of Jews coming out on this issue very vocally, but if they do, and in particular, those who come out in favor of war, I believe they should maintain such a position only if they would be ready to enlist in the army. I do not believe in arm chair military strategists who are willing to consign American men and women to go to war and die, unless they themselves are willing to commit...

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The organized Jewish community should therefore resist the temptation to expend valuable capital on the conspicuous advocacy of specific American options. The time to step forward will come sure enough, and it will not be easy. Whatever the outcome of the present crisis (and, let us not forget, the continuing disturbances in Israel), the equations of Middle Eastern politics cannot permanently remain the same. Foolhardy as it is to prophesy the exact contours of the emergent situation, one thing is clear: Israel faces difficult times and challenging decisions. Our reserves of unreserved solidarity will best be invested in the direct defense of Israel's integrity. It is here, under adverse public relations and without reliable friends from either the Left or the Right, that we must venture a lonely stand. It is with respect to Israel's integrity that we must, even when our concerns cohere with American interests, assert a distinctly Jewish position.

ETHICS AND THE EARTH:

The Torah's Perspective

by Dov Chelst

Environmentalists espouse a doctrine of harmony which stresses the maintenance of Mother Earth's tenuous ecological balance. Some attack Judaism as anti-harmonic since it declares Man's supremacy over nature. Although many recent Jewish thinkers have concluded that the Torah, in its philosophy and some of its halakhot, does contain an environmental concern, in the end, the scope of its environmentalist ethic remains decidedly limited. Also, within standard proofs for the Torah's environmentalism, many issues emerge which seem to express a concern for maintaining the natural ecology when, in reality, they stress entirely different principles.

According to the Torah, human life reigns supreme. In fact, the preservation of human life preempts all but three halakhic obligations. Thus, when a harmful environmental practice, like the contamination of drinking water, endangers human life, the movement to abolish this practice gains considerable halakhic force. Yet, this example and its lesser anthropocentric manifestations are not really environmental concerns, but rather human ones. Thus, finding examples of this sort, which abound in halakha, fails to prove that the Torah concerns itself with the ecology *per se*. In many such cases, the *gemara* excludes ecologically harmful businesses from human habitats (*Bava Batra* ch.2, *Bava Kama* 92b & 79b), but it does not express concern over the damage which the environment, outside of the area of exclusion, incurs.

A number of real halakhic issues, however, do seem to evince a concern for the environment. *Bal tashchit*, the biblical prohibition against wanton destruction, is the most famous of them. At first glance, *bal tashchit* looks like the perfect proof that the Torah truly values the environment.

In Deuteronomy (20:19-20) it says: "When you lay siege to a city and wage war against it a long time to capture it, you must not destroy its trees, wielding an ax against any food producing tree. Do not cut down a tree in the field, unless it is being used by the men who confront you in the siege. However, if you know that a tree does not produce food, then until you have subjugated [the city], you may destroy [the tree] or cut off [what you need] to build siege machinery against the city waging war with you."

While the Torah only mentions this prohibition of wanton destruction in reference to fruit trees, the *gemara* applies it to a number of other cases. These examples include a) killing animals or giving them potentially poisoned water, regardless of whether they are kosher or non-kosher specimens (*Chulin* 7b & *Tosefot Bava Kama* 115b *Velo Yashke*), b) garbing a dead body in excessive splendor (*Semachot* Ch.9), c) burning lamps in a wasteful manner (*Shabbat* 67b) and, according to one radical opinion, d) drinking wine or eating wheat bread when cheaper food such as beer and barley would suffice (*Shabbat* 140). In general, the prohibition of wanton destruction includes foodstuffs, buildings, furniture, water and clothing.

Several other generalizations lead further to *bal tashchit*'s apparent application to the environment. No one confines it merely to the time of war. Instead, the Torah's vocal renunciation of wanton destruction, even at a point when destruction and murder seem so rampant, i.e., during war, indicates that one must never engage in such crude behavior. Rambam quotes the *Sifrei* which states that one may not even indirectly destroy a fruit tree by diverting its water supply. Furthermore, Shulchan Arukh Harav maintains

that *bal tashchit* even applies to ownerless objects (p.1775). This he learns from a *kal vehomer*: since, the Torah explicitly prohibits destroying even the property of a non-Jewish enemy, surely one should not destroy ownerless property. He also states that the prohibition of *bal tashchit* applies to "all objects from which man may benefit." These generalizations of *bal tashchit* connect it to environmental issues. Usually, no one owns the damaged environment, most of the damage stems from indirect causes, and modern ecological harm neither occurs during wartime nor does it specifically involve fruit trees. How far does this connection go?

One can interpret Shulchan Arukh Harav's last line in a number of ways. Jonathan Helfand takes this to mean, in a broad sense, that one may not destroy any object that may be of potential benefit to man. This would include "the pollution of waters by...detergents... which upset the ecological balance and kill fish...the use of leaded gasoline...the dumping of factory and other waste

tion. Rambam believes that, according to the Torah, *beit din* may only whip one who destroys fruit trees, even though the wanton destruction of other objects may be prohibited. Thus, we see the weakness of a generalized *bal tashchit*.

Practically, other considerations further limit the scope of *bal tashchit*. The Torah only forbids "wanton" destruction and not "constructive" destruction. Rambam cites a number of reasons for which one may cut down a fruit tree, such as the prevention of damage to a neighbor's orchard or field. He further states that one may cut down a fruit tree if the value of its wood exceeds that of its produce. Ramban, in his commentary on *Chumash*, opines that surely, if one needs the fruit tree's wood in order to facilitate conquering the city, one may utilize it. Rosh in *Bava Kama* (8:15) adds that one may even remove a tree if one needs its location to serve another purpose. *Taz* (Y.D. 115:6) relates that he used Rosh's opinion to allow someone to chop down a fruit tree in order to clear a spot upon which to build

all likelihood, the rationale governing strictures against *tza' ar ba'alei hayyim* is concern for the moral welfare of the human agent rather than concern for the physical welfare of the animals, i.e., the underlying concern is the need to purge inclinations of cruelty and to develop compassion in human beings" (*Contemp. Hal. Issues* III, p.204). According to this interpretation of *tza' ar ba'alei chayim*, however, the Torah forbids cruelty to animals for a reason entirely different from the environmentalists who support the position that animals have rights.

The difference between the Torah and environmentalists regarding animal cruelty is larger than may seem at first. Once again, like *bal tashchit*, *halakha* limits the prohibition of *tza' ar ba'alei chayim* considerably. Clearly, the Torah allows the use of animal labor, which must prove strenuous and thus involve inflicting pain upon the animal. Also, since Modern Man, descended from Noah, may eat meat, *tza' ar ba'alei chayim* does not forbid killing an animal for food.

Many *rishonim* and *poskim* debate the level of necessity which the Torah requires to outweigh considerations of *tza' ar ba'alei chayim*. Ritva on *Shabbat* 154b asserts that financial needs allow one to ignore *tza' ar ba'alei chayim*. However, most later *poskim* disagree. Rabbi Bleich cites three — *Tosafot Avodah Zarah* (11a), *Pri Megadim, Orach Chayim* (468:2), and *Teshuvot Avodah ha-Gershuni*, (no.13) — who generally agree that minor financial needs do not dispose of *tza' ar ba'alei chayim* (*Cont. Hal. Iss.*, III, p.225).

Even if, in certain circumstances, Halakha would permit *tza' ar ba'alei chayim*, *Rema* (*Shulchan Arukh, Even Ha'ezer* 5:14) throws in a monkey wrench. He, as a matter of law, definitely permits plucking the feathers from a live bird for use as quills, despite the pain which the process involves. Yet, he asserts that people, as a matter of practice, do not condone such sadistic acts, implicitly positing that all Jews should uphold this practice.

Nonetheless, there are still cases to which even *Rema*'s extra stringency would not apply. Rabbi Bleich indicates that inflicting pain upon an animal in order to effect a cure, or for medical experimentation, would not, according to several *acharonim*, fall under *tza' ar ba'alei chayim*'s auspices (Bleich pp.231-5). Even the *gemara Avodah Zarah* (11a) permits hamstringing a king's steed upon his death as an expression of homage to him. The difference between permitting *tza' ar ba'alei chayim* for a king's honor or for medical purposes as opposed to abrogating its consideration in financial circumstances involves either a) alleviating human suffering, which the Torah always deems more important than animal suffering or b) a communal instead of an individual need. *Seridei Esh* (III:7) links the "honor of kings" from *Avodah Zarah* 11a to the honor of the entire community, emphasizing its communal aspect. Thus, *tza' ar ba'alei chayim* would not even hinder economic industries, when their programs affect a community, or any other large group of people.

Shevut Ya'akov (Y.D. 71), permits animal experimentation for another rationale. He reasons that introducing a chemical into an animal's body only causes pain indirectly. Thus, this *gerama*, coupled with the inherent public good which medical research fosters, permits such activities. Environmental issues, where people hurt animals indirectly, by damaging their habitats, to facilitate communal economic goals, should attain a similar halakhic status.

Although neither *bal tashchit* nor *tza' ar ba'alei chayim* is as strict as some environmentalists would have it, *Continued on page 9.*



and the like" ("The Earth is the Lord's: Judaism and Environmental Ethics"). However, how does one go about defining "potential benefit?" Furthermore, does the *Gemara* ever deal with such a case of potentialities? It appears to stick to those items which have clear economic value — items that people presently use and not something that they may want to use in the future. Rabbi David S. Shapiro, in *Tradition* (Spring/Summer 1975) has this very problem, using a similar broad interpretation of *bal tashchit*, when he encounters the enigmatic biblical "fruitless tree."

Rambam in *Hilkhot Melakhim* (6:9) writes that one may chop down an *ilan serak*, a fruitless tree, without any fear of transgressing *bal tashchit*, even for no reason. Rabbi Shapiro forces himself into the position where he asserts that "The *ilan serak* ... is very likely the one which does not serve any useful purpose" (*Ibid.*). When simply reading the verse in the Torah, this explanation becomes very hard to swallow. It clearly contrasts this tree with a fruit tree. Does anyone say that the word "fruit tree" implies more than edible fruit? Furthermore, Rambam discusses in *Hilkhot Melakhim* how much fruit a tree must produce before one may cut it down. Clearly, the verse deals exclusively with food-producing trees.

Knowing that *ilan serak* remains outside *bal tashchit*'s auspices, one wonders why everything else is included. In reality, there are differences between fruit trees and other objects in relation to *bal tashchit*. Some *poskim* believe that the Torah only refers to fruit trees, and that the Rabbis later included the rest under the same prohibi-

tion. Thus, human need negates the "wanton" element of the destruction, rendering even chopping down a fruit tree permissible.

While, in most modern environmental issues, since a human need counteracts it, *bal tashchit* plays no role, in a few instances *bal tashchit* does factor-in. For example, the *gemara Shabbat* 67b prohibits causing an oil lamp to burn quicker than necessary because of *bal tashchit*. Thus, the Torah would also warn against the waste of the earth's minerals and ores, and encourage recycling.

According to the *Sefer Hachinukh* (529), *bal tashchit* emphasizes a certain philosophy that goes beyond its strict halakhic definition. He asserts that "this is the way of chasidim and pious men, who love peace ... they will not destroy even a mustard seed in the world. And any loss and destruction that they see will bother them. And if they will be able to save—they will save anything from destruction with all their might." Similarly, Rav Sharmen in *Techumim* (9:231+), in a general essay on *bal tashchit*'s applications to modern Israeli warfare, emphasizes the need for the army to formulate plans which will carry out its objectives while causing the least amount of damage. Nevertheless, both the *Sefer Hachinukh* and Rav Sharmen must accede that immediate human need allows destruction.

Like *bal tashchit*, the *halakhic* prohibition against causing *tza' ar ba'alei chayim* also intersects with environmental issues. Invariably, many animals live in the ecosystem; destroying their habitat or poisoning them clearly pains them. However, as Rabbi J.D. Bleich states, "In

PROPHECY IN CONTEXT:

A Historical/Theological Perspective

by Avrohom Husarsky

Traditionally, we have approached Tanach from a textual perspective, often neglecting its historical aspects, and thus have limited our understanding of important Biblical concepts such as prophecy. The nature of prophecy, its purpose, and its development over the course of history interests many who study Tanach. Yet, our mere awareness of its existence often satisfies us, and we continue to study the prophets' messages, as well as why or how they appeared, in an inferior way. In light of this problem, R. Bezalel Naor's "Lights of Prophecy" comes to the fore, offering sources for the examination of prophecy as an aspect of the imaginative faculty. Additionally, his book allows for further analysis and questioning on a broader scope of related topics, and thus serves as a sourcebook for *nevuah* in general. The following ideas encapsulate some of his major points.

Two Talmudic passages shed light on the historical purpose of prophecy. One passage, found in Yoma 69b and Sanhedrin 64a, describes the eradication, after the destruction of the first temple, of the evil inclination for idolatry. A second passage, found in Baba Bathra 12a, states, "since the temple was destroyed, prophecy has been taken from the prophets and given to the wise." Since the eradication of the evil inclination and the disappearance of prophecy coincide chronologically, numerous *Rishonim* and *Achronim* connect the two events, intimately relating prophecy and idol worship. These commentators explain the nature of this relationship in two different ways. Some see prophecy as a hedge against idol worship, while others view the spread of idol worship as a result of the greater

manifestation of God's presence inherent in prophecy.

R. Yehuda heChasid asserts that, had the true prophets not "competed" with the Ba'al worshipers, many more might have turned to idolatry. Since the prophet served mainly as a preventive measure against idol worship, "once the inclination to idolatry was eradicated, a *navi* was no longer needed" (*Sefer Chasidim*, 544). Similarly, in his commentary to *Seder Olam* (chap. 30), the Vilna Gaon says, "When the evil inclination was killed, prophecy ceased." Here, too, prophecy is viewed as a manifestation necessary only to prevent idol worship.

The *Meshech Chochma* (Num.11:17) sees in the termination of these two institutions the fulfillment of Zachariah's own words: "and it shall come to pass on that day, says the Lord, I will cut off the names of the idols from the people ... and also the prophets and the spirit of contamination I will remove from the earth" (13:2). Unlike the majority of commentators, who interpret "prophets" as false prophets, the *Meshech Chochmah* claims that Zachariah refers to true prophets, and sees the interpretation of the aforementioned *gemarot* as the fulfillment of this prophetic verse. Thus, the prophet himself links his mission to the historical development of idol worship, and predicts his own position's obsolescence when idolatry perishes.

Conversely, R. Zadok haCohen of Lublin posits that idol worship comes as a result of a great level of prophecy in the world. He writes, "As it says in Sukka 52a 'The greater the man, the greater his evil inclination.' When prophecy was revealed so that one could see divine visions, there arose the evil inclination to fashion gods visible to the eye." R. Aryeh Kaplan describes

this inclination as an attempt to emulate the prophetic experience, and thus he explains the great prevalence of idol worship during the first temple period, a time that saw many prophets (*Meditation and the Bible*, chap. 9). (See Ramban on Exodus 32:1, where he explains *ma'ase ha'eigel* as an attempt to replace Moshe the *navi*, for an example of this phenomenon.) R. Zadok further explains that a high level of prophecy is unattainable without the potential 'to descend to a comparable level of deficiency. With the eradication of idol worship, the ability to attain prophecy ceased (*Resisei Layla* chap. 13).

R. Zadok extends the association between prophecy and idolatry to the intellectual and spiritual atmosphere of the world as a whole. In the age of prophetic revelation and mystical experience, both gentiles and Jews turned towards idol worship and sorcery. However, when the focus shifted to Talmudic dialectic during the Second Temple era, the nations of the world, specifically the Greeks, undertook philosophical contemplation to understand the world around them. Thus, philosophical study reflected the "pilpulism" that became dominant during the development of the Oral Law (see *Resisei Layla* 81a and *Pri Zaddik*, *Devarim* 8c).

Now that prophecy has ceased, in what form does the message of God manifest itself? To answer this, one must refer to the passage in Bava Bathra (12) which states, "Although [prophecy] was taken from the prophets, it has not been taken from the wise ... prophecy has been taken from prophets and given to fools and children." At first blush, these two groups of people seem incongruous, and thus unlikely as co-inheritors of prophetic revelation. This disparity, however, can be resolved by viewing the continuation of

prophetic revelation on two distinct levels: a) *nevuas chachamin* — prophecy of the sages, and b) *bat kol* — the divine voice.

Ramban (B.B., *ibid.*) explains that "though visionary prophecy was taken away, the prophecy of sages, via intellect, remains." Along the same lines, R. Yehuda heChasid says, "All the divine spirit that was decreed to remain is tied up in the 24 books of the Bible" (*Sefer Chasidim*, 544). By developing the intellect through the wisdom of Torah, one more clearly perceives God's message to the world, and a greater divine spirit rests upon him. This is the "prophecy of the sages."

The "prophecy of fools and children," on the other hand, manifests itself in the *bat kol*. The Talmud states, "Since the demise of the last prophets the Holy Spirit departed from Israel. Nevertheless, they would employ the *bat kol*." (San. 11a, see also Meg. 32a) R. Zadok explains the correlation between *bat kol* and prophecy in *Dover Zedek* (71-72): God's message echoes continuously throughout the natural world, but since it exists only as an echo, it is open to the misunderstanding of human intellect. Fools and children, who lack independent thought and a developed intellect, can receive the message of God undisturbed. The simpler the medium of communication, the clearer the reception of the message.

Although we lack the ability to discern precisely what the *nevi'im* experienced when prophetic revelation occurred, we must still try and comprehend the purpose of their mission and its relevance to societal trends then and now. Rabbi Naor's book accomplishes an important task by guiding our thoughts on this issue.

Ecology

Continued from previous page.

ba'alei chayim manage to unearth an environmentalist ethic from within the bowels of *halakha*, other, more *hashkafic* approaches seem to yield better results. However, even from these discussions, one cannot derive any obligations *per se*, but only moral imperatives.

One can posit that the Torah, within its commandments, implies a directive to conserve all species. Ramban on Numbers 22:6 suggests that the Torah commanded us to send a mother bird away when taking her chicks, and to not slaughter a mother and her offspring on the same day, in order to prevent the apparent acceleration of the species' potential extinction. Similarly, Hirsch maintains that the prohibitions of *kil'ayim*, crossbreeding or crossplanting species, and its affiliated commandments, "call" upon us to "respect the Divine order in God's creation" (*Horeb*, ch. 57). The *Gemara Shabbat* 77b echoes a similar sentiment when it declares that every animal has a divine purpose.

Each of these sources, though, has a weakness. The Ramban himself offers a second explanation for the various commandments. The divine purposes defined by the *Gemara* all involve satisfaction of human need. Furthermore, none of the three sources denies that a human necessity outweighs a moral imperative.

One really need not go this far in order to find a *hashkafic* situation in which the Torah expressed a concern for animal preservation. A perfect example blazes in front of our very eyes in the beginning of *Parshat Noach*. Hashem commands Noach to bring all the animals into

the ark; He must want to preserve all species.

Remarkably, the Netziv's "evolutionary theory" diffuses this argument: God brought only a fraction of the existing species into the ark, and these archetypes sufficed to reestablish the animal kingdom. God did not go out of his way to preserve all species.

If one could show that the world has a purpose independent of man, one might find grounds to prohibit Man's destruction of it. David Novak, in *The Image of the Non-Jew in Judaism*, introduces the notion of a "prephilosophic" concept of nature which "looks upon nature as the non-human created order which is fully complete before the emergence of man." Thus, "man is always in danger of becoming an intruder in this already existent order." He later links this to Jewish philosophy which appears in the R. Meir Abulafia's interpretation of the *Yerushalmi's* (*Kil'ayim* 1:7) explanation to "my statutes you shall observe" (Leviticus 19:19). He describes them as "statutes which I have already made My world by them, that you not change the order of creation."

Even if one believes that the world has a purpose independent of man, that does not necessarily cast man as the world's protector; it does not even make his non-interference in the natural world imperative. After all, man does not know of these independent purposes; he must use the world to the best of his ability as he implements his own designs. Furthermore, according to the *Sefer Hachinukh* (545), God personally maintains all species, and thus people need not concern themselves with this on more than a token level.

Many *midrashim* imply that man should care for his environment. Yet, *midrashim* can be hy-

perbolic as well as contradictory, extending reality to prove a moral point. For example, *Koheler Rabbah* (7:28) states "When the Almighty created Adam He led him round the Garden of Eden. 'Look at my works', He said. 'See how beautiful they are; how excellent! I created them all for your sake. See to it that you do not spoil and destroy my world; for if you do, there is noone to put it right.'"

At first glance, God's warning also relates to Modern Man, who now can radically alter ecosystems. However, this *midrash* clearly means "spoil ... my world" — through the introduction of sin, not by altering it physically. Also, the beginning of the *midrash* implies that man can use the world as he sees fit.

The Torah's view on the environment should be no surprise. While it truly believes in man's supremacy, the bulk of its formulation occurred during an age when the ecological damage of our age was inconceivable. Thus, how could it but take a conservative stance on the issue? Yet, as

Rabbi Walter Wurzburger asserts, we must still intervene in issues which the Torah does not address:

"There are many areas such as problems involving ecology...where no clear cut halakhic guidelines are available. But are we supposed to be indifferent to such issues? Are we not responsible for *yishuv ha'olam*? A number of years ago, I discussed the need for religious responses in areas where no explicit *halakhic* guidelines are available. I described these purely subjective religious responses as "covenantal imperatives." Since we regard Torah as a *Torat Chayim* we must not pursue a policy of splendid isolation and abdicate our responsibility to the world. Rather we must respond to the entire range of human concerns...and bring to bear upon the issues of our time the resources of our tradition as well as a sensitivity to the needs of the age" ("Confronting the Challenge of the Values of Modernity", *The Torah u-Madda Journal*, Vol. 1:1989, p.11).

Hamevaser expresses its sincere condolences to Rav Meir Goldwicht and his family upon the very recent loss of his father, Rav Raphael Goldwicht.

May the Lord comfort you among the mourners of Zion and Jerusalem.

The entire Hamevaser staff wishes

a heart felt Mazel Tov to:

Rabbi Mordechai Cohen upon his recent marriage to

Suzanne Rapaport

and David Pahmer upon his recent engagement to Yael Bacon

Prejudice Beit Din's Powers

Continued from page 3.

could make statements in public that had nothing in common with their Oriental brethren who did not know how to use toothbrushes, tables and chairs, or indoor plumbing, and that their only common ground was their Jewish heritage.

As Israel greets the newest wave of immigrants, the Soviet *olim*, it must make a grave reckoning. Recalling its moral failures and immigrant experiences, the Israeli Government must revisit the past to determine its absorption objectives. Israel, however, must also foresee social attitudes when deciding integrationist policies. When levels of tension rise with the unemployment rate, how will the established Israeli public react to the continuing influx of hundreds of thousands of Soviet Jews? And how will the Soviet *olim*, educated but without jobs, forced to live in temporary refugee camps and development towns, hungry for the relative luxuries enjoyed by their Israeli "hosts," countervail? Especially, when these new citizens are infected by the same nervous, hate-filled attitudes prevalent in Israeli society.

Some Soviet Jews avoid the dilemma by emigrating to other countries. "Israel is a militarized state," one Soviet immigrant recently remarked at a refugee camp in Erkner, Germany. "We have lived under pressure for too long. We want to be in a peaceful country like Germany."

Evasion of moral problems, indifference to evil, and ethical complacency, when chronic in a person's social attitudes, indicate the moral mediocrity of that person. Hatred, in any of its various forms, perniciously affects the spiritual and psychological wholeness of a person. Liberally engaging in *sin'a shebalev* impairs our ability to internally combat our own prejudices, even toward our Jewish brethren.

"Justice, justice shall you pursue, that you may thrive and occupy the land that the Lord your God is giving you (Deut. 16:20)." "Why is the word 'justice' written twice? To teach us that we must practice justice at all times — whether it be our profit or for our loss, and towards all men — towards Jews and non-Jews alike" (*Tanhuma*, Shofim 5,7).

Continued from page 4.

for this *gezeira* "[widely] known," everyone knows the reason because it was stated as part of the *gezeira*.

With this reasoning, perhaps we can explain a statement found in the Responsa of Radvaz (1166). Although Rambam had written that the *chazarat hashatz* no longer be practiced, Radvaz wished to reinstate it during his times, feeling that

circumstances had changed significantly. When some claimed that his actions violated the rule of "kol davar shebeminyan tzarich minyan *acher lehatiro*," Radvaz answered that the rule refers only to when the *gezeira* prohibits that which has previously been permissible. Here, Rambam had done otherwise, relieving the Jews of an obligation; Radvaz says that such a scenario does not require a *minyan acher*. Apparently, Radvaz's opinion matches Malbim's belief that a *gezeira* relieving us of mitzvot does not need a "minyan *acher*" if its rationale ceases to exist, while extending this idea to rabbinical *mitzvot*.

In addition, Radvaz himself, commenting on Rambam (*Ma'ariv* 2:2), writes that the necessity for "minyan *acher lehatiro*" applies only when the phrasing of the *takana* does not include its reason; when it does, the absence of the reason nullifies the *takana*. It is possible, then, that we may attain a more complete understanding of Rav Schachter's thesis. Perhaps Radvaz feels that because Rambam's *takana* absolved the Jews from *chazarat hashatz*, he would not have wished to state the *takana* without an explicit expression of its reason. Thus, when the reason for the *takana* ended, so did the *takana* itself. In this way, we can understand Radvaz's statement

that he does not dispute Rambam, but simply feels that "he, too, would have returned prayer" to its proper prestige, had he lived in later times.

While the issue of a later generation's ability to dispute an earlier one has many intricacies and details, an important issue must be addressed in the future. This concerns a later *beit din* or rabbi who argues with an earlier one; not because he agrees with their logic and feels it no longer applies, but because he disagrees with their very understanding of a *halacha*.

1. See Rambam's unique opinion (*Ma'ariv* 2:3) that those prohibitions which *beit din* initiated in order to "set a protection" for the Torah cannot be nullified, even by a greater *beit din*. His other statements refer only to *takanot* that *beit din* enacted, to be "as other laws of the Torah."

2. See Rosh's comment in *Beitzah* (1:3), in which, writing of *davar shebeminyan*, he says "it is [well] known for what reason the *gezeira* was initiated, and the reason no longer exists." Nevertheless, the Talmud writes that it requires a "minyan *acher lehatiro*." In his response, Rosh explains, further, distinguishing between the Talmud's cases and that of *tzitzit* on a linen garment, asserting that in the former, "the reason is not so well known to the world."

BS"D

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Book Announcement

Lights of Prophecy
Rabbi Bezalel Naor, RIETS instructor
Union of Orthodox Jewish Congregations of America
(price \$4.95)

Why did classical prophecy, as originally charted in Deuteronomy disappear with the abatement of idol worship? What form has divine inspiration taken in modern times? What conditions must be met in order to reestablish the institution of prophecy in the future?

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One of the casualties of today's overbearing secular culture is the disturbingly large number of Jewish young people "turned off" to Judaism. However, one can still detect in our society a yearning for greater spirituality. Rabbi Naor's intriguing and inspiring collection addresses that yearning, providing a way to link our hearts and minds to God and the world of eternity.

HISTORICAL ANALOGIES: Spectres in the Gulf

by Steven Usdan

Whether it be the "ghost of Vietnam" or "the spectre of Munich," the Persian Gulf crisis haunts President Bush. Domestic public opinion swings between these two historical comparisons. Choosing between war and negotiation requires an acute awareness of U.S. objectives in the Middle East. President Bush recently moved towards appeasement by entering into diplomatic negotiations with Saddam Hussein and by agreeing to convene an international peace conference on the Palestinian issue. Showing signs of weakness, these two policy reversals will potentially undermine U.S. interests in the Middle East.

The United States has three principle objectives in the Middle East: to maintain stability in the region, to protect the sovereignty of individual states, and to stabilize reasonable oil prices. Allowing Saddam Hussein's regime to emerge from the present struggle intact compromises all three of these objectives. The United States, then, has only one rational policy option: to dismantle the Iraqi infra-structure and depose Saddam Hussein.

The rapid events of the past few weeks have afforded Hussein the opportunity to withdraw from Iraq on his own terms. Conceivably,

Hussein could link his withdrawal from Kuwait to a plebiscite for the Kuwaiti people. Claiming to "purify" Kuwait, Hussein will attempt to undermine the legitimate authority of the Emir of Kuwait. Politically, usurping power from the Kuwaiti Emir is quite possible. Since August 2, Hussein has sufficiently intimidated the Kuwaiti people into supporting him. Hussein's record of murdering his political adversaries promotes the likelihood that he has employed these same tactics in Kuwait. In *U.S.-News and World Report* (October 1), Mortimer Zuckerman recently claimed that Hussein has been placing great numbers of Iraqis in Kuwait. With a base of domestic support, a candidate supportive of Iraq would surely win in Kuwaiti "free" elections. Thus, even if Saddam Hussein would withdraw, he would, in effect, have succeeded in conquering Kuwait. The U.S., meanwhile, would boast of that it "successfully" engineered an Iraqi withdrawal from Kuwait.

If Iraq manages to maintain its influence over Kuwait, it would control over one-quarter of the world's oil supply. This would allow Iraq to manipulate the price of oil. Such economic power presents a powerful threat to the U.S. which relies heavily on oil to power its industry. Hussein could potentially become powerful enough to force the United States and other major

powers to deal with him on his own terms. Such a scenario would significantly render the international balance of power unstable. These possible outcomes are a far cry from the humiliating defeat Mr. Bush promised to inflict on Iraq.

Even if Kuwait regains its sovereignty, if Hussein were to orchestrate an international peace conference on the Palestinian issue he would emerge from the crisis as the victor. All the Arab states, including our "allies" comprising the anti-Saddam coalition, would hail Hussein as Saladin reincarnated for forcing the hand of the United States. Such comparisons to Saladin and Nebuchadnezzar are already being made. (October 20-26, *The Economist*) The Middle Eastern balance of power would then shift towards Saddam Hussein. Will the United States be prepared to fight a Saddam Hussein who boasts the support of his Arab brethren?

Obviously, no one wants war or the loss of American lives. But giving Hussein safe passage out of Kuwait is not only a big concession, it is a risky one. An undefeated Iraqi war apparatus, under Hussein's control, will continue to menace the Middle East, engendering many more Gulf crises. Giving Saddam more time to develop his nuclear and chemical arsenal will further escalate the threat to human life. Thus, it is only a question of time: when will the U.S. be forced

to dismantle the Iraqi war machine?

For all intents and purposes, if Saddam Hussein emerges from the Persian Gulf crisis unscathed, he will triumph. The ramifications of such a scenario would extend beyond the Middle East region. Extremist dictators around the world will be encouraged to assert their power. Pariah nations that possess nuclear capability will become major players in the developing multi-polar world. Such a phenomenon would create an unstable international system in which war would be perpetually imminent. To prevent such an eventuality, extremist regimes must be politically and, if need be, militarily suppressed. The United States must send a message of strength to extremist regimes around the world by standing firm in its resolve against Iraq.

The mission of the United States is to destroy Iraq's potential for mass destruction. Better than risk a war with higher losses later on, President Bush should take the opportunity to strike at Iraq while we have international support and dismantle the nuclear and chemical components of Iraq's war machine. Whether the "ghost of Vietnam" or the "spectre of Munich," President Bush must decide policy based on the United States' short and long-term national objectives. Whether he will succeed or fail will only be known after 12:01 A.M. January 15.

Letters

Continued from page 2.

during *shmona esrei* while overhearing the dialogues of those who finished in less than a minute! Do we really identify with these *mitzvos*, or are they just rites and rituals? Are they as much a part of us as the stock market and the new car, or are they just obligations to be hastily fulfilled?

Are we religious Jews in the real meaning of the word, or do we just live a religious lifestyle? Simply, have we found the redwoods in our Torah?!

Abba Cohen
YC '90

To the Editor:

I feel a responsibility to share with the Y.U. community my recollections of a very special man, Rav Shlomo Friefeld Z"l. Rav Friefeld, a *talmid muvhak* of Rav Yitzchak Hutner Zr"l and Rosh Yeshiva of Yeshivat Shear Yashuv in Far Rockaway, passed away this past *Chol Hamoed Succot*. Rav Friefeld's wealth of warmth, knowledge, humor, and insight rival the romantic visions of the early Hassidic Rabbeim. The world will miss him.

Whenever I spoke with him, I wished that our meeting would not have to end, for leaving Rav Friefeld meant going "outside" into the turmoil of the regular world. I felt comforted simply by the power of his humanity; he had a combination of character traits that enabled him to be a father, friend, and rabbi to all who knew him.

Rav Friefeld's strength extended beyond himself. Through his gigantic heart, he conveyed confidence and a sense of ease to others. I felt that any problem, unsolvable question, or unbearable pain which seemed to make life look bleak was somehow subdued just by Rav Shlomo's warm presence and understanding. Speaking with Rav Friefeld made me feel much closer to *Hashem*, as if, *kivayachol*, I was sharing Rav Friefeld's special *neshama* with Him. Rav Friefeld's *shalvat nefesh* did not stem

from any sort of naïveté or timidity. He was a lion of a person, completely aware of the *kefirah*, sin, confusion, and pain in the world. His *Or Hatorah* allowed his broad vision to penetrate the world's darkness and confusion, and rise above it. I once spoke to him about secular literature, and he related to me that, as a *bachur* in Yeshiva, he always used to think of a particular French author's description of sunrise when he recited *Modeh Ani*. He was aware of the world; he did not live a sheltered existence.

Despite having experienced true pain, Rav Friefeld never submitted to despair. For many years, he suffered a very terrible and painful cancer, but his *ahavat chaim* and *ahavat Torah* supported him. His personality radiated his belief that a life of *shemirat haTorah* and *ahavat Hashem* was rich and beautiful.

Rav Friefeld felt that every person must express his individuality. Life, he believed, must be experienced in its full intensity. Rabbi Friefeld once quoted the *pasuk* "Va'ani tefillati lecha Hashem et ratzon." He pointed out that before we daven, before we pursue a genuine relationship with Hashem, we must first have a sense of "va'ani," of who we are and of our personal importance. But, Rav Friefeld cautioned, such energy and passion for life is only valid and genuine if channelled through the Torah.

When I began davening at Rabbi Friefeld's Yeshiva, I noticed something very unique, especially for New York. People whom I never met before would always greet me with a *shalom aleichem*. They would ask: "Who are you? Where are you from?" It didn't matter how I was dressed. I was one of them. Rav Friefeld embodied an attitude of *ahavat Yisrael*, and I was witnessing his influence.

Rav Friefeld was truly a *yachid bedoro*. Although he was very well respected by all, I feel that his fabulous uniqueness was not fully appreciated by many in the Torah community of our generation. I hope that this letter contributes, at least in a small way, to enhancing our *tzibbur's* connection to this special man.

B. Z. Shienfeld

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SWORD AND SCEPTER: The Monarchic Ideal

by Seth Berkowitz

The Midrash (*Bereshit Rabba* 63:10) claims that Esav elicited unwarranted love from Yitzchak. "He trapped him and tripped him with his words." Most major Jewish exegetes assume that Esav simply fooled his father (see Rashi and Ramban, Genesis 25:28). Yet could Yitzchak so easily fail to perceive Esav's wickedness? Veering considerably from the classical approach, various Midrashim and Rishonim indicate that Yitzchak knowingly blessed "Esav" (who was really Yaakov) due to his relative merit.

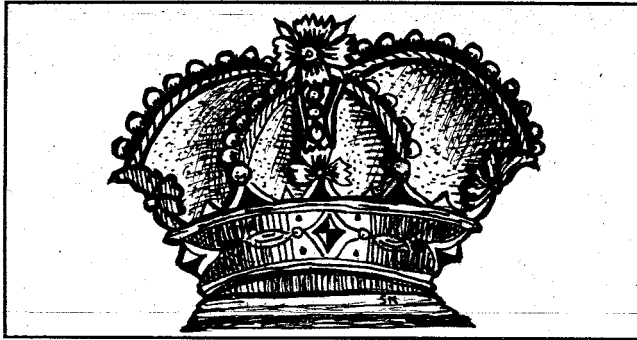
Yitzchak's actions should not surprise us. He viewed himself as the progenitor of a nation that would emerge from both his sons. While God had ordered his father, Avraham, to dismiss his son (Yishmael... Gen. 21:12). He never commanded Yitzchak to do the same. As far as Yitzchak knew, both of his children were God's "chosen" ones. When Yitzchak grew old, he needed to ensure the destiny of his future nation. Avraham, in his old age, fulfilled his obligation by finding a wife for his son (Gen. 24). While Avraham only had to guarantee the birth of a third generation, Yitzchak's task was different; he had to plan for nationhood.

Esav's blessing reflects this concern: "So God give thee three of the dew of the heaven, and of the fat places of the earth, and plenty of corn and wine. Let peoples serve thee, and nations bow down to thee. Be lord over thy brethren, and let thy mother's sons bow down to thee" (Gen. 27:28-29; see the *Derashot Hatan* (2) who explicitly calls this a "Birkat Melucha," a blessing of kingship). Yitzchak, from whom two lines would emerge, foresaw the need for a "monarchic tribe" to rule for all time.

The designation of this leader plays a crucial part in the Genesis story. Yaakov's sons vie for the rulership. Yosef dreams that his brothers bow down to him. When he relates this to them, they immediately reply: "Shall thou indeed reign over us? Or shall thou indeed have dominion over us?" (Gen. 37:7-8). When Yaakov, at the end of his life, bestows the blessing of kingship on Yehuda,

he says "Thy father's sons shall bow down before thee" (Gen. 49:8; see the Avranel, who claims that the entire chapter was included in the Bible to establish Yehuda as the monarch. Also, see *B.R.* 66:4, which compares the blessings of Yehuda and "Esav"). Yitzchak, and later Yaakov, believe that all their sons are "shivtei kah," the tribes of God. Each attempts to find a king among his sons.

Yitzchak's blessing prefers Esav over Yaakov. This does not relate to Esav's birthright.



He already sold that to Yaakov. The blessing only involves his claim to the monarchy. Responding to Yaakov's deception, Esav cries: "Is not he rightly named Yaakov? for he supplanted me twice; he took away my birthright, and, behold, now he has taken away my blessing" (Gen. 27:36; See Gen. 48-49 which treats the monarchy and the birthright separately). Yitzchak wants to award Esav the monarchy since he deserves it. The Torah relates that "Yitzchak loved Esav because he [Yitzchak] did eat of his venison" (Gen. 25:28). Esav was "a hunter, a man of the field" (25:27). In chapter 27, before conferring the blessing of monarchy, Yitzchak sends Esav to hunt. Yitzchak intends for this hunt to confirm Esav's ruling ability. Yitzchak believes that the monarch of the "shivtei kali" must be a

man of strength: a warrior, a conqueror.

The Torah first presents this model of kingship in its description of Nimrod and his reign. Nimrod was "a mighty hunter before God" (Gen. 10:9), and the first king recorded in Tanakh: "and the beginning of his kingdom was Babel" (Gen. 10:10). While Esav boasts the attributes of Nimrod, Yaakov is simply the "dweller of tents" (see *Yalkut Shimoni* on Gen. 25:27 for a comparison of Esav and Nimrod).

The Torah disqualifies Esav as a king for two

however, is much more fundamental. In reality, Yehuda represents the Jewish monarchic ideal. Yaakov said: "Yehuda, you shall your brethren praise..." (Gen. 49:8). Yehuda deserved praise. Can this be said of Esav? Can an Esav lead "a kingdom of priests and a holy nation"? Are Jewish norms and values consonant with the "idea" of the hunter? Yitzchak saw in Esav a capable and functionally adept son. God saw only the qualities of the hunter. God hates the hunter because He hates bloodshed. "Was not Esav Yaakov's brother?" saith the Lord: "yet I loved Yaakov, and I hated Esav..." (Malachi 1:2). Indeed, Esav contemplates murder after losing to his brother: "Let the days of mourning for my father end, then will I slay my brother Yaakov" (Gen. 27:41).

From the outset, Rivka discerns these flaws. Admittedly, she had received a communication from God which Yitzchak does not know about: "And the Lord said unto her: Two nations are in thy womb, and two peoples shall be separated from thy bowels, and one people shall be stronger than the other people, and the elder shall serve the younger" (Gen. 25:23). Acting on this insight, she fashions Yaakov into the figure of a king. She clothes Yaakov in Esav's "choicest" (Gen. 27:15) garments, described by the Midrash (*B.R.* 65:16) as the clothes of Nimrod. She creates the paradox of "the voice is the voice of Yaakov, but the hands are the hands of Esav" (Gen. 27:23) to exemplify the ideal monarch. Esav lacked "the voice of Yaakov" (Gen. 7:22), which many midrashim in *Bereshit Rabba* (ch. 65) identify as the "voice" of Torah; Yaakov had it. But even a Jewish monarch must be a man of strength and valor. By bestowing the blessing intended for Esav, Yitzchak confers upon Yaakov the positive qualities of Esav: after removing the clothing of Esav and Nimrod, Yaakov retains "the hands of Esav." The Midrash (*Pirkei deRabi Elazar* ch. 32) expresses this idea beautifully. "And when Yaakov left his father (after the blessing)... the dew of the heavens fell upon him; his physical make-up changed and he too became a mighty fighter."

separate reasons: Esav has certain disabilities which apparently Nimrod did not have, and more importantly, Nimrod should never have represented the Jewish monarchic ideal (See Ramban Gen. 10:9 for a description of his rule).

The first confrontation between Esav and Yaakov highlights Esav's flaws. By selling the birthright for lentils, Esav displays instability. Later in Genesis, Yaakov rejects Reuven specifically because of his capriciousness: "Unstable (*pachaz*) as water, have not thou the excellency..." (Gen. 49:4). When describing Esav, Radak uses the same terminology: "this story was to tell us of the instability (*pachzuto*) of Esav" (Gen. 25:28). Radak also views Esav's marriage to Caananite women as another manifestation of this weakness. The Torah's essential problem with Esav,

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When and how it is permitted to speak of others. i.e. references recommendations, shiduchim

April 8, 1991
Furst Hall, Room 535

Rav Yosef Blau and
Rav Joseph Grunblatt

Intermarried Couples: Relationships in family and synagogue settings.

May 8, 1991
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Rav Mordechai Willig

Kibbud Av V'Em under Stressful Conditions; Coping with elderly, infirm parents; meeting obligations to geographically removed and non-observant parents.

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