

המבשר

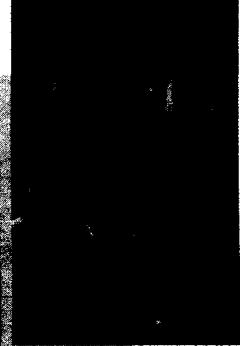
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# Hamevaser

Special Double Issue!

ותלמוד תורה...



כנגד כולם?

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# EDITORIALS

## Who's at the Helm?

Some students complain that not enough of their peers understand Torah U'Mada or, take it seriously. But few students are aware of how the recent and imminent changes in the University's administration have and will affect the way Torah and Mada balance each other at YU, and we think students and everyone else who doesn't know, ought to know; everyone who has preferred to look the other way, ought to stop pretending.

YU is in transition, and what we've seen so far worries us. Taking advantage of the whispers of change which have begun leaking from the offices on high at YU, various faculty members have approached administrators (especially new ones) in the hopes of sneaking their own agendas into YU's plans. An example is the underground (and hopefully aborted) attempt to cripple or cut the YC Judaic Studies program. Further destabilizing YU religious politics, Dr. Israel Miller, Senior Vice President and a leader some describe as the conscience of YU, is leaving us, taking with him his dedication to Torah first and Mada a very definite second.

To top it all off, some of the most powerful administrators in YU whose institutional vision and policies have long generated for them a reputation of unfriendliness to RIETS and the undergraduate Jewish Studies divisions appear to have gained increased strength as a result of the current transition phase and the changes it has brought in the YU Board, top-level and medium-level administration, and alignments and alliances among faculty and between faculty and administration.

Well, enough mincing words, enough allusions and hints and rumors. What is missing is leadership, leadership which would combine an awareness of what *is*, with a **Torah-U'Mada**-inspired picture of what *ought* to be and how to get there. We need top-level administrators who know what Torah is up-close, first-hand, from having known and loved it themselves. Why are YU alumni--or better yet, RIETS alumni--so rare among recent administration appointees?

We all know that YU often tries to be all things to all people, and we all know that the danger of being everything is that there's an almost invisible line between being everything and being nothing. The

present administration understands that YU will never attract the yeshivish world, and astutely does not bother trying. What the administration hasn't figured out is that we'll never attract all the Jews in Queens College either, and that the way to attract those who might come is not to water down our Torah--what's keeping them in Queens is hefty tuition, not Talmud and Tanakh. Cutting YC Judaic studies, shaving away at RIETS, Revel, Azrieli, MYP, IBC, JSS, or the Ivry program would indeed produce changes in admission patterns--but only in the "Exit" direction.

It's time for the Yeshiva's friends--students, faculty, administrators--to wake up, take responsibility, and ignore the comparatively petty differences among ourselves, in order to clarify these larger issues and face them down. There have always been many YU's, competing visions of what we are as an institution, whom we serve, and what our goals are. But recently, the equation has been disturbed, and the wrong side is gaining power as the friends of the Yeshiva in YU bicker and backstab amongst themselves.

We'd like to see the blueprints for Yeshiva's future direction, because our instincts tell us the structure envisioned by the present architects is unstable and unsightly. The mortar holding our YU together has already begun sifting into the wind.

## Giving Due Credit

Though this space is often used to lament perceived deficiencies in Yeshiva, on occasion we are compelled to laud a group or individual for outstanding efforts on our behalf. For the past year, President Lavi Greenspan and the entire leadership of SOY have been working tirelessly for the students' benefit, strengthening the Torah environment through creative programming and bold leadership. In supporting Torah publications such as *Enayim L'torah*, *Hamevaser* and *Beit Yitzchak*, establishing new initiatives, like the *Sefer Torah* writing and the weekly *sichat musar*, and reinvigorating the *chagigot* and *shabbatonim*, SOY's efforts have served to strengthen and unite the members of the Yeshiva community. As the current administration leaves office and a new one takes its place, the finest campaign promise we can imagine is the commitment to continue in the path of the current leadership, thus promoting Torah values and learning in a manner beneficial to the entire institution.

**Mazal tov to staffer Jennie Shapiro upon her engagement to Dani Goldstein and to former Hamevaser publicist Danny Rapp upon his engagement to Chaya Sara Sendrovic.**

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Thanks to Y.U. Publicity for the cover pictures, and to Ben Kelsen for his technical assistance. Apologies to Avi Greengart for omission of his contribution to the Purim issue.

As usual, Hamevaser refuses to shy away from potentially sensitive issues. As such, we expect a barrage of mail in response. Hamevaser welcomes signed letters for publication.

# Women and Talmud Torah

## A Personal Perspective

by Mali Adler and Elana Fox

Who is the woman who is intent on pursuing the study of Jewish texts on an advanced level? As we take part in such study, let us tell you what we have encountered in the general Orthodox community. For the most part, this woman views *talmud Torah* fundamentally and primarily as an opportunity to increase her spiritual connection with God. Often she wants to understand the nature of Judaism and finds that the answers to her intellectual and philosophical questions can be revealed through Torah study. She wants her life to be imbued with religious direction; learning anchors her in religious ideals. This is particularly important for those who are no longer in an institutionalized yeshiva setting. Admittedly, there are women who are learning with a different agenda, but in our experience the majority of women who incorporate serious Torah study into their everyday lives fall into the former category.

However, when these women express their interests, the above sincere motivations are not the first ones ascribed to them. Overwhelmingly, the initial attitude in the contemporary Orthodox world towards her, especially if she is interested in Talmud study, is one of suspicion. She is suspected of being hostile to the traditional role of women in Judaism, of learning solely to make a point, and sometimes even of advocating inappropriate changes in *halachah*. The woman who wants to learn, therefore, is instantly thrown into the role of defendant.

This attitude is frustrating. It is condescending to assume that women are driven to *talmud Torah* for reasons different than those which motivate others who look to the text as a source of spiritual satisfaction. It is insulting be-

cause it implies a lack of faith and trust in women. It reflects the fear that exposure to advanced texts will spark a desire for change that will not be limited to the realm of *halachah*. In truth, women will approach change the same way it has always been approached, as a process that must occur *within* the halachic system. It is true that women will have to grapple with some difficult areas, particularly in relation to women's issues, but there should be enough faith in their halachic integrity to assume that the overall outcome will be an increased commitment to *halachah*. In fact, exposure to *halachah* can stimulate appreciation of the Halachic process itself.

Women are also affected by this attitude in a more indirect way. Often they internalize the feeling that they must defend themselves, that this *prima facie* attack is valid. For example, a woman will begin questions with, "I am not a radical, but..." As another example, a woman's *mezuman* is halachically permissible. Yet often women will be hesitant to participate even in an unquestionably *mutar* situation (three women sitting alone), not because of a concrete ideological position, but rather because of a vague sense of discomfort. Some of this is natural, stemming from the healthy resistance to change in religious practice. But in our experience this uneasiness is often exaggerated by a fear of being linked to a whole slew of negative stereotypes.

For the sake of clarity, let us explain why we appreciate having a working familiarity with the intricacies of the Talmudic system. As anyone who has

studied *gemara* is aware, delving into the complexities of Talmudic study engages one in the living process of the *mesorah* which is unattainable by any other means. Without this experience, one remains unaware of a potent and fundamental force within Judaism; an encounter that for many embodies the experience of Judaism.

It is time for a change in attitude. Talk and listen to women you know who are involved in advanced Torah study. Let the empirical evidence

prove us correct. We will wager that for the most part you will be pleasantly surprised by their sincerity and commitment. Women should not have to apologize for their convictions and they should not be afraid to voice their opinions.

One last point. Women, unlike men, do not have a *chiyuv* in *talmud Torah*. Paradoxically, we see this as a bonus. While men have no choice but to immerse themselves primarily in *gemara*, women are free to intensely pursue whatever subject most enhances their spirituality, whether it be *gemara*, *Tanach* or *machshavah*. Furthermore, women have an intrinsically different outlook than men. With the entrance of women to the realm of advanced Torah study new and unique perspectives will emerge. Women with increased Torah knowledge can only benefit the Jewish community.



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# Why David Did Not Kill Sha'ul: An Analysis From Within

by Hayyim Angel

It is difficult, if not impossible, to understand Sha'ul's *ru'ach ra'ah* rut. Sha'ul hurls spears at David, attempts to set Yehonatan and Michal against him, and even personally pursues David with the royal army. He does all this in exchange for David's having killed Goliath, serving as Sha'ul's arms-bearer and musician, and being an extremely devoted soldier.

Even more astonishing than Sha'ul's violent behavior towards David, however, is David's persistent love and compassion for Sha'ul. Twice given the opportunity to kill Sha'ul, David can only say, "The Lord forbid that I should do this thing to my master, the Lord's anointed, to stretch forth my hand against him, seeing he is the anointed of the Lord" (I Sam 24:6, similar in 26:11). On both occasions, David pleads with the king to abort this senseless pursuit.

David expresses his allegiance to Sha'ul most poignantly after the latter perishes in battle. The eulogy, found in the first chapter of II Samuel, ostensibly reveals that David's kindness towards Sha'ul was not feigned; David really loved Sha'ul. "The beauty of Israel, slain upon your high places; how the mighty have fallen!" Also pointing to David's affinity for Sha'ul was David's ordering of the execution of the youth who claimed to have sealed Sha'ul's doom.

### Is David's Reaction Humanly Possible?

Even with our perception of David's greatness and piety, it is difficult to imagine that he could have harbored no resentment towards Sha'ul. Could David, whose life undoubtedly was made miserable by Sha'ul, have totally turned the other cheek? Ralbag and Abravanel suggest that David had an ulterior motive for not killing Sha'ul: David knew that he was to succeed Sha'ul as King of Israel. David reasoned that if he were to assassinate the first king, perhaps somebody else might decide to assassinate the second king, i.e., David himself, and thus he would only be jeopardizing himself. Ralbag and Abravanel assert that it was for the same reason that David ordered the youth killed -- David wanted to make it clear that regicide is an unforgivable crime.

From a human point of view, Ralbag and Abravanel certainly portray David in a more realistic light than does the simplest reading of the text. While affirming that David was partially motivated by piety, they assert that his actions also include a more selfish impetus for his remarkable restraint.

One's previous outlook on David (not to mention one's approach when studying biblical heroes in general) undoubtedly will determine whether one inclines towards the purer portrayal of David, or whether one adopts the more humanistic approach of Ralbag and Abravanel. But perhaps we have a more objective method of weighing the two positions, using a unique source which is can be used to analyze David's character: the *Tehillim*. In the *Tanach* itself, we have a record of what David was feeling while being pursued by Sha'ul, and how he reacted when the king was killed in battle. In fact, David composed more Psalms pertaining to Sha'ul than about any other event in his

life. By analyzing David's personal reflections and feelings in the Psalms, we may attain a more comprehensive picture of the relationship between David and Sha'ul.

### David's Feelings as Reflected in His Psalms

In Psalm 142, David appears consistent with his pure image. While hiding in a cave from Sha'ul and his men, David feels isolated and frightened. Despite the great threat to his life, however, David does not ask that God obliterate his enemies, nor does he even ridicule them; instead, he asks only that God delivers him from his adversaries.

Yet, this Psalm stands alone in conveying this theme of David's purity. In Psalm 57, another prayer composed while David hid in a cave from Sha'ul, David exclaims, "He will send from Heaven, and save me; He scorns him who would swallow me up... I lie down among those who are aflame, the sons of men, whose teeth are spears and arrows, and their tongue a sharp sword..." (vv. 4-5). David, while praying for

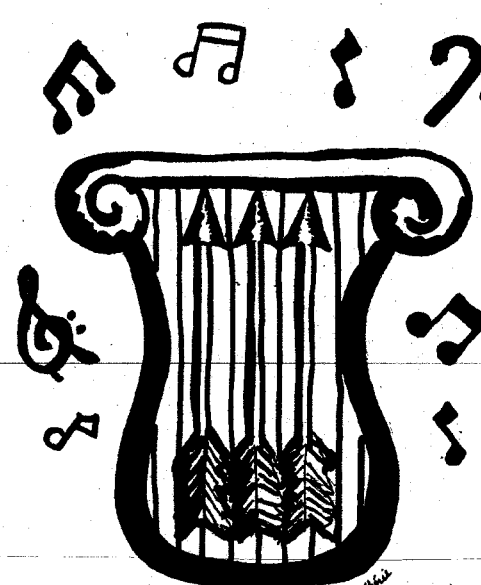
salvation, asserts that God scorns Sha'ul and his men, who are brutal and vicious.

In Psalm 59, when Sha'ul sent his men to surround David's house (see I Sam 19), David appears even more resentful. "Deliver me from the workers of iniquity, and save me from bloody men. For they lie in wait for my soul; fierce men are gathered against me; not for my transgression... They run and prepare themselves for no fault of mine..." (vv. 3-5). Here, David uses strong, derogatory language when referring to Sha'ul's men, and expresses astonishment at the fact that they pursue him despite the fact that he

himself is innocent. But David continues: "Consume them in wrath, that they may be no more... and let them howl like a dog... Let them wander up and down for food..." (vv. 14-16). Incredibly, David prays for the humiliation and even the destruction of Sha'ul's men, while equating them to lowly dogs.

Psalm 63 (written when David was in the Wilderness of Yehudah fleeing Sha'ul) echoes this theme in even stronger terms: "But those who seek my soul, to destroy it, shall go into the lower parts of the earth; they shall be given over to the sword; they shall be a portion for foxes. But the king shall rejoice in God..." (vv. 10-12). There is no question, then, that David did harbor much anger towards Sha'ul and his men, praying for their destruction, using harsh language against them, and even promising to praise God at their downfall.

Indeed, David was so excited at Sha'ul's death, that he sang the famous Psalm 18 (found in variant form in II Sam 22), his personal "az yashir," his Psalm of triumph over his enemies. "To the chief musician, of David, the servant of the Lord, who spoke to the Lord the words of this song on the day that the Lord delivered him from the hand of all his enemies, and from the hand of Sha'ul (Psalm 18:1). This *mizmor*, read as the *haftarah* on the seventh day of Pesach (because of the parallel poetic structure and content to *az yashir*), is a fitting epilogue to the other Sha'ul-



related Psalms of David. (It is noteworthy that in *Mo'ed Katan* 16b, God castigates David for singing a hymn of glory at the downfall of the righteous Sha'ul.)

### The Text in Samuel II

After reading the Psalms, we may understand some of the passages in II Samuel pertaining to the relationship between David and Sha'ul. In chapter 4, *Ish Boshet* (Sha'ul's son who had succeeded his father with Avner's help) is murdered. As with the *na'ar Amaleki* in chapter one, David has the assassins put to death. Ralbag and Abaranel again argue that David wanted to protect the institution of monarchy, specifically for himself. Hence the strict and immediate punishment meted out to the assassins of a different Israelite monarch.

More significant, however, is David's *kal va'chomer* which he employs in justification of his killing *Ish Boshet*'s assassins: "When one told me, saying, behold Sha'ul is dead... I took hold of him, and slew him... How much more, when wicked men have slain a righteous person in his own house upon his bed" (II Sam 4:10-11). From this statement, we may infer that David believed that Sha'ul was not righteous (i.e., he deserved his death), and that only *Ish Boshet* was unjustly killed! Although David's reasoning may be understood in several other ways, this explanation is consistent with David's Psalms. Perhaps David still harbored anger towards Sha'ul.

We find further evidence of David's continued hostility towards Sha'ul when Michal (Sha'ul's daughter and David's wife) becomes enraged after seeing David dancing immodestly around the Ark. After Michal censures David for his unkingly mode of dress and behavior, David snaps back at her, "it was before the Lord, who chose me before your father, and before all his house, to appoint me prince over all the people of the Lord..." (II Sam 6:21). David seems rather quick to emphasize Sha'ul's loss of the kingdom to Michal.

Midrashic insight on this discussion is even more striking: "Said Michal, 'My father's kingdom was more becoming than yours, for far be it from any of [his family] to be viewed with even a forearm or calf exposed...' Answered David, '[The members of] your father's household sought but their own honor, forsaking the honor of Heaven. And I don't do so...' (Midrash *Shemu'el* 25:6). Both text and Midrash capture David's rancor which he apparently nurtured against Sha'ul even after the latter's demise.

When David searches for a relative of Sha'ul to honor (chapter 9), he asks, "Is there yet any that is left of the house of Sha'ul, that I may show him loyal love for Yehonatan's sake" (II Sam 9:1)? Not for Sha'ul's sake. To be sure, Yehonatan was an intimate friend of David; nevertheless, David does not display any of the love for Sha'ul which he had shown when Sha'ul had pursued him.

On a more speculative level, one may even turn to the eulogy which David gave for Sha'ul and Yehonatan. While mourning both for their military valor and heroism, only Yehonatan gets special mention as one whom David loved: "I am distressed for you, my brother Yehonatan; very dear you have been to me. Your love was wonderful, more than the love of women" (II Sam 1:26). Again, while it is obvious that David was closer with Yehonatan than with Sha'ul, it seems peculiar that David would completely omit any personal feelings for Sha'ul; David praises Sha'ul only for his military accomplishments.

### So Why Didn't David Kill Sha'ul?

From the Psalms which David composed while being pursued by Sha'ul, we find that David's feelings towards Sha'ul were far more negative than anything one could ascertain through a casual reading of the later chapters in I Samuel. Additionally, we have seen that David did not forget Sha'ul's conduct toward him too quickly; David's outburst at Michal, and more subtle references in the stories of *Ish Boshet*, *Mefiboshet*, and even the eulogy for Sha'ul and Yehonatan, indicate that the bitterness was very much alive.

We may now return to our original inquiry--why did David spare Sha'ul in I Samuel chapters 24 and 26? Once we have established that David did not have a pure loving and forgiving attitude towards Sha'ul, it would appear that Ralbag and Abravanel's assertion, that David was partially motivated by his own self-protection, has much merit.

But perhaps it is exactly the opposite. From the Psalms and from David's references to Sha'ul in II Samuel, it is clear that David was tormented constantly by the king. David carried with him extreme feelings of hostility directed at Sha'ul. David reacted as any normal individual would have--most likely with

even greater intensity (see *Sukkah* 52a, where *Abayye* states that the *yetzer hara'* of a *talmid chacham* is greater than that of the average individual)--with animosity, exasperation, and even feelings of destructiveness. David confronted Sha'ul possibly only hours after composing the most militant and malevolent of all his Psalms. Yet, he was able to transcend his potent emotions, and did not act on them. It is difficult to imagine that the mere desire to secure the institution of the monarchy (for selfish reasons) would have played a significant role in stifling David's burning desire to eliminate Sha'ul. It is far more plausible that David's immense piety intervened at those critical moments: how could he be kill God's anointed, *meshi'ach Hashem*? (The position of Ralbag and Abravanel does seem in place, however, when David executes the *na'ar Amaleki* and *Ish Boshet*'s assassins.)

While the Psalms demonstrate that David's hostility towards Sha'ul was far more prominent than the later chapters of I Samuel would have indicated, this conclusion serves only to enhance David's greatness and piety. David was not some inhuman automaton who was able to completely forgive and disregard life-threatening hostility directed at him; he was a real person with passionate human drives, one who wanted to lash out at his enemies. Yet, he recognized that Sha'ul, as long as he was king, was God's chosen one. David's self-control, in the heat of such strong emotions, truly places him as one of the most exemplary righteous people in our history.

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A Man of the World

Adam and Adamah in Bereshit

by Sara Mosak

In the first chapter of Bereshit, the word "eretz" is consistently used to denote the ground. It appears nineteen times in this capacity: eg, "veha'aretz hayta tohu vavohu" (1:2); "tadsheh ha'aretz desheh" (1:11); "ve of ye ofef al ha'aretz" (1:20), etc. In 1:25, however, a new word for ground suddenly appears: "vaya'as Elokim et... kol remes ha'adamah." On first glance, it would seem that the (by now) standard "eretz" would have served equally well in this pasuk. Why use a new term?

The Torah is probably trying to point out that there is something new here, something which is different from everything we've seen up until now. But what could it be -- the "remes"? That doesn't seem likely. If we read the very next verse (1:26), a possibility which makes more sense suggests itself: "adam." The introduction of two such similar words (adamah and adam), in quick succession, strongly suggests that adam is the new and different arrival we are meant to notice. We can't be certain, however; if this is the right answer, we would expect the word "adamah" to appear for the first time in the "adam" pasuk.

The creation story in Bereshit 2 begins the same way: the creations are described four times in a row in relation to the eretz (2:4-5). Once again, there is an abrupt (mid-pasuk 5) shift to adamah. But this time, the pasuk which first uses adamah is also the pasuk which first introduces adam: "ve-adam ayin la'avod et ha'adamah." Here, it is very clear that adam is the creation highlighted by adamah. We cannot explain the ambiguity in Bereshit 1, but there is no such ambiguity here.

The sudden use of adamah does more than simply draw our attention to adam, however. Everything created up until adam has been described in terms of the eretz; adam, who is presented in terms of the adamah, is set apart. To be more precise, he is set above the other creations: "veyirdu... [u]ve-chol ha'aretz, uvechol haremos haromes al ha'aretz" (1:26, and similarly 1:28).

What Makes Man Superior to all other Creations?

Why should this be the case? What is it about man that makes him superior to all of the other creations? Adamah, we know, is the term which the Torah uses to point out that man is superior; perhaps the answer to our question lies in the word adamah as well. That is, perhaps the Torah also

uses adamah to represent that about man which makes him superior. If this is true, then all we need to do is figure out the symbolic meaning of adamah in Bereshit. We don't need to look very far for our first clue; in 2:7, we have an obvious definition of adamah. "Vayitzer Hashem Elokim et ha'adam, afar min ha'adamah": adamah is, literally and figuratively, the very essence of man. This essence of man is what makes him superior to the other creations.

But what is this essence of man? We still don't know. We could try to guess: what quality does man have which would make him superior to the rest of the creatures? Perhaps it is his faculty of speech, or his intellectual capabilities. There is nothing in the pesukim which points conclusively to one of these explanations, however. In order to further define adamah, we will have to continue reading.

Following the creation of adam in Bereshit 2, the ground is no longer called eretz. Except when the pasuk refers to a specific piece of land (for example, "eretz hachavilah" [2:11]), the ground will always be called adamah from now on. Consequently, all of the creations (not only adam) are now presented in terms of the adamah. Eg: "vayatzmach Hashem Elokim min ha'adamah kol 'etz..." (2:9); "vayitzer Hashem Elokim min ha'adamah kol chayot hasadeh..." (2:19). Each time we come across "adamah," we are reminded of the special nature of adam; this nature has evidently placed him at the focus of the entire creation.

We might go even further. It appears that the rest of the world had been created before man, but did not begin to function until man was created: "Vechol siach hasadeh terem yihiyeh va'aretz... ki... [ve-]adam ayin la'avod et ha'adamah" (2:4). After adam is created, the world starts up -- but now everything is presented as if created from the adamah. It seems as if the whole world exists for the sake of adamah, the special nature of man.

The first hints of disturbance of this status quo come after the sin of adam ha-rishon. God says to adam, because you did this, "...arurah ha'adamah ba'avurechah" (3:17). The classical mefarshim try to explain what "arurah ha-adamah" means; why would God curse the ground, instead of adam? Many [Rashi, Radak, Seforno] explain that adam is the one being cursed, in that the ground will no longer yield its fruits freely to him. This is certainly the general sense of the pesukim; yet it ignores certain nuances of the language.

If God were simply telling adam that he was being punished in some way, why not say "arur atah" and then explain how? Furthermore -- this classical explanation translates "ba'avurechah" as "for you." If the word were "bishvilchah," then the only translation would in fact be "for you." "Ba'avurechah," on the other hand, also means "because of you." If we take adamah here in its symbolic sense, therefore, the pasuk has an additional meaning: "the special nature of adam is cursed because of you." God is telling adam that he has taken the unique quality which man has, and has seriously damaged it.

If we follow this interpretation, we will now have enough information to determine what adamah represents. What is it exactly that adam has damaged? It would not make any sense, here, to explain adamah as intellect or the capacity for speech. The damage adam has done to himself is moral damage. He has taken his ability to achieve moral greatness, and abused it. adamah evidently represents the moral potential of man.

The pesukim seem to reinforce our interpretation of God's message to adam, as they continue. Pasuk 3:19 states that the curse will continue "ad shuvchah el ha'adamah, ki mimenu lukachtah." Here again is the word adamah, and the reminder that adamah is the essence from which man was created. The same thing happens again, further on: God sends adam out of Gan Eden "la'avod et ha'adamah asher lukach misham" (3:23).

The repetition of "adamah" here does not absolutely require the interpretation we have suggested. We could still follow the classical interpretation, which says that adamah is merely the vehicle through which adam's punishment is effected. Here, God is simply clarifying adam's punishment; namely, adam came from the ground, he will spend his entire life working the ground, and then he will die and return to the ground. This would be a coherent message. But what then would be the purpose of the repeated theme of adamah? It might seem to be only for irony's sake. Or worse, the repetition might be intended to paint adam's life as an unchanging, bleak cycle, from which there is no escape. Would God speak this way purely for bitterness' sake?

The deliberate usage of "adamah" here, after the symbolic meaning of the word has been established, points to another meaning embedded in God's words. God has already told adam that he has damaged his capacity for moral greatness, which is his very essence. God now sets him to work to repair this damage ("la'avod et ha'adamah"), until he regains his original potential ("ad shuvchah el ha'adamah.") Perhaps God did intend for adam to catch some bitterness in His words -- but He also meant to give adam hope. Adam is not doomed; he can restore the damage. The message is there, if adam chooses to hear it.

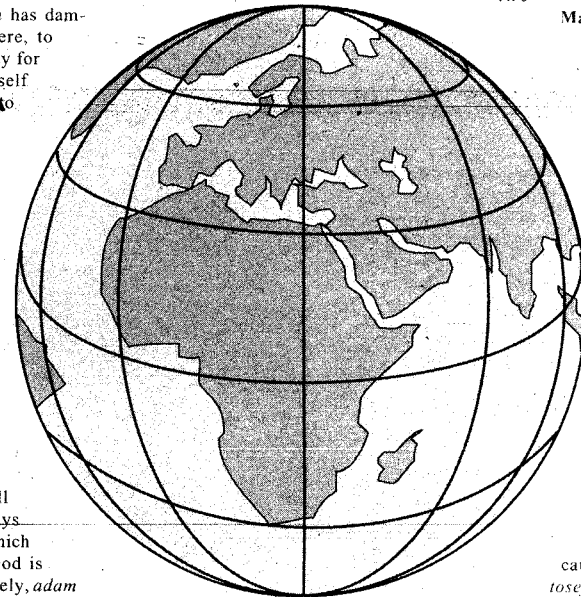
Kayin and Hevel

The narrative in Bereshit now leaves adam, and moves on to his children, Hevel and Kayin. Hevel is a shepherd, and Kayin a farmer -- but Kayin is not described as an "oved ha'aretz." Instead, he is described as "oved ha'adamah" (4:2). By now, the word should function as a signal/flag; we can infer that adamah, the unique moral capacity of adam, will play a role in Kayin's story.

Kayin and Hevel both bring korbanot to God: Kayin's offering is produce -- again, not simply "perot," but "mi-pert ha'adamah" (4:3). God spurns Kayin's offering, but the pesukim do not explain the

reason for this. Kayin is, as might be expected, very upset. God responds to Kayin's indignation with a highly cryptic message: (4:6-7) "...lamah charah lechah, velama naflu panechah? Halo im tetiv, se'it: ve'im lo tetiv, lafetach chata'at rovetz...ve'atah timshol bo."

It is difficult to tell what is going on here. What we are expecting (after "lamah charah lechah") is for God to explain to Kayin why his korban was rejected, and why Kayin should not resent it. But it is not obvious that God is addressing this issue; and if He is, it is not at all clear what He is saying. But the



Man's Great Potential for Good and Bad

By now, we can be certain that the focus of this account is on adamah, man's moral capacity. In Bereshit 2, adamah was presented as man's potential for moral greatness; now we see that this potential extends in two directions, up and down. Adamah also gives man the potential for moral degradation. Thus, God says to Kayin, (4:10) "Meh'asitah? Kol deme achichah tzo'akim elai min ha'adamah!" What have you done to your adamah?? (4:11) "Ve'atah, arur atah min ha'adamah..." This is much worse than what God had said to adam; God did not tell adam that he was cursed. Only his adamah, his potential, was damaged; he could fix that, and then he would be all right.

But to Kayin, God says "arur atah": you are altogether cursed. Why? Because (4:12) "Ki ta'avod et ha'adamah, lo tosef tet kochah lach." There is no point in your trying to repair this damage; there is nothing left to fix. You have not simply damaged your moral potential -- you have destroyed it. The final blow, the words that tell Kayin that he has truly and irrevocably lost his adamah, are (4:12): "na'vanad tihiyeh ba'aretz..."

Kayin's response shows that our interpretation of this scene is correct: he says -- "hen gadol avoni minesoh?" Am I really lost? "Hen gerashtah oti hayom me'al penei ha'adamah, velayiti na vanad ha'aretz" -- You have banished me from the realm of adamah, and exiled me to eretz. "Vehaya kol motz'iyehargeini" -- I might as well be dead.

Following these two disastrous episodes, there is no mention of either eretz or adamah (for the rest of perek 4, and most of perek 5). Then Noah appears; we are told that he is so named because "zeh yenachamenu mima'asenu, umet'zvon yadenu, min ha'adamah asher ar'rah Hashem" (5:29). Noah symbolizes the hope for the future, that succeeding generations will use their moral potential in the way that it was meant to be used. Ultimately, God begins the world anew with him.

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Torah went out of its way twice, in this account, to use the word adamah -- which has a particular symbolic meaning by now. Perhaps we can use the word as a key to understanding this episode. Why would God have rejected Kayin's korban? If the reason has to do with adamah, then maybe Kayin (like adam) had been abusing his moral capacity, and that was why God did not want his offering.

If the focus of this episode is indeed Kayin's moral potential, then perhaps we can begin to understand what God was telling Kayin in (4:6-7). God is saying: "Lamah charah lechah" -- why are you upset that I rejected your korban? "Halo im tetiv" -- if you do good, then all will be well. "Ve'im lo tetiv" -- but if you do not do good, then "lafetach chata'at rovetz"; sin will cause your downfall. But "veatah timshol bo" -- the power is in your hands; you can determine which course you will take.

This entire episode, then, should have served as a wake-up call to Kayin. If he thought his conduct was finding favor in God's eyes, the rejection of his korban should have stopped him in his tracks, and made him reevaluate his behavior. But Kayin seems to have felt the impact of God's rejection, without understanding the message it was meant to convey to him. So God spells it out for him: he is heading for trouble. He needs to do something about it, to get himself back on the right course in life. God even encourages him: "ve'atah timshol bo" -- don't think that you are lost! You have the power to turn your life around.

Kayin, unfortunately, does not heed God's warning. Immediately after God finishes speaking, things begin to escalate: (4:8) "Vayomer Kayin el Hevel achiv... vayakam Kayin el Hevel achiv

# Semichah Throughout the Ages

S.R. in the Times of the Amoraim

Any historical survey of halachic practice from the Rabbinic times is fraught with controversy. The endeavor involves piecing together different Talmudic and Midrashic sources and looking at them from historical perspective in order to precisely identify the authentic practice.

No one in today's Jewish community can call themselves rabbi without having received *semichah*. What is the source of this practice? What is its connection to the *semichah* of old? This article will provide a summary of some of the major scholarship written on this issue and present what is the likely development of *semichah* from Biblical to Modern Times.

### What is Semichah?

The word "*semichah*" finds its source in the ritual bestowal of *semichah*. The giver of the *semichah* would rest his hands upon the head of the recipient. Rambam (chapter four, *Hilchos Sanhedrin*) attributes the first *semichah* to Moshe, who ordained Yehoshua as his successor. The Torah discusses this event both in *Bamidbar* and in *Devarim*. In addition to bestowing *semichah* to Yehoshua, Rambam records that Moshe gave *semichah* to the Seventy elders. This *semichah* continued as an unbroken chain through the end of the Second Temple period.

This *semichah* conferred upon its bearer the right to judge any area of Jewish Law, including *kenasot*. Additionally, it gave him the right to sit on the *Sanhedrin* and on the Court of Twenty Three. In this capacity the *semichim* decided cases of corporal and capital punishment. Furthermore, these courts could, at their discretion, add a month to the Jewish calendar and bless the new moon, thus determining the dates of the Jewish holidays. *Semichah* could only be bestowed by somebody who already held its title, and only in *Eretz Yisra'el*.

The *Seride Esh* traces the custom of the resting of the hands to Ya'akov's encounter with *Efraim* and *Menasheh* at the end of his life. At that time, he placed his hands on their heads before he blessed them. The placing of the hands represents the passing of *ruach hakodesh*, divine inspiration, from rebbi to *talmid*.

### Theories Regarding the Bestowal of Semichah

Despite the well-established *minhag* of placing the hands upon the student, it is clear from Talmudic sources that this custom fell into misuse soon after the fall of the second Temple. The Talmud (*Sanhedrin* 5a) records the giving of *semichah* through mere proclamation without the actual placing of the hands. Indeed, Rambam cites this as the *halachah*. What caused this transformation? Rav Herzog claimed that this was a result of Roman persecution. The Romans decreed against the bestowing of *semichah* to weaken the power of the rabbis. However, the Romans only knew of the elaborate ceremony involved in the *semichah* so they only prohibited the formal ceremony. To circumvent this decree the rabbis continued to give *semichah* orally without the placing of the hands.

*Seride Esh* objects to this theory, citing accounts in the Talmud of people risking their lives to give *semichah*. For example, the Romans killed Rav Yehudah ben Babba for giving *semichah* to five students (*Sanhedrin* 14a). If he had the option to give *semichah* orally avoiding Roman suspicion, why did he risk his life?

Rav Herzog counters that originally the Roman decree was much stronger and applied to every form of *semichah*. Only later did the Romans become lax and only enforced the ceremonial placing of the hands involved in *semichah*.

Opting for his own scheme, *Seride Esh* explains that there were, in fact, two types of *semichah* which existed simultaneously in the time of *Chazal*. There was the real *semichah* which involved a great ceremony and included the placing of the hands. This was reserved for a great scholar who was competent to rule in any field of Jewish law. In addition, there was a lesser form of ordination known as *minui* that only endowed a judge with the authority to decide in a specific field of civil or monetary law. The scholars appointed the *minui* orally, without fanfare.

Rambam records that originally anyone who had *semichah* could confer it

upon someone else. However, the *Chachamim* later decreed that only the *Nasi* could only give *semichah*, and then only in the presence of the *Av Bet Din*. Any other *somuch* could only bestow *semichah* with the permission of the *Nasi*. The reason for this decree was to bestow honor on the house of Hillel, the dynasty of the *nesi'ut*.

Talmud Yerushalmi (*Sanhedrin* 1:2) describes three stages in the development of *semichah*. Originally, anyone who had *semichah* could bestow it. Later, only the *Nasi* could bestow *semichah*. Finally, the *Nasi* could only bestow *semichah* with the permission of the *Av Bet Din*.

H. Y. Bornstein, in an article "*Mishpat HaseMichah Vekoroteha*") in an effort to explain this development, attempts to identify the *Nasi* who was first given permission to bestow *semichah* on his own and the *Nasi* who lost the exclusive privilege. He suggests that the first *Nasi* given the privilege to bestow *semichah* alone was Rav Yehuda Hanasi. Due to the great persecutions in *Eretz Yisra'el* the *Chachamim* felt it was important to unite the Jews. By strengthening the position of *Nasi* everyone could rally around him as the sole authority to carry on the *mesorah*. The last *Nasi* to receive this exclusive privilege was probably the grandson or great-grandson of Rav Yehuda Hanasi. The *Chachamim* removed the exclusive privilege to bestow *semichah* from the *Nasi'im* because they abused the privilege in granting *semichah* to people who were not worthy.

*Seride Esh* rejects Bornstein's theory and argues that the first *Nasi* to receive the exclusive privilege to administer *semichah* was Rabbi Gamliel II. He was the figure who united the *Sanhedrin* in Yavneh and returned it to its former prominence. As a result, the *Chachamim* granted him the exclusive privilege to bestow *semichah*. The *Chachamim* took away this privilege from his son Rabbi Shimon ben Gamliel when they restructured the rabbinical power into a triumvi-

rate of the *Nasi*, the *Av Bet Din*, and the *chacham*.

Bornstein notes that many early Babylonian Amoraim received *semichah*. He bases this on the fact that the Talmud referred to many early Babylonian Amoraim as "rabbi" - a designation that always refers to somebody who has *semichah* as opposed to "rav" - which was the title of the later Babylonian Amoraim. He further notes that after the time of Rabbi Yehudah Hanasi there are no longer any Babylonian Amoraim called "rabbi". This may indicate that at that time a change occurred in the practice of giving *semichah* to Babylonian Amoraim.

An attempt by Chananiah the nephew of Rabbi Yehoshua to transfer the right to make an *'ibbur shanah* from *Eretz Yisra'el* to the diaspora sparked this change. Although he did this in response to great persecutions in Israel that threatened the Jewish calendar, the rabbis in Israel saw this as a threat to their hegemony and to the centrality of Israel as a Torah center. In response to this attempt, the *Chachamim* forbade *Amora'im* who lived in the diaspora to receive *semichah* even in *Eretz Yisra'el*. This effectively eliminated any threat to the centrality of Israel as a Torah center. Bornstein brings support to his position from the Talmud (*Sanhedrin* 14a) which says "There is no *semichah* in *Chutz La'aretz*." He loosely interprets this passage as a prohibition of any bestowing of *semichah*, even in *Eretz Yisra'el*, to rabbis who live in the diaspora.

Bornstein's position is untenable on two accounts. First, it ignores the opinion of Rambam (*Sanhedrin* 4:12), which rules that a Jewish court which received its *semichah* in *Eretz Yisra'el* can, in fact, judge *kenasot* in *Chutz La'aretz*. Second, his analysis of the sources is unconvincing. The source in *Sanhedrin* can be interpreted as prohibiting the bestowing of *semichah* in *chutz la'aretz* while still permitting anyone who received his *semichah* in *Eretz Yisra'el* to judge in *chutz la'aretz*.

### The End of Semichah and a New Beginning

When did *semichah* end? This question is the subject of much scholarly controversy. Many *rishonim*, the foremost among them Ramban (*Hasagot on Sefer Hamitzvot Mitzvat Ase* 153), tie the end of the *semichah* to the *nesi'ut* of Hillel II. Anticipating the end of *semichah*, Hillel set the calendar for all time so that it was no longer the domain of the *bet din* with *semichah*. Because he did so, it stands to reason that he must have been the last rabbi to receive *semichah*.

Rav Dov Revel in his article "*Chidush HaseMichah Melifne Arba Me'ot Shanah*") ties the end of *semichah* to the death of Rabbi Daniel ben Azariah in 1062, many hundreds of years after Hillel II. He bases this on an account of the Rosh Golah of Bagdad, Rav Daniel ben Chasdai. Furthermore, there are many accounts in the Geonic responsa literature which record the judging of *kenasot* in *Eretz Yisra'el*. Hillel's establishment of the calendar does not prove anything, as may have established the calendar in anticipation of the eventual fall of *semichah*.

Bornstein puts the close of *semichah* even later, arguing that *semichah* still existed in *Eretz Yisra'el* during the time of Rambam. He bases this on Rambam (*Sanhedrin* 5:17) who writes that in the case of wounding, one can force the plaintiff to go up to *Eretz Yisra'el* to get *kenasot*. This proof, however, is unconvincing, as Rambam many times writes *halachot* that are not applicable during his time. Rambam may simply be recording the practice concerning *kenasot* when *semichah* existed in *Eretz Yisra'el*.

After the close of *semichah* there was an attempt to reinstitute *semichah* by the rabbis in Tzefat in the sixteenth century. They based themselves on

Rambam (*Sanhedrin* 4:11) who rules that if all the *Chachamim* in Israel consented they could bestow someone with *semichah*. The Mahari Bei Rav was ordained and he gave *semichah* to his student Rav Yosef Karo, the author of the *Shulchan Aruch*. The rabbis in Jerusalem, led by the Raibach, never accepted this *semichah* and it ultimately failed to gain acceptance. A more extensive examination of the issues involved in this controversy is beyond the scope of this article.

After the end of real *semichah* a quasi-*semichah* was instituted in Italy, France, and Germany as a memorial to the real *semichah*. It did not involve the real rights of *semuchim* to judge *kenasot* or to establish the new moon. Rather, it bestowed upon people the title of Rabbi.

Rav Dov Revel notes that in Babylon, where there was a long held tradition of not bestowing *semichah* from rabbinic times, this quasi *semichah* never developed. As a result of this, the quasi-*semichah* never developed in Spain, which was primarily settled by pioneers from Babylon who followed the customs of the Babylonian Gaonim. Even up to recent times Sephardic Jews referred to their learned leaders as *chachamim* not *semuchim*.

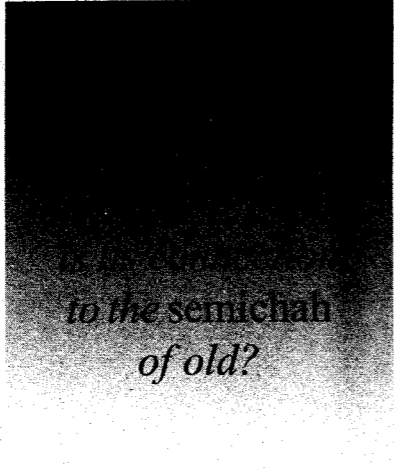
Pioneers from *Eretz Yisra'el*, on the other hand, settled in Italy, Germany, and France and followed many *minhagim* of *Eretz Yisra'el*. Therefore, it was only natural that the communities in these places would install a quasi *semichah* as a remembrance to the *semichah* in *Eretz Yisra'el*.

The quasi *semichah* was institutionalized as a written document in Germany after the Black Plague. Although the *sefaradim* derided this institutionalized *semichah* as a result of the influence of Christian Universities that gave out diplomas, Bruer, in his article "*Hasemichah Haashkenazit*" notes a number of social reasons for institutionalizing *semichah* at this time. The morale of the Jews in Germany was very low. After two centuries of powerful rabbinic figures, the massacres, and the terror they created, devastated Jewish learning. Massive migrations following the Black Plague brought Jews to many new communities where there were no established traditions or

rabbinic leaders. The institutionalized document of *semichah* was created to rally the few learned people

left, raise their morale, and serve to confirm who were the rabbinic leaders. This prevented the many charlatans who had sprung up in the new communities from staking their claim to leadership positions. With the piece of paper they received the real Rabbis had a mission to spread Torah to all the newly formed communities and carry on the *mesorah*.

Modern *semichah* is a direct descendant of this *semichah*. Our *semichah* bestows one with the title of "rabbi" but confers no real power. It certainly does not bestow the authority to judge *kenasot* or determine the calendar. However, one could find some earlier precedents for modern *semichah* in the *minui* bestowed in rabbinic times as described by the *Seride Esh*. The primary purpose of modern *semichah* is the same as in fourteenth century Germany, i.e. it confirms rabbinic leaders who have knowledge to decide Halachic issues and charges them with the mission of passing on the *mesorah* to the next generation.



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by Tzvi Pittinsky

Malke Bina

This Response is based on a transcript of an interview conducted by Dassi Billet.

In today's traditional Orthodox world, the reality is that there is no *semichah* degree for women scholars. There are Orthodox women who learn many of the same subjects as their male, Rabbi counterparts; they study *Torah shebichtav* and *Torah shebe'al peh* on a high level, but they have no title which recognizes the depth and breadth of their learning.

Rather than fight the traditional system, women should recognize that there are two aspects of the Rabbi personality: the "Rabbi" role and the "rebbe" role. Women should focus on the aspect of Rabbi which they can fill even without the recognition of a title: the "rebbe" role, that of teacher, mentor, and guide. Women can exemplify this role, and in fact, they have been functioning and continue to function in this capacity.

Women in the "rebbe" role pose no threat to traditional divisions in any circle of Orthodoxy. Across the spectrum, women are expected to guide family, community, other women, and even men when necessary. In my own home, growing up, my father was both a "Rabbi" and a "rebbe." His "rebbe" side impacted more people than his "Rabbi" side.

Though mainstream Orthodoxy does not feel ready to ordain women as rabbis, it should take women's Torah study seriously.

Women should be proficient in learning Torah, and they should develop their communication skills. Through depth in Torah and good communication, women can adopt the "rebbe" role and bring people closer to Torah.

From a young age, women should be encouraged to grow toward high level Torah learning. The elementary and high school curriculum for girls should be expanded to include more *halachah* and *Torah shebe'al peh*, with a special focus on analysis of primary texts. A more diverse curriculum should be offered; this will give women more of an opportunity to grow into well rounded Torah scholars. A woman should be permitted to choose how intensely she will study a given subject; women with less interest in *Torah shebe'al peh* should be offered a more *Tanach*-focused option.

Beyond high school, women should continue to grow in their Torah study, in post high school and post college study programs. Beyond structured programs, women can continue to learn on their own, in both a *bet midrash* setting as well as in their homes. In these less structured settings, motivated women can cover more ground and get further ahead.

Working towards higher education degrees is helpful for women who continue to study Torah, but the most important thing is for women to write about their areas of expertise. They should adopt a "publish or perish" attitude, writing in different areas of *Tanach*, *halachah*, and *Torah shebe'al peh*.

There are people to function as role models for aspiring female Torah scholars;

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especially in many of the post high school and post college learning programs, *talmidei chachamim* and *chachamot* are emerging as guides and inspirations for eager young women.

There is one essential thing that is missing in the move toward female scholarship. In *Vayikra Rabba* (2:1), the following case is presented: A thousand students entered a *bet midrash* to study and only one became a Rabbi. The presence of one thousand students in the *bet midrash* was necessary to simulate the atmosphere necessary for the creation of one Rabbi.

Women have no opportunity to enjoy such an atmosphere: a serious *bet midrash* setting, full of motivated women proficient in Torah learning, with guided *chevruta* study and individual attention.

This sort of phenomena does not exist for women for several reasons. Part of the problem finds its roots in the women themselves; in effect, not all women are interested in seriously pursuing the study of Torah. Society's lack of support and encouragement for the development of such a program is also a primary cause for its absence.

Developing this "women's *bet midrash*" is a slow process, but changes in women's attitudes as well as in societal outlooks are beginning to make it possible. More and more women are searching for modes of growth in their Torah study. There are young women today who are committed to sitting, both in the *bet midrash* and in their private homes, and focusing on learning the many different disciplines included in the spectrum of Torah study for several years. Women who are not personally committed to intense daily study of Torah are recognizing the importance of other women's learning and are coming forward to support it.

Women are moving into key positions which affect the future of *'Am Yisra'el*, Jewish education, and general Torah learning. The growth of women's learning has been termed the "quiet revolution" by one of my colleagues at Matan: slowly, line by line, women are learning and growing, in a manner reflecting their deep understanding, sincerity, seriousness, and modesty. Women are working to make their Torah growth fit snugly in with their traditional roles at home.

In recent decades, as women's Torah education continues to grow by leaps and bounds, certain negative attitudes expressed in *Chazal* toward the institution of formal Torah learning for women can be viewed as, in the words of the *Chafetz Chayyim*, "*bazeman shelefanenu*," in previous times. Nowadays, the realities of life are different; in the home, the whole family works together to make things run smoothly. In earlier times, the Rabbis worried that intense Torah learning for women would take away from quality time spent enriching family life. Today, with modern technological conveniences, like dishwashers, washing machines and vacuum cleaners, time spent keeping the home is three quarters cut out.

Women have more free time on their hands, and there is a need to fill that time with things that strengthen *yir'at shamayim* and commitment to *Torah* and *mitzvot* (i.e. not soap operas). Once, women did not even know how to open a *chumash* and read Rashi. But now, as the *Chafetz Chayyim* asserts, that particular *issur*, or less accepted notion, has turned into a *chiyyuv*. In the modern world, it is necessary and proper for women to learn.

The *Chafetz Chayyim* (*Likkutei Halachot*, *Sotah* 21) outlined a curriculum for women which included *Tanach*, *halachah*, *mussar*. This did not bother the established Rabbinate. *Torah shebe'al peh* was more controversial, but even the *Chafetz Chayyim* included *Mishnah*, *Tractate Avot*. The Rav and Rav Lichtenstein are key figures in a growing

Talmud Torah for Women: Hamevaser Symposium  
Jennie Shapiro and Leahlyah Berger

As women become more extensively involved in high-level talmud Torah, a number of halachic issues, both theoretical and practical, urgently need to be addressed. In this issue, we offer a range of views from four prominent educators in our community, enriching our understanding of this complex topic and hopefully stimulating further thought and discussion.

Hamevaser posed the following questions to our respondents:

- 1) Discussion of women's Torah education, as any religious issue, must begin with an evaluation of the traditional sources. In light of the various *ma'amarei Chazal* which deal with this matter, what do you believe to be the general principles which should guide an approach to contemporary Torah study for women?
- 2) Should elementary and high school curricula for male and female students be different? If so, how? Why?
- 3) How do you feel about women's engaging in full-time advanced Torah study after high school? Should such study be limited to specific disciplines?
- 4) Women who do pursue higher learning are often faced with a problem of recognition. Men, through the attainment of *semichah*, are afforded a way of demonstrating to both prospective employers and the community at large their level of advancement and proficiency in Torah learning. As Orthodoxy has traditionally rejected conferring the title "rabbi" on women, what alternative recognition, if any, would you recommend for women completing an advanced course of Torah study?
- 5) Please evaluate the opportunities currently available to women for advanced Torah study, both in Israel and in chutz la'aretz.
- 6) To what extent should knowledgeable women be included in the halachic process? Can they be relied upon for *psukei halachah*?

movement to encourage serious *Torah shebe'al peh* for women. The current belief is that rather than infringe on family responsibility, *limud Torah* enhances and reinforces it.

The largest portion of the pool of Torah learning should not be closed to serious, well meaning women. For some women, an understanding of the legal system through which Torah law is derived is essential in their appreciation of the brilliance of that law. For others, it is not necessary and therefore, they should not be forced to study the theoretical sections of the Talmud; they can choose to grow in *Tanach* or philosophy instead.

It is very important for a woman's level of Jewish studies to be commensurate with her level of secular learning. When every other subject under the sun, nuclear physics, analytical chemistry, ancient Greek philosophy, is open to women, women can not be made to feel that books of Torah are closed to them.

In several Rabbinic sources (see *Encyclopedia Talmudit* vol. 8 p. 494), it is written that if a woman knows the appropriate halachic *pesak*, she can be asked to render or teach the decision, and her ruling is valid. Especially in areas of halachah which relate to women, like *get* and *agunah*, women should be consulted more. In Israel, when scientists develop special technologically advanced instruments to make the strict observance of halachah easier in the modern world, they consult people with the highest level of technological expertise. In the halachic issues of *get* and *agunah*, both men and women are involved, and if only men are consulted, the full family picture is not being represented. But women can only be ready to fill the gap in the halachic process if they understand how the system works.

Rabbi Dr. Ephraim Kanarfogel

In view of the wide scope and inherent complexity of the questions posed, and the limited time at my disposal, I wish to offer brief observations on the issue of Torah education for women rather than attempting to address the symposium questions seriatim. Nonetheless, my response will touch upon some of the specific issues which the questions raise.

When speaking of Torah education for women, it is crucial to distinguish between obligation and opportunity. Clearly, the obligations of men and women in the *mitzvah* of *Talmud Torah* are different, although the precise parameters of these obligations are the subjects of discussion by *rishonim* and *aharonim*. The moment that this difference between men and women in regard to Torah study is noted, one must be prepared to talk about education for men and women in different terms.

If all can agree that women should be taught not only about those *mitzvot* (both positive and negative) for which they are responsible, but also about the principles of faith and belief as well as the ethics and norms of moral behavior that underlie the entire Torah, Torah education for women in an age of widespread higher education minimally requires a serious, substantive curriculum that will teach not only the requisite concepts and facts, but will also provide facility in the study of Torah texts. The opportunity for every Jewish woman to receive such an education should be

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pandemic. How far a woman progresses along the educational path, however, given the nature of a woman's obligation in *talmud Torah*, becomes, at some point, a matter of personal choice and ability or proclivity.

Seriousness, dedication, and sincerity should all be factors in the personal determination of the opportunities for Torah study that a woman may pursue. The thorny problem of *tiflut* associated with the study of *Torah she-be'al Peh* by women, can be neutralized according to several *aharonim* of the modern period, if not according to Rambam himself, provided that the student is capable of and sincerely dedicated to serious study. By the same token, it is obvious that the study of *Torah she-be'al Peh* (here I mean to exclude things like the commentaries of Rashi or Ramban on the Torah, or analyses of rabbinic texts associated with the study of various *halakhot*) cannot and should not be expected of all women.

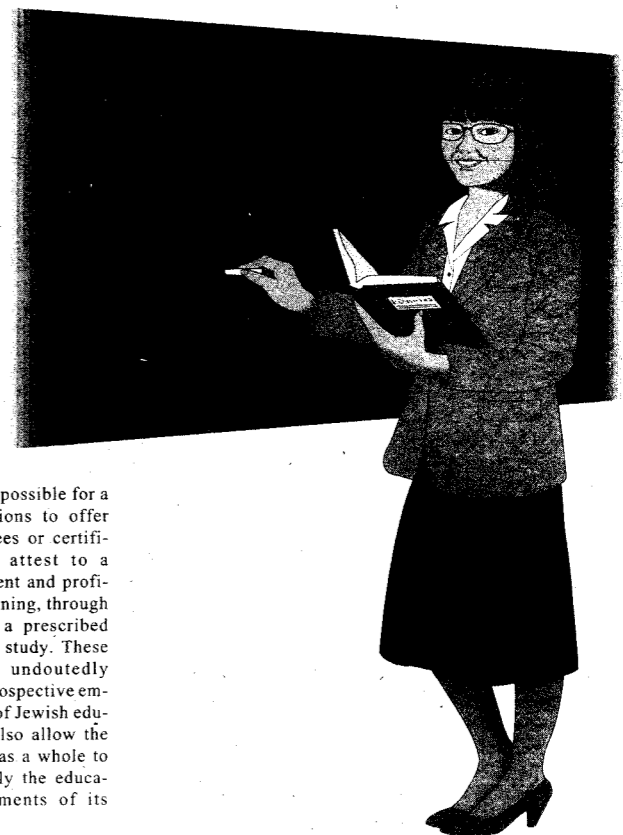
Thankfully, there are significant opportunities for women both in Israel and in the Diaspora to pursue different modes of advanced Torah study, allowing for the types of choices to which I have referred. Indeed, there are institutions of advanced Torah learning for women which offer different options under one roof. The issue of formal recognition for a woman's achievements in advanced Torah study leads us, however, beyond the boundaries of personal choice and individual proclivities. The *dinim* and concepts of *hora'ah* and *serarah*, among others, need to be considered. Without trying to suggest a global (or otherwise inaccurate) explanation, the inherent differences between the status of men and women in these matters are also related, in part, to the extent of obligation. [There are, to be sure, examples of learned Jewish women whose Torah knowledge was incorpo-

Esther Krauss

The time has passed when we need to justify, apologize for, or defend the legitimacy of Torah study for women in all of its dimensions. The sources have been adequately researched, documented and analyzed. (See, for example: Aharon Lichtenstein, "*Ba'ayot Yesod B'hinukha Shel Isha*," in *Haisha Vehinukha*, published by Emunah, Israel, 1980; Moshe Kahn, *Jewish Education for Women*, Ten Da at, Spring 1989.) The practice is sufficiently widespread in the most respectable circles. Yeshiva University, for example, by its curricular choices at Stern College and at Central, has made a policy statement to that effect. There is ample anecdotal precedent, including the now-famous *gemara shiur* delivered by the *Rav zt"l* at Stern College, documented by a well-known photograph of the event, to put a moratorium on defensiveness and apologia. Earlier this century, the *Bais Ya'akov* movement waged a fierce battle on behalf of Torah education for women. No *Bais Ya'akov* school today deems it necessary to defend its existence. Recent progress in Torah education for women is a natural extension of Sara Schenirer's efforts and, likewise, needs no legitimization. If the ultimate goals of Juda-

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ism are *ahavat Hashem*, *ahavat Yisra'el* and *shemirat hamitzvot*, and *talmud Torah* is the most effective way to achieve those goals, then every Jew should be encouraged to follow that traditional route. Not all of Orthodoxy has adopted that position, but we who de facto and de jure have, need to demonstrate the courage of our convictions by giving it our wholehearted blessing and by implementing it in our educational system. If in the very institution that sanctions full access for women to Torah study, approval is tacitly withdrawn by the attitudes fostered towards it in the brother institution, then we are conveying very mixed messages and we are guilty of the inverse of an halakhic principle - *haphch shehittir hu hapeh she'asar* (see *Ketubot 22a*). Practically speaking, that means that all of Torah should be made available and accessible to all students. There should be no differentiation between the curriculum for female and male students in elementary and high schools, and advanced Torah study should be encouraged for all students regardless of gender. Differentiation conveys the subtle message that for one of the parties, the endeavor is less appropriate, less legitimate, less serious. Gender differentiation in the math and science curricula of our schools would be unacceptable. In Torah, the stakes are higher because differentiation in *talmud Torah* can have serious religious consequences. If women are excluded from some aspects of *talmud Torah*, the most fundamental of all *mitzvot*, then one might conclude that they are similarly excluded from other *mitzvot* (such as *tefillah*, for example). And even if one did not reach such a radical conclusion, one might be inclined to view less seriously women's observance of all *mitzvot*, except those specifically designated as women's *mitzvot*.

Needless to say, women's education, even in the post-Sara Schenirer era, has not been predicated on the assumption of full access to all Torah texts. Educational institutions for women, especially exclusively female schools, have not been structured to accommodate this philosophy. Therefore, logistical changes, including manipulation of blocks of study time, will be required to implement it. These changes, however, should be made gradually and with deliberation, taking into account individual student needs and social realities. Meeting the challenges of cultural change, as Sara Schenirer successfully did, requires boldness and creativity. Mishnah, Talmud, Codes and Responsa, at the appropriate age levels, must be added to the curricula of elementary and secondary schools where it does not currently exist. Seriousness of purpose, training in skills, rigorous demands and expectations not only in textual study but in attitudes towards girls' religious observance are in order. *Tefillah*, fasting, dedicating free and vacation time to *talmud Torah*, behaving in ways that conform to *tzeni'ut* standards should be expected equally of girls and boys. Intensive full-time Torah study in Israel and follow-up in America must be encouraged. Ample opportunities to engage in the study of all Torah disciplines should be available. There are not enough educational institutions in

Israel or in America where women are seriously trained in Torah studies, especially in *Torah shebe'al peh*. The Jewish community needs to encourage continued serious Torah study for women by giving it wholehearted attitudinal and financial support.

As women engage in more intensive and comprehensive Torah study, it will become necessary to find a title to recognize their advanced level of scholarship and to provide additional professional areas in which they can apply their knowledge. Professionally, respect and remuneration are commensurate with expertise and training. Likewise, as women gain expertise in legal texts and methodology, it will be necessary to find halakhically acceptable ways to involve them in the halakhic process. The recent establishment of a course of study leading to the title of *To'enet Beit Din* in Israel is a good example. It provides women interested in focusing on the study of Halakhic texts with a title that appropriately recognizes their accomplishments, with a defined goal, other than teaching, for their studies, and with an opportunity to use their knowledge to make a valuable contribution to the Jewish community in the field of applied law.

I look forward eagerly to see the community, that has thus far been tentative and even ambivalent about these developments, welcome into its midst this new, enthusiastic, and capable cadre of women whose brainpower and devotion to Torah ideals has the potential to make an invaluable contribution to Torah study and to Jewish life.

### Rabbi Yehuda Parnes

This response is based on a transcript of an interview conducted by Ruby Spolter.

Nowadays everyone across the religious spectrum agrees that women must receive some form of Torah education. That was not the case years ago; what women learned then was by dint of their own personal interest. I remember that my mother *a"h* used to listen in when the *melamed* back in Galicia would tutor her brothers. She was fairly well educated by most standards in those days. Tradition speaks about the *chochmah* of Rashi's famous daughters; *Chuldah hanevi'ah* was obviously not an *'am ha'aretz*. Evidently, throughout history individual women by their own interest found a way to educate themselves. It is reported that Rav Isser Zalman Meltzer's wife understood learning quite well. But our discussion here does not concern individual women; we are talking about systematic education - what is the *vision of chinnuch habanos*?

Everybody agrees, and this was true from time immemorial, that women are supposed to learn *halachos lema'aseh*, a pragmatic learning; that much is clear. The *Chafetz Chayyim* introduced learning that was necessary to inculcate *yir'as shamayim*, and that involved learning *midrashim*, *chumash* and Rashi; somebody once said that when you learn *chumash* with Ramban, you are learning not only *chumash* but *hashkafas hayahadus* and *ikrei veyesodei ha'emunah*. *Sifrei mussar* are important as well. Basically, girls should be learning *sefarim* from which they can gain a fundamental understanding of our *emunah* so that they can survive in this day and age.

What is the issue today? In modern orthodox

circles a very strong interest has developed in girls' attaining real proficiency in learning *gemara*. *Torah shebe'al peh*, the way boys do. I am opposed to the systematic teaching of *gemara* to girls. The basic vision of a woman's role was defined back in *Beresheet*: the woman was created to be an *'ezer kenegdo*. Being an *ezer* does not mean that a woman does not have an existence of her own, because to be an *'ezer* she must have her own personality, her own significance, her own existence. But the prime goal in her life, ultimately, is to marry and to fulfill her role as an *'ezer kenegdo*. That is *yesod* number one.

The second *yesod* is that the ideal vision of

learning for a man is not merely *daf yomi* or attending *shiurim* occasionally. Rather, the real vision is that a man is supposed to grow in learning, to develop in learning, and that whenever he has an opportunity he should be learning. That is the ideal. *Daf yomi* together with *gof* is not the vision of Torah learning. I know of a doctor in the Miami area who learns from 9 to 3 daily, and there are two doc-

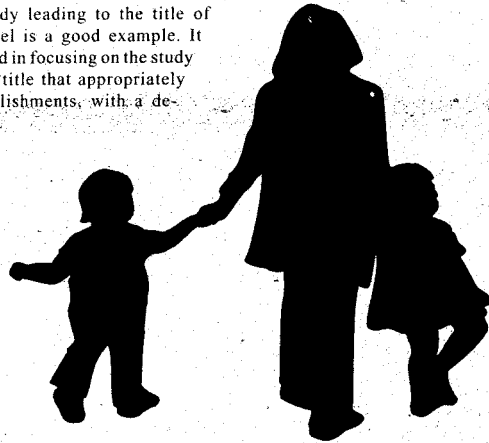
tors who are active members of my *shiur*.

Given these two fundamental assumptions, you can not have a system of *chinnuch* that inculcates the passion of learning *Torah shebe'al peh* in girls as it does for boys, because it will distort the household, it will level both husband and wife to mediocrity, when in fact the woman is supposed to be the enabler of the man to grow in learning. There is no *issur* for a woman to learn, and for her to learn individually is fine; the problem lies in its systematization in the *chinnuch* structure. If a woman is systematically brought up to be a *lamdan*, she is going to say, "It's my turn tonight." If the responsibilities to the home are taken care of, I do not object to women's learning if they so desire. Even *Torah shebe'al peh* is okay, if this is her need and it is done *beheter*, without fanfare, *behatznea* *lechet*. Creating women's learning of *Torah shebe'al peh* as a universal value within Jewish life is a distortion.

I think I have covered most of the main issues, so now just a few short comments on some of the specific questions:

2-3) Girls' curricula should not contain systematic learning of *gemara*, required or optional. Teaching the sources of *halachah lema'seh* in *Shulchan Aruch* and *gemara* is proper practice, as long as it is all geared toward the *halachah*. The teacher must be careful about emphasis, ensuring that the goal is really to teach the *halachos*. Also, young women definitely should spend time in seminars, where they learn *chumash*, *hashkafah*, *yir'as shamayim*, *his'orerus*, even full-time if that meets her needs.

4) Even if a woman learns *Torah shebe'al peh* individually, I do not think she should receive any public recognition for it. If that were to happen, then it would become institutionalized, and she would be held up as a model, thus impacting the educational outlook of the public at large.





Sefirat Ha'omer - continued from page 16

**Avelut and Sefirat Ha'omer**

To carry our analysis one step further, we may view the customs of mourning which we observe during the period of *sefirah* as being connected to the destruction of the *Bet Hamikdash*. In fact the *Ba'al Hama'or*, at the end of *Pesachim*, writes that we do not make the *berachah* of *Shehechiyanu* on *sefirat ha'omer* because it is a *mitzvah* which does entail joy but, rather, grief over the destruction of the *Bet Hamikdash*. Although the *Tur* (*Orach Chayyim* 493) writes that we observe aspects of mourning during this period because twenty-four thousand students of R. Akiva died between *Pesach* and *Shavu'ot*, this explanation is not inconsistent with ours. The *gemara* (*Yevamot* 62b) relates that the students of R. Akiva died because they did not display proper respect for each other. That such a situation could exist among the students of R. Akiva, who taught that the display of love to one's fellow Jew is a fundamental principle of the *Torah*, is quite perplexing. The fact that the *Bet Hamikdash* was no longer standing at that time can be viewed as a contributing factor.

In fact, the *Maharal* of Prague, in *Nitzach Yisra'el*, chapters four and five, writes that the primary attribute of the second *Bet Hamikdash* was that it united *Klal Yisra'el*. When this attribute was lost due to the proliferation of *sin'at chinam*, the *Bet Hamikdash* was destroyed. In his *Gur Aryeh* to *parashat Mishpatim*, the *Maharal* explains that the *Sanhedrin Hagedolah* is to sit in the *mizbeach* because both serve the function of bringing about peace. The *Sanhedrin* brings peace among people through resolving disputes, and the *mizbeach* brings peace between man and God through the *korbanot*. The *Ba'al HaTanya*, in fact, writes (*Likute Amarim*, ch. 32) that the *mitzvah* of loving our fellow Jew is grounded in the fact that he possesses within him a divine spark, so that the two dimensions of peace between Jew and Jew, and between Jew and God, are integrally related, and, when one suffers, so does the other. The flawed relationship among the students of R. Akiva, then, can be viewed as a consequence of the lack of a *Bet Hamikdash*, and, so, the two reasons behind our mourning practices during the *sefirah* period mesh.

Coming full circle, *golut mitzrayim* itself, according to the *gemara* (*Shabbat* 10b), was a result of the sale of *Yosef* by his brothers. The mistake of the brothers, Rav Soloveitchik zt"l once explained, was that they did not appreciate the importance of *shevet achim yachad*, of brothers working together in harmony. One of the goals of the exile in *Mitzrayim* was to create a harmonious relationship among the various elements of the emerging nation. This process of unification would reach its ultimate level with the building of the emerging nation. This process of unification would reach its ultimate level with the building of the *Bet Hamikdash* and the bringing of *korbanot*, and it is around the achievement of this level which the *sefer* is structured. In our current *golut*, in which we are unable to attain this level of dual harmony, we pray, at the end of the *sefer*, for the restoration of the *Bet Hamikdash* and the *korbanot*, so that we will once again be able to do so.

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(By the time of the Talmud, a rabbinical prohibition had been enacted to prevent individuals from entering into a levirate marriage when only one cohabitation was permitted; however, as the *Maharsha* points out, this rabbinical ordinance may not have been around during the time of *Bo'az*.)

Thus, we understand *Doeg's* argument: the actions of *Bo'az* proved nothing. *Doeg* could maintain that females of *Mo'av* were banned, and that *Bo'az* was merely performing the *mitzvah* of levirate marriage, which overrode the general prohibition in this specific case. Nevertheless, any offspring would still be considered from the nation of *Mo'av*, and under the ban. Therefore, *Doeg* attempted to disqualify David from marrying the daughter of King Saul. *Doeg* would say that *Bo'az* planned to cohabit with Ruth just once, and then separate. Indeed, we have no proof that *Bo'az* ever intended to spend more

than one night with Ruth, since he died the next day.

The position of the *go'el* according to *Doeg* also becomes clear. The *go'el* never denied that he could marry Ruth. He simply did not want the greater Jewish community to ostracize his descendants. *Bo'az*, however, only stood to gain from marrying Ruth, since all of his children had died.

One small problem that *Maharsha* does not address still remains: According to *Avner*, why was the *go'el* afraid for his descendants? Didn't *Bo'az*, one of the Judges, inform him publicly that marrying a female of *Mo'av* was completely permitted, and that his offspring would not be banned? We offer the following solution. The *go'el* merely feared that those ignorant of the law would cast a stigma on his descendants. That, of course, was not an unreasonable fear, since that is precisely what happened to David.

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# Pesach and Shavuot

## Symbols and Self Envisioning and Experiencing

by Rabbi David Linzer

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The primary *mitzvah* of the seder night is that of *haggadah* - relating the story of the exodus from Egypt: "*vehigadta lebincha bayom hahu lemor ba'avur zeh 'asah Hashem li betzeti mimitzrayim*," "and you shall tell your child on that day saying, 'it is for this that God took me out of the land of Egypt.'" But the *haggadah* is not the only *mitzvah* of the night; the seder abounds with *mitzvot* which symbolize our freedom: the eating of the *maror* and matzoh, the drinking the four cups of wine, the reclining, and the singing of *hallel* unite to form a spectrum of symbolic acts that allow us to re-experience that fateful night when we were forged as a people.

It is in this reliving of our experience that we satisfy our obligation of *chayav lir'ot et 'atzmo ke'ilu hu yatza mimitzrayim*; to envision ourselves as though we personally left Egypt. Rambam's reading of that passage of the *haggadah* is *lehar'ot et 'atzmo*, to display oneself, to act out as though we left Egypt. It is only through this acting out, through a concrete and external process, that we are able to internalize and re-experience the message of the evening. *Lehar'ot* provides us with the means to *lir'ot*.

It is in this way that the *mitzvah* of relating the exodus on Passover night differs profoundly from our twice-daily obligation of *zecher yetzi'at mitzrayim*, telling of the exodus from Egypt. The two *mitzvot* differ in many ways: our daily obligation is only one of merely mentioning and one which involves no one else, whereas our obligation on the seder night is one of telling at length - *kol hamerbeh hare zeh meshubach* - and one of relating to our children - *vehagadta lebincha bayom hahu lemor*. But the profoundest difference is that the *mitzvah* of the seder night is a telling which is achieved through symbols. Through a physical demonstration of our slavery and our freedom, it is a telling of *lehar'ot*.

On this night, through the *lehar'ot* and *lir'ot*, we personally experience the night's miraculous transformation - *me'avdut lecharut*. We see ourselves as leaving Egypt, only after having first seen ourselves as enslaved in Egypt. We live the first part of the seder as slaves, and it is not until we have seen God bring the ten plagues upon our Egyptian oppressors, and finally the 10-50-200-250 plagues on the Yam Suf, and the ultimate drowning of our enemies in its depths, that we are brought to a complete awareness of all that God has done for us. *Lefikach*, therefore, now, having experienced the redemption and its miracles, *anachnu chayyavim*, we must praise God. This "must" is not just a religious "must", but a deep, internal "must" that can only come from someone who has received the greatest good from another and who needs - from the depths of his soul - to express his gratitude. We - having experienced the very redemption itself - this night - spontaneously burst out in praise, and sing to Him the *hallel*. This spontaneity of praise accords for the unique status of the *hallel* of the seder night: it is a *hallel* said without a bracha, and a *hallel* said at night.

Were it merely a *mitzvah* of saying *hallel*, this would be unacceptable - the *mitzvah* of *hallel* is a day *mitzvah* accompanied by a *berachah*. However, this *hallel* comes from no external obligation but from the inner driving of our souls; it is a *hallel* of *me'afelah le'or gadol*, of one who has just been yanked from the depths of despair and darkness and brought into the great light of closeness to God. It is the *hallel* of one who has relived those experiences personally, one whose *lehar'ot* has achieved a *lir'ot*, one who himself was *yatza mimitzrayim*.

"*Yachol mibe'od yom, talmud lomar: 'ba'avur zeh, 'ba'avur zeh lo anarti ela bizman sheyesh matzah umaror munachim lefaneecha...*" "Perhaps you should tell of the exodus the day before Passover; the verse teaches: "For the sake of this [God took me out of Egypt]," the word "this" can only be said when the matzah and maror are present in front of you" (Passover *haggadah*). *Chazal* see in the very verse of the relating of the exodus the need to integrate symbols in that telling. Telling your children, passing down the message of the seder night, can only be accomplished through visible symbols. Through pointing to the matzah and maror, we say: "It was for this," because of our slavery and our affliction, because of God's promise to our forefathers and in order to redeem us, because of everything you see symbolized and reenacted in front of you tonight that God took us out of Egypt. But it is also "for this" in another sense - it is for the sake of *kiyum mitzvot*: God freed us in order that we may do these very *mitzvot* which themselves allow us to relive that night of freedom. We were freed so we might be able to act, *lehar'ot*, and we act so we might be able to see and to envision, *lir'ot*. *Ge'ula* for the sake of *lehar'ot* and *lehar'ot* for the sake of *lir'ot*.

This *lehar'ot-lir'ot* inter-relationship is indeed the meaning behind so many of our ritual acts. Judaism is a religion which focuses on actions because it recognizes this synergetic, symbiotic relationship between *lehar'ot* and *lir'ot*, between how we act about things and how we think about them. Our actions crystallize our religious awareness, and this awareness, once heightened, drives us on to higher goals: to better and better actions, *mitzvah goreret mitzvah* in the truest sense.

### Freedom and Slavery

The symbols of the seder night, however, are not as transparent as might first appear. Already Abravanel noticed a certain tension between the symbols that are mentioned in the four questions. The dipping and reclining are symbols of freedom, but the matzah, the bread of affliction, and the maror, the bitter herbs, are symbols of slavery. According to him, this is the driving question behind the four questions - why two sets of symbols? What's going on here? Are we free or are we slaves? And the rejoining answer, We are experiencing both tonight, we were slaves and now we are free, *'avadim hayinu lepar'o bemitzrayim va'ata keravnu hamakom le'avodato*.

The dual function of the symbols - allowing us to re-enact both the slavery and the freedom - is clear. However, there is one symbol which seems to serve neither of these functions, or, more precisely, serves them both simultaneously, and it is the primary symbol of the night, the matzoh. Here Abravanel's question becomes all the more pressing: what is the matzoh? Is it a symbol of freedom or of slavery? Is it the bread of *lo hispik betzekam lehachmitz' ad shenigla 'alehem melech malche hamelachim hakadosh baruch hu*

*uge'alam* or is it the bread *di achalu avotana b'ara demitzrayim*? Is it the bread of affliction, the *lechem 'oni*, the bread of the pauper and the slave, or is it the bread of *chipazon*, of imminent, immediate *ge'ulah*, a redemption whose time has come and cannot be held up one more second?

This ambiguous, or dual nature of the matzoh is evident not just from the various appellations the Torah and the *haggadah* give it, but from the historical circumstances which gave birth to the matzoh obligation as well. One of the first *mitzvot* given to the Israelites in Egypt was the *mitzvah* of the seder, the seder in Egypt which beckoned, rather than recalled, the *ge'ulah*. "And you shall eat the meat [of the Paschal lamb] on this night, roasted over a fire, with matzoh, on bitter-herbs you shall eat it" (Ex 12:8). A *mitzvah* to eat matzoh already in Egypt! And, yet, when they left Egypt, "And the nation carried its dough, prior to having leavened, ... and they baked the dough which they had taken out of Egypt into matzoh wafers, for it had not leavened, for they were driven from Egypt and they could not tarry, and they had prepared no provisions for themselves" (Ex 9:34, 39). The matzoh of *lo hispik betzekam lehachmitz!* Why the matzoh? Because of God's command or because of *lo yachlu lehitmameha*?

Posed this way, the answer becomes self-evident. The matzoh of our seder night represents both the *ge'ula* and the *'avdut* because of the two matzot of the original *Pesach* - the matzoh of the seder night and the matzoh of the day of the exodus. The matzoh of the seder in Egypt was the matzoh eaten together with the Paschal lamb. It is the lamb itself - the *pesach* - that which the holiday itself is named for, that symbolizes the *ge'ulah* of the night. *Pesach 'al shem shepasach hamakom*, "The sacrifice is called Passover, for God passed over us," "*ufasach Hashem 'al hapetach, velo yiten hamashchit lavo el batechem lingof*," "and the Lord shall pass over the doorway, and He will not allow destruction to enter into your house to destroy." With the Paschal lamb present, no other symbol for *ge'ulah* is needed. But even with the ultimate symbol of *ge'ulah*, we must still remember from what we are being redeemed. This is the purpose of the matzoh and the maror, "*al matzot umerorim yochluhu*". The Paschal lamb is eaten together, or on top of, the matzoh and maror, the bread of affliction and the bitterness of affliction. Their juxtaposition provides the salient message of the night: a *ge'ulah may'avdut lecharot*, a redemption coming right on top of and from the midst of the affliction, a redemption of *chipazon*, of *matnechem chagurim une'alchem beyedchem*, a sudden, immediate, and metamorphic transformation.

The matzoh of the day of the exodus, however, arose from the circumstances of the *ge'ulah* of *chipazon* itself: *ki gorshu mimitzrayim velo yachlu lehitmameha*, for they were driven from Egypt and could not tarry. The matzoh became transformed from a symbol of slavery into the very symbol of untarrying redemption; the *cherut* coming right on top of, and manifesting itself in that very symbol of the *'avdut*.

This explanation helps us understand the dual nature afforded to matzoh in *halachah*. The *gemara* (*Pesachim* 116b) questions whether the *mitzvah* of matzoh applies nowadays. Since the eating of matzoh is connected to the Paschal lamb - *al matzot umerorim yochluhu* - the *gemara* suggests that perhaps it should only be obligatory at a time when the Paschal lamb is eaten. The *gemara* concludes that the *mitzvah* of matzoh does apply nowadays, since another verse

obligates its eating without any connection to the Paschal lamb - *ba'erev tochl matzot* - on that evening you shall eat matzot. The question of the verse's associating the matzoh with the Paschal lamb should not be seen as one of arbitrary association. Rather, the *gemara* is questioning the very nature of the *mitzvah* of eating matzoh. Is it part of the *mitzvah* of the Paschal lamb? A symbol of the slavery, just like the marror, and an adjunct to the primary symbol of the *korban pesach*? Or is it an independent *mitzvah*? A symbol of *lo yachlu lehitmameha*, a symbol of *me'avdut lecharut*, a symbol that exists even nowadays when there is no *korban pesach* to symbolize the *ge'ulah* for us? And the *gemara* concludes that indeed the matzoh is an independent symbol, a symbol of the *ge'ulah* as well, *ba'erev tochl matzot, hakatuv kava'u chovah*, "You shall eat matzot on that night" - the verse has established it as an absolute obligation."

The *korban pesach*, together with the matzoh and marror, was served in the times of the Temple as a symbol of sudden redemption from the midst of the bitterness of slavery. Nowadays, the matzoh takes on the role of the *korban pesach* and symbolizes this metamorphosis in itself. It is the *avdut* and it is the *cherut*. It is the *lechem oni* and it is the *lo yachlu lehitmameha*. It is the redemption of God that cannot be delayed one second, that comes in the twinkling of an eye, and that transforms, before our very eyes, the source of our *yaqon* into the source of our *simchah*. It recalls and beckons those few special moments when God's hand can be seen in history, when we are *zoche to vera'ita et achori*, when we are given a glimpse of the divine plan.

**Slavery and Service**

The messages of the seder, the import of its symbols, must translate into our daily lives and our very existence. On the Seder night, we do not merely commemorate the exodus from Egypt, but we step back and appreciate its broader significance. The *mishnah* states that we must relate the story of the exodus, "beginning with the shameful aspect and ending with the laudatory." The *gemara* (*Pesachim* 116a) presents two interpretations of "shameful and laudatory." Shmuel's opinion is the common one: we tell how we were once slaves, and how now we are free. Rav is of a different opinion, and states that the story of the Seder is not one of physical freedom alone, but also one of spiritual freedom: we were once idolaters and now God has drawn us nigh unto His service. It is a freedom from false beliefs, a freedom from a spiritual vacuum. The physical freedom is meaningful because it allows for a spiritual freedom; it grants us *bechirah chofshit*, the ability to make our own decisions and choose our own path in lives, the ability to devote our lives to serving God.

Seen in this light, the physical *ge'ulah* of Passover can be seen as a precursor to the spiritual *ge'ulah* of *Shavu'ot*: the day of *matan Torah*. On that day, when we came face to face with the divine presence, when we heard as a nation for the first and last time the voice of God Himself, on that day we were

given our spiritual charge and our spiritual destiny. Perhaps it is for this reason that *Shavu'ot* lacks any symbols, lacks any *mitvot hayom*. On the day commemorating the culmination and apogee of our redemption from Egypt, on the day when our spiritual definition is fully manifest, we must be at a level where we can exist without symbols, without any *lehar'ot*. The challenge of the Seder is to internalize our *lehar'ot*, to begin to change our *lir'ot*. On *Shavu'ot*, the day of the giving of the Torah, this transformation must be complete. To be ready to receive the Torah, to commemorate and reassert our definition as an *'am haTorah*, we must be able to see the divine in the world, to see ourselves and our environment from a religious perspective, and we must be able to do so, when the situation calls for it, without the aid of symbols. We must be a nation of *lir'ot*.

The day of *matan Torah* is not only a culmi-

this-worldly slavery to a this-worldly freedom. This physical freedom should not be seen merely as a precursor to the spiritual freedom of *Har Sinai*. Rather, it is an intrinsic part of our very definition as a Jewish People - that definition forged during those days, weeks, and years of three thousand years ago - that we are Jewish and we are a People. Our Jewish identity is that of our religion and faith, that of *Shavu'ot*. But two millennium of *galut* should not allow us to forget our second, and inexorably intertwined definition - that of a *People*. A *nation*, with a land, with goals, with self-determination. A people defined not only by their service to God, but by country and history as well. A nation bound by a shared past, by a shared present, and by a shared future. A nation of



free men and women working towards the future that it has chosen, yet a nation of servants, choosing as that future one of service and one of dedication.

Today we live in an age of many *ge'ulot* - the establishment of the State of Israel and the reunification of Jerusalem. Events of the previous generation are phenomena that never would have been dreamt of by our fellow Jews a mere hundred years ago. And in our own generation, the collapsing of the seemingly invincible U.S.S.R., and the return of so many of the dispersed Jews - from

Ethiopia and Eastern Europe, to Israel and lands of freedom are truly *ge'ulot* of *chipazon*, coming suddenly, without warning, and transforming the entire world before our very eyes. And these *ge'ulot* of a dual nature as well. They are *ge'ulot* of the spiritual sense, granting religious freedom to Jews emerging from the darkness of totalitarian regimes. And they are also this-worldly *ge'ulot*. Physical freedom and freedom of choice for our fellow Jews who never enjoyed such freedom, and also freedom of a national sense - the rediscovery of a national self-identity - for a nation bereft of such identity for two millennia. We cannot allow ourselves to witness these events and not be moved. If we have internalized the messages of the seder, if we have allowed the *lehar'ot* to transform our *lir'ot*, we will realize that these *ge'ulot* are a reflection of that *ge'ula* of time past, that they are a glimpse of *acharav*. We will appreciate our responsibility to see that these *ge'ulot* culminate, as did those original *ge'ulot*, in the formation of an *'am Yisra'el* and an *'am HaTorah*. When we are able to truly achieve such a self-definition, then will we be prepared for that truly cataclysmic moment of *ge'ulah ha'atidah* when *leshanah haba'ah beyerushalayim* will need to be said no more, for we will all be sharing together in the *korban pesach*, in the symbol of ultimate *ge'ulah*, *behar Hashem beyerushalayim*.

Our servitude to Pharaoh was replaced with a servitude to God, our servitude of slavery with a servitude of service. There is a chasm deep and wide that separates a servant from a slave. A slave has no personal standing, no personal worth. He is chattel to be sold or traded, he owns no property, has no say, makes no choices. He is a person who has lost any status of personhood. Diametrically opposed is the servant. A servant is one who is his own person, one whose ability to choose and decide for himself manifests itself in his choice to serve, in his choice to dedicate himself to a person, belief, or to God. "They are my servants, for I have taken them out of Egypt, they shall not be sold the selling of slaves."

That momentous day at Mount Sinai, while investing us with our divine charge throughout life, did not rob us of our basic human dignity - of our selfhood and our ability to choose our own path. This freedom of self-determination is part of our very definition, part of that *ge'ulah* from Egypt as well. It is the *ge'ulah* of *Shemu'el* - our redemption from physical,

free men and women working towards the future that it has chosen, yet a nation of servants, choosing as that future one of service and one of dedication. Today we live in an age of many *ge'ulot* - the establishment of the State of Israel and the reunification of Jerusalem. Events of the previous generation are phenomena that never would have been dreamt of by our fellow Jews a mere hundred years ago. And in our own generation, the collapsing of the seemingly invincible U.S.S.R., and the return of so many of the dispersed Jews - from Ethiopia and Eastern Europe, to Israel and lands of freedom are truly *ge'ulot* of *chipazon*, coming suddenly, without warning, and transforming the entire world before our very eyes. And these *ge'ulot* of a dual nature as well. They are *ge'ulot* of the spiritual sense, granting religious freedom to Jews emerging from the darkness of totalitarian regimes. And they are also this-worldly *ge'ulot*. Physical freedom and freedom of choice for our fellow Jews who never enjoyed such freedom, and also freedom of a national sense - the rediscovery of a national self-identity - for a nation bereft of such identity for two millennia. We cannot allow ourselves to witness these events and not be moved. If we have internalized the messages of the seder, if we have allowed the *lehar'ot* to transform our *lir'ot*, we will realize that these *ge'ulot* are a reflection of that *ge'ula* of time past, that they are a glimpse of *acharav*. We will appreciate our responsibility to see that these *ge'ulot* culminate, as did those original *ge'ulot*, in the formation of an *'am Yisra'el* and an *'am HaTorah*. When we are able to truly achieve such a self-definition, then will we be prepared for that truly cataclysmic moment of *ge'ulah ha'atidah* when *leshanah haba'ah beyerushalayim* will need to be said no more, for we will all be sharing together in the *korban pesach*, in the symbol of ultimate *ge'ulah*, *behar Hashem beyerushalayim*.

# The Final Countdown

## Sefirat Ha'omer and Churban Habayit

by Rabbi Joshua Hoffman

Early or Late? The First Night

The mitzvah of Sefirat Ha-Omer begins on the second night of Pesach. Interestingly, although we would expect to be counseled, on this first night of the mitzvah, to count as early as halachically possible to assure that the requirement of counting a full day - "remimot" - be fulfilled at the onset of the mitzvah, we find the contrary. A number of authorities advise us to delay counting until the end of the seder. For example, Rav Alexander Siskind of Horodna, in his *Yesod VeShoresh Ha'avoda*, writes that while one should generally be careful to fulfill Sefirat HaOmer after *ma'ariv*, with the *tzibbur*, on the first night, he should count later, after completing the seder. He cites this directive in the name of the *Ari*, who said that the proper *tikkunim* to be accomplished through the *sefirah* can only be realized if one counts after the seder.

Rav Yaakov Emden, on the other hand, both in his *She'elat Ya'avetz* (vol. 2, no. 83) and his commentary to the *Tur*, *Mor U'ketziah* (*Orach Chayyim*, 489), writes very sharply against this practice, arguing that Kabbalistic considerations cannot effect a change in standard halachic requirements. (This change, he said, is elaborated upon in the work *Chemdat Hayamim*, which he asserts, was written by Natan of Aza, the "prophet" of the false Messiah Shabbetai Zevi (for note on the controversy surrounding this world, see I. Tishbi, *Netivei Emanah Veminah*, pp. 108-168), and should be viewed as being of Sabbatean origin.) The *Chida*, in *Machazik Beracha* (*Orach Chayyim* 489.2) also recommends that one follow the standard halachic practice on the first night of the *sefirah*, but writes that he can understand why, according to the *Ari*, one should count later. Still, he argues, halachic considerations are paramount, and therefore, one should count after *ma'ariv*, as usual, and not delay the count until later.

A number of halachic explanations have been advanced for the change in practice of the first night (see *Haseder He'aruch*, pp. 430-431). The one upon which I will focus is based upon the opinion in those *rishonim* who maintain that *sefirat ha'omer*, today, is only *derabanan*, as a *zecher lemikdash*. During the time of the *Bet Hamikdash*, when the mitzvah was *de'oraitah*, it was fulfilled at the beginning of the evening. After the *churban*, however, we count later in the evening, to indicate that the mitzvah is only *d'rabbanan zecher lemikdash*.

Still, it is unclear, however, how a mere delay in the performance of the mitzvah on the first evening indicates that it is only *zecher lemikdash*. A closer look at the

*Haggadah*, I feel, especially as it has developed in *golut*, can enlighten us on this point.

### Sefirat Ha'omer as it Relates to the Haggadah

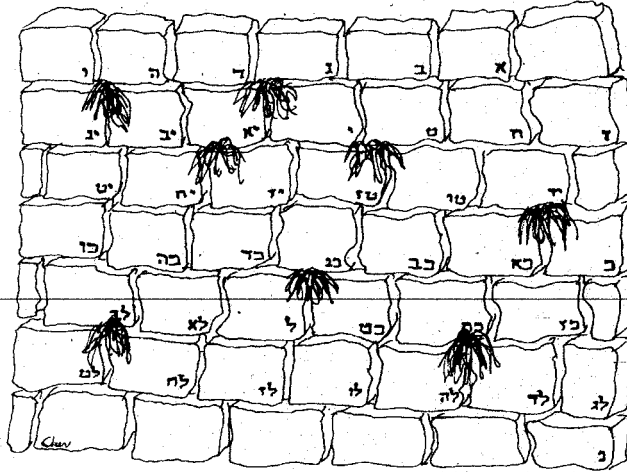
The *Netziv*, in his commentary to the *Haggadah*, *Imre Shefer*, has pointed out that, according to the *Tosefta*, in the time of the *Bet Hamikdash* the mitzvah of *sippur yetzi'at mitzrayim* was performed after the consumption of the *korban pesach*. This circumstance helps us to understand the questions in the *mah nishananah*, for otherwise, how can we expect the child to ask why we are eating *matzah*, *marror* and *korban pesach* (as formulated in the original text of the *mah nishananah* in the *mishnah*) if we haven't as yet done these things? According to the *tosefta*, how-

*Haggadah*, the *chad gadya* - which was also added in *golut* - are also, according to the *Chatam Sofer*, an allusion to the *korban pesach* and the *korban chagigah* which preceded it. Interestingly, both "*ha lachma anya*" and *chad gadya* are in Aramaic, and are, in fact, the only parts of the *Haggadah* written in that language of communication between *Klal Yisra'el* and *Hakadosh Boruch Hu*, not understood by the ministering angels. Thus, we envelop our observance of the seder in *golut* with petitions for a renewal of the *korban pesach*.

In addition to its allusions to the *korban pesach*, the mitzvah of *sippur yetzi'at mitzrayim* is centered around another aspect of service in the *Bet Hamikdash*, the *parashah of "arami oved avi"*, which is recited when bringing *bikkurim*. The major portion of the text of the *Haggadah* consists of midrashic explanations of this *parashah*. The reason for this, it seems, is given in the *Haggadah* itself. A list of reasons for which we are obligated to give thanks and praise to *Hakadosh Boruch Hu* is presented, beginning with *yeti'at mitzrayim*, and ending with the building of the *Bet Haikdash* which is to atone for all of our sins. Apparently, then, the bringing of *korbanot* in the *Bet Hamikdash* is viewed as the culmination of the redemption process. For this reason, *sippur yetzi'at mitzrayim* is structured around the declaration of gratitude one makes when bringing *bikkurim*.

The second half of the *Haggadah*, after *birkat hamazon*, turns our direction from the past toward the present and finally the future. This is apparent in the sections of *hallel* which are recited at that time, and especially in *nishmat* (see *Yerushalmi Berachot*, 1-5). After the conclusion of *hallel* and the drinking of the fourth cup of wine, many have the custom of reciting "*chasal siddur pesach*" and concluding with "*leshanah haba'ah biyerushalayim*." Since the *Haggadah* is structured around *korbanot*, which we are, at present, unable to bring, we end this future-directed portion with a request that next year we will be in re-built *Yerushalayim*, able to fulfill the mitzvot in a complete way.

We can now understand why it is appropriate to delay *sefirat ha'omer* until the end of the seder, and how this practice indicates that the mitzvah, today, is *zecher lemikdash*, recalling the *korbanot* which we can no longer bring, but hope to be able to bring in the near future. In many *siddurim*, several paragraphs are printed with the *sefirat ha'omer*, to be recited after the count. However, those *Haggadot* which include the *sefirat ha'omer* print only the one-liner "*harachaman Hu yachzir lanu avodat bet hamikdash bimharah beyamenu*." The *Yesod Veshoresh Ha'avodah* has a longer version of this *tefillah*, adding a request for the restoration of all the *korbanot*. He writes that this *tefillah* contains the primarily element which one should have in mind while fulfilling the mitzvah of *sefirat ha'omer*, and that it is included in the *tikkunim* of the *Ari* for this mitzvah. Thus, *sefirat ha'omer*, at the end of the seder, serves as an additional request for the future redemption and a restoration of the *korbanot*, around which the seder is structured.



ever, *pesach*, *matzah* and *marror* have already been eaten before the *mah nishananah* is said, and the rest of the seder followed. In other words, the seder was structured around the *korban pesach* and the *matzah* and *marror* which accompanied it.

Although, today, we no longer bring the *korban pesach*, the *mah nishananah* retains its original position, before the eating of the *matzah* and *marror*. Actually, in a sense, the seder, even today, is structured around the *korban pesach*. Certain passages which allude to the *korban* were added after the *churban*. "*Ha lachma anya*:" is one such passage. According to the *Rambam* it seems that this passage was added after we went into *golut*. The allusion to the *korban pesach* here is in the phrase, *kol ditzrich yete veyifsach*; whoever is in need should come and partake of the *pesach*. A number of commentators have raised the question, how can someone be invited to partake of the *korban pesach* at night, after the *pesach* has already been offering has already been made? Being that the *pesach* can only be eaten by those included in the count before it was slaughtered, obviously the word "*pesach*" here must be understood in a more general sense, i.e., as referring to the seder and its meal.

R. Akiva Yosef Schlesinger, however, in the *Haggadah Lev Ivri*, writes that the word *yifsach* is used to indicate that, although today, we are able to invite guests to the meal at night, we pray that, next year, we will be in *Yerushalayim*, where we will bring the *korban pesach*, and, therefore, be unable to invite people at such a late hour. The last paragraphs in the

# Does *Mashiach* Have Good *Yichus*?

## Halachic Topics in the Book of Ruth

by Stephen M. Tolany

In his commentary to *Bava Batra* 13b, *Tevu'ot Shor* explains why we customarily read the Book of Ruth on *Shavu'ot*. The Talmud Yerushalmi (*Chagigah* 2:3) states that King David died on *Shavu'ot*, and since God makes each year in the life of a righteous man a complete year, we can conclude that he was also born on *Shavu'ot*. Therefore, on the day of his birth, we recall his ancestry.

"And these are the generations of *Peretz*, *Peretz* begot *Chetzron*. And *Chetzron* begot *Rom*, and *Rom* begot *Aminadav*. And *Aminadav* begot *Nachshon*, and *Nachshon* begot *Salmah*. And *Salmah* begot *Bo'az*, and *Bo'az* begot *Oved*. And *Oved* begot *Yishai*, and *Yishai* begot *David*" (Ruth 4:18-23).

As the *mashiach* will come from a descendant of David, this lineage takes on even greater importance. David may also merit having his ancestry read publicly, since the status of his family was challenged at one point in history.

### Ruth the *Moavi'ah*

The Talmud, in *Yevamot* 76b-77a, mentions a dispute over the propriety of David marrying the daughter of King Saul. *Bo'az*, a direct ancestor of David, had married Ruth, a *Moavi'ah*, and the Torah seems to prohibit *Moavi'im* from marrying Jews even if they convert.

"Neither an Ammoni nor a Moavi shall come into the congregation of God...forever, because they did not meet you with bread and water..." (*Devarim* 23:4-5).

It follows that the descendants of such a marriage would also be considered *Moavi'im*, and be forbidden to marry into the Jewish people. Thus, David's status was in question.

The controversy revolved around whether the Torah extended this prohibition to females from the nation of *Mo'av*, or only to males. On this point, the *mishnah* (ibid.) clearly rules that although the males are prohibited from marrying Jews -- no matter how many generations it has been since they converted -- the females may marry immediately after conversion.

Nevertheless, the *gemara* records the following story. After David had slain Goliath, and became slated to marry the daughter of the king, *Doeg Ha'edomi* said to King Saul, "Before you check if he [David] is fit for royalty, check if he can marry into the Jewish people at all, since he is descended from Ruth the *Moavi'ah*."

*Avner* responded in defense of David, "We know from a *mishnah*: An Ammoni, but not an Ammoni'ah; a Moavi, but not a Moavi'ah." *Avner's* argument seemed to be that the Scriptural verse was worded in the masculine, designed to objectively exclude females from the ban.

*Doeg* was not convinced, citing that, according to *Avner's* reasoning, we must read the verse that bans the Egyptian people in consistent fashion, since it is written in the masculine: "a *Mitzri*, but not a *Mitzri'ah*." Therefore, female Egyptians must be allowed to marry into the congregation, something that is definitely not true.

Apparently, *Avner* could not prove that *Doeg's* example was the exception to a rule of biblical exegesis, so he selected a new line of reasoning, asserting that the females were excluded based on the rationale presented in the *pasuk*. The Torah states that the

*Moavi'im* were banned since "they did not meet you with water." For reasons of modesty, the females would not have been expected to travel to meet the Jews with provisions; therefore, they were not included in the prohibition.

*Doeg* still did not yield, claiming that modesty would not have prevented the women of *Mo'av* and *Ammon* from bringing provisions to at least the Jewish women. On this point, *Avner* had no response. Although those in the *Bet Midrash* took the same position as *Avner*, they too could not address *Doeg's* points. *Amasa*, son of *Yisra* stepped in on the side of *Avner*, declaring that he had received a tradition going back to the prophet Samuel that we interpret the verse as *Avner* had done at first: "An Ammoni, but not an Ammoni'ah, a Moavi, but not a Moavi'ah." *Amasa* threatened to stab anyone who disagreed with this interpretation, and at this point the story ends.

The rabbis of the Talmud point out how the last problem should have been resolved: the modesty expected of women is such that the *Moavi'ot* were not even expected to go out to meet the Jewish women. One of the possible sources quoted is the famous dictum, "All the glory of the King's daughter is within" (*Psalms* 45:14).

The *gemara* continues with a debate between two *tannaim*. Rabbi Yehudah maintains that the prohibition excludes the females of *Mo'av* and *Ammon* because of the wording of the verse, as *Avner* originally argued. Rabbi Shimon uses *Avner's* later reasoning, that the reason for the ban never applied to the women.

The *Tosefot* (ibid.) puzzle over the opinion of Rabbi Yehudah: Didn't *Avner* try that approach already, only to abandon it after *Doeg* disproved him? What would Rabbi Yehudah say about the apparent problem with the female Egyptian?

*Maharsha*, Rabbi Shmuel Eliezer Halevi (*Chidushei Agadot Yevamot* 77a), explains that the reading, "An Ammoni, but not an Ammoni'ah, a Moavi, but not a Moavi'ah," most likely falls into the category of "halachah lemoshe misinai," a law transmitted orally from Mount Sinai that cannot be derived readily from the relevant Scriptural texts. *Maharsha* points out that this approach is implied by the statement of *Amasa*, son of *Yisra*.

### *Bo'az* the Judge

Regardless of the previous point, *Maharsha* identifies a much more fundamental problem in the story of *Doeg*, *Avner*, and *Amasa*. The rabbis of the Talmud identify *Bo'az* as *Ivtzan*, one of the Judges, and a leader of the Jewish people for seven years (*Judges* 12:8-9). *Bo'az* not only married a female of *Mo'av*, Ruth, but married her in front of ten elders of the city. (Ruth 4:2) (The Talmud states (*Ketuvot* 6b) that *Bo'az* gathered the elders to establish the propri-

ety of his action.) The public marriage of *Bo'az*, a Torah scholar of unquestionable character, to Ruth should, *ipso facto*, prove that the ban does not include females of *Mo'av*. How could *Doeg* possibly argue otherwise; how could this question even arise?

Moreover, when *Bo'az* offered Ruth to one closer of kin, the *go'el*, he refused her, stating, "...I cannot redeem her for myself, for I may destroy my inheritance..." (Ruth 4:6) *Rashi* on that verse explains that

the *go'el* wanted to avoid a blemish in his descendants, caused by marrying a female of *Mo'av*. How could the *go'el* stand before *Bo'az*, a Judge in his generation, and doubt his halakhic ruling in public? Furthermore, why was the *go'el* worried merely about the status of his descendants? Shouldn't he have been concerned about a much more basic matter, about transgressing a Torah prohibition each time he cohab-

ited with Ruth?

The *Maharsha* bases his solution to these problems on the following concepts. When a man dies without children, the Torah gives his paternal brother the option of marrying the widow through a levirate marriage. The hope is that a child will be born from the union and stand as a memory for the deceased. Although the Torah applied this mitzvah to the paternal brother exclusively, other male relatives once performed levirate marriages (see *Ramban*, *Parshat Vayeshev*). Perhaps *Bo'az* married Ruth in a halakhic levirate marriage.

Many of the early portions of the *Masechet Yevamot* discuss the idea of "ase docheh lo ta'ase" (a "do" knocks off a "do not"), which mandates that one should perform a positive commandment even if doing so will violate a negative commandment (as long as that negative commandment is one merely punishable by *malkot*, and not  *karet*.) It follows that *Bo'az* would have been permitted to marry Ruth, even if females of *Mo'av* were banned, since the positive commandment of the levirate marriage would have overridden the negative commandment of marrying into *Mo'av*. Nevertheless, the couple would have had to separate after one cohabitation, since one cohabitation would have been sufficient to completely fulfill the mitzvah of the levirate marriage, and then the prohibition would have reestablished itself.

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# The Golan: A Halachic Perspective

## The Golan and the Boundaries of the B'rit Ben Habetarim

The Torah first specifies the borders of *Eretz Yisra'el* in *Sefer Bereshit* (15:18-21). At the *b'rit ben habetarim*, God told *Avraham*, "I have given this land, from the river of *Mitzrayim* to the great river, the river of *Perat*." Specifically, the lands of the ten peoples indigenous to the land, including the *Refa'im*, were promised to *Bene Yisra'el*.

In *Sefer Devarim*, the Torah clarifies what is meant by the *Eretz Refa'im* included in this *b'rit*. God told *Bene Yisra'el* as they travelled through *Midbar Mo'av*, opposite the nation of *Ammon*, and the lands of *Sichon* and *Og* (i.e. the *Golan*) that these lands were "also considered the land of *Refa'im*" (*Devarim* 2:20) and that "and all of *Gil'ad*, and all *Bashan* as far as *Salchah* and *Edrei*, cities of the kingdom of *Og* in *Bashan*... was called the region of *Refa'im*" (*Devarim* 3:10-13). *Rashi* notes that this refers to the land which was given to *Avraham*.

We may also conclude from various statements of the *Ramban* that this area is part of *Eretz Yisra'el*. He writes that the entire area of the *Bashan*, which includes the *Golan*, as well as the Trans-Jordan lands of *Re'uvon*, *Gad*, *Amon*, *Moav*, and *Edom*, are all part of *Eretz Refa'im* and fall within the boundaries of the *b'rit ben habetarim*. The *Ramban* also asserts that "the land of *Sichon* was the inheritance of Israel" (*Bamidbar* 21:21) and that it is included in the boundaries of *Eretz Yisra'el*. Interestingly, there is a very clear command from God to inherit the *Bashan* (*Bamidbar* 21:35), and the *Ramban* notes that from this point the conquest of the seven nations (which is only obligatory in *Eretz Yisra'el*) begins. He explains that *Eretz Refa'im* (the *Golan*) is included in the "*Eretz Chivi*" listed among the seven nations. Similarly regarding the lands of *Og*, King of *Bashan*, the Torah says "into your hand I have given him and his land" and the *Ramban* stresses "that the land and inheritance of *Sichon* and *Og*, King of the *Bashan*, belongs to Israel (*Bamidbar* 34:23). Therefore, the *Ramban* clearly maintains that Trans-Jordan which includes the *Golan* - From *Nachal Arnon* until *Har Hachermom* (*Devarim* 3:8) is the inheritance of Israel.

Similarly, the *Chazon Yechezkel* on the *Tosefta* writes "the lands of *Sichon* and *Og*, the two kings of *Emori* in Trans-Jordan on the eastern side, is an inheritance to us from our forefathers like the land of *Canaan* on the western side of the *Jordan*."

Furthermore, in the *Halle Hagadol* we acknowledge the miracle of the conquest of our inheritance, the lands of *Sichon* and *Og*.

## The Golan and Kibbush Rabbim

The *Ramban* (*Hilchot Terumot* chapter 1) states that "anywhere *Eretz Yisra'el* is mentioned, it is referring to those lands which were conquered by a king of Israel or a Prophet with the knowledge of all of Israel, and this is called *kibbush rabbim*." The *Or Hachayim* cites this *Ramban* in his explanation of the verse "The land which the Almighty conquered before the *Bene Yisra'el*" (*Bamidbar* 32:3) and explains, "this land has *kedushat ha'aretz* because it was conquered before all of Israel and something conquered by the entire nation (*kibbush rabbim*) is considered like *Eretz Yisra'el* for all matters including *mitzvot hateluyot ba'aretz*."

The *Golan* was conquered during the original conquest of Israel (*kibbush 'ole Mitzrayim*) through a *kibbush rabbim* before all of Israel. The *Ramban* (*Terumot* 1:17) explains that *Hor HaHar*, which is mentioned in *Parashat Mass'e* as the boundary of *kibbush 'ole Mitzrayim*, is *Har HaBanias* and any-

thing from this point eastward is considered *Eretz Yisra'el*. The *Rishonim* (see *Rashi-Gittin* 8) place *Hor HaHar / Har Habanias* as the north-western border located on the Mediterranean coast, in the city called *Banias* (150 KM north of *Beirut*) which is far north of the *Golan*. The verse "and you shall mark your frontier at *Hor HaHar*" (*Bamidbar* 34:7), therefore, includes the *Golan* in *kibbush 'ole Mitzrayim* and consequently within the boundaries of *Eretz Yisra'el*.

Some confusion in determining the borders of the *kibbush 'ole Mitzrayim*, however, arises from the *Ramban*, who cites *Acco* and *Ashkelon* as the Northern and Southern boundaries of *Eretz Yisra'el*. The *Ramban* (*Hilchot Terumot* 1:7) writes, concerning the boundaries of *'ole Mitzrayim*, that "going [north] from *Acco* to *Achziv* all the land on the right to the east of the way is *bechezkat chutz la'aretz* and it is *tam'e* because of *Eretz Ha'amim*, it is exempt from *ma'aser* and *shevi'it* unless you know a specific area is *Eretz Yisra'el*." The coastal strip itself, however, is not *Eretz Ha'amim* and it is *Eretz Yisra'el*. The text of the *Ramban*, similar to that of the *gemara* (*Gittin* 7b) would exclude not only the *Golan* but the *Galil* as well from the status of *Eretz Yisra'el*. This reading is problematic because a straight line drawn east from *Acco* and *Ashkelon*, the cities the *Ramban* cites as the northern and southern boundaries, would exclude the *Galil*, the *Negev* and even *Chevron*, from *Eretz Yisra'el*. This *Ramban*, therefore, cannot be taken at face value for *kibbush 'olay Mitzrayim* was from the *Galil* to the *Negev* (from *Dan* to *Be'er Sheva*). *Acco* and *Ashkelon* are only northern and southern markers along the coast, the borders for the interior of the land widen further northward and southward. The *Chazon Ish* (*Shivi'it* 3:26) negates the simple interpretation of the *Ramban* where he says "it is impossible that the borders are a straight line in the North and in the South but there are areas which extend outward". The eastern border includes the rivers *Tarchon*, *Yabbuk*, and *Cheshbon*, indicating the entire Trans-Jordan/*Golan* area.

Furthermore, the *Hagahot Hagra* on *Gittin* amends the text of the *Ramban* to match it with the text of the *Yerushalmi* (*Shevi'it* 6:1). What emerges from that text is the exact opposite - only the coastal strip between *Acco* and *Achziv* is *chutz la'aretz*, but the land to the east (the *Galil* and *Golan*) is *Eretz Yisra'el*.

This *girs*a of the *Yerushalmi/Hagahot Gra*, which maintains that the interior of the land north of *Acco* is obligated in *Shevi'it* (i.e. and is part of *Eretz Yisra'el*), seems more sensible, being that even the *Ramban* (*Hilchot Terumot* 1:8) writes that east of the *Acco-Achziv* line was conquered by *'ole Bavel* (the second conquest during the time of *Ezra*, known as *kedushat sheniyyah*, which is what obligates us in *mitzvot hateluyot ba'aretz*). And in fact the *Tosefta Yom Tov* (*Shevi'it* 6:1) writes that he saw a manuscript of the *Ramban* which read like the *Yerushalmi* and includes the *Galil* and the *Golan* within the boundaries of *Eretz Yisra'el*.

These borders seem to be accepted by the *Rishonim* (*Gittin* 2a) and it is likely that this is what the *Ramban* intended as well. What emerges, therefore, is that the *Golan* falls within the boundaries of *Eretz Yisra'el*, as the *Yerushalmi* (*Demai* chapter 2) states "that the Jewish cities in the area of *Suseita* [which is in the *Golan*]; *Chispin*, *Nov*, and *Kefar Cheruv* are obligated in *shevi'it*."

It was also clear to *R. Menachem Zamba* that the Trans-Jordan and *Golan* are part of *Eretz Yisra'el*. He writes "the land of *Sichon* and *Og* is itself *Eretz Yisra'el*. Trans-Jordan does not have the status of *chutz la'aretz*, for it was conquered, rather it has the status of *Eretz Yisra'el* itself."

by Zev  
Frankel

**Kedushat Hamitzvot vs. Segulat Ha'aretz**

It is interesting, however, that a number of sources do seem to indicate that the kedushah of the Golan is not equal to that of the rest of Eretz Yisra'el.

The Golan, like Trans-Jordan, is not included in the designation of "Eretz Yisra'el hameyuchedet vehanevcheret." Torat Cohanim (Metzor a Parasha 5), regarding the verse "ki tavou el ha'aretz," explains that "el ha'aretz" excludes Trans-Jordan which is not ha'aretz hameyuchedet.

Secondly, the Golan, like Trans-Jordan, is referred to as *eretz temeah*. "Va'ach im temeah eretz achuzaschem ivru lachem el eretz achuzas Hashem" (Yehoshu'a 22:19).

Thirdly, the Sifri cites Rabbi Yehuda regarding the verse "HaHar HaTov HaZe" who says that Eretz Cana'an is *tohav* and *nachalat Gad V'Reuven* (Trans-Jordan) is not *tohav*.

And finally, the Golan, like Trans-Jordan, is not fit for a *Bet Hashechinah*. Sifre Zeuta (Parashat Naso) explains that Eretz Cana'an is holier than Trans-Jordan because it is fit to house the Shechinah whereas Trans-Jordan is not fit.

For these reasons, the Tashbetz (Chelek 3 Inyin Resh) concludes that while both sides of the Jordan share an equivalent status of *kedushat hamitzvot*, the Eastern side lacks an equivalent *kedushat Shechinah* found on the Western side.

This Tashbetz, therefore, establishes that the Trans-Jordan is a part of Eretz Yisra'el, albeit not on an identical level of *kedushah* as the western side (see *mishnah Kelim* chapter 1 for a list of the ten levels of *kedushah* in Eretz Yisra'el). The Tashbetz equates Trans-Jordan to Eretz Yisra'el for all matters relevant to *mitzvot ha'teluyot ba'aretz*. He cites the *gemara* towards the end of *Ketubot* which states that the Trans-Jordan, Yehudah and Galil all have the status of Eretz Yisra'el regarding *hakol ma'alim la'aretz* and the injunction not to go from these lands to *chutz la'aretz*. This indicates that these three lands, Trans-Jordan included, are all in the same category regarding *mitzvot hateluyot ba'aretz*.

Furthermore, the *gemara* in *Pesachim* (52b) states that these three areas are obligated in *shevi'it*, as they are obligated in all laws related to *chovot karka*. Similarly, the obligation of *yishuv Eretz Yisra'el* applies in the Golan just as *chovot karka* do.

Therefore, the Tashbetz (3:198) makes a clear distinction between *kedusha Shechinah* and *kedushat mitzvot*; although the Trans-Jordan does not have the comparable *segulat ha'aretz* found on the Western side of the Jordan, the lands of *Sichon* and *Og* are equated with Eretz Yisra'el in their *kedushat mitzvot*, which includes the obligation of *yishuv ha'aretz*.

Even the Ramban, who explains the verse "v'ach im temeah eretz achuzatechem" (Yehoshu'a 22:19) to mean that this area is not fit for the Shechinah to reside in, sees Trans-Jordan, though not Eretz achuzat Hashem (the place God's dwelling), as a part of Eretz Yisra'el Hamekudeshet (as it is part of Eretz Refa'im, see above). Furthermore the Radak explains that where it says Eretz Temeah it means specifically "be'enehem", the way it was perceived; that only in the eyes of Reuven and Gad was Trans-Jordan perceived as an Eretz temeah (and therefore they felt they

had to build a *mizbeach* to offset this). However, in actuality, it was *tehorah* and part of Eretz Yisra'el proper. Furthermore, the prophets Elijah and Elisha received prophecies in the Gilad and Bashan, and *nevu'ah* is only experienced in Eretz Yisra'el. This further proves the Golan's status as being a part of Eretz Yisra'el.

**Bikkurim**

The Golan, like the Trans-Jordan, is not designated as Eretz zavot *chalav udevash* by the Torah; the Ramban (Shemot 13:1) explains that *eret zavot chalav udevash* refers to the land of the five nations on the western side and not the remaining two on the eastern side (Chivi and Rephaim in the Trans-Jordan/

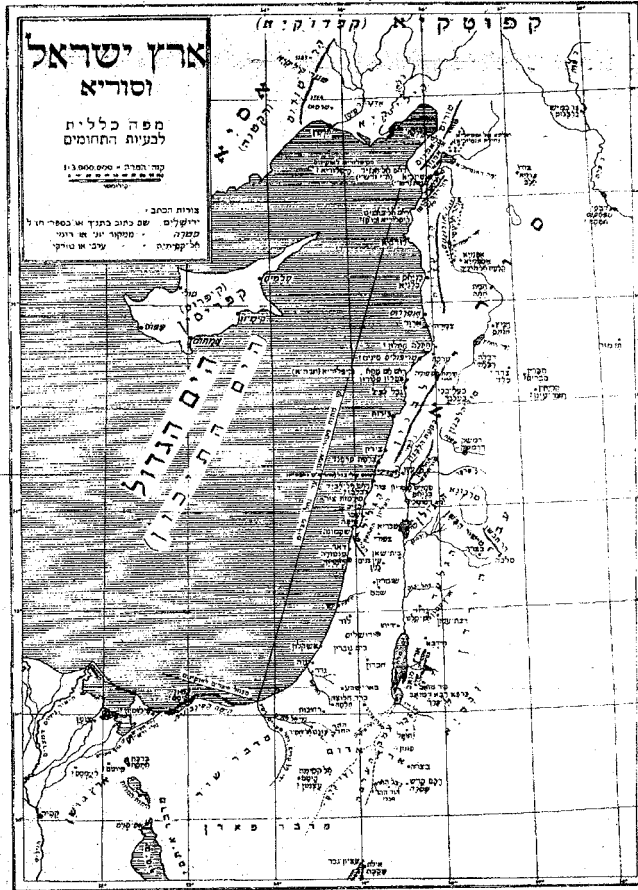
is a minority opinion, not accepted as *halachah*.

The Sifri, however, differentiates between the Golan in the north and southern Trans-Jordan, and maintains that only places where "asher natata li" (which You have given to me) cannot be said, such as the land settled by Shevet Gad and Re'uvan (Trans-Jordan), are exempt from *bikkurim*. The land of *chatzi shevet Menashe* (the *Bashan/Golan*) however is obligated in *bikkurim* because "asher natata li" can be recited (as it was not conquered at the time of *kibbush ha'aretz* as were the lands of Gad and Re'uvan, rather its *kedushah* preceded the *kibbush*). As the student of R. Saadia Gaon explained, "the debate with Moshe concerning land across the Jordan was with Re'uvan and Gad only (in reference to southern-Trans-Jordan), and not with Menasheh (in the Golan) as it says in the Yerushalmi (*Bikkurim* 1:8) 'chatzi shevet Menasheh lo natlu me'atzman' - the land of Menasheh was not part of the new *kibbush* but rather had been an inheritance from the time of Ya'akov, and in the time of Moshe the tribe of Menasheh were given permission to go and take their fathers' property (*tefusat avihem*)" (*Divre Hayamim* pg.21). The land of Menasheh (the Golan), therefore, is that which was part of the land promised at the *berit avot*; "asher natata li" may be recited, and consequently *bikkurim* may be brought from there.

Trans-Jordan and the Golan are obligated in other *mitzvot hateluyot ba'aretz* as well which further implies that the Golan does have the status of Eretz Yisra'el. The *mishnah* (*Shevi'it* 9:2) equates Trans-Jordan with Yehuda and the Galil regarding the Biblical obligation of *Shevi'it*. The *Chazon Ish* (*Shevi'it* 3:25) writes that "Trans-Jordan is like Eretz Yisra'el *min Hatorah* for all things... and this is the law: *Yovel* and *Shevi'it* apply there *min haTorah*."

Furthermore, Rav Kook, in the introduction to his treatise on *shemitah*, *Shabat Ha'aretz*, wrote concerning the connection between *chiyuv mitzvot* and *kedushat ha'aretz / mitzvot yishuv ha'aretz* that even if the *kedushah* in which relates to *mitzvot* (*terumot* and *ma'aserot*) was undermined because the inhabitants went into exile, it still "remains in its *kedushah* regarding the Biblical obligation to settle the land and to dwell in it."

In conclusion, it seems clear that the Golan is part of Eretz Yisra'el either because it falls within the boundaries that were promised to Avraham, or because it was conquered in the time of Moshe. The Golan has *kedushat hamitzvot* and the obligation to settle the land, and all other related *mitzvot*, apply.



Golan area). Similarly the Sifri Debe Rav (Parshat Ki Tavo 301), regarding *bikkurim*, states that the verse "...a land which is zavot *chalav udevash*" refers only to the land of the five nations (on the western side).

This raises the question as to whether *bikkurim* are brought from the Golan, and consequently whether the Golan has the status of Eretz Yisra'el. The Talmud Yerushalmi (*Bikkurim* 1:8) explains that according to Rav Yossi Hagalilli, *bikkurim* are not brought in circumstances in which "Eretz zavot *chalav udevash*" does not apply; which would exclude the Trans-Jordan and the Golan from *bikkurim*. This opinion is not necessarily an indication as to the level of the *kedushah* in the Golan with reference to *mitzvot hateluyot ba'aretz*. Rav Yossi Haglili seems to be specifically referring to the obligation of *bikkurim* because the fruits brought for *bikkurim* must be from the best, i.e. those parts of Eretz Yisra'el which are *zavot chalav udevash*. Furthermore, R. Yossi Hagalili

## The Fallacies of Fanaticism

by Rabbi Yosef Blau - *Mashgiach Ruchani*

he contrasting reactions to the massacre of Arabs praying in the mosque at the *Me'arat Hamachpelah* on Purim morning reflect fundamental differences on Judaism's attitude toward non-Jews, toward the land and State of Israel, and on what constitutes a *chillul Hashem*. Remarkably, the clear thrust in Israel of rabbinic opinion, irrespective of opposing attitudes to the peace accords, was to condemn the murders in the strongest of terms, emphasizing the *chillul Hashem* as well as the prohibition of killing applying to non-Jews. In America, many rabbis; while not justifying Baruch Goldstein's action, could understand it and saw mitigating circumstances. A advertisement by students which supported the condemnation by the Israeli rabbinate, deplored the lack of Arab condemnation of Arab terrorism and protested bias in the media against the settlers, almost did not appear because of rabbinic opposition.

In 1982 the Rav zt"l, who usually avoided involvement in the internal affairs of Israel, pressured the Begin government to set up the Kahan Inquiry to investigate possible Israeli complicity in the massacre in Sabra and Shatila of Arabs by Arabs. He was aware of the world's double standard and that only Jews and not the Christian-Lebanese Arabs would be blamed, but felt that our internal moral responsibility was not reduced by the unfairness of others. I am distressed that our moral sense has eroded during the past decade to the point where a Jew's massacring of Arabs is to be understood, and the view of those who supported his actions is accepted as a legitimate halachic approach.

The Rambam (*Hilchot Rotzeach Ushemirat Nefesh* 1:1) clearly defines the prohibition of murdering as applying to any human being even as the death penalty is applied only to the killing of a Jew (2:1). The *Meshech Chochmah* suggests that the death penalty is insufficient because of the *chillul Hashem* caused. When *Yehoshu'a* conquered the land of Israel, in a pagan world surrounded by enemies, he kept a covenant with the *Giv'onim* who had misled him, because of *chillul Hashem*. Clearly the agreement wasn't legally

binding because of their deception, yet it was kept permanently lest the nations think that Jews do not keep commitments (*Gittin* 46a).

Discussing the famine during the time of David, chapter 21 in Samuel II declares the cause of the complaint of the *Giv'onim* against King Sha'ul. They accused him of killing their people which the *gemara* (*Yevamot* 78b, 79a) explains refers to *Nob*, the city of priests which provided food for them. Because of *chillul Hashem* David gave them seven descendants of Sha'ul to hang, clearly against *halachah*, and Rav Yehoshua justifies David's actions because of how the nations will interpret the Israelites treatment of the *Giv'onim*. Again, the concern is for the pagans of his era — no monotheists, no democracies.

According to *Tosafot* (*Bava Metzi'a* 87b), even according to the view that theft from a non-Jew is permitted and in a situation where the Jews control the non-Jewish society, the Torah requires an accurate payment to the pagan owner of a Jewish slave to redeem him, because of *chilul Hashem*. Since the pagan bought the Jew in good faith, saving the Jew without full payment is automatically considered *chillul Hashem*.

Attempts to declare all Palestinian Arabs *Amalek* or *roddim* simply make no sense. Never in *Tanach* are the neighboring nations in conflict with Israel considered as such. The use of the rules of war brings to focus another critical point. Governments declare war, not private people. The legitimacy of the state of Israel and its ability to conduct war and peace should not be questioned. Aside from the anarchy that would result if individual Jews would not feel bound by Governmental decisions, the weight of halachic opinion clearly gives the government as least as much legitimacy as non-Jewish governments. Opposition to governmental policies has to be conducted within the framework of the democratic process. It is absurd to vote in elections and then accept governmental decisions only when they correspond to our judgements. We would never accept people with opposite view ignoring the laws we favor.

The tragedy of the Holocaust has affected our psyche and the Jew properly rejects powerlessness and applauds Jewish self defense. That is why we

needed the state of Israel. But we never glorify power. *Chazal* centered *Chanukah* on the miracle of the oil and not on the remarkable military victories. It is incredible that the secular Israeli Jew who seemed to epitomize "my strength and the power of my hands" is searching for a way to make peace and the religious Jew often opposes not only a particular peace accord, but the very notion of any peace with our Arab neighbors. If the *mitzvah* of settling the land is seen as an absolute, and if inflaming feelings of hostility is therefore irrelevant, and if Arabs are viewed as uniformly enemies of the Jewish people, then settling in the middle of an Arab city such as Hebron as a pure act of *mesirut nefesh*. Any effect of increasing hostility or endangering the broader community of settlements is dismissed. The presumption is that gentle anti-Jewish animus, particularly from the Arabs, is absolute and not affected by any actions on our part. A position that was never taken in Jewish history and does not reflect Jewish experience in living for over a thousand years in Moslem countries, has been adopted as



Dr. Baruch Goldstein

a given.

If we accept this radical shift in our attitude to non-Jews and to power, especially the right of the individual to act on his instincts against the policies and laws of the Israeli government, we become silent partners in the destruction of any civilized society in Israel, encourage civil war between Jews and allow a tragic *chillul Hashem* to occur.

Reacting to a world that constantly applies a double standard against Israel and a Jewish society engaged in Orthodox bashing, we tend to automatically defend. While that is appropriate in responding externally, it does not lessen our obligation to examine ourselves. Judaism demands from us a higher morality. "Not by my might and not by my strength, but by My spirit, said the Lord of hosts" (*Zechariah* 4:6).

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