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Bigdeh Shesh

*The collected writings of
Rabbi Yosef Gavriel Bechhofer*

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Essays on Hashkafah

Facing the *Machashavah* Challenge

Book review of “Facing Current Challenges: Essays on Judaism” by Rabbi Dr. Yehuda (Leo) Levi, Jerusalem, 1998

I once asked the principal of a yeshiva high school why the standard curriculum does not include the study of Jewish thought - excerpts from the *Kuzari*, *Derech Hashem*, *Michtav Mei'Eliyahu* - anything? He answered me quite candidly, saying that the study of such works and issues would likely provoke students to raise significant questions, and there was a real concern that the teachers would not be equipped to answer the questions satisfactorily. Better, he contended, not to raise questions in students' minds than to raise questions that would remain unanswered.

While we may be disappointed with the principal's response, we cannot deny the reality of his concern. A standard yeshiva education generally does not equip a teacher with familiarity - let alone mastery - of Jewish thought. Systematic study of the "great works" (such as those cited above) is a rarity. Often, the sum total of a yeshiva alumnus' exposure to *Mussar* or *machashavah* is the collective wisdom contained in whatever *shmuessen* or *sichot* he has haphazardly attended over the years.¹

¹ Although beyond the scope of this review, there was a fascinating correspondence and debate between Rabbi Yitzchak Isaac Halevi, the renowned historian, and Rabbi Avraham Yitzchak HaKohen Kook, in 1908, concerning the advisability of the incorporation of the study of *machashavah* in the curriculum of a new yeshiva that Rav Kook intended to found in Jaffa. Rabbi Halevi was stridently opposed to any adulteration of the "traditional" *Shas* and *Poskim* based course of studies, while Rav Kook felt that the times made an expanded focus essential. See *Igros R' Yitzchak Isaac Halevi* 80-80a and *Igros HaRa'ayah* 1:146 and 149.

So, indeed, if the educator is not educated, how can he or she educate others? On the other hand, can we consider a yeshiva alumnus adequately equipped to face the challenges of life *without* a solid grounding in Jewish thought? Situations pose questions, experiences pose questions, others pose questions to us - and, sooner or later, we may well pose questions to ourselves. How can one be a fully functioning *Oved Hashem* without a solid grounding in Jewish thought? Indeed, it is the pursuit of such grounding that the *Mesillas Yesharim* demands of us when he opens his work with those immortal words: *Yesod ha'chassidus v'shoresh ha'avodah ha'temimah she'yisbarer v'yisames eitzel he'adam mah chovaso b'olamo* - the foundation of piety and the root of complete [divine] service is that it should become clear and [understood as] true to an individual what his responsibility is in his world.

Clearly, both teacher and student need a curriculum. Prof. Yehuda (Leo) Levi's book, *Facing Current Challenges* provides just such a curriculum. Rabbi Dr. Levi is ideally, perhaps uniquely, suited to provide a framework for thoughtful analysis of the great issues that a Jew faces in the world in which *Hashem* has placed us. Heir to the *Torah im Derech Eretz* traditions of his German-Jewish forbears, educated to the profound approach to *both* Talmud and Jewish thought that was the hallmark of Rabbi Yitzchok Hutner *zt"l's* Mesivta Rabbi Chaim Berlin, and an accomplished scientist and academician as well, his works possess a remarkable scope of breadth and depth. (I personally make extensive and constant use of his wonderful works on the times of day in Halacha and on *Talmud Yerushalmi*.)

Prof. Levi has taught for many years, also serving for some time as rector, at the Jerusalem College of Technology, popularly known as Machon Lev. *Facing Current Challenges* consists of lectures that the author gave to students at Machon Lev. Prof. Levi obviously did a great deal of research and prepared extensively for each of these

lectures, as they are all rich in varied sources and extensively footnoted.

Other important compilations of Jewish thought² that are helpful in learning and teaching perspectives consist of excerpted material from classic sources or summations with extensive references. *Facing Current Challenges*, however, preserves the flavor of the lectures that served as its basis. This format allows the inquiring reader to follow Prof. Levi's logical and methodical development of each piece's theme.³

Occasionally, a nugget of information is so novel an idea that you momentarily doubt the author is being accurate, but there is an endnote, and you look to the back of the book and find, lo and behold, the precise reference for the statement. For example, upon reading (p. 225) that the *Chazon Ish* *zt"l* said: "History and world events do much to instruct the wise man on his way, and on the basis of the chronicles of the past he establishes the foundation of his wisdom" - a statement that we might not quite expect to find emanating from the *Chazon Ish* - we might want to double check the source - readily given in the endnote (*Emunah u'Bitachon* 1:8).

More often, however, a reader will read straight through an essay, and come out the wiser, educated in a broad array of issues, from: "Zionism: A Torah Perspective" and "Kahanism" to "Organ Transplants" and "Ecological Problems." The gamut of issues spanned by Prof. Levi in

² Including Rabbi Shaul Yisraeli's *Perakim b'Machasheves Yisrael* and Rabbi Aryeh Kaplan's *Handbook of Jewish Thought*. I shall return to the differences between these works below.

³ There is a slight, yet perceptible, stiltedness in the flow of the language that, I believe, is explained by the fact that *Facing Current Challenges* is translated from the Hebrew version of the book (which bears the *haskomos* of Rabbi Ovadia Yosef and Rabbi Zalman Nechemiah Goldberg).

this work is, indeed, vast: issues concerning the land of Israel and the state; the relationship between Jews and gentiles; family issues and issues surrounding sexuality; the interface of Torah, medicine and science; the role of Agadah and Kabbalah in Judaism - and more.

It will be evident to any reader that Prof. Levi believes that the perspectives he presents are *the* authentic views of *Chazal*, the *Rishonim* and great *Acharonim*. To be sure, he admits that there are other views, but explains - respectfully and politely - why those views do not reflect the mainstream Jewish thought of the ages. Not surprisingly, Prof. Levi's views are closely aligned with Hirschian *Torah im Derech Eretz*, influenced by his experience in the Lithuanian yeshiva world and by his training as a scientist.

For example, in the second essay (in a series of three essays), on Zionism, Prof. Levi first inquires (p. 9):

What is Zionism? Some define Zionism as a love of Zion - on first sight quite a reasonable definition. It does not, however, fit the normal use of the word. If love of Zion made one a Zionist, the extreme anti-Zionist Neturei Karta, who loved Zion to the point that they refused to leave Jerusalem even during the War of Independence, would be the greatest Zionists of all. Few, however, would classify them as such. It follows that this is not the accepted use of the word.

Prof. Levi then establishes the link between "Zionism" to nationalism. Prof. Levi explores the topic of nationalism at length in the previous essay. As he noted there (p. 7):

Nationalism, in general, is evil because it turns the nation into an end in itself. Judaism, however, is different; it has a higher purpose - to

bring redemption to the world and actually rid it of nationalism. The nationalism called for by the Torah - Torah nationalism - is secondary. While the Torah confirms the importance of Jewish nationhood, it values it not for its own sake, but because of Israel's exalted mission.

Secular Zionism, on the other hand, in a resolution adopted at the tenth Zionist congress (Basel, 1911) divorced itself from Torah, proclaiming: "Zionism has nothing to do with religion." It is, therefore, a nationalism that is not rooted in Torah. What then, is religious Zionism? Is the term an oxymoron? Prof. Levi continues (p. 10):

What about religious Zionism? There are many views as to what it signifies. Based on the simple meaning of the words, it is Zionism... that favors religion and sees in it an important supplement to Zionism. It follows that the religious Zionist will wish to strengthen religion in the nation, because he sees this as being of benefit, even great benefit, to the nation. Even so, as long as he is a Zionist according to the meaning of the term as analyzed above, he will view the nation as the supreme value.

After noting the incompatibility of this stance with Torah-true Judaism, Prof. Levi writes (p. 11):

In the religious Zionist camp there are also many who view the Torah, rather than the nation, as the supreme value. When they see themselves as Zionists, they use the term Zionism to mean something entirely different from the accepted meaning. Such usage turns the term into an obstruction to effective communication; beyond this, it may compromise the clarity of thought of those who use it.

Prof. Levi surmises that this need for clarity led Rabbi Joseph B. Soloveitchik to say (p. 12):

"We do not believe in 'Zionism plus religion' or 'religious Zionism.' For us there is only one special noun - Torah."

Prof. Levi then surveys the ramifications of the inherent contradiction between Zionism and Torah, such as the correct attitudes towards the "heroes" of secular Zionism, separation from the World Zionist Organization, the relationship between religious Zionists and religious anti-Zionists, and concludes (p. 14):

I believe every Torah-true Jew must take pains to free himself of these errors. Then, he will no longer be a Zionist - not a general Zionist, nor even a religious Zionist. He will be a lover of Israel, of the Land of Israel, even an excellent citizen of the state of Israel. He will be engaged in the state's advancement and in straightening its path, involved with its economy and politics, and will take pains to awaken it to its purpose. A "Zionist" however, he will not be."

These assertions, of course, will not sit well with those who identify themselves with Religious Zionism on the one hand; nor with those who reject engagement "in the state's advancement" on the other. But the book's greatest strength is precisely that "irritation" it will accomplish - in challenging the preconceived positions of the reader.⁴ Prof. Levi did not make that statement in a declarative,

⁴ It is worthwhile remembering that a pearl is formed in response to an irritation. An oyster secretes a thing of beauty around a piece of sand that irritates it! Often, it is irritation that gets us thinking - and producing "pearls of wisdom." The irritation that challenges enough to provoke thought and thinking should be the hallmark of good *machashavah* education.

bombastic fashion. In the course of the three essays in which he formulates his perspective on the Land, state and society of Israel and He carefully musters evidence, like the good scientist that he is, from Rabbi Avraham Yitzchak HaKohen Kook to Rabbi Yosef Chaim Sonnefeld; from Rabbi Moshe Avigdor Amiel to Rabbi Eliyahu Meir Bloch - and from *Achad Ha'am* - to prove his thesis. While you may very much want to disagree with Prof. Levi, you will have to do a lot of thinking and careful consideration in order to do so. In thus "facing current challenges" Prof. Levi challenges the reader.

Similarly, Prof. Levi's treatment of secular studies will certainly provoke those who feel that they should be afforded less significance and those who feel they should be accorded greater weight. Again, his conclusion in one of a series of essays on the topic may be controversial (p. 221):

To sum up our findings on the Torah's attitude toward secular studies, we must first be aware that a simplistic approach will not suffice. We cannot dispose of the whole issue with a simple "yes" or "no;" instead, we must ascertain precisely what is in question in each case. Generally speaking, the Torah's attitude toward the study of natural science is definitely positive. On the other hand it is negative, or at least reserved, toward study of the humanities based on non-Torah sources. As we have seen, this distinction is based on the difference in the methods used to formulate principles in these disciplines: whereas man was given senses to help him reveal the laws of nature and to test his findings, he has no equivalent faculty enabling him to test his conclusions in the area of the

humanities.⁵ Thus there is no reliable source of knowledge in this area other than that which God reveals to man - the Torah given on Mount Sinai.

Again, however, this statement is backed by cogent arguments and copious references. If the reader feels irritated enough to take issue - he will have to engage in some research and careful analysis to do so!⁶

5 Prof. Levi is generally skeptical concerning the humanities and leery of the social sciences, including, particularly, psychology (which he treats, tellingly, not in the section on *Torah im Derech Eretz* but in his powerful section on "The Individual and His Soul" - which focuses on the drives and inclinations with which human beings must contend. He makes a specific exception for the study history, including a pearl from the *Chazon Ish*, *Emunah U'Bitachon* 1:8 (p. 225): "History and world events do much to instruct the wise man on his way, and on the basis of the chronicles of the past he establishes the foundation of his wisdom."

⁶ Of course, not everyone may agree with Prof. Levi's perspective. In a recent essay published in *Judaism's Encounter with Other Cultures: Rejection or Integration?*, Rabbi Aaron Lichtenstein, *Rosh Yeshiva* of *Yeshivat Har Etzion* takes a very different view (see also Avodah ing List 3:107 at www.aishdas.org).

In his essay, *Torah and General Culture: Confluence and Conflict*, Rabbi Lichtenstein argues that the *madda* that complements Torah includes the humanities as well: "And yet at bottom, the notion that Shakespeare is less meaningful than Boyle, Racine irrelevant but Lavoisier invaluable, remains very strange doctrine indeed." Rabbi Lichtenstein writes:

To those who extol chemistry because it bespeaks the glory of the *Ribbono Shel Olam* but dismiss Shakespeare because he only ushers us into the Globe Theater, one must answer, first, that great literature often offers us a truer and richer view of the essence - the "inscape" to use Hopkins' word - of even physical reality... Can anyone doubt that appreciation of God's flora is enhanced by Wordsworth's description of "a crowd/ a host, of golden daffodils;/ Beside the lake, beneath the trees/ Fluttering and dancing in the breeze? "

Rabbi Lichtenstein continues to assert:

Whether impelled by demonic force or incandescent aspiration, great literature, from the fairy tale to the epic, plumbs uncharted existential and experiential depths which are both its wellsprings and its subjects... Hence, far from diverting attention from the contemplation of God's majestic cosmos, the study of great literature focuses upon a manifestation, albeit indirect, of His wondrous creation at its apex... To the extent that the humanities focus upon man, they deal not only with a segment of divine creation, but with its pinnacle... In reading great writers, we can confront the human spirit doubly, as creation and as creator."

But how does this approach complement Torah?

The dignity of man is not the exclusive legacy of Cicero and Pico della Mirandola. It is a central theme in Jewish thought, past and present. Deeply rooted in Scripture, copiously asserted by *Chazal*, unequivocally assumed by *rishonim*, religious humanism is a primary and persistent mark of a Torah *weltanschauung*. Man's inherent dignity and sanctity, so radically asserted through the concept of *tzelem Elokim*; his hegemony and stewardship with respect to nature, concern for his spiritual and physical well-being; faith in his metaphysical freedom and potential - all are cardinal components of traditional Jewish thought... How then can one question the value of precisely those fields which are directly concerned with probing humanity?

But cannot sources for religious inspiration be found in Torah?

An account of Rabbi Akiva's spiritual odyssey could no doubt eclipse Augustine's. But *his* confessions have been discreetly muted. The rigors of John Stuart Mill's education - and possibly, their repercussions - are not without parallel in our history. But what corresponds to his fascinating *Autobiography*? Or to the passionate *Apologia Vita Sue* of his contemporary, John Henry Cardinal Newman? Our Johnsons have no Boswells.

To be sure, Rabbi Lichtenstein's arguments are impassioned and eloquent. I cannot speak for Prof. Levi, but I imagine that he would argue that in the absence of solid and conclusive evidence from *Chazal* and other classic sources, Rabbi Lichtenstein's position cannot be considered normative.

A flaw in the book, is Prof. Levi's tendency on occasion to advance resolutions in areas in which we may not have the right to advance a resolution. A good example of such an area is the issue of Divine Providence. A scholar of *Chassidus*, Rabbi J. Immanuel Schochet, once said to me that the greatest revolution that the *Baal Shem Tov* succeeded in accomplishing was in the area of *Hashgachah Pratis* (specific or special Divine providence). As Prof. Levi notes (p. 304, backed by a long endnote): "...We find in the writings of the early authorities that only righteous

It is well beyond the scope of this review to contrast Rabbi Lichtenstein's *Torah u-Madda* with Prof. Levi's *Torah'im derekh erez*. It is tantalizing to reflect on the different statements with which they approach the gap between the perspectives they champion and the dominant "Torah-only" school.

Rabbi Lichtenstein:

Advocates of *Torah u-Madda* can certainly stake no exclusive claims. It would not only be impudent but foolish to impugn a course which has produced most *gedolei Yisrael* and has in turn been championed by them. Neither, however, should exclusionary contentions be made by its opponents. While *Torah u-Madda* is not every one's cup of tea, it certainly deserves a place as part of our collective spiritual fare.

Prof. Levi (p. 251):

I cannot conclude without addressing the sharp contrast between what we have learned here, concerning the centrality of the *Torah'im derekh erez* principle, and what we see in the yeshiva world... I have heard from several great Torah scholars that this opposition is a temporary injunction (*hora'ath sha'ah*). In time of emergency, it is indeed sometimes necessary to deviate from the Torah's demands in order to save the Torah itself... This was especially important after the terrible Holocaust that visited European Jewry.

To Rabbi Lichtenstein his approach is an available option. Prof. Levi, on the other hand, sees his approach as normative. The phenomenon of mass deviation from must thus be explained.

individuals, each according to his degree of righteousness, merit special Divine Providence." As we know, this is not the current perspective on Divine Providence. Although Prof. Levi chooses to raise the contrary position on the basis of some seemingly contradictory remarks in *Chazal*, as Rabbi Schochet noted, the progenitors of today's perception are the fathers of Chassidism.⁷ As the Rebbe Reb Bunim of Parshischah put it, anyone who does not believe that when a person draws a stick out of the sand, that God dictates where each particle of sand falls into the hole, denies Divine Providence.

Prof. Levi proposes to reconcile the two schools of thought (*ibid.*):

...This contradiction is readily resolvable. Everything that happens is, in fact, an act of God, but God's course of action is also governed by His desire to rule the world according to the deterministic and statistical laws of nature. Generally, these laws, rather than an individual's rights and needs, determine these acts of God. However, occasionally such rights and needs do influence the course of events; when they do, this is referred to as *hashgachah peratith*. Divine Providence does in fact control everything. "Every blade of grass has an angel standing over it, telling it 'Grow.'" However, the special providence, *hashgachah peratith* in the narrow sense, is reserved for righteous people; only they merit a personal relationship on the part of God.

I do not dispute the rational character of Prof. Levi's suggestion. I think it has much merit. But I do not know *mi ya'aleh lanu ha'shomyma* - who will go up for us to

⁷ Prof. Levi, in this book, for the most part, does not deal with Chassidism or Chassidic philosophy as distinct from general Jewish thought.

Heaven to ascertain if God acts accordingly! By contrast, in Rabbi Yisraeli's work (see note 1 above), on this topic as on all others, he presents sources to speak for themselves - from *Tanach* and *Chazal* to the Rambam to the *Baal HaTanya* - and provides explanations and a succinct and lucid summation. While extensive quotation from sources is really not possible in a work such as that of Prof. Levi, it would, perhaps, have been better to acknowledge the great debate and leave it unresolved. Rabbi Yisraeli does not attempt to reconcile a theological conundrum which may be beyond human resolution.

But this is a relatively minor quibble with a major contribution to *machashavah* and *machashavah* education.⁸ Prof. Levi's work is, potentially, a wonderful addition to a curriculum; a powerful tool for teachers, educators and rabbis; and a good way for anyone to broaden the horizons of their thought - and thoughtful *Avodas Hashem*.

⁸ It might interest readers to know that this book was adopted as required reading towards the Israeli matriculation (*bagrut*) exam in *Machashevet Yisrael* - despite its essentially anti-Zionist position.

Forks in the Road: Old Divisions, Modern Ramifications

We Might Be a Little Late!

This essay is some one hundred and fifty years late. Events since, some fortunate, most unfortunate, have blurred the differences between the great schools of thought that developed in the late eighteenth and early nineteenth century. Doubtless, the Satmar Rebbe (Rabbi Yoel Teitelbaum) had this blurring in mind when he is said to have remarked that he himself was the last true *Chasid*, and that the Brisker Rav (Rabbi Yitzchak Ze'ev Soloveitchik) had been the last true *Misnaged*.¹ It is said about several *Gedolim* that they would explain the devolution of both *Chassidus* and *Misnagdus* with the following parable:

Once there was a woman whose husband would only eat *fleishig* (meat dishes), which she dutifully prepared for him. Their daughter came to marry a man who would only eat *milchig* (dairy dishes). Not wanting to deprive her son in law, the mother in law prepared for him, as well, the food he craved. For several years this practice continued, with father and son in law eating in separate rooms.

Now, it came to pass that the family became impoverished and could afford neither *fleishig* nor *milchig*. The woman was compelled to cook potatoes for both her husband and son in law.

Nevertheless, the two continued their custom to eat in separate rooms. After several years elapsed in this manner, the two realized that there was, indeed, no point in their remaining separated and finally came to dine together.

¹ For the sake of technical accuracy we should note that *Chabad Chassidim* reserved the term "*misnaged*" for their most virulent opponents. "Run of the mill" non-*Chassidim* were called "*olamshe*."

Nevertheless, as we all strive to enhance our individual and collective *Avodas Hashem* (divine service), it is worthwhile - perhaps essential - to know what we might choose as our goal or aspiration.

The Great Divide

The nature of that goal has been the subject of a debate that has raged since the middle of the eighteenth century, when Eastern European Jewry erupted into the controversy surrounding *Chassidus*. Henceforth, the Ashkenazic Jewish world divided along the lines of *Chassidus* vs. *Misnagdis*. To be sure, there are other, significant trends in Judaism, including the (Hirschian) *Torah im Derech Eretz* school² and, of course, many rich variations of Sephardic *Avodas Hashem*. The most blatant divide, however, is along the Chassidic/Misnagdic fault line. It is this line that we will attempt here to delineate.

But before we really begin: *Caveat emptor!* It would be the epitome of presumptuousness to purport that a short (or even long) essay might succinctly and precisely capture the distinctions between these schools of *Avodas Hashem*. We intend to examine a relatively narrow

² A detailed treatment of Rabbi Samson Raphael Hirsch's philosophy as reflected in the writings of his grandson, Dr. Isaac Breuer, is presented in my essay: *Dr. Yitzchok Breuer zt"l and World History*. I believe it is accurate to state the following distinction: The schools of thought presented here focus on the *Avodas Hashem* that is the predominant aspect of life. *Torah im Derech Eretz*, on the other hand, focuses on the totality of life - of a person, of the nation, and of the world - and living that life in a manner consistent with what *Torah im Derech Eretz* understands to be *Hashem's* will and purpose for the person, the nation and the world. Hence, it is entirely possible to *not* follow Rabbi Hirsch's system of *Avodas Hashem* (as presented in *Chorev* and other works), following, instead, another approaches to *Avodas Hashem*, such as those presented here, and still be an adherent, on the more global or holistic level, of *Torah im Derech Eretz*. (Conversely, it is theoretically possible for someone to reject *Torah im Derech Eretz* yet adopt a Hirschian mode of *Avodas Hashem*.)

bandwidth of the differences, focusing more on exemplary thinkers and Ovdei Hashem (paragons of Avodas Hashem) who grappled with these distinctions in their personal struggles to formulate their own pathways in the hope that the reader will use these distinctions as a springboard for contemplation and understanding. In this effort, we follow in the footsteps of Rabbi Eliyahu E. Dessler, the *Michtav Mei'Eliyahu* (Vol. 5 pp. 35-39), and others who pursued a simplified definition of differences, for reasons Rabbi Dessler eloquently expresses.

We must begin our conversation with a definition of the “newer” Chassidic model of Avodas Hashem. The reason for this is simple: Existing philosophies are often forced to articulate their defining characteristics only when faced by a new challenge. This seems to be the case with Misnagdus. Despite its earlier origin, it was only forced to define itself as a philosophy when it came to battle the revolutionary Chassidic movement. The very term Misnaged can only be understood if one knows the context of Chassidus. Its meaning - “Opponent” - is only intelligible if one realizes toward what the opposition was directed. “Mainstream” Chassidus and Chabad

Chassidus itself divided into two significant camps, that of “mainstream” Chassidus, and that of Chabad. Each side argued that its respective *derech* was the most accurate reflection of the Ba'al Shem Tov's (Rabbi Yisroel, the founder of Chassidus, also known as the Besht - an acronym for Ba'al Shem Tov) novel approach to Avodas Hashem. What was that approach and what did each side represent as the means of implementing that approach?

These points are discussed at length by the Piasceznar Rebbe, Rabbi Klonymus Kalmish Shapiro (author of the *Chovas HaTalmidim*) in his work, the *Mevo*

HaShe'arim (Chap. 5).³ The Piasieczner writes that the *Besht* radically changed the world by affording much wider access to *dveykus* - a strong awareness of connection - with G-d. Prior to the advent of *Chassidus*, accomplishing *dveykus* required an individual to access the secret world of the *Mekubbalim* (Kabbalistic masters). The prerequisites for initiation into those secrets and that society were harsh and demanding. Fasting, self-affliction, separation from general society, and other forms of ascetic behavior were required. Only those who had undergone such preliminaries, and had then been accepted as the select students of the Masters of each generation, could access the body of wisdom and practice that allowed one to relate to G-d in a powerful and direct manner.

The *Ari* (the great 16th century Kabbalist, Rabbi Yitzchak Luria) and the *Or HaChaim HaKadosh* (the great 17th century commentator, Rabbi Chaim *ibn* Attar) began to ease access to this body of knowledge and practice, a point not lost on the *Chassidim*, who cherish the works of these individuals. It was the *Besht*, however, who completed the revolution. From the perspective of the *Chassidim*, the *Besht* was the first to introduce the means and tools for even the most common, simple Jew to experience *dveykus* to G-d. (An integral feature of *Chassidus* is the Chassidic tale. One of the focal themes of those tales is the capacity of even the most ignorant Jew, who is but sincere and pure hearted, to connect to G-d and stir the Heavens to a greater extent than the most accomplished scholar and saint.)

The salient internal issue in *Chassidus* became how best to achieve that *dveykus*. The mainstream of *Chassidus* stressed fervor and emotion in *Avoda* and *Emuna Peshuta* - simple, pure, experiential faith in G-d - as

³ Instead of footnoting every assertion in the next few paragraphs, it suffices to say that they are all taken from the Piasieczner's discussion there.

the best tools for this endeavor. It posited that the sanctity of a Jewish *neslama* (soul) and its potential to connect to G-d is far too great for man's intellect to grasp or perceive. G-d, rather, in His infinite wisdom and mercy, provided that the toil of simple, yet powerful *Avodas Hashem* would afford a Jew the possibility of tapping into lofty, uplifting *kedusha* (sanctity). In a pithy statement that captures the essence of this *derech*, the *Beis Aharon* of Karlin wrote that he envied the galloping horses upon which participants travel to a *Bris Mila*. This approach viewed the study of *Kabbalah* per se as significant only to the extent that it aroused *Emuna Peshuta*. In short, the mainstream of *Chassidus* emphasized *Avodas Hashem* with heart and deed.

Chabad Chassidus, on the other hand, stressed the mind and thought. The *Ba'al HaTanya* (Rabbi Shneur Zalman of Liadi, the founder of *Chabad*, author of its basic tract, the *Tanya*) demanded of his followers that they attempt to perceive and grasp G-d's greatness with their intellects. The *Ba'al HaTanya* saw this direction inherent in the *Besht's* revolution. The *Besht* had revealed that even the "vessels" - the revealed, "simple" levels of the Torah, possessed the same illumination as the esoteric regions of *Hashem's* wisdom. While the previous Kabbalistic perspective had denigrated the revealed Torah as a "sackcloth" the *Besht* revealed the sanctity inherent in that sack. In the *Ba'al HaTanya's* famous analogy, there is little difference between one who merits to embrace the king while the monarch is dressed in few garments (the study of *Kabbalah*) and one who merits to embrace a king clothed in more layers (the study of the revealed Torah, i.e., *Shas* and *Poskim*). Thus, even the study of "The Ox that Gored the Cow" (a well-known Talmudic subject in *Bava Kamma*) could now serve to enhance one's *dveykus* with G-d. (The *Chabad* acronym, representing *Chochma*, *Bina*, *Da'as* (Knowledge, Understanding, and Wisdom) evoked this idea. *Da'as*, the result of the intellectual process (amassed knowledge, subjected to understanding leads to wisdom) also connotes connection, as in: "And the man knew [*yada*]

Chava, his wife” (*Bereishis* 4:1). From *Chabad's* perspective, since the soul rests in the mind and from there impacts on the heart, love and awe of G-d can only follow from complete intellectual awareness of Him.

The Piasieczner sums it up: The *Ba'al HaTanya's* *derech* was to bring the intellectual world of *Kabbalah* and its mystical properties down into this world. The mainstream's *derech* was to bring this world's inhabitants into the higher spheres via experiential *Avodas Hashem*.

Practical Implications

The Piasieczner then describes several important distinctions that flow from this dichotomy. Both schools of thought sought to define what it would be like to experience a taste of *Gan Eden* in this world. *Chabad* held that it could be experienced in the pleasure of knowing and understanding *Hashem's* illumination, while the mainstream of *Chassidus* defined it as the pleasure of experiencing fervor and emotion in *Avodas Hashem*.

Chabad, with its emphasis on bringing illumination down to our realms, feels compelled to deal with reality and existence - even if only to clarify its illusory and temporal nature. The mainstream, on the other hand denied any validity to contemplation of reality - after all, its entire goal was to get its adherents to transcend that reality, to break through the barriers between our Creator and us. In this vein, *Chabad* saw most people (the “*beinonim*” - “average people”) as grounded in this world (in the Kabbalistic realm of “*kelipas nogah*”⁴), while the mainstream of *Chassidus*

⁴ While a full definition of this term is beyond the scope of our essay, a brief definition is given in Rabbi Nissan Mindel's Glossary, in the English edition of the *Tanya*, p. 777:

Kelipah, “Bark” or “Shell” the symbol frequently used in Kabbalah to denote “Evil” and the source of sensual desires in human nature... *Kelipas nogah*, “Translucent shell” contains some good, and distinguished from the three completely “dark”

regarded each and every Jew as potentially transcendent and utterly holy.

Chabad, with its emphasis on the intellect, bore some resemblance to the old Kabbalistic schools. The *Ba'al HaTanya* still saw some value in *perishus* (abstinence) - fasting and asceticism - the old modalities. The mainstream, with its emphasis on fervent, experiential *Avodas Hashem*, represented an almost complete break with the past. It saw little or no value in *perishus*. Abstinence, by its very nature a lack of experiences, contributed practically nothing to the pursuit of experiential proximity to G-d.

(A brief Chassidic tale captures the essential divide between the two schools of thought. Rabbi Levi Yitzchok of Berditchev's grandchild married the grandchild of the *Ba'al HaTanya*. When the grandfathers arrived at the wedding, they found that the doorway through which they were both to enter the hall was too narrow for both to walk through simultaneously. After futilely importuning each other to go first, the Berditchever proposed: "Let's break through the wall." The *Ba'al HaTanya* responded: "No, let us widen the doorway.")

Rabbi Moshe Dovber Rivkin⁵ discusses the centrality of the "Rebbe" in the respective *derachim*. Since the mainstream attempted to bring this world's inhabitants into the loftier realms via experiential *Avoda*, it was essential

kelipos containing no good at all. The term is based on an interpretation of the "brightness" (*nogah*) in Ezekiel's vision (1:4). The animal soul (*nefesh ha'bahamis*) in the Jew is derived from *kelipas nogah*, by contrast to his "divine soul" (*nefesh elokis*) which is "A part" of G-dliness...

⁵ At the beginning of Rabbi Rivkin's (a *Rosh Yeshiva* at Yeshiva Torah VoDa'as) *Ashkavta d'Rebbi*. It should be noted that the Piasczner was a representative of the Chassidic mainstream. In contrast, Rabbi Rivkin was a *Chasid Chabad*. Our previous comment as to detailed references applies here as well.

that someone - a Rebbe - orchestrate and direct those experiences. The Rebbe would provide the inspiration, elevation and *kedusha* for the *Chassidim*. The Rebbe's tools, in this system, consisted of both material means, such as *shirayim* (literally: "leftovers" - the practice in which the Rebbe partakes of a morsel of food from a dish and then distributes the remainder among those assembled at the "*Tisch*" - the Rebbe's table), and spiritual means, such as the Rebbe's discourses. Precisely because the goal was to inspire the heart and stimulate the deed, the means were often material. (In *Hachsharas Ha'Avreichim* 61b, the Piasieczner explains the significance of *mashke* - the partaking of alcoholic beverages - in *Chassidus* as an additional means of achieving *dveykus*. Higher states of consciousness - reached for the sake of *Avodas Hashem* - are helpful in this quest.) Even the nature of a Rebbe's discourses and writings (the Rebbe's "*Torah*") was affected by its purpose. The *Torah* was meant to inspire. Often it was an integral part of the overall experience of powerful experiences such as the *Tisch*. That *Torah*, therefore, generally took the form of *vertlach* - snippets of insight, sparks of a divine fire. Rarely does one find the mainstream of *Chassidus* involved in formulating comprehensive theologies and *Weltanschauungen*. They were unessential.⁶ The Rebbe provided the *devek*, the glue, of his *Chassidim*'s *dveykus*.

In *Chabad*, however, *shirayim* were an anathema. They were derided as "*nahama d'kesufa*" (literally, "bread of shame" or, colloquially, "something for nothing"). The Rebbe's task was not to inspire and provide *kedusha* but rather to educate, to provide the *Chochma* and *Bina* that the *Chassidim* would learn, internalize and utilize to achieve their own, personal *Da'as*. In this system, it was

⁶ The Piasieczner stands out as an exception in this regard. His works were systematic and comprehensive. Their focus, however, was not on theology, but on the understanding and codification of the *derech* of *Avoda* with heart and in deed.

imperative to spread the most profound intellectual concepts in a systematic fashion, thus allowing all adherents to achieve the intellectual *devek* that, by definition, each *Chasid* had to possess on his own.⁷

We should note that *Chabad Chassidim* would refer, somewhat derisively, to other *Chassidim* as adherents of “*Chagas Chassidus*.” *Chagas* is an acronym for *Chesed, Gevura, Tiferes*, the three *sefiros* (Kabbalistic attributes of G-d) immediately below *Chabad* in the Kabbalistic system. While the *sefiros* of *Chabad* describe the intellect, the *sefiros* of *Chagas* describe character - *middos* - and emotional drives. *Chabad Chassidim* defined themselves as focused on intellect; *Chagas Chassidim* as focused on emotion. Furthermore, *Chabad Chassidim* saw themselves as educated to a certain independence from the Rebbe, rooted in their individual comprehension of the *Chabad* system. *Chagas Chassidim*, to their minds, were limited by a dependency on the Rebbe to be their collective *Da’as*. The reader is certainly able to deduce how a “*Chagas Chasid*” might respond to these assertions!

Before we proceed to define *Misnagdus*, let us repeat the statement with which we began: This essay is late. Cross-pollination has blurred distinctions. The wholesale slaughter of some of the greatest paragons of every school has deprived us of their respective role models in true *Avodas Hashem*. In *Chabad*, in particular, unfortunate new developments have influenced perspectives.⁸ It is the two schools that we have discussed and their principles,

⁷ A remarkable passage in the *Tanya* (*Iggeres HaKodesh* Chap. 23) warns the *Chassidim* against seeking counsel from Rebbes, such as himself, in material matters. He regarded himself as an educator, not an oracle.

⁸ Lest one make the mistake of assuming that *Chabad* has always stirred the kind of controversies that surround it today, one has only to recall universally accepted giants of the Jewish world such as the Rogatchover *Gaon* and Rabbi Shlomo Yosef Zevin who were firmly rooted in *Chabad*.

however, that inform modern Chassidic pathways in *Avodas Hashem*.

Prioritizing Values in Avodas Hashem

At the core of both Chassidic schools is the supreme value of *dveykus*. The fissure that developed between *Misnagdus* and *Chassidus* concerns this value. In most Misnagdic systems, *dveykus* is a value, not the supreme value. In some schools of thought, it may not be a value at all. This point was clarified to me in a personal conversation with a distinguished representative of a great Misnagdic perspective. When I queried, were it possible to attain prophecy in our day and age, would it be advantageous to aspire to attain it, he responded in the negative. When I asked him to define *kedusha*, he replied that it means greater *dikduk* (meticulousness) in fulfilling *Mitzvos*. Finally, in answering a question as to what more intensive *kavana* in *davening* might consist of, he said that it meant a greater (intellectual) understanding of the words of our prayers.

While these positions may seem extreme in their dismissal of *dveykus*, they enable us to sharpen our focus.⁹

⁹ In attempting to define a classic Misnagdic philosophy, Rabbi Yosef B. Soloveitchik in his *Ish Ha'Halacha* posits that if G-d created the universe via the process of *tzimtzum* - hiding His presence and barring us from its comprehension - it follows that He does not expect us to make it a goal to reverse that process. We must note, however, that experts on Rabbi Soloveitchik's personal perspective state that the less extreme position he takes in *U'vikkashtem Mesham* is truer to his own outlook.

I would venture that a more "mainstream" Misnagdic approach would find value, were it possible, in striving for prophecy, or any lesser form of communication with G-d. A more mainstream approach might define *kedusha* as Rabbi Shimon Shkop does in the introduction to *Sha'arei Yosher*.

"G-d created everything to fulfill His desire to benefit his creatures. G-d's will is that we follow in His path, as it is written: '*vehalachta bidirachav*.' Each of us, His chosen people should, therefore, constantly strive to devote all our physical and spiritual strengths to the

If one were to subscribe to these views, what might be one's supreme value?

A *Misnaged's* supreme value is *shleymus* - perfection. G-d endowed each and every Jew with a rich reservoir of unique strengths and talents, a vast and great potential to realize. It is the development and accomplishment of as much of that potential as possible that should be the goal, aspiration and supreme value of anyone truly focused on his or her *Avodas Hashem*.

The mid-nineteenth century saw the development in *Misnagdus* of two distinct schools of thought. The Lithuanian yeshiva world, the bastion of *Misnagdic Avodas Hashem*, divided into two camps: *Mussar* and non- even anti-*Mussar*. While both camps valued *shleymus* above all else, the pathway to *shleymus*, perhaps even the definition thereof, was the subject of their dispute. Everyone agreed that perfection entails accomplishment in intellectual development and Halachic observance. It was also universally accepted that awe and love of G-d are essential to *shleymus*. Disagreement centered on the priority to be accorded to specific and focused *Avodas Hashem* in the development of *Ahavas Hashem*, *Yiras Hashem* and one's ethical personality in general.

greater good of society... This is the definition of the *Mitzvah* of *Kedoshim Teeheyu*... that we constantly direct all our toil and effort toward the benefit of the *Klal*. We should not use any deed, movement, pleasure or enjoyment for any purpose that does not ultimately benefit another. We then resemble *Hekdesh*, something uniquely designated for some lofty purpose.”

It would seem that even staunch *Misnagdim* would regard prayer as *Avoda she'b'Lev* (service with the heart) and value emotional engagement in its dialogue with G-d.

Chassidus, on the other hand, certainly values aspiration to prophesy. Much of the *Chovas HaTalmidim* discusses the essential relevancy of that aspiration to our times. *Chassidus* would probably identify *kedusha* with *dveykus*. *Kavana* in *tefilla* would be measured by the *dveykus* achieved as well.

Contrasting a Chasid and a Misnaged

But let us return for a moment to the divide between *Chassidus* and *Misnagdus*. The distinction has many ramifications. We will note three. The first concerns the issue of *Emuna Peshuta*. To a *Chasid*, analysis of theology is a foreign, even dangerous, concept. Such analysis detracts from the powerful, simple, experiential *Emuna* and *Avodas Hashem* that are at the core of *Chassidus*. Intellectual analysis detracts from emotional *dveykus*. Even in *Chabad*, where understanding is key, independent exploration, as opposed to receiving and understanding, is questionable. To a *Misnaged*, however¹⁰ the more profound the intellectual perception, the greater the extent to which one has developed one's potential, the more perfect one's *shleykus*. A more important example is manifest in one of the core disputes between *Chassidus* and *Misnagdus*. We ask G-d every morning to grant us the opportunity to learn His Torah "*lishma*." What do we mean by that request?

The interpretation of *lishma* is the subject of a great debate between the *Besht* and Rabbi Chaim of Volozhin. The *Besht*¹¹ held that *Torah lishma* means the study of Torah with the purpose of achieving *dveykus* to G-d. The *Besht*, therefore, advised his followers to interrupt their studies at regular intervals in order to meditate on the *dveykus* that the studies allowed one to achieve. A radical illustration of this approach is provided by the story that one of the early great Chassidic leaders, the Rebbe Rabbi Zushya of Hanipoli, once spent an entire night staring at the first line of the first *mishnah* in *Bava Metzia*, so awed was he at the prospect of *dveykus* to G-d inherent in the Torah.

¹⁰ Within the limitations of the admonition in *Chagiga* 11b that we refrain from exploring that which is beyond our capacity to comprehend.

¹¹ Tzava'as HaRivash simanim 29-30 and the *nuscha'os acheirim* there. *Rivash* = Rabbi Yisroel Ba'al Shem.

To the *Besht*, the study itself was almost a *b'di'eved* (reluctant obligation): "Although during the time one is studying it is not possible to be involved in *dveykus* to G-d, nevertheless, one must learn, for the Torah polishes one's soul and is a tree of life to those who grasp it. If one does not learn, therefore, he cannot achieve *dveykus*. One's attitude must be that just as when one is asleep he cannot be involved in *dveykus* [but, nevertheless, one must sleep]... the time allotted for learning is no worse." The goal was the focus on G-d that study facilitated, not the focus on the study per se.

Reb Chaim (*Nefesh HaChaim Sha'ar* 4:1-2.) expends a great deal of effort rejecting this approach. Reb Chaim defines *Torah lishma* as Torah for its own sake, as complete and total immersion in study for no other purpose but the study itself. For Reb Chaim, interruption of any sort - even for thoughts of *dveykus* - was *Bittul Torah* (a waste of time that might otherwise have been spent in Torah study), pure and simple. Only by studying with the greatest possible concentration, depth and breadth could one approach *shleymus*.

It is opportune here to highlight one of the many major departures from our neat categorization. Several Polish branches of *Chassidus*, spiritual heirs of Rabbi Bunim of Parshischa¹² produced scholars of epic magnitude. Now, this is not to say that other branches of *Chassidus* were bereft of scholars and decisors of epic magnitude. But there is a subtle difference between these Polish schools on the one hand and the mainstream and *Chabad* schools on the other. While the Kotzker said that a *Chasid* is in awe of G-d, while the *Misnaged* is in awe of the *Shulchan Aruch* (*Pisgamei Chassidim* p. 99), he also said that true *pshat* (simple understanding of a text) is the most profound secret in the Torah, and that while others might expound discourses intended to facilitate ascent to the

¹² Kotzk, Izhbitz, Gur, Lublin, Radzhin, Sochatchov, and others as well.

seventh Heaven, he himself was of the opinion that one must convey discourses in a fashion that will penetrate the innards of the listener (*ibid.*, pp. 183, 184). These schools stressed the pursuit of *shleymus* to a far greater extent than other branches of *Chassidus*.

This difference is best expressed in the example presently under discussion here, *Torah lishma*. The Sochatchover Rebbe¹³ explores the issue in the introduction to his *Eglei Tal*. He writes: "The essence of the *Mitzvah* of Torah study is to be happy, rejoice and take pleasure in one's studies. Then the words of the Torah become absorbed into his blood. Since he derives enjoyment from the words of the Torah he achieves *dveykus* to the Torah." He goes on to explain that the *simchah* in one's Torah study also enhances Torah's other purpose, the reinforcement of one's *yetzer tov* (good inclination). *Dveykus*, yes - but in the Torah itself, and in the pursuit of spiritual perfection, not as a means of facilitating *dveykus* to G-d.¹⁴

Halacha

Perhaps the most apparent distinction may be found in the relative attitudes toward Halachic standards. *Chassidus* occasionally stresses values that are downplayed in the more general Halachic process. This phenomenon is manifest most famously in the area of *zmanei tefilla* - the time frames for prayer. *Chassidus* tolerated minor deviations in the pursuit of greater *dveykus*. *Misnagdus* is completely intolerant of such liberties. The pursuit of

¹³ The Kotzker's son in law, Rabbi Avraham Borenstein, the *Avnei Nezer*.

¹⁴ We must note that these brief paragraphs cannot do justice to the rich breadth and depth of Polish *Chassidus*. The similarities and differences between Polish and other forms of *Chassidus* are many, complex and profound. One cannot hope to capture and define every principle (even most principles) in one essay. In passing, however, we should note that Rabbi Tzadok *HaKohen* of Lublin, arguably the greatest mind in the annals of *Chassidus*, does define *lishma* as *dveykus* (*Tzidkat HaTzaddik*, 167).

perfection demands meticulous attention to Halachic parameters.

As with all neat and simple definitions, this is an over-generalization. Many great *Rebbes* observed *zmanei tefilla* meticulously. Rabbi Levi Yitzchok of Berditchev warned not to delay the fulfillment of *Mitzvos* because one feels a lack of fervor (*hislahavus*), lest the time frame of the *Mitzvah* pass (*Ta'amei HaMinhagim U'Mekorei HaDinim* p. 518). Yet other outstanding *Rebbes* justified their not abiding by the clock. Rabbi Yisroel of Ruzhin said that time frames for *Mitzvos* are a result of the sins of *Adam*, *Chava* and the golden calf. *Tzaddikim* were not involved in those sins, and are therefore not restricted by time.¹⁵

Other examples include the issue of dancing and clapping on *Shabbos* and *Yom Tov*, that seems to be forbidden by the *Gemara* in *Beitza* 36b. The *Minchas Elazar* (Munkatch, 1:29) allows the practice, basing his conclusion, in part, on the rationale that *Chazal* only forbade these practices for those who do not utilize it for the purpose of *hislahavus*. In forbidding the same practices, Rabbi Ovadia Yosef (*Yechaveh Da'as* 2:58) notes that almost all non-Chassidic sources take no such distinction into account.¹⁶

Rabbi Yitzchok Weiss (*Minchas Yitzchak* 6:136.) issued several rulings that reflect unique issues stemming

¹⁵ *Ibid.*, p. 519 (see also p. 27 there). Rabbi Leibele Eiger of Lublin asked Reb Tzadok if he was justified in forsaking the *Hiddur Mitzvah* of *zizin makdimin l'Mitzvos* (those who are meticulous perform a *Mitzvah* as soon as possible) in order to muster greater *kavana* and *tahara*. Reb Tzadok (end of *Levushei Tzedaka* and the *Yad Eliyahu Kitov* ed. of *Tzidkas HaTzaddik* p. 16) was firm in stating that this is indeed the case. Many Misnagdic sources agree, although others disagree. See *Encyclopedia Talmudis* vol.12 pp. 416-421.

¹⁶ Although beyond the scope of our discussion, it should be noted that Rabbi Moshe Feinstein (*Igros Moshe* 2:100) allows clapping and dancing for other, fascinating, reasons.

from Chassidic values, including a responsa on whether the custom of offering a *tikkun* (a drink of whiskey) in *Shul* on a *yahrzeit* supersedes the potential problem of *chometz she'avar alav haPesach* (*chametz* that was owned by a Jew over *Pesach*). He rules that the value of a *tikkun* does not override the potential prohibitions - but not until after some discussion on the holiness of the custom to drink *l'chayim*. A similar thread may be discerned in a responsa (*ibid.*, 9:12.) concerning whether an individual may leave his *Shul* in order to spend *yom tov* with his *Rebbe* even if as a result no *minyán* will remain.

Where does Mussar Fit in this Picture?

Mussar's relationship with *Chassidus* is more complex. *Mussar* arose because Rabbi Yisroel Salanter perceived that perfection in observance and scholarship did not suffice to make an individual an *Adam HaShalem* (a perfected individual).¹⁷ Precisely because *Mussar* placed value on perfection across a broader spectrum of traits and characteristics, it might have made room for *dveykus* to its system of *Avoda* as well. Indeed, the tract that was to become *Mussar's* fundamental guidebook, the *Mesillas*

¹⁷ I heard from one of my *Rabbeim* (a similar story is related by the *Seridei Eish* in his essay on the *Mussar* Movement in Rabbi Leo Jung's series, *Men of Spirit*), that one impetus for Reb Yisroel to found the *Mussar* movement was a "test" he ran once on one of the *Yomim Nora'im* in Vilna. He stood during the *Shemone Esrei* next to an illustrious scholar, pretended that he had forgotten to bring a *Machzor*, and motioned a request to be allowed to look into his neighbor's *Machzor*. The scholar's "response" was a shove. Reb Yisroel learned from this incident that great scholarship does not necessarily refine an individual's character. The movement he started posited that character, ethics and personality all required distinct, systematic study and treatment. (An eloquent case for in depth, profound treatment of *middos* and one's relationship with G-d is made by the *Mesillas Yesharim* in his introduction as well.) Those who opposed him held, in broad terms, that meticulous and exacting study of Halacha in and of itself was the best method by which to bring oneself to higher levels of refinement (a case made by the *Chazon Ish* in his *Emuna u'Bitachon*, 4).

Yesharim, states unequivocally (Chap. 1) that *dveykus* is *shleymus* (Chap. 26 identifies the highest level of accomplishment, *kedusha* with *dveykus*). *Mussar's* unique critique of *Chassidus* is expressed by a passage in an essay by Rabbi Avrohom Eliyahu Kaplan contrasting the *Chassidus* of the Rebbe *Maharash* of Lubavitch and Rabbi Yisroel's *Mussar*:

Mussar does not disagree with *Chassidus*. *Mussar* is often satisfied with the Jewish strength of *Chassidus*: its capacity not to submit to the environment; its heartfelt openness between man and fellow man that pierces petty superficial European etiquette; its readiness to dedicate itself to a lofty purpose, and so easily sacrifice for that purpose normal conditions of life; its youthful fervor in *Mitzvos*, which extends well into old age. *Mussar*, however, has a significant criticism of *Chassidus*: It sees *Chassidus* as too external, too theoretical and abstract. The *Chasid* deludes himself into thinking that he is getting more out of *Chassidus* than he actually is. *Chassidus* deals with profound thoughts and great deeds, but it remains outside the essence of the *Chasid*. *Chassidus* penetrates the depths of the greatest Torah problems - both between Man and G-d and between Man and Man - but it penetrates too little the self of a person, so that he might engage in a reckoning as to where he stands in relation to his world and in relation to his obligations in his world... The average *Chasid* deludes himself into thinking that a *niggun* [melody] that he sings wells up from his heart, and that the *dveykus* that he experiences has its source in his soul, even though it is entirely possible that these are transient moods not associated with his true essence.

One should not judge hastily. We cannot say even to the simplest *Chasid*, when he experiences *dveykus*, that he does not truly cleave to G-d. But that

constant self-critique: “Perhaps I am deluding myself;” the query that should accompany every step in life: “Have I not strayed in this instance from the path? ”; and, finally, all that is encompassed in the thought that serves as a necessary precondition for *Shivisi Hashem l’negdi tamid* [“I have placed G-d before me always”] (*Tehillim* 16:8), namely, the thought, “I have placed my ‘self’ before me always” - all this is more prevalent in *Mussar* than in *Chassidus*...¹⁸

Rabbi Dessler (in the aforementioned essay) expands considerably on this contrast. He also makes another fascinating and controversial point: The extraordinarily rigorous demands of self-critique and unrelenting *Emes* [Truth] imposed by *Mussar* on its adherents made it irrelevant for common folk. They were not equipped to engage in ongoing *Mussar*-type *Avodas Hashem*. At most they could realize a peripheral sense of *Kavod HaTorah* [the honor of Torah] upon coming into contact with great individuals. This was not enough to sustain these simpler people when confronted with the temptations of the contemporary “American, Australian and South African” milieus. *Chassidus* speaks much more to the common folk. *Hislahavus*, dancing and drinking do not require intense soul searching. They are therefore better suited for the masses, and helped insulate the masses engaged therein against the onslaught of twentieth century temptations.

¹⁸ *B’Ikvos HaYirah* p. 22. Reb Avrohom Elya noted that the founders of *Chassidus* did know and impart the need for *Mussar*-like introspection to their followers, but sufficient stress was not placed on this component, and over time it was forsaken (*ibid.*, p. 136). The *Netziv*, Rabbi Naftlai Zvi Yehuda Berlin, the last *Rosh Yeshiva* of the great 19th century Yeshiva in Volozhin founded by Reb Chaim of Volozhin, (*Harcheiv Davar Shemos* 5:3) does view *dveykus* as the supreme expression of *shleymus*, but seems to be skeptical as to whether the Chassidic model actually leads to its attainment. (I am indebted to Mr. Louis Bernson for the source in the *Netziv*.)

Conclusion: What Does All this Mean to Us?

In conclusion, a loose translation of Rabbi Dessler's summation:

In our times: The qualities of “*Emes*” that personified the *Ba'alei Mussar* [*Mussar* Masters] are already extinct. We no longer find individuals whose hearts are full with profound truth, with a strong and true sense of *Cheshbon HaNefesh* [complete and rigorous reckoning of one's spiritual status and progress]. We have reached the era of *Ikvasa d'Mashicha* [the final generations before the coming of *Moshaich*], generations that *Chazal* described as superficial. If we find an individual who does learn *Mussar*, we find that he is primarily interested in the intellect of *Mussar*, the profound philosophy and psychology that are linked to *Mussar*. Even if he learns *Mussar b'hispa'alus* [with the emotional impact of *niggun* - melody - and *shinun* - repetition - that Reb Yisroel prescribed], rarely does this activity lead to *Cheshbon HaNefesh*.

Contemporary *Chassidus* lacks the component that was once at its core: *Avodas Hashem* with *dveykus*. All that remains is the external form of *Chassidus*, something that appears like *hislahavus*. There is *niggun*, but the soul of *niggun* is no longer. *Hislahavus* in davening is almost a thing of the past.

For today's era, there remain only one alternative: To take up everything and anything that can be of aid to *Yahadus*; the wisdom of both *Mussar* and *Chassidus* together. Perhaps together they can inspire us to great understandings and illuminations. Perhaps together they might open within us reverence and appreciation of our holy Torah. Perhaps the arousal of *Mussar* can bring us to a little Chassidic *hislahavus*. And perhaps the *hislahavus* will

somewhat fortify one for a *Cheshbon HaNefesh*. Perhaps through all these means together we may merit to ascend in spirituality and strengthen our position as *Bnei Torah* [adherents of a Torah centered lifestyle] with an intensified Judaism. May G-d assist us to attain all this!

As we have mentioned, cross-pollination has brought all of these pathways into contact with each other - and with us. Many great thinkers of the last century combined elements of all these schools in forging their own unique and extraordinary pathways.¹⁹ We must understand them -

¹⁹ Rabbi Yosef Leib Bloch of Telshe made significant use of the *Tanya* in his system of thought. My grandfather, Rabbi Dov Yehuda Schochet, was a close student of Rabbi Yosef Leib and Telshe Yeshiva who later became a *Chassid Chabad*. In a 1941 letter to Rabbi Yosef Yitzchok Schneerson of Lubavitch, my grandfather proposed an objective perspective from which our generation might consider the disputes between the disciples of the *Gr"a* and the disciples of the *Ba'al Shem Tov*. This approach is based on an insight my grandfather had heard from Reb Yosef Leib that to the best of my knowledge is not to be found elsewhere.

The *Gemara* in *Berachos* 28b recounts that *Rabban Gamliel* was removed from the leadership of the Yeshiva in Yavne and Rabbi Elazar ben Azarya took his place. *Rabban Gamliel* had placed a guard at the gate of the *Beis Medrash* in order to bar students who were not already of the highest ethical caliber from the Yeshiva. After *Rabban Gamliel* was deposed, the guard was removed, and it became necessary to add four hundred benches to the *Beis Medrash*. Seeing this, *Rabban Gamliel* worried lest he be held accountable for having prevented so many from Torah. He was then shown a bucket full of ashes in a dream (a sign that the new students were essentially worthless). The *Gemara* concludes, however, that this was not really the case, but the Heavens showed him this to appease him. Reb Yosef Leib asked: How can it be permissible to utilize untruth just to appease *Rabban Gamliel*? Furthermore, why didn't *Rabban Gamliel* himself realize that the consolation was false?

Reb Yosef Leib offered a wonderfully profound explanation: There is a question as to which is the proper pathway through which to attain both ultimate *shleymus* as the nation of *Hashem* and ultimate success in bringing the world closer to *Malchus Shomayim* (the reign of Heaven on Earth). Are these to be achieved by devoting one's influence toward the broadest possible cross-section of the nation in order to uplift it to a

and, of course, others - in our quest to understand where we have come from and where we should be going.

loftier plane - even if as a result some outstanding unique individuals will be impeded from achieving their respective capacities? Or are these best achieved by devotion with all might and strength to the nurturing of those of the highest caliber until they become the luminaries of the Jewish people?

It is impossible for any person to resolve this issue. To do so entails taking into account ultimate ramifications for eternity, until the end of days. G-d deliberately placed the issue beyond resolution. Each great Torah sage has no choice, therefore, but to follow his particular inclination and perception that in this or that specific manner he will fulfill his obligation to improve the world.

Rabban Gamliel, according to his characteristics, perceived his responsibility as one of educating the giants of the nation, its leaders and trailblazers. That is why he barred those who were, in his opinion, not candidates for greatness, from the *Beis Medrash*. When *Rabban* Gamliel later beheld the splendid sight of a multitude studying Torah, doubt entered his heart. The dream was meant to assuage his worries. The *Gemara's* subsequent conclusion is not that the dream was untruthful, rather, that we should not draw from here a conclusion as to how all generations should conduct themselves. *Rabban* Gamliel had to conduct himself according to his understanding - and so do we. There can be no one decisive, conclusive Halachic ruling in such areas. My grandfather theorized that we must view the debate between *Chassidus* and *Misnagdus* - - in a similar vein.

Think, Ask, Internalize!

I once heard a distinguished *Rav* delivering *Mussar* to his congregation. He urged them toward the obviously laudable goal of ridding their houses of televisions. The congregants, of course, have heard this particular message before, they will hear it again, and they almost certainly recognize the truth that underlies the *Rav's* plaint. Yet we all know what both the *Rav* and the congregants know: That this is a never-ending, ongoing, ritual. The congregants who have televisions will not get rid of them (after all, they just installed satellite dishes!). The *Rav* knows that the congregants who have televisions will not throw them out because of the *deroshos*. The congregants know that the *Rav* knows this. *Olam k'minhago noheig*.¹ What is going on here?

An apparently unrelated anecdote: My daughter once told me that a speaker that day had discussed how women merit the World to Come via their facilitation of their husbands' and children's' Torah study.² One of the girls present asked a question: What about women who never marry and/or never have children, or have husbands that cannot or do not learn? The speaker responded: "I get this question every year, but I do not answer it, because we do not encourage that kind of lifestyle."

While these two vignettes may appear very different, the issue that underlies both these scenarios is the same; the latter case builds on the former: We frequently leave our *Avodas Hashem* to others, because that is more comfortable; if and when, finally, we do think about *Avodas Hashem* and how it is to be accomplished, we may find ourselves admonished not to ask challenging questions about its direction!

¹ *Avodah Zarah* 54b.

² See *Berachos* 17a.

Thus, we never develop a *yetzer ha'tov*.

Let us analyze that assertion, first vignette first: **The congregants with the televisions have externalized their consciences.**³ In this case, who is the external conscience? **The Rav!** Why is this a problem? **Because then, the battle between their consciences and their drives takes place outside themselves.**

Delving a bit deeper, we Torah-true Jews have a common perception of what is "good" and "holy." We all know, for example: television = bad. We possess, however, great desires, drives and temptations.

Chazal tell us that we are born with our *yetzer ho'ra*; but we acquire our *yetzer ha'tov* only at the age of *bar* or *bas mitzvah*.⁴ Our conscience - our *yetzer ha'tov* - begins work late and comes from outside of us. In the meantime, we can identify internally with our drives and our own agendas - our *yetzer ho'ra*.⁵

³ I am using the English word "conscience" with its connotation of conscious recognition and awareness, as a synonym for *yetzer ha'tov*.

⁴ See *Avos d'Rabbi Nassan* 16:2 and *Koheles Rabba* 4:9. I am indebted to Rabbi Avrohom Chaim Feuer *shlita* for a precious reference; *Piskei Tosafos to Nedarim* no. 62 (free translation): "The *yetzer ha'tov* is given in the mother's womb when the person knows the entire Torah. At the moment of birth the *yetzer ho'ra* enters the person and banishes the *yetzer ha'tov* until a person becomes intelligent and the *yetzer ha'tov* enters him."

⁵ It is concerning a person at this stage of life that the *Michtav Me'Eliyahu* (vol. 1 p. 255) insightfully notes that when he speaks to himself about his drives and desires he says things like: "I want this"; yet when he speaks to himself about proper behavior he admonishes himself in the format of: "**You** shouldn't do that." The ideal is to accomplish the converse: I know of an *Oved Hashem* who has named his *yetzer ho'ra* "Rembrandt" (after the great artist, not the toothpaste) reflecting the *yetzer ho'ra*'s capacity to paint beautiful – yet deceptive – portraits. He thus attempts to isolate and externalize his *yetzer ho'ra*.

At that point - and often beyond - we are, in essence, stuck in the mode that some of us experienced in our school days: There is a system that we recognize, in some abstract way, as "good." Often, however, we test the system, bend the rules, and exploit its weaknesses (a la the "*naval b'reshus haTorah*"⁶). All too often we adhere to the system as minimally as possible so as to not be expelled, suspended or otherwise punished, scraping by and passing to get "through." I am what **I** want and what fulfills my desires; the school - or principal - is my external *yetzer ha'tov*.

As we progress through life, many phenomena may become parts of our externalized conscience. In the case of the *Rav* and the congregation, the *Rav* remains his congregation's external conscience. We feel good being associated with the stratum of *Yahadus* that detests televisions - while we ourselves hide them deep in our houses, because we do feel guilty or ashamed. Rituals and forms of attire - that are not internalized - are often also part of this external conscience.⁷ The *Mekkubalim* call this an *Or Makkif* - an enveloping light that does little to affect the internal state of the soul. The *yetzer ha'tov* does not become an *Or Pnimi* - an internal illumination.⁸

⁶ See the *Ramban* at the beginning of *Parashas Kedoshim*.

⁷ Perhaps *Chazal* had this problem in mind when they advised one who feels compelled to sin to don different garments and wrap himself differently and go to a place where no one knows him before committing the sin (see *Moed Kattan* 17a): A person must know that sinning is not compatible with being a part of Torah society. All too often we "walk the walk and talk the talk" and gloss over our shortcomings with our extrinsic affiliation.

⁸ It is interesting, in this context, to note that Reb Itzele from Volozhin, in his *he'oroh* at the beginning of his father's *Nefesh HaChaim*, cites *Mekkubalim* who locate the *yetzer ho'ra* between the *penimi'im* and the *makkifim*. (A very beautiful and understandable explanation of *Or Penimi* and *Or Makkif* is in Rabbi Shlomo Yosef Zevin's *La'Torah v'la'Mo'adim* in the section on *Simchas Torah Hakkofos*.)

With a conscience that is outside and distinct, we can maintain a superficial identification with a good and holy system, yet simultaneously do as we please - as long as the system doesn't "catch up" with us and castigate us. We are much like a fellow who will speed as long as he sees no policeman. True, we may feel somewhat guilty over our pleasures, but as *Chazal* note, guilt does not help very much in restraining us from negative activities.⁹ (We might even end up at non-*gebrokts* Pesach vacation in a Las Vegas hotel-casino!)

Internalizing the conscience is the process of becoming a fully developed *Oved Hashem*.

While it would be great to emerge victorious over our *yetzer ho'ra*, the reality is that most of us must battle our *yetzer*. If my *yetzer ha'tov* is still extrinsic to myself - embodied in my *menahel*, my *rav*, etc. - the battle is between my *yetzer ha'tov* and **me**. What if, however, my *yetzer ha'tov* is no longer outside of me, but inside me? If I have internalized my conscience, it is part of me, and it is ever present in my consideration.

For most of us, the internal balance between *yetzer ho'ra* and *yetzer ha'tov* is an ongoing struggle, the battle of *bechirah*.¹⁰ The first foothold of the *yetzer ha'tov*, however,

⁹ "*Reshaim meleim charoto*" - *Shevet HaMussar* chap. 25, on the basis of *Nedarim* 9b; see the discussion of this concept in the *Hakdomas Talmid HaMechaber* to the *Avnei Miluim*.

¹⁰ Of course, the classic description of that battle is to be found in one of the many "must see" sources upon which this essay is built, the *Kunteres HaBechirah* in *Michtav Me'Eliyahu* vol. 1, p. 111ff. (Most of this essay is captured by the *Michtav Me'Eliyahu* in his analysis of "*Ein lecha Ben Chorin elah me she'oseik ba'Torah*." (*Avos* 6:2) there, p. 117ff.)

is equated with the onset of maturity.¹¹ I am beginning to go beyond my subjective agenda, the one which caused me to seek the weaknesses I could exploit in the system. I have a component within myself that weighs matters objectively - and I need to make decisions. This of course, restricts my "fun." A 19 or 20-year-old may express his resistance to this maturity thus: "Eventually, when I am 21 or 22 and get married, I will lead a full Torah life - now I'm young, I want to enjoy myself. Let me have my TV [or worse...]." The danger in this perspective is fairly obvious. An external conscience is a terrible nuisance. Since it impinges on my lifestyle, I seek to drown it out - at first, perhaps, with behavior that distracts me from its inconvenient reproaches (like watching lots of television). Matters then may deteriorate. "*Ha'omer echtoh v'ashuv ein mapikin b'yado la'asos teshuva*" - "One who says I will sin and then repent, they do not grant him the opportunity to do *teshuva*."¹² Maturity, in the spiritual sense, will then tarry - perhaps never to arrive...

But now, what is the conscience, the *yetzer ha'tov*, which we seek to internalize?

This leads us to the second vignette.

Rabbi Yisroel Salanter says that *yetzer ha'tov* is often a synonym for the intellect ("*seichel*") while *yetzer ho'ra* is

¹¹ This is in line with the *Chazal* that we cited in note 4, that we are born with a *yetzer ho'ra*, while we acquire a *yetzer ha'tov* at *bar* (or *bas*) *mitzvah*. The expansion of that *yetzer ha'tov* is then a life-long process.

¹² *Yuma* 85b. The *Nefesh HaChaim* (1:12) notes that sinners live in the midst of their accumulated *Gehennom* - the constant distracting stimuli of this world prevent them from experiencing it on an ongoing basis. Upon leaving this world, divested of its commotion, they finally confront and experience the shame and degradation of their activities. That accumulated *tumah* is destructive, and makes *teshuvah* all the more difficult as well.

frequently identified with emotion ("*kochos ha'nefesh*").¹³ Not, says Reb Yisroel, that intellect is always used for the good, nor that emotion is always for the bad. The converse can, and does, occur. Nevertheless, following intellectual conclusions will usually lead one to good; following emotional drives will generally lead elsewhere.

When a person internalizes *emes*, awareness and contemplation grant the objectivity necessary for a true *Cheshbon ha'Nefesh*. The *Rambam* tells us that the first test of *Odom Ho'Rishon* was not that of good vs. evil, but rather that of *emes* vs. *sheker*. If *emes* is external, then the *kochos ha'nefesh* - and *sheker* - hold internal sway, and then evil follows - extending gradually, imperceptibly, at first, then sprouting and growing beyond control.¹⁴ External awareness cannot do the trick.¹⁵

But, indeed, how do we educate ourselves (and others) to achieve *Emes*?

We must **think**, we must **ask**, we must seek **answers**, we must **demand** of our *Rav* or teacher or *seforim* that they give us answers, which we must then **contemplate** and **internalize**.¹⁶

(Here, of course, there is a difference between the case of the televisions and the case of the women and *Olam HaBo*. In the former case, the congregants know the

¹³ *Ohr Yisroel Iggeres* 30, Vilna 5660 edition and reprints p. 84. Everything we have discussed (and more) is essentially found in the *Or Yisroel* there and in the first lines of the *Iggeres ha'Mussar*.

¹⁴ See *Sukkah* 52b.

¹⁵ "*Yod'im Resho'im she'darchom l'miso, v'yesh lohem chilev al kislom*" - *Shabbos* 31b.

¹⁶ I would like to note to the many readers who are familiar with the 19th century children's story of "Pinocchio" that the tale serves as a very powerful metaphor for this essay.

answers - they try, mostly with success, to avoid thinking about them. In the latter case, someone actually asked a question - but was told not to ask. In both cases, the intellectual faculty is suspended - in the former, internally; in the latter, externally.)

So how do we go about doing this?

Let me answer on the basis of an experience. I once gave a *Hashkofo Shiur*, in which I presented all sides of the issue, even those that I was going to ultimately reject. Someone asked me: Why present positions that are against *Mesorah* even as an intellectual *Hava Amina* (premise)? Suffice it to say that the *Gedolim* oppose position X!

At first glance, this approach is tantalizingly appealing. It certainly saves significant mental exertion, which may then be devoted to *mego*, *rov* and *chazoko* [classic Talmudic concepts]. Furthermore, there is a strong emotional appeal in the simple citation of "*Ru'ach Yisroel Sabbah*." Much literature in our circles is based on this approach. This apparent short cut, however, is not without potential pitfalls:

Declarative statements remain extrinsic. It is only by inculcating the quest for truth and meaning; by acquiring and imparting both the truth **and** its basis; by training ourselves and others to rigorously assess, analyze and critique, **by thinking**, that we internalize the *yetzer ha'tov* of *emes*, and we "*mohn*" (demand) of ourselves. **It is only when we ourselves make demands of ourselves that they are truly inescapable.** We (the congregation) will only change when we ourselves demand it of ourselves, not when the *Rav* demands it from us.¹⁷

¹⁷ The *Shem MeShmuel* on *Dayeinu* in the *Haggadah* says that the reason *Am Yisroel* in the *Midbar* fell so many times from very high levels to great depths is because the *madreigos* that they acquired were not

This is not to say that that there is no room for rote education. As Rabbi Dessler notes (*Michtav Me'Eliyahu* vol. 3, pp. 131-133), there is much that one can learn "by osmosis" - by absorbing values from the right environment and contact with the right people. Indeed, in the right environment, one can reach levels of outstanding piety.¹⁸ But, says Rabbi Dessler, one's true level is not what he has accomplished on the basis of habituation, but what he has accomplished in his personal battle with the unique *yetzer ho'ra* that *Hashem* has imparted to him.¹⁹

The *Maharal*, *Be'er Ha'Golah*, end of *Be'er* 7 says it best. It is only when we fully explore and comprehend the truth that we will be able to best our enemy (he was talking

their own internal accomplishments, but extrinsic ones conveyed to them by *Moshe Rabbeinu*.

¹⁸Editor's note: Along the lines of the positive impact of the right environment, it is interesting to note the comment reported by NRP MK-elect Mrs. Gila Finkelstein in the name of her father ("The New Face of the National Religious Party" *The Jerusalem Report*, Dec. 30, '02:

A year later she [Mrs. Finkelstein] got her own wig, It wasn't a simple decision. For many modern Orthodox women, covering one's hair remains one of the most complicated mitzvot to accept, a symbol of servitude. Finkelstein felt that way, "My own mother, who was very Orthodox and a descendant of the Vilna Gaon, didn't cover her head. And my father never insisted.

But he came to regret that. "Before he died, he once told me, 'The stupidest mistake of my life was that I didn't ask your mother to cover her hair.' He came to believe that the head covering set a religious tone in the house, which had my mother done so, perhaps my [oldest] brother wouldn't have turned secular." - *NW*.

¹⁹ Rabbi Dessler explains further: There are people who give much money to *tzedakah*, and are even meticulous to do so in secret, but are nevertheless dishonest in their business practices. How can a person be so inconsistent? He explains: This person became habituated to the trait of *tzedakah* from his environment, but never became habituated to the trait of honesty.

about an external one, but in our discussion we are dealing with our internal adversary):

When an individual does not intend to scoff - rather only to state his belief - even if these positions stand against your belief and system, don't say to him: "Don't talk, seal your mouth!" For then the system will not be clarified. On the contrary, in such matters we should say: "Speak as much as you want, all that you want to say, so that you will not be able to say that were you granted permission to expand you would have spoken further [and convinced me with **your** beliefs]." If you do close his mouth and prevent him from speaking, that points toward a weakness in the system. This [approach] is the converse of the general impression, which is that it is not permitted to discuss the system, and that thus the system is strengthened. On the contrary! That approach undermines the system!... Thus [through the former approach] a person comes to the inner truth of matters... For, any hero that competes with another to demonstrate his might wants very much that his opponent muster as much strength as possible - then, if the hero overcomes his opponent, he proves that he is the mightier hero. What might, however, does the hero display if his opponent is not permitted to stand strong and wage war against him? ...²⁰

²⁰ See also the *Alter* from Kelm, *Chochmo U'Mussar* vol. 2 p. 50 and p. 76 - *Mesorah* and Thought must go hand in hand.

It is worthwhile to recall here Reb Chaim Volozhiner's²¹ explanation of "*Hevei mis'avek b'afar ragleihem*" (literally translated as: "Sit in the dust at the feet [of the Sages]"). He explains *misavek*, based on Yaakov Avinu's encounter with Eisav's *malach*, as connoting wrestling: You must wrestle (intellectually) with your Rebbe (with respect, of course - "at his feet") - ask questions, demand answers - not to test the Rebbe, *Rav*, or teacher, but **to get your own mind in gear so you can make your own cheshbon ha'nefesh (reckoning) and be your own conscience:** "*She'yisbarer v'yisames etzel ho'Odom mah chovoso b'olamo*" - "That is should be clarified and become true to a person what his task is in his world." (*Hakdomo* to the *Mesillas Yesharim*).

In taking our thesis to its conclusion, we might understand an interesting perspective of the *Zohar HaKodosh*. The *Zohar* calls the 613 *mitzvos* "*Taryag Ittin*" (613 suggestions).²² To be sure, although there are other interpretations, the simple derivation of *mitzvah* is from the verb *tzaveh*, i.e., command. Why does the *Zohar* depart from the simple meaning?

Perhaps the *Zohar* is pointing at the difference between the external *yetzer ha'tov* and the internalized *yetzer ha'tov*. At the earlier stage, the *mitzvos* resemble the rules and regulations that an external system must impose on its constituents. This is the level of *Avdus* - the impositions of a Master on His servant.²³ For the immature

²¹ *Ruach Chaim* to *Avos* 1:4.

²² Reb Tzadok *HaKohen* of Lublin expands on this *Zohar* (vol. 2, 82b) in numerous places. See, for example, *Tzidkas HaTzaddik simanim* 68, 156 and 219.

²³ I know I am on shaky grounds here. After all, the *Chofetz Chaim* did not recite "*Berich Shmei*" because he found it presumptuous to state about himself "*Ana avda d'Kudsha Berich Hu*" (see *Shorshei Minhag Ashkenaz* vol. 1, the discussion on the German *minhag* not to recite *Berich Shmei*). The Torah reserves the praise of *Eved Hashem* for *Moshe*

individual - be he seventeen or seventy - a structure of rules is necessary - a system to confine him to the straight and narrow.

But it is not for that end that *HaKadosh Baruch Hu* created us: "**Bannim** attem la'Hashem Elokeichem" (*Devarim* 14:1). The more we internalize "*Hashem Elokeichem* **Emes**" the more we achieve that true *Tzelem Elokim* which is our innermost essence. Our conscience is then not imposed command but inner truth - no longer the directive of a Master to a servant but the loving advice of a Father to his beloved - and loving child.

I know it's hard to think. My learning rebbe in camp a quarter century ago, Rabbi Hillel David *shlita*, challenged us: "You have no idea how many problems you can solve if you just think about the same thing for five minutes straight!" Many years later, I still find it next to impossible to focus on a thought for more than a few seconds at a time.

But just think... if we would just think...

Rabbeinu. But there are different connotations to *Avdus*, and I am using the term here in its more negative implication.

Good Chumros?

The Big Question

Do you merit a greater portion in the World to Come if you always reads the *Shma* before the *Magen Avrohom's* deadline? ²⁰ Do you generate more *nachas ru'ach* for *HaKadosh Baruch Hu* if you keep your refrigerator on a *Shabbos* clock? If the answer to these questions is an unqualified "yes" then why are we not *machmir* every conceivable *chumra* possible?

Before we continue, let us clarify that the converse of a *chumra* is not a *kulla*. Halacha recognizes many instances in which *kullos* are justified: "*hefsed merubeh*" "*she'as hadechak*" "*kavod Shabbos*" etc. However, these are not, for our purposes here, the alternatives to *chumros*. The alternative is "baseline" halachic observance. While the definition of such a standard is iffy, let us say that it consists of a standard of halachic behavior endorsed by: a) many great *Poskim* who have weighed in on the issue; and, b) prevalent practice among many observant Jews.

Are there Unwarranted Chumros?

Of course, *chumros* must be warranted. *Chazal* warn us not to prohibit things or activities arbitrarily:

Rabbi Eliezer said: Just as allowing that which is prohibited is forbidden, so prohibiting that which is allowed is also forbidden. (*Yerushalmi Terumos* 5:3).²¹

20. The questions is of course, technically erroneous. As Antigonus *Ish Socho* tells us in *Avos* 1:3, we do not serve *Hashem* in order to achieve reward. I have intentionally inaccurately phrased the question in order to emphasize the issue.

21. One of my *roshei yeshiva* once related that he had met a man who would not remove or replace a bottle cap on a soda pop bottle on *Shabbos* (even when the cap had been initially opened before *Shabbos*). He based his "*chumra*" on the prohibition to create a tent ("*asi'as ohel*") on *Shabbos*. This *rosh yeshiva* clearly demonstrated that the problem of *ohel* could not, by any stretch of the imagination, apply to soda pop bottle caps. The individual remained adamant: "Everyone has

Many writers have attempted to identify sociological reasons why, in their perception, our generation has a more stringent attitude toward Halacha - is more *machmir* - than our parents' and grandparents' generations. Their various theories may or may not constitute insightful analyses of contemporary conditions. They do nothing, however, to answer the questions that we posed at the outset. Some *chumros* may be sociologically motivated. Some people may be *machmir* unthinkingly. These may not be the "right" motivations for adopting a *chumra*. We, however, want to understand what a "right" motivation might be, and, will a *chumra* adopted as a result truly enhance one's *Avodas Hashem*?

Chumros for the Thinking Person

In broad terms, we can identify four categories of *chumros*:

1. Based on halachic issues.
2. Based on *ahavas Hashem*.
3. Based on *yiras Hashem*.
4. Based on separation from *gashmiyus*.

The first category is halachic in nature: A great *Posek* reviews an issue in depth and comes to the conclusion that Halacha definitively follows the stringent opinion in a certain area.

For example, for centuries most of Ashkenazic Jewry was lenient concerning *yoshon* and *chodosh*.²² When Rabbi

their *chumros*" he said, "this is mine." Perhaps someone may have some reason to take a personal *shevu'ah* (vow) not to open bottle caps on *Shabbos*. In the absence of such a *shevu'ah*, this practice could not be justified as a *chumra*, as it did not reflect any legitimate halachic opinion.

22. To be sure, this is inaccurate. There were always *machmirim* on *chodosh*, even among the *Chassidim*. **Some might argue that the "baseline" halachic position is to be stringent in the area of *chodosh*, and that it is a "kulla" - a leniency - to eat grain products from the new crop before the 17th day of *Nissan*. I have chosen to deem the observance of *chodosh* outside *Eretz Yisroel* as a *chumra* because the overwhelming majority of observant Jews have never refrained from *chodosh*. As we have noted, "baseline halacha" may be determined by the practices of a majority of observant Jews:**

Chaim and Rabbi Velvel Soloveitchik *zt"l* revisited the issue, however, their analysis led them to conclude that the prevailing practice was incorrect, and that following the stringent opinion in this area was necessary. A *chumra* arrived at by this process is inescapable. But very few of us are equipped to engage in this process. It is one reserved for *Gedolei Torah* at the highest echelon. Often, *Poskim* who have engaged in such comprehensive reviews and analyses are loath to impose the standards implicated by their conclusions on the masses of *Am Yisroel*. Their reasons may be based on the principle of *eilu va'eilu divrei Elokim chayim*.²³ They may, however, advise their *talmidim* and followers of their conclusions, and direct them to adhere to these rulings.

As these *talmidim* and followers would then be bound to follow the stringent opinion of their *Posek*, to be perfectly precise, for them this mode of behavior is no longer a "*chumra*." If your halachic authority has ruled in accordance with the more stringent opinion in an issue, this becomes for you normative Halacha. To many beyond your circle, however, this mode of behavior will still be an apparent *chumra*, as their halachic authority may not accept the more stringent opinion.

(We should note that rabbinic authorities, even to the present day, may issue guidelines and enactments - *takkanos* - that are not properly classified as *chumros*. The *Chazon Ish zt"l* (*Orach Chaim* 52:6) understood the

"Puk chazei mai ama dvar" - "Go see how the nation conducts itself" (*Berachos* 45a). The *Mishna Berura* (489:45) writes, concerning *chodosh*, that "*Ba'al Nefesh yachmir*. See our discussion of that concept below. See also the *Aruch HaShulchan Yoreh De'ah* 293. A fuller appreciation of the complexities of the issue will have to wait for another opportunity. As above, the intentional oversimplification here is for illustrative purposes only!

23. See "Mezuzos, Machlokos and Eilu va'Eilu Divrei Elokim Chayim" *The Jewish Observer*, available at: <http://www.aishdas.org/baistefila/eilu.htm>.

prohibition to use an umbrella on *Shabbos* as a modern day rabbinic enactment, based on their mandate to preserve the public aura of *Shabbos*.)

The next two categories of *chumros* are best understood by introducing and exploring them together. They are “*chumros me’yirah*” and “*chumros me’ahava*” - *chumros* adopted out of fear (of *Hashem* or the defiling qualities of the sin itself) or love (of *Hashem* or *Am Yisroel*).²⁴

The *Shelah HaKadosh zt”l* (vol. 1, *Bais Dovid, Bais Chochma*) attempts to explain the phenomenon of ever-more *chumros*. He writes that as time goes by there are many more enticements. The power of the *yetzer hara* becomes ever greater. Society “devolves” and spiritual danger increases. It becomes imperative, therefore, to introduce more safeguards. Halacha may not even mandate these *chumros*. Any boundary, however, may be positive. The *Nesivos Shalom* (*Kovetz Sichos* p. 16), in the name of the *Toras Avos*, cites the verse regarding *Bil’am* and his donkey, which found itself standing in the path among the vineyards bound in narrow confines by a “*gader mizeh v’gader mizeh*” - a fence on either side - that pressed the leg of *Bil’am*. The *Nesivos Shalom* interprets the *pasuk* as an allusion to the necessity to impose *gedarim* on oneself to keep on the straight and narrow path:

For when there are boundaries and limitations on all sides they press and wear away the habits [“*hergel’* - a play on the Hebrew word “*regel*” - leg] of *Bil’am*. He [the *Toras Avos*] explains, that there are boundaries and limitations meant so that one who learns Torah remains free of inclinations and negative thoughts, and that there are others meant so that one who involves himself in

24. The *Minhag Yisroel* to be *machmir* on “*pas paltar*” during *Aseres Yemei Teshuva* is a good example of a *chumra* meant to manifest our love of *Hashem* at a time when we feel particularly close to Him.

matters of this world should not become too materialistic [*“megusham”*]. The boundaries and limitations in the vein of *“gader mizeh v’gader mizeh”* that surround each step direct the individual in the proper path.

The *Maharal* (*Be’er HaGolah* 1:4, *d.h. HaRevi’i*) explains the *Gemara* that states that rabbinic enactments are more precious before *Hashem* than Torah laws. He notes that the hallmark of love is the quest to give to one’s beloved.²⁵ The *Michtav Me’Eliyahu* (vol. 5, p. 234) cites the *pesukim* in *Yeshaya* (58:13-14) that admonish the Jewish people to keep *Shabbos* properly. The stress in those *pesukim* is on *Kavod Shabbos*. Rabbi Dessler asks the obvious question: Surely, were it up to us, we would stress the prohibitions of *Shabbos* and their fortification - not the honor of *Shabbos*? We must preface Rabbi Dessler’s answer with the comment of the *Rambam* (*Peirush HaMishnayos*) on the well-known *mishna* at the end of *Makkos*:

Rabbi Chananya *ben Akashya* said: *Hashem* wanted to enhance the merit of the Jewish people. It is for that reason that he granted them many *mitzvos*.

A “conventional” understanding might be that *Hashem* wants to reward us as much as possible, and that is why he gave us so many opportunities to fulfill *mitzvos*. The *Rambam*, however, says that to qualify for “entry” to the World to Come a “candidate” must have fulfilled at least one *mitzva lishma* during his or her lifetime. This is a very difficult task, as *lishma* is not a simple matter to attain.²⁶

25. As explained at length in the *Michtav Me’Eliyahu*’s famous *Kuntres HaChesed*, Vol 1.

26. The interpretation of *lishma* is the subject of a great debate between the *Besht* and Rabbi Chaim of Volozhin *zt”l*. The *Besht* (*Tzava’as HaRivash simanim* 29-30 and the *nuscha’os acheirim* there. *Rivash* = Rabbi Yisroel *Ba’al Shem*) held that *Torah lishma* means the study of *Torah* with the purpose of achieving *dveykus* in *Hashem*. Reb Chaim expends a great deal of effort (*Nefesh HaChaim Sha’ar* 4, Chaps.

Rabbi Chananya *ben Akashya*'s meaning is that it was to make that difficult task more feasible that *Hashem* gave us so many opportunities to complete it successfully, by giving us so many *mitzva* opportunities.

Rabbi Dessler explains that *lishma* is a critical prerequisite for *Olam HaBa* because the World to Come is, by its very nature, a world of *lishma*. The characteristic of *Olam HaBa* is "*l'hisa'neg al ziv ha'Shechina*" - to enjoy the transcendent radiance of the *Shechina*. Only if that is meaningful to an individual is there a point to that individual's presence in the World to Come. It is, says Rabbi Dessler, the *Oneg Shabbos* - that is one sixtieth of

1-2) rejecting this approach. Reb Chaim defines *Torah lishma* as Torah for its own sake, as complete and total immersion in study for no other purpose but the study itself. *Shabbos*, however, is a *mitzva*, not Torah. Rabbi Dessler interprets the passage in *Yeshaya* as teaching us that the scale of measure by which one's *Shemiras Shabbos lishma* is measured is the extent to which it is for him or her a true *oneg* and "*hana'ah me'ziv ha'Shechina*."

(There are other interpretations of *lishma* as well. The Kotzker Rebbe *zt"l* (*Emes v'Emuna* p. 26) notes that *lishma* begins in the way we learn. *Torah lishma*, said the Kotzker, is the same as *Torah kishma*. We learn Torah to fulfill the meaning of its name. Torah means "Teaching" and our Torah is *Toras Chaim*, the Teaching of Life. If we learn Torah with the intent that it elevate and refine our lives, our Torah is *lishma*, and *divrei Elokim chayim*. Similarly, Rabbi Samson Raphael Hirsch *zt"l* says (*Siddur Tefillos Yisroel* p. 8): "*Lishma* means to study Torah with the only purpose that pleases *Hashem*, and with proper preparation, to know His will and fulfill it: To learn, to teach to preserve and to perform."

In fact, this perspective is grounded in the words of the *Shelah HaKadosh, Masseches Shavuos*: "And the concept of *lishma* is the intent to involve oneself in Torah in order to fulfill that which *Hashem* commanded us... and, therefore, when one learns *Tanach, Mishna, Talmud* and *Poskim*, he should undertake that: 'All I shall find, both to pursue and to avoid, I will fulfill like a loyal servant'... And how wonderful it would be if when a person opens a *sefer* he says: 'I want to learn in order that the study may lead me to deed, to straightened *middos* and to the knowledge of Torah, and I am doing so for the sake of unifying *Kudsha Berich Hu u'Shechintei*.' This is called *Torah Lishma*. **See also the Gemara at the end of the fourth chapter of Masseches Sukkah.**)

the World to Come - that is the *lishma* that is the barometer of one's *Shabbos*.

Rabbi Dessler goes on to explain the concept of *hiddur mitzva* in this vein: If you buy a more expensive *esrog* to take pride in it *Sukkos* morning that is not a valid reason for *hiddur mitzva*. However, if you spend more on an *esrog* as an expression of your love for *Hashem* that is a "*chumra me'ahava*":

This is also the definition of "*hiddur mitzva*." A *hiddur mitzva* does not mean "a little more *mitzva*." It is, rather, a higher level in one's appreciation of a *mitzva* in one's heart. If we have not reached such a level internally, of what benefit is our *hiddur*?

A noteworthy example of "*chumra me'ahava*" based behavior may be found in the regulations set by the *Ramchal zt"l* for his group of disciples. Among the seven enactments were:

All the reward for all of their *mitzvos* and good deeds was to be given as a gift to all *Klal Yisroel*, with the intent to be "*gomel chesed*" (so to speak) to the *Shechina*.

Any *mitzva* performed by any one of the group was as if done in the name of the entire group. They accepted upon themselves to conduct themselves with great love toward each other and to accept rebukes from each other with total love and no anger at all.

No *chumra* nor *minhag b'Yisroel* was to be disregarded.²⁷

There are dangers in both kinds of *chumros*. Rabbi Yeruchom Levovitz *zt"l* (*Da'as Torah, Bereishis* p. 19) reminds us of the exchange between the *nachash* and *Chava* in *Gan Eden*. *Chava* embellished the command of *Hashem* not to eat from the Tree of Knowledge with a

27. Other *takkanos* can be found in *Tenu'as HaMussar* vol. 1, pp. 83-84 and *Otzaros Ramchal* p. 9.

prohibition to touch the tree. The *Avos d'Rabbi Nossor*²⁸ attributes this "*chumra*" to *Adam* and says that from here we see the danger in adding on stringencies where not essential. The *Chovos HaLevovos* explains that one should not take upon oneself excessive restrictions. They are apt to become a burden and a nuisance, and may eventually tempt a person to cast the yoke of much more than the *chumra* off his or her shoulders. This is the danger inherent in *chumros me'yirah*.

The danger in a *chumra me'ahava* is manifest in a story I heard from one of my *Rabbeim zt"l*. **An impetus for Rabbi Yisroel Salanter zt"l to found the Mussar movement was an experience he once had on one of the Yomim Nora'im in Vilna. He had forgotten to bring a Machzor to Shul. He found himself standing next to an illustrious scholar and motioned a request to be allowed to look into his neighbor's Machzor.** The scholar's "response" was a shove. This scholar stressed his *chumra* of davening to *Hashem* with the utmost *kavana* - which we need not doubt that he did. Yet there is in this stress an inherent haughtiness that may lead one to improper leniency in other areas - here, in one's *bein adam l'chaveiro*. Even worse, says Rabbi Dessler (*Michtav Me'Eliyahu* vol. 3, p. 294), is overt conceit - the sin of *ga'avah* that outweighs any advantage accrued by the *chumra*. He says therefore, that it is proper:

...To be *machmir* and meticulous in primary areas, such as *Bittul Torah*, *Lashon Hara*, etc., [but not other areas], to avoid the danger that by peripheral meticulousness to an exaggerated extent one may, *chas ve'shalom*, lose sight of the primary areas in which, to our regret, so many fail . . .

The *Yerushalmi* (*Berachos* 9:5) captures these pitfalls in its caution:

28. 1:5. See also *Yerushalmi Nedarim* 9:1.

Do [*mitzvos*] both out of love and out of fear.
Do out of love, for even if you are prone to hate you will not, because one who loves does not hate. Do out of fear, for one who has fear does not reject.

A fourth type of *chumra* is that alluded to by the *Nesivos Shalom* cited above and described by him elsewhere in greater detail:²⁹ Excessive Gashmiyus in and of itself is a negative thing - it is a barrier between oneself and *Hashem*.

This type of *chumra* runs into significant conflict with our contemporary milieu. *Baruch Hashem*, our generation enjoys affluence to a degree unknown, even unimagined, by our forbears, even a few short years ago. The American “dream” and “upward mobility” have a very real impact on our society as well. Yet, one need only recall the *Ramban* on *Kedoshim Tee’heyu* and the *Mesillas Yesharim Sha’ar Ha’Perishus* to realize the value placed in *Yahadus* on refraining from material pleasure - even permissible pleasure - and *histapkus b’mu’at*. Over-involvement in the pursuit of material possessions and pleasures - pursuit of “*chomer*” - may prove a distraction from the quest for *ruchniyus*.³⁰

There is a value in even artificial disdain for the material - lest it exert a deleterious effect. An echo of this may be found in the *Piasieczner zt”l*’s remark that a necktie is a “*kesher resha’im*” (“*Toldos Ha’Mechaber*” by Rabbi Aharon Surasky, Chap. 11, printed in the back of several of the *Piasieczner’s seforim*). (While this application does not resonate with a community that has grown to appreciate fine neckwear as a hallmark of **dignified**

29. See also the *Or Gedalyahu* on *Parashas Naso*, who makes a similar point in his discussion of *nezirus*.

30. For example, there are various “loopholes” in the *halachos* of *Cholov Yisroel*. A person may decide not to exploit one of these loopholes - even if he perceives it as an halachically legitimate loophole - because he feels that excessive indulgence in rich chocolate confections is inimical to his *dveykus* in *Ha’Kadosh Baruch Hu*.

appearance, we may identify other manifestations closer to home.³¹⁾

Ba'al Nefesh

A subcategory of the first and last categories is the advice found often in halachic works: “*Ba'al Nefesh yachmir*” - “a righteous (*Rashi Chullin* 6a) - or pious (*Rashi Pesachim* 40a) - person should be stringent.”

In the *Gemara* (*ibid.*, and *Nidda* 16b and 65b) and *Shulchan Aruch* (*Orach Chaim* 240:9, *Yoreh De'ah* 116:7 and several other places) they usually give this advice in cases where a certain mode of conduct may, technically be permissible, but skirts the boundaries of a prohibited act. To engage in such behavior may not be legally proscribed, but, nevertheless, suggests a proclivity toward indulgence and pleasure not befitting a person at higher levels of divine service. (The *Ran* in *Nedarim* 91b seems to use “*latzeis yedei shomayim*” in the same way.)³²

The *Mishna Berura* employs this dictum in cases of major contention, where a significant opinion - perhaps only a few *Poskim* - tends toward a stringent approach although another equally valid opinion - perhaps even most *Poskim* - is inclined to be lenient. If neither opinion is manifestly definitive, then the *Mishna Berura* may give the advice of “*Ba'al Nefesh yachmir.*” This means, that the weight of the sources allowing leniency grants that standard halachic legitimacy. Nevertheless, the weight of the *Poskim* on the other side of the equation led the *Chofetz*

31. Longtime loyal readers will recall, however, that in Jan. '78 we did draw the line at a \$2000.00 necktie! - NW.

32. See Rabbi Chaim of Volozhin zt"l's *Ruach Chaim* on *Avos* 3:1 *d"h* *Din v'Cheshbon* (free translation): “Human free will allows an individual to change a materialistic existence into a spiritual one, and, *chas v'shalom*, the opposite as well... Individuals who elevate their flesh toward spirit are known as *Ba'alei Nefesh...*”

Chaim zt"l to conclude that those who are *yere'ei cheit* (fear sin) should incline toward *chumra*.³³

(This is similar to Rabbi Shimon Shkop *zt"l*'s (*Sha'arei Yosher* 1:2) explanation of *safek d'oraysa l'kulla* according to the *Rambam*. Reb Shimon interprets this as follows: The Torah distinguishes between a definite prohibition, that one may definitely not transgress, and cases of doubt, where one is entitled to take chances. If, however, you ultimately discover that the case in doubt in fact entailed a definite prohibition, you have committed a transgression and *teshuva* is mandated. Just as *yir'as cheit* led *Chazal*, from the *Rambam*'s perspective, to mandate *chumra* in cases of *safek d'oraysa*, so too the *Mishna Berura* advises a *Ba'al Nefesh* to be *machmir* in cases he perceives as questionable.)

The Decisive Answer to the Big Question

To return to our opening questions: The answer (you knew this was coming) is: It depends! If one of the four legitimate reasons for *chumros* motivates one always to read *Shma* before the *Magen Avraham*'s deadline, one's *Avodas Hashem* is enhanced. Not necessarily because one has always said *Shma* earlier than others. After all, when one comes after 120 years to the *Beis Din shel Ma'alah*, one will have fine, solid halachic foundations - the *Gr"a* and *Ba'al Ha'Tanya*, among others - upon which to justify a later reading of *Shma*. Rather, because one followed one's *Posek*, manifested *Yiras Hashem* or *Ahavas Hashem*, or

33. Through the wonders of modern technology we can list the thirteen times that *Ba'al Nefesh* is mentioned in the *Mishna Berura*, allowing the reader to verify this usage: 27:33, 246:34, 257:49, 271:21, 301:141, 303:65, 345:23, 364:8, 444:17, 453:17, 462:11, 489:45, 580:1. (Readers with access to one of several CD-Rom search programs will also find several places in the *Bi'ur Halacha* where the *Chofetz Chaim* employed this phrase.)

It is this attitude that the *Kotzker Rebbe zt"l* probably meant to disparage when he said that *Chassidim* fear G-d, while *Misnagdim* fear the *Shulchan Aruch*, but the disparaging comment does not mean that the attitude is not legitimate!

dissociated oneself from the material and mundane by that *chumra*.

A simple example of the importance of assessing the advisability may be found in *Hilchos Sukkah*. The *Rama* (*Orach Chaim* 639:7) says: "Anyone who is exempt from [the *mitzva*] of *Sukkah* [because rain is falling, etc.] yet does not leave it, receives no reward for his activity . . ." The *Bi'ur Halacha* there comments: "This principle applies specifically to a scenario where an aspect of transgression, such as anguish [*"mitzta'er*], is involved, which is *Chillul Yom Tov* . . ." We see here an elementary illustration of a *chumra* not thought out, that ends up being detrimental to one's *Avodas Hashem*.

But . . . It is possible that one may diminish one's *Avodas Hashem* by strict adherence to the *Magen Avraham's* time frame - if it led one to haughtiness, fractious behavior toward others, or another negative byproduct. And, there are scenarios in which following the later time frame of the *Gr"a* or *Ba'al Ha'Tanya's* time frame may enhance one's *Avodas Hashem* - if more sleep truly enriched one or one's family's *Oneg Shabbos*!

If nothing else, what should we take away from our discussion? That the motivations for our behavior are critical and that we must carefully analyze them. Then, in consultation with our mentors, we must carefully consider and plan how in every area of our *Avodas Hashem* we can attain higher levels of accomplishment and *lishma*.

Mezuzos, Machlokos and Eilu v'Eilu Divrei Elokim Chayim

The Halachic Problem

Do you have a door that leads out to your balcony or backyard? If you do, you probably have faced (or will face) the following question: Do you fix the *mezuzah* on the right side of the door as you come in from the balcony or backyard into the house, or do you fix it on the right side of the door as you go into that balcony or backyard?

You are not alone. *Gedolei HaPoskim* for generations have dealt with this common question. The purpose of this essay is not to provide you with a practical Halachic *psak* for this issue. You should approach your local *Rov* for that. I am using this case as a springboard to explore the complex issues that lurk behind this seemingly innocuous question: How do we figure out or understand what *Hashem* would like us to do in this situation? How does He and how do we regard others who follow other approaches than our own when it comes to a *machlokes* in practical Halacha?

The Halachic Dispute

The Halachic problem is that if you fix a *mezuzah* on the wrong side of your doorway, you do not fulfill the mitzva (*Shulchan Aruch Yoreh De'ah* 289:2). You cannot put up two *mezuzos*, on both sides of the doorway, just to be sure, because many *Poskim* (see *Igros Moshe Yoreh De'ah* 1:176) prohibit such practice. There is no way to "just be *machmir!*" You must pick one side or the other. Which side of the doorway to your balcony or backyard you should fix the *mezuzah* upon is a longstanding *Machlokes HaPoskim* (see *She'arim Metzuyanim Ba'Halacha* 11:3). *HaGaon HaRav* Moshe Feinstein *zt"l* (*Igros Moshe* *ibid.*, 181) held that in completely enclosed balconies and yards the *mezuzah* should be fixed on the right side of the doorway as you exit to your yard. The *Chazon Ish zt"l* (*Yoreh De'ah* 168:7) held

the opposite - the *mezuzah* should be fixed on the right side of the doorway as you enter your house.

The Machashava Issue

As I said, refer to your *Rov* for practical guidelines in *Halacha L'Ma'aseh*. Let us instead tackle the *Machashava* issues that underlie this Halachic problem: Is one approach here right and the other wrong? If we follow the approach that is, by some objective standards (that *Eliyahu HaNavi* may reveal - see *Chiddushei HaGriz al HaTorah* 122), wrong, have we fallen short in our *kiyum hamitzvos*? Have we then not fulfilled the *Ratzon Hashem* in this or any other similar area of Halachic contention?

The Machashava of Halacha

Of course, in all such thorny issues we look to *Rabboseinu HaRishonim* and *Gedolei Ha'Acharonim* for guidance. We begin our pursuit of understanding, however, at the source, the *Gemara*:

Eruvin 13b: Rabbi Abba said in the name of Shmuel: Beis Shammai and Beis Hillel argued for three years, each side claiming the Halacha was as they maintained. A *bas kol* then came forth and stated: *Eilu va'eilu divrei Elokim chaim* (These and those are the living words of *Hashem*), but the Halacha is according to Beis Hillel . . .

The *Ritva* there explains: The French *Rabbonim* asked how it is possible that these and those are the living words of *Hashem* when these forbid and those allow. They answered: When Moshe went up to receive the Torah, he was shown in every issue forty-nine manners in which to forbid and forty-nine ways in which to allow. Moshe asked *Hashem* about this. *Hashem* told him that the *Chachmei Yisroel* in every generation, were to decide which manners to follow in their specific times and places . . . (See also *Chagiga* 3b; *Avos* 5:17, and the *Maharal* in the *Derech Chaim* there).

The *Ritva* goes on to say that although this approach is correct, there is also a yet deeper perspective. He does

not tell us what that deeper perspective might be. Perhaps we can find it in later sources.

Torah Shapes the World

HaGaon HaRav Tzadok HaKohen of Lublin zt"l writes (*Tzidkas HaTzaddik* 90. See also *Bnei Yissaschar, Chodesh Nissan* 4): "The Torah is the map of the world . . . and so is *Yisroel* (since they and the Torah are one. This is because we know that the illumination of Jewish souls is the illumination of the Torah, as it is said that *Yisroel* is an acrostic: Yesh Shishim Riboh Osios LaTorah [there are six hundred thousand letters to the Torah]). The Jews in each generation, therefore, comprise the current map of the world. New phenomena in the Jewish nation in any generation will create corresponding new phenomena in the structure of the world."

This idea is not solely a Chassidic one. *HaGaon HaRav Eliyahu Meir Bloch zt"l* (*Shiurei Da'as, "Darka shel Torah"*, chap. 5) writes: "When the Torah was given to *Yisroel*, the characteristics of its nature were imparted to the Torah Sages. They, through their thought, determine the characteristics of nature, which follows the logic and secrets of their Torah. They decide the reality of Torah, and the reality of the Creation linked to the Torah."

What is the cause, and what is the effect? The cause is not reality, which demands the effect of figuring out relevant *Halachos*. On the contrary, the cause is Halacha, and the effect is the reality of the world.³⁴

Let us note Reb Elya Meir's caveat: "If it is in line with the logic and secrets of the Torah . . ." Reb Tzadok elsewhere (*ibid.*, 115) makes a similar remark: "When one is *mechadesh* a matter in Torah, one must not do so with any *negi'a* [vested personal interest] in his heart, i.e., that he wants the matter turn out so, for the sake of his pride, or to

³⁴ *Chazal* note that the *Sanhedrin* determines the reality of the world when they declare a leap year, see *Yerushalmi Kesuvos* 1:2, and *Encyclopedia Talmudis* vol. 1 pp. 201-202.

argue on another, etc. One's *chiddush* must stem solely from one's yearning to know the truth. If a person follows these guidelines, then even if he makes a mistake his words are words of Torah and *divrei Elokim chaim*."

Not every person under every circumstance can claim to generate *divrei Elokim chaim*. Only people whose thoughts and conclusions meet these criteria are qualified to create *divrei Elokim chaim*. If these criteria are met, however, even a mistake (in Talmudic terms, a *hava amina*) can be considered *divrei Elokim chaim*!

Why?

We here, however, are not dealing with theoretical mistakes. We are discussing practical Halachic opinions - that happen to conflict. How do we understand why *Hashem* allows two (actually, 49+49=98!) contradictory practical approaches to coexist. Why is the legitimacy of *machlokes* in *Halacha L'Ma'aseh* so inherent in *Yahadus*?

Again, let us turn to Reb Tzadok (*Sichas Malachei HaShareis* 5a. *HaGaon HaRav* Yisroel Salanter *zt"l* expresses a similar idea in *Or Yisroel* 28. See also *Michtav Me'Eliyahu* vol. 3 p. 353). In every Halachic matter there may be conflicting approaches of equal validity. This phenomenon is rooted in the fact that there are distinctions between souls and personalities. Reb Tzadok bases this idea on the *Gemara's* explanation of the *bracha* made upon seeing an assembly of 600000 Jews: *Baruch Chacham HaRazim* (*Berachos* 58a), and the description of distinctions between individuals in *Sanhedrin* 37a and 38a. *Hashem's* Master Plan specifically required a world of diversity. *Am Yisroel* is a nation of many different and diverse people. Each member of our nation is created for his or her specific and unique purpose.

That is why most of the Torah is *Be'al Peh* (*Gittin* 60b). *Torah She'biklav* corresponds to the entirety of *Am Yisroel* - and it is therefore static and uniform, as is the eternal *kedusha* of the *Klal* of *Am Yisroel*. *Torah She'Be'al Peh*, however, corresponds to the particular individuals within the nation. Therefore, just as there are many

variations among the individual members of *Am Yisroel*, there are many variations in *Torah She'Be'al Peh*.

Reb Tzadok draws an analogy to medicines. Different patients suffering dissimilar illnesses at distinct times require different - often opposite - *Refu'as HaGuf* medications. Similarly, different members of *Am Yisroel* in dissimilar places at distinct times in history require different - often opposite - *Refu'as HaNefesh* medications.

Hashem created a world full of variety and differences. "Different strokes for different folks." The variations in Halacha correspond to the variations among human beings. (A Kabbalistic explanation of these variations along the lines of *chesed* and *gevurah* is cited in the *Hakdama to Tanya*).

The inhabitants of the town of Rabbi Eliezer who cut down trees on *Shabbos* to make coals to forge knives to perform a *Bris Mila* that day (according to his opinion in *Shabbos* 130a that *machshirei mila* are *docheh Shabbos*) were therefore fulfilling a mitzva and *Ratzon Hashem*. Their *Mara D'Asra*, whom *Hashem* had provided them as a *Rofeh HaNefesh*, had made such a determination. Inhabitants of any other locality who would engage in the same activity, however, would be liable to capitol punishment!³⁵

35. It is debatable whether the classic concept of *Mara d'Asra* still exists. Once, however, local *psak* determined local reality. *HaGaon HaRav* Yechiel Michel Gordon *zt"l* of Lomza related that an individual in Volozhin suffered from a certain form of lung disease. The person intended to leave the city and move to a place with better air. The individual's father appeared to him in a dream and told him that his specific form of lung disease was the subject of a *machlokes* between the *Rema* and the *Sha'agas Aryeh*. The *Rema* held that if this particular form of lung disease occurs in a cow, then the animal is *treif*, as it is incapable of living for another year. The *Sha'agas Aryeh*, however, had *psakened* that an animal with this disease was nonetheless kosher. (The fascinating history of the *psak* of *umma haserucha ladofen im makka badofen* is well documented. See, for instance, *Makor Baruch* chap. 17 section 2.) The father therefore warned his son to remain in Volozhin. His rationale was that in Volozhin, the *Sha'agas Aryeh*'s town, the *psak* - and therefore the *Ratzon Hashem* - followed the ruling of the *Sha'agas Aryeh*. The disease would not threaten this person's life as long as he remained there. Were he, however, to leave Volozhin, he would fall under the ruling of the

Two questions arise:

1) We understand that different centers of Torah learning throughout the generations produced various *darkei Avoda* and *Limud*, and, therefore, different *psak halacha*. The Hungarian *derech* differs from the Polish *derech*, which in turn differ from Lithuanian and Sefardic *derachim* (see *Michtav Me'Eliyahu* vol. 4 p. 129). There are wide variations in *derech* among *Poskim* of our generation as well. Most of us are not qualified to analyze these *derachim* and render judgments as to their comparative validity. How then, do we find out who is qualified to state an opinion that may be considered *divrei Elokim chayim*?

2) If Rabbi Eliezer's opinion (or any other similar opinion) was valid, why can one no longer choose to follow such a *psak*?

Who?

Obviously, prowess in *Lomdus* and Halachic methodology is a precondition for acceptance as a *Posek*. Sometimes *semicha* recognizes that prowess. More often, *haskamos* or verbal recognition of universally accepted *Gedolei Hora'a* validate the positions of aspiring *Poskim*.

Reb Tzadok (ibid.), however, addresses an additional qualification. Once upon a time *Shevet Yissachar* (who were "*yod'ei bina l'ittim*" (*Divrei Hayamim* 1:12), i.e., they understood what Halachic behavior was suitable for each generation) and *Shevet Levi* decided what Halachic approach was suitable for whom when (*Yuma* 26a). Rabbi Yochanan in *Chagiga* 15b identified their qualification. He explains the *pasuk* in *Malachi*: "For the lips of a *Kohen* guard wisdom and they will seek Torah from his mouth, because he is a *malach* of *Hashem Tzevakos*." Said Rabbi Yochanan: "Only if a *Rov* is like a *malach* of *Hashem*

Rema and would be at mortal risk. (I am indebted to Rabbi Avraham Kivelevitz for finding the source of this *ma'aseh* in Rabbi Menachem M. Yashar *zt"l*'s essay in the *She'eilos U'Teshuvos Sha'agas Aryeh Mahaduras Machon Chasam Sofer* note 2.)

Tzevakos may one seek Torah from his mouth." A *malach* is an agent (a *shaliach*) of *Hashem*. An individual, who views himself only as an agent of *Hashem* and focuses on the fulfillment of that agency, is qualified to generate *divrei Elokim chayim*. The *Gemara* (*Yuma* *ibid.*) explains the description of *Dovid HaMelech* as "*Hashem imo*" to mean that Halacha always followed his opinion. Reb Tzadok understands that this is not just a statement of fact. "*Hashem imo*" was the reason that Halacha was always like *Dovid*. He fulfilled "*Shivisi Hashem l'negdi tamid*", and therefore met the criterion of agency that allowed him to be a *malach Hashem Tzevakos*.

Only devoted *Talmidei Chachomim* who are without *negi'os* and focused on detecting *Ratzon Hashem*, can generate *divrei Elokim chaim*.³⁶ As we will see, this approach is one understanding of learning *lishma*.

It is imperative that we note a caveat. I was once asked in a *Kiruv* class why the opinion of the Conservative "Rabbinat" that permitted driving to *Shul* on *Shabbos* is not considered *divrei Elokim chaim*. There are, of course, many answers to this question, including the simple fact that their Halachic Decisors do not meet the above criteria. I believe, however, that we often make the mistake of engaging in a polemic that disputes the methodology they employed in reaching their conclusions. This approach ignores the true "Great Divide" between us and them. Even where their methodology is erroneous, the fact that they do not fulfill Halacha is not what makes them Non-Orthodox (i.e., *Apikorsim*, even if, *Tinokos She'nishbu*). That would only make them *Avaryanim*, i.e. less or non-observant. It is their denial of *Torah min HaShamayim*, and several other of

36. Reb Tzadok notes that the use of name *Tzevakos* - "Lord of Hosts" - in this context connotes a variety of individuals. The quality of *malach Hashem* allows the *Rov* to understand the proper *Refu'as HaNefesh* for each different individual. (In *Divrei HaYamim* 2:36 and *Shabbos* 119b, *Talmidei Chachomim* are called "*Malachei Elokim*." Reb Tzadok understands that description in light of the term *Elohim* in *Parashas Mishpatim* that means judges.)

the *Yud Gimmel Ikkarim* that separates them from true Judaism. A "Movement" that denies the principles of Judaism is unacceptable in a way that transcends Halachic methodologies or specific questions of expertise or observance.

Once a *Posek* is recognized to have attained the above criteria, a layman is not obliged to ascertain the validity of that *Posek's* Halachic methodology. *Hashem* helps *Poskim* to reach legitimate conclusions that are *divrei Elokim chaim*, and suitable for the *Avodas Hashem* of the relevant people, places and times.

The greatest *Poskim* became one with the Torah itself, and their capacity to *pasken* transcended even the Halachic process itself. Once the *Chasam Sofer zt"l's* son, the *Ksav Sofer zt"l*, felt that his father's proofs in a certain *teshuva* were questionable. He asked his father, therefore, about the validity of the resultant *psak*. The *Chasam Sofer* responded that in his *piskei halacha*, the primary determining factor was his sense of what the *psak* should be. Specific proofs were secondary in importance (*Nefesh HaRav* p. 42. See *Eitz Chaim* p. 430 for a similar statement by *HaGaon HaRav Chaim of Volozhin zt"l*).

Psak Halacha

We now turn now to the second question: Why may we no longer follow opinions that, like Rabbi Eliezer's, have been rejected?

The answer lies in the idea we explored previously, that Torah determines the reality of Creation. When *Am Yisroel*, via its *Poskim* and its *Minhagim*, determines specific issues according to the guidelines that decide *psak halacha* (i.e., *yachid v'rabbim halacha k'rabbim*, etc.), that *psak* shapes the reality of Creation. When subsequent generations approach their responsibility in this world, they face a different set of circumstances than faced by the generation in which the original *machlokes* occurred.

Reb Elya Meir (ibid., chap. 7) explains that this is what *Chazal* meant when they said (*Shabbos* 10a): "Every *Dayan* that judges truly and truthfully is considered by

Scripture as a partner with *Hashem* in the act of creation." The *Poskim* decide not only Halachic reality, but also the structural reality of the world.

As long as the *psak* is not conclusively decided by *Am Yisroel*, conflicting opinions may each represent legitimate avenues of practical *Avodas Hashem*. Once, however, the *psak* has been decided, the rejected opinion is still Torah, and theoretical *divrei Elokim chayim*, but it is no longer a legitimate avenue of practical *Avodas Hashem*. Under the new circumstances of reality, following the rejected opinion might be an *aveira*.

It is easier to make out how various *darkei Avoda* and *Limud* correspond on macro-levels. For example, many sources point out that *Beis Shammai's* trend to *chumra* corresponded to *middas hadin* while *Beis Hillel's* trend to *kulla* corresponded to *middas harachamim*. It is more difficult, if not impossible, at least for us, to identify such parallels on micro-levels such as our example, *mezuzah*. In terms of Halachic conduct in this area, however, we have, hopefully, achieved some degree of clarification. No final decision has been rendered in the *machlokes* over where to place the *mezuzah*. We may, therefore, rest assured that whatever our *Rabbonim pasken* for us is a legitimate avenue of *kiyum mitzvos* and *Avodas Hashem* (although you might like to keep this essay handy to explain why!).

A Broader Perspective

Implicit in the discussion of *eilu va'eilu* is, obviously, a plug for *Ahavas Yisroel*. When *HaGaon HaRav* Isser Zalman Meltzer *zt"l* first became *Rov* in Slutzk, an argument broke out in *shul* whether to say *Av HaRachamim* on *Shabbos Mevarchim Av*. The arguing parties asked Reb Isser Zalman to clarify the proper *minhag*. He said: "This is the *minhag*: some say *Av HaRachamim*, some do not, and both sides quarrel about it!"

On a more serious plane, *eilu va'eilu* teaches us to tolerate others' *minhagim* and *derachim*, and to realize that those *derachim* may also be legitimate avenues of *Avodas Hashem*. In areas that are the subject of legitimate

Halachic debate, there is no one *emes*, and no justification for personal *machlokes*, much less, *chas ve'shalom*, *sinas chinam*.

There is, however, another, more important *mussar haskel* for us to take away from this discussion.

Reb Tzadok (*Yisroel Kedoshim* 66b) notes that every member of *Am Yisroel* is rooted in *Torah She'Be'al Peh* and possesses the unique qualities that it imparts. Although we don't always realize it, each of us contributes a unique quality to the ongoing weave of the rich tapestry of *Am Yisroel*. Therefore, in a broader sense, each of us is involved in the ongoing creation of *Torah She'Be'al Peh*. Although most of us are not great scholars and will not produce great works of Torah, with our Torah and *mitzvos* we all manipulate and shape the Creation (Reb Chaim Volozhiner explains this process in the first section of the *Nefesh HaChaim*).

This quality that *Hashem* granted us is not just a gift. It is also a tremendous responsibility. As participants in the creation of *Torah She'Be'al Peh*, we must ensure that our lives are *divrei Elokim chayim*. That means that we must lead our lives *lishma* - focused on discovering and fulfilling *Ratzon Hashem*.

The Kotzker Rebbe *zt"l* (*Emes v'Emuna* p. 26) notes that *lishma* begins in the way we learn. *Torah lishma*, said the Kotzker, is the same as *Torah kishma*. We learn Torah to fulfill the meaning of its name. Torah means "Teaching" and our Torah is *Toras Chaim*, the Teaching of Life. If we learn Torah with the intent that it elevate and refine our lives, our Torah is *lishma*, and *divrei Elokim chayim*.

Then, of course, our *ma'aseh*, our lives themselves must be *divrei Elokim chayim*. I recently met a Reform "Rabbi" who had previously been a police officer in *Yerushalayim*. He claimed the catalyst for his subsequent career choice was his perception that the *Charedim* in *Yerushalayim* were no better in their *middos* and personal lifestyles than their *Chiloni* counterparts. He concluded that *kiyum mitzvos* did not refine the *Charedim* in any significant way. If so, he reasoned, why bother?

I don't think it is relevant whether his assertion is true or not. We cannot allow situations that provide opportunities to even say such things about us to occur! We must lead lives that are such a *Kiddush Hashem* that no one would dream that we might ever engage in unrefined, much less base, behavior. We may apply this yardstick to the recent spate of negative articles in the American press concerning behavior of certain segments of our society. Whether the allegations are true or not is irrelevant. If our lives were *divrei Elokim chayim* and "*v'ra'u kol Amei Ha'Aretz ki shem Hashem nikra alecha*" no one could ever have made such allegations. It is said that *HaGaon HaRav* Naftali Amsterdam *zt"l* set a goal to become such a pure *tzaddik* that everyone he met would want to be a religious Jew (*Reb Yaakov* p. 29). If we measure our lives by this standard they will truly be *divrei Elokim chayim* - living words of *Hashem*.

Bitachon, Hishtadlus, Histapkus

Blessed is the man who trusts in Hashem, and to whom Hashem alone is the object of his trust.

And he will be like a tree planted by the waters, that sends forth its roots to the rivulet, that will not fear should heat come. And its leaves will be fresh, and in a year of drought it shall not worry, nor shall it desist from yielding fruit.

The heart is evasive above all things, and it is frail — who can know it?

I, Hashem, probe the heart, test the innards, so as to reward each one according to his conduct, according to the fruit of his deeds.

(Yirmiyahu 17:7-10)

1. Bitachon

Once, Heaven directed the Baal Shem Tov to go to a certain village to learn the trait of bitachon. So the Baal Shem Tov traveled there with his students, where they lodged in the house of the village tax-collector. The tax-collector was very happy to have such eminent guests.

The next day, as they were all praying, one of the village lord's bailiffs came, knocked a big stick on the table three times, and left. The guests were dumbfounded. They looked at their hosts, who was unmoved. A half an hour passed, they had completed their prayers, and again the bailiff came, knocked three times on the table, and left. The Baal Shem Tov asked their host: "What is the meaning of these knocks?" The tax-collector answered: "That was a warning. Today I must bring the lord the rent. The warning is

repeated three times. If, after the third warning, I do not produce the money, the lord will incarcerate me and all of my family.”

The Baal Shem Tov said: “It is obvious from your happy countenance that you have the necessary sum. Please go and give the money to the lord before the meal. We will wait for you, and then sit calmly to eat.”

Their host answered: “As of now I have not even a single penny, but it can be taken for granted that Hashem will provide for me. Since I still have three hours left, let us eat and drink unhurriedly.”

So they sat to a leisurely, calm meal. As the meal ended the bailiff came for the third time and knocked on the table. Still, the tax-collector displayed no anxiety. They recited the grace at length and in tranquility. Their host then donned his Shabbos finery, and said: “Now I must go deliver the rent to the lord.”

Once more, the Baal Shem Tov inquired: “Do you have enough money?”

Their host responded: “I still do not have even a single penny, but Hashem will definitely provide.”

He took his leave and departed. As the Baal Shem Tov and his students stood watching, they saw a fine carriage making its way towards the tax-collector. Their host stood by the carriage and spoke a few words with the traveler within. Shortly thereafter, the tax collector continued on his way, while the carriage departed on its way. However, they saw the carriage then come to a stop, and the traveler calling to their host to come back. They then saw that when their host returned to the carriage, the traveler began counting coins and giving them to the tax-collector.

When the carriage drew closer to the Baal Shem Tov and his student, they asked him: “Why did you call our host back and give him money?”

The traveler answered: “I proposed to him that I would purchase all the whiskey that he produces this coming winter. Initially we could not come to terms, as he refused to settle for any less than his asking price. Realizing, however, that he is an honest man, I felt compelled to pay his price. As he said he had to go deliver the rent, I was not able to spend more time chatting with him.

*The Baal Shem Tov then said to his students: “See how great is the power of bitachon!”
(Sippurei Chassidim, Rabbi Shlomo Yosef Zevin zt”l, Parashas Bechukosai)³⁷*

³⁷ Another example: Once, the Alsheich spoke about bitachon without effort. In the audience there was a man who carted clay for a living. After hearing the Alsheich he said to himself: “Have I gone mad? If all my efforts are empty and inappropriate, why do I toil...? Since all this work is for sustenance that is already mine, that was decreed for me [by Heaven] in any event, why should I toil and tire myself for naught? If I have bitachon then without doubt it will come to me automatically...”

So he sat down by his stove, and started saying Tehillim. When his wife and children demanded that he take to his cart, he rebuked them: “Are you crazy, Heaven forbid? Did I not hear explicitly from the Alsheich that if a person trusts Hashem his sustenance comes to him even without effort?... You too, my children, should follow my example, and our sustenance will come to us automatically.

Eventually they sold the cart and donkey to a non-Jew. While the non-Jew was out with the donkey and cart, digging clay, he found a buried treasure. He filled sacks with the treasure and placed them on the cart. Suddenly, a rock fell from the mountainside and struck him dead. Out of habit, the donkey returned to the carter’s house, drawing the gold-laden cart... Upon finding the sacks full of gold, his children came to the carter and conceded: “Your bitachon provided your salvation!...”

The Alsheich’s students asked the Alsheich: “Can the carter’s bitachon be greater than ours? We have striven to achieve bitachon, yet have remained unsuccessful. The carter, on the other hand, heard you but

The theme of this story (and similar ones) has permeated our consciousness. Its theme is clear: If you *really, really* place your trust in *Hashem*, all your needs — perhaps even desires — will be met, at exactly the right time, exactly in the right place, exactly in the right measure.

Is there *nothing* that is beyond the grasp of a “true” *Ba'al Bitachon*? If you do not attain what you need — and perhaps even what you want — must you conclude that it because you lack *bitachon*? From these stories, and many others, this would seem to be the case. However, a different perspective is suggested by the *Chazon Ish* *zt”l* (in *Emunah U’Bitachon*).

The *Chazon Ish* notes that a necessary corollary of the notion that with enough *bitachon* everything will be for your very own *personal* “best,” is the assumption that whatever expectations you have or choices you make in life, you may rest assured (assuming you have “true” *bitachon*) that they will work out to your best *personal* advantage. Otherwise, how can you be sure *Hashem* is going to send you the money to pay the rent? Perhaps it is G-d’s will that you should be evicted! Accordingly, a person who doubts the outcome of *any* decision (made *l’shem Shomayim*, of course) will be the best one possible *for him* as a person lacks *bitachon*.

once, sat by his stove, and attained a treasure!?” The Alsheich responded with an analogy: “There is a difference between pounding a peg into hard ground, in which the peg will stand firm and immobile; and pounding a peg into crumbling soil, in which the peg will shake and will not stand firm. What the carter heard from me he took as a solid fact, with neither doubt nor anxiety... This is not the case with you. Since the greater a person the greater his yetzer ho’ra, you are like the crumbled soil, turning the matter over: “Yes, no, perhaps this would be a miracle, perhaps this is not the way.” You have many doubts, and your bitachon is crumbling... You must pound the peg so deeply down that it reaches a bedrock that has not been weakened by doubt. Then the peg will stand firm...” (Madreigas HaAdam, Darchei HaBitachon chap. 5).

On the other hand, the *Chazon Ish* suggests that in the absence of a prophecy we have no way of knowing how we fit into *Hashem's* master plan. True, any decision I make, no matter how small, must be configured into the plan. And, *ultimately* the plan itself leads to the best possible outcome for *Am Yisrael* and for humanity. However, the eventual positive outcome does not guarantee the best possible result for me *personally*.³⁸

This is even true for a person who would seem to be worthy of the best possible result. There are simply no guarantees. Ya'akov *Avinu* knew this when he said (*Bereishis* 32:11): "I have been diminished by all the kindnesses." Ya'akov did not lack *bitachon*. He knew that there are no guarantees: "Perhaps I have become sullied by sin" (*Rashi* from *Berachos* 4a). As Yirmiyahu tells us in the verses we saw above: *Bitachon* may lead to many positive results. "And he will be like a tree planted by the waters, that sends forth its roots to the rivulet, that will not fear should heat come. And its leaves will be fresh, and it a year of drought it shall not worry, nor shall it desist from yielding fruit." But, then again, it may not. "The heart is evasive above all things, and it is frail — who can know it?" We *ourselves* may not know what is going on inside ourselves. "I, *Hashem*, probe the heart, test the innards, so as to reward each one according to his conduct, according to the fruit of his deeds." Our trust is in *Hashem's* ultimate awareness, concern and direction.

³⁸Indeed, there is no guarantee that the positive result will happen anytime soon. We see numerous places in *Chazal* where positive outcomes may come many generations after a decision was made. For example, see *Rashi* to *Bereishis* 33:16: "And on that day Esav returned to his way — Esav himself. But the four hundred men that went with him sneaked away from him... And where did *Hashem* reward them? In the days of David, as it says (*Shmuel* I 30:17): "But only the four hundred lads that rode the camels [eluded David]."

Bitachon, writes the *Chazon Ish*, is the belief that everything that happens in this world is the result of *Hashem's* decree.

The necessary precondition for such *Bitachon* is *emunah*. But *emunah* is also a victim of misconception. Many people assume that *emunah* is a belief that one either does or does not possess. They do not perceive a continuum in *emunah*. *Chazal* did. They defined people who merely possess the minimal set of beliefs [viz., the *Rambam's* thirteen principles] as “*ketanei amanah*” — “small believers.”³⁹ Their *emunah* is weak. Minimal belief may prevent a person from committing major sins, but it will have little impact beyond that.

Beyond the minimal set of beliefs, *emunah* is a *middah*, a character trait like any other character trait. Thus, just as a person may possess, for example, more or less *anavah* (humility) or *tzenius* (modesty), a person may possess more or less *emunah*. As a *middah*, our *emunah* is measured by the extent to which our perspective on the Creation emerges from a conscious awareness of the wondrous, infinite wisdom of its Creator...⁴⁰

Just as *emunah* is a *middah*, and the extent of your *emunah* is the extent to which you perceive the wisdom of the Creator in His Creation; so too your *Bitachon* is also a *middah*.⁴¹ The extent of your *Bitachon* is the extent to which you perceive that as a participant in the Creator's master plan you fill an essential role in the ongoing development of this extraordinary Creation.

³⁹See the description of Noach in *Rashi to Bereishis 7:7*.

⁴⁰The *Chazon Ish* lists several modes of contemplation, study and other tools that can enhance a person's *emunah*.

⁴¹According to the *Chazon Ish*, *Bitachon* as a *middah* is very much in sync with its literal translation as “trust.”

Were we were to function at higher levels of *Bitachon*, how would we respond to a difficult situation? How would we react when confronted with an episode that would make most people apprehensive?

Ba'alei Bitachon (people who have “mastered” the *middah* of *Bitachon*) never lose sight of the fact that they are not subject to mere chance and happenstance. A *Ba'al Bitachon* knows that his perspective in the face of adversity does not guarantee him a “positive” outcome. However, his *Bitachon* provides him the security of the knowledge that *Hashem* guarantees that the *ultimate* outcome will be positive.

This *Bitachon*, anchored in a greater measure of *emunah*, in and of itself alleviates the anxiety caused by life's challenges. Moreover, although a *Ba'al Bitachon* knows that there are no personal *guarantees*, nevertheless, his *middah* of *Bitachon* reminds him that *Hashem's* succor may well be at hand. In any event, no situation is irreparable (whether in the long or short term).

The ideal role models for a *Ba'al Bitachon* are Lulinus and Papius.⁴² When confronted with imminent death *al kiddush Hashem* at the hands of the Roman governor Turinus, these two *tzaddikim* told him: “We are [evidently] liable to death before *Hashem*. If you do not kill us, He has other executioners. He has many bears and lions in His world who can kill us. The reason *Hashem* has delivered us into *your* hands is because He intends to revenge our blood upon you” (*Ta'anis* 18b). It may not be the best thing personally for a person to be killed, but it is part of the master plan.

Returning to the story with which we began, from the *Chazon Ish's* perspective, if the tax-collector is confident

⁴²See also the Gemara in *Pesachim* 53b concerning Chanania, Mishael and Azaryah.

that *Hashem* will provide the needed funds, he possesses incomplete *Bitachon*. A more complete sense of *Bitachon* would be that whatever happens, *Hashem* has His plans and even if I end up suffering, I trust that He knows what he is doing.⁴³

However, even according to the *Chazon Ish*:

There is another aspect to *Bitachon* — that there rests a holy spirit upon a person who possesses unique *Bitachon*. It is a spirit of confidence that *Hashem* will help him, as King David says: *If a camp encamps against me my heart will not fear; if a war arises against me etc (Tehillim 27:3)*. This aspect is relative to this special person's unique *Bitachon* and special measure of his sanctity.⁴⁴

Because he attained this lofty level of *Bitachon*, Nachum *Ish Gamzu* was secure in the knowledge that “*gam zu l'tovah*” — “this, too, is for good” (*Ta'anis* 21a). Since Nachum *Ish Gamzu* attained a unique level of *Bitachon*, his holy, confident spirit afforded him serenity in his trust in *Hashem*.

No matter what level of *Bitachon* one attains, to the extent that a person trusts in *Hashem*, he will be equipped to face adversity, perhaps even to attain happiness: *For there is no sadness in the world for the one who recognized*

⁴³Similarly, in the second story, the carter must not expect automatic sustenance. If it is proper for him to sit and say *Tehillim* he should do so regardless of whether he will receive his living effortlessly — or not.

⁴⁴Nevertheless, certain situations cannot be changed no matter how great a person's *Bitachon* (see *Michtav Mei'Eliyahu* vol. 4 pp. 98-100 that it would have been necessary for *Hashem* to destroy the world and start it from scratch to make the impoverished Rabbi Elazar ben Pedas rich — and that even then he might not be rich the next time around — as it would spoil the Heavenly plan if he were a wealthy man).

the light of all lights of truth (Kovetz Igros Chazon Ish 1:36); and leads to happiness: And the one who trusts in Hashem is full of happiness (Sefas Emes Acharei Mos 5654; see also Sukkos 5645).

However, says the *Chazon Ish*, there are people who piously espouse *Bitachon* when they feel secure, but whose *Bitachon* dissipates *the moment* that their sense of security is disturbed. For example, a storekeeper who possesses true *Bitachon* would not be distressed if a competitor opened a similar store nearby. On the contrary, a true *Ba'al Bitachon* would even help his competitor establish his business! The *Ba'al Bitachon* trusts that *Hashem* will bring *both* of them success — or failure — as required by the master plan.⁴⁵

Indeed, the person who possesses false *Bitachon* is *worse* than a person who lacks *Bitachon*: While a person who lacks *Bitachon* is lacking a primary component of Judaism, a person who possesses false *Bitachon* suffers from an even more dangerous — and contagious — disorder. How so? A person who lacks *Bitachon* is so obviously not a role model that he will not influence others.

However, a person who possesses false *Bitachon* may serve as a role model. Indeed, he may even presume to educate others, inculcating them with his false *Bitachon*! Moreover, since so little is expected from a person who lacks *Bitachon*, he will not come to cause a *Chillul Hashem*. On the other hand, when sufficiently provoked, the person who possesses false *Bitachon* will display his underlying repulsive character and cause a *Chillul Hashem*. People will inevitably remark: *This person who [purports to] practice mussar, how repugnant are his deeds and how disgusting are his schemes!*

⁴⁵Evidently the laws of *hasagas gevul* were meant for the masses that function at the lower levels of *Bitachon*.

Another defining characteristic of a true *Ba'al Bitachon* is that he does not publicize his acquisition of that trait. He is a paragon of *Hatzneia Leches* (walking modestly; see *Michah* 6:8). In fact, a *Ba'al Bitachon* will invariably bemoan his *lack* of that trait. That he does possess *Bitachon* is only manifest to others, in the strength that he derives from his trust in *Hashem*. Hence, a *Ba'al Bitachon* does not worry if a rival opens an identical store down the block, but will assist him as much as possible. The *Chazon Ish* notes that such a person, one who even does *chesed* with his competitor, increases sanctity within the Creation the greatest possible extent. Such an individual is truly *mekkadash shem shomayim*. *How praiseworthy he is and how blessed is his generation!*

2. Hishtadlus

And I shall bless you in all that you do (Devarim 15:18)

[And the Butler did not remember Yosef] and he forgot him — Because Yosef pegged [his hopes] on the Butler remembering him, he was incarcerated for another two years... (Rashi to Bereishis 40:23).

At first glance, there seems to be an apparent contradiction here: On the one hand, *Hashem* promises us blessing in what we *do*. We will not be blessed if we do not “make our *Hishtadlus*” — exert ourselves — to begin with. Yet, on the other hand, Yosef is criticized for having exerted himself. Should he have remained idle, trusting *Hashem* alone?⁴⁶

⁴⁶A well-known jest illustrates the point that *Hashem* expects some effort on our part:

A flood came and a man had to climb onto the roof of his house. As the waters rose a neighbor in a rowboat appeared, and told him to get in. "No," replied the man on the roof, "Hashem will save me." Then a firefighter appeared in a speedboat. "Climb in!" shouted the firefighter. "No," replied the man on the roof, "Hashem will save me." A helicopter appeared and the pilot shouted that he would lower a rope to the man on

Rabbi Eliyahu Dessler (in the last speech he ever gave, in 1954 — vol. 4 pp. 28-31) explains how one must balance one's personal efforts and exertions vs. his trust in *Hashem*. If your *emunah* is strong, you are able to discern the spiritual trends that are active in the world, in what direction they are propelling the world, and you within it, and accordingly to direct your own efforts. The goal is to know and be conscious of a basic principle of *Bitachon*: That any exertion or effort that is not motivated by spiritual aspirations — an exertion or effort that is motivated by materialistic aspirations — clashes with *emunah*.

Admittedly, concedes Rav Dessler, the balance between legitimate and necessary *Hishtadlus* — your quest for resources that are required so as to fulfill your spiritual aspirations and their needs; and illegitimate and unnecessary *Hishtadlus* — your quest for resources that you desire so as to fulfill your materialistic aspirations and their prerequisites — is very fine. Much prayer, and much divine aid, are required to attain that balance.

It was in the maintenance of that precise balance that Yosef did not meet with success. He was not punished with the additional two years in prison because he asked the butler to help him out. *Every person is required to act to save himself*, and Yosef was correct in approaching the butler. Rather, it was because he “pegged his hopes” on the butler. For what was, perhaps, a momentary lapse, Yosef was focused on the material means of deliverance, forgetting that it is only the spiritual means — *Ratzon Hashem* — that directs the world and the pathways of a person. That was

the roof. "No," replied the man on the roof, "Hashem will save me." Eventually the man drowned and went to heaven, where he asked Hashem why He hadn't helped him. "I sent a neighbor, a firefighter, and helicopter," said Hashem. "What more do you want?"

enough to “send him back to the drawing board,” to spend another two years working on his *emunah u’Bitachon*.

Every person has his or her unique role in *Hashem’s* master plan. Each unique role requires a unique set of resources. Some roles require more funding; others less. Some roles require more training, others less. Some roles require a *Klal* focus; some a personal focus. And, the roles sometimes change, and the circumstances in which those roles are to be filled almost inevitably change. Thus, the difficulty in striking a balance. It helps to have help in sorting such matters out, and it is necessary to reassess one’s role on a regular basis: Is it time for me to learn, or time for me to work? Is it time for me to teach, or to stay home with my children? The questions are myriad. And they must all be answered on the basis — and only on the basis — of *Ratzon Hashem*, of the *Emunah* I have attained, and the *Bitachon* I have achieved. Thus, to appropriately define the parameters of your *Hishtadlus*, you first have to acquire the trait of *Bitachon*.

3. Histapkus

While one’s *Bitachon* delineates his *Hishtadlus*; both are predicated upon *Histapkus*.

The word *Histapkus* is difficult to translate into English. Some times it translates as contentment, other times as restraint, some times as simplicity and other times as frugality — but it transcends all those definitions. It is the focus, the perspective on life and living, that *Hashem* expects us to develop. Unambiguous words from the *Gra* define *Histapkus* and stress the importance of the twin traits of *Bitachon* and *Histapkus* (from *Even Sheleimah* 3:1-2):

Bitachon and Histapkus. These are the principles for all good middos. They are the the antitheses of

desiring and coveting,⁴⁷ and the root of all [middos] is Bitachon.⁴⁸ One who lacks Bitachon cannot retain Torah (Gra to Devarim 32:20).

As we have written, all transgressions and sins result from coveting. Lo Sachmod encompasses all of the commandments and the entire Torah. Histapkus, the converse [of Lo Sachmod] is the foundation of the entire Torah. It consists of complete belief, of not worrying the worries of tomorrow... One whose heart has been enhanced by the trait of Bitachon — even if he transgresses severe transgressions — is superior to someone who lacks Bitachon, for [through lack of Bitachon] one comes to jealousy and hatred. Even if he is involved in Torah and Gemilus Chesed [his activities are meaningless] because he only does so to glorify his own name (Gra, Likkutim to Rabba bar Chana in an explanation of Sabbei d'Bei Athuna d"h Iysai Budia).⁴⁹

A final Chassidic tale captures the mindset of a *Ba'al Bitachon* who possesses the trait of *Histapkus*:

⁴⁷From the Gra to *Chabakuk* (2:4): *Bitachon is the antithesis of coveting [chemdah] while Histapkus is the antithesis of desiring [ta'avah].*

⁴⁸From *Shaarei Kedushah* by Rabbi Chaim Vital (2:4): *Coveting is the av hatumah [colloquially: the root of all evil], as it leads to hatred and results in theft, false oaths and even murder. And it [Lo Sachmod] is the tenth of the ten commandments because it is equal in weight to all of them. [And one who covets] denies Hashgochoh, [divine control of events] and does not believe that everything results from Hashem's hashgochoh. But [on the other hand] there is no trait as great as Bitachon.*

⁴⁹See note 3 (ad loc.) for the Gra's explanation of how the signs of *kashrus* of birds and animals allude to the traits of *Bitachon* and *Histapkus*, and why the difference between the *Bitachon* and *Histapkus* possessed by the nation at the time of *Galus Bavel* and the *Bitachon* and *Histapkus* possessed by the nation during our current *Galus* resulted in their *galus* of limited duration, and in ours of unending duration.

The holy Gaon Reb Shmelka of Nickelsburg zt"l asked his Rebbe the great Maggid of Mezritch zt"l: How is it possible to fulfill the dictate of Chazal: "A person must make a blessing over the bad just as he makes a blessing over the good" (Berachos 9:5).

The Maggid responded that he should go to the Beis HaMedrash, and find Reb Zushya of Hanipoli who would explain the mishnah to him. So Reb Shmelka went to Reb Zushya and related that the Rebbe had sent him to learn the interpretation of the mishnah.

Now, Reb Zushya was always downtrodden and destitute. His situation was extremely bad and strained. Yet Reb Zushya declared: I am astonished that our Rebbe directed you to ask me about this. This is a question that should be asked of someone who has undergone some difficulty, chas v'shalom. But I so not know of such difficulties, for nothing bad has ever befallen me, even for a moment. Baruch Hashem, from the day I was born until today I have had all that was good. How can I know what it means to accept the bad with happiness?

Reb Shmelka then understood the obligation to "make a blessing over the bad just as he makes a blessing over the good:" A person must be in such a state of happiness that he never feels the bad at all. (Sippurei Chassidim Parashas VaEschanan).

The Dveykus vs. Shleymus Debate

The dveykus (Chassidim) vs. shleymus (Misnagdim) debate is blatant in the respective interpretation of "Gedola Hachnasas Orchim yoser me'Kabbolas Pnei Shechinah (Shabbos 127a), cited by Rashi at the beginning of the parashah on "Be Adoni." The Alter from Kelm (Chochmah u'Mussar vol. 2 pp. 191-192) expresses (what I think is) the simple interpretation: "Lo haMidrash ikkar elah ha'Ma'aseh" (Avos 1), and one therefore forsakes the tremendous spiritual Oneg of Nevuah and Yedias Elokus to imitate Hashem Yisborach and be meitiv, for this is the Ratzon Hashem.

On the other hand, the Maor Eynayim, for example, here and in Parashas Vayakhel, explains that the reason that Hachnosas Orchim is greater is because it consists *both* of dveykus - since mitzvah is me'lashon tzavta and one therefore experiences Kabbolas Pnei Shechinah in the act of Hachnosas Orchim as well - *and* Ha'alo'as HaNitzotzos by kiruv tachas Kanfei ha'Shechinah (note that the kiruv is not explained by the principle of Chesed and Hatavah but by Ha'alo'as Nitzotzos).

Moreover, interestingly, the Kol Mevaser here asks how Avraham Avinu knew this principle (from the Alter's perspective, of course, the question does not even begin!). He answers in the name of the Rebbe Reb Bunim that Avraham Avinu's limbs were all synchronized with and reflected Ratzon Hashem. Hence, if he felt the urge to run ("Va'ya'ar va'yaratz") at the time the Orchim were coming, his eivarim themselves taught him the principle of Gedola etc.

Hakhel, Sukkos, and Achdus

This is a wonderful matter: That an entire nationality ["*Ummah*"], men, women and children, smart and dumb, together form a holy nation ["*Goy*"], and every member of the Jewish people is a limb in the body ["*Shiur Kommah*"] of *Knesses Yisroel* that in turn comprises the *Shechinah* [Divine Presence]. This is the reason why all Jews are responsible for one another...

Thus, the Rashba (in a responsa), the *Ikkarim* (4:40), and the Maharsha in *Kiddushin* 39b all write regarding the principles that there is no reward for *mitzvos* in This World, and that a *Tzaddik* may suffer a bitter fate while a *Rasha* enjoys a good lot, that all this pertains only to individuals. It is concerning *Klal Yisroel*, that the Torah and the *Nevi'im*, and [especially] the second paragraph of *Shma* are explicit, that when the Jews fulfill *Hashem's* will He rewards them in This World - and that when they sin He punishes them in This World. For *Klal Yisroel*, reward and punishment in This World are natural consequences.

It is beyond the scope of our discussion to get into all possible applications, but we should note several areas that allow for additional analysis: The difference between *Hashem's brocho* to Yaakov *Avinu* in *Parashas Vayishlach*, where Yaakov is blessed to have a "*Kahal Goyim*" vs. his relating of that *brocho* to Yosef in *Parashas Vayechi*, where Yaakov restates it as "*Kahal Amim*"; the differences between the places where the Torah speaks about *Einei Ha'Eidah* vs. *Einei Ha'Kahal*; the differences between the penalty of *Kareis* from the midst of the *Am* vs. *Kareis* from the *Kahal*; the superficial redundancies of *Bamidbar* 10:3 vs. 10:7, both of which describe the process of gathering the people via the trumpets, but one of which uses *Eidah* while the other uses *Kahal*; and, the interplay of *Eidah* and *Kahal* in the *parashiyos* of *Adas Korach*, and, especially, *Mei*

Merivah; and, finally (for now), the rarity of the verb form of *Eidah* vs. the frequency of the verb form of *Kahal*.

Through the miracles of modern technology (and the DBS Torah CD-Rom Library), we may now know that the Ramchal *zt"l* in *Adir ba'Marom* vol. 2, *Bi'ur Chalom Daniel* classifies the three levels as *Kahal*, *Eidah*, *Yisroel*, and has them correspond (in reverse order) to *Nefesh*, *Ruach*, *Neshomo*, which, in turn, are linked to *Mo'ach*, *Lev*, *Kaveid*, the acrostic of which is **MeLe Kh**. Elsewhere (*Taktav Tefillos* 91, 178, 483) he draws correspondences to the three *Avos*, to *Kohanim*, *Levi'im* and *Yisroelim*, and more.

So where does all this leave us? Well, this year, *Hakhel* would occur upon the evening of the second day of *Sukkos*, the first evening of *Chol Ha'Mo'ed* in *Eretz Yisroel*. Some of those lucky enough to be in *Eretz Yisroel* this *Sukkos* may find some alternate way to commemorate *Hakhel*. The overwhelming majority of our nation, however, will find itself with but themselves and their thoughts. We must emulate Reb Yisroel of Ruzhin in this respect. Perhaps, as we sit in our respective *Sukkos*, we might go through a thought process roughly as follows:

Klal Yisroel starts as a *Goy*. A nation among nations. Endowed, albeit, with great potential from the *Avos*, but externally undifferentiated. At *Har Sinai*, *Hashem* assigned us our national mission: We became an *Am*. An *Am* amongst seventy other *Amim*, with whom we relate in ways symbolized by the seventy plus one *parim* sacrificed during *Sukkos* (*Sukkah* 55b), and in the verse that concludes the *Hoshanos*: "So that all the nations of the world will know that G-d is the L-rd, there is no other."

Sometimes we are not acting in complete accordance with this lofty destiny: Then we are called an *Eidah*. We strive for the high level of achievement that *the term Kahal connotes*. To attain that level requires unity. The unity that *Sukkos* implies in the combination of the four species

representing the four types of Jews, and in the *Gemara Sukkah* 27b that all *Yisroel* might sit in one *Sukkah*. A unity that could only emerge from a year-long hiatus from cultivating even the holy soil of *Eretz Yisroel*, a *Shemittah* year immersed in Torah and *Avodas Hashem*.¹ That unity includes all believing Jews: The one who is a little too *Litvish*, the one who is a little too *Chassidish*, the one who is a little too *Yekkish*; the one who is a little too Hungarian; and the one who is a little too *Sefardi*. The one who is a bit too modern; and the one who is a bit too *farfrumpt*. The one who talks too much in *Shul*, and the one who is too strident with those who talk a little in *Shul*. The one who lived through the Holocaust, and his or her great-grandchildren.

Were there to be a *Beis HaMikdash*, we would all be standing together - men, women and children - reenacting *Kabbolas HaTorah* "*k'ish echad b'lev echad*."² We would be hearing our king, representing our unity, intoning the words that comprise the basis of our unity.

Contemplating these thoughts, you might gaze up at your *Schach*, and remind yourself of the *Ananei HaKavod*, the clouds of glory that, according to one opinion, the *Sukkah* represents.³ Those clouds likely connect to the clouds that enveloped *Har Sinai* at *Kabbolas HaTorah*. They encompassed all the nation then, and throughout the forty

¹Indeed, Rabbi Shlomo Fischer (ibid.) proposes that it is not that *Hakhel* follows *Shemittah*, rather, the entire *Shemittah* year is meant to serve as preparation for *Hakhel*.

²Rashi, *Shemos* 19:2. If you have a bit more time, please consider this: *Hakhel* (in the *Sefer HaChinuch's* listing) is the penultimate *mitzvah*; the ultimate *mitzvah* is the writing of a *Sefer Torah*. We have a *mesorah* that there are 600, 000 permutations of the Torah's letters, and that *Yisroel* is an acrostic: "**Y**esh **S**hishim **R**ibbo **O**si'os **L**aTorah." It seems that the two *mitzvos* are linked.

³A good idea in any event, as made explicit right at the beginning of *Messeches Sukkah*.

years in the *Midbar*. Perhaps you might just imagine all of our collective *Schach* intertwining, as if we were all united in person, forging the *Kahal ha'Kadosh* that the *Hakhel* accomplished. Doubtless the thought will then cross your mind: "*Me k'Amcha Yisroel Goy echod bo'oretz.*"

Judaism and Racism An Unpublished Letter From an Anonymous Source

To the Editor:

In a fine essay: "Teaching *Churban Europa* to Our Children" (*JO*, May 03), Rabbi Yaakov Feitman *shlita* presents the following cogent point as one of the lessons that we can learn from the Hitlerian plot to annihilate the Jewish people, *R"l*:

"Disappointment in the Gentiles - Rabbi Hutner *zt"l* taught us that one of the prime lessons of Jewish history is learning not to be enamored of the gentiles and their ways by recognizing their unreliability throughout the ages."

While this is an invaluable lesson, care must be taken in its presentation, particularly to young students. This is because there is cause for concern lest we inadvertently cause racism and bigotry to develop in our society.

It is essential that we take care that it does not become acceptable in our society to use pejorative terminology to describe other races, especially since there are ever-increasing numbers of Jews, *Shomrei Torah u'Mitzvos*, of other races. We must be careful never to present people of other races as stereotypical examples of degenerate and dim-witted behavior, particularly in light of the evident accomplishments and prominence of many individuals of other races. A special pitfall to be avoided is the acceptance of questionable "Biblical" justifications of such attitudes. Indeed, most of these rationalizations may be traced to Southern, pro-slavery, antebellum (pre-Civil War) Christian preachers.

To expand somewhat, there are many problems in such attitudes and modes of expression. Among these problems are the following:

1. These attitudes and modes of expression will not go unnoticed by general society. If they were to become known, they would likely lead to *Chillul Hashem* and to setbacks in our task of leading, by refined example, to "*Yakiru v'yeidu kol yoshvei seivel ke lecha tichra kol berech*" ("May all the world's inhabitants recognize and know that to You every knee should bend" - second paragraph of *Aleinu*, based on *Yeshayah* 45:23). They certainly would not help the other races (nor gentiles in general) to recognize that "*rak am navon v'chacham ha'am ha'zeh*" ("Surely a wise and astute people is this great nation!" - *Devarim* 4:6).

2. Additionally, all generalizations only apply generally - at best. Nevertheless, they create stereotypes, branding individuals with the typecast of the group. Thus, upstanding members of other races who remain gentiles, yet may fall into the category of *Chasidei Umos Ha'Olam* (pious non-Jews who - see *Rambam, Hilchos Melachim* 8:11) may become subsumed in the derogatory categorization.

3. Such attitudes and modes of expression are likely to spill over when we would not want them to do so. *Olam ha'Bo* issues of *malbin pnei chaveiro* (deriding one's friend - see *Bava Metzia* 58b-59a) and other explicit *d'oraysa* prohibitions, such as *ona'as ha'ger* (deriding a convert - see *Bava Metzia*, *ibid.*) - and, of course, *Chillul Hashem* - are involved in such "slips of the tongue."

4. The usage of pejorative terms - particularly when the word's intended use is clearly coarse - may constitute *nibbul peh*.

5. Perhaps most importantly, were such attitudes to take root in our society, *chas v'shalom*, they would clearly

run counter to the refinement of *middos* and to the pathways of *mussar* to which every *Ben Aliyah* and *Ba'al Avodah* should aspire. Haughtiness (*ga' avah*), scoffing (*leitzanus*), derogation (*bittul*) and other *middos ra'os* pervade such attitudes. The *tumas sefasayim* that is inherent in such modes of expression doubtless impacts negatively on the *neshama* of the speaker.

In this brief piece I have focused on the pitfalls of bigotry and racism. This is not the vehicle for a comprehensive treatment of our relationship with non-Jews of various orientations. Nevertheless, it is perhaps worthwhile to provide, at the very least, a springboard for further consideration. To the best of my knowledge, the finest comprehensive treatment of that topic is an essay in *Divrei Talmud* vol. 1 by Rabbi Avrohom Eliyahu Kaplan *zt"l*. Without going, here, into the broad scope of issues he addresses, it is worth citing *some* of his conclusions:

1. Non-Jews who keep their seven laws as a result of their personal convictions, and not because of their belief in the divinity of the Torah, do not fall into the category of *rei'ah*, and we are not obligated to provide them with monetary support. Nevertheless, because Hashem has endowed all men with divine qualities, they are, therefore, "*chaviv*" (see *Avos* 3:14), and hence we are required to save them from any danger and not stand idly by when they are in peril.

2. Non-Jews who accept upon themselves in a *Beis Din*, as a result of their belief in the divinity of the Torah, to keep their seven laws, do fall into the category of *rei'ah*. It is obligatory for us to provide them with monetary support, to conduct ourselves with a high measure of respect towards them.

3. It is unclear whether the status of non-Jews who accept their seven laws upon themselves, as a result of their belief in the divinity of the Torah, but not in a *Beis Din*

fall into the first or second category. Therefore, as in all matters of doubt that touch on *d'orysa* issues, we must be stringent, and it is incumbent upon us to provide them with monetary support, etc.

(Rabbi Kaplan also addresses the status of non-Jews who do not accept their seven laws, and whether the concept of *tinok she'nishba* is relevant to non-Jews.)

Perhaps, however, all the technical categories are moot, as the *Yerushalmi* (*Bava Metzia* 2:5) states so powerfully (free translation):

Rabbi Shimon ben Shetach dealt in linen. His students said to him: "Rebbe, desist from this trade. We will buy you a donkey [to make an easier living as a donkey driver] and you will not have to toil so much." They went and purchased a donkey from a *bandit*. The students subsequently found a precious stone dangling from it. They went back to Rabbi Shimon ben Shetach and said to him: "From now on you need not exert yourself." He asked: "How so?" The students responded: "We purchased a donkey for you from a bandit and a precious stone was dangling from it." Rabbi Shimon ben Shetach asked: "Did the donkey's seller know that the stone was there?" They answered: "No." He then said to them: "Go return it." The students remonstrated with Rabbi Shimon ben Shetach: "Although theft from an idolater is prohibited, is one not permitted to keep an object that an idolater has lost?" He responded: "What do you think, that Shimon ben Shetach is a barbarian? More than all the wealth of the world, Shimon ben Shetach desires to hear [the non-Jew say]: "*Berich Eloko d'Yehudo'ei*" ("Blessed is the God of the Jews").

Our paramount value, beyond even halachic considerations, must be *Kiddush Shem Shomayim*.

In sum, therefore, while Rabbi Feitman's point is well taken, it must be nuanced. There are cases in which we

must denigrate evildoers, but there are cases where denigration is out of place - indeed, counter to the Torah's expectations of us. There is a fine line to be tread between "*Ein lanu l'hisha'en elah al Avinu she'Bashomayim*" (We cannot rely on anyone but our Father in Heaven - see *Sotah* 49b) and *Al tehi baz l'kol adam* ("Do not denigrate any person" - *Avos* 4:3).

Thesis: Judaism and Counseling

Abstract:

The paper examines various aspects of the relationship between Judaism and counseling, including: theories of personality and development, counseling and psychotherapeutic processes, and special issues and concerns in dealing with the Jewish community. The paper is based on a comprehensive review of both Judaic and counseling literature, and points at many similarities, as well as some differences, in theory and practice.

Judaism and Counseling

Ben Bag-Bag said: Delve in it (the Torah) and delve in it(again), for everything is included in it. (Avoth 5:22)

When I undertook this study, I was somewhat skeptical of the application of these ancient words of the Talmud to modern counseling theory and technique. I am not skeptical anymore. The review of the literature in which we shall presently engage demonstrates that classic Jewish sources predated and anticipated modern counseling theory by hundreds, even thousands of years. The Torah – the all-encompassing Jewish heritage of law and ethics - has in fact a special branch devoted to character development and behavior modification - that of "Mussar". An exact definition of Mussar is almost impossible, but let us nevertheless see Epstein's definition quoted by Gottlieb (1975, p.112), and use it as a tentative guideline:

The improvement of moral- character through a process of self education.

This process consists of three stages:

(1) The subjugation of all evil desires and impulses through-the constant discipline of the will-power...

(2) The recognition of one's own faults and failings as a result of honest self-analysis and self-criticism

(3) conscious effort at the improvement of character making of virtue a second nature.

Alas, this definition is too brief to suffice - in truth, this entire paper may be viewed as a definition of Mussar.

However, Judaism - in the form of Mussar - encompasses an extremely broad spectrum of theory, process, and concerns, all of which we will hopefully touch upon - although necessarily briefly. It is therefore worthwhile pointing out specifically, the fact that the counseling encounter is actually alluded to in the Bible. We find in Proverbs [Mishle] 12: 25: "[If there is] a worry in the heart of a person, he should remove it, and gladden himself with a good thing. "The sages Rabbi Ami and Rabbi Asi in Talmud Yuma 75a lend this "removal" complementary interpretations. One holds it to mean simply "he should remove it from his mind", while the other takes it to mean "he should remove it by speaking it over with others". The commentators (see Rashi, Malbim) explain how the interpretations complement each other, and the end of the verse: A person who has a worry in his heart should remove it by speaking it over with his friend, who will console him and give him advice on how he may gladden his heart.

Yet this but a small example of the amount of modern theory to be found in the Torah. Let us proceed to examine in detail the theories processes, and concerns, of classic and modern Judaic sources, in the light of modern counseling theory.

However, we must note that the paper does not attempt to distinguish between counseling and psychotherapy. The distinction between the fields is at best vague and ill-defined (see Steffle and Burks, 1979) and for our purposes, there is no reason to require us to resort to a distinction, as in underlying theory, the two fields are essentially congruent. For the most part, we will attempt to utilize the viewpoint of the behavioral school of counseling.

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PART I: The Judaic Theory of Personality and Development

Free Will vs. Determinism

Every man is endowed with free will; if he desires to bend himself toward the good path and to be just, it is within his power to reach for it, and if he desires to bend himself toward the corrupt path and to be wicked, this too is within his power. There is none to either force things upon him or decree things against him ... but he alone, of his own free will, with the consent of his mind, bends to any path he may wish to follow. (Rambam [Maimonides], 1965, Laws of Teshuvah 5 :1-2; Spero, 1980, p.36) .Thus expressed, Judaism's view of the cause of behavior, stands in direct contradiction to the views of behaviorism, expressed by Skinner (1974):

Operant behavior is called voluntary, but it is not really uncaused; the cause is simply harder to find. The critical condition for the apparent exercise of free will is positive reinforcement, as the result of which a person feels free and calls himself free and says he does what he likes or what he wants or is pleased to do Man is perhaps unique in being amoral animal, but not in the sense that he behaves morally; he has simply constructed a social environment in which he behaves with respect to others in moral ways (pp. 54, 231). Rambam (1975, Eight Chapters, chap. 8) proves that Judaism maintains that "all of man's actions are given over to him... .!here is no compulsion on him nor is there any external cause which makes him incline toward a virtue or a vice, except for his being disposed by temperament so that something is easy or difficult for him. .." From both Biblical and Rabbinical sources, and the very foundation of religion, "If man's actions were done under compulsion the commandments and prohibitions of the law would be nullified and they would all be absolutely in vain, since man would have no choice in what he does Reward and punishment would also be sheer injustice. .. ."

Yet, we find on the other hand, clear manifestations of determinism in Halakhah (Jewish Law). Some major examples are provided by Spero (1980). These include such critical concepts as "1."hazakah" (behavioral norm), "um'dena" (presumptive expectation) and "anan sahad" (lit. "we testify", similar to a norm established by custom) . Spero cites numerous examples of the application of such concepts to behavioral patterns. Although he also notes ~hat the use of such concepts is circumscribed, it is clear that absolute libertarianism is not necessarily the attitude taken by Judaism regarding human behavior. On the contrary, from such Halachic concepts it is clear that Jewish sources clearly recognize that human behavior submits to enough regularity to make rational action possible. Even more indicative of Jewish acceptance of behavioral theories of human adjustment is Rambam's

analysis of character traits and behavior based on social-learning theory, which we will examine extensively in pt. II.

However, it is equally clear that behavioral and genetic determinants cannot account for such uniquely human characteristics as choice, intentionality or creativity. Skinner maintains that man is not unique in his moral behavior, yet he is unable to explain man's sense of morality - why a human being will sacrifice his life out of loyalty to a symbol or belief. We are thus left with a dilemma we must resolve - to what extent do each of the two contradictory factors of free will vs. determinism influence and cause human behavior? A resolution of the dilemma is provided by Rabbi E. E. Dessler(1964). He discusses the two sides of the issue, and likens the proponents of either position to two people gazing at a rectangular piece of paper from different perspectives. One person is only looking at the paper's surface, whereas the other only sees the width of the page. If not for the fact that they know that the surface view and the side view do not contradict each other, they would each believe that the other's description of his perspective was incorrect. Why in fact is there no contradiction? Because the surface and width are two distinct dimensions which coexist, and simply represent different traits of the object observed. Similarly human behavior is neither exclusively free, nor exclusively determined but is both free and determinable, depending from which viewpoint behavior is observed. A similar thesis was advanced by Carr (1961).

In explaining the extent to which a person's free will determines his behavior, Rabbi Dessler utilizes the following analogy: When two nations go to war, the actual battles occur at the front. The area behind the lines of either side is not under contention. If one nation should emerge victorious in battle, and push its adversary back some distance, then when they engage again in battle, the engagement will take place at the new front, while the area

the one nation had just conquered would be behind the lines and its sole possession.

Thus, in fact, there is only one front, although potentially the entire area of both countries is under dispute. Free will may be understood in a similar manner. Every person has free will, but only at the point where behavior he has consciously decided to engage in, meets up with behavior which results from social learning and is adopted by habit. This point or boundary is not fixed but is in a constant state of flux. The positioning of the boundary is dependent on the result of a person's interactions with the physical environment, his own physical limitations, and interpersonal challenges. If a person in a specific area follows an existential course, taking responsibility for his destiny, and acting on the basis of a subjective, personal, conscious decision, then that area of contention falls into the realm of free will. If, on the other hand the person simply copes with the issue, allowing his environment physical limitations and inter-personal challenges to evoke within him a reaction based on previously internalized behavioral determinants, -then that area of contention falls into the realm of determinism.

As in the analogy of the two warring countries, so too in the conflict of free will vs. determinism, the actual area of battle, the front, is very restricted. On either side of that front are areas not ..under contention, which may be the result of previous conscious decisions, or caused by behavioral determinants, which may be firmly entrenched. Yet, no matter what the original cause of the behavior in question, it must be internalized by an educational process. We may take any given behavior, place it on a continuum, and measure a person against that scale. We will find that parts of that behavior - or trait - were originally generated by a conscious decision to strive towards a goal - which that person then set out to reach by self-education and training, whereas other parts were originally generated by societal determinants which were then internalized by the

person. We may thus view all behavior as the result of a process of education - the difference being in the cause of the behavior in question - is it internally-generated, or externally- imposed. This does not bear in any way on whether the behavior under examination is positive or negative~- both positive and negative behaviors (in terms of religious ideals, which beside keeping the Halacha involves definitions of behavioral normality, which we will discuss in pt. II) can be either results of free will or determinism.

While not negating the importance of positive behavior which has been externally-imposed and internalized, Judaism, as an existential religion, sees "mitzvat anashim mi-lumada" (Isaiah, 29:13) - rote performance of commandments - as a lower-level of religious observance, and Rabbi Dessler and others (cf. Rabbi Levovitz, 1980p.132; Rabbi Sher, 1936) stress the preference for fulfillment of religious precepts intentionally - as a result of a conscious will to perform the commandments, and as the result of a free choice and resolution to follow the Torah. Once this nuclear resolution has been made, the process of implementation is then one of education or re-education and behavior modification. Although at this point behavioral methods of modification may be utilized (as we discuss at length in pt. II), nevertheless, since the nuclear resolution pertaining to the area of behavior in question was decided freely and independently, the entire ensuing process is regarded as an existentially based one. This principle is to be found in the quote from Rambam with which we opened this section. "The "free will" pertains to the "bending" - the nuclear resolution on the direction to follow. After that decision is made, then one must follow the "path"- the methodology of behavior modification necessary to reach that goal, set out by Rambam (1975) elsewhere (see pt. II). In continuing his explanation, Rabbi Dessler refers back to his analogy and notes that although the front is narrow in width - as the actual free choice is only a nuclear resolution, bordered on the one side by internally-generated learned behavior, and

on the other side by externally-imposed learned behavior - it may be many miles in length, stretching over vast distances. Similarly, although with each specific behavior the point of free will decision at any given time is normally restricted, that point exists in all behaviors and traits inherent in the personality, and each respective behavior or trait provides the individual with free choice at whatever level he or she is at in that area. This is also akin to a battlefield where a nation may find itself advancing in one area- and retreating in another one. The flip side of free choice is the ability to choose negative behavior, and the human's inherent capability for evil, which although contrary to the basically positive creation of humanity (see Genesis [Bereshit] **1**, 26-27 and commentaries there), is necessarily intrinsic to free will. The test of humanity is to utilize such freewill to extinguish negative behavior. This existential view of human free-will is similar to Frankl's logo therapy (Arose1, 1969; Bulka, 1972, Ury, 1970) and is in fact expressed by Frankl (1967, p.79) "in every case man retains the freedom and the possibility of deciding for or against the influence of his surroundings. Although he may seldom exert this freedom or utilize this opportunity to choose it is open to him to do so". Although beyond the scope of this paper, it should be noted that Judaic ideas of satisfaction in life are also similar to Frankl's, as noted by the above-mentioned sources. It is important to clarify, that although normally free choice is indeed limited in scope, there is a Judaic concept of "one who acquires his world to come in a single moment" - the idea of a radical change in values and attitudes stemming from an extreme existential moment of decision which completely changes one's life. The conditions under which such a resolution can occur. are extraordinary(see Talmud Avoda "Zara" 10b, 17a, 18a and Rabbi Dessler, *ibid.* p.24)

However, this concept provides the basis for certain limited methods of behavior modification to be discussed in pt. II.

Generally, however, after the nuclear resolution, re-education is implemented utilizing behavioral modification techniques similar to standard conditioning theories, also to be discussed in pt. II. The quote from Rambam we opened with is from the "Laws of Teshuva". "Teshuvah" literally means "return" and is used normally in the context of repentance on a transgression.

However, this is a very superficial understanding of the concept, which in reality is a lifelong process of self-regulated therapy. Based on the principles we have just examined, let us attempt to put Teshuvah in perspective. Teshuvah: A Lifelong Psychotherapeutic Process of Development. We are accustomed to thinking of the work of Teshuvah as beginning after sin, but that until man sins there is no context for repentance. However, this is not so. It is the case that all of our work in Torah and the commandments is after the sin of Adam It is thus that all of our work has as its purpose to restore the world to that original order and wondrous state Thus, all our work is the work of Teshuvah, and if one goes astray and sins, this sin is an additional diminution in the work of Teshuvah. (Rabbi Gifter 1977b; Spero, 1980p.24)

With these words, one of the greatest contemporary Jewish thinkers, Rabbi Mordekhai Gifter, captures true Judaic regard of the concept of repentance and return - its definition as a lifelong process of self-improvement directed towards returning the world to its ultimate perfection - as opposed to other religious perspectives on the process as one of specific penance on isolated sins. Indeed, Rambam (1965; Laws of Teshuvah 7 :3) clearly states that the process of "Teshuva" must be applied to character traits such as al'Ber, animosity, jealousy, sarcasm, etc. Rabbi Gifter (1977a) explains that these traits are the roots of specific transgressions and their cause (see Rabbi Vital, below pt.II). Therefore, the Halakhah requires the individual to modify the underlying trait, in order to extinguish overt manifestations of sin. Without treatment

of these covert causes, recurrence of the overt effects would be inevitable.~""Spero (1980, p.24) notes, that, when viewed in this perspective Teshuvah "bears a therapeutic, growth oriented connotation analogous to our general understanding of psychotherapy", in that, "Teshuvah and psychotherapy share an a priori foundation in the desirability of monitoring, modifying, and improving upon aberrant behavior - be it moral, religious, social, or intrapsychic - which stands in the way of spiritual growth."

This growth ideally leads to behavior in the pattern of Rambam's(1975) famous "mean" (see Laws of Delot, chap. 1; and Eight Chapters -which we will examine at length in pt. II). The ideology behind this mode of behavior is existentially profound, as the "return" to this situation in essence means the return to freedom, to the ability to exercise free will in implementing the respective traits, rather than being influenced and subjugated by them. The individual thus "returns" to himself, re-educating himself in a manner which gives him control over his overt character traits and overt actions, rather than they controlling him..

Yet, a key component in the psychotherapeutic process is seemingly missing in the Teshuvah process - the counselor. As Wrenn(1951, p.60) defines the process (interchanging "student" with "individual"), "Counseling is a dynamic and purposeful relationship between two people in which procedures vary with the nature of the student's need, but in which there is always mutual participation by the counselor and the student with the focus upon self-clarification and self-determination by the student." In this framework, the counselor, from his objective standpoint, is crucial in that clarification and definition, seeing what the client, from his subjective perspective cannot, and bringing those observations to the realization of the client. How can the individual achieve this goal on his own in the Teshuvah process?

Answers and methodology for achieving these necessary goals of self-clarification and self-determination on one's own are detailed by many Jewish sources, and a major competent of the process is the "heshbon ha'nefesh" - self-management concept (detailed in pt. II). In fact, due to the centrality of growth to religion, the literature leaves almost no stone unturned in detailing possible techniques that may be utilized. Of course, Jewish sources also leave open and even stress the advantages of consulting wise men - or friends - when necessary, or just advantageous (see Avoth 1: 6). However, much of Rambam's works on ethics, and later works of Mussar, are intended to assist individuals in personal self-development. The vastness of the literature involved puts this topic beyond the scope of this limited survey.

However, especially noteworthy is the principle of "detachedness" which is regarded as crucial to the identification of problems. Rabbi Y. Y. Horowitz of Novardock (1976), disciple of the renowned Rabbi Israel Salanter, views this detachment, with the resulting objectivity, as the basis for Teshuvah - without which the individual would be incapable of identifying the areas which required work.

In explaining the complications arising from subjectivity, Rabbi Horowitz presents us with a well known parable. A person who had been attempting for some time to become expert at shooting arrows to the center of a bulls eye, once chanced upon a series of bulls eyes, all of which had arrows imbedded in dead center. This person of course assumed that the individual who had shot these arrows was a true marksman, and he set out to find him in order to learn that skill from him. When he found the assumed sharpshooter, he asked him what the secret of his success was. The "sharpshooter" replied, "It is really quite simple. First I shoot the arrow, and wherever it falls, I draw a bull's eye around it, placing the arrow in dead center." ..

This is also the case, states Rabbi Horowitz, of a person viewing his or her character traits from a subjective viewpoint. No matter what the status of the trait - positive or negative - the individual makes sure to justify it by building his or her self-image in a manner which allows the trait - or behavior - to take on a positive aspect. For example, if a person has an inclination towards hostility, it will be rationalized by claiming it necessary in order to cope with an antagonistic world. It is therefore crucial for the individual to break away from a subjective framework, take up an objective perspective, and examine his behavior critically and honestly. Only after the realization of this important principle is one fit to serve as his own counselor.

At this point, after a person has utilized free will in determining shortcomings and/or goals, and has objectively and critically assessed present behavior, he or she is ready to undertake behavior modification, which we will examine in pt. II.

PART II: The Psychotherapeutic Process in Traditional Jewish Sources:

Mussar "The Educational Process"

Behold, the matter of character traits which are imbedded in the more mundane aspect of the soul... . And behold that to this soul are linked the positive and negative traits, and they constitute the seat and foundation of the loftier, intellectual soul, to which are linked the 613 commandments of the Torah.' Therefore, the character traits are not included in the 613 commandments, however they constitute the main preparations for the 613 commandments, either in fulfilling or forsaking them since it is not within the power of the intellectual soul to fulfill the commandments through the ... limbs of the body if not by means of the fundamental soul [i.e., character traits] which "directly relates to physical functioning. 'Therefore negative traits are worse in their effect than the

transgressions themselves. With this you will understand the words of our Rabbis: 'Anyone who becomes excessively angry is as an idol-worshipper' Le., as one who has forsaken all 613 commandments, and so they said: 'Anyone who is excessively haughty is as one who has denied G-d and similar statements...so we find that one must take greater care to avoid negative traits than he takes in the actual observance of the positive and negative commandments, because when a person possesses positive character traits, he will readily fulfill all the commandments.' (Rabbi Vi tal, 1953; Rabbi Wolbe, 1972, p.64)

Seeing what an important place is accorded to a healthy character in Jewish thought, it is obviously a matter of course that we find a wealth of theory relating to the modification of character traits in a classical Jewish literature: the process of Mussar, a lifelong process of self-improvement.

We must reiterate here the idea we stressed in pt. I – Judaism regards man as totally responsible for his actions, and views him as having absolute free choice and reign over the course of his life. However, habit and education are fully recognized and acknowledged as key determinants of behavior. As Rambam (1975, Eight Chapterschap.4) writes: "Know that these moral virtues and vices are acquired and firmly established in the soul by frequently repeating the actions pertaining to a particular moral habit over a long period of time and by our becoming accustomed to them. If those actions are good, we shall acquire the virtue; if they are bad, we shall acquire the vice. Since by nature man does not possess either virtue or vice at the beginning of his life... he undoubtedly is habituated from childhood to actions in accordance with his family's way of life, and that of his town. These actions may be in the mean, excessive, or defective"

Therefore, as Rabbi Wolbe (1972) points out, Rambam in his Code grouped his principles of character traits under the title "Laws of Delot" - "de'ah" being the Hebrew term for a "knowledge" or "learned concept" . Although the character traits are "imbedded" in the soul and basic derivations of man's spiritual and physical makeup, their expression in specific modes of behavior is a "learned concept" which is subject to re-education and modification. It is therefore the responsibility (in the Judaic existential understanding) of the individual to undertake that process of behavior modification and self-improvement - the process of Mussar.

It is superfluous to compare this educational framework to the almost totally congruent framework of behavioral counseling (LaFleur1979) . The underlying concepts of social learning are practically identical (Goodstein and Lanyon, 1979). It is in the definition of normality that the key differences may be found.

Normality

LaFleur (1979, p.224) writes: "Behavioral counseling does not distinguish client actions on an abnormal-normal continuum. All client actions, whether labeled as abnormal or normal by some judging agent, are learned behaviors, and the principles by which they are learned are the same." 'To a degree, this view is reminiscent of that of Ellis (1962) and others that claim that human values are not absolute or completely given, although they are to some extent biologically and socially determined. Judaism vehemently repudiates this view, and pronounces it in diametric opposition to what is seen as true human nature. We find in Genesis 1:26 - 27 that G-d created man in his likeness and image, and entire tracts - most noteworthy being Rabbi Kordevero' s "'lbmer Devorah" (1974) - explain exactly how each character trait of a person should be similar to the traits of G-d - in the areas of mercy, kindness, etc. 'Thus, Judaic normality is akin to divinity, and man is seen as

essentially inherently good -most similar again to Frankl's (1967) stance. As the Talmud brings down (Shabbath, 133b): "And you shall walk in the ways (Deut.[Devarim] 28: 9), just as He is called gracious, you too be gracious; just as He is called merciful, you too be merciful; just as He is called holy, you too be holy." (See Sotah 14a and Sefer Ha'Hinnuch Mitzva 611)" Rambam {1975} in the Laws of Delot {chap.1} Specifies how this applies in general to character traits:

Between two character traits at opposite extremes there is a character trait in the middle, equidistant from the extremes. Some character traits a man has from the beginning of his creation [conception, i.e., genetically] depending upon the nature of his body; same character traits a certain man's nature is disposed to receive in the future more quickly than other character traits, and same man does not have from the beginning of his creation but learns from others or he him self turns to them due to a thought that arose in his heart, or he hears that a certain character trait is good for him, and that it is proper to acquire it and he trains himself in it until it is firmly established within him.

For any character trait, the two opposite extremes are not the good way, and it is not proper for a man to follow them nor to teach them to himself. If he finds his nature inclined toward one extreme or if he is disposed to receive one of them or if he has already learned one of them and becomes accustomed to it, he shall make himself return to the good way and follow the way of good men, which is the right way.~. "The right way is the mean in every single one of a man's character traits. It is the character trait that is equally distant from the two extremes, not close to one or the other.

Therefore, the wise men of old commanded that a man continuously appraise his character traits and

evaluate them and direct them "in the middle way so that he becomes perfect [see Ta1mud Moed Katan Sa; Sotah Sb].

How so? A man shall not be irascible and easily angered nor like a corpse which feels nothing, but in between; he shall only become al'Bry about a large matter that deserves al'Ber so that something like it not be done again ..'. We are commanded to walk in these middle ways, which are the good and right ways... . Since these terms applied to the Creator refer to the middle way that we are obliged to follow this way is called the way of the L-rdRambam both there and in "Eight Chapters" (197S) brings down manyTa1mudical and Biblical sources for his system of normality, which is obviously optimum adjusted behavior, and which constitutes practically- if not theoretically - the goal of most counseling.

Self Management

Based upon the belief that clients can often become their own counselors, 'ilioresen and Mahoney (1974) provided a comprehensive description of the process of self management. The primary, unique component of this process is self-observation, which serves several functions: a) It provides the client with descriptive data which will make the client more aware of interacting situational variables associated with specific behaviors; b) The process of observing and recording behavioral data may itself be a treatment strategy to the extent that it affects behavior; and, c) The data gathered by this process can be utilized in the counseling process. Often clients must be trained in relevant observation and recording skills. Mussar includes all these elements in its theoretical framework.

Basing himself on Talmudic dictums (Eruvin 13b; Baba Bathra 78b) Rabbi-**JM.** H.Luzzatto (1964, p.16) writes: "One who wishes to manage himself, requires two perspectives:(a) That he should examine what is the true good he should choose(goal-setting) and what is truly

negative that he should avoid;(b) He must examine his behavior and assess whether it falls into the positive or negative categories. This process must occur both at the time of action, and after the action. At the time of action, he should not perform an action before assessing it in terms of the former perspective. After the action, he should recall his general behavior and assess it too in this manner in order to observe what is negative behavior to reject, and what is positive behavior to continue and reinforce. If he finds negative behavior, he should logically examine and explore possible strategies to turn away from that negative action...

And I believe it necessary for the individual to examine and weigh his ways daily... and he should arrange specific times for this, and not approach it in a haphazard manner, but with great regularity, as it yields rich returns.

To facilitate this process, Rabbi Israel Lickin Salanter, the "father of modern Mussar" republished the book Heshbon Ha 'Nefesh("Examination of the Soul") by Levin (1936) which contains many practical suggestion for self-evaluation plus a check-list of traits for this purpose (to be filled in daily) . Rabbi Salanter also directed his students to keep diaries in which to enter daily records of achievements and failures for purposes of self-analysis and self-abasement (Ury, 1970). Rabbi Luzzatto (1964) also touches on the necessity of seeking competent, objective counseling in certain problematic areas.

The Therapeutic Encounter (see also pt. III)

Although we are attempting to analyze the Mussar process from a behavioral perspective, some attention must be paid to the therapeutic account, rooted in Rogerian theory, and its presence in Jewish sources. We should not be surprised to find that Robert' (1957)theory of conditions necessary for effective therapy are the core of what Judaism regards as true friendship. Indeed, Rogers himself(1974)

recognizes the basic human need for deep interpersonal relationships. Grummon (1979) lists the three basic Rogerian conditions:

1. The therapist is "congruent" or "genuine" in the relationship.
2. The therapist experiences "unconditional positive regard or "warm acceptance" for the client. The therapist exhibits "accurate, empathetic understanding"
3. of the client's "internal frame of reference."

We find the Talmudic sages, in expounding the commandment "and love your friend as yourself" (Lev. [Vayikra] 9:18) in Avoth [Chapters of the Fathers] 6:6 practically paraphrased Rogers with their definition of true friendship: "[A friend] shares in the burden of his friend [-empathetic understanding]; and tends to judge him favorably [- unconditional positive regard - note the word "tends"

Grumman also notes the practical impossibility and inadvisability of totally unconditional regard]; and he brings him to truth and peace and tranquility [- congruence - direct personal encounter of feelings and values] .

II

These basic conditions were elucidated by Rabbi Salanter's foremost disciple, Rabbi Simcha Ziv of Kelm (1957) who stresses above else 'the necessity to achieve maximum empathy, by the counselor's organismic experience of what it would be like to live the experiences of the client - Grummon's language serves as an exact translation of Rabbi ziv's - and he bring numerous Biblical and Talmudic proofs to one's requirement to feel a friend's emotional\state to its full extent.

As regards to conditional positive regard II Rabbi Eliezer of Avoth 2:10 stated explicitly met the honor (respect) of your friend be as dear to you as your own. Rambam also codifies (Laws of Delot, 1975;6: 3) that, as to another human, one must speak in praise of him and to have concern for his possessions, just as he has concern for his own possessions and wants to be honored himself. II Congruence is best demonstrated by the prerequisites of genuineness included in the laws of the commandment of hokheakh tokhiakh, II which we will discuss at length in pt. III, that provide for true, direct personal exchange of feelings and values. However, it must be admitted that Mussar requires behavior modification and counselor intervention after basic relationships are established as stipulated in the tenets of "hokheakh tokhiakh" (see Radllis, 1974).

We may conclude this brief survey of the Jewish definition of friendship - a relationship which the Torah commands each person to actualize with all his fellow men - by theorizing that Rabbi Joshua b. Perakhya's statement in Avoth 1: 6, "purchase for yourself a friend" may well be the first historical reference to professional counselors!

Technique and Methodology

Let us consider the conditioning therapies. These methods stem from the conception that neuroses are persistent unadaptive habits that have been conditioned (that is learned) . If this conception is correct, the fundamental overcoming of a neurosis can consist of nothing but deconditioning or undoing the relevant habit patterns.(Wolpe, Salter, and Reyna, 1964, p.9) Since Mlsar views most problems from the same perspective, regarding them as conditioned behavior, it stands to reason that the method of treatment should also consist of conditioning techniques.

This is indeed the case. Rambam (1975) in both *De lot and Eight Chapters* provides a detailed behavioral methodology: Should his soul become sick, he must follow the same course in treating it as in the medical treatment for bodies. For when the body gets out of equilibrium, we look to which side it inclines in becoming unbalanced, and then oppose it with its contrary until it returns to equilibrium. When it is in equilibrium, we remove that counter balance and revert to that which keeps the body in equilibrium. We act in a similar manner with regard to moral habits. We may, for example, see a man whose soul has reached a condition in which he is miserly towards himself. This is one of the vices of the soul, and the action he performs is one of the bad actions. Thus, if we wanted to give medical treatment to this side of a person, we would not order him to be liberal. That would be like using a balanced course for treating someone whose fever is excessive; this would not cure him of his sickness. Indeed, this man (with a miserly soul) needs to be made extravagant time after time. He must repeatedly act in an extravagant manner until the condition that makes him miserly is removed from his soul, and he just about acquires an extravagant disposition or comes closer to it. Then we would make him stop the extravagant actions and order him to perform liberal actions continually. He must always adhere to this course and not go toward the excess of deficiency.

Similarly, if we were to see him acting in an extravagant manner, we would order him to perform miserly actions repeatedly. But we would not make him repeat miserly actions as many times as we made him repeat extravagant actions. This subtlety is the rule of therapy and is its secret. For a man can more easily turn from extravagance to liberality than from miserliness to liberality.

Likewise, it is easier to turn from being insensible to pleasure to being moderate than from being lustful to being

moderate. Therefore we make the lustful man repeat actions which lack pleasure more than we make the insensible man repeat lustful actions, we require the coward to practice rashness more than we require the rash man to practice cowardice; and we train the stingy man in prodigality more than we train the prodigal man in stinginess. This is the rule for the medical treatment of moral habits... (Eight Chapter, chap.4).

Other examples of treatment activities are given by Rambam, e.g.: "... if his heart is haughty, he shall train himself to endure much degradation. He shall sit lower than anyone else and wear worn-out, shabby garments, which make the wearer despised, and do similar things, until his haughty heart is uprooted. Then he shall return to the middle way. . . . (Laws of De'ot 2:2)-1

Rambam also clarifies that due to the relative ease of, for example, modifying insensibility to moderation as opposed to modifying lust to moderation, a worthwhile precaution is a slight inclination from moderation towards insensibility, thus safeguarding the individual from the more maladaptive aspects of the lustful trait on the behavioral continuum. He points out that this rule should be kept with particular caution in the traits of haughtiness and anger, which are relatively more serious than other character traits in their potential as causes of social and religious maladjustment.

Rambam has thus presented us with a basic synopsis of the principles of operant conditioning. But what is the opinion of Mussar regarding reinforcement schedules? We find their opinion expressed by the Vilna Gaon, Rabbi Elijah (1974, p.1):"but he [the client] should not jump at once from one end of the continuum to the other, but more gradually from level to level. . . ." Rabbi Ziv also stressed that progression must be "deliberate, consistent, constant and systematic" (Ury, 1970p.49) (For a

more detailed description of the gradual process see Rabbi Elijah, Proverbs 4 :26 and Rabbi Sher, 1936).

Apparently, one must begin with a continuous schedule systematically introducing activities and events serving as reinforcers of the goal behavior higher up in the hierarchy.

However, at the "return to the mean" leveling-off stage, in order to retreat to the middle of the continuum, it would be necessary to switch to an intermittent schedule, which would by varying activities and events, have the dual effect of lessening the intensity of the goal behavior, while at the same time rendering it difficult to extinguish (see Lafleur, 1979).

strategies and Methods

While it is clear from Rambam's synopsis, that the types of reinforcers to be employed must be decided on a case-by-case basis at the discretion of client and counselor (and ~here Mussar stands to benefit from modern casework developments), nevertheless, we may find behavioristically therapeutic strategies and concepts in Jewish sources, some of which parallel accepted behavioral strategies, and some of which are uniquely Jewish. The scope of such strategies and concepts is too vast to be examined in detail here, but we will attempt to present some examples: The Commandments

The fourteenth-century pefe_I" Ha 'H:i11!u~ (1978) writes: "And now my son, if you have understanding, hear this... I will teach you of the Torah and the commandments ... Know that a man is influenced in accordance with his actions. His heart and all his thoughts are always (drawn) after his deeds in which he is occupied, whether (they are) good or bad. Thus even a person who is thoroughly wicked in his heart ... if he will arouse his spirit and set his striving and his occupation, with constancy, in

the Torah and the commandments, even if not for the sake of Heaven, he will veer at once toward the good, and with the power of his good deeds he will deaden his evil impulse. For after one's acts is the heart drawn." (Mitzva 16)

Further yet goes Ramban (N3chmanides) (1960) in Deut. 22: 6basin:J himself on early Midrashim, in explaining that G-d gave the commandments only to purify and morally uplift us. CX1eexample he gives is that of "Shekhita" - ritual slaughter. Ramban explains that it makes no difference to G-d whether an animal is killed or slaughtered, but in order to instill in us the trait of kindness, G-d directed us to slaughter animals in the most humane manner possible.

Similar explanations relating various commandments to various traits may be made (see Sefer Ha'Hinnuch, *ibid*). Gold (1962) also points out the constant fulfillment provided by the Jewish calendar with its rich schedule of events and holidays playing on different themes. Indeed the Sefer Ha'Hinnuch see the holidays as being given for the express purpose of providing the Jew with regular happiness-generating occasions - necessary for mental health - thus, the commandments to rejoice on the holidays.

Covenant control

This strategy consists of encouraging the client to focus upon particular cognitive behaviors (cover ants), which can be either positive or negative, providing thus either positive or negative reinforcement for the behavior being treated (Homme1965). Central to the use of this technique is evidence that internal, covert events such as perceptions, thoughts and beliefs influence overt behavior of clients (Bandura, 1977). Therefore, the clients are engaged in imagining themselves engaging in the behavior they wish to change or develop, under the guidance of counselor instruction.

Rabbi Salanter (1953) details this method with regard to maladaptive behavior. "The most important and chief method in application of the curative powers of the Torah for the maladies of the inclinations is to study with vigor and with profound meditation all the laws pertaining to that very transgression, the Halakhah (Jewish Law) about it with all its ramifications... the main point in guarding ourselves from committing a sin is to make it habitual and natural not to commit it And this much is well known, that one's nature can be changed only through incessant study and behavior modification. And therefore, the chief basis of this theory is: one should prepare himself to be on his guard against transgressing and ready to observe the precepts through the perusal of that Halakhah which is related to that transgression or that precept. Particularly the study must be profound for only by this method will the soul acquire a natural aversion to that sin. II (Epistle of Mussar). Here the profound imagery of intense study of optimum behavior serves as therapy.

Covert sensitization

This term, coined by Cautela (1966) describes a verbal aversion -therapy technique used to suppress feelings or behaviors that are wanted by the client.

From ancient times, great Jewish thinkers had compiled volumes on the topics of ethical and moral behavior, especially noteworthy among which are Rabbi Baktwa Ibn pakuda' s (1050 - 1120) and Rabbi M. H. Luzzatto's (1707 - 1747) texts. The process of utilization of these texts was formulated by Rabbi Salanter. Rabbi Salanter maintained that ordinary study of a Mussar text reaches only the intellectual conscious realm of one's self, and does not affect one's sub-conscious realm - or, in behavioral terms, modify one's learned negative behavior. In order to modify internalized behavior, which invariably includes elements of emotion and passion, it is necessary to

utilize strategies employing ecstasy and emotional experience. 'Reason and intellect alone are insufficient.'

Therefore, Rabbi Salanter formulated the format of "Mussar Be Hi tpa' alut" - "in ecstasy" consisting of frequent emotion-charged periods of Mussar study to keep one alert and aware of his weaknesses.

Only through the vehicle of emotion will the ideas of ethics and morals - the intellectual part of Mussar - effectively modify behavior through the emotional arousal, stimulation and reinforcement - either negatively or positively, depending on the material - of the individual. (Rabbi Salanter, 1979; Dry, 1970. cf. Berakhot 5a for the Talmudic basis for this system) .

De-reflection

A technique introduced by Frankl (1979) especially for use in family therapy, involves removing the focus from one's personal gratification, and placing it on one's partner which, as a result of the improved relationship, will lead to personal satisfaction too.

Rabbi Dessler, a famed Mussar authority, made this precept the foundation of marriage counseling.... love arises between husband and wife because they complement each other. This fact flows from the nature with which the A-mighty has endowed them. Alone, every person is defective and unable to carry out his proper function... together, they complement each other, and by giving each other this completion they come to love each other, on the principle we have already established: the one who gives, loves. Of course, their love in its turn, will make them want to go on giving, and the pleasure and happiness which each bestows on the other will maintain and intensify their love. (1964, p.38; 1978) Rabbi Dessler attributes problems and conflicts on switching focus to personal gratification, and

goes on to provide some basic marriage counseling principles. (See also Wiler, 1979a for additional

Jewish marriage counseling principles)

Instant Extinction

A final, but most important principle of Jewish behavior modification is based on its underlying premise that all humans have free choice and total responsibility and the concept of "one who acquires his world to come in a single moment." (Avodah Zarah 17a) -the ability to change an entire moral and value system, from bad to good (and vice versa), with one choice (see pt. I). Although the individual may have to withstand many subsequent tests of that choice and resolution, nevertheless Judaism recognizes the very resolution as an expression of true behavior change, no matter how dramatic the change in question. In fact, the theories of an entire school of Mussar thought - that of Novardock - were based on this principle (Rabbi Horowitz, 1976; Dry, 1970). Although it is rare - but possible to realize a total change of personality in a single resolution (see Rabbi Dessler, 1964) it may be most effectively applied to a single trait - similarly to "quitting cold turkey" in smoking, and the technique of abrupt stoppage employed by Alcoholics Anonymous (Arnsel 1969) . Whether in fact an individual under treatment can use this technique must be examined on a case-by-case basis by both client and counselor.

We have touched here on but a small number of examples of therapeutic strategies and institutions involved in the Mussar process and one is well advised to survey the literature which examines other strategies such as group guidance; Mussar lectures; practical wisdom Mussar Conventions, etc. (Ury, 1970; Rachlis, 1974; Gottlieb, 1975)

It is obvious that already in ancient times the Rabbis functioned as counselors - their theories brought down in the Talmudic and Midrashic literature point to their amazing expertise in this field. Rambam (1975) writes clearly of the role of counselors: What is the remedy for those whose souls are sick? Let them go to the wise men - who are physicians of the soul - and they will cure their disease by means of the character traits that they shall teach them until they make them return to the middle way. Solomon said about those who recognize their bad characteristic traits and do not go to wise men to be cured: "Fools despise admonition (Proverbs **1:7**)."(Laws of Dehot 2:1) .

Such wise men obviously were knowledgeable in basic psychology -the tenets of which are clearly to be found in Torah (see Spero, 1980)- and could thus deal with underlying factors where behavioral techniques might not suffice - a good possibility, in view of the complexity of human nature we perceived in pt.!. However, they were most accomplished in the area of empathy, which Rabbi Ziv (1957, see above) has identified as the basis of understanding all human conditions, and the prime qualification for leadership in Judaism at all times in history.

However, there is a relatively new type of counselor, which has evolved since Rabbi Salanter's day, at his initiative, which merits our special examination - he is the "Mashgiakh" (lit.: supervisor)the dean of students in the Mussar-oriented yeshiva (rabbinical school)who is responsible for the moral and ethical growth of students. To achieve this goal, he must successfully present an approach which synthesizes intellectual study with spiritual gratification. He is frequently looked to for guidance in areas such as marriage, career choice, and academic advancement; and questions of faith and personal problems are also his department (Helm Reich, 1982).In counseling students, and providing individual guidance, the

Mashgiakh refrains from infringing upon a "student's" privacy and dignity, leading him rather to self-understanding and spiritual self-sufficiency. To attain these ends, the Mashgiakh conducts informal discussions with students, encouraging them to explore problems freely, prodding him to remember his ultimate responsibility and goals, and making some pungent comments and suggestions relative to the student's behavior. Other strategies employed by the Mashgiakh include group guidance/counseling ("Va'adim") and Mussar lectures (the "schmuess") which deals with human problems, conflicts, values etc. Various Mashgikhim deliver "schmuessen" in different styles and modes but they invariably have a profound impact on listeners (Ury, 1970).

PART III: Special Topics and Concerns Involved in Counseling and Guidance in Jewish Institutions and Communities

Guidance in Jewish Schools

An examination of the literature reveals a paucity of materials on guidance in the Jewish school. D-lckat (1947) over 35 years ago proposed a guidance program for" Jewish schools in which he advocated that Jewish curriculum be used to deal with vocational expectations: Why Jews are preponderant in certain occupations, what should determine their vocational choices, and what is the Jewish attitude towards work. Those and other themes were suggested to encourage greater self-awareness and serve as a basis for vocational guidance. Brown (1964) on the basis of a limited study, suggested further that although Jewish schools seek to produce well-informed and integrated Jews, many bright and sensitive youths are lost at least partially because of an absence of guidance services. 'The schools generally are pre-concerned with scholastic performance of students and unwholesome attitudes towards Judaism, towards others, and towards themselves, do not receive attention from the school unless those attitudes and

behaviors interfere with scholastic performance or cause discipline problems. He charged that Jewish educators have little understanding of guidance and little desire to provide it for students.

In a later article, Duckat (1969) discusses some of the difficulties encountered in attempting to introduce guidance services into Jewish schools, ranging from blanket refusal because the school administration regarded the service-providing organization as "trefah"(non-kosher), to the principal who asserted "our Rebbe (religious teacher) takes care of the vocational and personal needs of our students" (p.10). At best, there was a willingness to accept guidance services if they proved therapeutic and were monitored by a rabbi lest contraband information or ideas be supplied to the students.

Even in more liberal schools, there was noticeable apathy, which maybe attributed to a strong reluctance to allow any interruption of the curriculum and especially of Jewish subjects.

Duckat goes on to note that when, as most often occurs, the principal assumes the role of guidance counselor, uncertain results are the best outcome. The principal usually lacks proper training and is usually too harassed with other duties to have adequate available time. Furthermore, students tend to view the principal as an administrator or disciplinarian, and not as one with whom one would care to have a confidential chat.

Duckat attributes such inadequacies in Jewish school counseling to four major factors:

- (1) Lack of funding - most schools are already strapped financially with rising costs;
- (2) Scheduling - the dual curriculum imposes a stringent time schedule;

(3) Personnel - there is a shortage of competent guidance counselors with good Jewish background and understanding of Jewish education and attitudes; and

(4) General misconceptions - many educators mistakenly view the work of the counselor as mainly that of testing students or handling discipline problems.

Yet guidance services are necessary to provide students with the opportunity to ventilate concerns freely, aid in proper class placements, measure capacities, interests and personalities, provide educational and vocational information and remedial services, and often to act as an intermediary between students and parents or students and faculty. Above all, the counseling service provides a unique sense of relevance, considering with students their attitudes and feelings about themselves and others, and typical reactions to life's problems and demands. Therefore, Duckat demands high priority for research and implementation of professional guidance services in Jewish schools...

However, a weak point in Duckat's premise is pointed out by Gross(1969) in his reaction to Duckat's paper: his hard sell, his desire to impose his "superior" knowledge and strategies on these unwilling and strangely "unreceptive" deans and rabbis. Gross insists that the very first step of a counseling relationship is respect for the client appreciation of his value system, and trust in his decision-making resources. My member of the helping professions who attempts to shape and mold another in his image is guilty of cultural ethnocentrism. Each group has the right to determine its own educational and vocational biases and idiosyncrasies. To offer -yes! 'To impose - no!

Perhaps the best answer, therefore, to Duckat's demands - which takes into account Gross' objection - is Kranzler's (1970). He sees the ideally qualified director of a Jewish school guidance program"... not necessarily in terms of a degree (or training) in guidance from a

university. Rather, the person must be a member of the faculty is respected by the students and has the ability to influence the thinking of youngsters, by letting himself down to their level, seeing and feeling their problems and speaking their language. He must be a person with a 'broad horizon', one who is well acquainted with all aspects of secular schooling and curriculum, as well as Jewish law and philosophy. However, it is better to take a less trained person with...true understanding and feeling for Jewish school students, who can speak their language and help them overcome their doubts, worries and misconceptions" (p.314). Kranzler goes on to describe a detailed possible program for such counselors, consisting of: (a) individual conferences and guidance/counseling talks with students;(b) conferences with parents; and (c) class projects and growth groups. The counselor meeting the suggested criteria working from within should have no problem arranging such activities, without having to face the difficulties and opposition encountered by external agencies such as Duckat Is.

To an extent, the need for such counseling is met in rabbinical colleges and some high schools by the Mashgiakh, whose task and influence we have described at length previously (pt.II). However for the most part his role is limited to the realm of intra-religious and social problems, and he is frequently unable to provide guidance in vocational and general academic areas. In sane schools, such as the Ner Israel Rabbinical College, there is a separate college advisor whose task is academic guidance, thus partially solving the problem.

However, there is a definite lack of career guidance and information at the college level, and a severe dearth of counseling services at the elementary level, and to a lesser degree, at the secondary level...(where more progressive schools have implemented counseling programs)and Duckat' sand Kranzler's ideas still lack widespread implementation. As Shudofsy (1980) recently wrote: "In

probably most of the Jewish All-Day High Schools throughout the United States and Canada the principal assumes or attempts to assume the role of the guidance coordinator/counselor with uncertain results... it is quite alarming to note that a relatively high percentage of educational administrators in the Jewish All-Day School field have not had the formal training to prepare them for guidance tasks that they have assumed (p. 5) . We must note with dismay that most of the needs to be fulfilled by guidance services listed by Duckat, were again listed by Shudofsky a decade later, pointing to the sad fact that insufficient progress has been made, and guidance and counseling must still demand higher priority in Jewish education.

Psychotherapy and Halakhah (Jewish law)

We must preface this section with a brief, but profound understanding of the teleology of Halakhah. For this understanding we may draw on the words of one of the greatest contemporary Jewish philosophers, Rabbi Josef B. Soloveitchik who sees Halakhah "... as the reflex action which is caused... when man feels the gentle touch of G-d's hand upon his shoulder and the covenantal invitation to join G-d is extended to him. I am prompted to draw this remarkable inference from the fact that the Halakhah has a monistic approach to reality and has unreservedly rejected any kind of dualism. The halakhah believes that there is only one world - not divisible into secular and hallowed sectors - which can either plunge into ugliness and hatefulness, or be roused to meaningful, redeeming activity gathering up all latent powers into a state of holiness. Accordingly the task of covenantal man is to be engaged not in dialectical surging forward and retreating, but in uniting the two communities into one community where man is both the creative, free agent, and the obedient servant of G-d ..." (1965, p.51).

Rabbi Soloveitchik relates this principle to our topic: "The unqualified acceptance of the world of (natural) majesty by Halakhah expresses itself in its natural and inevitable involvement in every sector of human majestic endeavor. There is not a single theoretical or technological discovery, from new psychological insights into the human personality to man's attempts to reach out among the planets with which the Halakhah is not concerned. New Halachic problems arise with every new scientific discovery... ." Metaphorically" ... I would say that the norm in the opinion of the Halakhah is the tentacle by which the (spiritual) covenant, like the ivy, attaches itself to and spreads over the world of (natural) majesty. **II** Therefore: "Unlike other faith communities, the Halachic community has never been troubled by the problem of human interference on the part of the physician and patient, with G-d's will. On the contrary, argues the Halakhah, G-d wants man to fight evil bravely and to mobilize all his intellectual and technological ingenuity in order to defeat it ..." (ibid) .

Once we have recognized and understood the Halakhah's essentially positive view of the so-called "secular" sciences, better termed by Rabbi Soloveitchik as the word of "natural majesty" and its umbilical relationship to this area, we may in fact find within the realm of Halakhah a model to which to relate psychotherapeutic encounter. In this vein, Mermelstein (1976) begins by fashioning a highly simplified model of the client, his interaction with others, and the functions of the therapist. The disturbed individual views himself as acting "correctly" but as misunderstood by others, or otherwise mistreated by life. In truth, society does not "understand" this individual or life mistreats him because his behavior - and views - are inconsistent self-defeating, and usually do not make sense. The therapist enters the picture and does the following:

- (a) He tolerates the client because he himself is relatively well-adjusted.

(b) He penetrates the client's world and attempts to understand his thinking in spite of its idiosyncrasy.

(c) The therapist respects the patient and develops a caring relationship. (d) He carefully controls problems and issues that may crop up in therapy, e.g. transference, counter-transference and dependency.

(e) Being self-actualized himself and possessing healthy adaptive behavior patterns, he helps the patient to view the world the way the therapist does, and thus act in amore adaptive fashion.

We may find a parallel in the Biblical injunction (thus, also a Halachic requirement) of "hokheakh tokhiakh" - "chastise your fellowman. II Superficially, this commandment.(Lev. 19:17) seems to connote a Punitive, judgmental approach. Careful inspection of the Halachic framework of this commandment, however, reveals "hokheakh tokhiakh" as a psychotherapeutic exercise. Using the therapeutic model described above for caparison, we find the following Halachic specifications in the classical sources (the Talmud and the Codes of Jewish Law):

1. The Mashgiakh, the one who does the correcting, himself lives a mature ethical life, and is relatively free of pathology (items a. and e.) (Sanhedrin, 19a)..~ -

2. The transgressor "disturbs" society. Like society, their tokhia is in danger of coming to hate the sinner. The function of "hokheakh tokhiakh" teaching, chastisement and admonition is invoked so that brotherly love may be restored (item c.) - or, in therapeutic terms, adjustment(Sefer Ha'Hinnuch, Mitzva 239) . The entire process is thus developed within a caring relationship restricting its practice to those who have a fair chance of helping the "sufferer." (Baba Metzia 85a; Rambam, Laws of De'ot 6:7)

3. The r-bkhiakh - the therapeutic individual, seeks to understand the sufferer and his life (item b.) and seeks no personal gain from the inter action (item d.) (ibid.).

Thus, both therapist and Mashgiakh act therapeutically by virtue of their own self-actualization, by their ability to deal with disturbed or maladjusted individuals, and by their sincere intentions (and competent skillfulness) to be helpful. The essential goal of both hokheakh tokhiakh and psychotherapy is to help the individual being counseled to become a more productive and grater actualized human being. - The major difference is that while our Mashgiakh operates from a religious set of values, the therapist will operate from his own personal or' situational set of values. Yet for both of these counseling individuals, how and when interpretations and applications of teaching and/or values are invoked depends upon therapeutic contingencies and probabilities of success.

However, despite the fact that an overall framework for therapeutic encounter is to be found in Halakhah, nevertheless, many of the details of the process can involve complex issues of Jewish law, where what appear to be conflicts between Halakhah and psychotherapeutic process arise, and the only reasonable and workable approach is to have the therapist consult with a rabbi who is both qualified to render Halachic opinions, and understanding of psychotherapy. (It is obvious that such consultations do not and should not require any breach of confidentiality) . Surveys of some of the possible areas of consideration have been made by Twerski (1980) and Wier (1982). We will review some of those issues later, but at present, we should cite some examples they give:

1. May the therapist refer a family to a non-kosher institution for placement of a disturbed or handicapped family member if a kosher facility is not available?

2. Can a therapist actively encourage a religious convert to become very involved with his natural parents, if this could help him resolve some emotional or psychological-problems?
3. Can a therapist work with an unmarried Jewish couple who are living together and want to improve their relationship? What if the couple have been married by are from or Conservative rabbi (vis-a-vis an orthodox therapist)?
4. Is it permissible to consult a non-religious or non-Jewish therapist - or to send one's child to such a therapist?
5. Needless to say, sane of the newly advocated sexual therapies involving contact between other than husband and wife cannot be condoned by Jewish law. Also, therapist approval of client homosexuality is contrary to Halakhah.

In the final analysis, these issues and others we will deal within the course of this paper, involve many "gray areas" which require much clarification involving understanding and sensitivity on both the therapeutic and Halachic sides. As Wikler writes, and as we may readily understand from Rabbi Soloveitchik's words, such clarification and consultation invariably results in a greater respect for the Halakhah 's concern with, and insight into human behavior.

Concerns Arising in Counseling Within the Orthodox Jewish Community

At the outset of this chapter, it is incumbent upon us to clarify our specific examination of the orthodox Jewish community. Our intentions are neither, on the one hand, to negate or denigrate the concerns of the general Jewish community, which includes other patterns of religious observance and/or identity (viz. reform and conservative streams); nor on the other hand to imply that there are

special problems and pathologies unique to the orthodox community.

Rather, the decision to deal with the orthodox community was based on the logic that the interaction between religious practice and maladaptive behavior could be most readily examined in the group most observant of the former. To the extent of religious practice in other streams of Judaism, similar concerns exist.

On the most basic level, an orthodox Jew may be defined as a Jew who professes to adhere observantly to the Halakhah. Although actual interpretations of some areas of the Halakhah vary from group to group, all groups claim their interpretations to be within the realm of Halakhah (as opposed to other streams of Judaism, who may modify or ignore transmitted law), and differences under the heading of orthodoxy are relatively slight compared to differences in comparison with other streams (see Helmreich, 1982, pp. 53-55). In reality, however, there is much more. As Ostrov (1976, p.147) writes: "Orthodox Jews are differentiated from other adherents to Judaism in their abiding concern with the collection of biblical post-biblical and rabbinic law and lore which have been carefully preserved over the 3000 years of Jewish civilization and which place on its individual members the responsibility of carrying out these infinitely detailed laws and transmitting them intact to the next generation. In effect, Orthodox Jewry is defined by its very effort to preserve a specific system of immutable values, norms, laws and institutions which represent an essential integrati'J3 force in individual, familial and communal identity." 'therefore, phenomenaoccuri'J3 on many levels may be experiences in terms of religious consciousness. As Ostrov relates, a client once wrote him after an interview: "I wasn't sure whether what you were sayi'J3 was correct during our discussions. After I got home and "davened" a beautiful "mincha" (prayed the afternoon service), I knew that you were on the right track." (ibid. p. 148)

As we have demonstrated elsewhere (pt. II) holding other variables constant, true and normative Torah life holds prescriptions for, and helps foster positive mental health. As Wikler (1982a) opines, therefore no problem is unique to the orthodox Jew. Same incidence of all problems may be found in all cultural, ethnic or religious groups. Same problems, in fact, are rare in the orthodox community - such as drug or alcohol abuse. However, due to the religio-centric character of the community, emotional and/or family dysfunction may take on religious overtones in their modes of expression. It is important that we stress that when aspects of pathology are intertwined with religion, leading to distortions of religious observance, it is the pathology that causes the distortion and not the other way around. Melstein (1979) writes that in order to distinguish true piety from compulsive psychopathology, one may use an intra-personal, as well as an inter-personal approach. In the former mode, one may ask whether the client's particular piety is correct from a Torah point of view and consonant with that individual's total Torah behavior. Concerning inter-personal relationships, it is necessary to discern the extent to which a particular brand of extreme piety, or an area of religious contention lends itself to, or better yet, is propelled by and serves as a cover for, concerns of emotional vulnerability and hurt or psychological plays to control or harm others.

Yet, as Ostrov (1976) notes, as an integral part of this process counseling must include learning the language of unsafe feelings as the first step in individuation and self-realization. This necessity is based on the Jewish perception of language. Judaism perceives language as a vehicle for transcendence and edification, whose refinement becomes an abiding concern for the individual. Its main thrust lies primarily in the study of the written word. Torah study is a never ending obligation with none exempted. But beyond that is still the language of prayer and praise, and even beyond that are laws governing secular and mundane

conversation. The Yom Kippur service and general Jewish ethical and Halachic literature, devotes much to the way in which speech is used during the year, and to use it to hurt, slander, curse, etc., is considered more loathsome than physical attack.

Therefore, because language serves so much as a measure of self against ubiquitous religious demands, when conflicts arise due to issues not normally dealt with in the orthodox community, they are not easily examined, since there is an inability to conceptualize and accept that which is considered socially - and accordingly, personally religiously - dangerous. Since conflict resolution is dependent on an understanding and an "owning" of problematic issues, and a willingness to openly deal with these areas, in the absence of such possibilities problems are acted out in disguised but more socially acceptable albeit more painful forms. These ways include, in the orthodox community, religious expression. In order therefore to allow the client to distinguish between true religious piety and pathologically-caused piety, the counselor must teach him or her to verbalize feelings and discuss concerns.

Such religious expressions of basic problems are dealt with at length by Ostrov (1976, 1977), Mermelstein (1978, 1979), Wikler(1979a, 1980, 1982a) and Spero (1980, 1982) and it is beyond the scope of our review to enter into a detailed listing of all possible manifestations of underlying problems in religious veins. Let us rather examine an overview of possible areas of problems culled from these sources:

1. There seems to be a distinct proclivity toward obsessive-compulsive syndromes. This seems to be a general tendency in today's "middle class" society, whose drive towards upward mobility, against the background of modern society's controls and pressures, fosters obsessional defenses, and

compulsive personalities, who must succeed at all costs, are highly conforming, overly inhibited, and excessively exacting . For the highly disciplined orthodox Jews with their well-ingrained need for self-regulation and control, high value of intellectualism, and high concern with the impression they make on others, this holds especially true, making them excellent candidates for obsessive personality types. This syndrome may appear in "standard" areas such as orderliness, neatness, punctuality cleanliness, etc. However, it may often manifest itself in extreme piety, and cloak itself in religious fervor. In such cases the therapist, as mentioned above, is frequently called upon to sustain religious attitudes and behaviors (or, at any rate, not attack them -thus alienating the client) , yet free them from the attendant compulsivity - at best, a difficult task.

2. Often, a similar problem results from a preoccupation with either a directly acknowledged, or intellectually masked fear of backsliding - Le., a very low self-concept, with little trust in personal ability - and the reactive adoption of rigidity and punctiliousness constitutes an attempt to deal with such fears. This may lead an individual to adopt a strict, or even distorted interpretation of Jewish law even when prevailing custom and general opinion follows the lenient interpretation.

3. A problem increasingly encountered in Hasidic circles and among rabbinical college students is the maladaptive, excessive idealization of a religious leader or scholar. This tendency may serve as a resolution of autonomy or impulse control problems and as a general defense mechanism. With the younger student, the religious teacher may serve as a father substitute who will show more concern and interest in him. In such cases, when the father does not follow the teacher I s religious orientation, then it

is the father who is in the wrong and thus rejected on safer religious grounds. However, we have found it necessary to stress "maladaptive excessive" in this area, because much idealization is reasonable and warranted, for obvious reasons, and care must be exercised in dealing with this concern, that the counselor not generate maladaptive rebellion.

4. As we have discussed previously (pt. II), the Torah provides us with institutions and laws such which, as the center of family have always provided the family with an ambience and structure. However, when problems are present, they may manifest themselves in ~ ~ ~ ~ - ' - these situations. Two prime examples cited in the literature are Shabbath and Mikvah. Troubled families which prevent open outbursts of anger during the week by avoiding each other are suddenly thrust together. Dormant hostilities may then emerge into full-blown argument, and such families can consequently fall into patterns of fighting at the Shabbath table or on other occasions, during this twenty-five hour period.

The other frequently mentioned occasion is the wife's visit to the "Mikvah" (ritual immersion required prior to the resumption of a couple's sexual relations after the temporary prohibition of all physical contact during, and seven days following, the menstrual cycle) . Here a couple who have been physically separated for about two weeks must suddenly confront possible longstanding sexual difficulty, or may have erotic difficulties come into more painful focus. Men in such situations may experience anxiety, before going may simply decide not to go, or even report somatic symptoms. "Pre-mikvah" arguments are common in such cases. In these and similar areas, it is necessary to place family and sexual relations in the irrespective proper perspectives, so that these religious institutions can again constitute the edifying and mutually rewarding experiences they were designed to be.

In closing this chapter, let us present some of the more direct and obvious Halachic issues arising in orthodox Jewish counseling: May a child discuss with a therapist details of past events which may present parents or others in a negative light (in view of the commandment of honoring one's parents)? In a similar vein, can a client tell a therapist what would normally constitute prohibited slander? If a young man feels unsuccessful in his yeshiva (rabbinical college) studies and wants to leave full-time yeshiva study, is the therapist allowed to encourage him to leave, if he feels it would be to his benefit? In the final analysis, all maladaptive religious observances are rooted in other problems, and run contrary to Torah-true objectives. The meticulous observance and awareness of the many laws to be followed, values to live by, and philosophy to be internalized leads in reality, and in the overwhelming majority of cases, to the objective stated clearly by Rabbi M. H. Luzatto (1964, p.9): "Man was-created for the sole purpose of rejoicing in G-d and deriving pleasure from the splendor of His presence.

The Therapeutic Relationship in Contemporary Orthodox Jewish Counseling

Viewing this chapter as a direct continuation of the previous one, we find the religious manifestation of problems may serve clients as an effective tool for resistance, especially with a therapist who is wary of, and overly cautious with religious clients. This combination of resistance and caution, warns Q3trov (1976) may effectively immobilize the therapist in key areas of treatment. The only effective way to deal with this is to probe and understand any religious concept a client introduces which the counselor perceives as resistive. Such exploration may lead a counselor to assess that the client is correct in protecting against change in certain areas in which the client has sound Halachic foundations for his or her stand.

However, it may indeed lead to the conclusion that the client is using a belief or practice as part of a pathological system.

The necessity of making such distinctions points to the logic of possibly restricting the orthodox observant client to a therapist of similar orientation who can be therefore adequately knowledgeable, and understanding of religious conduct. In fact, for this reason, one of the greatest contemporary Halachic authorities, Rabbi Moshe Feinstein(1973, chap. 57) deemed it preferable to turn to orthodox therapists.

However, Twerski (1980) clarifies that as long as the therapist is not hostile to religion, the first consideration should be the qualifications of the professional to be consulted. If such criteria should necessitate working with a non-observant therapist, a prior condition to therapy must be the arrangement of a framework in which the psychotherapist functions in consultation with a rabbi qualified to render Halachic opinions, and advise on Jewish sources and values. However, in any event, studies have shown that nearly 70 percent of the orthodox community indicated that they would want to send someone for therapy only if he saw an orthodox therapist. (Wikler, 1979)After this determination has been made, and a specific ritual is found to be definitely dysfunctional, Ostrov proposes two possible avenues of treatment:

(a) to deal directly with the underlying problems, which will then free the client to utilize religious behavior in a proper, growth engendering manner; or

(b) if the behavior acts as an obstacle to effective treatment, the knowledgeable therapist himself, or the less knowledgeable one in consultation with a competent authority, may explore possible options of alternate religious behavior.

Spero (1982) discusses some of the concerns the orthodox psychotherapist brings into the counseling

relationship. A perennial conflict faced by the Jewish practitioner is between, on the one hand his professional responsibility to monitor personal religious beliefs and feelings, and not impose these upon the Jewish client, even when he considers the quality of personal belief to be the normative one; and on the other hand, his religious obligation to confront coreligionists with their errors, misconceptions, and unethical behavior, as mandated by the commandment of "hokheakh tokhiakh" discussed above. The therapist obviously cannot simultaneously arbitrate moral issues for a client and yet maintain a professional identity and role. As a possible resolution of this conflict, Spero suggests that the therapist confront the client with the views held by the client's religion, and motivate the client to explore why he or she chooses alternate religious beliefs or behaviors. Such a procedure allows the counselor to introduce the client to his professional and theoretical views, and it enables the therapist to discharge religious as well as professional obligations. Another potential concern Spero deals with, is the possibility that unhealthy aspects of the Jewish therapist's and client's manifest identities may bind the two together, some examples of which are examined by Berl (1976). Spero lays down some guidelines helpful in avoiding the potentially prejudicial and distortive influence of like-religious affiliation among Jewish therapists and clients:

- 1.** The therapist must develop a consistent conceptual understanding of both neurotic and normal needs for religion.
- 2.** The therapist must be able to distinguish autonomous religious belief from dis-autonomous religious belief, and the way in which legitimate beliefs and practices are used as resistances. In addition, the therapist must be able to tolerate clients' normal need for an area of emotional, not necessarily rational commitment, and contain the

need to 'impart "insight" into every aspect of the client's religious life.

3. The therapist must be willing to analyze personal beliefs in terms of these factors.

4. The therapist should develop a non-anxious attitude about his own frustration when encountering religious patients with pathologic, or merely "strange" beliefs.

5. The therapist must clarify at the outset of therapy that religious beliefs, values, and practices are as much subject to positive and negative feelings as any other aspect of life, and that they will therefore rightfully be subjected to their mutual scrutiny.

Aside from the problems generated by the counselor's Halachic obligation to discourage Halachic transgressions committed by the client, and assuming they have been resolved, other Halachic issues may arise. These stem primarily from the injunctions against causing people to commit transgressions, or assisting transgressors (Lev.79:14; Sefer Ha'Hinnuch Mitzva 232; Minkhat Hinnuch, *ibid.* note c.). Examples of issues that would come under this heading would include questions such as: May a therapist work with an intermarried couple who want to improve their marriage? Or, may a therapist work with a couple on intimate problems if the couple does not adhere to the laws of *family* purity? As with most Halachic problems, these must be dealt with on a personal, case-by-case basis.

We mentioned in the previous chapter how the institutions of Shabbath and Mikvah may point at, and exhibit manifestations of problems in *family* relations. The practitioners we cited there (Ostrov, 1976, 1977; Wikler, 1980, 1982a) also note how manipulation of these experiences can serve as an effective form of therapy and growth, and they give some examples in their articles. Similar attention to the performance of many other rituals and religious behaviors can also serve ~~~e behaviorist in

organizing a plan for a better-adjusted religious - and general - life. (A simple example is the possibility of mutual involvement of husband and wife in the "trip to the Mikvah" making it a focus of the couple's spiritual, as well as physical, closeness).

As to obsessive-compulsive religious behaviors, Mermelstein (1978, 1979) notes that they present great difficulties, especially in sub-clinical cases, because their general behavior is socially valued and because they do not suffer overt anxiety when things go "just right." Those who can rationalize their compulsivity as part of an accepted value system or cloak it under the guise of piety are even more resistant. Obviously, simple intellectual-educational procedures do not work. Thus, for example, having an accepted Torah authority tell our pious client to be less exacting, even citing Halachic chapter and verse, is rarely useful.

Thus, although he proposes some general guidelines for therapy he concludes that "any amelioration of symptoms can come about only dealing with his underlying neurotic needs and by breaking through and establishing emotional contact that overrides intellectualization and rational power of struggles". However, modern behavioristic techniques, based on Rambam's principles, may achieve some measure of success - employing in any event, techniques of the classic Jewish school of behavior modification - Mussar - the therapeutic institutions of the holy, all-encompassing Torah.

Conclusion

Its [Torah's] measure is greater than the land, and broader than the sea. (Job [Iyov] 11: 9) .So, despite the superficial comprehensiveness of this review, it has in reality left almost infinite areas of Jewish sources unexplored. At best, we have achieved the understanding that Judaism provides for human mental health as well as -

and probably better than- modern psychology, and that elements from all areas of the spectrum of personal and societal adjustment and actualization - and of course transcendence - are inherent in classic Jewish institutions and practices. So much is left to explore. We may only hope that this paper will serve as an impetus and a basis for further study, leading to increased revelation and understanding of the glory of Torah.

Ayin Ho'Ra

I was asked by one of the Chicago Daf Yomi chevra to dwell a bit on the topic of Ayin ho'Ra (AR). It is now particularly timely to do so, as in yesterday's daf (BM 107b) we had the remarkable assertion that the overwhelming majority of individuals die because of AR and very few because of "regular" reasons.

Of course, the Rambam does not pasken like Gemaros based on AR, and I would suspect that a rationalistic approach would necessarily reject AR to either a complete or partial extent. I would be interested to know what RSRH had to say, if anything, on the topic. I would assume that the rationalist might accept AR as a form of kitrug in shomayim, similar to walking under a precarious wall - and, thus, it would not be a direct impact of the onlooker on the person on whom he had looked, but rather a form of triangulation: The aspersion cast by the onlooker makes an impression in the Heavens, and things that might have been overlooked then become significant and may doom an individual that was otherwise cruising "unnoticed" despite his iniquities.

The classic approach - that of Reb Tzadok, and even, surprisingly, the Malbim - is that rays emanate from your eyes when you look at something. When you look at someone (or even something: "Al tilcham es lechem ro 'ayin" - Mishlei 23:6) askance, the rays that emanate from your eyes are poisoned and that poisonous quality then inheres in the person or object upon whom or which you have looked. Reb Tzadok (Dover Tzedek 80a) says it works in a relative fashion, as the object of the gaze may be impervious to that type of venomous ray, such as was the case with Yosef ha'Tzaddik.

This perspective is in line with several Gemaros, such as the Gemara in Shabbos where Rabbi Shimon bar

Yochay and his son Rabbi Elazar come out of the cave and everywhere they look is consumed, and then after the second time they exit RSBY's gaze heals where RE's afflicts; the Gemara in a couple of place (BB comes to mind) where Rabbi Yochanan looked at a wayward talmid and turned him into a pile of bones, etc. This is a direct impact that harms the subject or object of the rays that emanate from the eye of the beholder.

There are rationalistic explanations of those Gemaros, however, as well, including the Telzer Rov, RYL Bloch who says that making an individual into a pile of bones means to make him feel that his entire existence is meaningless.

Perhaps it is because the Rambam felt strongly that vision does not work in this manner that he rejected AR. Be that as it may, l'ma'aseh one can accept a spiritual dimension to a gaze even if one does not accept that vision works that way.

REE Dessler in Michtav me'Eliyahu vol. 4 p. 5 offers another explanation: All souls are intertwined in some way - some to a greater degree, and some to a lesser to degree - but a universal connectivity is a spiritual reality. Thus, my attitude towards your soul affects its status: If we are very closely bonded spiritually then the impact is greater, and vice versa. still, some "grip hold" is essential: If a person is totally l'shem shomayim and other-directed; or very humble and self-effacing, the interaction between him and others is more out than in, and others who deploy AR against him will not be particularly successful.

This approach is in line with a couple of other Gemaros concerning Rabbi Yochanan (who was impervious to AR, IIRC, as a descendant of Yosef) with him causing the deaths of Rabbi Kahane (reversed) and Reish Lakish (not reversed) - while at least in the latter case the impact was not immediate (although it seems to have been direct), it

seems that it was the interaction between the souls that caused the effectiveness of the AR.

Of course, "quirks" like AR bring into play basic questions of midda k'negged midda, i.e., precision in reward and punishment. They are the flip side of positive quirks like segulos. Without the balance of Olam ha'Bo (and, it seems, according to many Mekkuballim, without a counterbalance of possible gilgullim as well) they would be classic question marks of "tzaddik v'Ra lo; Rasha v'tov lo". These are, therefore, areas in which we cannot fully understand cause and effect, areas which HKB"H classified to Moshe Rabbeinu as "U'ponai lo yeira'u."

Hope that helps somewhat!

The Value of S'michah

1) People have "world views" which distort, or at least direct their thought, so that people tend to be either more often lenient, or more often stringent. As an example, a Rav who was very quick to dismiss someone from some halachic duty when the slightest possibility of Pikuach nefesh was involved. One man asked him why he is so lenient about these laws in the face of pikuach nefesh, and he replied, that it is not that he is lenient in those, but rather that he is very strict in the halacha of Pikuach Nefesh. So even the people in the "center" have general attitudes which make them lean in one direction or another, even in terms of looking for the truth.

2) What if the two sides are really equal in your estimation of their reasonableness. In that case would a posek be permitted to side with the more lenient opinion for the sake of convenience? As an example, the community of Flatbush wanted to erect an eruv, because there were many women who wanted to go to shul, but had to push baby carriages. Also, apparently some did push the carriages even though there was no eruv. The problem was with the big highway which was close to the city. I don't know what the issues were, but there was a discrepancy of opinion about whether or not a kosher eruv could be put there. The va'ad Harabanim apparently decided that it was too close to call, and that both opinions were equally logical. Had they not had a good reason for putting up an eruv, they probably would have not bothered and told people it was asur, because why cause trouble when there is no need? But since they felt the need for an eruv was very great, they decided to side with the more lenient view, and built the eruv. The story is that thereafter, Rav Moshe called the head of the Va'ad and told him that in his opinion, the eruv could not be built there, and was going to write a teshuva which stated that people should not hold by it. The people who took him as their rav would not be able to use the

eruv. However, he told him, the va'ad of Flatbush has every right to make decisions on their own of course, and therefore, the people who take the va'ad as their posek are permitted to use the eruv. Thus he legitimized their right to make that decision. Is it true, then that if the scale is even, it would be permissible for a posek to adopt the less stringent view because it will be helpful to do so? The issue with Pruzbul also seems to illustrate this point.

3) What is the deal with the idea that some rabbis are fit to be poskim and some are not? Clearly if one is aware that a rabbi is unfit to make good decisions because he lacks knowledge and understanding, it would be inappropriate to take him as a posek, but many, probably most "Orthodox" Jews don't think about this too much. Most rabbis, it is true, don't take the job of paskening halacha on themselves, but still, many who do offer piskei halacha are probably not really qualified to do so. In the case of a Jew who follows such a rabbi because it has never occurred to him or her that a "Rabbi" might be unqualified in this task, is the Jew actually faulted? What does "smicha" mean other than that that man's Rav, the one who gives him the smicha, has decided that that person IS well-enough equipped to psak halacha. There may be a great many errors here, and perhaps most Rabbis are not qualified, but a Jew has a right to rely on the judgment of the one who has given the smicha that this person is qualified, so if that person gives poor advice to someone, the Rav might be at fault, or the one who made him a Rav may be at fault, but the person who does the act is not at fault for listening to him, since it never occurred to him that a rabbi should be carefully checked out before his psak is accepted.

4) Is a person who is very learned and erudite and knowledgeable allowed to make his own piskei halacha even if he was not given smicha? He may be much more qualified than MOST rabbis at determining Halacha, but he has not gotten smicha. Is he still allowed to pasken

Halacha for himself whenever he is very confident that he knows how to do so? If not, it would seem a bit ridiculous that he should have to waste a rabbi's time in getting an answer which he already knows, and then what if he disagrees with the Rav's answer. If I learn all of the halachot about X, for example, like kashrut, then do I still have to call a rav every time I accidentally use a meat knife to stir cottage cheese? What is the status of these home-remedy situations?

These are very good questions and one try at a response will probably not suffice, but we must get started somewhere, and then we can take it all further:

1) This is indeed true, and that is why there is flexibility in Halacha and even argumentation - in which both sides may be correct under the operant principle of "Eilu va'Eilu Divrei Elokim Chayim" - there are various different legitimate Halachic perspectives. The essential precondition here is that the perspective be a Halachic one and not one conjured up from the individual Rabbi's personal bias or, more subtly, his subconscious concern with his own image or standing in his society.

In addition, some Rabbis have agendas such as social welfare which are non-Halachic but impinge on their objectivity. Care must always be taken that Halacha precede and inform the formulation of one's agenda, and not vice versa.

2) No, convenience in and of itself cannot determine one's outlook or approach. It is sometimes hard to know what motivated one in one's activities, but to the extent that one can one must attempt to overcome one's subjectivity and remain objective.

Yet, it is impossible for Man to achieve complete objectivity, and there is therefore perforce always human input in the process - this is good, and the way G-d intended the process to be - but there is a distinction between the impact of innate qualities (such as an empathetic and warm person's approach versus that of a cold and analytic person) on one's psak and the influence of one's Created trends and tendencies on the psak.

Thus, in terms of eruv, say, one may be lenient to please one's constituents, which is an improper reason, or one may be lenient because one's system of thinking and analysis leads one to concur with the thinking and arguments of those sources that would permit an eruv, which is proper (the same constructs can be inverted to clarify legitimate and illegitimate approaches to a chumra as well).

Now, within Halacha there are also legitimate indicators of a Halachic permissibility to seek leniency and even devise loopholes, i.e., b'di'eved, she'as hadechak and hefsed merubeh, etc. Pruzbul was such a case. No Halacha was directly abrogated or transgressed, rather a legal circumvention (kind of like selling your Chametz to a Goy) was officially sanctioned despite the fact that it was clearly against the Purpose of Shmitta as intended, because the Nature of Jews no longer allowed them to function at an optimum level.

In the case of Pruzbul, however, no argument existed as to whether the principle of giving over your loan to Beis Din to collect was a legitimate circumvention of the Shmitta annulment. It was just something regarded as distasteful on a mass scale. Eruv, for instance, however, often entails the introduction of leniencies that are the subject of Halachic controversy, so the reliance on the lenient decisors is immediately more problematic. Nonetheless, guiding principles do exist, such as the possibility to be lenient in d'rabbanans and stringent in d'oraysas. But what is a

d'orysa and what is a d'rabbanan is often unclear, as is what is a she'as hadechak - is it really, for example, that important to get to shul?

These are judgment calls. Optimally they too should be made as impartially as possible based on careful analysis. Yet not all Rabbis are capable of such thorough analysis (most aren't) and rely on their intuition in following greater Rabbis opinions either l'chumra or l'kulla. Here the educated Halachic consumer must be wary, and question whether the gut feeling of his Rabbi is what he really wants to follow (see below)

3) The modern Rabbinate is just as free market and capitalistic as any other profession. There is no truly objective standard of knowledge and expertise for acquiring semicha, and therefore no inherent validity in the title Rabbi. Indeed, until relatively recently Sefardim did not give semicha at all, afraid of its pitfalls in glorifying the title over actual greatness. They had a point. Therefore, the possession of semicha by an individual is presently meaningless, and cannot be construed as to give that individual any Halachic legitimacy, much less any expertise in psak. A Rabbi should therefore be viewed now as a consultant. If your consultant gives you improper advice, you may be penalized to a far lesser extent than if you willfully transgressed a law, but you had better choose the best consultant you can: a) because you will be likelier to get more accurate advice; b) because the greater the expert, the less you are responsible for the wrongdoing, since your innocence is greater.

4) Since modern semicha is indeed essentially meaningless, the converse is true as well. Yes, something or issue on which you have acquired knowledge or expertise you may legitimately pasken for yourself (even for others) without consulting a Rabbi.

It all boils down, in psak halacha, to a combination (not necessarily in the following order) of analytic skill, basic knowledge, or at least the knowledge of where to look, sincerity and the quest to determine what is reasonably the Ratzon Hashem in the case in question, and the self critique of honest objectivity in approach. Titles and positions are meaningless.

As I said, this probably is not yet sufficient, but I hope it's a useful beginning, and we can continue to build further.

Shidduchim in America

I read with much interest Rabbi Ephraim Wachsman's *The Path to Happily Ever After* in the Jan. '02 issue of the *JO*. Rabbi Wachsman has an entertaining style and provides informative and edifying insights and perspectives. He is clearly a most erudite and articulate *talmid chochom*. Nevertheless, I find it necessary to give voice to significant disagreement with both his premise and his proposal. *V'es voheiv b'sufa*.

Rabbi Wachsman asserts: "It is an established fact. The American approach to *shidduchim* in the non-*Chassidic* circles - the dating system, as it's known - is a uniquely American phenomenon."

It is not clear, at least to this reader, how this "fact" became so established. I do not see any historical evidence brought to bear here, and I question the assumption. To the best of my knowledge, the system of courtship practiced by my ancestors both in Eastern and Central Europe, bore strong resemblance to that which is in effect today. I have seen letters from my grandfather, a *talmid muvhak* of one of the great Lithuanian *yeshivos*, to his fiancée, my grandmother. It is instructive to read the letters and poems of one of the greatest of the Slabodker *talmidim* to and about his *kallah* (*B 'Ikvos ha'Yirah*, pp. 199-200 and 262-263). The fervent nature of these relationships and their intense depths belie the notion of a superficial "parents agree, boy meets girl, they get engaged" *Chassidic*-type process that Rabbi Wachsman claims validated by history.

The question of historical precedent, however, is somewhat academic. I do not believe Rabbi Wachsman's argument may even commence without a thorough, objective analysis of the state of love and marriage in our times. Such analysis is utterly lacking. Were it to occur, I

believe even Rabbi Wachsman would concur that even our most Torah-true circles possess very Western ideals and values in love and marriage. I am not speaking of the negative ones - although these too affect us and we must acknowledge them - but positive ones, norms like close, partnering, and mutually supportive relationships.

There is a vast and fertile field of discussion that we might cultivate. We might analyze the unique, unprecedented, material, economic, social and psychological stresses that have never been faced before. We could honestly and objectively assess the impact of various educational and institutional advances and retreats over the last century. We should openly explore the impact of *Zeitgeist*. But I think we must admit and take into account the vast differences between the expectations that a contemporary couple has from marriage and those once harbored by a strictly *Chassidic* or otherwise isolated couple. Perhaps a citation from the *Chofetz Chaim* is not directly relevant today. In the intense and complex (and, we hope, rewarding and fulfilling) relationship that our contemporary couple will likely develop, many problems may arise if the marriage that lacks the proper premarital groundwork.

Even if one believes the entire milieu must change, this realignment cannot begin from the "dating" (I prefer "courtship") process. It is first necessary to argue why the current state of love and marriage in our world that led to the current state of the courtship process should change. After such arguments have been made, other core issues, such as love before or after marriage, must be considered as well. If our society is then convinced that the new perspective is correct, then, and only then, may we advocate curtailing the courtship process.

Continuing to Rabbi Wachsman's proposal, it seems to consist of two elements: More parental involvement and less face-to-face meetings. I question the former element:

What is to be done with children of non-Orthodox, modern-Orthodox, or, for that matter, dysfunctional parents, who are either unused, unwilling, or unable, to engage in the extensive background checks and negotiations that underlie the *Chassidic* model espoused by Rabbi Wachsman? Are they to adhere, nonetheless, to the second element of Rabbi Wachsman's proposal, or do we expect them to maintain the current "flawed" model? Furthermore (and more importantly), my sources suggest that even the most exhaustive background checks cannot substitute for direct exploration and work on the nascent relationship. Horror stories, of short-term divorces despite extensive "homework" abound.

But my real problem is with the second element of Rabbi Wachsman's proposal. Rabbi Wachsman cites several *Gedolei Torah* as advocating fewer meetings of shorter durations. Precise numbers are not forthcoming, but one senses that we are talking of no more than two to three "dates" of two to three hours each.

I do not wish to quibble on numbers. I have heard in the name of the *Brisker Rav zt"l* a "*shiur*" of no fewer than six meetings, and in the name of *Rav Bick zt"l* a minimum of eight. still, numbers are relatively meaningless. It is the quality of the courtship process that should be our concern. The goals of that process should dictate its relevant length in each case. Rabbi Wachsman seems to hold that since "suitability" has been determined already by the parents, what remains is confirm that compatibility: To ensure that neither side reviles the other, and that both sides find their respective mates reasonably presentable. This may work for some *Chassidic* circles, but I do not believe it is sufficient for other circles. As we have noted, marriages, outside the most insular communities (which have issues of their own), are far more complex organisms than ever. *Shalom Bayis* issues are of a new and far more anxious sort. Laying the groundwork for them is commensurately more labor-intensive. I agree with Rabbi Wachsman that

we must address the courtship process, and that we must check inappropriate behavior. It is far more important, however, to provide guidance as to how the process should proceed. Sometimes, pursuit of the proper foundation for marriage may require extending the process, not curtailing it.

Of course, it is up to each *Rosh Yeshiva, Rav, Rebbe* and *Rebbitzen* to give personal and specific *hadrocho* to their respective charges. However, since Rabbi Wachsmann raised the issue, and did not resolve it in a way that meets the expectations of the average non-*Chassidic* couple, I think some general guidelines need be expressed. I would like to briefly outline the process, as I have learnt from my *Rabbeim*: I think that the current perspective on the ideal marriage is captured by the *Rambam* in his commentary on *Avos* 1:6. The *Rambam* explains the *mishna* based on three levels of friendship: The lowest level is a friendship based on mutual benefit, such as the relationship of two business partners. The *Rambam* divides the next level in two: friendship based on pleasure, and friendship based on security - both comprise friendship based on a sense of equilibrium, but the latter sub-level is higher. Friendship based on security is such that each person finds in the other someone whom he can trust; someone with whom he can let down his defenses, and share all profound matters and innermost thoughts - good and bad - without fear. The highest level of friendship is of a lofty character - both friends yearn and aspire for true good and each helps the other in that quest. That last level is the type of friend that Yehoshua *ben* Perachia urges us to acquire.

It seems that the young man and young woman who are going through the courtship process should consciously try to use the process to ascend the *Rambam's* ladder of friendship. The initial stages of courtship are much like "sounding out" a potential business partner: You go out to lunch and make small talk. Thus, the initial stage consists of such small talk between the prospective mates: Comings

and goings, education, experiences, even "*vertlach*" and matters of general *Hashkofo*: "Getting to know you." Little nuances - politeness, consideration, refined expression, sense of humor (or lack of it) etc. - are clues as to the suitability of the potential "partner."

The next stage consists of the higher sub-level of the *Rambam's* level two. The two individuals courting each other need to make a conscious effort to bring out and discuss intimate - even painful - emotional and experiential developments in themselves and in their counterparts. They each must take risks, yet simultaneously attempt to make the other feel safe and secure. Together they should share their exhilarating sensations of success and their demoralizing feelings of failures, their strengths and their weaknesses.

The final stage should flow naturally from the first and second stages. If a couple shares a general *Hashkofo*, then proceeds to feel open - yet secure - bonds, they should begin to sense that elusive "chemistry" that is the basis of Level Three. The merger of souls that grows throughout marriage has been well grounded. Rather than facing each other (figuratively), a couple should have a sense of common, united, directed advancement towards their complementary goals in *Avodas Hashem* and *Kiddush Shem Shomayim*.

There is a considerable amount of *Torah she'b'al Peh* that can and should be added to this brief response. For example: Parents cannot forge such bonds in lieu of their children. Expecting such work to occur in either side's living room may also be unfair - perhaps a neutral, public yet private, location is better suited for this *avodah kosho she'ba'Mikdosh*.

In short: The courtship process may be flawed, but not because of a lack of parental involvement nor because of some excessive time frame. These are superficialities, and their applicability is certainly not universal. We have

not educated potential *chassanim* and *kallos* to apply the process of "*K'nei lecha/lach Chaver(a)*" to the goal of creating *Rei'im Ahuvim*. We (parents, educators and communal leaders, through both written and oral communication) need to counsel our young men and women (individually and collectively) about how their courtship - however short or long it takes - may comprise a solid foundation for the *Bayis Ne'emon b'Yisroel*.

May *Hashem Yisborach* grant us the wisdom to guide the next generation in this supremely important task of facilitating "*Zachu ish v'isha, Shechina sheruyah beineihem*."

Do You Know Where Your *Yetzer Ha'Tov* Is?

We have a problem. This problem struck me the other day when I heard a distinguished *Rav* delivering *Mussar* to his congregation. The congregants have heard this particular message before, they will hear it again, and they recognize the truth that underlies the *Rav's* plaint. Yet I am sure the *Rav* and the congregants both know that this is a never-ending, ongoing, ritual. The problem will remain. The *derashos* will be reiterated. *Olam k'minhago noheig*.¹ What is going on here?

Let us tackle the issue on the basis of a story that strikes me as a very powerful metaphor for this problem that we face.

Many readers are doubtlessly familiar with the 19th century children's story "Pinocchio." Let me summarize the tale (taking some liberties).

Pinocchio is a wooden puppet, or marionette, created by the woodcarver Geppetto. Pinocchio is "alive" - walks, talks, engages in "human" behavior - but is not a human being. Marionettes are generally controlled by strings. Pinocchio has no strings attached - externally - but the point of the tale is that there are internal strings.

Geppetto's ardent desire is to see Pinocchio become a human, and Pinocchio is kind of interested in this pursuit as well. Pinocchio is granted a conscience, Jiminy Cricket, who tells Pinocchio what the "right" thing is to do. The adventures that form the bulk of the plot test Pinocchio with temptations and compromising situations. Ultimately, Pinocchio's altruistic side vanquishes his inclinations towards indulgence and amoral activity. He is then granted true humanity, becoming a son to Geppetto. Along the way,

¹ *Avoda Zara* 54b.

Pinocchio was endowed with an interesting trait: When he lied, his nose would grow, as if the wood of which he was carved was alive. When he resumed telling the truth, his nose returned to its original state. *Ad kan ha'nogei'ah l'inyaneinu.*

Something about the story suddenly struck me the other day: It is a very powerful metaphor for the problem captured by the episode of the *Rav* and the congregation. The problem is this: **We often externalize our "conscience."** Why is this a problem? **Because then, the battle between our conscience and our drives takes place outside our selves.**

Let me explain: We Torah-true Jews have a common perception of what is "good" and "holy." We possess, however, great desires, drives and temptations.

Chazal tell us that we are born with our *yetzer ho'ra*; but we acquire our *yetzer ha'tov* only at the age of *bar* or *bas mitzva*. Our conscience - our *yetzer ha'tov* - begins work late and comes from outside of us. In the meantime, we can identify internally with our drives and our own agendas - our *yetzer ho'ra*.

At that point - and often beyond - we are, in essence, stuck in the mode that we (well, at least some of us) experienced in our school days: There is a system that we know, in some abstract way, is "good." We, however, test the system, bend the rules, and exploit its weaknesses (a la the "*naval b'reshus ha'Torah*"). All too often we adhere to the system as minimally as possible so as to not be expelled, suspended or otherwise punished, scraping by and passing to get "through."

As we progress through life, many phenomena may become parts of our externalized conscience. In the case of the *Rav* and the congregation, the *Rav* remains his congregation's external conscience. Messages of ritual - or

of attire – that are not internalized may comprise an external conscience, or even a mere societal affiliation. The *Mek kuballim* call this an *Or Makkif* - an enveloping light that does little to affect the internal state of the soul. The *yetzer ha'tov* does not become an *Or Pnimi* - an internal illumination.²

With a conscience that is outside and distinct, we can maintain a superficial identification with a good and holy system, yet simultaneously do as we please - as long as the system doesn't "catch up" with us and castigate us. We are much like a fellow who will speed as long as he sees no policeman. True, we may feel somewhat guilty over our pleasures, but as *Chazal* note at the end of *Chagigah*, guilt does not help very much in restraining us from negative activities.³

Internalizing the conscience - bringing the extrinsic Jiminy Cricket into one's inner essence - is the process of becoming fully "human."

While it would be great to emerge victorious over our *yetzer ho'ra*, the reality is that most of us must battle our

² It is interesting, in this context, to note that Reb Itzele from Volozhin *zt"l*, in his *he'oroh* at the beginning of his father's *Nefesh ha'Chaim*, cites *Mek kuballim* who locate the *yetzer ho'ra* between the *penimi'im* and the *makkifim*. (A very beautiful and understandable explanation of *Or Penimi* and *Or Makkif* is in Rabbi Shlomo Yosef Zevin *zt"l*'s *La'Torah v'la'Mo'adim* in the section on *Simchas Torah Hakkofos*.)

³ It is concerning a person at this stage of life that the *Michtav Mei'Eliyahu* (vol. 1 p. 255) insightfully notes that when he speaks to himself about his drives and desires he says things like: "I want this"; yet when he speaks to himself about proper behavior he admonishes himself in the format of: "You shouldn't do that." The ideal is to accomplish the converse: I know of an *Oved Hashem* who has named his *yetzer ho'ra* "Rembrandt" (after the great artist, not the toothpaste) reflecting the *yetzer ho'ra*'s capacity to paint beautiful – yet deceptive – portraits, and thus isolates and externalizes his *yetzer ho'ra*.

yetzer. If my *yetzer ha'tov* is still a Jiminy Cricket, the battle is between my *yetzer ha'tov* and **me**. What if, however, my *yetzer ha'tov* is no longer outside of me, but inside me? If I have internalized my conscience, it is part of me, and it is ever present in my consideration.

We may equate this stage with maturity.⁴ In *Pinocchio*, it is equated with humanity. Pinocchio is no longer a puppet to be manipulated by "strings" - he is a "free" human being. "*Ein lecha Ben Chorin elah me she'oseik ba'Torah.*"⁵ I am no longer my subjective agenda struggling to find the weaknesses I can exploit in the system. I have a component within myself that weighs matters objectively - and I need to make decisions. This of course, restricts my "fun." A 19 or 20-year-old may express his resistance to maturity thus: "Eventually, when I am 21 or 22 and get married, I will lead a full Torah life - now I'm young, I want to enjoy myself."⁶ The danger in this perspective is fairly obvious. An external conscience is a terrible nuisance. Since it impinges on my lifestyle, I seek to drown it out - at first, perhaps, with behavior that distracts me from its inconvenient reproaches. Matters then may deteriorate. In the original fairytale: Pinocchio attempts to squash that annoying talking cricket.

⁴ This is in line with the *Chazal* (*Koheles Rabba* 4:15) that we are born with a *yetzer ho'ra*, while we acquire a *yetzer ha'tov* at *bar* (or *bas*) *mitzvah*.

⁵ *Avos* 6:2. Technically, a *Ben Chorin* is a scion of nobility, not a free man, as there is a distinction between *Chofesh* - freedom; and *Cheirus* - nobility. In practice no one is truly "free" - but free here means objective vs. subjective. Most of this essay is captured by the *Michtav Mei'Eliyahu's* in his analysis of this *Ma'amar Chazal* (vol. 1 p. 117).

⁶ I am sorely tempted to bring *Peter Pan* in here, but one fairytale metaphor per essay is enough!

"Ha'Omer echtoh v'ashuv ein mapikin b' yado la'asos teshuva."⁷

What is the conscience that we seek to internalize? Let us respond to this question by continuing our *mashal*. Pinocchio faced many temptations. *Sheker*, however, had the most immediate and dramatic effect: It provoked an immediate warning sign - the growing nose.

Reb Yisroel Salanter ז"ל⁸ says that *yetzer ha 'tov* is often a synonym for the intellect ("*seichel*") while *yetzer ho'ra* is frequently identified with emotion ("*kochos ha'nefesh*"). Not, says Reb Yisroel, that intellect is always used for the good, nor that emotion is always for the bad. The converse can, and does, occur. Nevertheless, following intellectual conclusions will usually lead one to good; following emotional drives will generally lead elsewhere.

When a person **internalizes** *emes*, awareness and contemplation grant the objectivity necessary for a true *Cheshbon ha'Nefesh*. The *Rambam* tells us that the first test of *Odom Ho 'Rishon* was not that of good vs. evil, but rather that of *emes* vs. *sheker*. If *emes* is external, then the *kochos ha'nefesh* - and *sheker* - hold internal sway, and then evil follows - extending gradually, imperceptibly, at

⁷ *Yuma* 85b. The *Nefesh ha'Chaim* (1:12) notes that sinners live in the midst of their accumulated *Gehennom* - the constant distracting stimuli of this world prevent them from experiencing it on an ongoing basis. Upon leaving this world, divested of its commotion, they finally confront and experience the shame and degradation of their activities.

⁸ *Or Yisroel Iggeres* 30, Vilna 5660 edition and reprints p. 84. Everything we have discussed (and more) is essentially explicit in the *Or Yisroel* there and in the first lines of the *Iggeres ha'Mussar*. Sometimes, however, a *mashal* is a helpful tool...

first, then sprouting and growing beyond control.⁹ External awareness cannot do the trick.¹⁰

But, indeed, how do we educate ourselves (and others) to achieve *Emes*?

This question leads me to another facet of my experience. My wont, when preparing and giving a *Hashkofo Shiur*, is always to present all sides of the issue, even those that we will ultimately reject. Someone once asked me: Why present positions that are against *Mesorah* even as an intellectual *Hava Amina*? Suffice it to say that the *Gedolim* oppose position X!

At first glance, this approach is tantalizingly appealing. It certainly saves significant mental exertion, which may then be devoted to *mego*, *rov* and *chazoko*. Furthermore, there is a strong emotional appeal in "*Ru'ach Yisroel Sabbah*." Much literature in our circles is based on this approach. I hope, however, that by now the reader realizes that this apparent short cut is not without potential pitfalls:

Declarative statements remain extrinsic. Nominal, even occasional, commitment remains a "valid" option. It is only by inculcating the quest for truth and meaning; by acquiring and imparting both the truth **and** its basis; by training oneself and others to rigorously assess, analyze and critique, that we internalize the *yetzer ha'tov* of *emes*, and we "*mohn*" (demand) of ourselves. **It is only when we ourselves make demands of ourselves that they are truly inescapable.** We (the congregation)

⁹ *Sukkah* 52b.

¹⁰ "**Yod 'im** *Resho'im she'darchom l'miso, v'yesh lohem chilev al kislom*" - *Shabbos* 31b.

will only change when we ourselves demand it of ourselves, not when the *Rav* demands it from us.¹¹

Of course, it may seem somewhat strange for us to build all of this based on Pinocchio. Excellent point. Let us turn, therefore, to a parallel in the *Maharal, Be'er Ha'Golah*, end of *Be'er* 7 (free translation):

When an individual does not intend to scoff - rather only to state his belief - even if these positions stand against your belief and system, don't say to him: "Don't talk, seal your mouth!" For then the system will not be clarified. On the contrary, in such matters we should say: "Speak as much as you want, all that you want to say, so that you will not be able to say that were you granted permission to expand you would have spoken further [and convinced me with **your** beliefs]." If, however, you do close his [the questioner's] mouth and prevent him from speaking, that points toward a weakness in the system. This [approach] is the converse of the general impression, which is that it is not permitted to discuss the system, and that thus the system is strengthened. On the contrary! That approach undermines the system! ... Thus [through the former approach] a person comes to the inner truth of matters... For [after all], any hero that comes to compete with another to demonstrate his might wants very much that his opponent muster as much strength as possible - then, if the hero overcomes his

¹¹ The *Shem me'Shmuel* on *Dayeinu* in the *Haggadah* says that the reason *Am Yisroel* in the *Midbar* fell so many times from very high levels to great depths is because the *madreigos* that they acquired were not their own internal accomplishments, but extrinsic ones conveyed to them by *Moshe Rabbeinu*.

opponent, he proves that he is the mightier hero. What might, however, does the hero display if his opponent is not permitted to stand strong and wage war against him? ...¹²

In taking our *mashal* to its conclusion, we might understand an interesting perspective of the *Zohar Ha'Kodosh*. The *Zohar* calls the 613 *mitzvos* "*Taryag Ittin*" (613 suggestions).¹³ To be sure, although there are other interpretations, the simple derivation of *mitzvah* is from the verb *tzaveh*, i.e., command. Why does the *Zohar* depart from the simple meaning?

Perhaps the *Zohar* is pointing at the difference between the external Jiminy Cricket and the internalized conscience. At the earlier stage, the *mitzvos* resemble the rules and regulations that an external system must impose on its constituents. This is the level of *Avdus* - the impositions of a Master on His servant.¹⁴ For the immature individual - be he seventeen or seventy - a structure of rules is necessary - a system to confine him to the straight and narrow.

¹² Cf. the *Alter* from Kelm, *Chochmo U'Mussar* vol. 2 p. 50 and p. 76 - *Mesorah* and Thought must go hand in hand.

¹³ Reb Tzadok *ha'Kohen* of Lublin *zt"l* expands on this *Zohar* (vol. 2, 82b) in numerous places. See, for example, *Tzidkas ha'Tzaddik simanim* 68, 156 and 219.

¹⁴ I know I am on shaky grounds here. After all, the *Chofetz Chaim zt"l* did not recite "*Berich Shmei*" because he found it presumptuous to state about himself "*Ana avda d'Kudsha Berich Hu*" (see *Shorshei Minhag Ashkenaz* vol. 1, the discussion on the German *minhag* not to recite *Berich Shmei*). The Torah reserves the praise of *Eved Hashem* for *Moshe Rabbeinu a"h*. But there are different connotations to *Avdus*, and I am using the term here in its more negative implication.

But it is not for that end that *Ha'Kadosh Baruch Hu* created us: "**Bannim** attem la'Hashem Elokeichem" (*Devarim* 14:1). The more we internalize "*Hashem Elokeichem* **Emes**" the more we achieve that true *Tzelem Elokim* which is our innermost essence. Our conscience is then not imposed command but inner truth - no longer the directive of a Master to a servant but the loving advice of a Father to his beloved - and loving son.

After a long, long look, Pinocchio said to himself with great content: "How ridiculous I was as a Marionette! And how happy I am, now that I have become a real boy!"

(The Adventures of Pinocchio, Carlo Collodi, 1881)

Hashkafic Table

Issue	Misnagdim	Mussar Differences	Chassidim	Torah im Derech Eretz
Ahavah	Downplayed and underdeveloped theme; too elusive to define and too dangerous to use as a focus.	Similar to other <i>Misnagdim</i>	Central theme (although not much time is spent developing it); essential for <i>Dveykus</i> .	The highest level of accomplishment, but internal, not external.
Achilah U'Shesiyah	A physical activity only moderately elevated by Torah and <i>Zemiros</i> .	Similar to other <i>Misnagdim</i>	An essential catalyst for <i>Ahavah</i> ; for <i>Ha'olas Nitzotzos</i> . Meals with <i>Toiroh</i> and <i>Niggunim</i> are core experiences.	To be enjoyed, so long as performed according to the Torah's parameters.
Emes Va"Sheker	Unrelenting focus on reality, to the detriment of possible ecstasy – is it for real?	If anything, even more so – but reality lies more in the character and personality than in the <i>Blatt Gemara</i> .	A little blurry at the edges: If the experience is uplifting, does it matter if it's "really real?"	Unrelenting application to interpersonal activities "Better glatt yosher than glatt kosher."
Bushah V'Azus	Harbors doubt, sometimes lacks confidence.	Paradoxical trends toward doubt and boldness co-exist.	Bold and confident in the service of core values.	Steadfast against Reform, willing to attack.
Bitachon	Hashem has his plans.	Could go either way.	Everything is Good!	You must make a <i>Hishtadlus</i> !
Ga'avah V'Anavah	Takes pride in personal accomplishments, built on drive. Tool for <i>aliyah</i> .	Paradoxical trends toward ambition to achieve and negation of <i>kavod</i> (see below).	<i>Bittul</i> – negation of self; role in system more important than personal satisfaction.	Pride in meticulous observance, decorum and conduct.
Dveykus Ba'Hashem	Nice, but not essential	Similar to other <i>Misnagdim</i> .	It's Everything!	What does it mean?

Essays on Hashkafah

Issue	Misnagdim	Mussar Differences	Chassidim	Torah im Derech Eretz
Dibbur U'Shesikah	Intellectual conversation most important.	<i>Mussar b'Hispa'alus</i> and <i>shmuessen</i> in <i>Yirah</i> and <i>Middos</i> also important,	Chassidic stories most important.	Humor and irony., but somewhat high falutin'
Derech Eretz, Nikayon, Seder	Essential to Mussar-refinement.	Critical, but even the non-Mussar school holds that these elementary characteristics enhance accomplishment.	Not inspirational, not particularly important.	This is where it's at! <i>Avodah</i> is expressed primarily in these characteristics. A greatly expanded definition of <i>Derech Eretz</i> .
Hakoras Tovah	A logic	A <i>middah</i> .	An emotion	Obvious.
Zerizus V'Atzlus	Is of greater value than more profound <i>kavanah</i> .	Similar to other <i>Misnagdim</i> .	Is of lesser value than profound <i>kavanah</i> .	Similar to <i>Misnagdim</i> .
Chaver, Shachen, Nosei B'Ol	About the same.	Much more important than either of the other <i>derachim</i>	About the same.	About the same.
Chesed VRachamim	Only when not learning.	Only when not learning, but <u>then</u> a focus.	A legitimate option instead of learning.	For most people, the preferred primary focus.
Yirah	Central theme. Mostly <i>onesh</i> , some <i>romemus</i> .	Similar to other <i>Misnagdim</i> .	Secondary theme. All <i>romemus</i> , little <i>onesh</i> .	Not as heavy as the others, basically cognition of Hashem.
Kavod	Can be used as a <i>shelo lishmah</i> , major emphasis on <i>Kavod HaTorah</i> .	Eradicating <i>Kavod</i> is one of the most central of Mussar's themes	Preferable to eradicate, with the exception, obviously, of Rebbes.	In the form of decorum and dignity, very positive and important.

Bigdeh Shesh: *The Collected Writings*

Issue	Misnagdim	Mussar Differences	Chassidim	Torah im Derech Eretz
Kavanah when performing Mitzvos	Nice, but <i>tafel</i> – not worth bending the rules.	Similar to other <i>Misnagdim</i> .	Important, an <i>ikkar</i> – worth bending the rules.	Similar to <i>Misnagdim</i> .
Ka'as, Refraining from	Very Important.	Very, Very important	Very Important.	Very Important.
Lev Tov	Very Important, but not as much as Torah.	If one does not accomplish a <i>Lev Tov</i> , then one has not accomplished anything.	Very important, but not as much as <i>Dveykus</i> .	Very important, and for most people more important than Torah.
Limud Torah	Everything.	Similar to <i>Chassidim</i> .	Important – for some, very important, but not Everything.	Nice, but for most people on a relatively low level – much more reliance on Rabbonim.
Tzenius	Very Important.	Same.	Very Important.	Important, but defined very much differently than others define it – more openness to participation of women.
Kiruv	Positive attitude, at least in theory.	Similar to other <i>Misnagdim</i> , but more <i>l'ma'aseh</i> .	Except for Chabad and Breslov, neutral or negative attitude	Positive attitude, but separation from Reform institutions is more important.
Shalom U'Machlokes	We pay lip service to shalom, but in reality...	More of an attempt to put principle into practice.	We pay lip service to shalom, but in reality...	Similar to the <i>Misnagdim</i> and the <i>Chassidim</i> .
Simchah V'Atzvus	Not much attention paid to these concepts. Some <i>Misnagdim</i> are pretty depressed.	Similar to other <i>Misnagdim</i> .	A lot of attention. In theory, and often in practice, <i>Chassidim</i> are happy, avoid	Not much attention – but, its attainment is not limited to Jewish means – it, and other emotions, can be cultivated from

Essays on Hashkafah

Issue	Misnagdim	Mussar Differences	Chassidim	Torah im Derech Eretz
			sadness, and are more happy-go-lucky.	general culture.
Tochachah, Kana'us, Chanufah	Not much attention.	Same.	Not much attention.	For principles – significant <i>kana'us</i> .
Teshuvah	Very Important.	Same.	Very Important.	Similar to the <i>Misnagdim</i> and the <i>Chassidim</i> .
Avodas HaShem	Intellectual.	A combination.	Emotional.	Holistic and systemic.

This is too short and sharp to be accurate, so take it as a springboard. The *middos* used here for comparison purposes are taken from the Table of Contents of *Otzaros HaMussar* by R' Moshe Tzuriel *shlita*.

Note: Readers of this chart noted three other important differences:

Mikveh. Chassidim stress the need for extra taharah as facilitation of dveykus; Misnagdim find no greater source of taharah than Torah – and, anyway, are not big on dveykus. Yekkes never even heard of men going to the mikveh.

Levush. Chassidim stress the religious significance of dress to a greater extent than Misnagdim. The stress is evidently an externalization of the quest for dveykus. For Misnagdim, dress is more a matter of social identity and cohesion. For Yekkes dress should not differ from surrounding standards of dignified attire.

Connection to Tzaddikim. For Chassidim this is a part of the quest for dveykus – the tzaddik is the devek. For Misnagdim, the leader is more of a teacher and counselor. For Yekkes, he is the arbiter of religious life.

Yiddish. For most Chassidim, the use of Yiddish is a core value – "shelo shinu es leshonam." And if English "chotsh a tzubrokhener English, tzu zein anderish vi di Goyim. For Misnagdim it really doesn't matter that much, as long as satisfactory communication takes place. For Yekkes, Yiddish is an anathema – the pure and eloquent use of the local language is an ideal.

An Analysis of *Darchei HaLimud* Centering on a Cup of Tea

I am attempting to define the differences between the major classical *Darchei Halimud* in the 19th-20th century Yeshiva world, focusing on a well known jest. This is albeit a light-hearted, but hopefully illustrative example.

In *Brisk* they would mockingly say that in *Telshe* one would *klerr* (analyze) the following *chakira* (problem):

What makes tea sweet, is it the sugar or the spoon stirring?

Now, the truth is that in *Telshe*, there were two *derachim*, that of Reb Chaim Rabinovitz (Reb Chaim *Telzer*) and that of Reb Yosef Leib Bloch & Reb Shimon Shkop. This *chakira* captures the hallmark of the former (Reb Chaim *Telzer's*) *derech* - Contingencies - but not the latter, which we'll explore later.

Let us now go through how the various *darchei halimud* would approach this important conundrum:

Brisker Derech: Intrinsic Categorization and Definition - There are two (*tzvei*) *dinim* in sweetening tea: The *cheftza* (substance), i.e., the sugar; and the *pe'ula* (activity), i.e., the stirring with the spoon. Everyone knows that Lipton is the "Brisk" tea because it has a double (*tzvei dinim*) tea bag.

Poilisher Derech: Brilliant Novelty (*pilpul*) - Neither. It is the tea itself, as the *heichi timtsei* (*sine qua non* - medium) for making the tea sweet, which makes the tea sweet, for if there was no tea, there would be no sweet tea either.

The Rogatchover's Derech: Combination of the Two Previous *Derachim* - There are three *dinim* in sweetening the

tea: The *cheftza*, the *peu'la* and the *niph'al* (the impacted entity), i.e., the tea itself.

Hungarian Derech: Extrinsic Resolution - Since wine is sweet and it is not stirred, it follows that the stirring is not what makes the tea sweet, but the sugar.

Reb Yosef Leib & Reb Shimon's Derech: Abstraction to an Essence - It is the *Hitztarfus* (Fusion) of tea molecules and sugar molecules that makes the tea sweet.

Sephardi Derech: Uncomplicated Grasp - The *Sephardi* would walk away from the argument that the six *Ashkenazim* were engaged in over the tea shaking his head in disbelief about how silly these *Ashkenazim* were - obviously the sugar stirred into the tea is what makes the tea sweet!

Another, more serious example of the difference between the *Brisker* and *Reb Yosef Leib/Reb Shimon Derachim* is in the area of *Shee'abud HaGuf* (personal liens). The *Briskers* are satisfied to explain *Shee'abud* as a "partial acquisition" (a "*miktzas kinyan*"). They classify all such amorphous transactions in a category known as "*chalos*" (roughly: "transaction"). They concentrate on defining "What." Reb Shimon, on the other hand, feels compelled to explore the "Why." He therefore explains that *Shee'abud* is a logical construct of the social contract between individuals which precedes *Halacha*. He draws an analogy between *Shee'abud* and *Emuna* in the existence of G-d - which also, perforce, must precede the acceptance of Torah, and is based on logical constructs.

Reb Shimon on Acharecha: Just as it is possible to divide the usages (*tashmishim*) of an object, that one of the object's usages belongs to one person and the other usage to another, it is also possible to divide up the usages in time, that the usage for this time should belong to A and the usage for that time to B... If a person sells the *kinyan*

peiros (right of usage) of the next few years, such as... a rental for ten years and similarly a palm tree for the next few years of fruit, the essence of this *kinyan* is that the buyer is buying this aspect of the house or palm, which he acquires immediately by a *chazaka* in the house or palm, in a manner that **now** (*mei'achshav*) he acquires the rights for the entire time that he will possess the house or the palm... There is no distinction between a case where the time of the *kinyan peiros* starts from today or from several years from now, because each year and every day is a distinct period. Just as one can reserve for himself and his heirs space in a field for fruit of several years, so too he can reserve the fruit for the time after twenty or fifty years, and the time before that will belong to the buyer... This also applies to actual ownership (*kinyan haguf*).

Talmud Yerushalmi

The Other Daf Yomi

Let me clarify something up front: I am not a Gerrer Chasid.

You see, generally, when I tell people that I teach a *shiur* in *Daf Yomi Yerushalmi*, the first question they ask me is whether I am a *Gerrer Chasid*. After I assure them that I am not, they then ask if I have any Gerrer *yichus* at all. When I deny even remote affiliation to *Gerrer Chassidus*, they seem somewhat bewildered.

Like many of you, I was thrilled to be in Madison Square Garden and participate in the recent *Siyum HaShas* of the *Daf Yomi* in *Talmud Bavli*. For me, it was the first time through *Shas*. It was an even greater *zechus* to do so as a *Maggid Shiur*.

As we began to draw near the end of *Shas*, I began to feel the urge to learn *Talmud Yerushalmi*. After all, aren't we encouraged as *Bnei Torah* to learn *kol haTorah kulla* (the entirety of the Torah - *shebiksav v'shebe'al peh*)? I knew that at the last *Knessia Gedola* (in 1980), the *Mo'etzes Gedolei HaTorah* had adopted the initiative of the then Gerrer Rebbe, the "*Lev Simcha*" *zt"l* (thus, the association of *Yerushalmi* study with *Gerrer Chassidus*) and instituted a cycle¹ in *Talmud Yerushalmi*. At first, I found it difficult to even find a *luach* for the *Daf Yomi Yerushalmi*. When I finally got one, it was just before the *Yerushalmi* cycle began *Seder Nashim*. I tried to start a *shiur*. No luck.

¹The cycle lasts approximately 51 months. Unlike the *Daf Yomi Bavli* cycle, the *Yerushalmi* cycle skips both *Yom Kippur* and *Tisha b'Av* - a great relief for those of us who are perpetually behind in both cycles!

This past year, the *Daf Yomi Yerushalmi* made its fourth *siyum* - on Thursday, 4 Adar II 5757. I eagerly awaited that day, hoping the accompanying publicity would spark some real interest in the study of *Yerushalmi*, as I was intent on beginning a *shiur* that night, with the new cycle. You probably missed all the publicity. So did I. Not one essay, even a notice or advertisement, in any English language Orthodox periodical or newspaper.

Nevertheless, the *shiur* began - and it continues! To the best of my knowledge, we (here, "out of town" in Chicago) are the only English language *Daf Yomi Yerushalmi shiur* in the world now - although I will be very happy if someone can refute that assertion.²

Talmud Bavli achieved prominence over *Talmud Yerushalmi* because the *Amoraim* in *Bavel* had access to the previously completed *Yerushalmi* and incorporated its wisdom in their deliberations. (The "Amoraic" period ended earlier in *Eretz Yisroel* because of terrible Roman persecutions.) The Rambam (in the footsteps of *Rabbeinu Chananel*), however, often *paskens* like the *Yerushalmi* over the *Bavli*. Where the *Bavli* is silent, the *Yerushalmi*, as the repository of *Chazal's* opinions, is the primary source of *Dvar Hashem*.³

²There was once a *shiur* in Australia, but it disbanded sometime during the first cycle. I understand that there are other English language *shiurim* in *Yerushalmi*, but not as part of the *Daf Yomi* framework. I would like to publicly acknowledge the three "regulars" in the *shiur*: Rabbi Meyer Magence, Dr. David Spindel and Mr. Joel Zuger. All three are also *chaverim* of my somewhat more popular morning *shiur* in *Daf Yomi Bavli*, and Dr. Spindel has been with me through all of *Shas*. May the *zechus* of sustaining the study of *Yerushalmi* be a source of *bracha* for them! We do record all the *shiurim* and Rabbi Apfelbaum of Torah Tapes and Reb Fivel Smiles of <http://www.613.org> (Real Audio on the World Wide Web) have graciously agreed to make the material available. Unfortunately, they will obviously not be current with the cycle until the next cycle begins.

³*Tesh. Maharik* 100; *Rash Sirilei'o* (an early - he was exiled from Spain in 1492 - and most important *peirush* on *Yerushalmi*) in his introduction; *Mareh HaPonim, Bava Metzia* 8:3; *Doros HaRishonimv.* 3 p. 112.

A few words on the study of *Yerushalmi*: First, I am embarrassed to say that it has been downright easy.

There are so many aids to the study of *Seder Zera'im*, that there is no need to ever get stuck. These include, besides the classic *peirushim* of the *Pnei Moshe* and *Ridbaz zt"l*, the extraordinarily lucid and simple running commentary based on the *shiurim* of Rabbi Chaim Kanievsky *shlita* (the series currently extends well into *Seder Mo'ed*, and the writers are in the process of producing further volumes)⁴ and the more scholarly *Kav v'Naki* series, co-authored by Rabbis Aryeh Carmel, Leo Levi and Gershon Metzger. Interestingly, one of the most helpful *seforim* on the entire *Yerushalmi*, one that the *Chofetz Chayim zt"l* described as indispensable to the study of *Yerushalmi*, is the *Mashbiach*, written by the first (and I think last) Chief Rabbi of Pittsburgh, Rabbi Sivitz *zt"l*, in the early twentieth century and published here in America. The study of *Yerushalmi* is easy enough, and, more significantly, its *blatt* are so much shorter, that we can generally cover two *blatt* in an hour.

To disabuse a common misperception, *Yerushalmi* is not *sisrei Torah!* You will not drown in a sea of mysterious ideas. After traversing *Seder Kodashim* and *Mesechta Nidda* in the *Bavli*, even *Zera'im* is nothing to be afraid of. There is also far less *Agadata* in the *Yerushalmi*, and it is no more mystical - often less so - than the *Agadata* in the *Bavli*. (Of course, we haven't been further than the middle of *Shevi'is* yet. I am extrapolating from what we have seen so far and from what I have read in overviews.)

Yerushalmi sugyos are much shorter than those of the *Bavli*. The *Yerushalmi* is usually content to raise a question and let it remain unresolved, rather than pursue proofs and disproofs. The language of the *Yerushalmi* itself is terser, and it often contracts words, a phenomenon the *Bavli* (*Bava Kamma*בב) recognizes and brands as "*lishna*

kelila" ("light manner of expression"). This applies even to names. For example, the *Amora* known in the *Bavli* as Rabbi Ilo'oh is known in the *Yerushalmi* as Rabbi Lo. This often leads novices (like me) to incorrectly read a statement attributed to Rabbi Lo as if it is Rebbe (Rabbi Yehuda HaNasi) saying no (*amar Rebbe: Lo*). The *girsas* (the actual text) of the *Yerushalmi* is often inaccurate. This is due both to the horrific persecutions in *Eretz Yisroel* that impeded proper editing of the original text and to subsequent sloppy transcriptions. The *Gr"a zt"l*, however, did much to clarify the proper readings, and the later commentaries (particularly the *Ridbaz*) constantly quote his emendations. The inaccuracy of the *girsas* attracted many *Acharonim* to write on the *Yerushalmi*, as it continues to provide fertile ground for creative interpretation. (The *Rishonim* generally did not write running commentaries on the *Yerushalmi*.)

We have been taught to aspire to learn, in the course of our lifetimes, as much of *Toras Hashem Yisborach* as possible. The *Yerushalmi* includes countless *inyanim* that are brand new, even to those who have learnt through the entire *Bavli*, new vistas of *Dvar Hashem* to explore and experience. Now that many of us have finished *Bavli* (at least once), it is an opportune time to also take up the adventure of *Daf Yomi Yerushalmi*. *Luchos* and other materials are available from *Mosdos Gur*, 1310 48th St., Brooklyn, 11219, (718) 435-8989.⁵ Perhaps the next *siyum* on *Daf Yomi Yerushalmi* won't take place in the Garden - but let's ensure it gets noticed!

⁵As *Daf Yomi Yerushalmi* is under the auspices of Agudath Israel, some information, including a list of existing *shiurim* in *Daf Yomi Yerushalmi*, is available from the Agudah office in New York as well.

Dvar Hashem me'Yerushalmi

Dvar Hashem me'Yerushalmi no. 3

Eruvin 50a (DYY for Fri., 8 Teves, Dec. 13)

The middle part of the mishna reads (Danby trans.):

A man may give a maah to a wine-seller or a baker to secure for him a share in an eruv. So R' Eliezer. But the Sages say: His money [alone] cannot secure for him a share. But they agree that with any others his money can secure for him a share [i.e., if he had so spoken to any person other than bakers].

The Yerushalmi has a stunning discussion on this point:

R' Abahu in the name of R' Yochanan: "This tells us that money does not acquire on a Torah level." If so, even if he came to him, to the storekeeper? That is different, as he might forget and expend it [or, send it out - "yotzi'enu"]. R' Acha in the name of R' Chanina: "Father did not say it thus. Rather: 'But the Sages say: His money [alone] cannot acquire for him' - this tells us that money does acquire on a Torah level."

The Meforshim have grave difficulty with this passage, and emend it. The Mashbiach makes it simple:

R' Abahu's statement in the name of R' Yochanan focuses on R' Eliezer's statement in the mishnah. R' Eliezer's stress "in an eruv" indicates that this halacha that a maah secures wine or bread is unique to eruvin - a leniency because eruv is Rabbinic. On that the Yerushalmi asks, well, if it's only d'Rabbanan, then "even if he [just] came" - to the storekeeper, without any money whatsoever, and asked him to designate a loaf for him, why does that not suffice? The Gemara responds that in that case we are afraid the storekeeper will forget the designation and sell ["send"] the bread to someone else.

Talmud Yerushalmi

R' Acha says in the name of R' Chanina (R' Abahu's son - Lieberman) that what his father actually said was that from the words of the Sages we see that although money does acquire me'dorysa, and it is only d'Rabbanan that money does not acquire, the Sages sustained their takkanah that money does not acquire even vis a vis a d'Rabbanan, i.e., eruv.

BTW, later on the amud, there is an amazing Gilayon ha'Shas (which, in the Yerushalmi, is not R' Akiva Eiger but R' Yosef Shaul Nathanson) in which he proposes to explain the Gemara's statement that our mishna is the opinion of R' Meir that requires both shittuf and eruv to mean that eruv itself requires *both* bread *and* wine, not bread alone.

Dvar Hashem me'Yerushalmi no. 4

Eruvin 58b-59a (DYY for Shabbos, 16 Teves, Dec. 21-Sun., 17 Teves, Dec. 22)

The Yerushalmi is discussing the reason that tefillin are not worn on Shabbos and Yom Tov. The Yerushalmi first cites a derasha: "V'shamarta es ha'chukkah ha'zos me'yamim yamima- v'lo leilos" (this pasuk, in Shemos 13, is in one of the parshiyos of tefillin). Both Prof. Lieberman and R' Chaim Kanievsky here insert [Yamima - prat l'Shabosos v'Yomim Tovim]. The Gemara subsequently darshens "V'hayu lecha l'os - me she'trichin os, yotz'u Shabbosos v'Yomim Tovim."

The Gemara then asks - did we not already derive this from Me'yamim Yamima?

The Gemara answers with a fundamental principle from R' Yochanan: "Kol mila d'lo mechavara mesamchin lei min asrin sagin." - Anything that is not clear we sustain from many places.

The Nimukei Yosef at the beginning of Ha'Chovel in Bava Kama explains (in the name of the Ra'ah): Anything that we know to be true, but it is not clear to us what source in the Torah is its basis; permission is granted to anyone to expound it and bring support from the Scripture. Even though normally a person cannot expound a gezeira shava on his own, unless he received it from his Rebbe, that refers to an entirely new gezeira shava, i.e., in the ayin tachas ayin or shor tachas shor gezeira shavas there in BK, there must be a kabbalah that the din is mammon; once there is such a kabbalah; however, anyone can propose a gezeira shava such as tachas-tachas.

As Prof. Lieberman notes, however, "lo mechavra" in Yerushalmi generally means an asmachta; i.e., the issur on

tefillin on Shabbos is not d'orysa mamash. This is also evident from the continuation of the sugya, where the permissibility of wearing the tefillin on Shabbos to save them is discussed in light of whether the issue is mechuvar or not; nevertheless, R' Yochana's principle itself can have both meanings - something which is not explicit in Torah - whether it is because it is essentially a mesorah, yet nevertheless a d'orysa; or because it is an asmachta - is to be sustained from many places.

Other examples of this abound, such as the Bavli's discussion of how we know an esrog is the pri eitz hadar of th pasuk, etc.

Dvar Hashem me'Yerushalmi no. 5

Pesachim 9b (DYY for Mon., 3 Shvat, Jan. 6)

The Yerushalmi is discussing the issue of causing a mum in kodashim, and whether it is permissible to blood let an animal of kodashim lest one may be meitil mum.

The Gemara cites a baraisa in the name of R' Shimon that says that one can let blood from an animal of kodashim even with the express intention of casing a mum!

R' Boon bar Chiya says that this baraisa concerns kodashim that one is liable to replace if they are lost or blemished (she'chayav b'achrayusan).

The question is, so what?

The Meleches Shlomo explains that this Gemara follows the opinion that kodashim she'chayav b'achrayusan are mammon hedyot ("owned" by the people who designated them - this is relevant to the sugyah at the beginning of Merubeh in Bava Kamma as to whether there is pi shmayim by geneivah of kodashim - there is a very important Reb Chaim in the stencils on this, and the difference between kodshei mizbei'ach and kodshei bedek ha'bayis) are the property of their owners, and, that therefore, the prohibition of introducing a blemish to kodashim does not apply to them! (The owners will have to replace them anyway.)

Dvar Hashem me'Yerushalmi no. 6

Pesachim, Daf 65a

Pesachim 65a (DYY for Mon., Erev Rosh Chodesh Adar II, Mar. 3)

How one nekuda makes a difference!

The Gemara is discussing the issue of the Korban of Pesach Sheni. The mishnah on the bottom of 64b had discussed what Korban Pesach Rishon and Korban Pesach Sheni have in common and where they differ.

The Gemara commences the discussion of this mishnah with the following cryptic line: "Kesiv [the reference in the Torah Or to Shemos is in error - as this is a discussion of Pesach Sheni, the reference should be to Bamidbar]: 'Lo yashiru mimenu ad boker' - Im le'echol, zeh mitzvas aseh she'bo. 'V'etzem lo tishberu bo' - zeh mitzvas lo ta'aseh she'bo."

The second line is quite clear - the Gemara is explaining how we know that there is a prohibition to break the bones of the Korban Pesach Sheni. But what about the first line? The citation from the pasuk is clearly a prohibition, not a positive command? Furthermore, what is the word "Im" doing here? (The Korban Ha'Edah just ignores it. The Pnei Moshe tries to deal with it.)

The mefarshim have grave difficulty with the phrase. The Mashbiach goes so far as to suggest that "le'echol" here means to consume by fire and the Gemara means to say that since there is a prohibition to leave the Korban until morning, the lav of nosar, by Korban Pesach Sheni, there must also be an aseh, to burn the nosar, as nosar is a lav hanitak l'aseh! (See also the Yerushalmi k'Peshuto who has his own difficult explanation.) It seems to me that the Yerushalmi can be explained very simply, not by changing

any words, but by adding one dot, i.e., to read "eim" (with a tzerei) instead of "im" (with a chirik). The word eim in this context is the same as it is in the context of "yesh eim l'mikra, yesh eim l'masores." It means that there is a source and a basis for understanding ("the mother of all understandings").

Read thus, the Gemara is quite clear: If there is a prohibition to leave Korban Pesach Sheni until morning, that is a source and basis for the converse of that prohibition - where there is a lav on leaving, there must be an asech on eating. Therefore, the same mitzvah to eat Korban Pesach Rishon must apply to Korban Pesach Sheni. Thus, the presence of the prohibition is the source and basis for the application of the mitzvas asech to eat Korban Pesach to Pesach Sheni.

Yerushalmi on Kodashim

It seems clear from the Rishonim that they had access to the Talmud Yerushalmi on Seder Kodashim. In the introduction to his commentary on the Mishnah, the Rambam states explicitly that on the first five sedarim, both the Talmud Bavli and Talmud Yerushalmi are extant. During the course of time, however, the Yerushalmi on the entire seder of Kodashim was lost, and for several hundred years no manuscript on this seder was known to exist. (See the introduction of Rabbi Mordechai Zev Segal of Lvov to the Zhitomer [1866] edition of the Talmud Yerushalmi.)

In the year 1907, however, a mysterious person suddenly appeared in Hungary, calling himself Rabbi Shlomo Yehuda Algazi-Friedlander. Rabbi Algazi-Friedlander published what he claimed to be the Yerushalmi on tractates Chullin and Bechoros, thus instigating a battle royal amongst the *Gedolei Hador*. A personal account of this chapter in the history of the Talmud was written by Rabbi Yekusiel Yehuda Greenwald of Columbus, Ohio, and printed in the *Sefer HayoveJ of HaPardes* (1953). Here is a synopsis of the story.

That year (1907), Rabbi Greenwald was learning in Chust, Hungary, One day a guest appeared in the Bois Hamidrash who made an immediate and strong impression. Yekusiel Yehuda ~""then a young bochur - inquired after the identity of the visitor. The whispered reply was, *He is a Sephardic rabbi who speaks only Hebrew with a Sephardic accent and does not understand Yiddish. He wears two Tefillin on his head [a prevalent practice then amongst Sephardim. I find his name is Yehuda Algazi-Friedlander. He has found the single extant manuscript of the Yerushalmi on Kodashim.* Yekusiel Yehuda asked how he had accomplished this. He was told that Rabbi Algazil Friedlander's brother had acquired it on a business trip to Izmir, Turkey. There the brother had borrowed ancient

sefarim from the estate of Rabbi Yehoshua Beneviste, the author of a commentary on the Yerushalmi called the Sde Yehoshua. Amongst Rabbi Yehoshua's sefarim was one received from a Portuguese marrano named Avraham HaLevi. Rabbi HaLevi, who had returned to the fold in Constantinople, originally purchased the manuscript from a priest in Barcelona, Spain. Rabbi Algazi-Friedlander delighted in his brother's acquisition, which he identified as the long-lost Yerushalmi on Kodashim.

After davening, the visitor approached the Rosh Yeshiva (Rabbi Moshe Greenwald). With great flourish, he produced copies of the manuscript and letters of endorsement from *Gedolei Yisrael*. He brought special attention to that of Rabbi Shalom Mordechai HaKohen of Brezhoun, one of the foremost *Talmidei Chachamim* in Hungary. He then requested a *haskama* (approbation) from the Rosh Yeshiva. Upon reviewing the evidence the Rosh Yeshiva rejected the request, stating that this was not the genuine text. After great remonstrations, the Sephardi left the Beis HaMedrash with a great show of anger.

Despite the Rosh Yeshiva's rejection, the young bochur was much impressed by the visitor, and went to visit him at his lodging place. Rabbi Algazi-Friedlander befriended the impressionable youngster. This relationship afforded Yekusiel Yehuda an intimate opportunity to later judge the authenticity of the Yerushalmi on Kodashim.

A few months later Rabbi Algazi-Friedlander printed the volume in question (the first of two). The title page proudly extolled the work and an added attraction of a commentary by the respected Rabbi Shalom Mordechai. The editor of this major contribution to Talmudic literature identified himself thus:

אנכי הצעיר במשפחת רם ונשאה אלמתי יצ"ו שלמה יאודה ס"ט בהגאון מהר"ם
ז"ל

הספריי המכונה פרידלענדיגער

Talmud Yerushalmi

In some editions the second page bore a similar inscription printed in German - with the added title of *Doctor*. There Rabbi Aigazi- Friedlander also thanked Dr. Solomon Schechter of the Jewish Theological Seminary in New York, Dr. Moses Goodman of Vienna, and Rabbi Shlomo Buber of Lvov for providing him with funding. Rabbi Buber (a pioneer in the publication of manuscripts) also wrote a preface, citing the Rishonim who mention the Yerushalmi on Kodashim. He also explained difficult passages and words. An impressive array of *haskamos* followed: Rabbi Shalom Mordechai;



Title page of the Talmud Yerushalmi on Kodashim

Rabbi Leibush Horowitz of Stanislav; Rabbi Yehuda Greenwald of Satmar; Rabbi Eliezer Deutsch of Banhard; Rabbi Yitzchok Leib Sofer of Drohbitsch; and Rabbi Avraham Binyamin Kluger of Brad. The text was bordered by Rabbi Algazi-Friedlander's double commentary - *Cheshek Shlomo* - on the inner margin, a running commentary in the style of Rashi, and on the outer margin a work in the style of Tosafos.

Later that same year, Yekusiel Yehuda was visiting his parents in Sighet when suddenly Rabbi Algazi-Friedlander appeared. The Sephardic rabbi asked his young friend to arrange for him to speak in the local shuls. This request was somewhat surprising. Did not this Asian *Chacham* only speak Hebrew with a Sephardic accent? Rabbi Algazi-Friedlander explained that on his way from Asia to Hungary he had spent some time in Germany and had learned to speak German. Nevertheless, Yekusiel Yehuda found it somewhat peculiar that in Germany Rabbi Algazi-Friedlander had learned a German that was remarkably similar to the Lithuanian dialect of Yiddish. The glimmer of doubt that arose, however, did not seriously impact on their friendship. In the year 1908 Rabbi Greenwald decided to continue his learning at the yeshiva in Satmar -- the very city where Rabbi Algazi-Friedlander took up residence. Gradually Rabbi Greenwald became his confidant and personal secretary. He learned many shocking facts; 1) Rabbi Algazi-Friedlander was in reality a native of Beshenkovitz, Austria. His name was Zuske Rachel-Leah's, and he had never even visited the Orient! 2) When the controversy had started to expand, Friedlander had written a letter to Professor Zev Bacher, the head of the Neolog Seminary in Budapest (the Hungarian branch of Reform Judaism), requesting Bacher's assistance. He strengthened the request by proclaiming himself a *Maskil*, and sent as proof his book *Tikkun*. This book was written in his youth in the style of the Zohar, and contained more

mockery than wisdom. This work demonstrated Algazi-Friedlander's great skill at imitating others' styles of writing. 3) The name *Avraham Rosenberg*, which appeared on many letters and essays written in defense of the long lost Yerushalmi and Friedlander, was, in fact, a pseudonym for Friedlander himself.

At first this Yerushalmi and a subsequent volume on other tractates in Kodashim were well received. In fact, the Chofetz Chaim's son, Rabbi Aryeh Leib, in his brief biography on his father, relates that in his old age the Chofetz-Chaim began wearing Tefillin written according to Rabbeinu Tam. When Rabbi Aryeh Leib asked his aged father why had begun doing so, the Chofetz Chaim replied that in the new Yerushalmi Menachos, the Gemorah ruled explicitly like Rabbeinu Tam. Rabbi Aryeh Leib was hard pressed to prove that Friedlander was a well-known forger and the Yerushalmi on Kodashim a fraudulent work.'

Controversy first began to grow in 1908. That year, the rabbinical journal *Tel Talpioth* published articles by its own editor, Rabbi David Kotzberg, and by the head of the Agudas HaRabbanim in Hungary, Rabbi Avraham Frankel, declaring Friedlander a forger and demanding that the real Avraham Rosenberg, if there be one, step forth. Rabbi Meir Simcha HaKohen of Dvinsk (the *Or Sameach*) joined in the fray, publishing two letters demanding that the Yerushalmi on Kodashim be condemned and withdrawn.

At first, Yekusiel Yehuda joined the opposition to Friedlander, and even sent a letter to Rabbi Meir Dan Plotsky of Dwartah (the *Kli Chemdah*) describing the irregularities he had noticed and the fact that his Rosh Yeshiva, Rabbi Yehuda Greenwald of Satmar, now regretted his *haskamah*. Friedlander, however, using his tremendous powers of persuasion, was able to win Rabbi Yehuda back over to his side, and Yekusiel Yehuda together with him. They hurriedly sent emissaries who succeeded in recalling the letter before Rabbi Meir Dan could publicize it.

In the meantime, opposition mounted. Various journals published essays by respected scholars - including Rabbi Ber Rothner, author of the monumental *Ahavath Zion U'Yerushalayim* on the Yerushalmi - proving that Friedlander's work was a forgery. Although Friedlander, under his pseudonym, published a rejoinder entitled *Anei Kesi! (Answer a fool)*, he succeeded only in adding fuel to the fire, for the pamphlet carefully avoided pertinent issues and concentrated on insulting his detractors.

Other *Gedolim* joined the battle. The Ridbaz (author of a commentary on the Yerushalmi) pointed out obvious inaccuracies. The *Avnei Nezer* decreed that no one should buy the work until Friedlander produced the actual manuscript. (In the preface to the first volume, Friedlander claimed that since he had only been loaned the original manuscript, he had copied it in stenographic shorthand incomprehensible to anyone but himself). Rabbi Yosef

Rosen of Ovinsk (the *Rogatchover*), the Gerer Rebbe, and Rabbi Meir Yechiel of Ostrovtze requested that he produce evidence of the existence of the mysterious individuals, *Yaakov Kubi* - whom Friedlander had identified as his brother's partner in the search for the manuscript and *Suleiman Beneviste* - the heir to the manuscript who supposedly loaned it (for a sizeable fee) to Friedlander's brother in Izmir. One rich individual offered a reward of ten thousand crowns to anyone who could discover the whereabouts of these mysterious people. Obviously pressure was mounting. What was the persecuted Friedlander to do?

Suddenly the word went out that Friedlander was in mourning. Yekusiel Yehuda visited him and asked him who had passed away. Friedlander replied that his *brother* Elyahu, who had purchased the Yerushalmi, had died in Turkey. He asked Yekusiel Yehuda to write letters and publicize his sorrow and regret that, since his brother had died, it was now impossible for him to procure the information requested.

Despite the fact that Yekusiel Yehuda knew all this to be untrue, he still believed that Friedlander had actually found the bona fide Yerushalmi on Kodashim, if not in Izmir, then in some library in Germany, and that he created the exotic stories in order to embellish his find. As for those discrepancies in style found by the *Gedolim*, he rationalized that it was possible that the Yerushalmi on Kodashim was edited in a different yeshiva than the other sedarim. However, a newly published revelation would soon change his opinion.

II

As late as 1911, Rabbi Yekusiel Yehuda Greenwald still believed it possible that the Yerushalmi on Kodashim was a legitimate work. In his article *Chullin* in J. D. Eisenstein's encyclopedia *Otzar Yisrael*, published that

year, Rabbi Greenwald wrote: *In our time, Rabbi Friedlander published Tractate Chullin of the Talmud Yerushalmi which he found in a manuscript. Some people dispute its authenticity.* Friedlander complained vehemently. How could Rabbi Greenwald breach the covenant of their friendship and publicize the aspersions cast upon his monumental work? Greenwald apologized and their friendship was restored.

As we have noted, Rabbi Greenwald still believed that Friedlander's Yerushalmi was genuine; it was the tale of its history that he doubted, theorizing that he had actually found it in some obscure German library, rather than in Izmir, Turkey. He attributed differences in style and phraseology to the editors "'''''''''' perhaps students of a different yeshiva than the editors of the other sedarim of the Yerushalmi.

A sudden shock, however, struck all of Friedlander's friends and supporters. *Tel Talpioth* published a letter from Rabbi Tzvi Halevi Horowitz, of Hermanstadt, which cited an article from the rabbinical journal *Hamelitz* published some twenty years earlier (1892). The article proved that Friedlander, then a teacher in Klausenberg, had peddled an amulet purportedly written by the great Rabbi Yonasan Eybeshutz, while in fact he himself had written it. Eyewitnesses had heard him then relate proudly to the Rabbi of Klausenberg, Rabbi Moshe Shmuel Glazner: *I admit without shame that I did not procure any [genuine] amulet. Rather, I myself produced it with great skill and art in order to demonstrate my skill in all fields of wisdom and craft.* Not only did he possess the knowledge of Kabbalah requisite to pass off an amulet as written by Rabbi Yonasan, he even had mastered the craft of *aging* paper, so that a document he had himself written recently seemed almost two hundred years old.

Friedlander was broken and dejected by this revelation. In a terrible state of despair, he came to Rabbi

Greenwald to seek his counsel. Rabbi Greenwald suggested that he flee Hungary; having lost his reputation and reliability, who would now believe his claims? Friedlander then made his confession. He was loathe to leave Hungary with its innocent, simple, gullible Jews who believed the story of any charlatan and trickster. Where else could he be favorably received? As to the Yerushalmi: *True, I forged it. I did not find the manuscript, but all that I wrote are the words of Chazal* which I quoted from various places.

Good friend that he was, Rabbi Greenwald at first agreed to help Friedlander cover up and refrain from revealing his confession. Ironically, however, he shortly thereafter married the daughter of Rabbi Horowitz of Hermanstadt, whose letter had proven a turning point in the controversy. Therefore, when Friedlander published a derisive rejoinder, *HaMa'aneh*, Rabbi Greenwald sent him an ultimatum - either Friedlander would publish a retraction or all would be revealed.

Friedlander declined to do so, and so Rabbi Greenwald published an essay *Le'Ma'an HaEmes (For the Sake of Truth)*. At the beginning of the piece he published letters from the authorities of Mulhouse, Germany --- where Friedlander had been a fish merchant for fourteen years -- and other European cities, disproving his claim to a Sephardic background, Rabbi Greenwald then went on to expose specific examples of the forger's act

The obvious question was, how did Friedlander do it? How was he able to concoct a forgery convincing enough to fool so many *Talmidei Chachamim*?

Let us examine the principles and rules Friedlander followed in his work as identified by Rabbi Yaakov Tzvi Yanofsky of Kiev in his book *Tzayid Remayah (Deceitful Game)* (Poltovah, 1913), which Rabbi Greenwald quotes in his essay in *HaPardes_2*

1) In the back of each volume of the standard Vilna edition of Talmud Bavli is the work *Yefeh bynayim* (by Rabbi Aryeh Leib Yellin of Bilsk) which cross-references the Talmudic literature relevant to each topic in the Gemara ...
_ "the Midrashim of the *Tannaim* and *Amoraim*, and parallel discussions in the extant Yerushalmi, Friedlander used these sources, changed names, changed the order of discussion and otherwise altered the texts cited, to the point that the newly composed text retained enough similarity to the original to be regarded as authentic, yet different enough to be regarded as a hitherto unknown parallel *sugyah*

לזכרון עולם!



הרבנים חכמים ומבוגרים רד"שי חזיה ופדע ושוחרי חושיה ופרמא המתנדבים בעמא ומאשי
ומכסמא- שרחה בער הדיסא הרדושלמי כתיבי על סדר קדשים. ימאן שחקים דיק עליה
ברכה והצלחה וכל ששאלה לם השוחיה לשוכת ימלא אבידו!

ומאש בלם יתברך מסקר הברכות חיה הרב הגדול בתורה בהכמה ופדע וכלל פלאה מו:
גרי ישראל ומאחריו:

סדרה שנייאור זלמן שעכמעד חי

אשר נתן לכסף מוצא מאוצר ביתידי להכמת ישראל העמוד תחת סקדתו והשמתו

בפרי נ ע ר ר י א ר ק יחי

די חלם גדול פהצאת הדיסא וחדו חיה סתיך קולמא ער!



הרב הגדול החכם והמלא הישיש פאר עולמו גרו ומאחריו

סדרה משנה חי בידעמאן חי

רב ואבירי דיסא היען חבילת

מכסמא נתן פתגה הטנה לשוכת הירושפת והמפיה נם לעשיה עיי אחיים באשר עוב חלק חיה

את מכסמא הדיסא לזכר עלם צדיקו עומת לעד!



ואחרון חביב עלי דה הרב הגדול הצדי הישיש הנכבד

פיה שלמה באב ער חי

אכן יסיה בליק לכוב יצא עשיו יחזו כל ימוספך הדיסא כריע נאחיהשחוקה בעציי ופמת כשמתו

אנא-די השוכיה נא מן השמים סמן שבתך וסדיך אחיו באריות ימים ושנים ומסמא לשפחת כל לו

ומש חכם בישראל- ומתוכם נם נמש הצעד!

המחבר.

Dedication page of the Talmud Yerushalmi on Kodashim

2) Working backwards, Friedlander amassed a list of halachos in the Rambam and statements by other *Rishonim* which had no known source in the Talmud, and created those sources in his Yerushalmi"

3) When the wellsprings of the *Yefeh Eynayim* ran dry, and no parallel discussion to the one in the Bavli was to be found in the extant Yerushalmi, Friedlander would take the relevant discourse in the Bavli, change names and style, and put it in his Yerushalmi.

4) Finally, when all these methods did not yield enough material, Friedlander resorted to his old ways and his powers of creativity, and authored *sugyos* on his own,

Rabbi Greenwald lists examples of these principles in use, We reproduce here the first page of the Yerushalmi on Bechoros, This page is a perfect case in point The first discussion - the question of which Tanna holds that partnership in a cow with a gentile prevents application of the laws of *Bechorah* to its firstborn calf - is taken from the Bavli (Bechoros 2a, 9b); only the names and setting of the discussion have been changed, The second segment is are-edited pre-existing Yerushalmi (Pesachim 4:3):

Our text:

רבי חנינא בעא קומו
רבי יוסי לית הדא
אמרה שאסור להמציא
להן עוברין, אמר לי
כבר קדמוך רבי אבון
בשם רבנין גתמן זאת
אומרת שאסור להמציא
להן דרי.

Friedlander:

רבי חניי בעא קומוי
דרבי יוסי לית הדא
אמרה שאסור להמציא
להון עוברין, אמר לי
כבר קדמוך רבי אבון
בשם רבנין דיתמן זאת
את פר שאסור להמציא
להון עוברין.

The next segment relates a *derashah* which is the source of the *halachah* that a calf born to Jewish partners is subject to the laws of *Bechorah*. In Friedlander's version, Rabbi Yochanan states explicitly that once we know the *derashah* that Jewish partnerships are subject to

Again and again Friedlander took *sugyos* in the Bavli, Yerushalmi, and Tosefta, and changed names, views, and statements to suit his purposes. Indeed, in his preface to the work, he himself hints at his methods. In his effort to prove the accuracy of the scribe (whom he named Yitzchok ben Yosef ibn Ilbarglioni, who, he alleged, copied the copy his father had made of Rav Hai Gaon's text in the year 1212), he contrasts parallel texts from the Yerushalmi, demonstrating how the new version excludes the errors of Terumos, and includes the omissions in Nazir. He continues to cite examples of places where the Yerushalmi on Kodashim *rectifies* errors in the other sedarim, and concludes: *Behold, I only noted several pages which come to mind first. but you. the reader. take in hand Tractate Bechoros, carefully examine every page and you will find wonders, for at times we are enlightened by this Yerushalmi in other places which are unintelligible.* (Rabbi Shalom Mordechai HaKohen of Brezhon was indeed obviously taken by this characteristic of the Yerushalmi on Kodashim. The commentary which he was inspired to write deals with numerous problems and issues that Friedlander's work resolved ~ whether in the Bavli and Yerushalmi or in the *Rishonim* and *Poskim* ~ probably in more places than Friedlander himself had realized!).

It is worthwhile to note that according to an unverified legend related in the Yeshiva world, Friedlander's creativity was flawed. The legend maintains that Rabbi Yoser Rosen (the Rogatchover), one of the greatest masters of Talmudic knowledge of all time, realized that the work was a forgery because he had noticed that each tractate in the Talmud contains the name of at least one *Amora* who is never mentioned anywhere else. In his care not to raise doubts as to the work's legitimacy, it seems that Friedlander only used the names of known *Am~aim!*

Although Rabbi Greenwald left the field of battle over the Yerushalmi in 1912, when he was drafted into the Hungarian army, it seems that by that time the war had

been more or less won. The publications we mentioned and others by renowned scholars and *Gedolim* had turned the tide against the beleaguered Friedlander. Eisenstein, in the last volume of *Otzar Yisrael*, published that year, in the entry on *Talmud* declares that it was conclusively proven that the Yerushalmi on Kodashim was just a compilation of various other sources concerning these tractates. (He -- rather insolently-- compared it to the work of Rabbi Gershon Chanoch Leiner of Radzhin on the Mishnayos Taharos, who had compiled the extant Gemaros on Keilim and Ohalos and had written a learned dual commentary on them. Some years earlier, that work,~ the *Sidrei Toharah* ~ had stirred controversy when some *Gedolim* opposed the format in which it had been printed, that of the standard Talmud, lest it be mistaken for, and accorded the authority of, actual tractates of Gemara).

Yet, after all is said and done, Friedlander remains an enigma. He was a prolific writer and publisher, all of whose works are suspect. Yet he was obviously a *Talmid Chacham* of the first degree ..- to the extent that *Gedolei Hador* were amazingly expansive and emphatic in their praise of his scholarship and knowledge.

Little of his personal life is known. He was born in Beshnekovitz In 1800 and died in 1923 in Vienna. He probably learned in the great Yeshiva of Volozhin in his youth, and then wandered from town to town. We have no notion of what drove him to commit these acts of forgery and deceit. Was it a quest for money or honor, was it jealousy, or was it a private campaign to mock other *Talmidei Chachamim*? (The third possibility is somewhat supported by his attacks on others both ill the introductions to his work and in the pamphlets he issued).

Even later, Friedlander still had his supporters. In 1930 his son Meir printed his *Mavoh La Tosefta*, an introduction to his magnum opus, *Cheshkek Shlomo* on the Tosefta. The sefer was adorned by the *haskamos* of Rabbi David

Friedman of Pinsk (the foremost scholar of pre-war Europe) given in 1912, Rabbi Shalom Mordechai HaKohen's, given in 1901, and Rabbi Eliezer David Greenwald of Satmar's from 1924, who even mentioned the fame he attained in publishing the Yerushalmi on Kodashim, All three *haskamos* lavish praise and esteem on

הרב הגאון הגדול אחד המיוחד מגדולי הרבנים שבדורינו מו"ה שלמה יהודה פריעדלענדער

despite the fact that by the time they were issued the controversy had been well-publicized and all the accusations made. Obviously, Friedlander was a man of intense magnetism with a powerful force of persuasion, leaving us to ponder even more so – why did he choose this strange path?

NOTES

1. In fact, the Chafetz Chaim actually quotes the Yerushalmi on Kodashim in his *Likutei Halachos* (a work on Seder Kodashim meant to parallel the Rif's work on the 'other sedarim of the Talmud), in Messechta Bechoros, chap. 6, in his commentary *Ein Mishpat* note 50 (page 40 in the standard editions), He explains that there are difficult passages in the Rambam based on a source which is found in the Yerushalmi on Kodashim,

”כדאיתא בירושלמי דבכורות (שזכינו כעת לאורו)“

2. Rabbi Yanofsky and Friedlander were old foes, In the years 1889- 1893 Friedlander had-published in Pressburg an edition of the Tosefta on the sedarim of Zeraim and Nashim with his commentary *Cheshek Shlomo*. In this work, he altered certain passages based on an ancient manuscript he claimed to have discovered, Rabbi Yanofsky published a pamphlet refuting these claims - to which Friedlander had replied with his own pamphlet *Kesher Bogdim (Plan of Traitors)*, a typical example of Friedlander's style with little in the way of discussion of the issues, but laden with vitriolic attacks on his adversary's person and wisdom. I, In fact, the Chafetz Chaim actually quotes the Yerushalmi on Kodashim in his *Likutei Halachos* (a work on Seder Kodashim meant to parallel the Rif's work on the 'other sedarim of the Talmud), in Messechta Bechoros, chap. 6, in his commentary *Ein Mishpat* note 50 (page 40 in the standard editions), He explains that there are difficult passages in the Rambam based on a source which is found in the Yerushalmi on Kodashim. Twenty years later, when Friedlander responded to Yanofsky and Rabbi Greenwald, he was true to form. The pamphlet *Letz Ha Yayin (Drunken Fool)* viciously attacked both Rabbi Yanofsky and Rabbi Greenwald, whom he called *a newborn chick whose eyes were not yet open*.

Talmud Yerushalmi

3. The Rogatchover's actual objections to the Yerushalmi on Kodashim are detailed in his responsa, *Tzafnas Paneach* (Jerusalem, 1979), chaps. 113~15. (Two of those responsa are addressed to Rabbi Meir Dan Plotsky, who had sent him the Yerushalmi for him to examine.)

4. He claimed to have written on all Bavli, Yerushalmi, Tosefta and the *Sheiltos D'Rav Achai Gaon*. Most of this is unsubstantiated but it is recorded that he published *Hatikkun* in 1881 (an attack on Chassidus), part of a commentary of Yerushalmi Yevamos in Frankfurt under the name Aryeh Leib Friedlander in 1885, the aforementioned Tosefta in 1889-1890, a complete edition of the commentary on Yevamos in 1905, two volumes of the Yerushalmi on Kodashim, 1907-1909, and the volume of *Cheshek Shlomo* published posthumously.

An original copy of the Yerushalmi on Kodashim is in the collection of the Rabbi Saul Silber Library of Hebrew Theological College.

Halachah

Problems in the Construction of Eruvin in Modern Metropolitan Areas

How an Urban Eruv is Built

A certain Posek once took my chevrusa and me on a field trip around the eruv of an urban community. He began by taking us to a specific street marked on the eruv map as the border of the eruv and offering us \$10.00 if we were successful at identifying the lines of the eruv. Needless to say, we did not earn those \$10.00!

It might come as a shock to anyone who has erected a private backyard eruv to realize that building a communal eruv usually entails little installation of wire. For the most part, resourceful eruv committees spend weeks and months identifying preexisting structures to serve as part of the communal enclosure. Such structures often are actual walls: fences, embankments, riverbanks, sides of buildings, etc., but overwhelmingly consist of overhead cable belonging to the electric or telephone utility companies. As a result of the expediency of using these preexisting structures - stemming either from concern over funds or over municipal regulations - urban eruvin often follow what seem to be illogical patterns, separating sidewalks from streets, cutting through alleys, or encompassing broad areas with few Jews. The use of wall-like structures, as long as they are man-made, poses few problems. It is the use of overhead cable which causes most of the problems encountered in contemporary urban eruvin.

The Tzuras Hapesach

Halachah

The Torah forbids us to carry in any area defined as a *reshus harabbim* (a public domain) on Shabbos. Chazal extended this prohibition to include any unenclosed area. The most popular method of enclosing an area *al pi halacha* is a *tzuras hapesach* (literally: "the form of a doorway" - the familiar two poles with a wire across the top and the variations on that theme). The rationale of this solution is that a door frame is a halachically valid form of enclosure (*Eruvin* 11b). *Eruvin* of this sort enclose areas as small as a back yard and as large as entire neighborhoods.

The most basic halacha of *tzuras hapesach* which the poles and wire comprise, is that the wire which crosses over the poles (the "*lechayayim*") must pass over the top of the poles, not on or over the sides of the pole. Crossing over the side of the pole constitutes the *psul* of *tzuras hapesach min hatzad* ("on the side"), explicitly invalidated by the Gemara in *Masechta Eruvin* *ibid.* (and *Shulchan Aruch*, *Orach Chaim* 362:11) (fig. 1).

This halacha poses a formidable problem when utilizing overhead cable in the construction of an *eruv*. Although occasionally the cable does in fact go from the top of one pole to the top of the next, more often than not the cable is attached to the side of the pole. Frequently, the same cable will weave back and forth, going from the top of the pole to the side of the next one, out on a crossbar and back again in quick succession!

In Israel, where the municipal authorities are cooperative, the problem of *tzuras hapesach min hatzad* is usually rectified by placing wide barrels which are at least ten *tefachim* high underneath the overhead cable. The halachic principle of *gud asek mechitzta* ("the wall is [halachically] extended higher") then allows us to draw an imaginary line directly up from the top of the barrel to the cable, allowing us to view the barrel, not the utility pole, as the *lechi* for the *tzuras hapesach* (fig. 2).

In Chutz La'Aretz, however, the authorities are not as cooperative, and will usually not allow such obtrusive tikkunim. The usual approach here, therefore, is to bolt a plank, a rod, or tubing to the utility pole to serve as the lechi wherever one is necessary.

Using a Rod as a Lechi

The problem encountered most frequently as a result of the use of a narrow object as lechi is in the application of gud asek. The Chazon Ish (Orach Chaim, Eruvin 71:6) rules that the imaginary line is always drawn straight up, regardless of the angle of the lechi. Many utility poles are warped or bent at an angle, either as a result of carelessness in the original construction, weather conditions over time, or being hit by cars or trucks. The lechayayim attached to such poles bend with them at the same angle - yet gud asek still draws the imaginary line straight up from the top of the lechi (The Chazon Ish also rules that gud asek begins only at the top, not the middle of a pole)(fig. 3). In such a situation the gud asek is meaningless, as the line drawn from the top of the lechi will not hit the overhead cable.

Some Rabbonim will, nonetheless, permit the use of gud asek in the construction of an eruv based on utility poles. In order to prevent the bent pole problem they require the use of a surveyor's tool or a plumb line in order to determine that the lechi is directly underneath the overhead cable. At best, however, this is a hazardous approach. A single invalid lechi can render an entire eruv invalid. An average sized urban eruv may contain hundreds of lechayayim attached to telephone poles. The surveyor (usually a utility company employee or a hastily trained member of the local eruv committee) must meticulously check every pole - a time consuming, tedious, and sometimes expensive task. Unless one's yiras shamayim is very strong, diligence tends to erode over time.

A further problem is that any pole may become bent over time, necessitating constant surveillance.

Another problem which may arise when gud asek lechayayim are used is that often a utility company box may be attached to the utility pole between the lechi and the overhead cable. If the lechi is built all the way up to the box, or to within three tefachim of it, then the box may be considered part of the lechi (the halachic device of "lavud" allows us to regard objects within three tefachim of each other as connected). If, however the lechi ends more than three tefachim beneath the box, then the box is a hefsek which interrupts the gud asek (Mishna Berura, Orach Chaim 363:112).

Due to all these considerations, "state of the art" eruvin do not utilize gud asek lechayayim, but rather build the lechi all the way up to the overhead cable. In such a case no imaginary line need be drawn, as an actual line goes all the way to the wire. Actual lines may be bent at an angle and remain halachically valid (The lechi itself, however, must be reasonably straight, not pronouncedly crooked or bent. An angle of more than approximately 25 degrees is problematic.) (fig. 4).

The Overhead Cable

The Mishna Berura (Orach Chaim 362:66) cites a disagreement as to whether the cable must be absolutely taut or may sag and/or sway in the wind between the lechayayim (fig. 5). The trend, based on the Aruch HaShulchan and others (Orach Chaim 362:37), is to be lenient - as long as when there is no wind the cable at rest runs due straight from lechi to lechi. As we noted previously, overhead cables often weave back and forth. A typical question which arises concerns the following case (fig. 6): Three utility poles, each consisting of an upright pole and a crossbar across the top, stand in a row. The

overhead cable runs directly across the first and third pole in the row, but is connected to the crossbar of the middle pole. In this case, even when at rest, the cable does not run directly from lechi to lechi. The Chazon Ish (Orach Chaim, Eruvin 71:10) considers such a tzuras hapesach definitely invalid. It is worthwhile emphasizing again that one psul can invalidate an entire eruv.

The Position of the Pole

Several problems arise in regard to the position of the utility pole and/or the lechi attached to the pole. Occasionally the path of the utility cables requires the placement of poles on private property. In and of itself such positioning is not a problem; however, often such property is surrounded by a fence which the eruv is thus forced to cross (fig. 9). The Mishna Berura (Orach Chaim 363:113) and others rule that such a situation is invalid. A similar problem applies in a case where a hedge which is larger than the allowed measurements has grown to surround the lechi (fig. 10). The Avnei Nezer (Orach Chaim no. 291), however, tends to be lenient so long as the height of the lechi exceeds the height of the surrounding fence or hedge by at least ten tefachim. The lechi is then regarded as a distinct wall above and beyond the surrounding fence whose significance cannot be nullified by an imaginary gud asek. Other poskim advance somewhat more lenient positions, but even the position of the Avnei Nezer is cited as a heter b'she'as hadechak ("a leniency one may rely upon in a difficult situation").

Transferring from Fence to Cable

Due to the many problems involved in the use of overhead cable, it is obviously preferable to utilize fences and other such wall-like structures wherever possible. Usually, however it is difficult to rely only on fences. For example, inevitably fences must be interrupted in order to

allow streets to pass through. In order to insure that the continuous line of the eruv encompasses the city, the enclosure must travel across the street, either by way of erecting a tzuras hapesach across the street, or, as is often the case, by jumping to an overhead cable which crosses the street. The problem which frequently arises is that the poles are usually behind and not within three tefachim of the fence (fig. 11). This presents the problem: what connects the fence to the overhead cable? The fence is usually unsuitable for use as a lechi (see below), so drawing the gud asek line up from the fence will not help. In the case we have presented here a lechi would have to be placed on the fence directly underneath the overhead cable (thus creating a gud asek).

Elevated Train Lines and Bridges

Rabbi Yehoshua Siegel, commonly known as the Sherpser Rav, first arrived in New York in 1884 and settled on the Lower East Side. The Sherpser Rav was the foremost rabbi of Polish-Chassidic origin in America at the time, and in fact was a rival of Rabbi Jacob Joseph, the Chief Rabbi of New York, who was of Lithuanian extraction. In 1907 the Sherpser Rav published a pamphlet, "Eruv V'Hotza'a", which allowed the residents of the Lower East Side to carry in the streets on Shabbos. Although the Jews of Lithuanian descent generally did not rely on the Sherpser Rav's heter (one of the founders of Yeshivas Rabbeinu Yitzchak Elchanan, Rabbi Yehuda David Bernstein, wrote a pamphlet, "Hilchasa Rabasa L'Shabasa", disputing the heter), people still were carrying on the Lower East Side as late as 1947, when Rabbi Yosef Eliyahu Henkin (Eidus L'Yisrael, p.151) wrote that even the original rationale for the heter in any event no longer applied.

What walls did the Sherpser Rav use in formulating his heter? The Lower East Side was surrounded on three sides by the walls which front on the East River, and on the

fourth side by the Third Avenue elevated train line. An elevated train line looks just like a classic tzuras hapesach: the support beams might be seen as lechayayim and the overhead train tracks might be seen as the lintel. A similar approach is quoted by the She'arim Mitzuyanim B'Halacha (82:9) in the name of the She'eilos U'Teshuvos Even Yekara. The She'arim Mitzuyanim B'Halacha, however, takes issue with the Even Yekara. Just as a doorframe is distinct from the walls and ceiling of the room to which it is affixed, so too the doorframe effect which constitutes a tzuras hapesach requires that the lechayayim and lintel be distinct from the walls of the structure to which they are affixed. The She'arim Mitzuyanim B'Halacha therefore rules that a bridge or overpass may only be regarded as a tzuras hapesach if it has features (such as protruding girders or supports) which may be regarded as distinct from its wall.

Conclusion

Almost inevitably the construction of an eruv in an urban setting becomes a matter of controversy. Almost as inevitably, the issues involved in the controversy cause much confusion and strife, especially among those not familiar with Hilchos Eruvin. The focus of such controversies usually centers on the halachic definition of a reshus harabbim, i.e., what constitutes a public domain which cannot be enclosed al pi halacha with the device of tzuras hapesach. A common misconception is that once the reshus harabbim question is resolved, the actual construction of the eruv is a relatively simple and straightforward matter. Perhaps our review of - only - a few of the possible issues involved in the construction of an eruv in a metropolitan area dispels that misconception!

Many sources stress the advisability and importance of building eruvim wherever possible (Shemiras Shabbos K'Hilchasa, 17:21; Halachos of the Eruv, "BeMakom Hakdama"). A positive attitude towards eruvim is exhibited

by many Poskim. The positive attitude in theory does not, however, always translate into a positive attitude in practice. The reasons for this inconsistency should be clarified, at least somewhat, by our discussions. The nature of Hilchos Eruvin is such that not only must Poskim where well versed in the halakhos be consulted in all cases, but that they also must be brought from on-site inspections of the area and the eruv prior to, during, and after construction. Only in this way can the theoretical positive attitude be translated into practice, and only thus will enhanced Oneg Shabbos not be attained at a cost of diminished Shemiras Shabbos.

Our Very Own Y2K Problem (More Precisely: Y0.92K)

The Rabbi Sa'adia Gaon - Rabbi Aharon ben Meir
Controversy

Rabbi Yochanan said: From where do we learn that it is a mitzvah for a person to calculate seasons and constellations? Because it is said: "And you shall guard and you shall do, for it is your knowledge and understanding before the eyes of the Nations" (Devarim 4). Which knowledge and understanding is before the eyes of the Nations? You must say, this is the calculation of seasons and constellations. (Shabbos 75a; see the Ritva and Maharsha there and the Yerei'im siman 104).

What You Might Have Thought

The Y2K problem that was supposed to have wrought havoc with computer systems around the world on the first day of January 2000 CE, doubtless did not escaped your attention. You probably assumed - correctly - that this problem was of no importance to the Jewish calendar.

There was a time, however, a little more than one millennium ago, when we faced a severe calendar problem in our very own midst. True, there were, then, no computers to cause the unique grief only they can provide. Nevertheless, the Jewish calendar is subject to computation.

You probably presumed that a fixed Jewish calendar has been in place since Hillel II ("Ha'Sheni") established it in the 4th century CE. At first glance, this premise seems borne out by a teshuva in which Rabbi Hai Gaon writes that a fixed Jewish calendar has been in effect since the time of Hillel the Second, the son of Rabbi Yehuda Nesi'ah (grandson of Rabbi Yehuda Ha'Nasi)in approximately 4119

okugv thrck (358-9 CE). [1] The Rambam dates the fixed calendar to a similar period:

When did all the Jews begin to go by these calculations [of the calendar]? From the end of the time of the Sages of the Gemara, when the land of Israel was destroyed and there was no longer a regular court sitting there ... but until the days of Abaye and Rava they relied on what was determined in the land of Israel. (Hilchos Kiddush Ha'Chodesh 5.2)

Since Abaye and Rava lived around the middle of the fourth century, the two views are very similar.

What Is More Probably the Case

Nevertheless, it is not clear what, precisely, Hillel II fixed. It was not the final version of the calendar we use today and it did not ensure that there were no future debates over various details of the calendar. [2] There are several problems (other than the one that will preoccupy us here) that preclude the possibility that Hillel II firmly set in place the precisely fixed calendar we use today. [3]

Eventually, one of the last Ge'onim, Rabbi Nachshon Gaon, formalized a 247 year(thirteen nineteen-year cycles) cycle. A perpetual luach based on that cycle(Iggul d'Rabbi Nachshon Gaon) is reproduced in the Tur Orach Chaim, at the end of siman 428. All modern luchos, such as the ubiquitous Ezras Torah luach and others, are based on that table. But that only occurred in the 11th century CE.

Which Leads Us to Our Problem

So, we now know, the calendar was not completely fixed in the tenth century. There, was, therefore, an annual ceremony in which the Rosh Yeshiva of the yeshivos in Eretz Yisroel would formally announce - on Hoshana

Rabba, from atop Har Ha'Zeisim - the calendar for the coming year. In 920 CE the leader of Eretz Yisroel Jewry, Rabbi Aharon ben Meir, proclaimed that the following Marcheshvan and Kislev (4681 according to our count) would both have only twenty-nine days. Pesach 921 CE would, then, fall on Sunday, instead of Tuesday as everyone had anticipated. [4] This would also move up Rosh Hashana of 4682 two days earlier. This led to a great debate regarding the calendar between two preeminent Gedolei Torah of the time (and former friends), Rabbi ben Meir and the leader of Babylonian Jewry, Rabbi Sa'adia Gaon (882-942 CE).

Rabbi Sa'adia Gaon vigorously opposed this change. Records suggest that part of the Jewish world, mostly in Eretz Yisroel and Egypt, followed Rabbi ben Meir's ruling, actually observed the holidays two days earlier than their co-religionists that year. [5] The rest of the Jewish world, however, followed Rabbi Sa'adia Gaon's p'sak.

The dispute centered on a calendar rule well known to those who recently studied Rosh Hashana 20b in Daf Yomi: The rule of "Molad Zakein."

Molad Zakein

The rule of Molad Zakein is appears in Rosh Hashana 20b. This rule states that if the Molad of Tishrei (or any other month [6]) occurs at noon or later(according to "Jerusalem standard Time") then we postpone Rosh Hashana to the next allowable day. Rabbi ben Meir proposed relaxing that rule by 642 chalakim (= thirty-five minutes and forty seconds). His opinion caused the two-day postponements that would otherwise have occurred in 4682 and 4683 to be canceled and all Yomim Tovim in those two years to occur two days earlier.

Issue No. 1: The Centrality of Eretz Yisroel

Halachah

In the records we possess, Rabbi ben Meir never explains the actual basis for his position - an assertion that flies, it seems, in the face of an explicit Gemara. His primary public defense of his position was that Eretz Yisroel held supremacy in matters of the calendar. This position is codified l'halacha in the Rambam, Hilchos Kiddush Ha'Chodesh 5:1. The Gemara Rosh Hashana 25a cites the halachah that the ruling of a Beis Din on matters of the luach is binding -even if they are mistaken in their reckoning, and even if they intentionally manipulate the luach. This halachah also seems to back up Rabbi ben Meir.

In response, Rabbi Sa'adia Gaon [7] argued that since Moshe and Aharon received the mitzvah of Kiddush Ha'Chodesh from Hashem at Har Sinai, the luach has always been fixed based on reckoning, not on sightings of the new moon. The knowledge and principles of that reckoning was transmitted by the shevet of Yissaschar, who are called "yod'ei bina la'ittim" - "knowers of understanding for times" (Divrei Ha'Yamim 1:12). This was the exclusive practice until the days of Antigonos Ish Socho and his infamous students, Tzadok and Beitus. The schools of heretical thought founded by these individuals cast aspersions on the accuracy of Chazal's knowledge of the methodology of reckoning. It was only to demonstrate that their reckoning was precise and accurate that Chazal instituted Kiddush Ha'Chodesh based on visual sightings by witnesses. Thus, Eretz Yisroel never had superior authority in fixing the calendar, only superior knowledge of the calculations. By the 10th century, however, Baveland Eretz Yisroel held this knowledge equally. The calculation of Rabbi ben Meir - contradicting the principle of Molad Zakein as explicitly laid out in the Gemara - was, therefore, not definitive.

still, this will not help sustain Rabbi Sa'adia Gaon's position according to the Rambam. The Rambam and Ramban (Sefer Ha'Mitzvos, aseh 153 [8]) argue about how

Hillel II could establish a fixed calendar, bypassing the requirement that Beis Din sanctify each Rosh Chodesh. The Ramban holds that Hillel II sanctified all future new moons in advance. This causes no problems for Rabbi Sa'adia Gaon, as he would say that those new moons were sanctified based on the proper reckoning.

The Rambam, however, holds that Kiddush Ha'Chodesh remains the prerogative of the residents of Eretz Yisroel - even in the absence of a Sanhedrin. The Rambam says that if we were to have experienced a time in history during which the yishuv in Eretz Yisroel would have ceased to exist, the calendar system would have collapsed! (He says that the fact that this never occurred is a clear manifestation of Hashgocho.) We do not require a formal monthly sanctification, explains the Rambam, because we assume that there is a tacit consent by the yishuv in Eretz Yisroel to follow the reckoning that Chazal have bequeathed to us. The Rambam goes as far as to say that Rabbi Sa'adia Gaon's approach was not meant as a genuine perspective, but only as a debating tactic!

So, were the Rambam alive at the time of the Y0.92K controversy, how would he have ruled? It is, possible that were the Rambam around, he would have held that although Rabbi ben Meir's position runs counter to an explicit Gemara, the principles of Hilchos Kiddush Ha'Chodesh nevertheless would require the Jewish world to follow his ruling.

I think we may say, however, that even the Rambam might have sided with Rabbi Sa'adia Gaon. Since, as the Rambam writes in his introduction to Mishne Torah, the Talmud Bavli is the final and universal arbiter of halachic standards, then even the Chachmei Eretz Yisroel are also bound by "Rav Ashi v'Ravinahsof horo'oh" - Rabbi Ashi and Ravinah's compilation of Talmud Bavli marks the end of the period that set universally binding halachic standards (Bava Metzia 86a).

When, therefore, a Posek subsequent to the end of the Talmudic period decides a halachic matter, he must do so based on the "benchmarks" set in the Talmud. Since Rabbi ben Meir attempted to introduce a mode of reckoning that varies (by 642 chalakim) from that authorized by the Talmud, his proposal is to be disregarded. Since the Rambam holds that the Jews of Eretz Yisroel perform their Kiddush Ha'Chodesh by tacit consent, we assume their consent to Torah true standards, i.e., those set by the Talmud Bavli.

Issue No. 2: What Might Have Been Rabbi ben Meir's Basis?

Rabbi ben Meir was a great talmid chochom and leader. While his ruling was subsequently rejected, we must seek to understand what his premise was. After all, as we know "the hava amina [rejected premise] is also Torah"- how much more so the maskono (conclusion) of a Gadol b'Torah of the Geonic period. Perhaps we may propose the following rational explanation:

Chazal adopted the Molad Zakein rule, according to the Kuzari and Ba'al HaMa'or, so that someone, somewhere in the world, would experience a full day of Rosh Chodesh after the Molad, and, therefore, might likely see the New Moon before that day elapsed.

This works as follows:

Since the Halachic International Dateline is 90 deg east (and 270 deg west) of Yerushalayim, the inhabitants of the area just over the Dateline are eighteen hours behind Yerushalayim. I.e., when in Yerushalayim it is high noon, say, on Rosh Hashana when it comes out around the autumnal equinox (Sept. 21), it is 6:00 p.m., i.e., sunset, at the beginning of Rosh Hashana on the other side of the

Dateline. That place is the last place on Earth where Rosh Hashana will begin.

Generally, the New Moon may first be seen approximately twenty-four hours after the Molad. The moon is not visible at the very end and very beginning of the Jewish month because it is, then, perfectly aligned between the Sun and the Earth. All the Sun's light reflects, then, on the other side of the moon, and does not reach us. The Molad is the moment when the moon moves out of that perfect alignment. Even after the Molad, however, the moon's surface is too much face to face with the sun and too little opposite the Earth for its light to be discerned here on Earth's surface. The moon does not reflect enough light toward Earth to allow it to be spotted for at least six hours, and generally not for twenty-four hours after the Molad (all this is explained in the Rambam Hilchos Kiddush Ha'Chodesh).

So, if the Molad occurs before high noon in Yerushalayim, then at that "last place on Earth" the Molad, although in "real time" taking place simultaneously, is, on the clock, occurring eighteen hours earlier - before the 6:00 p.m. sunset - so, as the Gemara says in Rosh Hashana, there is, somewhere on Earth, a place where a complete night and day of Rosh Chodesh occur subsequently to the Molad, and it is likely that the New Moon will actually be seen in that place on that day.

If, however, the Molad occurs after high noon in Yerushalayim, then at that "last place on Earth" the Molad, is, on the clock, occurring eighteen hours earlier - after the 6:00 p.m. sunset - so, then, there is no place on Earth where a complete night and day of Rosh Chodesh occur subsequently to the Molad, and it is unlikely that the New Moon will actually be seen in that place on that day. Since people might find the setting of such a day as Rosh Chodesh somewhat dubious, Chazal decreed that in cases of Molad Zakein, Rosh Chodesh should be delayed.

Now, according to Rabbi Sa'adia Gaon these constructs are abstract -, i.e., there need be no specific place 90degE/270degW of Yerushalayim to serve as the focal point to which we apply the Molad Zakein rule. It applies to a theoretical place, and is based on abstract astronomical calculations. [9]

It seems that Rabbi ben Meir held that these constructs are actual, i.e., we need to seek out the furthest easterly Jewish settlement - which may not be 90degE/270degW of Yerushalayim. [10] After all, the Molad Zakein rule was designed around the possibility of individuals witnessing the New Moon! At that time, that settlement was in Kaifeng, China. [11] That settlement is actually not as far away as 90 deg from Yerushalayim - it is about eighty or so degrees away. In his generation, at least, Rabbi ben Meir placed the Halachic International Dateline further west than did Rabbi Sa'adia Gaon. The Dateline would have to run slightly to the east of Kaifeng - in a place they could reach within a day's journey, so they might be able to testify to having seen the New Moon on that day.

Since, therefore, the sunset which is the final "beginning" of the previous day takes place somewhat later (just as Shabbos begins later and later the more westerly you travel), that also gives the Molad some leeway after high noon "the next day" in Yerushalayim. This adjustment gives about 35-40 minutes leeway beyond high noon. This very closely approximates the 642 chalakim that Rabbi ben Meir proposed adding to the Molad Zakein rule! [12]

Is this Relevant to Mevorchim Chodesh? "

Every Shabbos preceding Rosh Chodesh, we recite Birchas Ha'Chodesh. The origin of this practice is somewhat unclear. It is not mentioned in Shas, Rambam or Shulchan Aruch. It is mentioned by the Sefer Yere'im (siman 103, quoted by the Magen Avrohom and Mishna

Berura in Orach Chaim 417:1). The Yerei'im makes it clear that our practice is only meant to publicize the date of Rosh Chodesh, not to sanctify that date. [13]

But why, then, are we not mevarech Chodesh Tishrei? The Mishna Berura posits that since the purpose of Birchas Ha'Chodesh is to publicize the date of Rosh Chodesh, then it follows that a date for which we have (hopefully!) so much prepared, Rosh Hashana, needs no publicity. Others say that since Rosh Hashana is called "Ba'Keseh", the day of concealment, it is proper to diminish the publicity accorded the day.

Perhaps, in light of the Rabbi Sa'adia Gaon / Rabbi Aharon ben Meir controversy we might propose a simple, pragmatic reason why Birchas Ha'Chodesh is omitted on the Shabbos before Rosh Hashana: Since Birkas Ha'Chodesh centers on the Molad, which has the potential to rouse a dormant controversy, in the spirit of "Chaverim Kol Yisroel" it was decided, because of our topic of discussion, not to declare the Molad of Tishrei in public ever again!

Let us end this essay on this note: The most remarkable aspect of the Y0.92K controversy is that it is the exception that proves the rule. Over the course of over sixteen hundred years of the administration of Hillel II's calendar, in far-flung, diverse and disparate Jewish communities, we find only one significant halachic dispute concerning its implementation! Even our brethren that have deviated from so much that is near, dear and holy to us, have never tampered with all that is connected to the phrase "Mekkadash Yisroel Ve'Ha'Zemanim."

Perhaps the secret of this uniformity is the remarkable Mishna in Rosh Hashana 25a that relates the story of how Rabbi Yehoshua was compelled by the Nasi, Rabban Gamliel, to come visit him on the day that, according to Rabbi Yehoshua's reckoning, should have been

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Yom Kippur (but according to Rabban Gamliel was not) with his staff and purse. The Gemara there relates that Rabbi Akiva consoled the dejected Rabbi Yehoshua by reminding him of the derosho that is derived from the repetition of the word "atem" ("you") three times in the context of Beis Din's authority over the calendar. From this we derive that even if Beis Din - intentionally or unintentionally, correctly or incorrectly - manipulates the calendar - their ruling is binding and effective. No other are of Halacha so dramatically demonstrates the kedusha that Ha'Kadosh Baruch Hu has granted his nation and its leaders. The Yerushalmi (Kesuvos 1:2) notes that Hashem changes the course of nature to accord with the Beis Din's determination of the calendar.

The calendar is the "chibbur" (connection) of all Jews, world over. Perhaps the Hashgocho, manifest in the wisdom of Gedolei Ha'Doros that orchestrated this uniformity through the generations and across the globe is also part of our "knowledge and understanding before the eyes of the Nations."

Chaverim Kol Yisroel v'Nomar Amen.

FOOTNOTES:

1. Sefer ha-Ibbur (3.7) by Rabbi Avrohom Bar Chiya Ha'Nasi of Barcelona, Spain, written circa 1123 CE; cited in Otzar Ha'Geonim, Rosh Hashana 10b, and p.16.

2 The fixed calendar is not mentioned in the Mishna or Gemara. Rabbi Hai Gaon is our earliest source for the Mesorah that Hillel II fixed a calendar cycle. There are many places in Shas that indicate the absence of a completely fixed calendar - for example, Abaye's discussion in Ta'anis 29b of the halakhos of a Tisha b'Av that falls on a Friday.

3 It is possible that Hillel II only established the rule that the seven out of nineteen years be leap years. Thus, for several more centuries there was some variability regarding which years should be the leap years. One argument in favor of this relates to the four "dechiyos" - rules for postponing Rosh Hashana that exist within the calendar rules. As we shall see, only two of the four are mentioned in the Talmud. Tosafos, Arachin 9a d.h. Mai, clarifies that the other two dechiyos were later developments. A wealth of material concerning the luach comprises the entire thirteenth volume of Rabbi Menachem M. Kasher's Torah Sheleima. See the discussion of this and other proofs in Torah Sheleima there pp. 166-167 and 176-179.

In a recent essay, published by Bar Ilan University, Engineer Yaakov Lewinger provides astronomical information that reflects the accuracy of our Mesorah that Hillel II took the initial steps to set up the luach:

Our calendar is based on the Molad - the time each month when the moon begins its cycle around the Earth anew. Our Mesorah teaches us that the mean length of a lunar month is twenty-nine days, twelve hours and 793 chalakim ("parts" - a chelek is $1/1080$ of an hour or $3\frac{1}{3}$ seconds) - known by the Hebrew acronym KaT YaB TaShTzaG. Lunar months, therefore, vary between twenty-nine and thirty days. Were we, however, to make our years of twelve lunar months, then our lunar years would be approximately 354 days, 8.8 hours long. In short order, Pesach would begin to fall in the middle of the winter. The Spring equinox (the day that night and day have precisely the same length, the first day of Spring) determines whether a leap month must be added so that Pesach will continue to occur in the Spring. Ideally, as Nissan is "Chodesh he'Aviv", the month should begin with the Spring, on the equinox (March 21). Since we lose about eleven days every year, to keep pace with the solar calendar, we had an extra month every three years or so. Our calendar is therefore based on a 19-year cycle, consisting of 12 twelve-month years, and seven

thirteen-month leap years, which approximate nineteen solar years. It is, reasonable to assume that those who set our calendar cycle in place began counting these nineteen-year cycles from a year in which the Spring equinox coincided closely with the Molad of Nissan. Because nineteen solar years are actually a trifle shorter than the 235 lunar months in one nineteen-year lunar cycle of the calendar, as the years go by since the founding of the calendar, the spring equinox will no longer coincide with the Molad in the first year of each cycle, but will move up about one day every 216 years (average Jewish solar year = 365.2468 days; Gregorian year = 365.2425 days; actual mean tropical solar year = 365.2422 days). If we find that the Spring equinox and the Molad of Nissan coincide around the year 359, this would suggest a link between this year and the introduction of a fixed calendar.

Counting backwards, 359 CE, which is 4119 by our calendar, falls in the 217th lunar month of a cycle. In the first year of this cycle, 4105, both the actual spring equinox and the Molad of Nissan fell on 29 Adar, March 20, 345, with only about a six-hour difference. Engineer Lewinger concludes:

Therefore, in terms of astronomy, the tradition that our calendar was founded near this time appears quite reasonable. In contrast, in 839 [the date that secular scholars have proposed] - the first year of the 243rd lunar cycle, 4599 by the Jewish calendar, and close to the later date claimed for the establishment of the calendar the actual equinox had already shifted about two days earlier than the new moon of Nissan. Therefore, it is not reasonable to assume that the 19-year cycle of our calendar was established close to this time. For reasons of astronomy, a more suitable year than 4599 would have been chosen to be the first year of the 19-year cycle...

4. Thirty days hath Nissan / Av, Tishrei, Shevat, Sivan, All the rest twenty-nine days they keep / Except Adar in a year that's leap. Adar Rishon then comes with thirty / Cheshvan and Kislev - they always vary.

5 A website with comprehensive material on the Jewish calendar is: <http://www.geocities.com/Athens/1584>. Mr. Remy Landau, who compiled the website, has calculated all the years in which the 642 chalakim difference would generate discrepancies. The difference generated a discrepancy in both 4682 and 4683 (921-922 CE and 922-923 CE). After 922-923 CE the next relevant year for this debate was 927 CE (4688), in which it would have made a one day difference. It would not have been germane again until 1108 CE and then 1330 CE, 1334 CE, and 1335 CE. There are no records of a split again occurring in 927, and perhaps by then things had been settled. Mr. Landau also has calculated that before 922 CE, the last time the difference would have generated a discrepancy was in 783 CE. The large gap between occurrences probably explains why the controversy was "new" in 922 CE. Our controversy was recorded by Rabbi Sa'adia Gaon in "Sefer Ha'Mo'adim" (a work that was mostly lost). It was also chronicled by the Karaites, gleeful over the machlokes among adherents of Torah she'be'al Peh. The correspondence of Rabbi ben Meir and Rabbi Sa'adia Gaon that was found in the Cairo Geniza is collected in the Otzar Ha'Geonim on Sanhedrin. Some of it was translated in a 1921 CE work by Prof. Henry Malter: *Life and Works of [Rabbi] Sa'adia Gaon (Philadelphia)* pp. 69-88 and pp. 409-419. Much of the historical information here is culled from Prof. Malter's work.

6. This is one of the two dechiyos - reasons to delay Rosh Hashana- mentioned in Talmudic sources. The other is the familiar lo AD"U rosh - we do not allow Rosh Hashana to fall on Sunday, Wednesday or Friday, so that Yom Kippur should not fall on Friday or Sunday, nor Hoshana Rabba on a Friday - see Yerushalmi Sukkah 1:1 and Yerushalmi Megillah 1:2. There are two additional dechiyos that are

intended to ensure that no Molad ever occurs past noon on any Rosh Chodesh. For simplicity's sake, they are based on Rosh Hashana, even though they are not directly relevant to the Molad of Tishrei. These are:

1) GaTRaD: If the Molad of Tishrei for a non-leap year is on a Tuesday (d) nine hours (y) (3:00 a.m.) and 204 chalakim (sr) or later, Rosh Hashana is delayed. Since Rosh Hashana cannot take place on a Wednesday, it is delayed until Thursday. The controversy of 920 actually concerned this dechiya, as the Molad of Tishrei that year was on a Tuesday at nine hours and 441 chalakim.

2) B'Tu TaKPaT: If the Molad of Tishrei following a leap year is on Monday (c), fifteen hours (uy) and 589 chalakim (y"pe) or later, Rosh Hashana is delayed until Tuesday.

7. His opinion is cited in many places, see Torah Sheleima, *ibid.*, chap. 5, and particularly in the commentary of Rabbeinu Chananel on the Torah, Shemos 12:2, and elsewhere.

8. See the Meshech Chochmo, beginning of Parashas Bo d.h. Ha'Chodesh for a detailed explanation of the Rambam's approach based on the many places in which the Rambam discusses his opinion.

9. See the Chazon Ish, Orach Chaim, Kuntres Yud Ches Sha'os for an extensive discussion of this principle, applied to the celebrated case of Yom Kippur in Japan, 1941, and his dispute in this matter with Rabbi Yechiel Michel Tukachinski zt"l. Perhaps we shall find an opportunity to discuss this issue in the future.

10. It seems, however, that this spot must be on the Asian continent.

11. See the Encyclopedia Judaica entry on China. There were more than one thousand Jews in Kaifeng at the time.

12. The actual 642 number was probably chosen because it is a number that is close to precise and was well known, in other contexts, to those involved in calculating the Luach - see Tosafos Rosh Hashana 8a d.h. Letekufos. To be sure, many other explanations of Rabbi ben Meir's 642 chalakim are advanced by scholars that wrote concerning the controversy. Much material and many references may be found in the Torah Sheleima, *ibid.*, Chap. 9, and Prof. Malter's work cited above. To put it gingerly, however, most existing theories fall short of any standard of credibility.

In a recent essay in *Kovetz Or Yisroel* (Tishrei 5760, Monsey, NY), Rabbi Yosef Y. Keller proves from a letter written by the Reish Galusa in 4596 (835 CE), printed in the *Otzar Ha'Geonim Sanhedrin* pp. 35-36, that at that time the Roshei Yeshiva in Eretz Yisroel were of the opinion that a Molad Zakein was permitted in Tishrei (if the preceding Nissan was not subject to a Molad Zakein). The community in Bavel at the time accepted that ruling issued in Eretz Yisroel as binding. Rabbi Keller notes that Rabbi Sa'adia Gaon states that it was around that time that the Ge'onim in Bavel mastered the reckoning of the calendar - perhaps because of this event. While they submitted to the ruling at the time, they might not have wanted it repeated. (We must note, however, that Rabbi Keller there writes that Rabbi ben Meir eventually capitulated to Rabbi Sa'adia Gaon. This would seem to be an error.)

13. It is interesting, however, to note that an earlier source, the *Siddur Rav Amram Gaon*, has *Birchas Ha'Chodesh* taking place on Rosh Chodesh itself! The commentary *Tikkun Tefilla* in the *Siddur Otzar Ha'Tefillos* has a very long discussion of this position. He conjectures that perhaps Rabbi Amram Gaon did not agree with the Ramban that Hillel II was prospectively mekkadesh all chodoshim from his time on. The *Tikkun Tefilla*, therefore, ventures that perhaps, since we have no Beis Din, it is the collective body of the Jewish people that is mekkadesh the chodesh

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every month (perhaps stressed by the phrase, in Birchas Ha'Chodesh, "Chaverim Kol Yisroel"). This theory can be regarded as no more than mere speculation. Nevertheless, since Birchas Ha'Chodesh centers on the announcement of the Molad, and since it is pronounced throughout the Jewish world, including the diaspora, it is tantalizing to muse on connection between the Tikkun Tefilla's interpretation of Rabbi Amram Gaon's position and Rabbi Sa'adia Gaon's position.

Changing Neighborhoods: May the Jews leave?

Halachah recognizes three major forms of communal relationships: a) *shutfut* - These are partnerships, or social contracts, which are generally initiated by the involved parties and have no scriptural basis; b) *V'Asita HaYashar V'HaTov* (*Devarim* 6:18) - This is a relationship loosely based on scripture, which mandates such *halachot* as *Bar Meitzra*: If one Jew puts his property on the market, he must extend the option to buy this property to his neighbor before opening it up to other prospective buyers (*Bava Metzia* 108b); this is "proper and good" behavior, fulfilling the dictum of the verse in *Devarim*; c) *Deracheha Darchei Noam* (*Mishlei* 3:17) - This is yet another scripture based relationship, in this case requiring one to be pleasant towards one's neighbors, teaching us the *halachet* of *Nizkei Schechenim* (see *Tur Choshen Mishpat* 155 who adduces this source to the laws of *Nizkei Schechenim*) - not impinging upon one's neighbor's privacy and use of his property.

The exact character of communal relationship in late twentieth century America is a major question, This question is addressed by Rabbi Menachem Mendel Schneerson (the Lubavitcher Rebbe) and Rabbi Moshe Feinstein in related *teshuvot* (Reb Moshe's *teshuva* was written as a letter to the Lubavitcher Rebbe supporting the latter's position,) in consecutive issues of *HaPardes* in 1969 (Vol. 43 nos, 7-8) (see also Contemporary Halachic Problems Vol. 1 p. 182). These *teshuvot* were prompted by the massive "white flight" which was decimating older urban Jewish neighborhoods at that time, This phenomenon concerned these two *poskim* directly. Crown Heights (especially the adjacent Brownsville and East New York sections) and the Lower East Side ~ their respective neighborhoods - were particularly hard hit. To what extent

could each community demand of its residents to stay and "hold the fort"?

We shall examine each of the three forms of communal relationships, in turn, beginning with the form of *shutfut*.

A cogent (although perhaps somewhat bold) explanation of this first form of communal relationship, social contract, may be found in Rabbi Shimon Shkop's *Shanard Yesher* (5:2), Reb Shimon analyzes the concept of *shibud*, i.e., a lender's lien on the borrower's self and property. *Shibud*, states Reb Shimon, is not derived from any verse in the Torah. Rather, it is a logical construct. If I take money from you, I must return money to you. As to the possible objection that may be raised ~ where in Judaism do we find *halachot* not grounded in Torah, or at least in Rabbinic decrees ~ Reb Shimon responds that in fact, an analogous case is the belief in God. One must first believe in God before accepting the Torah ~ not vice versa. This, according to Reb Shimon, is the reason that some *Rishonim* do not enumerate belief in God as a *mitzvah*. Belief must logically precede *mitzvot*. *Shibud* is also a concept which precedes the *mitzvot* of the Torah. (Reb Shimon continues in this vein. The *issur* of theft is not the basis of contractual obligations; rather, the Torah regards a violator of contractual obligations as being not only a civil offender, but a religious one as well.)

Shutfut is also a contractual obligation. Logic, not scripture, serves as the basis and determines the nature of the partners' relationships. The *Shulchan Aruch* (*Choshen Mishpat* 176:25) discusses financial claims of and against these partnerships. The *RM" A* adds a note to that discussion: "...And the inhabitants of a city in regards to municipal matters are considered partners." Therefore, if one inhabitant of a city files suit on behalf of the city, no other inhabitant can subsequently reinitiate this suit.

The Maharam Schick (Responsa, *Choshen Mishpat* 19; see also *Techumin* III, p. 300) elucidates this point: "Each and every community of the Congregation of the House of Israel is regarded as a partnership and, therefore, each and every inhabitant has rights and authority in all communal matters as in any partnership. However, in order that this situation not be similar to a pot of food which belongs to a partnership [a saying mentioned in *Eruvin* 3a, roughly analogous to "Too many cooks spoil the broth"], this one pulling this way, and this one pulling this way ...Therefore, the custom is to choose *tovei ha'ir* [aldermen] and to grant them the authority to execute all the communal matters." If the communal relationship is thus viewed ~ as a partnership ~ the logical conclusion would be that just as a partnership may be dissolved at will, so too any inhabitant may pull out of the communal partnership by moving out of the city. We shall, however, see that communal relationships cannot be regarded only as shutfut. l

We now turn to the form of communal relationship based on the *pasuk* of "*V'Asita HaYashar V'Hatov:*" The *Shulchan Aruch*, *Choshen Mishpat* 175:40 states: "If one sells or rents to a non-Jew, he is excommunicated until he accepts upon himself any damage caused by the non-Jew or until the non-Jew agrees to abide by Jewish law in dealing with his neighbors, If the non-Jew subsequently violates the agreement, the seller must pay for the damage. If the violation occurred during the lifetime of the seller, then even if the seller dies, his son must payout of the estate. If the damage only occurred after the seller's death, there is an opinion that the son is not required to pay."

The next *halacha* in *Choshen Mishpat* (175:41) states that all this is true when one can find a Jewish buyer who will pay as much as a non-Jew, not when a Jew is only prepared to pay less than the non-Jew. The only exception to this rule is when the non-Jew's intent may be to destroy the Jewish community, in which case a *dayan* must rule on

the specific situation. The SM #A (no. 73) points out another exception. Even if the non-Jew is willing to pay an inflated price for the property, the seller must sell to the Jew for fair market value, The SM" A (no. 74)also defines the destruction of the community as a case where the non-Jew could have just as easily acquired a home in a non-Jewish neighborhood. The *Kesef Kodashim*, in his commentary on the *Shulchan Aruch*, writes that even when the non-Jew states that his intention is to abide by the *halacha*, if, despite his assertion, the neighborhood will be negatively affected, it remains forbidden to sell to him a house in the community.

It is true, of course, that *V'Asisa HaYashar V'Hatov* is only an *issur d'rabanan* ~an *asmachta* - an ordinance promulgated by *Chazal* and subsequently linked to a *pasuk*. Nonetheless, it goes without saying that *issurei d'rabanan* cannot be taken lightly.

We must now explore the third form of communal relationship, that of "*Deracheha Darchei Noam*." The *Shulchan Aruch*, *Ch0.9henMishpat* 156:7 states that if one of the residents of an alley (a *mavoi*) wants to become a doctor, a blood letter, a weaver, a scribe or a teacher of secular subjects, the other residents of the alley can prevent him from doing so because the number of outsiders visiting in the alley will increase, Even if all the residents but one agree to the individual taking up this profession, that one resident may prevent him from opening a practice in the alley.³

The *Shulchan Aruch* concludes that one who owns a house in a common courtyard may not rent it to an individual involved in the above-mentioned professions. The *RM "A* states that to sell the house to such an individual is permissible. It is the responsibility of the remaining residents, not the seller, to deal with the problem. The *RM "A* adds, however, that this is only true if the seller sells to a Jew, not to a non-Jew who will not abide by Jewish law,

Rabbi Schneerson makes a *kal v'chomer*. If renting to a member of an objectionable profession is prohibited because it detracts from the neighborhood's standards, how much more so to sell to a non-Jew who will detract from the standards of the neighborhood.⁴

Rabbi Schneerson cites another *halacha* as relevant to this issue. The *RM* "A in *Choshen Mishpat* 155:22 writes about a case where a ruler in a certain country decreed that the Jews under his jurisdiction must convince the Jews who live under the hegemony of other minor lords to move into his sole jurisdiction (it seems for taxation purposes). If the decree were not fulfilled, then all the Jews would be expelled from the country. The *RM*" A rules that the consideration of possible *sakanot nefashot* in the case of an expulsion requires Jews from the other communities to move into the ruler's country first, and deal with any monetary losses later. Rabbi Schneerson states that the ramification of this *halacha* is that Jews in an "old" neighborhood who are in peril may require the Jews who moved out to return in order to stabilize the neighborhood! Although it might be more practical in a case where the old neighborhood has been severely decimated to subsidize the emigration of the remaining Jews, the fundamental point manifested by this *halacha* is the mandate of communal responsibility even in the face of potential financial loss.⁵

The Lubavitcher Rebbe demonstrates from *Orach Chaim* 329:6-7 the importance of preserving the community. In frontier cities - a category which includes, in all likelihood, dangerous inner city neighborhoods - one may desecrate *Shabbat* when non-Jews besiege a city - even if they claim that they only have come to demand money or some other commodity. The preservation of the community - even in *chutzla 'aretz* - is a value which involves *pikuach nefesh*, allowing for *chillul Shabbat*. It should be noted that the application of this case to our issue may be questioned. The *halacha* in *Orach Chaim* is based on *pikuach nefesh*

considerations: danger to property is regarded as an extension of danger to life (in certain situations). On the other hand, our issue centers on the distinct question of communal responsibilities.

Rabbi Schneerson does not accept the argument that *pikuach nefesh* may compel one to leave a neighborhood. Essentially, he writes, misfortune can strike anytime, anywhere. On the contrary, he continues, one who leaves a neighborhood, thus transgressing all of the above mentioned *halachot*, is more vulnerable. Recent events in beleaguered neighborhoods such as Crown Heights may, however, lead to a reassessment of this approach. It seems certain in any event, that if the entire Jewish community can be relocated in an orderly fashion, then that community is permitted to abandon a dangerous neighborhood. Rabbi Schneerson's arguments in this specific regard take on a theological nature, and others may, of course, subscribe to a different *hashkafa*.

As mentioned previously, in the next issue of *Hapardes*, Reb Moshe, in a letter dated 25 Iyar, 1969, expressed his 'complete agreement with Rabbi Schneerson. He writes that had the *teshuva* not already been written, he would have written it himself.

In another *teshuva* (*Igrot Moshe, Choshen Mishpat* 2:22), Reb Moshe discusses a proposed low income housing project in Forest Hills, New York. Reb Moshe forbids all Jews to assist the authorities in building this project. He continues that in any event, no Jew may leave the neighborhood, as this causes great damage to those who remain.

In summation, an interesting concept is formulated by the *poskim* in ruling on this issue. Although a Jewish neighborhood in *chutzla 'aretz* possesses no inherent *kedusha*, nonetheless, the concept of *kehilla* - a Jewish community - does exist, and all the relevant *halachot* of

communal responsibility are therefore applicable to the neighborhood's residents.

Neither the Lubavitcher Rebbe nor Reb Moshe define what constitutes a *kehilla* in *halacha*. The sources which deal with this subject seem to indicate that a *kehilla* is considered to exist anytime ten Jews form a united entity. The earliest source which makes this point is th *Mordechai, Bava Batra* no. 478, where the *Maharam MiRutenberg* is quoted as ruling that Jews who live in a community may require one of their number to remain in town in order to make up a *minyán*. (That individual may, however, hire someone to take his place.) Th *Maharam* notes that other communal responsibilities, such as *tzedaka* and *hachnasat orchim*, are mandatory obligations upon each member of the community - even when the community consists of such a small number of people. The *Maharam* indicates that even a group of less than ten may obligate one another to participate in a fund to hire the requisite number of people for a *minyán*. The *Terumat HaDeshen (P'sakim U'Ktavim* no. 243), however, clarifies that this ruling only applies to the High Holidays; throughout the rest of the year, communal responsibility only begins to apply once the community consists of ten members (see *Hagahot Maimoniot Hilchot Tefilla* 11 :1).

The ten Jews who comprise the *kehilla* must be permanent residents, not transient dwellers. The definition of a resident is not precisely clarified in *halacha*. The *Shulchan Aruch* and *RM" A (Choshen Mishpat* 163:2) note several possible approaches. All agree that one who has bought a home in the city or has dwelled therein for twelve months with the intention of remaining is considered a resident. The *RM "A* adds, however, that in localities where a *minhag* has been established, the *minhag* supersedes any other *halachic* norm (see *Biur HaGra* 163:23). The implication of this *halacha* is that the prevalent norm determines the character of communal relationships regardless of pre-existing *halachic* norms - including those

elucidated by Rabbi Schneerson. It is therefore incumbent upon us to determine what is the modern norm, i.e., the *minhag hamakom*. It seems clear to this author that the implicit *minhag* in North America is one of personal freedom. In other words, a community and the residents thereof are not considered as one and the same unless some explicit social contract has been formed between some central organization (i.e. a shul, a community board, a social organization, affiliation with a certain yeshiva and/or chassidic group, etc.) and the individual resident * either tenant or owner.

An alternate form of affiliation which may require compliance with communal regulations is the authority of a *Rav*. The RM # A(*Choshen Mishpat* 156:6) notes the authority of a *Rav* to formulate regulations for his students. In addition, the *Shulchan Aruch* and RM" A(*Choshen Mishpat* 231:28) discuss the authority of a communal *Rav*. Concerning the latter *halacha*, however, there is some question as to whether the authority of a communal *Rav* stems from his position or from his erudition (see Responsa *Dvar Abraham* 1:1:2, *Tzitz Eliezer* 2:23, and 3:29 and this author's *Bigdeh Shesh* p. 295).

The question arises as to the density of Jewish population required to constitute a specific community. At the times when most of the sources which deal with *halachot* of communal responsibility were written, such a question was moot, as the small Jewish community was usually compressed into a ghetto or other such confined area. In our day and age, of course, the Jewish population may be spread out over vast areas of urban and suburban sprawl. What boundaries delineate communities under such circumstances? It seems to this author that we should follow our aforementioned line of reasoning, and study the prevailing North American *minhag*. In this and all other free countries, the voluntary affiliation of an individual with a communal grouping defines that individual's communal identity, regardless of geographical proximity or distance.

The community, freely chosen by its members, possesses the right to require all of its members to abide by its regulations. If a commitment to remain in the neighborhood is either explicit (Le. by contract or covenant) or implicit (i.e. by virtue of the *psak halacha* of a local *Rav* or a *pasuk* to whom the issue was referred) in the regulations of the community - no matter how small or spread out that community might be - then members of the community would be bound to abide by that commitment. The individual member of the communal grouping may not subsequently leave the community without the consent of *his* fellow members and/or the governing body or *Rav* of the community. In conclusion, although personal freedom prevails in the affiliation with a community, halachic standards (when and where applicable) prevail in the separation from this community.

NOTES

1. Reb Moshe was once asked as to the status of a person who has lived for sometime in Israel. Is he still considered a member of his community in the United States? The issue concerned a certain individual who returned from Israel to protest a decision taken in his community in his absence. The community claimed that in light of the fact that this individual had lived in Israel for sometime - and, especially in light of the fad that this particular individual only kept one day of Yom Tov when in Israel - he therefore is considered to have lost his right to express an opinion in communal matters. Reb Moshe responded that the factor which determines one's status in this regard is the maintenance of one's primary residence in the community, regardless of the actual time spent living therein. As an aside, Reb Moshe notes that he does not understand why such a person would only be required to keep one day of Yom Tov when in Israel - *Igrot Moshe, Choshen Mishpat* II no. 20.

2. The Lubavitcher Rebbe decried the maneuver employed by certain Jews in order to circumvent this problem. They - the sellers - would sell their homes to a Jewish real estate broker for a token sum, and it would be the broker who would turn around and sell the home to a non-Jewish buyer. The Lubavitcher Rebbe, 'wrote that this stratagem does not avoid the *halachic* problem involved.

3. It is noteworthy that this *halacha* serves as the basis of a battle royal among contemporary *poskim* concerning the right (or lack thereof) of a dentist to open a clinic in his apartment building. The original *psak* in such a scenario was given by Rabbi E. Y. Waldenberg (*Tzitz Eliezer* 10:25, chap. 30), and subsequently taken up in a different case discussed by the *Beit Din* of Ashdod in which the dentist in question wanted to open a "strictly orthodox" dink - with separate sections for men and women (*Techumin* III, pps. 255-274). The major issue discussed by all of these responsa is the applicability of this *halacha* to the case in question.

4. It is worth noting that we have explored the three forms of communal relationships in ascending order of severity: *Shutfus*, social contract, which has no basis in Torah or Rabbinic Decree; *V'Asisa HaYashar V'HaTov*, which is *d'rabanan*, and *Deracheha Darchei Noam*, which is of *d'oraysa* nature - see *Sukkah* 32b.

5. Another problem which arises in the exodus from an old neighborhood concerns the shuls left behind. The issue of the sale of an abandoned shul is a well known one. But besides the apparent problems, another less apparent problem presents itself. Rob Moshe (*grot Moshe, Orach Chaim* 2:46) discusses a case in the city of Scranton where four shuls wanted to merge into one.

Reb Moshe responded negatively, citing a *Magen Avraham* (*Orach Chaim* 154:23) who states that it is forbidden to impede a new shul from opening in a city, even

if II shul already exists in that community, because the more shuls there are, the more likely it is that people will fulfill *tefilla b'tzibbur*. Leaving a neighborhood, and causing shuls to close when there are people left behind, may constitute an *issur*.

6) The category of sick people is extended to include people who are suffering from cold weather conditions that require heating or hot weather conditions that require air conditioning.

C. To Save *Seforim*

To save *seforim*, including *mezuzos* affixed to houses, one may tell a □□□ explicitly even to do a □□□□□□□□ □□□□□.

D. Cases where a Great Loss may be Sustained

In cases where great losses [to the principal] may be sustained it is permissible to hint, even in a way that infers a command, to a □□□ even to do a □□□□□□□□ □□□□□. Example: "Anyone who puts out the fire won't lose."

E. Cases where a *Goy* may be told Outright to do a *Melacha D'Rabbanan*

9) In the following cases a □□□ may be told outright to do a □□□□□ □□□□□: Potential great loss; great need; need of a mitzvah; arrival of unanticipated guests; results of the □□□□□ □□□□□ could have been achieved by a Jew without any □□□□□ having been committed; saving objects other than *seforim* from a fire.

10) Examples: Taking a siddur to shul where there is no eruv; removing chametz on Pesach from the house; carrying a valuable □□□□□ object to a safe place.

F. Needs so that the Masses are Kept from Sinning

11) If the only way to prevent the □□□□□ from sinning is by telling a □□□ to do a □□□□□□□□ □□□□□, it is permissible to do so.

18) Examples: If a Jew directed a to do a on *Shabbos*, the prohibition of benefit is so severe, that if, for instance the turned on a light, the Jew must leave the room so as not to derive pleasure from the .If the did the without being asked, but did so for the benefit of a Jew, then the Jew must protest. If he did not protest, the Jew may derive indirect benefit from the ;i.e., carry on a conversation by the light, but not read thereby. If the did not heed the protest, and nevertheless turned on the light, the Jew may even read thereby. Similarly, if a cooked food for a Jew on *Shabbos*, that food is and no Jew may partake of it until .If the that was performed was , there is no need to wait .A healthy Jew may derive benefit from a done by a for a sick person as long as:
a. the did not do any extra for the benefit of the healthy Jew;
b. the product of the is not .

20) Even if these conditions are not met, there is no need to wait .

21) done by a for his own or another 's benefit follows the same parameters outlined in # 19-20.

22) Examples: A light turned on by a for his own use (even if it is in order to do permissible work for a Jew);Water heated in a hotel or other setting where it is clear that the has no knowledge of, or is not concerned with, individual Jewish patrons.

K. Benefit from *Melacha* done for both Jews and *Goyim*

23) If the majority of people, or even a significant minority (i.e., that the melacha may be intended for them) of the population for whom a melacha does not apply are Jewish, the melacha is considered to have been done for the Jews.

24) If the majority of people, or even a significant minority of the population for whom a melacha does not apply are Jewish (i.e., that the melacha may be intended solely for them), the melacha is considered to have been done for the Jews. In cases of a 50-50% population, the melacha is considered to have been done for the Jews.

25) Examples of Ramifications: Heat, light, and elevator use in apartment buildings (note: additional factors of melacha or melacha may be involved in elevator use); traveling by ship on *Shabbos*.

L. Indirect Benefit from the Goy's Melacha

26) Indirect benefit from the melacha of a goy is permissible.

27) Examples: Reading a letter which was inside an envelope opened by a goy on *Shabbos* (it is therefore permissible to hint to a goy in a way that does not infer a command to open a letter which it is permissible to read on *Shabbos*). Eating food which was inside a can opened by a goy on *Shabbos* (it is therefore permissible to hint to a goy in a way that does not infer a command to open a can on *Shabbos*, even if one personally refrains from doing so). Reading in a room in which prior to the goy's lighting candles it was possible to read, at least with difficulty.

M. Benefit from the Goy's Melacha D'Rabbanan

28) If there is direct benefit to a Jew from a melacha rabbanan performed by a goy for him on *Shabbos* pleasure from that benefit is prohibited for that Jew and all members of his household until Shabbos ends. Any

The Determination of Death: Halachic Considerations

In light of the recent endorsement by the Rabbinical Council of America of brain-stem death as a valid Halachic criterion of the death of a person, it is timely for us to explore the biological and halachic background of this issue.

The two main parts of the brain are the upper brain, which controls the conscious activity of the individual; and the brain stem, which transmits the upper brain's "directions" to the rest of the body and controls vital body functions, including respiration and cardiac activity. Therefore, even if a person's upper brain ceases to function (as would be indicated by a flat E.E.G.), a person would still be capable of autonomous bodily functions, which are controlled by the brain stem. Such a person is in an irreversible coma - what is commonly known as a "vegetable".

When the brain stem ceases to function, most autonomous bodily functions also cease - including respiration. If supplied with oxygen (via a respirator) and nutrients, the heart, however, may continue to beat for several days. This is because the heart, besides being regulated by the brain stem, possesses an independent natural pacemaker which regulates its activity.

All Halachic authorities agree that it is not necessary, indeed prohibited, to put a corpse on a respirator in order to simulate breathing. This is desecration of the dead, a serious violation of Torah law. On the other hand, all authorities agree that a polio victim who is dependent on an iron lung, but whose brain is fully functional, is very much alive. A doctor who "pulled the plug" on such an individual is a shofech damim. The question involved in the RCA resolution concerns an

individual whose brain stem is clinically dead, but whose heart is still beating because he is being maintained on life support systems. Is such a person considered Halachically dead or alive? The primary practical ramification of this question is organ transplantation. Most organs cannot be successfully transplanted if harvested from a donor who has undergone cardiac death, i.e. whose heart has stopped beating. Therefore, if we accept brain stem death as a legitimate Halachic criterion, we may allow harvesting of organs from such a donor. If, however, we conclude that cardiac death alone constitutes Halachic death, the possibility of harvesting organs for transplantation al pi halacha is practically nil.

It is important to clarify that this discussion only relates to whether the donor via a proxy, or his or her relatives, may authorize harvesting; and to whether a physician who is shomer mitzvos may harvest organs from such a donor. If, as is most often the case, the organ is harvested anyway from a "willing" donor by a willing physician, there may be no issur to receive the donated organ. Much ado has been made over the fact that although in a teshuva written in 1970 (Igros Moshe Yoreh De'ah 2:146) HaGaon HaRav Moshe Feinstein zt"l called heart transplants "double murders", he nonetheless later advised certain critically ill individuals to undergo this procedure, and receive a new heart. In fact this ruling only reflects that a procedure that was originally extraordinarily questionable, resulting invariably in the recipient body rejection of the new heart - thus in fact hastening that person's death - thanks to advances in the use of rejection-preventing drugs is now normally successful at prolonging the recipient's life.

The Halachic definition of death is discussed in Mesechta Yuma 85a. The Gemara there concerns persons trapped beneath a collapsed building on Shabbos. Obviously if there is a possibility that these persons are alive, one is required to be mechalel Shabbos in order to

save them. The moment, however, one ascertains that a person trapped under debris is definitely dead, one must cease desecrating the Sabbath and wait until nightfall before continuing the process of removing the body. How does one determine if the person is dead? According to Rav Pappa's summation, if one began checking the body for signs of life from the feet there is a disagreement if one checks up to the heart or continues to check up to the nostrils. If, however, one begins checking from the head down, all agree that if one checked the nostrils and found no breath, one need not go on to check the heart. The Gemara, and the classical poskim (Rambam, Hilchos Shabbos 2:19, Shulchan Aruch Orach Chayim 329:4) only mention the criterion of respiration as a criterion of death. The proponents of the brain stem death criterion argue that by virtue of its omission, the Gemara and the poskim clearly are indicating that cardiac death is not a necessary criterion of death. The Gemara's reliance on cessation of autonomous respiration as an indicative of death clearly indicates that the death of the brain death which controls that activity is a sufficient determinant of death.

The proponents of the brain stem death criterion also cite the Mishna in Ohalos 1:6 as proof of their position. The Mishna there discusses the point in time at which a corpse begins to emit tumas mes (the degree of impurity associated with death). The body of a person who has been decapitated is metameh immediately after the head has been severed from the body. The Rambam there points out that this is true even if the body is still moving, as these movements are similar to the tail of a lizard which writhes even after being severed from its body - since this movement is not controlled by the source of control in the brain, it is not regarded as indicative of any residual life (this ruling is codified by the Rambam in Hilchos Tumas Mes 1:15). The proponents of brain stem death as the definition of death regard brain stem death as "physiological decapitation", i.e. the brain has been severed de facto by virtue of its clinical death from the body. Any

remaining heartbeat must therefore be regarded as equivalent to the movements of the headless torso of the decapitated body, and thus not indicative of any residual life.

The proponents of cardiac death as the determinant of death obviously reject these two proofs. To begin with, they differ in the interpretation of Rashi in Yuma. Rashi there explains that the situation in which we found the person in question which requires us to check his breath is: *im domeh l'mes, she'eno meziz aivarav*. The brain stem death school holds that this phrase refers to a lack of external movement, i.e. brain and brain stem controlled movement. The cardiac death school of thought holds that this phrase refers also to lack of internal movement, i.e. lack of heartbeat. They sustain this position further by citing the Teshuvos Chasam Sofer Yoreh De'ah 338 who defines death as: *kol she'achar she'mutal k'even domem v'ain bo shum defika v'im achar kach batel haneshima, ain lanu ela divrei Toraseinu hakedosha shehu mes*. The Chasam Sofer clearly introduces the element of *defika* - pulse - into the equation of death. He defines death as the presence of three criteria: 1) lack of movement; 2) lack of pulse; 3) lack of respiration. It would seem that the absence of any one of these three indicators would prevent us from pronouncing such a person definitely dead. HaGaon HaRav Shaul Yisraeli shlita, who wrote the Halachic basis for the pesak of the Chief Rabbinate of Israel (Assia, 11:2-3) offers a different interpretation of this passage in the Chasam Sofer, that the true criterion of death is the absence of spontaneous respiration; therefore, even if there is no movement nor pulse, one must still ascertain the absence of respiration before pronouncing death. We shall leave this dispute unresolved, as there is no consensus on it among the poskim (see the ruling of HaGaon HaRav Shmuel HaLevi Vosner shlita *ibid.*, and Teshuvos Tzitz Eliezer 9:46 and 10:254). One must bear in mind that in a case of doubt as to the meaning of a ruling in *hilchos shfichas damim* it is far better to err on the side

of safety and refrain from possibly hastening a death. The proponents of the cardiac death criterion also cite the Teshuvos Maharsham 6:124 who states that even if respiration has ceased, so long as some sign of life remains in any of the other organs of the body, we do not regard a person as definitely dead.

As to the proof from Mesechta Ohalos, the cardiac death school maintains that we have no right to extrapolate from the case of physical decapitation to a case of physiological decapitation. In this vein, HaGaon HaRav Shlomo Zalman Auerbach shlita (quoted in Dr. Abraham S. Abraham's Nishmas Avraham 339:2) writes that it is difficult for him to believe that it would be possible to maintain respiration in a clinically brain stem dead person if his brain was in fact completely dead. Medical technology is constantly evolving. In 1971 the authors of an essay in HaDarom (no. 32) proposed that Halachic death be determined on the basis of a flat E.E.G., i.e. upper brain death - which even the medical sector now rejects as inaccurate. It is possible that several years from now some function will be detected in what is now regarded as a clinically dead brain stem, thus invalidating the current definition of death even from a scientific perspective. Again, in matters of life and death one must be certain beyond a shadow of a doubt before acting.

The RCA resolution quote three sources as its basis. One is HaGaon HaRav Yoshe Ber Soloveitchik shlita (yirapehu Hashem). Any possibly extant teshuva from Reb Yoshe Ber is not in the public domain, and therefore not available for analysis (parenthetically, it should be noted that the publisher of the Midwest Jewish Week, Robert Gibber, related to me that HaGaon HaRav Aharon Soloveitchik shlita told him that in fact this is not his brother's position). A second is the ruling of the Chief Rabbinate of Israel, written by Rav Yisraeli, mentioned above. This ruling relies primarily on the third source, HaGaon HaRav Moshe Feinstein zt"l. In order to clarify Reb

Moshe's position it is important to examine his second teshuva on the determination of death, written in 1976 (Igros Moshe Yoreh De'ah 3:132). Reb Moshe discusses there cases of individuals who are incapable of autonomous respiration, but are on life support systems. Reb Moshe rules that persons who have reached this state as a result of a debilitating disease may not be disconnected from their respirator. If, however, the system went off on its own, one is not required under certain conditions to reactivate it. Reb Moshe then draws a distinction between this case and the case of a person who has been wounded in an automobile accident or a similar incident. In these cases, says Reb Moshe, the cessation of respiration is due to the contraction of certain nerves. Therefore it is possible that after some time on a respirator the nerves will again expand and work autonomously. Hence, even if no vital signs are readily apparent, it is possible that these people are not yet dead (as Dr. Abraham points out, in understanding Reb Moshe's pesak it does not matter if his perception of the clinical reality was correct, but rather only what his perception was - only once that is clarified may we extrapolate to other cases). Therefore, says Reb Moshe:

V'kaivan she'ata omer she'ata ika nisayon she'rofim gedolim yecholin l'barer ... laida she'nifsak hakesher sheyesh liha'moach im kol haguf ... v'gam she'kvar nirkav ha'moach ligamrai v'havai k'hutaz harosh b'koach, she'im kain yesh lanu l'hachmir b'ailu ... v'af she'aino noshem klal blo ha'michona shelo yachlitu shehu mes ad sheya'asu bedika zu, she'im yiru sheyesh keshar liha'moach im haguf af she'aino noshem yitnu hamichona b'piv af zman gadol, v'rak k'sheyiru al yidai habedika she'ain keshar liha'moach im haguf yachlitu al yidai zeh she'aino noshem limes.

[Free Translation] "And since you say that now there is a test that great doctors can thereby ascertain that the connection of the brain to the entire body has been severed, and also that the brain has rotted altogether, rendering the victim as if he was decapitated, we should therefore be

stringent in these cases and even if one cannot breathe at all without a respirator he should not be pronounced dead until this test is performed, that if they shall discern a connection between the brain and the body - even if the victim is not breathing at all - they should put him on a respirator, even for extended periods of time, and only when they see by this test that there is no connection between the brain and the body may they pronounce this victim that is not breathing dead.”

Some poskim derive from Reb Moshe's usage of the concept of physiological decapitation that Reb Moshe here condoned the acceptance of brain stem death as a sufficient criterion of death. Dr. Abraham (ibid.) points out that this is definitely not the case. Reb Moshe clearly makes use of brain death only as a *chumra*, an additional factor to be taken into account in addition to and beyond the previously accepted criteria (which he defined in the earlier teshuva explicitly as contingent on cardiac death). Furthermore, Reb Moshe understood that the tests employed in determining brain stem death actually indicate that the physical state of the brain has decayed and rotted into "mush" (which in fact the tests do not measure - the test approved by the Chief Rabbinate measures "auditory nerve-brain stem evoked response"; see Assia ibid.). Even so, Reb Moshe did not rely on this criterion *l'kula*. There is no evidence in the public domain that indicates that Reb Moshe ever issued any *psak* overturning this teshuva.

In the final analysis, although there exist *sevaros likan ulikan*, such an issue is of the gravest Halachic severity, touching as it does on the subject of *shfichus damim*. Rulings in these areas must stem from writings of the foremost *gedolei hador* which are available to *talmidei chachamim di b'chol asar v'asar* to analyze and consider *le'asukei shmatta aliba d'hilchasa*. The RCA is probably the most widely respected and accepted rabbinical organization in the world. It is out of a sense of *chibas hakodesh* that we raise these points for consideration in order to further

the clarification of this matter, u'mal'a ha'aretz de'ah es Hashem.

Jewish Medical Ethics: An Outline of Principles

Preliminary Information:

1. What is *Halacha* (Jewish Law), and how did it develop? (Sinai, the *Talmud*, early and later codifiers and decisors - *Poskim*.)
2. The hierarchy of *Halacha*: Who is qualified to be considered a *Posek* and the scale of *Poskim*. Are English books on Jewish Medical Ethics reliable?
3. Most "ethical" questions are, in the Jewish perspective, really questions of *Halacha*. There are some exceptions (such as attitudes toward genetic testing).
4. Generally, however, even the rare "ethical" question is referred to a Halachic expert, so he may bring all relevant significant Halachic values to bear.
5. The Torah only authorizes doctors to heal, not to render Halachic decisions. A doctor's role in the decision-making process is only that of a consultant.
6. Generally, patients and relatives also fall into this category. One is usually not considered a master over his or her body, and, in questionable areas, must consult a Halachic expert before reaching any decisions (*Nishmas Avraham (NA)* v5 p. 200).

Healing:

1. The Torah grants doctors permission to heal, and a doctor who does heal a patient fulfills a *mitzvah* (*Shulchan Aruch (SA) Yoreh De'ah (YD)* 336:1). Healing is defined both as curing diseases and alleviating pain (*Responsa Tzitz Eliezer* 13:87). A doctor may therefore administer

painkillers to a dying patient even if those drugs might hasten the patient's death.

2. Although the study of medicine per se is an optional *mitzvah*, all are prohibited to remain passive in the face of imminent danger to another, and possess a *mitzvah* to come to the person in trouble's assistance (*SA Choshen Mishpat (CM) 426:1*).

3. Many sources discuss whether a person must place his or her self in possible danger to save another who is in definite danger. The accepted approach is that: a) One may not place oneself in high risk situations to save others; b) One is allowed, but not required, to place oneself in moderate risk situations to save others; c) One should be strongly encouraged, but cannot be forced, to place oneself in low risk situations to save others; d) If there is no risk involved, one can be forced to undergo simple pain (as opposed to the aggravated pain of a bone marrow transplant, which would fall into category "C"), to save others (*SA Even Ha'Ezer 80:1* and *NA YD 157:4*).

4. If a true cure or rescue exists for a situation, a person can be forced to undergo that treatment or procedure even against his or her will (i.e., if a person's leg is infected with gangrene it may be amputated against his or her will) (*Responsa Maharam MiRutenberg 39*). Often, however, in patients in the advanced stages of terminal diseases such intervention does not lead to a cure, and under certain circumstances may be rejected by the patient (*NA YD 155:2, v5 p. 157*). It should be stressed that each case is subjective and must be decided individually!

5. Generally, a person who has less than a 50 percent chance of surviving a year may reject painful treatments (*NA YD 155:2*).

6. A patient may **never** be deprived basic life support. This always includes food (IV) and oxygen, and includes supplies

such as insulin for a diabetic (*NA YD 339:4*). The prevalent opinion is that a brain-stem dead patient may be removed from a respirator (*NA v5 p. 175*).

7. A "Living Will" has no intrinsic Halachic validity (*NA ibid. p. 200*). At most, it can mandate **more** aggressive treatment.

8. A patient may pursue experimental treatment. Any procedure that, if successful, **may** prolong life is permissible, even if in case of failure it will prove fatal (*NA YD 155:2*).

9. One may not involve others, such as transplant donors, in the healing process without their consent (even to small risks). A child who is old enough to understand may consent to be a donor, but it is unclear if parents can volunteer an even younger child as a donor (*NA v5 p. 199*).

10. When treatment of a certain person has already begun, it may not be stopped to treat another, despite that second individual's significance. If two patients come before a doctor with the same life threatening problem simultaneously, he or she should first treat the one most likely to survive (*NA YD 152:2*). When all other factors are equal, the *Talmud* (*SA YD 151:9*) gave a hierarchy to follow which, however, is difficult to follow in practice in our day (*NA v5 p. 112*).

11. Society is required to spend all money feasible to cure the ill (*NA CM 426:1*).

Imposing Black on White on Matters that are Gray

**Book Review on “*Gray Matter: Discourses in Contemporary Halachah*”
by Rabbi Chaim Jachter with Ezra Frazer**

Rabbi Chaim Jachter’s intriguing title for his new work on significant halachic issues remains enigmatic. He does not explain its connotation. We may, therefore, take the liberty of interpretation. *Halachah* often confronts areas that are “gray.*” Yet, by its very nature, as a legal system and code of law, *halachah* must strive to be black and white. Rabbi Jachter has selected several such “gray areas” and attempts to show how the absolute world of *halachah* deals with these often-ambiguous concerns. In the main, Rabbi Jachter has succeeded. For this accomplishment, he deserves our commendation and admiration.

Rabbi Jachter shows us how the halachic system progresses from Talmudic sources, through the *rishonim* (medieval sages) and classic *posekim* (codes and responsa), to contemporary authorities. We should note that Rabbi Jachter is a practicing *dayan* (rabbinical judge) a position that lends him unique knowledge and qualifications, and is a rare accomplishment for a member of our generation. Both Rabbis Ephraim Greenblatt of Memphis, Tennessee, and Mordechai Willig of Riverdale, New York, recognize and laud Rabbi Jachter’s acumen in their *haskamot* (approbations) to *Gray Matter*. Readers will undoubtedly come away with a new appreciation for a broad range of halachic issues. These span a gamut from “The Power of Prenuptial Agreements” with an analysis of the halachic problems facing contemporary *posekim* intent on designing agreements that work to “Conditional Marriage” with an overview of the nineteenth-century attempts to introduce conditions into the *Kiddushin* process to other issues

related to marriage, divorce and personal status (*Even HaEzer*). The *sefer* also covers monetary matters, including essays on economic competition and copyright law (*Choshen Mishpat*) and daily religious obligations, including extensive discussions of the laws of *erubin* and *kitniyot*, the permissibility of eating legumes on Pesach (*Orach Chaim*). There is also a special section on *halachot* pertaining to the Land of Israel.

We should note that, in common with many writers who are *talmidim muvhakim* (major disciples) of a specific sage or school of thought, Rabbi Jachter tends to cite and favor opinions rendered by authorities associated with Yeshivat Har Etzion (Gush Etzion) and Yeshivat Rabbeinu Yitzchak Elchanan (Yeshiva University), his alma maters. Readers who readily identify with these schools will be particularly pleased to see the array of their mentors' halachic perspectives presented in *Gray Matter*.

However, Rabbi Jachter has not chosen to include an introductory essay explaining his methodology. The halachic decision-making process has evolved over the last half-century. In the past, *pesak halachah* (halachic decisions) were rendered mostly in correspondence, leaving not just accurate records of the *pesak*, but, more importantly, records of the processes by which the *posek* (legal interpreter) reached his conclusions. Widespread use of telephones even for long distance and transoceanic communication and the affordability of personal travel enabling one to meet a *posek* in person, have wrought a significant change. We are witnesses to a major trend in the halachic world towards verbal information and anecdotal evidence. This is particularly true concerning authorities such as Rabbi Yosef Dov Halevi Soloveitchik, *zt"l*, (who is often cited in *Gray Matter*). Rabbi Soloveitchik was famously averse to issuing written decisions. Diverse versions of his statements transmitted by various *talmidim* compound the problems arising from the dearth of written material. Some analysis of the nature and quality of the

oral transmission process is, therefore, essential. Perhaps at some future date Rabbi Jachter will explain how he deals with the complexities inherent in the realm of oral opinions.

To be sure, aficionados of the halachic world have their own ideas and notions as to the hierarchy of authority within that milieu. Some of those perceptions are near universal; some are not. In publishing *Gray Matter*, a work that introduces its readers to many contemporary *posekim* and their differing opinions, Rabbi Jachter bears the responsibility to divulge some idea of the hierarchy of authority within the halachic world. To leave that ranking to those “in the know” avoids controversy. But this book, we must assume, is intended to educate not only the “insiders” but also the laity.

Were Rabbi Jachter to have discussed *every* issue from source to ruling on its own merits (i.e., which positions are solidly sustained by Talmudic and other primary sources and which are not), then the omission of some hierarchy of authority would be more excusable. This, however, is not always the case. Rabbi Jachter often informs us of the perspectives of various authorities and then leaves us “on our own.” Not knowing their stature, “outsiders” are left to guess if an opinion is authoritative or not. Is there no way to lessen this “grayness?”

Rabbi Jachter, himself obviously an erudite scholar, refers to most authorities he quotes with the honorific “*rav*” but ordinarily makes no distinctions or gradations in *Gray Matter*. The most blatant exceptions to this rule are Rabbi Jachter’s references to Rabbis Emanuel Rackman and Moses Morgenstern in his discussion of the procedures which the pair employs to annul marriages. Rabbi Jachter accords these individuals only the honorific of “rabbi” in contradistinction to their antagonists (viz., *Rav* J. David Bleich and *Rav* Ovadia Yosef see, for example, p. 58). The implication is obvious: The pair of rabbis is not “in the same league” (my colloquialism) as the “*rabbonim*.”

The omission of a hierarchy mars the generally masterful *Gray Matter*. A case in point is Rabbi Jachter's discussion (p. 189) of a leniency concerning "zigzags" of up to 22.5 degrees in the overhead wire of an *eruv*. In my opinion, *eruvim* that contain such "zigzags" are invalid. Rabbi Jachter presents a significant *kullah* based on an oral transmission of one of Rabbi Soloveitchik's students and the brief citation of a contemporary *posek*. The "opposition" is represented by "hearsay" concerning the practice of a living *posek* (could Rabbi Jachter not simply have phoned him up and confirmed this position?). While this is not the place to discuss this issue in depth, I believe the preponderance of halachic opinion, including that of the Chazon Ish, *zt"l*, (whose opinion, Rabbi Jachter tells us on p. 172, bears unique weight in the area of *eruvim*), is against this leniency. Rabbi Jachter surely realizes that *Gray Matter* may come to serve as a resource for many *rabbanim* in their quest for halachic benchmarks. I don't see how Rabbi Jachter can present this leniency and neither discuss the matter in light of the sources nor discuss the merits of the sources and the oral opinions. It would have been judicious to present the full background of the sources and discuss the authority of oral vs. written sources of *pesak halachah*, as well as the relative weight accorded to different *posekim*.

A minor quibble with the author is his treatment of certain issues that are not readily susceptible to the black and white of *halachah*, such as *mussar* (ethics or morals) and *machashavah* (Jewish thought and philosophy). When dealing with far-reaching ideological matters, Rabbi Jachter should have surveyed the writings and statements of many more great thinkers, and compiled many more sources. This applies, for example, to his discussions on "Should Yeshivah students Serve in the Israeli Army?" and "The Torah's View of Gambling." Thus, these discussions are simply not comparable to the wonderful presentation of, say, "Milking Cows on *Shabbat*." While Rabbi Jachter is

entitled to include whatever issues he so pleases in a book that he writes, it seems that in the “gray” area of *hashkafah*, we might expect a broader exploration of the various topics.

Despite these critiques, Rabbi Jachter’s contribution to the field of contemporary halachic discourse is very edifying and easy to read as well. Readers interested in educating themselves in diverse areas, including some of the most pertinent halachic issues of our day, will find *Gray Matter* an engaging, informative and scholarly work.

*I realize that the reference might be to the brain as “gray matter” but the lack of clarification allows for inference.

Halachah

Ta'amei HaMitzvos: Shatnez

We are accustomed to thinking of the mitzvos in the three categories enumerated by the Ben HaChochom in the Hagada: Eydos - mitzvos like the Yomim Tovim that commemorate critical events in Jewish History; Chukkim - mitzvos like Para Aduma which we have been told have no simple rationale; and Mishpatim - mitzvos like the prohibitions on theft and murder that do have readily understandable rationales. Yahadus possesses few "mysteries." Christianity, l'havdil, is founded on the ideas of miracle and mystery. One of the fathers of the Christian Church, Tertullian, made the famous statement: "I believe because it is absurd." He meant to say that certain visions and wonders - seen and performed by the founders of the Church and by saints throughout the ages - were so miraculous that they must have been divine. The "sacraments" of the Christian Church - which supplanted Yahadus' mitzvos - are rooted in the mysterious doctrine of Transubstantiation. Christianity teaches that in partaking in the wine and wafer of Communion one partakes of the body and blood of /Jesus/Oso Ha'Ish/ - and is then automatically "saved" - cleansed of sin and "worthy" of eternal bliss. We, on the other hand, strongly believe that miracles do not prove anything at all. The Torah in Parashas Shoftim warns us that there will be false prophets who will perform miraculous deeds. We are explicitly told that these deeds should not be construed as validation of their claims. No deed performed by any man - even a great and true prophet - serves as the basis of our religion. Our religion stands firmly on the basis of the universal revelation of HaKadosh Baruch Hu (kivyachol) Himself at Sinai.

We also have no "sacraments." In Yahadus, you don't get "something for nothing." Sometimes people mistake mitzvos like Mikveh and Para Aduma that afford a person tahara after tum'a for sacraments. These procedures seem

to grant one a higher status without any personal effort. In fact, a person who is tahor is no holier than one who is tameh. The continuum from tum'a to tahara does not gauge Kedusha. Personal Kedusha is only achieved through toil and effort, through unceasing efforts and hard work. Our ultimate worth is measured by solely by the extent to which we attempted to maximize our unique potentials.

Mitzvos are the primary tools by which we perfect ourselves. The Ramban on the mitzvah of Shiluach HaKen cites a Medrash to this effect: "Does it really matter to Hashem whether one slaughters an animal from the front of the neck or the back of the neck? We must conclude that mitzvos were given to refine Mankind." The Rambam and Ramban apply this principle to Shiluach HaKen as well.

It is not so hard to understand how Eydos and Mishpatim uplift and refine an individual. Spiritually, Eydos transport us to back to the uplifting periods that they commemorate. Mishpatim clearly build the character and perfect the middos of individuals and societies. But what about Chukkim? How do they impact upon us in a positive way? How do they uplift and refine us? How do they differ, as they must, from, l'havdil, Christian sacraments?

Some might respond that ours is but to do, not to be so presumptuous as to seek to understand. In response, let us note an extraordinary statement made by the Maharal in the Gur Aryeh at the beginning of Parashas Bechukosai. The Torah there promises great things "Im bechukosai teilechu" - "If we walk in [the ways] of Hashem's Chukkim." The Maharal states that even when it comes to Chukkim, which are difficult to understand, we are required to "walk" back and forth, to tread as good a path as we can, and attempt to understand these mitzvos to the best of our capabilities.

A Book by A. Chill Summaries for mitzvos - Shatnez included associations with Cain and Abel:
Rabbi Menachem Recanti:

Linen which is derived from plant represents the fruit of the ground which was offered up by Cain, while wool which is derived from sheep represents the firstlings of the flock which Abel brought as his offering. G-d's acceptance of Abel's gift and His rejection of Cain's offering lead to the first fratricide in the history of mankind. It seems as if linen and wool represent two irreconcilable elements. Shatnez is forbidden because of their offerings, since their personalities do not mix then the materials which they used wool and linen do not mix either and therefore cannot be worn together. This seems simplistic.

Da'as Zekainim Me'Ba'alei HaTosafos says the following:

because the curtain from the temple was made from wool and linen and it was forbidden to duplicate things from the temple for non-sacred use. One should always have a certain separation from objects that were used in the Bais HaMikdash and should not have an easy, lax attitude for them, rather maintain a certain amount of awe for such objects.

Rambam and Sforno:

Such garments of wool and linen mixed together were worn by pagan priests during their ritual functions. Rambam writes that he found a book of old pagan priests with many practices which explains many mitzvos. The Rambam explains that most of the mitzvos in the Torah were given in order to distance the Jewish people from the Avodah Zarah which was prevalent in their day and age in which the Torah was given. So many of the mitzvos that we do not understand today such as tattoos and pulling out hair are based on practices that the Pagans did in that time. We are supposed to keep away from such practices in

order that we do not fall prey to the same type of idolatry that they did. The Sforno says that it was customary in prebiblical days for Jews to work and mate two different species and to wear garments of Shatnez. When the Jews received the Torah G-d wished to elevate them above their nomadic way of life by prohibiting these old customs which savored of Paganism and were redolent of idolatry. This is a similar idea to the Rambam's (a form of separation).

Michtav Me'Eliyahu:

Discusses the issue of the Recanti (Cain and Abel). We have two middos in Torah which are very basic to the human condition. Everything in life is a conglomerate of various different nuances of these two middos; gevurah and Chesed. Rav Hutner explains that gvurah is contractive and chesed is expansive. Someone with gvurah holds back whereas someone with chesed spreads forth and expands. strength is a good midah the is related to gvurah. strength means to bring all of oneself to bear, you concentrate your power and focus and do what you are doing. Also someone who restrains his azure hora. As for chesed, love and kindness mean to expand towards other people and include them and make oneself larger rather than more focused. The flip sides of gvurah and chesed which are negative traits are kinah and tiavah. Kinah is jealousy, strife. This is caused by not feeling that you are one with another individual, for example, competition. Cheseds opposite is taivah. It says that one should not have relations with one's sister for this is going beyond the boundaries which should not be crossed. This is tiavah or lust. Chesed and gvurah are good whereas kinah and tiavah are the same traits used in the negative sense. Chesed and gvurah culminate in Tiferes and kinah and tiavah culminate in the ultimate degree of evil which is kavod. Kavod is congruent with the term gaivah which is a person who is haughty and we cannot be in the world with such a person. Sometimes the Schiena actually leaves because of a person who is a baal gaivah. A baal gaivah is saying I am important and

significant. I am not subjugating myself to G-d's will. Avraham represents the ultimate in chesed always wanting to spread the word of G-d, show mercy etc. Yitzchok was a man of gvurah. He was always working on personal growth and restraint etc. Since Avraham was involved so much in chesed and little restraint the negative that came from this was Yishmael, the progenitor of the Arabs who are known for being lustful. Chazal say ten measures of lust that came down to the world, nine were taken by the Arabs. Because of Yitchoks extreme Gvurah came Asav who was able to murder which is caused by jealousy and strife. Yaacov represented tiferes. He did not have any children who went away from the proper derech for he was able to combine the two midos and use both triats. He was called bichera avos, the elite of the avos and therefore none of his children went off the derech. As for another personality was Yehudah from which came David. This represents the attribute of chessed. Each was a chossid, someone possessed with the midah of chessed. Therefore was the leader of the Shvatim. Yosef represented gvurah. Yosef Hatzaddik was called this because a tzaddik is one who is constantly involved in an eternal battle with the yetzer hora. A chosid has gotten rid of his yetzer hora and is now going on. Gemora in Macos said in Gilad and Schem there were any murderers. It the descendants of Yosef, Menashe and Ephriam that lived there. The trait of their father of restraint can lead to this if not checked with chesed. Cain and Hevel were similar. Hevel represents the trait of wool which is expansion. Cain represents the trait of linen which is strife, jealousy and gvurah. If a persons midah is so strong and not checked with the opposite midah there will be negative results. The culminations of these things were Yosef, Shas, and for wool and linen in tzitzis and for the bigdah kahoona. For the bigdeh kahoona there was the belt of the regular kohain and the other begadim for the kohain gadol were made of shatnez. Someone who has pleasant midos is a baal taivah. Why?? someone who is easy going without the check and balance of restraint will also be pleasant and easy going with his yetzer hora.

Chesed should be pure with kidusha rather than for other intentions. That is the gvurah of chessed. We can find that the trait of Cain was that he had the gvurah in and of itself without being sweet and that I why his korbon was not accepted. He was trying to cover up his short comings but he gave from the worst of his crop. Hevel brought his korbon out of chessed. Cain was just trying to appease G-d whereas Hevel was seeking to become closer to G-d. He wanted to be a spiritual person. But he did not try to make himself a better person. This is chessed btumah. Hashem accepted it anyway. But because Cain had gaivah Hashem said I and he cannot live in the same world. Jews are more likely to have he yetzer hora for gaivah and goyim have the yetzer hora for kinah. Chessed is expected more among Jew and murder more among goyim. Lust is necessary for the quest for the spiritual. Sometimes it is used for the wrong purpose. R Tzadok says: That which the Rambam says about the logic of certain mitzvos being revealed to him in the ancient books of Avodah Zara are to oppose avodah zarah is true. But that which he made a cause is really an effect. It is not that the mitzvos came to eradicate avodah zarah. It is the mitzvos which come first and the avodah zarah the result. The mitzvos teach us how a person is supposed to behave. They were not originally given because people should have been able to use their intellect to do what HaShem wanted. It says by the avos that they had the right type of seichel. They were rational in the way that HaShem wanted to be rational. Therefore they did not need the Torah. Later generations lost this power of intellect. They now make us holier and we won't worship avodah zarah. mitzvos bring down the quality that they represent. Same with shatnez. Cain has to do with the letter koof and hevel with the letter hay. The machloches of cain and hevel is similar to the machlokes of Yosef and Yehuda. Cain and Yosef represent gvurah and Hevel and Yehudah represent chessed. The bracha for when moshiach comes is that there will be no more strife between Ephraim and Yehudah. Cain and Hevel's kinah was similar. Yosef and Yehudah correspond to these two letters as well and therefore we have

bigdeh cahoona and tzitis which is to bring these two midos together and use them for kedusha. Megilla: Mordechai wore wool and linen. How could this be? - a kohen can, but why him, he was not a kohen and it was a belt. This was a symbol. Must have been two separate belts. But not by kohanim. The belt of the kohain use to atone for improper thoughts because both yetzer horas rest in the heart. The yetzer hora is emotional and by wrapping the belt around the heart these two traits connect. They do not connect in the bad sense on kinah and taivah which equal kavid rather they connect in the good sense which equal chessed and gvurah. This is the connection of wool and linen. Cain brought flack seeds which is the worst this to bring because baad means pishton because it comes from laavad, by itself and it always grows in separate stalks. Wool grows in clumps and is all mixed together. Chazal say a sword should fall on those who learn by themselves. The kiddusha of Israel thrives when we work together. Pishton represents gvurah-restraint and separateness. On Yom Kippur the Kohain Gadol wore linen clothes because then the sins are atoned for and we see how the yetzer hora can be used for good. That is how we serve Hashem.....The belt which corresponds to the heart was also made of linen because we anyway know in the heart that there is going to be a yetzer horah. It is full of tumah and there we fight the fire with fire. We put on the advent in order to atone. The midah of pishton is to be alone and grow in separate stalks. Sheep also are in herds, they are not individualistic animals and the tzemer itself is always tangled together. The leader on Am Yisroel has to bring cohesion. He can not be a linen type person rather he must be a wool type person. Sheep (an interesting midrash): powerful are those who follow the word of G-d. These are Am Yisroel. Yishaiya said something that was not so nice "I am a person that has tamai lips, and I am living among a nation which has tamai lips." This is loshon hora on Am Yisroel so Hashem sent a Malach to put coal on his lips to punish him. It says in the Navi that the malach held the coals in tongs but Yishaiya did not feel anything. We learn from here that tzaddikim

are on a greater level than a malach. All of this is symbolic because it is all happening in a prophetic vision. There is a message here. Tzaddikim are greater than malachim. When the people complain in Baaloscha, it says a fire came down and started smiting the people who complained. Moshe stood there and he dropped bundles of wool in that fire and it subsided in the ground. Why bundles of wool. Rav Tzadok continues: he rectified the matter, he sunk into this fire symbolically all of the powers of fire of Torah and chochma. Normally Torah is something which is spiritual, it goes up to the heavens, he brought the Torah down and sunk it, embedded it in all aspects of the activities of a Jew, he made each Jew be immersed and enwrapped in the mitzvos of the Torah. This was by the bundles of wool because if you try to light a flame on wool it will not light it doesn't burn. Linen burns well. That is why the nefashos of the chachomim are likened to wool. The fire of gehenum then cannot take a hold of them. Moshe had all the chochma involved, he was the way that all of the chochma came down to Am Yisroel. Here he acted like the funnel for wisdom from Hashem to Am Yisroel. This was to save them. What he was doing was actually twofold. By his physical act which had a corresponding spiritual impact on people. This was the chesed that HaShem did by giving us the mitzvos. The bundles of wool were symbolically evoking the chochma of the chachomim which protects them from the fires of gehennem. This was in order to demonstrate that Am Yisroel has merits. This acted as a funnel in order that they should not stumble in this in the future.

Ta'amei HaMitzvos: Mechitza

To address this issue from a proper perspective, we must review the central ideas of each of the six classes that we have held in the course of this lecture series:

Medical Ethics:

Halacha is the basis of a Jewish approach to significant issues. G-d gave us the Torah and its principles at Sinai to guide us in our attempts to navigate the pathways of this world.

Moshiach:

It is essential that we seek to follow the proper paths, as the world must be perfected to the point where we merit redemption (*Tikkun Olam*).

Kashruth:

In its attempt to refine humanity, *Halacha* concerns itself with the minutiae of human experience. Details are of critical importance.

Resurrection:

These minutiae impact very significantly and very precisely on the human soul. They affect a person's spiritual essence for all eternity.

Torah to non-Jews:

Jews are "hard-wired" with a spiritual affinity to Torah, its study and its fulfillment. Their modalities, therefore, are not comparable to those of other peoples and religions.

Sanctity (*Kedusha*):

A Jew should aspire to designate him or her self to the purpose of emulating G-d, to be a Giver, and to single mindedly focus on that which advances the Jewish nation in its attempts to fulfill its manifest destiny.

One reason we are so strict in matters of separation:

"The first law given to Adam was a prohibition. The negative precepts are at the core of Judaism, because they require a greater effort and demand a more sacrificial spirit than the positive commandments. William James saw happiness as the goal of religion. Judaism sees greatness as the goal. Not the greatness of business or political or military success, but the greatness of heroism of the spirit. The acid test for moral heroism or cowardice is compliance with the negative precepts, since they compel man to engage in heroic restraint. This is especially true of sexual morality where enormous self control is necessary to control the almost overpowering sexual drive, and where the halacha is almost ruthlessly strict. Judaism is not concerned with what is not heroic." (Rabbi J. B. Soloveitchik *zt"l*)

Other reasons are more directly connected to the nature of Prayer:

"The world holds that they pray before G-d, but it is not that way. Prayer is actually the essence of divinity." (Rabbi Pinchas of Koritz *zt"l*)

"And prayer in a community (*tefilla b'tzibbur*), is when the community prays as well, but they are not minding him and he is not minding them, and though others are present, one must imagine himself alone, as if no others surround him." (Rabbi Tzadok of Lublin *zt"l*)

"Prayer must be extended like a thread. The slightest interruption, and the thread breaks and rips."(Rabbi Shneur Zalman of Liadi *zt"l*)

(The Halacha of *Mechitza* is derived from a passage in the tractate of *Sukkah*, 51b-52a: (Our Rabbis have taught: Originally the women used to sit within [the Court of Women] {in the Holy Temple} while the men were without, but as this caused levity, it was instituted that the women should sit without and the men within. As this, however, still led to levity, it was instituted that the women should sit above (Soncino: On the gallery) and the men below. (But how could they do so (Soncino: Alter the original structure of the Temple)? Is it not written, *All this [do I give thee] in writing as the Lord hath made me wise by His hand upon me* (Soncino: I Chron. XXVIII, 19, referring to the construction of the First Temple)? - Rav answered, the y found a Scriptural verse and expounded it: *And the land shall mourn, every family apart; the family of the House of David apart, and their wives apart* (Zech. XII, 12). Is it not, they said, an *a fortiori* argument? If in the future (Soncino: The time alluded to in the text cited) when they will be engaged in mourning and the Evil Inclination will have no power over them (Soncino: So that levity is least to be expected), the Torah (Soncino: Sc. Scripture, in the statement *and their wives apart*) nevertheless says, men separately and women separately, how much more so now (Soncino: At the festivities of the Water Drawing) when they are engaged in rejoicing and the Evil Inclination has sway over them (Soncino: And undue levity is most likely).)

History and Biography

In the Footsteps of Rabbi Avraham Eliyahu Kaplan *zt"l*

...It is therefore imperative to commemorate him and his lofty thoughts even after epochs.

(Rav Kook's remarks ten years after Rabbi Avraham Eliyahu Kaplan's death)

Over seventy years have passed since Rabbi Avraham Eliyahu Kaplan *zt"l*'s untimely death at the age of 34. He filled his major position as Rosh Yeshiva of the Hildesheimer Seminary in Berlin a mere four years. Yet men who were much older than him praised him in extraordinary terms. Rabbi Isser Zalman Meltzer *zt"l* wrote (*B'Tkvos HaYir'ah*, second edition, Mossad HaRav Kook, 1988, p. 273): "We were accustomed to see elderly *tzaddikim*, or at least middle aged ones. A young *gaon* and *tzaddik* is difficult to create, difficult to find... A great tree with many roots, yet at the same time a brilliant, eye catching flower. Old age and youth were at once at work within him with amazing strength." Ten years after his passing, at an *Azkara* in Yerushalayim, Rav Kook *zt"l* said (*ibid.*, p. 272): "The greatness of the thoughts and of the project of the deceased should be remembered for generations. Attainments in talent, emotion, refinement of character, order, philosophical perspective, but above all, a deep fear of Heaven and a drive to influence the entire depth of life were gathered and fused in this great man." Who was this remarkable man?

I. His Life

Rabbi Avraham Elya Kaplan was named for his father, who had passed away suddenly at the age of 33 several months before his son's birth. The elder Rabbi Avraham Elya was a renowned *illui* (child prodigy), and a close friend of the *Chofetz Chayim zt"l* (*ibid.*, p. 269). Rabbi

Joseph Baer Soloveitchik *zt"l* related (*ibid.*, p. 285) that his grandfather, Rabbi Chaim Soloveitchik *zt"l*, had once said about the elder Reb Avraham Elya: "I do not believe in *illuim* whose reputations precede them - with one exception - the *Illui* from Rackov, who mastered the entire Torah."

The younger Rabbi Avraham Elya was born and spent his early years in his maternal grandfather's house in the town of Kaidan, a suburb of Kovno, in Lithuania. An entry in Reb Avraham Elya's diary from 1902 (when he was twelve years old) portends the depth of thought he was to attain:

When the spirit is exhausted - when memory revives the shadows of the past and their chill penetrates the heart - when reflection, like an autumn sun, illuminates the confusion of the present, but scatters its rays angrily upon one place, lacking the strength to rise up and advance - during such depressing moments of spiritual exhaustion, I am wont to picture before me, in my imagination, the exalted image of man...

...Wandering in the desert waste, alone on a globe that hurtles through infinite expanses, alone, tortured unceasingly by the question that afflicts his soul: "For what purpose does he live? - alone he strives with courage - forward! And upward! In the path of victory over the secrets of Heaven and Earth - forward and upward...(ibid., p. 153).

At about this time, Reb Avraham Elya's mother remarried a man from Telshe (Reb Avraham Elya was very close to his stepfather, and called him "The Father" - *ibid.*, p. 8). Reb Avraham Elya studied then for several years in the renowned Yeshiva of Telshe.

History and Biography

At the age of 16, Reb Avraham Elya was drawn to the spirit of the *Mussar* movement¹, and went to learn in the "Talmud Torah" in Kelm, the yeshiva founded by Rabbi Simcha Zisel Ziv *zt"l*. Reb Avraham Elya left Kelm, however, shortly after his arrival. He then went to the famed yeshiva in Slabodka headed by Rabbi Nosson Tzvi Finkel *zt"l*, the *Alter* of Slabodka *zt"l*², and Rabbi Moshe Mordechai Epstein *zt"l*, the *Levush Mordechai*. Reb Avraham Elya studied in Slabodka for seven years, until the outbreak of World War I left him stranded in his mother's home in Telshe.

In Slabodka Reb Avraham Elya found the *derech* that he had sought. On his twenty first birthday four years later, Reb Avraham Elya wrote in retrospect about his arrival in Slabodka: "Here the wheel turns! Here begins a new life! One evening, when I returned from the home of the *Mashgiach* [The *Alter*], after hearing mighty words of

¹It is significant that Reb Avraham Elya's famous poem, *Shak'a Chama*, was written at this time. The poem expresses a sense of depression and searching, which may be the voice of a young man in a state of rootlessness. It begins: "The sun has set... my soul has set / In the depth of its sorrow as great as the sea..." (ibid., p. 171). A personal note: My first exposure to Reb Avraham Elya was as freshman in high school in Yerushalayim. Our *Rebbe* took us on a class outing to *Har Herzl*, told us about Reb Avraham Elya and taught us the words and tune to *Shak'a Chama*.

²The *Alter* was one of the great pedagogues of the *Mussar* movement. His major emphasis was the unique potential for greatness that each individual possesses, and the necessity to spend one's lifetime developing that potential. Some of the *Alter's* great *talmidim* known for their accomplishments building Torah in America were Rabbi Aharon Kotler *zt"l*, Rabbi Yaakov Kamenetsky *zt"l*, Rabbi Yaakov Ruderman *zt"l*, and Rabbi Yitzchak Hutner *zt"l*. See Rabbi Dov Katz, *Tenu'as HaMussar*, vol. 3 (Tel Aviv, 1967); and Rabbi Hillel Goldberg, *The Fire Within: The Living Heritage of the Mussar Movement* (New York, 1978), Chapter 8.

reproof which penetrated deep into my heart, I burnt all my poems and writings...³"

A note written shortly after Reb Avraham Elya's arrival in Slabodka contains the first glimmerings of the focal point of his later thought:

The sharpest sword placed upon our necks and not allowing us to stretch them out and proudly confront life, the heaviest steel rings, weighing down upon our fingers, and preventing us from clenching them to form a powerful fist to raise up against "arrogant" Europe that does battle with us - are those great reflections concerning the vanity of this world which *Mussar* has bequeathed to us, without teaching us when to make use of these reflections and when to turn to the other side...⁴ When we meet with the slightest disturbance in life, with one this-worldly obstacle, we immediately dismiss it as worthless, but, in the same breath, we flee from it, without reflecting at all: How should we respond to it? What claim does it make upon us? And should we concede somewhat to it [this claim], or deny it altogether? ... **All of our service of the God of Israel stems only from an enfeebled form of "fear" (not the great fear of sin of [Rabbi Moshe Chaim] Luzzato...), only from a nervous anxiety lest we stumble, Heaven forbid, and act improperly...** Possessed by a blind anxiety, we grope about and stammer: "Maybe, maybe,

³ibid., p. 249. One often perceives in Reb Avraham Elya's later writings - even in *lomdus* - an underlying *Simcha* - sometimes bordering on playfulness.

⁴Reb Avraham Elya did not mean to criticize the *Mussar movement*, rather a negative trait possessed by some of its adherents.

maybe it's not so good... perhaps, perhaps, perhaps it's not so proper..." And with this [attitude] we consider ourselves to be *yir'ei shamayim*. Woe to this shame and disgrace! Where is that vigorous health of the Torah intellect? ...

It is on account of this that our power of practical intelligence has been enfeebled, that we have become faultfinders who arouse loathing; and, therefore, we can not discuss matters with anyone, presenting our thoughts clearly in a concise and direct form... We are capable only of mouthing the phrase: "You are far from the Torah, sunk in the mire of life, therefore you do not understand us!..." What does the Torah, however, demand? "Respond to those who have deeply strayed..."

Woe, nation of rabbits, how long shall you be rabbits! (ibid., p. 154).

Reb Avraham Elya's years in Slabodka were filled with growth - and contemplation. In his notes he openly and objectively explores the ideas and ideals of modern Europe on the one hand, and Zionism on the other. He discusses such diverse writers as Bialik and Tolstoy - accepting some concepts, rejecting others. He frequently examined his own *Avodas Hashem*, as he constantly considered and reconsidered his purpose and destiny in life. Although his penetrating self analysis clearly marks him as a *Ba'al Mussar*, he often wondered if he was indeed worthy of such a lofty label.

Reb Avraham Elya was the *Alter's* most beloved student (*Reb Yaakov: The Life and times of HaGaon Rabbi Yaakov Kamenetsky*, Mesorah Publications, 1993, p. 85). There was a close personal relationship between the two, and Reb Avraham Elya felt that the *Alter* was privy to his deepest thoughts. In one conversation in 1913 the *Alter*

referred to Reb Avraham Elya's occasional preoccupation with the prevailing *zeitgeists* and said to him:

You are amazed that all those matters that stand at the heights of the world, all those ambitions and aspirations and desires for which endless rivers of blood have been spilled for generation upon generation and in countless countries... in our four *amos*, are regarded as... shadows of no substance? I understand you, **and I am as amazed as you are, but amazement does not lead to blindness! Truth is truth, even if others disagree!** And I, in my understanding (if not [always] in my actions) do not see in any of these desires anything more than fruitless hallucinations!!

Reb Avraham Elya writes: "The last statement was expressed with such wonderful strength that it seemed to cut the air to shreds" (*B'Ikvos HaYir'ah* p. 160). Reb Avraham Elya understood: constant personal growth in *Avodas Hashem* is the supreme value in life, and it takes precedence over any other inclination, aspiration, or ambition, no matter how significant they might seem.

The Slabodka perspective that became Reb Avraham Elya's outlook is perhaps best expressed in one of the *Alter's shmuessen* that Reb Avraham Elya himself transcribed (ibid., p.221). *Chazal* (*Bereishis Rabba* 10:6-7) say that every blade of grass is controlled by a *malach* that causes it to grow. Man casually walks upon thousands of blades of grass, not thinking of the great wisdom and transcendent purpose of the thousands of *malachim* upon which he treads. How uplifted should a person, in fact, become when he realizes how many *malachim* were created to serve him! His heart should fill with both the glory of this *kedusha* and emotions of gratitude for this gift. How can one not be ashamed to enter the sanctuary of *kedusha*

that is this world with soiled shoes and dirty clothes? How is he not embarrassed to be engrossed in frivolities while at the same time making use of the *malachim* created to facilitate Man's destiny? The entire world - from its most general principles to its finest details - serves as a reminder at each step we take to be cognizant of G-d, and, *bechol derachecha da'eihu*, "In all your paths you shall know Him."

Reb Avraham Elya's growth in *Avoda* was accompanied by remarkable talent in learning. When Rabbi Aharon Kotler married Reb Isser Zalman's daughter, Reb Aharon delivered an extraordinarily profound *pilpul*. None of those present fully comprehended its contents. Up stood Reb Avraham Elya with a smile, and repeated the entire *pilpul* clearly - in rhyme⁵!

Reb Avraham Elya often contemplated leaving Slabodka - and in fact did leave from time to time, feeling that the intensity of the *Avoda* there was sometimes too overwhelming. In the final analysis, however, he writes (*ibid.*, p. 194): "One Sinai have we in our generation - Slabodka is its name! Anyone who leaves Sinai cannot hope to find another. More correctly, anyone who leaves the mountain falls into the valley..." Even when he was away from Slabodka, his heart and soul remained there.

Reb Avraham Elya spent the war years in Telshe, immersed in study. He amassed a vast knowledge of *Bavli* and *Yerushalmi* at that time. At this time he also developed a close connection to the Rosh Yeshiva and *Rav* of Telshe, Rabbi Yosef Leib Bloch *zt"l*. Although also affiliated with the *Mussar* movement, Reb Yosef Leib had a degree of

⁵*ibid.*, pp. 277, 297. Reb Avraham Elya was quite adept at this. He did the same with the *Alter's* first *shmuess* upon the Yeshiva's return to Slabodka after its exile during the first World War (*Reb Yaakov, ibid.*).

affinity for *Kabbala* and *Machashava* based on *Kabbala* - an approach that was a novelty in Lithuanian yeshivos⁶.

Towards the end of the war Reb Avraham Elya, now in his late twenties, became more involved in communal work and *Harbatzas Torah*. He was one of the founders of a Torah youth movement "*Torah v'Oz*" and a parallel educational movement for girls, "*Agudas Bnos Yisroel*"⁷. After the war's end, in 1919, the Lithuanian government granted its Jewish subjects autonomous status. Reb Avraham Elya's movement then blossomed into a national organization known as "*Tzi'irei Yisroel*"⁸. Reb Avraham Elya represented this movement in the "National Committee" that had jurisdiction over the autonomy, and co-chaired its division of education. Reb Avraham Elya was, however, ambivalent about his involvement in *tzorchei tzibbur*, and wrote of his yearning to return: "to that broad and illuminating, mighty and lofty discipline known as

⁶This more mystical approach is perhaps reflected in his 1920 poem that begins: "Did it ever happen to you / At night, midnight, / Resting silently, with your eyes / Half closed, / To forget all / Your yearnings, / And think / Of Man and World / And feel that / Your soul has nothing / Except it itself / And its G-d... (ibid., p. 182 and p. 257).

⁷My great aunt, Mrs. Leah Holzberg *shetichye* of Yerushalayim, was a student of Reb Avraham Elya's in this period, and *l'havdil bein chayim l'chayim*, my grandfather, Rabbi Dov Yehuda Schochet *zt"l*, was much influenced by Reb Avraham Elya as well. In recent conversations with my aunt it was remarkable to behold the strength of the impression left by Reb Avraham Elya some 70 years later.

⁸Reb Avraham Elya even wrote an anthem for this movement, which began: "Brothers in *Avoda* we are all, together, / Let us work, let us toil, prepare a generation, / A healthy, fresh generation, a generation of *Ovdim*, / Let our Torah be its sun of light. / A generation alive in Torah, a generation alive in Judaism, / A generation that is a free nation, free of the yoke of slavery, / A generation of sons of a holy nation, a nation that is *Oved Hashem*. / Let us be *oved*, prepare for that life!" (ibid., p. 181.). The second stanza focuses on *Eretz Yisroel* (Reb Avraham Elya ardently loved *Eretz Yisroel*, and constantly thought and wrote of moving and being active there) and *Loshon HaKodesh*. One cannot escape the impression that this anthem was meant to counter the *HaTikvah*.

lomdus..." He felt that perhaps his destiny was rather to be a Rosh Yeshiva (*ibid.*, p. 200).

The final period in Reb Avraham Elya's life began in 1920, when he both married the daughter of a distinguished family from Telshe, and became a Rosh Yeshiva at the Hildesheimer Seminary in Berlin. Reb Avraham Elya's remarkable ability to learn from any person allowed him to absorb the *derech* of Rabbi Dovid Zvi Hoffman *zt"l*, the *Melamed L'Ho'il*, Rosh HaYeshiva of the Seminary (*ibid.*, p. 276), and he became one of the primary *Poskim* for German Orthodoxy. In 1922, upon Rabbi Hoffman's death, Reb Avraham Elya succeeded him as Rosh HaYeshiva at the Seminary. As the head of the major *Makom Torah* in Germany, he became one of the great writers and leaders of that country.

Reb Avraham Elya brought hitherto unknown levels of learning to Germany. Two years after his arrival in Berlin he wrote: "When I first came here I would say to myself that a *shiur* from Telshe could not be said in Berlin. Now I say that a *shiur* from Berlin may be said in Telshe. The voice of Lithuania may be heard in the tranquil halls of Germany" (*ibid.*, p. 204). One of his major accomplishments in Germany was his influence over many students to spend years learning in the great Lithuanian yeshivos⁹.

Above all, however, Reb Avraham Elya brought *Mussar* to Western Europe. His pleasant demeanor and refined personality were the foundations, and his discourses the framework that enabled his German

⁹Heard from his son, a noted scholar and author, Rabbi Tzvi Kaplan u"rb of Yerushalayim. See the essays in *Divrei Talmud*, vol. 1 (Mossad HaRav Kook, 1958) by Rabbi Yechezkel Sarna l"jz, *Iggeres*, p. 7 (this letter originally appeared in the *Iyar-Sivan*, 1929 issue of *HaNe'eman* [Telshe], an issue devoted to Reb Avraham Elya's memory); and by Rabbi Tzvi Kaplan, "Editor's Introduction" p. 12.

students to develop and perfect their spiritual selves. His personal *Avoda* was exemplary: "One who has not heard him read the Pesach night *Hallel* in lofty ecstasy in the unique melody that he wrote yet in his youth - has not seen true Jewish life in our generation. One who has not seen him dance the Kotzker Rebbe's dance in the joy of Sukkoth - has not seen true Jewish joy in our generation. He was alive and gave life¹⁰." His talks: "ignited hearts with the lightning flashes of his ideas, heads were enwrapped in illumination, a purifying tremor enveloped all existence..." (ibid., p. 294).

Reb Avraham Elya died suddenly, on the 15th day of *Iyar* 1924. On his *matzeva* was engraved the following epitaph: "An *Ish Yehudi*, great in knowledge, and great in life, possessed of heart and pure spirit. A master of Torah, mighty in *Emuna*, powerful in understanding, and a pleasant songwriter. He loved his fellow man as himself, and was beloved by all who saw him. To his students he was like a brother, and their souls bonded to his. With the brilliance of the Heavens he illuminated East and West. The sun set at the heart of its day¹¹."

¹⁰*B'ikvos HaYir'ah*, p. 297. Even in Berlin, his diary is full of yearning for higher levels of spirituality (ibid., pp. 165-7). He regularly spent his *Yomim Nora'im* in Slabodka, in quest of *kedusha*. Rabbi Matis Greenblatt u"rb related to me that the *Alter* would arrange for Rabbi Hutner to room with Reb Avraham Elya during these visits.

¹¹My great uncle, R. Yosef Dov Holzberg u"rb of Yerushalayim, related to me that both Reb Avraham Elya and his father died when, immersed in deep concentration in a *sugya*, blood vessels burst in their heads. The following passage from the Berlin journal *Jeschurun* is quoted in translation from *Three Generations: The Influence of Samson Raphael Hirsch on Jewish Life and Thought* by Dayan Dr. I. Grunfeld zt"l (Jewish Post Publications, London, 1958, p. 77): "It is generally agreed that never had there been witnessed in Berlin a similar scene of lamentation as on the day when Avrohom Eliyahu Kaplan was laid to eternal rest (16th *Iyar* 5684-1924). The expressions of desperate grief, the continued sobbing of West European men trained in self-control cannot be explained merely by the tragic event that a young father had been torn away from his family and that a very promising career had been cut

II. His Thought

Reb Avraham Elya's role model, Rabbi Yisroel Salanter *zt"l*, is constant presence in Reb Avraham Elya's writings. Reb Yisroel represents, to Reb Avraham Elya, the paradigm of leadership and influence: "No `center' no `committee'... in all their glory, have in the eyes of the nation the significance of a great *Talmid Chochom*. Not someone who reveals himself as the emissary of a certain party to teach politics to the masses, but rather one who is perceived as a humble dweller in the tent of Torah. One who learns himself, and then teaches what he has learned" (*ibid.*, p. 101). A true leader, Reb Avraham Elya writes, follows in the footsteps of Reb Yisroel, perfecting himself, then "spilling over" to his *talmidim*. Reb Avraham Elya strove to clarify the truth for himself, and that truth then overflowed to teach others.

Many of Reb Avraham Elya's essays center on the approaches Reb Yisroel had or would have had to various issues. In an essay contrasting the *Chassidus* of the Rebbe *Maharash zt"l* of Lubavitch and Reb Yisroel's *Mussar*, Reb Avraham Elya writes:

Mussar does not disagree with *Chassidus*.
Mussar is often satisfied with the Jewish strength of *Chassidus*; its capacity not to submit to the environment; its heartfelt

short. It was far more than that; from the depths of our subconscious minds a feeling arose, breaking with all elemental force through all conventional behavior and telling us that this death was a blow which had struck down everyone of us and had put an end to a sacred conviction which we all shared; that this man was destined to bring about a revival and renewal of German Judaism." (Beginning on page 74 of *Three Generations* there is significant biographical material on Reb Avraham Elya and his successor, fellow "Slabodker" and friend, Rabbi Yechiel Yaakov Weinberg *zt"l*, the *Seridei Esh* - whose *hesped* on Reb Avraham Elya was published in *LePrakim*, Bilgorai, 1936, p. 155).

openness *bein adam l'chaveiro* that softens petty superficial European etiquette; its readiness to dedicate itself to a lofty purpose, and so easily sacrifice for that purpose normal conditions of life; its youthful fervor in *mitzvos*, which extends well into old age.

Mussar, however, also has a significant criticism of *Chassidus*: It sees *Chassidus* as too external, too theoretical and abstract. The *Chasid* deludes himself into thinking that he is getting more out of *Chassidus* than he actually is. *Chassidus* deals with profound thoughts and great deeds, but it remains outside the essence of the *Chasid*. *Chassidus* penetrates the depths of the greatest Torah problems - between both Man and G-d, and between Man and Man - but it penetrates too little the self of a person, so that he might engage in a reckoning as to where he stands in relation to his World and in relation to his obligations in his World... The average *Chasid* deludes himself into thinking that a *nigun* that he sings wells up from his heart, and that the *dveykus* that he experiences has its source in his soul, even though it is entirely possible that these are transient moods, not associated with his true essence¹².

One should not judge hastily. We cannot say even to the simplest *Chasid*, when he experiences *dveykus*, that he does not truly cleave to G-d. But that constant self-critique: "Perhaps I am deluding myself;" the query that should accompany every step in life: "Have I

¹²Reb Avraham Elya was not negating the power of *nigun* - he himself wrote *niggunim* of *dveykus* (see *B'Ikvos HaYir'ah* pp. 217-218).

not strayed in this instance from the path? "; and, finally, all that is encompassed in the thought that serves as a necessary precondition for *Shivisi Hashem l'negdi tamid* ["I have placed G-d before me always"], namely, the thought, "I have placed my "self" before me always" - all this is more prevalent in *Mussar* than in *Chassidus*...¹³

Reb Avraham Elya continued to bring examples of how Reb Yisroel's constant self criticism influenced Reb Yisroel's every step and deed. Reb Yisroel appraised every action, and checked if it had the slightest hint ("*negi'a*") of the any negative character trait or sin.

Reb Avraham Elya yearned to bring Reb Yisroel's *Mussar* to Western Europe¹⁴. One of Reb Yisroel's innovations was the *Beis HaMussar*, a place to rise above the constant din and confusion of daily life, take up a *Sefer Mussar*, criticize one's self and one's behavior, and assess one's destiny and goals. Reb Avraham Elya believed that more than any *tefilla b'tzibbur* or any lecture or essay, the power to reach one's own heart despite the great urban madness of Western Europe, was to be found in a *Beis HaMussar* - a place for individuals that seek G-d could go and fortify themselves and their like-minded friends in their quest, through contemplation and introspection (ibid., p. 121).

Reb Avraham Elya viewed *Mussar* as the scale against which all should be measured. This opinion informs, for example, his perspective on "*Chochmas*

¹³ibid., p. 22. Reb Avraham Elya noted that the founders of *Chassidus* did know and impart the need for *Mussar*-like introspection to their followers, but sufficient stress was not placed on this component, and over time it was forsaken (ibid., p. 136).

¹⁴A goal Reb Yisroel himself had set many years earlier - see ibid., p. 120.

Ha'Umos" (Non-Jewish Wisdom) and "*Chochmas Yisroel*" (Jewish Wisdom) (*Chochmas Ha'Umos ve'Chochmas Yisroel*, *ibid.*, pp. 27-31, especially p. 28).

Reb Avraham Elya begins his analysis with an exposition of four basic Halachic parameters which define the relationship between *Limudei Kodesh* and *Limudei Chol*: a) Torah study must be one's primary concern and not a peripheral matter; b) One's most regular and intensive study should focus on the acquisition of Torah wisdom¹⁵; c) One must not define Torah concepts on the basis of secular concepts¹⁶; d) One cannot say: "I have mastered Torah, now I shall concentrate on secular studies."

Reb Avraham Elya then defines and contrasts *Chochmas Ha'Umos* and *Chochmas Yisroel*. Man's quest to know everything and define all - both the mundane and the divine - is the basis of *Chochmas Ha'Umos*. In these areas, the ultimate recognition is to recognize that we cannot know and understand everything. Despite mankind's quest to reveal and grasp, the mysteries of the distant past, the ultimate future, the minutiae of the atom, the vastness of the cosmos, and the "why" of it all, these questions will never be resolved. The scientific approach is limited. Ultimately, it cannot answer the basic questions that underlie its explorations.

¹⁵Reb Avraham Elya, does, however, recognize the inevitable need to master certain preliminaries in order to understand non-Jewish disciplines. He does not, however, discuss the parameters and limitations of such pursuits.

¹⁶i.e., the two disciplines must not be mixed or combined. In his review of Asher Gulak's *Yesodei Mishpat Ha'Ivri*, *ibid.*, pp. 67-74, Reb Avraham Elya does recognize the value in acquiring: "...the accumulated historical and linguistic knowledge, and the like, necessary for the optimum clarification of the halachic sources" (p. 74). He never, however, addresses the question of how an exact and proper balance might be struck.

Chochmas Yisroel is a radically different approach. To Reb Avraham Elya, *Chochmas Yisroel* is the quest of the *Oved Hashem* to perfect himself. We say: "*Yismach lev mevakshei Hashem*" - the heart of those who quest G-d will be joyous. The popular adage states: "There is no joy equivalent to that of the resolution of questions." The quest for closeness to G-d is the *Chochmas Yisroel* that provides the answers. How? *Chazal* (*Shabbos* 31b) tell us there is only one true *Chochma* - *Yir'as Hashem*! Reb Avraham Elya notes that on the one hand: "*Reishis chochma Yir'as Hashem*" - the beginning of *Chochma* is *Yir'as Hashem*; and on the other hand: "*Tachlis chochma teshuva u'ma'asim tovim*" - the purpose of *Chochma* is *Teshuva* and good deeds. What is the middle? What is the bridge? Halacha and *mitzvos*.

Christianity maintains that science and philosophy are intellectual disciplines, whereas fearing G-d is a matter of pure will - one who wants to fear G-d fears Him! The Torah vehemently disagrees. *Yir'as Hashem* is an *Avoda*, a Wisdom which must be pursued and acquired - beginning with *Mussar*, continuing with Halacha, and successfully ending with *teshuva u'ma'asim tovim*.

The answers then come of their own accord: "So many questions are resolved - but not by resolving them! After several years one is astounded to realize that the questions no longer exist¹⁷." This is what *Chazal* meant in their interpretation of the commandment "*Acharei Hashem Elokeichem teileichu*" (*Devarim* 13, see *Sotah* 14a) - you should follow G-d your L-rd - that to achieve *dveykus* to G-d, one must emulate G-d - just as He is merciful, so you must be merciful, et cetera. The resultant refinement of character and devotion to identifying and fulfilling *ratzon Hashem* comprise the good deeds that are *tachlis Chochma*.

¹⁷ibid., p. 30. Reb Avraham Elya cites this in the name of the famous nineteenth century French scholar, Ernest Renan.

As Masters of this *Chochmas Yisroel*, we perceive the answers in our acquired *dveykus*¹⁸.

Reb Avraham Elya followed Reb Yisroel's *derech* to seek truth and growth wherever it might be found. To convey this approach Reb Avraham Elya relates that his grandfather, a renowned *Rav*, learned *Chumash* with Moses Mendelsohn's "*Biur*." The *Rav* was asked how he could learn from this questionable source. The *Rav* replied that his father had said that the primary problem with the *Biur* was its "*Mavo'os*" its Forewords¹⁹, which adopted a secular attitude toward *Nevi'im*²⁰. Reb Avraham Elya's grandfather therefore rebound his *Tanach* with the *Biur* after discarding the *Mavo*. It was then perfectly fine to make use of Mendelsohn's excellent translation (*B'Ikvos HaYir'ah*, p. 139).

Reb Avraham Elya adopted this approach in his attitude toward Zionism. Although secular Zionism's cultural doctrines made him uncomfortable with the *Mizrachi's* allegiance to the movement²¹, he nonetheless recognized Herzl's accomplishment (*ibid.*, p. 85):

¹⁸Another *pasuk* with a similar import is: "*Ta'amu u're'u kitov Hashem*" - taste and see that G-d is good.

¹⁹The Hebrew word for Foreword, *Mavo*, also means an alley. Reb Avraham Elya's grandfather called these Forewords: "*Mavo'os Afeilim*" dark alleys.

²⁰Prof. Lawrence Kaplan noted, in a personal communication, that Reb Avraham Elya was probably referring not to Mendelsohn's *Biur* on *Chumash*, but to the *Biur* on *Nach*, written in the early part of the nineteenth century by Mendelsohn's followers. The reference to the "Forewords" alludes to their secular attitudes toward books of *Nevu'ah*. Perhaps Reb Avraham Elya's grandfather used these works to study *Haftaras*.

²¹*ibid.*, p. 92. Reb Avraham Elya wrote extensively about both the *Mizrachi* and the early *Agudah*.

He [Herzl] did not teach us Torah... because he was never taught Torah... He taught us, rather, to say two words [four words in English] on occasions that until he came we had neither dared nor been able to utter: "I am a Jew [*Ivri!*]" We were always able to recite these words in the *Beis Medrash* next to our *shtenders*, we were even capable of reading and writing them... We could declare ourselves a nation in any place we wanted, except in that one place where the nations of the world were... to be found - in the international political arena.

There we were seen as wandering sheep, like one Telzer (Yehuda Leib Gordon²²) once put it: "Not a nation, not a congregation, rather a flock." Not like sheep that are petted and fed, but like those that are shorn or slaughtered. When a European ruler asked a Jew: "Who are you? " Would he respond simply: "I am a Jew" - without any qualifications or explanations? He would answer: I am a Jew - but also German, also French, also English, etc. Along came Herzl, the first from among us to reach that international political arena that serves as a world court, and responded, openly, freely, effortlessly and guilelessly: "I am a Jew." Moreover: "I was stolen from the land of the Jews [*Eretz HaIvrim*], and here I have done nothing, for they placed me in the pit" [*Bereishis* 40:15]. The Jewish nation is a nation unto itself, like all other nations, indeed, it is special, and it possesses a unique life force that sustains it...

²²The most prominent Hebrew poet of the nineteenth century and a notorious *Maskil*, Gordon was generally known by his acronym, *YaLaG*, that, in a play on words, would be pronounced by Orthodox Jews as "*yil'ag*" the Hebrew word for "scoffer."

Do you not sense the hidden workings of divine providence? I know that just as the rejuvenation of Jewish national spirit had to come, so will finally come, in the unseen future, the rejuvenation of our Torah spirit... We do not see the paths, we do not see the footsteps, but I know... that I must strive toward this. And G-d who returns to *Tziyon* [Zion] will return us also to Torah *MiTziyon*...²³

III. His Commentary on the Talmud

Rabbi Yaakov Kamenetsky once remarked that Reb Avraham Elya possessed such remarkable powers that had he lived longer, he would have restructured the entire *derech halimud* (methodology of study) in the yeshivos with his proposed new commentary on *Shas* (*Reb Yaakov*, p. 85).

Already in 1919 Reb Avraham Elya began pondering the *derech halimud* of Lithuanian yeshivos. He felt it was necessary to put more stress and expand upon the particular approach developed by the Vilna *Gaon zt"l* (*B'Ikvos HaYir'ah*, p. 21) and Rabbi Chaim Soloveitchik of Brisk. The underlying principle of this approach - the systematic application of which was to be his life's great unfinished work - was simple: a return to the *derech* of the *Rishonim*, from *pilpul* back to understanding (*ibid.*, p. 163).

In Reb Avraham Elya's opinion, the return to the *Rishonim's* approach began with the *Gaon's*, and, to a greater extent, Reb Chaim's emphasis on substance and understanding over structure and creativity. The trend

²³Besides his essays on *Hashkafa*, Reb Avraham Elya also left many "*Reshimos*" short notes on topics in *Mussar*, *Machashava*, and *Avodas Hashem*, some of which are beautiful vignettes of life lived in a Torah true and *Mussar* suffused way.

among *Acharonim* until Reb Chaim's time was to resolve questions by answering them. This could be done essentially in one of two ways. One way is the refutation of the question's premise and the presentation of an alternate premise. The other method entailed the creation of an elaborate series of additional premises ("*hakdamos*") - not necessarily alluded to in the actual *sugya* - which would limit the application of the question's premise.

Reb Chaim, on the other hand, did not answer questions. He would, rather, define the elements of a *sugya* conceptually, with such clarity and accuracy that any questions were automatically resolved (*Divrei Talmud*, vol. 1, pp. 23-24, and p. 42).

Reb Avraham Elya proposed the systematic application of this approach to all of *Shas*. In and of itself, such a work would have been a milestone in the history of Talmudic commentary. Reb Avraham Elya, however, envisioned a much farther reaching accomplishment. Reb Avraham Elya set out to combine the *lomdus* of Eastern Europe with the scholarship of Western Europe²⁴. He identified eleven areas of interpretation, explanation, and conclusion that were to be incorporated in the new commentary. Indeed, it is in his essay: "On the Compilation of a Commentary to *Talmud Bavli*, its Necessity and Approach" and the addenda to this essay²⁵, that Reb Avraham Elya's extraordinary genius and scope is most clearly manifest.

²⁴He stresses several times, however, that his spirit was far closer to the *lomdus* of the East than to the scholarship of the West. See *B'Ikvos HaYir'ah*, p. 67 and pp. 208-209.

²⁵*Divrei Talmud*, pp. 9-88. The addenda were compiled by Rabbi Tzvi Kaplan from the notes his father left, and they are attempts to apply the principles defined in the essay to specific *sugyos*. The Commentary on the beginning of *Masseches Kiddushin* is particularly impressive.

In brief, the eleven areas are: 1) Issues not completely clarified in earlier commentaries (Reb Avraham Elya brilliantly leads us through an example of such an issue: the definition of *amud hashachar*²⁶). 2) Corruptions in the texts of the *Rishonim*. 3) Explanations that are found in one *sugya*, but not in a parallel one. 4) Crystallization of underlying principles. 5) Exposure of previously unknown or little known explanations found in the *Rishonim*. 6) Comparison and contrast of Talmudic *sugyos* with parallel *sugyos* in the *Midrashei Halacha*, *Tosefta*, *Talmud Yerushalmi* and *Agada*. 7) Full and deep understanding of each *sugya* (here Reb Avraham Elya notes that the capacity to engage in this pursuit was enhanced by the tools introduced by Reb Chaim. He notes, however, the importance of reaching equal depths in the understanding of *Agada*, and notes his intention to follow in the footsteps of the *Maharal* in this regard). 8) Following each *sugya* through to its Halachic conclusions²⁷. 9) Introduction of possible textual emendations from alternate *girsa'os*. 10) Translations of obscure words (not necessarily foreign ones, as he demonstrates with an eye opening analysis of the simple word "*midda*"). 11) *Dikduk* and *keria* (for example, he notes, how many *Talmidei Chachamim* are aware that it is possible that the correct pronunciation is "*kol vachomer?*").

IV. In the Footsteps of Yir'ah

²⁶R. Pinchas Kehati *zt"l* quotes the *Divrei Talmud* in his *Mishnayos Mevu'aros* commentary on the first *mishna* in *Masseches Berachos*.

²⁷ Such a project had already been proposed, as Reb Avraham Elya notes, by Rav Kook, and the *Gemaros* in the *Halacha Berura* series and Rabbi Yitzchak Arieli *zt"l*'s *Eynayim LaMishpat* represent efforts in this areas.

Reb Avraham Elya left many moving and inspiring writings in the realm of *Machashava*²⁸. Indeed, we have here just scratched the surface of the inspiration one can draw from his essays, diaries and poems. Yet, one masterpiece stands out from among the rest, and is the work by which he is best remembered: "*B'Ikvos HaYir'ah*" - "In the Footsteps of Fear." Rabbi Yechezkel Sarna wrote about this essay: "This essay could have been written by one of the fathers of *Mussar*. I regarded him with great esteem and honor - but I would not have expected this much. In the final analysis, he was yet young. True, he had learned and toiled mightily in Torah - and especially in the realm of *Machashava* and *Mussar*, but even all his toil cannot explain the great depth and profound thought which I found in *B'Ikvos HaYir'ah*. This is not an essay, rather a unique synopsis of immersion in profound thoughts and ideas..." (*B'Ikvos HaYir'ah*, p. 284).

In a letter written to Reb Avraham Elya (*ibid.*, p. 281), Rabbi Sarna placed special emphasis on the style in which *B'Ikvos HaYir'ah* was written: "...strong and sweet, clear and deep, penetrating and captivating - robust and passionate, and that is why it makes a *Mussar* impression." The German philosopher and literary critic J. G. Herder wrote that it was worthwhile to study Hebrew for ten years just to be able to read Psalm 104 ("*Borchi Nafshi*") in the original²⁹! It is difficult, if not impossible, to convey the full inspiration of the original in translation; it is to be hoped, however, that the following translation will allow the English reader to catch a glimpse, and perhaps even more than a glimpse, of the essay's power and pathos.

²⁸His published works are: *Divrei Talmud*, 2 volumes, published by Mossad HaRav Kook in 1958 and 1970; and *B'Ikvos HaYir'ah*, also published by Mossad HaRav Kook. The first edition was printed in 1956. The current, 1988, edition, is an expanded one. Reb Avraham Elya's writings were collected, edited, and in part translated, by Rabbi Tzvi Kaplan.

²⁹cited in the Introduction to the Birnbaum *Siddur*, p. XV.

...But one who has not traversed the actual pathway of illumination [that of the prophets and the sages]he who stands opposite the rays of light, at some distance, possesses little understanding of this term [*yir'ah*]. It would be better had he never known this term, and was now learning it for the first time. But this is his problem: He knows it, but does not know it properly. He possesses a dangerous translation of the entire concept, and cannot avoid its negative ramifications.

For example, when we mention *yir'ah* to this person he can only translate it thus: Bent head, wrinkled brow, glazed eyes, hunched back, trembling left hand, right hand *clapping al cheit*, knocking thighs, failing knees, stumbling heels.

And he does not know that this translation is heretical for the one who knows what *yir'ah* is and what it means, the source from which it flows, and from whence it comes...

There are times that demand tears and eulogies... It is necessary then to stoop like rushes and take up sackcloth and ashes. Times come upon the world when our sins require these. Such, however, is not *Yir'as Hashem*, not it and not even part of it. It is not *yir'ah*'s essence, but only preparation for it...

Yir'ah is not anguish, not pain, not bitter anxiety. To what may *yir'ah* be likened? To the tremor of fear which a father feels when his beloved young son rides his shoulders as he dances with him and rejoices before him, taking care that he not fall off. Here there is joy that is incomparable, pleasure that is incomparable. And the fear tied up with them

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is pleasant too. It does not impede the freedom of dance... It passes through them like a spinal column that straightens and strengthens. And it envelops them like a modest frame that lends grace and pleasantness...

It is clear to the father that his son is riding securely upon him and will not fall back, for he constantly remembers him, not for a moment does he forget him. His son's every movement, even the smallest, he feels, and he ensures that his son will not sway from his place, nor incline sideways - his heart is, therefore, sure, and he dances and rejoices.

If a person is sure that the "bundle" of his life's meaning is safely held high by the shoulders of his awareness, he knows that this bundle will not fall backwards, he will not forget it for a moment, he will remember it constantly, with *yir'ah* he will safe keep it. If every moment he checks it - then his heart is confident, and he dances and rejoices...

When the Torah was given to Israel solemnity and joy came down bundled together. They are fused together and cannot be separated. That is the secret of "*gil be're'ada*" (joy in trembling) mentioned in *Tehillim*. Dance and judgment, song and law became partners with each other...

Indeed, this is the balance... A rod³⁰ of noble *yir'ah* passes through the rings of joy... [It is] the inner rod embedded deep in an individual's soul that connects end to end, it links complete joy in this world (eating,

³⁰An allusion to the *bari'ach hatichon*, the inner rod in the middle of the *Mishkan*'s walls that went all the way through from one side to the other.

vision [the perception] of loftiness. From here - "The maid servant at the Red Sea saw loftier visions than the Prophet Yechezkel."

From here comes the direct view, across all the dividers, to the source of existence. This is an unceasing inner gaze toward the matter that is one's responsibility [the bundle of his life's meaning] (that he must safeguard lest it fall...). The gaze is one that leads to remembrance, remembrance that leads to care, care that leads to confidence, confidence that leads to strength ("oz") - an inner, bold, uplifting, strength ("*Hashem oz li'amo yiten*") and a strength that leads to peace ("*shalom*") and wholeness, internally and externally, in thought and in deed ("*Hashem yivareich es amo ba'shalom*").

Indeed, This is the wisdom of life: "*Reishis chochma yir'as Hashem.*" A fear (□□□□) that is vision (□□□□).

("And remember") □□□□□□□□ - ("And see") □□□□□□□□
"*Shivisi Hashem l'negdi tamid...*"

Oh G-d our L-rd! Who would grant that we would for a moment forget this oppressing thought: That everything has happened before, thousands upon thousands of time. That the great ones have already spoken, and that the small ones have already closed their ears. That all was without benefit, without blessing... that nothing can fix distorted hearts, that there is no escape from twisted concepts. Who would grant that we would for a moment forget this!...

In forgetting this smallness we would suddenly remember greatness. In destroying this despair we would suddenly renew souls. Evil would dissipate. stupidity would dissipate. Surely a bridge would be built

between man and his brother, a ladder would rise between Earth and Heaven.

A moment... Yes, that is what I said: "That they would forget for a moment!" For greater is the glory of one short moment than vast stretches of time enwrapped in desolation. What a moment can achieve years cannot...

Let us not wait [for this moment] till we come to shame... If it does not exist, let us create it...

But when will this moment come? When will it be sought? When will it be found? In every generation they ask this same question, and every generation answers with greater despair than its predecessors: "Who knows? "

But one [truth] "I³²" know! This response can only suffice for all Mankind, or for Israel as a whole. For an individual, the specific person who sits and writes or reads these simple lines, can he respond any other way to the question "when? " than with the reply of Hillel: "If not now... when? "

Now. Immediately. For now - and for all generations...

And now, not pride ("*ga'ava*") is our downfall, but humility ("*anava*")³³. We have become

³²See Rabbi Shimon Shkop *zt'l's* Introduction to *Sha'arei Yoshel*, where he explains the "I" in Hillel's statement, "*Im ein ani li mi li.*"

³³Reb Avraham Elya's transition requires an explanation. In another essay (*ibid.*, p. 137) he writes that true *anava* (humility) is a higher level than *yir'ah* (*Tosafos, Avoda Zara 20b, d.h. Anava*) and that where *yir'ah* ends *anava* begins (*Yerushalmi Shabbos 1:3*). He writes that to be a true *anav* one should not equate oneself with the point of a pin in stature. One must realize, rather, that one's stature is akin to that of the Himalayan Mountains - and then realize how small one is in comparison to the Infinite. True greatness is a prerequisite to true Torah *anava*. The

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humble without strength, our souls are like widows - deprived of confidence and security, without strength of mind ("da'as"). This is not humility for the sake of Heaven; it is for the sake of inactivity that comes from despair, and for the sake of despair that comes from inactivity. We have become paupers happy with our lot in our [limited] spiritual property. The Lithuanian Jew is happy with the glory of his *lomdus*; the Polish Jew - with the majesty of his mysticism and lightning *pilpul*; the Hungarian Jew - with his Torah fervor and detailed grasp of Talmudic topics; the German Jew - with his meticulous *mitzvah* observance and secular acquisitions. The common denominator among us all is that we suffice with what we have, placidly and quietly, each of us in our own [portions], slumbering deeply... [nothing] contains enough spirit of life to arouse and encourage, to uplift and to lead...

G-d said to our first forefather: "Do not fear Avraham!" The *Tanna d'bei Eliyahu* says: "One only says 'do not fear' to one who is truly fearful of Heaven..."

He who has walked in the footsteps of fear until he has reached its truth will feel even now the great call to G-d: Do not fear! Do not weaken! Do not be poor in your own eyes and humble in the eyes of others, enrich yourself so you may fulfill yourself, and go among the people of this world. And like your forefather in the days of Nimrod who proclaimed the goodness of G-d, plant an oasis for those lost on the way, and pray for Sodom and Amora.

mighty *yir'ah* Reb Avraham Elya describes is a precondition for this *anava*.

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Reb Avraham Elya stood out in a generation in which spiritual giants trod the face of the Earth. Yet from the examples of that vanished world even we can derive inspiration to aspire to spiritual heights. Reb Avraham Elya's model of true *yir'ah* and his *derech* can guide us in our quest to be *mekadesh shem Shamayim* in all aspects of our lives.

"There was a man"

A man whose life was creation

A man whose creation was life.

There was a man who sang and who learned and who taught

And who thought and who rejoiced

And who loved and who grieved.

And all of his words were alive and illuminated

With the light of Avraham Avinu's furnace

A brilliant light that escapes from between his words

That like a hammer shatters rock

The light of the secrets of Yisroel

The light of the secret of the world.

And the light became life

The light of life, a life of light.

"And he is no longer."

Is he no longer?

Wasn't the brilliance of his smiling eyes absorbed

In the light of my eyes, in the light of your eyes

You, my brother in sorrow, who knew him?

Will it not happen that his image will flash out and illumine us?

Will it not happen that we will see him smiling at us?

Accompanying us in our determined pursuits, in attempts to be "alive"

In our ascents, in the joy of our creations?

V'Shalom. Most of the participants in such endeavors were murdered by the Nazis *yimach shemam*.

*Let us impart to all who come within our precincts
From the light of his eyes, from the light of his soul.
And they will live by them.
And he will live in them.*

(by Dr. Fyvel Meltzer zt"l, *ibid.*, p. 299. First published in the *Telzer HaNe'eman*, 1929)³⁵

Rabbi Ephraim Eisenberg zt"l: The Master Pipeline

(Author's note: The indented and italicized sections interspersed are quoted from letters received by the Eisenberg family during and after *Shiva*. I very slightly modified these letters, just enough to make heartfelt and hastily transcribed thoughts more suitable for publication.)

Shortly after *Mattan Torah*, we lost one of those who imparted Torah to us in an uncommon way: *Moreinu v'Rabbeinu* Rabbi Ephraim Eisenberg zt"l.

Indeed, in a unique way. Reb Ephraim was a "specialist." When we entered Reb Ephraim's *chabura* (later it was a *shiur*, but the principle was the same) some twenty years ago, it was our first year beyond the framework of our long stints in *yeshivos* until then. Through *yeshiva ketana*, *mesivta* and *Beis Medrash*, we had been under the tutelage of one *rebbe* after another, imbibing their Torah, guided by their approaches and absorbing their perspectives. In a sense, those were years in which we still had training wheels on our Talmudic bicycles.

³⁵Prof. Kaplan, in a personal communication, noted that the first lines of both stanzas are a direct quotation from the second line of Bialik's poem *Acharei Mosi*. The poem's first stanza reads: After my death eulogize me thus: / "There was a man - and look: he is no longer; / He died before his time, / and the music of his life stopped in the middle; / Alas! There was another song in him - / Now that song is forever lost, / forever lost!" Dr. Meltzer, unlike Bialik, focused not on the obvious tragedy, but on the unlimited inspiration yet to be drawn from Reb Avraham Elya's life and writings.

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Now, we had advanced to the level often called “*lehren fahr zich*” - learning on one’s own. To use more traditional, metaphor, we were cast adrift upon the Sea of The Talmud. This was “sink or swim.” To “swim” would be to develop several capacities simultaneously: to maintain *hasmodo* in a more unstructured setting (after all, the focus was no longer on the *shiur*); to hone skills and techniques for intellectual independence: Mastering the abilities to analyze a *Rishon*, to abstract the concept from an *Acharon*, to compare inferences and contrast rationales.

He would listen to his talmidim and they would feel he really wanted to hear what they said. Rebbe zt”l always wanted to know how we learned the Gemara, how we responded to his comment. He wanted us to learn how to learn a Gemara and not just to hear his own chiddushim . . .

When I was in Rebbe’s Shiur, I had a [health] problem . . . Rebbe constantly asked me how I was feeling and gave me names of doctors to see. When I went home for two months, Rebbe spoke on the phone with me around three times a week for fifteen to twenty minutes. When I spoke to Rebbe on the phone, he would tell me how he learned the Gemara in shiur. He then would ask how I learned the Gemara and what my insights were. The chizuk I got from these phone calls was tremendous. This also strengthened my learning, because I knew I had to know the Gemara very well to speak to Rebbe. Whenever I tell anyone about those two months, it amazes them that a rebbe could feel such responsibility to a talmid to give up so much of his precious time . . .

But, above all else, the imperative that encompassed and transcended all specific areas of development was the drive for *chiddush*. In *yeshivos*, everything leads to this ultimate goal: That a *talmid* make the transition from a *kli kibbul*, a receptacle, to a *ma'ayan ha'misgaber*, to a fountain.

*I am not sure Reb Ephraim zt"l ever [directly] demanded anything from anyone, certainly not the bochorim. But his being, his devotion and his total connection to Torah, these made the demand on us_ I knew when he saw me he would ask "Nu_ Where are you holding? " For me, as a Ba'al ha'Bayis, this was not an easy question to answer. I could not just say "I am learning this" for the "Nu" demanded - a question, an answer, something more_ It was mussar, where am **I** holding? If I am not ready for Reb Ephraim, how will I be ready for the next world? This is not just me talking. I spoke to a friend, a rebbe, who said the same thing: "I always had to be ready_" And this person had nothing to worry about_*

What kind of *rebbe* could shape many *talmidim*, whose diverse backgrounds and varied personalities - "just as their faces differ so too do their traits"⁵⁰ - mandate a special approach for each individual? The answer lies in an insight of Reb Tzadok *Ha'Kohen* of Lublin *zt"l*⁵¹ that I heard Reb Ephraim interpret. Rabbi Chanina states: "Much I learned from my teachers, more from my peers, but from my students more than from the rest."⁵² Reb Ephraim

⁵⁰See *Sfas Emes, Korach*, 5647.

⁵¹*Tzidkas ha'Tzaddik* paras. 216 and 231. See *Yisroel Kedoshim* para. 5 *V'zeh haya isko shel Rabbi Pinchas ben Yair*. This is the first Reb Tzadok that I consciously remember hearing.

⁵²*Ta'anis* 7a.

explained: Each *talmid* has his own unique pipeline (“*tzinor*”) of divine influence that he must build and develop into his portion in Torah. That pipeline, perforce, flows through the *rebbe* to the *talmidim*. From one’s own *rebbe*, one gains one’s own pipeline, modified by its passage through the *rebbe*’s pipeline. Through contact with one’s peers one is influenced by multiple pipelines, but laterally. When, however, a *rebbe* has *talmidim*, multiple different and unique pipelines must flow through that *rebbe* for him to convey to each respective *talmid*. He becomes the “master pipeline” flowing into the proper channel for each *talmid*.

But experience demonstrates that not every *rebbe* is alert to and aware of the subtle differences between those pipelines. Not every *rebbe* is attuned to the careful calibration and application of the right influences to the right person. Many *rabbeim* impose one uniform mold. One size fits all.

We were accustomed to a shiur served on a platter - the rebbe came with a few questions and presented an approach. While that’s okay, my friends and I much preferred Reb Ephraim’s method. He came in, to be sure, with something to say. But when we raised a question, he did not brush it off and continue with the shiur. He would give it thought and “due diligence” - thinking and going through all the implications: “If you say that idea here, then you have to say this there. And if you say that there, it’s going to be shverrr from . . . ” It was open-mindedness that only someone totally comfortable with changing his mind and totally dedicated to Truth (as opposed to the potential theatrics of delivering a shiur) - a truly humble person - can do. He was subservient to Truth, and “truth will sprout from the land”⁵³ it may come

⁵³*Tehillim* 85:12.

through the question of the bochur who was not from the top half of the shiur.

I remember the bochurim going over to him at the beginning of the year, explaining that they would prefer a shiur based on the intricacies of the text and the basic commentaries itself rather than upon the theories of the extrinsic commentaries (“Reid”) . . . For some reason, that’s what the bochurim preferred. So what did Reb Ephraim do? He changed his style_ It was amazing_ - I don’t think I ever had a rebbe that would or could do that - but he did. He still managed to say the same profound shiurim, but from the perspective of the text and the basic commentaries, showing how the big implications fit into inferences from the words in the Gemara and Rashi . . . We all loved the shiur.

Several of his *Maspidim* noted that Reb Ephraim was not brilliant. Rather, from his teens he constantly immersed himself in Torah. His *hasmodo* - under the most difficult circumstances - is legendary. Through that *hasmodo* he grew to immense proportions. (Perhaps. As a *talmid*, I must note, however, that by the time **we** met him, he seemed, to us, quite brilliant.) Many *Maspidim* stressed that in his absence it was imperative on the rest of us to fortify our devotion to learning, day and night, emulating him. His capacity for *chiddush* was amazing - “*noch a kashya*” “*noch a teirutz*” “*noch a he’oro*” “*noch a daherr*” - another question, another answer, another comment, another insight. As several *Maspidim* mentioned, he was “holding all over” - he mastered the breadth of the *Yam ha’Talmud*, and was a brimming reservoir of cross-references and insights on even the most obscure topics.

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Yet we, the *talmidim*, had our own reasons for maintaining a devoted connection to Reb Ephraim over the years. We cherish our recollections of Reb Ephraim because of the extraordinary array of faculties he brought to bear as our *rebbe*: His keen insight into a *talmid's* intellectual needs, his capacity to provoke each individual's own development, his extreme patience and tolerance of every *talmid's* idiosyncrasies and petulance, his masterful orchestration of the *seder* and the *shiur*.

Before I was even officially part of the yeshiva . . . Rebbe drew me close and encouraged me . . . I never before, or since, had a rebbe who would go over to his talmidim to initiate a talk in learning . . . It was during those first months in Ner Yisroel that Rebbe's enthusiasm, motivation and, of course, Rebbe's smile made me feel right at home.

I remember (how could I possibly forget_) how much of an interest Rebbe took in my plans and how my parents would feel about them. I do not know that anyone else in my life took such initiative to help me . . .

We were learning Makkos and several times a week Rebbe would speak to me privately, sometimes for almost two hours, about the sugya. Until then I never knew what it feels like to share Torah thoughts with an outstanding Talmid Chochom of Rebbe's caliber. How can I find words to describe the debt I owe Rebbe_

Reb Ephraim was not an orator. He did not wax eloquent. He had the broadest repertoire of inflections and nuances of "takkeh" that I have ever heard, using it - and "yeah" as well - to connote a remarkable array of ideas,

messages and reactions. But through his endless capacity for *chiddush*, he expanded the frontiers of our minds, and presented before us broad, new and fertile tracts for us to work and cultivate, developing our own skills and techniques.

I'm writing to you, but it's really for me too. The first picture of Rebbe zt"l that comes to mind is of him bent over a Gemara . . . no difference where, when - singing, humming a tune (or not), but just totally engrossed, with nothing else in the world, simply a picture of pure Ahavas Torah, no distractions. Then we would come over and wait for him to look up and say "yeah" (the same yeah that ended almost every shiur, started almost every conversation in learning or advice. And "yeah . . . gut" ended them . . .) Rebbe zt"l was the one we went to, because he was so available - too available. Never would you ask about something and leave without at least one extra gem: an idea, a resolution, or clarity in an issue or topic.

Rebbe zt"l always had the patience to explain or repeat the point to you again or to another bochur or pair of chevrusos. I know, because I sat only a couple of rows in front of him for a period. I would go and talk to him about something from shiur and then I would hear him tell it over and over again to others, every time with the same excitement and emphasis, yet with a different nuance for each one.

This critical period in our lives, however, was not just one of transition in learning, but in life. We were beginning to develop into autonomous individuals capable of dealing with the broader world. This "broader world" lay not necessarily beyond the walls of the yeshiva, but beyond the

external and extrinsic structure and regimen it imposed upon us. The time when we had to begin considering marriage and building a home drew nearer as well.

In these areas Reb Ephraim also helped us along our path towards full maturity - as did, *tlctv*"a, the *Rebbitzen she'tichye*, who passes along her own particular heritage from her father, Rabbi Mordechai Gifter *zt*"l. The Eisenberg home had an open door policy - *talmidim* could and would come any time to discuss issues concerning themselves and their friends, their struggles and difficulties, to receive counsel and derive guidance. Several friends reminded me of a *Motzo'ei Shabbos* shortly after a new pizza store opened in Baltimore when we went out and bought pizza and came back to the Eisenberg home for *Melaveh Malkah*. We knew Reb Ephraim would eat no pizza - he barely ever ate anything - but the family "indulged" with us and made us feel like this was our surrogate home.

Friday night *Oneg Shabbos* was a high point of the week - the *Divrei Torah* and the aura of *Kedushas Shabbos* were very special - but the high point of the year was the *Purim Se'udah*. Reb Ephraim did not imbibe, of course, but the *talmidim* - both those who did and those who did not fully partake of the spirit of "*ad d'lo yoda*" - would spend inordinate amounts of time with Reb Ephraim. His special capacity to "treat each person according to his own spirit"⁵⁴ made each *talmid* feel that this *rebbe* could facilitate his accomplishing his particular form of *Purim* elevation and inspiration. (Much credit is due to the *Rebbitzen* and the family for their tolerance of all that the intense *Avodah* of a yeshiva *Purim* entails.)

This, then, is the aspect that we, the *talmidim*, sensed. The *Maspidim* at the *levayah* - Reb Ephraim's great peers and close relatives - could not necessarily capture the

⁵⁴*Rashi, Bamidbar, 27:18.*

rebbe-talmid relationship. It was not the nature of their respective experiences. But we loved Reb Ephraim because, without fanfare or presumption, he nurtured us and cared for us through the critical years that brought us from dependence to autonomy, and because we sensed his, and his family's, warmth and concern for us in their orchestration of that process. The letters from *talmidim* that the *Rebbitzin* provided to me in order to prepare this essay testify that many of us thought that we were the additional children in the Eisenberg family, and we will cherish Reb Ephraim's influence upon us.

I once saw a Maharal⁵⁵ that says: "The ideal love is when one loves Hashem Yisborach for Him Himself, when one recognizes his greatness and loftiness, that He is Truth and that His mitzvos are Truth.

When I first saw this remark, I had a hard time relating to this profound concept. What does it mean to love Him by recognizing his greatness? As far as I've ever known, the love and care that my relatives or friends had for me generated the love that I had felt in any relationship with them. Even with my rabbeim, I only seemed to feel a love for them because of the care and concern they had for me. It didn't seem possible that love should be generated by anything other than someone else doing good for me.

But then, I'll never forget, it hit me so, so hard. There was one individual in my life that I loved so much, but I could never explain it in words. Yet finally now, with this Maharal, I can convey the very real and deep love that I felt

⁵⁵See *Nesivos Olam*, vol. 2, *Nesiv ha'Ahavah*, chaps. 1-2.

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and feel for my beloved rebbe . . . Reb Ephraim ben Reb Chaim Ha'Levi zt"l.

When I first entered his shiur he was not [yet] involved in my personal, mundane struggles . . . yet I immediately loved my rebbe. Because his greatness and loftiness were so obvious to me, they resulted in an automatic love, so similar to the love that I must have for Hashem. The saying "to know him is to love him" is so true. How can I explain what it means for a bochur in our generation to be involved with a rebbe who was, so visibly, always thinking in learning - even when not sitting in front of a sefer . . . I would approach him to talk in learning. He would be squinting, gazing forward, totally in his mind with Torah, oblivious to the fact that I was standing right in front of him_ It was so real, so genuine. To know him is to love the Torah_

How privileged we were to have a rebbe that wouldn't just say a shiur for an hour and then disconnect from the bochurim. He would come to us during Seder and immerse himself in learning with us . . .

. . . Ultimately, I also loved him for the same reason I do love some of my closest friends. Although he was so great, he still connected with me on a mundane level. He was always concerned with my happiness - both material and spiritual. When it came time for shidduchim he cared for me like a father would . . .

We will attempt to emulate him, and fortify our own diligence, quest for *chiddush*, *simcha* in Torah, perhaps

even his abstinence. Above all, however, we must fully devote ourselves to helping others in their growth in Torah and *Avodas Hashem*. This is the *nefesh*, the monument, the soul-force, that we set as our commemoration of our *Rebbe*.

Whenever I told Rebbe: "I'm an 'All-American' boy, what do I have to do with a life in the yeshiva world? _" He would always retort: "I was also an All-American, and so was my shverrr. If we did it, so can you"

Elul in Slabodka: From the Diary of Rabbi Avrohom Eliyahu Kaplan zt"l

"... You already know well the great benefit to be acquired for one's entire life in one *Elul* day in Slabodka."

(A letter from 5670 [1910],
B'Ikvos HaYirah p. 195)

I was once privileged to spend *Seuda Shlishis* with one of the *Gedolei HaDor shlita* in *Yerushalayim*. In the course of our conversation the *gadol* remarked: "In this generation, everyone honors Rabbi X and Rabbi Y, because they can relate wonders that these rabbis are supposed to have performed. In my youth, the person we respected most was the *Alter* from Slabodka. You could not relate a single wonder that the *Alter* had performed. We respected him because he was the wisest individual we had ever met, and he had a deep understanding of our personalities, and how to help us develop our unique potentials."

Rabbi Avrohom Eliyahu Kaplan was the *Alter's* most beloved student. There was a close personal relationship between the two. Reb Avrohom Elya often contemplated leaving Slabodka - and did leave from time to time, feeling the intensity of the *Avoda* there was sometimes overwhelming. In the final analysis, however, he writes (*ibid.*, p. 194): "One Sinai have we in our generation - Slabodka is its name! Anyone who leaves Sinai cannot hope to find another. More correctly, anyone who leaves the mountain falls into the valley..." Even when he was away from Slabodka, his heart and soul remained there.

Although this is not the place to dwell on Reb Avrohom Elya's greatness, a few words of introduction are necessary. Rabbi Yaakov Kamenetsky zt"l once remarked that Reb Avrohom Elya possessed such remarkable powers that had he lived longer (he died at the age of 34), he would have restructured the entire *derech halimud* in the yeshivos

with his proposed new commentary on *Shas* (*Reb Yaakov* p. 85). He was a wonderful synthesis of Telzer *Machashava*, Slabodker *Mussar*, Lithuanian *Lomdus* and German meticulousness. He was a gifted writer, poet and songwriter, and at the same time a *talmid chochom* and *posek* of the highest caliber.

When Reb Avrohom Elya became a *Rosh Yeshiva* in Berlin, he brought *Mussar* to Western Europe. His pleasant demeanor and refined personality were the foundations, and his discourses the framework that enabled his German students to develop and perfect their spiritual selves. His personal *Avoda* was exemplary: "One who has not heard him read the Pesach night *Hallel* in lofty ecstasy in the unique melody that he wrote yet in his youth - has not seen true Jewish life in our generation. One who has not seen him dance the Kotzker Rebbe's dance in the joy of Sukkos - has not seen true Jewish joy in our generation. He was alive and gave life." His talks: "ignited hearts with the lightning flashes of his ideas, heads were enwrapped in illumination, and a purifying tremor enveloped all existence..." (ibid., p. 294).

It seems that *talmidim* in Slabodka were wont to keep diaries. The *Alter* himself kept a diary. The *Alter* kept the diary hidden. Clearly unbeknownst to the *Alter*, Rabbi Yechezkel Sarna *zt"l* discovered the diary in an attic. Interestingly, none other than Reb Avrohom Elya himself copied the diary word for word the day after *Yom Kippur* in 1914! It can be found in Rabbi Dov Katz's *Tenu'as HaMussar* (vol. 3, p. 220). Another Slabodker, Rabbi Yitzchok Hutner *zt"l* (whom the *Alter* had room with Reb Avrohom Elya when the latter, after he had already moved to Berlin, would return to Slabodka for *Yomim Nora'im*) kept a diary as well. That diary served as the basis for Rebbitzin Beruria David *shetichye's* inspiring biography of her father in the *Sefer Zikaron l'Maran Ba'al HaPachad Yitzchok*. Diaries and private notes were tools often employed by the *Ba'alei Mussar*. These soul searching,

intense chronicles wrestle both with personal *avoda* and with great issues. They offer rich inspiration and profound insight.

The passage we will pursue here captures the essence of such journals. Like many Slabodker students, Reb Avrohom Elya saw noble qualities in the great European movements and *zeitgeists* of the day. In the post-Holocaust era it is difficult for us to see significant value in cultures and ideas that did nothing to impede the worst atrocities imaginable. In those yet innocent days, however, many prevalent "isms" still possessed a romantic, even transcendent appeal, that generated contemplation. Thus, for example, Reb Avrohom Elya has a diary entry from 5671 (1911) in which he analyzes and rejects the great Russian writer Tolstoy's perspectives (p. 250). It is hard to imagine any contemporary *yeshiva bochur* feeling it necessary to address the views of a secular thinker. At the time, however, such ideologies roused fervor and passion. Slabodka's young idealists found their emotions stirred. They would ponder an ideology: "How should we respond to it? What claim does it make upon us? And should we concede somewhat to it, or deny it altogether? ..." (p. 154). This passage affords us a glimpse of how the *Alter* - who encouraged his students to grapple with great issues in their quest of growth - dealt with his students' internal struggles.

The primary purpose of this free translation is to inspire and motivate. The secondary purpose is to whet the reader's appetite to pursue Reb Avrohom Elya's writings. These writings so eloquently express his Master's spirit and *derech*, that they will inevitably lead the reader to aspire to greater attainments in *Avodas Hashem*.

I should add that while this is not the place to dwell on the topic at length, it is high time that we attempted to revive the *Mussar* Movement. May *Hashem* grant that such

essays serve as an impetus for us all to proceed in that direction!

[*Elul* 5673 (1913). Slabodka]

Excitedly and joyously I jumped from the train's steps. Within me sparkled the happy thought: "Kovno!... Slabodka!..." [Slabodka is a suburb of Kovno.]

Even though I couldn't find even one acquaintance among all the people that I saw in the terminal and that traveled with me in the tram car, they all seemed related to me. The streets through which I passed all gladdened my still heart, as if they were calling to me and saying: "Here you are, drawing closer to Slabodka. Another street, then another, the bridge, the sand, Yorburg street - and, then... the Yeshiva, the *Rav's* [Rabbi Nosson Tzvi Finkel *zt"l*, the *Alter* from Slabodka] small house. And then... the *Rav* himself!" But who knows if he's here? Perhaps he hasn't yet returned home... While walking on the bridge, my eyes began to glance around with special eagerness. Perhaps I might meet one of my friends. There at a distance, two young men are coming closer! Who are they? ... Perhaps Yechezkel [Rabbi Yechezkel Sarna *zt"l*, later *Rosh Yeshiva* of *Yeshivas Chevron* in Jerusalem, then a student in Slabodka, a close friend of Reb Avrohom Elya], or another one. My heart started pounding... But I was mistaken: A young *Ben Torah* that I did not know passed by.

I passed over the entire bridge and did not meet a single acquaintance. I became angry. Another unfamiliar *bochur* passed by and I greeted him angrily, thinking inwardly: "Be it as it may! Perhaps I do know him but have forgotten..." So distorting was my powerful desire to meet some Slabodker that I knew. This is a bit of that Slabodker egoism!

By now I was already standing by Chaim Meir's [Reb Chaim Meir Gitelson *zt"l*, later of Jerusalem, then a student in Slabodka, a close friend of Reb Avrohom Elya] doorway.

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Before I managed to open the door, it opened before me, and opposite me came, nodding and smiling - Yechezkel himself. "*Shalom Aleichem - Aleichem Shalom!...*" - "Is the *Rav* here? "

- "Not yet" answers Yechezkel, "tomorrow."

Two or three of our friends came over. The conversation dragged a bit, as among people who have no idea what they should discuss. I could not look into their eyes. I wanted to spill everything... to grab Yechezkel from among them, to bring my mouth close to his ears - and to spill everything. Within me were amassed so many fragments of thought and emotion which had arisen from various events and incidents. These feelings now demanded revelation from mouth to ear ...

Yechezkel arose and said: "Let's go!" We scattered, each to his own way. Yechezkel and I remained to stroll on Slabodka's dusty and stony main street, waiting for each other with a little embarrassment and anxiety, wondering where to begin our conversation.

In the end I told him all that transpired with me. After I finished my account I suddenly saw that it was all emptiness: I had only taken leave of Slabodka for two months. I had imagined that it had been a long time, because in the meantime I had ample time to pass through several new segments of life and its events... Now, after I had told him all these things over the course of a few minutes, I suddenly realized that it was all nothingness. There was no significance to those entire two months. The essence of it all was that I had bathed in the sea and returned to Slabodka - and nothing more... Indeed, "Fools when will you learn!"

The next day, Monday of the week of *Ki Savo*, was the great day of Slabodka: The *Rav* has arrived! When I came to see him a somewhat amusing and uncomfortable incident occurred: He stood among a group of younger

students who greeted him by shaking his hand. They did not kiss him. I, however, without thinking, bent over to kiss him... Of course, he too "responded" with a kiss, but I was very embarrassed. I felt compelled to hide behind their shoulders. The pleasant experience that I always have when first meeting with the *Rav* after having been away for a while was a bit marred. I stood hiding and listened to the course of conversation between him and them...

"We come now from the material vacation to the spiritual vacation: From the months of *Tammuz* and *Av* in the forests and the fields to the months of *Elul* and *Tishrei* in the house of the yeshiva. What distinguishes that vacation from this vacation? We know, of course, that just as that vacation is essential to fortify the body, so too this other one is necessary to heal the soul. Even more so, for all are sick vis a vis *Elul*..."

- Indeed, Am I an "*Elul*"-seeker? Am I a *yarei Shomayim*?

What then - am I not an *Elul*-seeker? Am I not a *yarei Shomayim*? ...

How amusing and how pathetic, that I can ask these two questions in quick succession, yet they do not contradict each other.

When later I went out into the street I met Shaul Margolis [later a *Rav* in several cities in Polish Lithuania, then a student in Slabodka] walking alone, stick in hand, eyes fixed on it, pacing slowly and pondering. I saw him from a distance... I knew instantly that he had something to say to me. And indeed! "The man is amazing" Shaul said as I came to him, "He is mighty beyond compare. The man comes from Krantz, sits next to the table, surrounded by youngsters, and immediately begins from where he left off two months ago... He speaks pleasantly, clearly, sincerely, and [yet it is] his silence [that] is [most] profound, sure and penetrating to the heart... When he is silent, it seems that he has nothing at all to relate about all that

transpired with him through the entire summer, what he met and whom he saw. He forgets it all, forgets himself [There seems to be a typographical error in the original Hebrew here. The Hebrew here reads "*ve'eino yodei'a elah es atzmo.*" I translated the phrase as if it had read "*ve'eino yodei'a es atzmo.*" Rabbi Tzvi Kaplan *shlita* (Reb Avrohom Elya's son) wrote to me, however, that he believes there is no mistake here, and that the intent here was that the *Alter* was only aware of *atzmo* in the sense of *atzmi'us*, essence, i.e., the lofty ideal that he lived, with which he identified and to which he constantly dedicated himself] - and is silent... This restraint of all emotions upon careful consideration is true mightiness. Mighty!..."

That evening I heard a *shmuess*. He [the *Alter*] stood in the middle of the small room, next to the table, and around him they gathered. The students packed together. They yearned to hear and to understand. They gazed with eyes partly happy and partly anxious, a decent number of young men, and immediately my heart began to absorb the warmth...

It is a time of true and thorough pleasantness: Every matter is clear, every thought succinct and every movement measured and balanced. The entire experience bespeaks tranquility and sincerity [*ne'emanus*]. There is no confusion nor haste.

He stands before us and states his complaint: People [outside Slabodka] lack belief in the power of *Mussar*. They do not acknowledge that the young men here genuinely involve their hearts, more or less, in the subject of *yir'as Shomayim*. Though he tries to impress this upon them, they remain adamant. They claim it is all superficiality, verbal *pilpul*, an empty and muddled waste of artificial ideas.

Immediately after this complaint he consoles himself: In the final analysis it is this [lack of appreciation] that

provides all the contentment that there is in *Mussar*. If *Mussar* was not a hidden thing that the world does not recognize, it would be entirely worthless. It would stand only on the same level as "*lamdonus*" as a tool of public discourse. Let us be grateful to those who indict *Mussar*. It is because of them that the little that we do have is genuine and modest, in "*hatznei'a leches*"... After all, no matter how much positive publicity *Mussar* receives, all that the publicity achieves is that people will not mock *Mussar*, not complain against it. To recognize and believe in its depths [*pnimiyus*] and in the education of hearts in which *Mussar* deals - that will not happen!

Immediately after this consolation (that followed his original complaint) came another complaint: We have acquired something, we feel inside ourselves traces of the impression *Mussar* has made upon us. When, however, we analyze this impression deeply, we realize that it has only come about because we habitually steer our thoughts in that direction. Our minds constantly review the realizations that they have absorbed from the [literally: "kneaded from the dough"] words of *Chazal* and the *Rishonim*. Because of this habit, our hearts have been conditioned to identify the negative components that the Torah perceives as "evil" in any situation. Naturally, the heart then distances itself somewhat from that situation - because it has become conditioned to thinking of it as base - but not because of *yir'as Shomayim*.

In other words, it is not because I fear the sin [that I avoid it], but rather because it is unpleasant for me to get involved in something that I have already become conditioned to hear of and consider as a "sin". If, however, some powerful issue overcame that unpleasantness, then I might no longer distinguish between good and bad, and I would do what my heart desired... - I contemplated: "This is the crux of the matter!..." [Literally: "Here the dog is buried!" Rabbi Gershon Eliezer Schaffel pointed out to me

that the *Alter* from Kelm *zt"l* discusses this subject in *Chochma u'Mussar* vol. 2. chapter 8.]

The following day - Reb Avrohom [Rabbi Avrohom Grodzhenski *zt"l hy"d*, *Menahel Ruchani* in Slabodka]. came to me and began to "check my pulse." I saw in him all the characteristics of an expert physician. He did not want to surprise the patient under examination, so he came "from the side of the left ear" and began by discussing simple things. He succeeded. Only a few minutes later, I already stood before him like a priest before the altar, and I was sacrificing my heart upon it...

... Several *bochurim* stood around us. They did not understand the process that was appearing within their *daled amos*, that Avrohom Elya was standing and revealing his heart before Reb Avrohom... because we were talking in "the third person" i.e., [I would say:] "Some say thus" and he would respond: "And some say thus, and the second opinion is correct - the first one, meaning: yours, is distorted..." ...

The next day (Wednesday in the week of *Ki Savo*), I harvested the fruit of my heart's revelation. Several times the *Rav* alluded to the themes I had expressed before Reb Avrohom. The had already achieved its purpose. My heart's meditations had already reached the proper address, following the simple route: from my mouth to Reb Avrohom, from his mouth to the *Rav*, and from him back to me.

"You complain" the *Rav* remarked to me, "about our abstract words, about the disputes that float in the air, [you say] that they barely touch upon practice, that they lead to inactivity and quibbling, and that they cast a fog over the eyes so we can no longer see anything simply and satisfactorily" thus the *Rav* reported my criticisms to me. He did not deny them, but rather battled me on my own terms: "*Nu*, on the contrary" he stood and asserted, "turn as you say to matters of substance, check and analyze your

deeds and your self. Don't become involved in abstraction, for why, indeed, do you need it? "

I stand and hear the simple, yet profound, words: "The primary part [*ikkar*] of Torah is the Torah of *Middos*. At the core of *middos* [that we must fight] are delusion [*dimayon*] and falsehood [*shav*], no more. Jealousy, lust and pride - these are fancy terms for concepts that seem to possess substance, but in reality do not. The only reality worth pursuing is the intellect [*seichel*]. The intellect alone can recognize the true essence of every entity. Only intellect, therefore, can accurately judge how man should conduct himself vis a vis any entity [for more on the *Alter's* perspective on intellect, see *Reb Yaakov* p. 48]. A drive born of the *middos*, however, will only lead to mistakes. A drive is constantly and always mistaken. There is no hope to be saved from a drive's mistake. One who but opens his eyes widely will realize the degradation of that mistake. Then his heart will no longer pursue it..."

[This Slabodker perspective, is developed in one of the *Alter's shmuessen* that Reb Avrohom Elya transcribed (ibid., p. 233). In that *shmuess*, the *Alter* said: "All of creation, except for the intellectual reality that man attains within himself, is insignificant! Concede the truth: All of creation is but the knock that a person in a foyer [*prozdor*] knocks upon the door of a banquet hall [*traklin*] so that the door may be opened for him to enter. Does that knock possess any independent value? Does the person who has already entered the hall even recall that he once knocked on the door? !... The essence of reality is, therefore, only the goodness a person toils to pursue and then finds. Everything else is but a fleeting shadow..." The rest of the *shmuess* resembles the one Reb Avrohom Elya recorded here. After negating the ambitions and aspirations of the overwhelming majority of mankind, that are but pale shadows of the purpose the Torah has set forth for humanity, the *Alter* concludes: "If so much light may be found in the shadow of a reflection of a reflection, how great

is the light concealed [*or haganuz*] in the concealed light itself!"]

"If anyone wants to disagree, let him come and do so, let him come and prove otherwise!" the *Rav* calls out to us. He lifts his head, and he looks into our eyes with a gaze that caresses with love and pinches with the strength of perception. You feel him drawing out the complaints and criticisms that you have against his words. His gazes draw all that you think about him. They will soon bring these matters to the right address, via the simple route: from your heart to his heart, from his heart to his mouth, from his mouth to your ear, and from your ear once more to your heart, to uproot and to plant, to destroy and to build... Another moment of silence quickly passes. Again he speaks, with strength and hidden love:

"I understand your difficulty... I know what you must be thinking right now. You are amazed that all those matters that stand at the heights of the world, all those ambitions, aspirations and desires for which endless rivers of blood have been spilled for generation upon generation in countless countries, all those *middos* that prevail among the living... You are amazed: How can we regard these matters, in our four *amos*, as irreparable broken potsherds, as shadows of no substance? I understand you. I am as amazed as you are, but amazement does not lead to blindness! Truth is truth, even if others disagree! And I, in my understanding (if not in my actions), do not see in any of these desires anything more than fruitless delusion!" This last statement was expressed with such wonderful strength that it seemed to cut the air to shreds...

Erev Shabbos - immediately after I finished breakfast, I rushed to the *Rav's* house. After a whole day of unhappy desolation I was hungry for a thoughtful word. I yearned to hear. I cannot explain, even to myself, the meaning of these longings, what they are and from whence

they come - but I feel that they emanate from my heart, and are often intense...

The *Rav's* words that I heard that day were boldly expressed and clearly spoken. It seemed as if they were primarily intended to lift my dark mood. The *Rav* based his talk upon these words of *Chazal*: "Blessed is He from whose food we have eaten, and in [*u'be'tuvo*] whose goodness we live.' Anyone who says from his goodness' [*u'me'tuvo*] and not in his goodness' - is a boor" (*Berachos* 50a). *Hashem's* entire bounty of goodness is compressed into a small loaf of bread. Anyone who sees in the loaf just a part of His goodness is an ignorant, uneducated boor. Just as we know that there is none like our G-d, the Creator of the Heavens and the Earth and all the *Olamos*, so we must also know that there is none like our G-d the Creator of a small loaf of bread; both are acts of G-d. Were it not for the Creator, no creature could make such a thing. We must therefore recognize *Hashem's* entire bounty of goodness in this loaf...

"The *Gemara* then asks: "Does it not say, and from Your blessing may the house of your servant be blessed' etc.? " The *Gemara* answers: "A request is different." *Rashi* explains: When a person makes a request, he asks like a poor beggar standing in the doorway that dares not lift his head to make a large request. If so, how much should he request? If all *Hashem's* goodness is compressed into one *kezayis* - what then should a person request for his sustenance? Should he ask for less than a *kezayis*? Of course not! Rather, man is indeed forced to request for himself all of the Creator of the world's goodness, yet at the same time he makes his request he must feel the great weight of his prayer. [He must be aware of] what he is asking for himself..."

[This Slabodker perspective, mentioned briefly here, is perhaps best expressed in another one of the *Alter's shmuessen* that Reb Avrohom Elya transcribed (ibid., p.

221). In that *shmuess*, the *Alter* discusses *Chazal's* statement (*Bereishis Rabba* 10:6-7) that every blade of grass is controlled by a *malach* that causes it to grow. Man casually walks upon thousands of blades of grass, not considering the great wisdom and transcendent purpose of the thousands of *malachim* upon which he treads. How uplifted a person should become when he realizes how many *malachim* were created to serve him! His heart should fill with both the glory of this *kedusha* and emotions of gratitude for this gift. How can one not be ashamed to enter the sanctuary of *kedusha* that is this world with soiled shoes and dirty clothes? How is he not embarrassed to be engrossed in frivolities while at the same time making use of the *malachim* created to facilitate man's destiny? The entire world - from its most general principles to its finest details - serves as a reminder at each step we take to be cognizant of G-d, and, *bechol derachecha da'eihu*, "In all your paths you shall know Him."

All these many great *malachim* were created to enable man to develop his spirituality. Man is the "*Rebbe*", and all the spiritual forces are "*talmidim*" created to serve him. How terrible it is, when a *Rebbe* sins in front of his students! Yet at the very moment that the *malach* of the blade of grass serves the man who treads upon him, the man who is supposed to make use of all the vast spiritual potential underfoot, that great *Rebbe* involves himself in frivolities and corrupt behavior. This *Rebbe* suddenly becomes an animal in the eyes of his student, the *malach*.]

A loaf of bread also contains the great wisdom and transcendent purpose of the thousands of *malachim* that comprise it. The goodness of *Hashem* manifest in the bread is another aspect of the great weight involved even in a mundane loaf of bread. The entire creation demands serious consideration, and demands of man that he use its great potential for the right purposes and *lishem Shomayim*.

The *Rav* continued on. He began to worry: "What shall we do in our *tefillos* this coming *Rosh haShana*? ! How can we open our mouths? ..." As I stood and listened, my heart felt how authentic his outlooks were. My thoughts followed in the footsteps of his ideas. At that moment, I imagined that I was already belonged entirely to him, that I was completely directed toward all those great and lofty ideals of the *Rav's* Torah, and that soon I would become... a true *Ba'al Mussar*...

That *Shabbos* (*Parashas Ki Savo*) passed over me quickly, without the emotions I had expected would flow from my longing for the *Rav's* table, at which I sat for *Shalosh Se'udos*... I passed Sunday of this week (*Nitzavim*) in a similar fashion, until evening. That evening another mighty wave came, and again shook my soul...

I came into the *yeshiva* at the beginning of *mussar-seder*. In order not to distinguish myself from the *tzibbur*, I took a *sefer* from the shelf, and I sat at my place to look into it. As I glanced at it, I immediately saw that it was the *sefer* "*Reishis Chochma*". A desire to learn it and immerse myself in one of its sections suddenly filled my heart. All my life I have so intensely loved this holy *sefer*, this boundless encyclopedia of all the depths of *kedusha* in the heart; of all the inner heights of *tahara*; of the thousands upon thousands of *Chazals* that sparkle in the light of their Torah that penetrates the heart [the next phrase here: "*u'bochen kelayos*" cannot be translated!]; and of thousands of the *Rishonim* *zt"l's* comments, each of whose words casts a new light on Torah horizons broader than the ocean... There came to my hand a page from the *Sha'ar haKedusha*, where he discusses the truth in the heart. "The essence of the matter - is the intent of the heart. *Hashem* is close to all who call unto Him, to all that call unto Him in truth. The call to us is that our hearts not focus on matters of falsehood. One should worship neither man, nor glory, nor anything else that is in reality just sputtering wind." The pure *sefer* with its small letters spoke

more of this to me. My heart pursued its words. My soul was aroused by the sound of the statements aflame with fervor [*eish dos*] that my lips pronounced. My spirit blissfully concluded: I shall indeed return from now on. I shall improve my pathways in the future. From this moment I will redirect my thoughts, and purify them for the sake of truth. All of my conduct will be kissed by the directives of the Torah in *Hilchos Dei'os* and *Ma'asim*... I thought a great deal along those lines at that hour, and I consoled myself that I would yet do complete *teshuva*. I forgot all else and remembered only *teshuva!* ... And I hid my face in the pages of that beloved *sefer*, like a child in the embrace of his beloved mother, like a child whose cries spilled forth on all that was, and all that *chas veshalom* was yet to be... In short: Why should I reflect at length on that hour? I can succinctly describe it to myself in two short words: "[I] learnt *mussar!*..." I then davened *Ma'ariv* with the *tzibbur!* With that great and impassioned *tzibbur*, whose constituents' heads shook as if in a storm, and whose whispered voices cascaded like waters gushing down a waterfall...

(*B'Tkvos HaYirah*, pp. 157-162)

Note: I am indebted to Rabbi Tzvi Kaplan for correcting several errors and to Rabbi Yisroel Leichtman for critiquing and editing my translation.

Dr. Nathan Birnbaum zt"l, Ascent and Agudah

“Nathan Birnbaum is not a Ba'al Teshuva. He is like Avrohom Avinu in that he came to recognize his Creator.”

- Rabbi Avrohom Eliyahu Kaplan zt"l¹

We generally define a *Ba'al Teshuva* either as one who was held captive by a *yetzer hara* and then overcame it, or as one who was ignorant of Judaism who then came to appreciate its ideals and their relevance. By these definitions, the most famous *Ba'al Teshuva* of our century, Dr. Nathan Birnbaum zt"l, was never a *Ba'al Teshuva* at all! Dr. Birnbaum never succumbed to *yetzarim*. At every step along his way to *Emunah* he sought the truth of *Yahadus*.² He shaped the ideology and accomplishments - and experienced the shortcomings and frustrations - of each of the various movements that vied for the soul of our nation. Like *Avrohom Avinu*, by process of elimination - and no small measure of Divine Providence - he came to realize the *Emes* of Torah-true Judaism.

This *Pesach* was his sixtieth *yahrzeit*. This year also marks the eightieth anniversary of a remarkable movement he founded within the Agudah: "*Ha'Olim*" "The Ascenders."

Nathan Burnham was born in 1864, to observant parents from Galicia and Hungary, in Vienna. Although he distanced himself from Orthodoxy, he did not do so to assimilate, but to pursue Jewish national renewal. In 1885, he founded a Jewish nationalistic movement - a movement which he himself named - Zionism. By 1897, he served as chief secretary of the central Zionist office.

¹Related by Dr. J. Wolgemuth z"l, in *Jeschurun*, Berlin, *Iyar-Sivan* 5684. Quoted by Rabbi Tzvi Kaplan (Reb Avrohom Elya's son) in *MeMa'ayanei Kedem*, p. 330.

²His first pen name was "*Mattisyahu Acher*" Mattisyahu - a loyal son of his nation; Acher - but also, a heretic who denied his nation's faith (*ibid.*, p. 319; see also *Encyclopedia Judaica*, vol. 4, pp. 1040-1042).

Over time, he recognized the Zionist movement as bereft of true Jewish culture. He came to the realization that the struggle for land could not supplant the struggle for cultural advancement. Dr. Birnbaum broke with the Zionist movement to seek an authentic Jewish modality that would transcend the narrow quest for a homeland. He thought he found it - in Eastern European Jewish culture. He became an ardent Yiddishist. From 1906 until 1911, he published Yiddish periodicals that promoted an autonomous Jewish culture focusing on the Yiddish language.

This second phase of his career brought him into intimate contact with Eastern European Jewry. The vibrancy of both Polish *Chassidus* and Lithuanian *Mussar* made a profound impact upon him. An "*erlebnis*" (religious experience) while at sea on a ship to America pushed him along. He came to recognize the *yad HaShem*. Dr. Birnbaum came to see the role of *Am Yisroel* in Creation as a religious destiny. By 1919, Nathan Birnbaum was a fervent Agudist, and the first general secretary of the Agudath Israel World Organization.

Personal, even professional, fulfillment never satisfied him. Like *Avrohom Avinu*, his quest was never personal salvation or achievement, but the renaissance and growth of the entirety of *Klal Yisroel*. Thus, after returning to Torah and *Mitzvos*, Dr. Birnbaum felt compelled to publicize and promote what he had found.

But not to his estranged brethren! To Dr. Birnbaum, the great challenge was to energize Torah true Jewry! His "return" spurred him to new ambitions: Ambitions to rise and uplift his fellow *Ma'aminim* with him, that we might all live lives that befit scions of a holy nation, of G-d's nation. Already in 1917 he published works in Yiddish and Hebrew that were challenges to us:

You complain about the traitors to *Toras Hashem* and about our period that produces such traitors. You are angry with these traitors, which have distanced themselves from Torah for the sake of an easy life. But you who cling to the Torah - do you

not also seek comfort? Can't their pursuit of affluence be attributed to your attitude?

Why are you not angry with yourselves?

Every day you take pride in that *Hashem* chose you and gave you His Torah. Didn't he also command you? "Be holy unto me? " How can you take pride in that He chose you, yet not pursue holiness as He has commanded?

It can only be because it is easier for you thus.

Every day you await the moment when *Hashem* in His great mercy and love for you will send you *Moshiach*. Why do you expect a gift, a grant, a favor? Why don't you improve your deeds, to merit *Moshiach's* coming by your own righteousness? Indeed, the only way to merit such a reward is by traveling the road that ascends toward the most lofty holiness that man can attain. But this road appears to you too difficult to travel. You seek only that which is easy.

You know the Torah's words well. You also know which road leads to holiness. Why is it that you have not walked along that road? ³

A generation earlier, Rabbi Yisroel Salanter *zt"l* had toiled to introduce the idea of ongoing self critique and development. Dr. Birnbaum undertook a similar task. The main difference, perhaps, lay in that Reb Yisroel focused on individual *Avoda*, while Dr. Birnbaum stressed the elevation of society.⁴ Dr. Birnbaum strove to mobilize *Klal Yisroel's* energies in pursuit of *shleymus* as an *Am Hashem*.

⁴The resemblance was not lost on his contemporaries in the Lithuanian Yeshiva world. Many of his writings were translated and published in *HaNe'eman*, the Telzer journal that served as the voice of contemporary *Mussar*. I am grateful to Rabbi Tuvya Lasdun, librarian at the Gottesman Library of *Yeshivas Rabbeinu Yitzchok Elchonon* for providing me with copies of Dr. Birnbaum's essays in *HaNe'eman*. It would be a great favor to our generation were someone to reprint the *HaNe'eman* series, which is difficult to obtain.

It followed that the organization that unified Orthodox Jewry under the banner of Torah true principles should serve as the vehicle for that elevation. This was Dr. Birnbaum's perspective on *Agudas Yisroel*. He saw the Agudah as the ideal forum in which to promote constant striving for *his'alus* and *shleymus*. He persistently lobbied the Agudah's leaders and members to join in his great push for mass refinement.⁵

Dr. Birnbaum organized small groups of individuals that would devote themselves even more intensely to the cause of *his'alus*. Known as *Ha'Olim*" these groups were to be the vanguard of a great movement toward heightened *Avodas Hashem*.

Ha'Olim groups were extant from the 1910's until the 1930's. It was with the solidification of the Agudah after the second *Kenessia Gedola* (in 1927), however, that Dr. Birnbaum first mounted a major effort to expand the movement.⁶ [See Box]. He publicized a signed call to join his fledgling movement. Most of the signators were well-known ideologues and activists of the early Agudah. The *Kol Koreh* was printed simultaneously in the newsletter of *Agudas Yisroel* in Germany and in the Telzer *HaNe'eman* (in Hebrew).⁷

⁵A fascinating facet of Dr. Birnbaum program was a firm belief that cosmopolitan lifestyles were detrimental to *his'alus*. He believed that the intensity and competitiveness of city life and trade were inimical to the contemplative and deliberate personality that is the Torah's ideal. He was, therefore, very vocal in his advocacy of a return to a rural, agrarian lifestyle. See, for example, *Am Hashem* pp. 106-107.

⁶*Men of Spirit* (New York, 1964), Rabbi Leo Jung zt'l, Editor, p. 337 (essay by Dr. Solomon A. Birnbaum z'l on his father, Dr. Nathan Birnbaum).

⁷The *Kol Koreh* in *HaNe'eman* is accompanied by an editorial essay (likely authored by Rabbi Yosef Shmuelevitz *Hy"d*, editor of *HaNe'eman*, and a towering figure in his own right), that expresses Eastern European amazement that such a movement might have been conceived in Germany - a country they perceived as bereft of spiritual strivings and

Kol-Koreh (Free Translation)

"And you shall be to me a kingdom of priests and a sacred nation." G-d commanded Israel to sanctify itself and rise up that sanctity as an example and a banner. This is the task of the Jewish nation. It has not yet completed this task. It is still distant from the pathway that leads to this sanctity. It is still far from true awareness and service of *Hashem*; far from compassion and extra care in matters *bein adam l'chaveiro*; far from arranging itself in a modest way amid the world's grandeur, a way that would reflect the majesty of G-d Himself. Even worse, a part of the level that the nation had already achieved has eroded. Our *bein adam laMakom* is frigid and has become flippant; our *bein adam l'chaveiro* has become artificial or political. Our lives are either patterned after foreign, empty ideals, or bereft of all esthetics and order, not sacred unto *Hashem*.

Will this decline continue? Is it permissible to gaze with equanimity on this destruction? Has the time not come to turn the evil back? Hasn't the moment arrived for *Am Yisroel* to strive for that ascent for which it was chosen? Who [but us] is responsible for fortifying themselves and calling out to *Yisroel*: Become more than you presently are! Be more than true to *Hashem* and His Torah. Take on the mighty responsibility for the life force of the Jewish nation!

One thing gives us hope, the fact that *Charedim* have recently organized themselves and become productive. Through these efforts they have gained much in distinction, in confidence and in the quest to act. This gives us hope, that soon they will come to realize their capacity for the greatest task of all.

To fulfill this hope, the undersigned committee has decided to found

The Society of Olim

Mussar inclinations; and also a heartfelt plea to the Lithuanian Yeshiva world to recognize the compelling necessity to join in these efforts.

Based on the ideas expressed by Dr. Nathan Birnbaum in his book "In the Work of Promise."

This society, as part of the framework of *Agudas Yisroel*, will not be a political party or entity aspiring to rally masses under its flag. It will not compete with independent Orthodox organizations. On the contrary - it yearns to be an army of pioneers upon which others can rely.

The purpose of the society is: To promote the idea that *Agudas Yisroel* must create the necessary conditions to refine the entire Jewish nation... Then, under the leadership of the *Rabbonim* of the *Mo'etzes Gedolei HaTorah*, the nation will be enhanced. It will become a true "*Kenesses Yisroel*" one that embraces the entire nation of an Israel that is *chared l'dvar Hashem* with strong and tight knit bonds, as opposed to the state of anarchy that currently reigns.

Before all else, however, the society must ensure that it itself will be an example and role model. Not just in a return to agriculture (in that it will found a model colony now, and, subsequently, various colonies in *Eretz Yisroel* and other lands). Primarily, rather, by proving that courage of spirit and self education will have enabled the society to achieve significant ascent despite the current less than ideal situation. The society is obliged to build groups of those who yearn for sanctity within the body of *Am Yisroel*.

To attain its goal the society will use special techniques and regulations whose fundamentals have already been formulated, but whose details must still be resolved. With no shred of politics the society will educate all those who accompany it:

- To the capacity to withstand the modern rebellions against both *Emuna* in *Hashem* and *Mesorah* and against the laws of *Tzeniyus* and *Kavod Chachomim*.
- To strengthened *Emuna* and diligent Torah study.

- To imbue their hearts with true love and awareness of *Hashem*.
- To habituate themselves to the *midda* of *Rachamim*: empathy, assistance and good will in matters *bein adam l'chaveiro*.
- To arouse themselves to thoughts of *Kiddush Hashem* and to pattern their public lives in a splendid and majestic authentic Jewish manner.

Anyone who yearns to see *Yisroel* ascend to its proper level as a nation of destiny and example, and knows that he has the capacity to toil with his entire personality for the benefit of this purpose - should come and identify himself to us!

We must mention an individual that to our sorrow has already passed from among us: Rabbi Avrohom Eliyahu Kaplan *zt"l* was among those who began to gather under the idea of "*Ha'Olim*." He signed this *Kol Koreh* some years ago. Were he still alive, he certainly would have had his name signed on the *Kol Koreh* as it is now being publicized. He surely would have participated and helped us now in our work.

Friends who want to support our ambitions in some specific area, even if they do not wish to enter the "society" - are of interest to us.

We will eagerly provide more information to anyone corresponding to the address of:

**Samuel Ostersetzer, Duisburg (Germany)
Charlottenstrasse 62.** From Poland and throughout Eastern Europe, to the address of:

**Advocate Dr. Ben-Zion Fessler, Kolomea (Poland)
Sobieckiego 8.**

In the month of *Kislev* 5688:

**Rabbi Dr. Elie Munk, Ansbach
Mordechai Knoblewitsch, Dortmund
Samuel Ostersetzer, Duisburg
Lawyer Isaac Rosenheim, Frankfurt
Dr. Gershon Schnerb, Frankfurt.
Dr. Solomon Birnbaum, Hamburg**

Wolf S. Jacobson, Hamburg
Moshe Elzas, Kassel
David Ullmann, Kassel
Dr. Ben-Zion Fessler, Kolomea
Henry van Leeuwen, Rotterdam
Rabbi Tuvia Horowitz, Rzeszow
Binyomin Mintz, Tel Aviv
Dr. Leo Deutschlander, Vienna
Alfred Astroh, Vienna
Yehuda Leib Orlean, Warsaw

Few records of their activities remain.⁸ But the *Ha'Olim* literature and Dr. Birnbaum's writings, affords a glimpse of *Ha'Olim*'s program and activities.

Dr. Birnbaum identified three areas in which we must sanctify ourselves: *Da'as*, *Rachamim* and *Tiferes*.

By *Da'as* he meant awareness and knowledge of *Hashem*. He did not mean that one should study the evidence of G-d's existence and the like. Dr. Birnbaum meant that we should be intimately acquainted with *Hashem*. This intimacy would be manifest in fervor (*hislahavus*) in *Hashem* and submission (*hachna'ah*) before Him. Awareness and knowledge that do not lead to fervor and submission are imperfect. Submission before *Hashem* leads one to submit to others that submit to G-d's will as well, but not to those who do not, i.e., evildoers, scoffers and the haughty.

⁸I am grateful to *The Nathan and Solomon Birnbaum Archives* of Toronto, under the auspices of Dr. Birnbaum's grandchildren, Prof. Eleazar and Mr. David Birnbaum, for providing me with the records and protocols that do exist, including the cover page of an issue of *Der Aufstieg*, a monthly journal published by Dr. Birnbaum in Berlin from 1930-1933, from which the title of this essay and the accompanying illustration are taken. A sad but fascinating sidebar: One of the prominent members of *Ha'Olim* was Daniel Schindler, father of Reform "Rabbi" Alexander Schindler. Another grandson, Mr. Jacob Birnbaum, informed me that Alexander Schindler's *tallis* has an *atara* upon which are embroidered the words: "*Da'as, Rachamim, Tiferes*."

By *Rachamim* he meant that we should cling to *Hashem's middas harachamim* and have mercy upon our fellow beings. Such *rachamim* must be aroused when one perceives either physical or spiritual anguish in another; it must concern itself both with remediation of extant pain and with prevention of potential pain; and it must address communities and individuals equally.

By *Tiferes* he meant that we must consciously borrow a part of the ultimate glory that is *Hashem's* and adorn ourselves with it. The stress here is on "borrow" - as opposed to "acquire." We must see ourselves as a part of the glory that is the Creation, not as independent sources of splendor. The danger of the latter attitude is haughtiness and self centeredness. *Kedushas HaTiferes* requires us to identify, define and pursue a Torah esthetic - in our dress, our abodes, our art and our music - one that reflects the values of an *Am Segula*.⁹This was not abstract idealism. Dr. Birnbaum created a detailed plan for ascent in holiness. A 1927 address to the Agudah's Central Committee captures the essence of the *Ha'Olim's* program:¹⁰

It is the greatest demand placed by Judaism itself on the Jewish people: "And you shall be to me a kingdom of priests and a sacred nation." If *Charedim* seek to be true activists, then they must consider how they will fulfill this lofty demand that Judaism makes. They must place this demand at the center of their activism.

I know that many - and not necessarily the most base among us - respond to such demands with a smile on their lips. They perceive this as exaggerated *temimus*, as a naivete that refuses to recognize the nature of humanity and its inescapable frailties. In truth, even I far from believe that all human beings

⁹The definitions here are taken from *Am Hashem* p. 109.

¹⁰Reprinted in *L'Or HaNetzach*, p. 439.

possess an equal capacity and ambition for a life of *Mussar*...

What I think, what I hope to achieve, what I demand from *Charedi* activists who recall G-d's ancient charge to the Jewish people, is a society that attains a lofty character, so that each member of the society ascends discernibly, whether to a great or small degree, even if that individual does not end as the outstanding *Ba'al Middos*... How can the ideal of sanctity and character refinement become the new driving force within *Am Yisroel* ? It seems to me, without doubt, that this ideal can only serve as a driving force if we can find suitable individuals to accept upon themselves to enunciate and declare this ideal in all its breadth and depth. They must do so incessantly, without slavishness, with the full weight of the idea. Furthermore, there must arise a small force of pioneers in self sanctification to serve as an example and role model for *Am Yisroel*...

[Organized Orthodoxy] is obliged to come together and create societal tools that will teach:

1. How to deepen our awareness of *Hashem* out of love for Him [*Da'as*].
2. How to dedicate ourselves to love our fellow human beings [*Rachamim*].
3. How to pursue modesty [*hatznei'a leches*] as a manifestation of the glory of our *Hashem* [*Tiferes*]...

We must admit that cold intellectualism has penetrated our relationship with *Hashem*. Following through with that metaphor, *Ha'Olim* cannot remain at ease with this frigidity. They must toil until within their societies, within each of their groupings and within each of their members there arise divine *hislahavus* and inner spiritual feeling.

To achieve ***aliya in Da'as Hashem*** there float before my eyes [the following ideas]:

- 1. Torah study in a more profound manner:** Every "*Oleh*" is required to expand and deepen his

knowledge of Torah and *Chochmas Yisroel*. Before all else, if he does not possess basic knowledge, he must acquire it upon entering the society. The society must constantly supervise its members to ensure that they are fulfilling this obligation. It must provide the opportunity to learn and grow through *shiurim* that it will conduct within its circle. The society shall campaign among its members, their children and their students to convince them to embark upon a term of study in a yeshiva or under a renowned *talmid chacham* for one to three years.¹¹

2. Festive gatherings of Charedim, for spiritual purposes (such as the introduction of the Eastern European *Shalosh Seudos*, etc.).

3. Special instruction in the history and development of *Hislavavus* and *Dveykus* in Israel and its practice.

4. Great emphasis must be placed upon a stipulation that every *Oleh* to refrain from any **excesses or immodesty** in speech, clothing, deed and from any **competitive sport or gambling**.

5. The development of a pure esthetic that will free the architecture of our *Shuls* and the nature of our music from the influence of other religions...

To achieve ***aliya in bein adam l'chaveiro*** I consider:

1. Instruction in the issues of *bein adam l'chaveiro* and guidance in expanded practical applications. Both modern and classic texts should be employed, with a particular stress on current situations. To develop a greater sense of belonging to Orthodox society as a whole.

¹¹We must be aware of the German Orthodox milieu, in which *yiras Shomayim* and *shemiras hamitzvos* were very strong, but Torah knowledge, scholarship and religious fervor were relatively weak. Advanced yeshiva study (except for those who aspired to the rabbinate) was unheard of.

2. The obligation of every *Oleh* to engage in **Cheshbon HaNefesh** at least once a week, to ascertain if, and to what extent, he has fulfilled *mitzvos* and refrained from *aveiros* according to the instruction and guidance provided to him.
3. An outright ban on certain material pursuits.
4. Substantive and apolitical common counsel to resolve Jewish societal problems in the spirit of Torah and *Mesorah*. Even if the manner in which we display the public image of our lives does not currently convey our glory as the Chosen Nation, even if we are uncertain how to properly become the glory [*pe'er*] of the world, *Ha'Olim* cannot allow the status quo to continue. They must attempt to rectify as much as possible.

To achieve **aliya in the manners of creating public lives**, I depict to myself:

1. Instruction in issues concerning glory [*Tiferes*] and its correlation to religion and *Mussar*¹²... [and] practical guidance in the application of these principles to the creation of appropriate public lives.
2. The development of an independent Jewish social structure following Judaism and *Mussar*.
3. The development of arts, especially architecture, music and poetry, rooted in the spirit of true Jewish *Mesorah*, and the establishment of competitions in these areas.
4. The previously mentioned (in the section on *Da'as Hashem*) ban on excesses.

As a means of ascent in all three aforementioned areas I consider Involvement in **the education of young men and young women** according to the demands of *Ha'Olim* - an involvement that will

¹²Dr. Birnbaum references here a work by Reb Yaakov Rosenheim z"l on Aesthetics and Judasim.

become especially substantial when it will be possible to arrange such education among large groups of *Ha'Olim* or in their respective communities...

There is no room to doubt the importance of *Ha'Olim* to the entirety of *Agudas Yisroel*... Not only will they carry the pressure of *Yahadus* in to the world of treason thereto; more so, they, through their *Avodah* in the ideals of *Mussar* and *Middos* (a labor unto itself) can be a special force for the Agudah, if only the Agudah realizes how to take advantage of this opportunity.

For although the Agudah's strengths are mostly organizational and political, it cannot derive its life force from those strengths... It must focus on those inherent strengths of *Yahadus* itself, its eternal ideas and ancient yearnings as well. In the final analysis, strength of will is contingent on those ideas and yearnings...

Please do not allow your hearts to persuade you that all there is here is the foundation of yet another redundant new society. That which we will found here is a *Kiddush Hashem* that will and unite the driving forces of *Chassidus*, of the *Mussar* Movement, of the Talmudic Masters and of the ambition for loftier *Derech Eretz*... This will be a *Kiddush Hashem* to an extent never before attempted. A *Kiddush Hashem* that will be the first step toward the blossoming of the ancient Torah, a debt that we owe *Hashem* in return for the *chessed* He has granted us in choosing our nation. It is the first step toward fulfilling the task, for which *Hashem* has chosen us.

Unfortunately for us all, Hitler's rise to power put an end to the activities of those groups of *Ha'Olim* which had begun to form in various places. The unsettled conditions which prevailed in Europe doomed this attempt to create a

nucleus of enthusiastic young Jews dedicated to the spiritual regeneration of their people.¹³

Foreseeing the danger posed by Hitler *yemach shemo v'zichro*, Dr. Birnbaum fled Berlin (where he had lived since 1911) with his family in 1933. He moved promptly to The Hague in Holland. He continued there to publish yet another periodical, "*Der Rufe*." The upheavals, however, took their toll. Dr. Birnbaum's death in 1937, along with the Holocaust, decimated the *Ha'Olim* movement.

We have certainly not done Dr. Nathan Birnbaum or "*Ha'Olim*" justice! What we have attempted here, rather, is to replace upon the table of Judaism an array of essential ideas. The challenge that Dr. Birnbaum placed before the Agudah's central committee seventy years ago, is still relevant. The Holocaust led to essential, "distractions": the rebuilding of Orthodoxy and the Yeshiva world; the solidification of our socio-economic and political foundations; the popularization of large scale Torah study projects.

But isn't it now time for determined, structured, ascent

¹³*Men of Spirit*, *ibid.*

Three Seforim of or about HaRav Yosef Dov HaLevi Soloveitchik zt"l

(Hebrew)

Nefesh HaRav, by Rabbi Hershel Schachter, *Reishis Yerushalayim*, Jerusalem, 5754. "At the conclusion of a year after the *petira* of *Maran HaRav Yosef Dov HaLevi Soloveitchik zt"l*: A collection of statements; Descriptions of *Ma'asim*; Words of Appreciation."

(Hebrew) *Beit Yosef Shaul*, edited by Rabbi Elchanan A. Adler Yeshiva University, New York, 5754

"Insights and Explanations in Teachings of *Maran HaGaon Rabbi Yosef Dov HaLevi Soloveitchik zt"l* on Matters of *Sifrei Torah*, *Tefillin* and *Mezuzos*."

[English] *Shiurei HaRav*, edited by Rabbi Joseph Epstein, originally published in 1974, revised and expanded edition, Ktav, Hoboken, NJ, 1994.

"A Conspectus of the Public Lectures of Rabbi Joseph B. Soloveitchik."

"Rabban Shimon ben Gamliel said: One does not build [*nefashos*] monuments for *Tzaddikim*. Their words commemorate them." (*Yerushalmi Shekalim*, end of the second *perek*; *Nefesh HaRav*, p. 1).

The deaths of *HaRav Yosef Dov HaLevi Soloveitchik zt"l*, the Lubavitcher Rebbe *zt"l*, and the Klausenberger Rebbe *zt"l*, have brought a period of twilight to its dark end. This period began with the loss of the Satmar Rebbe *zt"l* and *HaRav Yitzchok Hutner zt"l*, and continued with the deaths of *HaRav Moshe Feinstein zt"l*, *HaRav Yaakov Kaminitzky zt"l*, and *HaRav Yaakov Ruderman zt"l*. The sun of American *Gedolei Torah* of epic stature educated in the great *mesoros* of Europe has set. We have entered a period of diminished Torah knowledge and prowess.

Precisely because we have lost the living link to the past, it has become crucial to maintain and expand the written link. *Hashem's Hashgacha* is clearly manifest in enhanced archiving technologies developed over the last half century. These technological advances allow detailed

records of the greatness of the vanished Torah Giants to continue to inspire, motivate and instruct us.

Histories do not provide the best means of inspiration, motivation and instruction. Teachings and records of the personal conduct of *Gedolei Torah* create far more powerful impressions. The three *seforim* reviewed here are of this latter nature. These *Seforim* are not historical biographies of Rabbi Soloveitchik, known to his *talmidim* as "The Rov" (for the origin of the title, see *Nefesh HaRav* p. 70 note 18). They are Torah biographies: works that reflect Rabbi Soloveitchik's unique Torah approach to *Halacha*, *Agada*, *Ahavas Torah*, and *Yiras Shomayim*. As Rabbi Soloveitchik himself put it (*Nefesh HaRav* p. 280):

"[Hashem says] I will teach people My conduct through the *Gedolei Yisroel*. Through them the *Shechina* is revealed. Not just in what they say explicitly in the name of *Hashem*, but from their lives, from their biographies, because the *Shechina* is reflected in the *Gedolim*."

1. *Nefesh HaRav*

Rabbi Hershel Schachter, one of Rabbi Soloveitchik's greatest *talmidim*, attempts to convey his *Rebbe's* essence via statements of and stories about Rabbi Soloveitchik. Rabbi Schachter's extraordinary memory and scholarship allow him to enhance his portrayal with his own rich analysis.

From Rabbi Schachter we learn that Rabbi Soloveitchik always attempted to apply the approaches of his *Rabbeim* - his grandfather, Reb Chaim *zt"l*, his father Reb Moshe *zt"l*, and his uncle Reb Velvel (the *Griz*) *zt"l* - to his own learning, personal concerns and public issues (*Nefesh HaRav* p. 8. Page numbers in this section are from *Nefesh HaRav*). Although positions Rabbi Soloveitchik took in areas such as the importance of secular studies led to charges that he had departed from his predecessors' pathways, his response to such challenges was that apparent departures only occurred when unprecedented circumstances required new approaches (p. 24).

A good example of such attempts is Rabbi Soloveitchik's approach to *Eretz Yisroel* (he generally insisted on using either the classic *Eretz Yisroel* or, when referring specifically to the state, *Medinas Yisroel*, rather than "Israel" - p. 93). He held the establishment of the state to be a positive and lofty development (p. 85), and identified with the *Mizrachi*, a *chiddush* in the House of Brisk. Rabbi Soloveitchik, however, devoted significant thought to the intellectual reconciliation of his position with that of his illustrious, anti-Zionist uncle (p. 86). Readers familiar with Reb Velvel's views will be skeptical of such efforts. Revealed in this attitude, however, is Rabbi Soloveitchik's self-imposed imperative to integrate what others regarded as his own *chiddushim* with the heritage of *Beis Brisk*.

We also learn, however, that Rabbi Soloveitchik held that the central mitzva in Judaism is *VeHalachta BiDerachav*, to emulate *Hashem's* attributes and conduct. Therefore, just as *Hashem* is unique, each individual must strive to develop the unique potential with which *Hashem* endowed his *neschama* (p. 60). Perhaps the drive for uniqueness underlies Rabbi Soloveitchik's infusion of *Machashava* - Jewish Thought - in the *Brisker derech*. Examples include the connection of the future to the present and of our generation to those yet to come (Rabbi Soloveitchik opposed the lyrics of a popular song: "*He'Avar ayin ve'he'atid adayin ve'hahoveh k'heref ayin*" as antithetical to this Torah perspective - pp. 51, 300). These ideas are remarkably similar to those expressed by contemporary *Ba'alei Machashava*.

One perceives a strong resemblance in style between Rabbi Soloveitchik and other *Ba'alei Machashava*. An expressive warmth that typifies *Machashava*, prevalent in Rabbi Soloveitchik's works, is not manifest in writings of others, such as Reb Velvel, from *Beis Brisk*. In his youth Rabbi Soloveitchik had a Lubavitcher Melamed who taught him *Chassidus* (pp. 39, 72). The similar ways in which Rabbi Soloveitchik and other *Ba'alei Machashava* express

their ideas suggests that this early training struck a chord in Rabbi Soloveitchik's soul.

Rabbi Soloveitchik held that our religion frowns on "ceremonies." We do not engage in behavior for its "esthetic" value. Such conduct "vulgarizes" Judaism. All behavior must be grounded in pure Halacha (p. 95). Rabbi Soloveitchik spent much effort proving that various *minhagim* were what he called "*kiyumim*" expressions and fulfillments of Halachic norms (p. 74). The most interesting section of *Nefesh HaRav* is therefore its *Likutei Hanhagos*, stories and sayings arranged in the order of the *Shulchan Aruch*. Rabbi Soloveitchik warned not to accept statements that *Ba'alei Battim* would relate in his name (p. 47). It is therefore welcome that a *Talmid Chochom* of Rabbi Schachter's stature vouches for this collection. Precious gems abound. While Rabbi Soloveitchik did not intend that others necessarily follow his personal *hanhagos*, all the *hanhagos* are enlightening. Some are also sure to generate controversy. For example:

- One should not recite *Tefillos* (other than *Tehillim*) at times or on occasions other than those enacted by *Chazal* (p. 108).
- Reb Chaim and Reb Moshe held that *Aseres HaDibros* should not be recited in *ta'am elyon* because then the *pesukim* are not punctuated as *Moshe Rabbeinu* decreed (p. 141).
- We are no longer permitted to place a pot of raw meat on a stove just before *Shabbos*, because our ovens are more efficient than those of *Chazal* (p. 156).
- Reb Chaim ruled that if one forgot *Ya'aleh v'Yavo* in *Shacharis* of *Rosh Chodesh* but will say *Musaf* within *zman tefilla*, he should not repeat *Shemoneh Esrei* (p. 174).
- Reb Moshe ruled that if the *kos yayin* filled during the recitation of the *Maggid* part of the *Haggada* spilled, the *Haggada* should be repeated (p. 186).

- Rabbi Soloveitchik opposed the *minhag* to sing *Yigdal* because it resembles the Christian custom to recite the Catechism (pp. 165, 231).
- Whenever possible, schools for boys and girls should be separate. Rabbi Soloveitchik only allowed Maimonides to be coeducational because otherwise there would have been no Orthodox Jewish education for girls in Boston (p. 237).
- Women are required to cover their hair. One cannot bring proofs to the contrary from wives of *Talmidei Chachomim* that were not meticulous in fulfilling this Halacha (p. 255).
- Just as a king must always wear a crown, so too it is appropriate that a *Chosson* wear a felt (not straw!) hat throughout his wedding (p. 256).

Nefesh HaRav concludes with a collection of Rabbi Soloveitchik's *peshatim* and *derashos* on the *parshi'os* (including an uncharacteristic Kabbalistic explanation of why Friday night we cut the bottom *challa* and *Shabbos* morning the top one - p. 282).

Rabbi Schachter does not address his *Rebbe's* involvement with secular philosophy and *zeitgeists*. Rabbi Schachter's work adheres, in this respect, to the perspective expressed by Rabbi Soloveitchik himself regarding details of the personal lives of *Gedolei Yisroel*: "Matters like the relationship of a *Gadol* with his father-in-law etc., are of no significance, and are just 'history' from which we can derive no lessons for our lives" (p. 280). Indeed, *Nefesh HaRav* also contains little material on Rabbi Soloveitchik's personal life. *Nefesh HaRav* is not historical biography, it is Torah biography.

2. Beit Yosef Shaul

Beit Yosef Shaul, a Torah journal, contains essays by *Roshei Yeshiva* and *Roshei Kollel* of YU's *Yeshivas Rabbeinu Yitzchak Elchonon* and members of its *Gruss Kollel Elyon*. Most of the essays are based on Rabbi Soloveitchik's insights into matters of *Sifrei Torah*, *Tefillin* and *Mezuzos*.

Although of great significance to *Lamdonim*, these essays will probably not interest laymen.

Beit Yosef Shaul, however, also contains the entire Aggadic portion of Rabbi Soloveitchik's 1959 *yohrzeit shiur*: "A Yid is Geglichen tzu a Sefer Torah" ("A Jew may be Compared to a *Sefer Torah*"). The essay appears in the original Yiddish, as transcribed at the time by Dr. Hillel Seidman. Rabbi Soloveitchik himself checked, corrected and encouraged publication of this transcript. A full translation into Hebrew by Rabbi Shalom Carmy follows. Anyone with at least some knowledge of Yiddish, however, should read the original, and refer to the Hebrew to fill the gaps. The translation is accurate and readable, but only the Yiddish preserves the dramatic majesty of the original oration. The sweep and splendor of the *shiur*, the way it intertwines *Halacha*, *Machashava* and *Derush*, is brilliant.

Rabbi Soloveitchik develops the idea that the Jewish *neshamah* in the spiritual realm and the *Sefer Torah* in the physical world are parallel entities. He notes that no time (except *Shabbos*), place or object can become sacred unless a person does a deed to sanctify it. One cannot instill that which one does not possess. All "concrete" *kedushos* - such as that of a *Sefer Torah* - must therefore be external manifestations of the internal *kedusha* of a Jewish *neshamah*.

There are two steps in the production of a *Sefer Torah*: 1) *Ibbud*, the preparation of the parchment; 2) *Kesiva*, the writing of the letters. In the development of a person there are two stages: 1) *Chinuch*, when the parents prepare the child's character and personality to accept Torah and Mitzvos; 2) *Talmud Torah*, when the parents inculcate their child with actual Torah and Mitzvos. In the history of our nation there were also two stages: 1) The period of the *Avos*, which prepared our national character and personality; 2) The period of *Mattan Torah*, when *Hashem* inculcated us with the Torah itself.

Mezuzos are written on *duchsustus*, parchment from the layer of the animal's hide closest to the flesh. *Tefillin* are written on *klaf*, the layer closest to the hair. A *Sefer*

Torah is written on *gvil*, parchment of both layers. *Mezuzos* rectify sins associated with man's flesh; *Tefillin* rectify sins associated with man's hair. We allude to the two types of sinners in *Aleynu* when we say: "And all sons of flesh [*inei basar*] will call unto Your Name; To turn toward you all evildoers in the land [*rish'ei aretz*]."

Aveiros of the flesh are those of the *Dor HaMabbul*, sensual lust and desire (*Ba'alei Machashava* link this type of sin with *Yishmael*). Judaism demands *Ibbud* of this sensual aspect of an individual. The *Ibbud* of sensuality is *Tzenius*. The essence of *Tzenius* is found in *Yitzchak*, who allowed himself to be restrained atop an altar. *Tzenius* is restraining our lusts - *mesirus nefesh* to *Hashem*. A *Mezuza* affixes the words of *mesirus nefesh*: *Bikol levavecha u'bikol nafshecha u'bikol meodecha*, to the places where we engage in our most sensual activities.

Aveiros of the hair are those we associate with *Esav* - the "Man of Hair." *Esav's* primary sins were those of interpersonal strife, culminating in murder. Hair symbolizes *chatzitza* - separation, strife, and the resulting degradation of others. Those were the sins of the *Dor Haflaga*, who cried when bricks fell from their scaffolds and broke, but were unmoved when a worker fell to his death (*Pirkei D'Rabbi Eliezer*). Rabbi Soloveitchik notes that their unity resembled the unity of Communism - a unity born of disregard of individual value, leading to interpersonal cruelty and atrocity. Such negative traits are broken with *Avraham's* trait - diligent pursuit of *chesed* and love. *Tefillin* straps restrain the hand that is all too often stretched out in rejection ("*semol docheh*"), its *parshios* written on *klaf* to rectify sins of hair.

Moshe Rabbeinu rectified both types of sin. Even the most instinctual *basar* ambition, that his children continue his work after his death, was denied him. A great leader cannot focus on his own *basar*. He belongs to *Am Yisroel*. On the other hand, *Moshe Rabbeinu* at the Burning Bush covered his face lest he see "*Elokim*." Some mystery, some unknown, had to remain in his understanding of *Hashem's* ways. One who knows the rationale of all *Hashem's* ways,

why there are pain and poverty, sickness and suffering, can no longer feel sympathy and mercy. He understands that all is truly good! When *Moshe* did ask "*Hareini nah es kevodecha*" ("Please show me your glory"), *Chazal* tell us that *Hashem* showed him the knot of the *Tefillin*. To ensure that a great leader will empathize with the plight of his people, he must understand the message of *Tefillin*. *Moshe's* perfection allowed him to be the great *Sofer*. He had sanctified both layers of parchment - *gvil*. *Moshe* thus became a suitable conduit through which to convey the letters of Torah - the *Sefer Torah* - to the Jewish people.

There are many points of convergence between Rabbi Soloveitchik and other *Ba'alei Machashava* here. Noteworthy, however, is the divergence. Reb Tzadok HaKohen of Lublin *zt"l* writes that the *Dor Haflaga's* unity was not the essence of their sin. The sin was an intent to use that unity for illicit purposes (*Kedushas Shabbos* 28b). Rabbi Soloveitchik, however, clearly views the unity itself as a sin, because its purpose was to devalue individuals (a *kin'a* sin). It is tempting to speculate that a *Chassid* can see no inherent negative in unity. In *Chassidus*, the *Klal* is everything. A *Litvak*, however, stresses personal development, and sees the loss of individual identity as a great tragedy. The pursuit of such a goal is a sin.

3. Shiurei HaRav

In a dictionary "conspectus" is: "1. A general survey of a subject. 2. a synopsis." On the one hand, one can taste here from a broad smorgasbord of Rabbi Soloveitchik's thoughts. On the other hand, neither *Nefesh HaRav's* flavor of personal recollection nor the *Beit Yosef Shaul's* taste of Rabbi Soloveitchik's own words are in this volume.

Emotion does come through. Readers may be moved by Rabbi Soloveitchik's beautiful interpretation of "*HaKatan*." This description was first given to the great *Tanna Shmuel HaKatan*. Rabbi Soloveitchik notes that many *Gedolei Yisroel* were like Rabbi Soloveitchik's grandfather, Reb Chaim: "...the man of iron discipline in the intellectual sphere, who captured the richness of halacha in acute, exact, logical molds, was swept without reservation

in a bold stream of simplicity, innocence, sensitivity, perplexity, childish confusion, but also immeasurable confidence: R. Hayyim ha-Katan! What was my father z"l? A genius and a child!" (p. 63. Page numbers in this section are from *Shiurei HaRav*). One senses Rabbi Soloveitchik's nostalgia for the innocence of a bygone era, prior to contemporary complexities.

We also find Rabbi Soloveitchik's mystical bent here. Examples include the relative nature of qualitative time discussed in "Sacred and Profane." "It is the ideal of *Ketz* [Redemption] to conquer time . . . A qualitative time experience enables a nation to span a distance of hundreds and thousands of years in but a few moments" (p. 21). Rabbi Soloveitchik employs this idea to explain the early Exodus (before the planned four hundred years) from Egypt. This idea is very similar to that expressed by the *Michtav Me'Eliyahu* (vol. 1 p. 309) in explaining phenomena such as *kefitzas haderech*. The experience of time as long or short is relative to the intensity of the events and the spiritual level of the people experiencing those events. Great people and epic events manipulate and telescope time. Another example is Rabbi Soloveitchik's analysis of the dialectic of *chesed/hispashtus* and *gevurah/tzimtzum* in "The Seder Meal." Rabbi Soloveitchik's abstracts the outward, expansive movement of *chesed* and the inward, contractive movement of *gevurah* (p. 164). His discussion parallels Rabbi Hutner's similar dialectic of *ahava* and *yirah* (*Pachad Yitzchok Shabbos Ma'amar 2*). More revealing, however, is an off hand comment at the beginning of the essay (emphasis mine): "As a child, I vividly sensed the presence of G-d on two different occasions . . ."

We also glimpse here idealism reminiscent of *Slabodker Mussar*: "William James saw happiness as the goal of religion. Judaism sees greatness as the goal. Not the greatness of business or political or military success but the greatness of heroism of the spirit . . . Judaism is not concerned with what is not heroic" (p. 133).

Rabbi Soloveitchik was a highly complex, sometimes controversial individual. His complexity was heightened by his brilliance, and compounded by his tendency toward the isolation that he glorified: "...*g'vura* implies a human flight from society (it is the flight of the lonely one to the Lonely One)... G-d wanted the Jews to present to the world a movement of *g'vura*..." (p. 165). The argument could be made that Rabbi Soloveitchik himself idealized and romanticized the "tragic" figure of the "Lonely Man of Faith" misunderstood, improperly appreciated by his generation, yet true to his own personality and goals (see *Nefesh HaRav* p. 65). That he was successful in cultivating this isolation, yet was also one of the greatest public *Marbitzei Torah* of his time is truly remarkable.

Reading these works, however, one senses that in mind and spirit Rabbi Soloveitchik was anything but lonely. Rabbi Soloveitchik believed that part of the uniqueness inherent in *VeHalachta BiDerachav* was his selection of specific *Ma'amarei Chazal* to reflect his particular perspectives (*Nefesh HaRav* p. 72). One of his favorite *ma'amarim* was the *Gemara* in *Sota* 36b. It is related there that *Yosef* did not sin with *Pothiphar's* wife because his father's image appeared before his eyes, refocusing his perspective on Jewish sanctity. "I cannot explain the *dmus diyukno shel aviv*, the spiritual picture of father that hovers near me tonight as in a yesteryear of physical existence" (*Shiurei HaRav* p. 25). To paraphrase Rabbi Soloveitchik himself (*Shiurei HaRav* p. 81, in his *hesped* for the Talner Rebbe), he was never alone. He always walked with company: The Rambam, of course, before him - pointing the way towards *Hashem*, Reb Chaim on his right, Reb Moshe on his left, the *Ba'al HaTanya* closely behind, followed at a distance by secular philosophers.

These three works do not attempt to deal with Rabbi Soloveitchik's complexity. These works, rather, primarily reflect the influence of his grandfather, father, and the *Ba'al HaTanya* on Rabbi Soloveitchik. Rabbi Soloveitchik himself, of course, wrote scholarly philosophical books and essays. Much analysis of Rabbi Soloveitchik's integration of

Torah and secular philosophy is sure to come, as will historical biographies. It is likely, however, that works such as these three *seforim* will have a greater impact on *Am Yisroel*. It is in these works that convey little historical or philosophical yet much Torah biography that the *Shechina* reflected in the lives of *Gedolei Yisroel* shines brightest.

Date: Thu, 05 Jan 1995 15:10:32 -0500

From: alustig@erenj.com (Arnold Lustiger)

Subject: Dr. Haym Soloveitchik's article in Tradition

The publication of any article by any Soloveitchik is a major event. This is particularly true of a lengthy article which just came out in Tradition called: "Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy". The article is a sociological analysis of Orthodoxy in the postwar world. The bulk of the article contrasts the transfer of religious information in the previous generations, when it was done "mimetically" (i.e. through imitation) versus today, when the information is transmitted through the written word. Using this basic thesis, he explains the ascendance of Yeshivot, Da'as Torah, Artsroll, the shift towards more stringent observance, and a host of other sociological realities in the Orthodox world. The article is quite objective, and gives no value judgments. I would therefore heartily recommend it to anyone on Jewish.

The final section of the article just blew me away. In it he first contrasts Yamim Noraim in the largely nonobservant synagogue in which he grew up versus Yamim Noraim at a "famous yeshiva" in Bnai Brak. Although prayer in the latter was "long, intense and uplifting, certainly far more powerful than anything that [he] had previously experienced", yet "something was

missing". He then describes how in his synagogue in Boston the congregants were largely irreligious, most originally from Eastern Europe. "What had been instilled in these people in their earliest childhood was that every person was judged on Yom Kippur, and as the sun was setting, the final decision was being rendered...these people cried...not from religiosity but from self interest, an instinctive fear for their lives...what was absent among those thronged students in Bnei Brak was that primal fear of Divine judgment, simple and direct".

Dr. Soloveitchik then continues to explain that while today a curious child may be told that diseases come from viruses, in yesteryear he might have been told that they are the "workings of the soul or "G-d's wrath". "These causal notions imbibed from the home are reinforced by the street and refined by the school." "G-d's palpable presence and direct, natural involvement in daily life - and I emphasize both 'direct' and 'daily'... was a fact of life in the East European shtetl."

His most subjective statement, and his most powerful, lies in the conclusion:

"...while there are always those whose spirituality is one apart from that of their time, nevertheless I think it safe to say that the perception of G-d as a daily, natural force is no longer present to a significant degree in any sector of modern Jewry, even the most religious. ...individual Divine Providence, though passionately believed as a theological principle...is no longer experienced as a simple reality. With the shrinkage of G-d's palpable hand in human affairs has come a marked loss of His immediate presence, with its primal fear and nurturing comfort. With this distancing, the religious world has been irrevocably separated from the spirituality of its fathers..."

"It is this rupture...that underlies much of the transformation of contemporary Orthodoxy. Zealous to continue traditional Judaism unimpaired, religious Jews seek to ground their new emerging spirituality less on a now unattainable intimacy with Him, than on an intimacy with His Will, avidly eliciting Its intricate demands and saturating their daily lives with Its exactions. Having lost the touch of His presence, they seek now solace in the pressure of His yoke."

I wondered if there are others who read the article who would like to share their thoughts. Arnie Lustiger alustig@erenj.com

My Response

Dear Arnie,

Let me note that I am not posting this to the List, and I request that you not cite me by name or any other possible identifying characteristics if you do use any material from here to further the discussion of Dr. Soloveitchik's essay - I do not wish to be involved in any controversy whatsoever - but let me give you my reading of its between-the-lines underlying theme:

This is what might have been going through the Author's mind in writing this piece:

"We long for the good old days when the intellectual elite was the intellectual elite and the ignorant masses the ignorant masses. In that bygone era, where a Ba'al Bayis or Balabusta had, at most, access to Ein Yaakov or Tze'ena U'Re'ena, we, the intellectual elite, could be machmir as we pleased, of course, based on our familiarity with the texts, and we adopted chumros such as Yashan, Rabbeinu Tam and Large Shiurim for ourselves. The masses knew their inferior place, respected and supported us in our

History and Biography

scholarship, and learnt only what we taught them and that which they received mimetically from their forbears.

"We liked seforim like the Aruch HaShulchan, written by a pre-Mussar Rav from our family for other Rabbonim. We disliked seforim like the Aruch HaShulchan written by a Mussar Rosh Yeshiva (not of our family) to educate the masses. We terribly dislike the Chazon Ish, who had the temerity to write critical glosses on Reb Chaim!

"In general, however, we are utterly discombobulated by the new zeitgeist, the unmitigated gall of the masses to actually attempt to achieve education - something the previous generations found completely unnecessary, since we studied for them. They have written extensive secondary source seforim for themselves (none of us Soloveitchiks would ever dream of writing such a popular tome!), and, horrors!, have wholeheartedly adopted Daf Yomi, Artscroll etc. as tools to access even the primary texts. This situation has led the previously ignorant masses to actually adopt some of the chumros that were once our exclusive province, and as even allowed certain upstarts not of the ancient elite to ascend to positions of sagacity and leadership. Our precious old order is disintegrating before our very eyes as knowledge is spreading throughout the land."

I should note, however, that I do agree with Dr. Soloveitchik's last premise, that simple awareness of G-d - innate Yir'as Shomayim - is lacking in our day.

Kol tuv,
Yosef Gavriel Bechhofer

X-Sender: alustig@crsgil.erenj.com
Date: Mon, 16 Jan 1995 13:23:03
Subject Re: T Tradition Essay

Thank you for your amazing analysis of the "subtext" behind the article in Tradition. Your comments do raise a few questions, though.

This is what might have been going through the Author's mind in writing this piece:

"We long for the good old days when the intellectual elite was the intellectual elite and the ignorant masses the ignorant masses. In that bygone era, where a Ba'al Bayis or Balabusta had, at most, access to Ein Yaakov or Tze'ena U'Re'ena, we, the intellectual elite, could be machmir as we pleased, of course, based on our familiarity with the texts, and we adopted chumros such as Yashan, Rabbeinu Tam and Large Shiurim for ourselves. The masses knew their inferior place, respected and supported us in our scholarship, and learnt only what we taught them and that which they received mimetically from their forbears.

Was R. Chaim zt'l such an elitist as well, or is his great grandson merely projecting his own wistful, nostalgic view of the Rabbinic elite in pre-war Europe?

"We liked seforim like the Aruch HaShulchan, written by a pre-Mussar Rav from our family for other Rabbonim. We disliked seforim like the Aruch HaShulchan [I assume you mean Mishnah Berurah] written by a Mussar Rosh Yeshiva (not of our family) to educate the masses. We terribly dislike the Chazon Ish, who had the temerity to write critical glosses on Reb Chaim!

Was the Aruch Hashulchan really meant only for "other Rabbonim"? I know that the Mishnah Berurah was indeed meant for the masses, and in fact, I once heard that the Chofetz Chaim felt that his mission in writing it was so important that he missed minyan more than a few times while working on it because it was written "letzorech tzibbur".

History and Biography

If Artscroll, Daf Yomi, etc are indeed manifestations of a more democratic, less elitist Orthodox community, is the fact that learning was at one time elitist not a major "teviah" on Rabbinic leadership in the nineteenth century (and probably earlier)?

My Response

Was R. Chaim zt'l such an elitist as well, or is his great grandson merely projecting his own wistful, nostalgic view of the Rabbinic elite in pre-war Europe?

If Artscroll, Daf Yomi, etc are indeed manifestations of a more democratic, less elitist Orthodox community, is the fact that learning was at one time elitist not a major "teviah" on Rabbinic leadership in the nineteenth century (and probably earlier)?

I would not call Reb Chaim an "elitist" nor would I call the "late" development of Artscroll etc. a "tevia'ah" on earlier Rabbinic leadership. I believe that a major contribution of the "American Galus" to Judaism is the great and novel democratic nature of this country - and I mean this sincerely. In Europe, the concept of Aristocracy and Elites - in class, wealth, and learning - was a Given, a fact of life. The social and academic systems generated no pressure for change, and so there was none. If there is a parallel, it can be found in late nineteenth century Germany, albeit to a limited extent. A need for religious education generated a rich polemic and "Hashkafic" vernacular literature. A concomitant surge in Halachic literature did not materialize - that came only when Lithuanian-Jewish culture met modern day American values.

Was the Aruch Hashulchan really meant only for "other Rabbonim"? I know that the Mishnah Berurah was indeed meant for the masses, and in fact, I once heard that the Chofetz Chaim felt that his mission in writing it was so

important that he missed minyan more than a few times while working on it because it was written "letzorech tzibbur".

I cannot "prove" offhand that the Aruch HaShulchan was written primarily for Rabbonim. If you look in his Introduction, however, at the beginning of Choshen Mishpat, he writes nothing about educating and much about the need he came to meet in resolving issues (Hachra'a) that were the matters of dispute. I also heard from Reb Refael Shmuelevitz that Rav Zevin zt"l expressed annoyance with the modern popularity of the Mishnah Berurah, and said that Rabbonim in E. Europe always favored the Aruch Hashulchan because it was written by a Rav. I personally assumed the end of my sentence: "For Rabbonim."

Kol tuv
Yosef Gavriel Bechhofer

ADDENDUM:

I once asked Rabbi Eliyahu Soloveichik how he defines Kedusha. He said Kedusha is defined as more chumra in mitzvos. I think that is the source of the Brisker approach.

Dr. Yitzchok Breuer *zt"l* and World History

Prominent among the ideologues of the early Agudah movement¹ was a grandson of Rabbi Samson Raphael Hirsch *zt"l*; Dr. Yitzchok Breuer *zt"l*, whose fiftieth *yohrzeit* we mark this year.

Dr. Breuer was born in Pupa, Hungary in 1883 to the city's *Rav*, Rabbi Hirsch's son-in-law, Rabbi Salomon Breuer *zt"l*. Upon his father-in-law's death in 1888, Rabbi Breuer came to Frankfurt to take Rabbi Hirsch's place at the helm of the independent Orthodox *kehilla*. The unique atmosphere of *Torah im Derech Eretz* that permeated the *kehilla* was the defining influence on Dr. Breuer's *weltanschauung*. He began publishing at a young age, and his essays helped to strengthen the commitment of a new generation of German Orthodox Jews to Torah Judaism. Dr. Breuer first visited *Eretz Yisroel* in 1926. One of his primary contributions to "Hirschian" thought was the definition of *Eretz Yisroel's* significance in the framework of *Torah im Derech Eretz*. Dr. Breuer moved to *Eretz Yisroel* in 1936, and died there in 1946. Shortly before his death, Dr. Breuer represented the Agudah's World Executive to the Anglo-American Committee of Inquiry that explored the possibility of founding a Jewish state. He had a profound impact on the course of their deliberations.

¹See *They Called Him Mike: Reb Elimelech Tress* (Artscroll/Mesorah, 1995) pp. 164-166 for an enlightening discussion of the distinctions between the early American Agudah and the European Agudah, specifically the German branch. In footnote 5 there, the author, Yonason Rosenblum notes: "Agudah ideology in the pages of the *Orthodox Tribune* [the Agudah publication] was almost exclusively the province of products of the German Agudah movement... excerpts from the works of Dr. Isaac Breuer..."

Dr. Breuer was a prolific writer, in both German and Hebrew². In a sense, he was the ultimate "codifier" of *Torah im Derech Eretz*. Two of his works deserve special attention: *Moriah* and *Nachaliel*. *Moriah* is a truly remarkable and unique work. In it, Dr. Breuer expounds the aspects of Judaism and our national destiny that he believed represent undeniable truths and the foundations of our task in this world. *Nachaliel* discusses Dr. Breuer's perspectives on *ta'amei hamitzvos* (one of his grandfather's great preoccupations). Dr. Breuer held that this area of Torah thought is, to a degree, subjective (we will discuss this later).

Dr. Breuer was intimately involved in the leadership of *Agudas Yisroel* throughout his life. He viewed the Agudah as a critical tool granted to *Am Yisroel* to fulfill their national destiny. A sizable portion of *Moriah*, therefore, discusses the history and vision of the Agudah.

We shall explore here the majesty of Jewish destiny and Jewish history, as Dr. Breuer unfolds them before us in *Moriah*. I must admit that the temptation to apply Dr. Breuer's models and principles to the present proved very difficult to overcome. I have, nevertheless, refrained from drawing such inferences. The intent of this essay, is to cause the reader to go beyond the text. I hope this material leads you to sit back and think independently. Whether you ultimately agree or disagree, with it, Dr. Breuer's perspective is quite a springboard to begin to understand our place in *Am Yisroel's* ongoing destiny of *Kiddush Shem Shomayim*.

Concepts and Visions

²Excerpts from his works were translated and published by Prof. Jacob Levinger in *Concepts in Judaism* (Feldheim, 1974).

First, we have to distinguish between "concept" and "vision". If we observe or experience reality with any degree of perception, we will note that many particulars can be summed up with some general principle - that principle is a concept. A vision, however, is not derived from reality. It transcends reality. It teaches us how to approach reality. Vision is the vessel by which man grasps reality, and reality is like the water that takes on the shape of the vessel that contains it.

Various Visions - and their Antithesis

A vision of truth: Not everyone cares to assess reality with truth. Reality, after all, is a stream of data that enters our consciousness. We can select to deal or recognize certain aspects, and not others. Mathematics, science and a significant portion of history attempt to impose a vision of objectivity and truth on reality³.

A vision of good: Mathematics and science describe cause and effect with "real" concepts: chemical, physical, biological, etc. The vision of good does not concede that man's deeds are determined by natural phenomena. It perceives man as free, and attempts to reorder the world from a view of ethical good.

³Even miracles can be explained, even duplicated by science. After all, the *chartumim* duplicated the miracle of staff-into-serpent. Dr. Breuer notes that the entire sequence of miracles at the beginning of *Sefer Shemos* that were copied by the *chartumim* presents an extraordinary dilemma: Didn't *Hashem* know that these miracles were subject to duplication? In several places he explains that a miracle is not defined by its defiance of the laws of nature. A miracle (a *mofeis* - sign, or *neis* - banner) is a form of *Nevu'a* - a Divine revelation. The structure or form of the miracle is not its primary component. The splitting of the sea was not the critical element of *Keri'as Yam Suf*; the *ra'asa shifcha al hayama shelo ra'a Yechezkel ben Buzi* ("Zeh Keli v'anveihu") was. *Hashem* confronted the *chartumim* and *Par'oh* with inescapable evidence of His Divine Presence. They abused their free will, focused on the mechanics of the miracles, and ignored the revelation inherent in them.

A vision of beauty: *Hashem* endowed man with a sense of aesthetics. We can be uplifted by beauty. We can rearrange reality in a pleasing way.

A vision of sanctity: Our *neshomos*, sparks from *Hashem*, yearn instead of this world of frivolities for eternity, for pure spirituality instead of materialism, to bring *Geula* to our souls' place of exile in this world.

The most universal human vision is that of justice. Nature has no inherent justice: Its law is the law of the jungle. Despite many failures, human history testifies to man's aspirations to social justice.

(Marxism, notes Dr. Breuer, denies the significance of the four latter visions. Marxists perceived a single ambition in man - the drive to fulfill his material needs. Its philosophy denies transcendence. Other visions, from the Marxist's perspective, are only valuable as tools for material fulfillment. Even justice, in Marxist terms, is to be derived from economics and the need to effectively distribute resources.)

Societies and Nations

Hashem created an imperfect world for man to perfect. *Adam haRishon*, however, was not meant to toil alone - after all, the first *mitzva* is to be fruitful and multiply. The command of "*v'kivshuha*" is stated in plural. At first, all mankind was to participate in building a unified, perfect society. The *Dor Haflaga* ruined that. Individuals of the time focused not on applying transcendent visions to the reality of creation, but, a la Marxism, on their own needs and their own egos ("*Na'aseh lonu shem*"). Nations now became the major players in ongoing history, in the quest to better the world. In telling us that each nation has its own spiritual "*sar*", *Chazal* clarified that a nation is not a collection of individuals, a society, but an integrated spiritual unit - for better (good), or for worse (evil).

History and Biography

Language, race, culture, land and history all contribute to a definition of national identity, but the spiritual essence is far more than that.

An autonomous or independent state is a tool of national identification, but ideally it also serves as a means to bring law, order and values to its citizens. Unfortunately, however, the massive collective egoism that led to *Migdal Bovel* is frequently manifest in patriotism and nationalism - that sanction their adherents to run roughshod over justice. Nationalism can subvert all of man's wonderful visions, and is the cause of history's constant wars.

Man recognizes the danger inherent in nationalism, and attempts to counteract it. One method is the creation of "federal" states, such as the old Austro-Hungarian Empire and modern day Yugoslavia and Canada, that attempt to suppress nationalist passions. The results are obvious. Alternately, states have attempted to forge common identities based on visions, as revolutionary France did with "freedom, equality and fraternity" or our own country with our Declaration of Independence. While the latter approach improved internal affairs, it did nothing to prevent international warfare.

Other Religions

For some time after the *Dor Haflaga*, religions were also "nationalized". The Greek philosophers began making inroads against this system. The juggernaut of Roman conquest vanquished it. (Islam, however, to a significant extent, manifests the old system.) In despair, the nations of the world turned to the message of Judaism - that of one G-d, Creator of the Universe, merciful and kind. But not completely. The symbol of the new religion was a corpse on a cross. Man cannot perfect the world, he needs to be saved. Christianity is not a religion of *Avoda*, but of "*yeshu'a*". When that salvation tarried, Christianity became

the "Church", another form of nationalism that demanded fealty - and waged wars to that end. To avoid the clash between state and religion, religion had to be attenuated - such as in Protestantism, or suppressed - as in Communism, or separated - as in our country.

Am Yisroel

Adam haRishon's test was whether he would faithfully follow that which *Hashem* dictated as "good" and "just", or whether he would decide what was good and just on his own. In eating from the *etz hada'as* because it was good to him ("*tov ha'etz l'ma'achal...*"), *Adam* chose the latter path. In choosing to follow his own autonomous values, he laid the foundation for a human history of war and injustice. Until the *Dor haMabul*, individual autonomous values held sway. Subsequently, through the *Dor Haflaga*, society's autonomous values were supreme. Since the dispersion at *Migdal Bovel*, nations and their agendas have determined the course of history.

With the command of *Lech Lecha*, *Hashem* set the course of a chosen nation to stand against the others. Not a religion, nor a philosophy, but a nation. To alter the course of history, one must deal with history on its own terms. *Avrohom Avinu* was the *av hamon goyim*. He and his descendants were to be *Hashem's* partners in setting the course of history.

Judaism's fundamental principle is that its nation has no place in "general" history. We were placed in exile in the great state of Egypt to learn that even the most advanced nations, when their perceived national interests are at stake, may be unjust and inhumane.

The exodus from Egypt parallels *Avrohom Avinu's* exit from *Ur Kasdim*. We were not freed to pursue our "own" national agenda within general history. We had been taught the error of such pursuits. We have no autonomy.

Hashem chose us to represent Him and the vision of His agenda. Our G-d is not a national deity, but "*melech goyim Elokim*", and we must manifest this truth.

Our nation does have a constitution - the Torah. The Torah, however, is not an arbitrary collection of principles and laws. The Torah to Israel is as the laws of nature are to Creation. As the synthesis of nature and its laws is inescapable, the synthesis of Jews and their Torah is unbreakable. Laws of nature are not subject to free will. Jews can rebel against the Torah, but they cannot escape it. Our Torah is our destiny and it is our "nature". Torah is not within the nation, our nation is within the Torah.

Eretz Yisroel

All nations are identified by and with their lands. *Am Yisroel* was created in the desert, a situation as remotely removed as possible from identification with a land. *Eretz Yisroel* is very important to *Am Yisroel*, but it is not essential to *Am Yisroel*. Without the Torah, there is no *Am Yisroel*, without *Eretz Yisroel*, there still is an *Am Yisroel*.

Eretz Yisroel is the Land of the Torah. It does not belong to *Am Yisroel*, but: "*ki li kol ha'aretz: ki geirim v'toshavim atem imadi.*" As *Am Yisroel* is not an autonomous nation, *Eretz Yisroel* is not an autonomous land: "*tamid eini Hashem Elokekha ba.*" Our *vikivshuha* also entails a *kivush ha'aretz*. The nation and the land are to unite and together fulfill the eternal task of bringing Torah into Creation. The chosen land lies at the geographic crossroad of the world - to influence the world. In this respect, nation and land are like husband and wife: their unity is a tool for enhancing Divine Presence. When they are separated, however, their tasks are not diminished. *Eretz Yisroel's* desolation when not inhabited by its nation is also a manifestation of *Hashem's* presence in Creation.

Optimally, the unity of nation and land is manifest in a state. The state has several governing institutions: a *Kohein Gadol*, a *Sanhedrin*, a king, and a *Navi*. Each institution has a distinct role. All these institutions have a focal location: the *Beis haMikdosh*, which itself is a critical component in bringing the Torah's harmony to Creation.

Our History

Our history tells of the struggle to educate us to our task. Before his death, *Moshe Rabbeinu* admonishes us, telling us that we will rebel against our role. *Sefer Shoftim* and *Sefer Melachim* are replete with the stories of our failures. Our mighty warriors and kings - personalities that other nations would celebrate in songs and sagas - are critiqued by the *nevi'im* solely on the criterion of their dedication to *Hashem's* master plan. The state's value is gauged by its achievements in *Hashem's* justice and law.

Despite the state's shortcomings, the *Am HaTorah* thrived. *Nevi'im*, whose prophecies were and are universal, who proclaimed the vision upon which *Am Yisroel* is founded, did not arise in a vacuum. They were a product of the unbroken chain of *Mesorah*. When the failure of the state resulted in *Galus Bavel*, that chain continued unbroken.

For a brief moment, after the miraculous victory (the final recorded revealed miracle) over the aesthetic vision - Greek culture, a Torah state arose again. The Torah's laws of nature, however, do not allow for *kohanim* to serve as *melachim*, and the Torah state gave way to Herod's state. Herod was a vassal of Rome, the greatest enemy of the Torah. Rome developed the concepts of nationalism, national autonomy and power to their ultimate degrees. Its ideology laid the foundation for all subsequent history. Its vision stands in direct contradiction to the vision of *Hashem*, His Torah and His nation. Jews, who stubbornly refuse to yield to national and nationalistic values and

priorities, are the great enemy of Rome, and its successors, the states it spawned, and the Church.

What weapon do we possess in our fight against Rome? Rabbi Yochanan ben Zakkai came to Vespasian not to request sovereignty, but to ask for *Yavneh v'Chachomeha*. There would no longer be kings or *kohanim gedolim*. *Nevu'a* was already but a memory. The *Sanhedrin* would soon become extinct as well. But not before legislating laws that would maintain our unique nationhood (such as the entire *Meseches Avoda Zara*). *Am Yisroel* was in a new desert - the desert of the nations. The Torah, however, demands that *Am Yisroel* not submit to circumstances and become a "religion" - a part of the life of the subject of a state. The Torah still demands our complete and overriding attention and dedication, that we remain "*chareidim l'dvar Hashem*." It is only in the context of this demand that our love of our land can be understood. All nations love their lands, perhaps no less than we love ours. When a nation is severed from its homeland, however, its love for that land soon wanes. When they lose their distinct national identity, they lose their identification with their lands. We are always a Torah nation. The Torah weds us to *Eretz Yisroel*. We remain true to our beloved spouse.

One practical vestige of nationhood remained with *Am Yisroel* throughout history: the *Kehilla*. The *kehilla* was not a "community". It was a miniature replica of the Torah state, a living embodiment of the *Mesora*, that preserved the collective memory of Torah autonomous.

Torah she'Be'al Peh

We are not the "People of the Book." The "Book" has influenced all the nations of the world. We are the "People of Speech." The secret of our vitality is *Torah she'Be'al Peh*, the vehicle by which we bring "*Malchus*", *Hashem's* vision of Divine autonomy, to fruition in this world. No other nation

teaches its law to its grammar school students. Science, history, mathematics, languages - but not law. Law is for those who choose it as a profession. In our schools, our Divine justice and Divine law is the core of the curriculum, and the success of that schooling is our most precious aspiration.

Other nations phrase their laws in the most abstract way possible. Such abstraction divorces law from life, and makes it the domain of the few experts. Their national identity is distinct from their law. Our national identity is our law. Its form is that of cases - the language of real life. Its study is universal.

Ideally, *Torah she'Be'al Peh* must be lived. The creation of the *Mishna* was necessitated by the terrible dispersion. The wonder of the *Mishna* is the extent to which it remained *be'al Peh*, in its terseness and brevity. Even the *Gemara* is not a law book. It is neither systematic nor scientific. It frustrates non-Jews, and is the first thing forsaken by our own rebels. It is only in the *Beis Medrash* that the *Gemara* becomes alive, electrifying and exhilarating. The *yeshiva bochur* studying *Zevachim* is in the *Beis haMikdosh*. The *ben Torah* learning *Sanhedrin* experiences the Torah state. *Torah she'Be'al Peh* is *Am Yisroel's* dynamic force. Its study elevates us to the higher realms that are its sources, from which we draw the tools to fulfill our destiny (*banie'ich* - *bonie'ich*).

Torah she'Be'al Peh is ever expanding to meet the demands of new situations. It is our challenge to impose the eternity of *Torah she'Be'al Peh* on these situations. *Halacha* does not evolve. Its analysis constantly yields new discoveries and fresh insights.

The nature of *Torah she'Be'al Peh* defies codification. One of the great ironies of our history is that no *sefer* causes more renewed "live" analysis than our greatest code, the Rambam's *Mishne Torah*.

Throughout the dispersion, the *Am HaTorah* knew no central authority. Yet it knew central figures and their works. It knew both the heroes who maintained and taught the *Mesora* and the heroes who ruled how the eternity of Torah should govern the temporality of daily life. Our national heroes, are Rashi and the Rambam. Despite - and because of - the persecution of the nations, they forged for us a national Torah culture.

Hashem has consistently insured the ongoing vitality of *Torah she'Be'al Peh*. What other explanation might their be for the partnership between Safed and Cracow, between two figures bereft of directives and official authority, with no means of collaboration, in composing the *Shulchan Aruch* and *Mapa*?

Objective and Subjective Judaism

The Torah is for *Am Yisroel* a compelling constitution, Divine Law. For individual Jews, it is the pathway to *shleimus* and connection to *Hashem*. *Mitzvos* are laws. They must be kept, whether we understand them or not. The Torah, however, does not negate nor suppress individuality. There is a distinct subjective element to Judaism that varies from generation to generation and individual to individual. Throughout our history, great thinkers from among us developed new perspectives and frameworks of "*ta'amei hamitzvos*". In a broader sense, *ta'amei hamitzvos* include the pursuit of the "spirit" of the *Mitzvos*; the methods by which we shape our hearts with *ahava* and *yirah*; and ways with which to deal with the great problems of the spirit, eternal questions of free will and destiny, *rasha v'tov lo* and *tzaddik v'ra lo*, and more. From the time of the Rambam, for example, two great schools of thought have fought for predominance within Torah Judaism: that which preaches engagement and debate between *Yahadus* and humanity, and that which

preaches aloofness and separation between us and the nations that surround us.

Here too, *Hashem* insures vitality. The discovery of the *Zohar* and the ongoing development of new schools of *Avodas Hashem* insure that the subjective element of *Torah she'Be'al Peh* always meets the needs of the generation.

One thread unites all the schools and all their literature: yearning. Yearning for the Torah's land, the Torah's state, for *Moshiach*. Our agony over our loss is as acute as if the *Churban* had occurred but yesterday.

While *Am Yisroel* thrived and developed, Europe languished in the Dark Ages. Its culture had no temptations to offer, and, in any event, for the most part it barred the Jew from entry behind the Ghetto's walls. Small was the spiritual threat to our nationhood.

Modern Times

The nineteenth century brought new philosophies. Religion was suppressed, science and culture were emphasized. A vision of human rights, freedom and liberty - even for Jews - swept across Europe. The social emancipation brought down the walls of the ghetto. *Hashem* posed a new challenge to *Am Yisroel*: Was it the hatred of the *goyim* that had preserved it, or had it been its own free will, that could now survive the new freedom?

Unfortunately, the first Jew to confront the new course of history was Moses Mendelssohn. Mendelssohn did not debate the new European values. Although Mendelssohn was a *ma'amin*, he did not believe in the G-d that redeemed His nation from Egypt, gave them His Torah at Sinai, who chose them to impose His vision on history, to confront the rebellious autonomy of nationalism with Divine autonomy. Mendelssohn's G-d was the L-rd of heavens and earth, Father of mankind, a good G-d who wants His

children to be good as well. Mendelssohn loved his religion and his nation, yet he also loved European culture. How did he resolve the contradictions? By retaining his personal allegiance to Judaism - that was his religion; and simultaneously investing his entire being in European culture - that was his life.

The fire of *Am Yisroel's* history and mission did not burn within Mendelssohn's soul. Not its past, nor its future. Judaism was only a religion, to be lived, in the present.

His successors also embraced the new philosophies - uncritically. They turned their debate inwards. To fully enjoy the new rights of citizenship, the concept of a Jewish nation had to be rejected. Jews must become "Germans of the Mosaic faith." Mendelssohn's love of Judaism prevented him from personally forsaking Halacha. His followers, however, correctly perceived that laws are functions of nations. If Judaism is but a religion, personal faith, it cannot impose law. The ultimate arbiter of personal faith - is the person himself. If we are to convince others to share our faith, the "Reformers" reasoned, we must make our religion appealing to them. Laws, difficult and no longer relevant, went quickly. The schools of "*wissenschaft des judentums*" arose to hasten the destruction of our legacy and destiny.

Rabbinical Approaches

Many great *Rabbonim* held on to yesteryear's realities. They fought to maintain the past. History did not allow them to succeed. The spirit of social emancipation captured the youth.

Rabbi Samson Raphael Hirsch's viewed emancipation neither as a Divine gift nor as the work of the *Satan*. It was a challenge, a challenge to the nation to apply Torah to the new reality. In theory, the more areas of

endeavor open to the Jews, the greater the possibilities to develop a comprehensive Torah driven national life. Fighting to maintain the past would be a terrible indication that the Torah was weak, that it could not address, harness and influence history. The key to success: Not to tremble, not to fear. The Torah can overcome and govern any reality, engage any vision, meet and conquer any noble spirit with its spirit.

Rabbi Hirsch engaged the prevailing focus on nature and humanity. His premise: Nature and man's perfection are both attained through Torah. The comparison of our history to the history of all the other nations of the world yields the inevitable conclusion: The *Am HaTorah* is the nation most concerned with and most accomplished in human perfection.

In a Torah state, all areas of endeavor, all of *derech erez*, must be model applications of the overall mission of *Am Yisroel* to specific activities. *Torah im Derech Eretz*. Emancipation provided the *Am HaTorah* with the opportunity to develop in that direction. From that perspective, emancipation could be seen as the final stage of *Galus*, the road to *Ge'ula*. *Torah im Derech Eretz* meant, in short: "Be *Am Yisroel* in the full meaning of the term."

The First Battle lines are Drawn - The Separate *Kehilla*

If even in its exile, *Am Yisroel* was to be an *Am HaTorah*; If in lieu of a state there was a *kehilla*; if the autonomy of Judaism is the autonomy of *Hashem*; then how could Torah-true Jews join in a *kehilla* together with "Reformers" who systematically sheared Judaism of its entire identity? Even if the general *kehilla* was to grant the "Orthodox" a special status, to sustain their institutions and "ritual requirements" - how could a Jew in which the fire of national destiny burned identify with a framework that tolerated rebellion and transgression. Rabbi Hirsch battled mightily for the right to separate from the overall

community. In doing so, he laid the cornerstone of the future Agudah's ideology.

Others disagreed. They saw in the general *kehilla's* concessions a glimmer of *teshuva*. They thought to influence their estranged brethren. They did not understand that although one must extend a hand to individual sinners, the *kehilla*, the *Am*, can have but one constitution, one basis - the Torah. In failing to draw that distinction, they laid the cornerstone of the Mizrachi.

Eastern Europe

The ideological warfare of the West was foreign to the East. Emancipation did not reach them. In the East, they fought a different foe, *Haskala*, on the terms of the old reality, and were mostly successful. They knew Germany, primarily, as the source of their woes. They saw the Torah-true doctors and bankers in the West, but did not relate to the vision and to the dynamic that led to these phenomena.

Modern Nationalism

Ironically, the assimilationist tendencies, the "Protestantization" of Judaism, just led to a new and more terrible form of Anti-Semitism. The animosity no longer centered on the Jewish religion, but on the Jewish race. There was an assimilated Jew of the West who heard - and was shocked by - the racial slurs. He thought that the slurs were a product of low esteem, and thought, in turn, that the low esteem was a product of a lack of status. He thought to rectify the "Jewish Problem" by enhancing the Jews' status - by empowering them, by seeking for them a land and a country. He boldly spoke the language of independence and Jewish national identity, as no man had done in the past two thousand years. That man was Theodore Herzl.

At the same time, the *Maskilim* of the East, who knew all along that assimilation was an impossible proposition, looked for a way to "renew" Jewish culture. *Achad Ha'am* reasoned that Jewish culture was stifled by the oppression of the exile. Give the nation its freedom in its own land, and who knows what new spiritual achievements they might attain. They might create some new book for humanity, just as they once created the Torah...

Herzl's Zionism came as a shock to the West. He did not identify himself as an "Austrian of the Mosaic faith" but as a "Jew, part of the Jewish nation." The very idea turned many Jews who were on the verge of baptism back to their roots. Here lies the positive aspect of Zionism, its success at changing Judaism back from a faith to a nation. It restored the Jewish nation to the center of history, to its rightful place as a nation playing a decisive role in the history of nations.

And here, precisely, lies the danger of Zionism. Reform is not an alternative to real Judaism - it has no place for *Am Yisroel*. Zionism is an alternative. It focuses on an *Am Yisroel*, but not the *Am* of the *Am HaTorah*. Zionism's nationalism is that of all the other nations. To the extent that it has "Jewish values", they are but the values of Mendelssohn's successors - those of personal faith, not those revealed at Sinai.

Some Torah-true Jews attempted to work with the positive aspect. They formed the Mizrachi. They became "Religious Zionists". The term itself reveals its fallacy. Judaism is not a religion, it is an *Am*. Yet it cannot be the *Am* of Zionism, because Zionism stands in diametric opposition to the *Am HaTorah* .

The Twentieth Century

History and Biography

Europe's new culture lulled its elite into a false tranquility. The new culture was based on extreme individualism and libertarianism. The elite - scientists, artists, industrialists - focused on its own fields and personal gains. They forsook society, nation and nationalism. But others took up those causes. A new, extreme nationalism rose, one that was drunk on national autonomy, and nationalized laws to its own ends. There is a direct historical link between the *Dor Haflaga* and World War I. The powerful cravings of national autonomy consumed all the eighteenth century's visions of justice, good and beauty. Religion alone was (and still is) powerless to stop nationalism.

After the war, for a brief moment in time, the nations felt the need for a transcendent system of law that would bring true peace. To that end, they created the League of Nations. The League of Nations created the British Mandate in *Eretz Yisroel*. Miraculously, the nations of the world recognized the national character of *Am Yisroel*. One must admit that, for reasons we may not fully understand, the *ratzon Hashem* included the Reformers and Zionists in the process that led to this accomplishment. Social and national emancipation forced *Am Yisroel* into the arena of general history and compelled us to engage it in debate, to apply our destiny to their new conditions, to rise to our new tasks. The mandate was part of the challenge to utilize the paramount tool of Divine autonomy, *Eretz Yisroel*. In 1926, Rabbi Yosef Chaim Sonnenfeld *zt"l* asked Dr. Breuer: "Where is the Torah diaspora? Does it not see the *etzba Elokim* at work here? I now understand the *Musaf* of *Yom Tov*: 'Because of our sins we were exiled from our land and distanced from our soil.' Redundancy? No! We were exiled from our land by *Hashem*, and then we distanced ourselves..." Zionism, that certainly failed to perceive Divine

Providence, stood between the *Am HaTorah* and the realization that the Divine gift that was the Mandate⁴.

Failures in the Holy Land

The Zionist bodies brought visions of social justice, the veneer that coats Marxist philosophy, took sway in *Eretz Yisroel*. They created a "Hebrew" national identity, distinct from the national identity that is the *Am HaTorah*. They usurped control of "religion" in *Eretz Yisroel* as well. To this end, with the Mandatory authorities, they created the Chief Rabbinate with control over *shechita*, marriage, and other religious functions. The Zionists were not interested in reforming Judaism, rather in emancipating themselves from it. The Torah was to be neither the constitution nor the law of the nascent Jewish state, but the "religion" of the Orthodox minority within the state. Torah's adherents could be recognized as a party within the system, to which certain concessions might be made (that is how democracies work...).

The Mizrachi's approach to the Mandate's conditions defied the Divine Nationalism that is essential to *Am Yisroel's* character as well. It accepted a role as a party in all areas of common endeavor. It accepted the Zionist Nationalism as a common bond, and added the description "Religious".

Some secular Zionists understood the danger in divorcing Jewish culture from Judaism. They sought the

⁴Rabbi Joseph Elias related to me an episode that he once read in the Hirschian publication *Doresh Tov L'Amo*. During World War I, subsequent to the Balfour Declaration, the Ottoman Turks, who were still in control of "Palestine" felt compelled to offer a competing proposal. They invited a delegation, headed by Dr. Breuer, from the German Agudah, to Constantinople. They promised to set up a religious Jewish national home in *Eretz Yisroel*. Clearly, it was that ideal that Dr. Breuer still aspired to achieve.

spiritual nationalism advocated by *Achad Ha'am*. They were unsuccessful. Jewish national culture has one unique attribute: The G-d of Israel is the "*Makom*" of the Jewish nation. Without its *Makom*, the nation is nothing.

Agudas Yisroel

In the course of the debate between the *Am HaTorah* and the new forces of social and national emancipation, different regions developed different approaches. A certain divisiveness arose from the difference in response, and Torah Jews in one land would often regard Torah Jews from other lands with a certain leeriness.

The drive to found the Agudah was born, in Germany, of two catalysts: the pogroms in the East and Zionism. The Agudah presented a means with which to grapple with these issues. But not as a worldwide relief organization, nor as a mutual aid society in the battle against secular Zionism - not as a "religious" movement, but as the collective *Am HaTorah*, questing to establish and enhance Divine autonomy. To this end, Rabbi Salomon Breuer and Rabbi Chaim Soloveitchik *zt"l* agreed at their first historic meeting that the new Agudah would recognize the autonomous Orthodox organization in each country, the scale models of the *Am HaTorah* in *Galus*, as its constituent elements. The Agudah was to raise the banner of *Malchus* in *Klal Yisroel*.

Despite all the friction between the various constituent *kehillos*, to a certain degree the first convention at Katowice, and to an even greater extent, the first *Kenessia Gedola* achieved these aims. Dr. Breuer found this principle best reflected in the bylaw that stated that even a *Shomer Torah u'Mitzvos* could not hold an office in the Agudah if he were a member in an organization that stood opposed to the Agudah's principles. Here the *Agudah* reflected the essential character of an *Am* as an organized entity. To be organized otherwise, reflects a deficit in the

character of the *Am HaTorah*. The next step, he contended, was for the Agudah to see itself as the *Am HaTorah*. The Agudah was to take upon itself the meta-historical destiny of *Am Yisroel* as a nation among the nations, as a nation with a vision and a task in history. The Agudah was to influence and determine the course of that history according to the agenda of Divine autonomy dictated at Sinai: "*Mamleches Kohanim v'Goy Kadosh!*"

"'Agudism' demands the preparation and training of the *Am Hashem*, and the preparation and readying of the *Eretz Hashem*, in order that they should once more unite to the form the state of *Hashem* under the governance of *Hashem's* law." "The preparation and training of the *Am Hashem*" - the Agudah's task in the diaspora; The preparation and readying of the *Eretz Hashem* - the Agudah's task in *Eretz Yisroel*⁵.

World War II

The peace imposed by the Allies after the first World War was to be sustained by the League of Nations. As we know by now, however, nations whose nationalism did not come from Sinai are not governed by ideals of justice and law. Their union in a League is but a treaty. Treaties cannot redeem mankind; only justice and law can save humanity. Not a League of Nations, a forum for vying national interests, but a League of Societies, a forum to elevate human aspirations. Were the League to have

⁵From the 1921: "The Agudist Vision", quoted in *Moriah* pp. 212-213. Dr. Breuer spends several pages in *Moriah* detailing the history of the Agudah and its accomplishments. While that history is essential to any understanding of the development of current situations, its complexity removes it beyond the scope of this (already long!) essay. It is particularly fascinating to follow Dr. Breuer's description of the battle that the autonomous *Yishuv* in *Yerushalayim*, newly affiliated with the Agudah, waged against the Zionist institutions and the Chief Rabbinate's hegemony on religious issues. He sees it as an exact replica of Rabbi Samson Raphael's Hirsch's struggle in Frankfurt.

embarked on a campaign of universal education toward law and justice, perhaps it might have succeeded. The local curriculums, however, remained the curriculums of the localities and their nationalism. The tragedy that had beset mankind since the *Dor Haflaga* continued unabated.

The situation in *Eretz Yisroel* is a microcosm of the world's difficulties. Shorn of Sinai's meta-historical destiny, the struggle of the Jews and Arabs in Israel is but a battle of opposing national identities.

Nazism

Yet another one of history's great and tragic ironies is that our bitterest enemy realized the truth about us to a greater extent than any nation that preceded them. They declared war against the Am of *Am Yisroel* - world over. National emancipation had succeeded in establishing *Am Yisroel's* national identity. The Nazis recognized *Am Yisroel's* unique role in history - and fought it to the death. It was truly a Messianic war - not army against army, but might against justice. Nazism is the antithesis of Judaism: it knows no ethics, no justice, and no morality. It is National Socialism - social justice is based solely on nationalistic considerations and race. It is the ultimate brazenness and violence of autonomy and nationalism against the basic vision of Mankind: "*Tzelem Elokim*". It is no less than the war of the *Sitra Achra* against *Hashem*. While the war raised us to unprecedented heights of historical significance, it was at the cost of a very heavy sword. Other nations refused to interfere in the "internal affairs" of a sovereign state. All visions failed. Nationalism triumphed. Justice and law failed to produce a single ally to assist the Jews.

Dr. Breuer finds the second World War in the verses of *Chavakuk*. As the *Navi* describes, the Nazis' might was their G-d; their law was derived from their might. An explosion of all the material forces inherent in mankind,

that rebel with all their strength against G-d's master plan. Even democracy will ultimately fail to restrain their power. Only Divine justice and law can harness such forces. The most highly developed culture in history succumbed to the drives of brazen nationalism and nationalized justice and law, leading it to revert to the most elementary and radical barbarism. Only a fool could believe that wars caused by these forces will not recur. As long as *Hashem's* law and justice do not prevail, history will not end.

The Messianic Task

Meta-history is defined as the history of *Hashem's* master plan for Creation. General history is the story of autonomous mankind and his autonomous nations and states. It is also the account of the debate between the autonomous will of the Creator and man's egoistical will. The even greater development, coupled with the volatile nature, of modern secular culture, has intensified that debate. Competing visions - none of which can truly resolve history's problems - have led to ever more frequent outbreaks of war. Society becomes ever sicker, as extreme libertarian individualism (the descendant of *Adam HaRishon's* sin) clashes with extreme nationalism (the heir to the sin of *Dor Haflaga*).

The pathways of meta-history have propelled *Am Yisroel* into the cauldron of general history. What began with social emancipation and continued with national emancipation was completed by the Zionists. While we cannot understand why *Hashem* saw fit to destroy centuries of Jewish achievement in the diaspora, we perceive clearly that *Hashem* miraculously prevented the Nazis from entering the Holy Land. It is precisely in *Eretz Yisroel* that the battle is most obviously pitched: The spiritual battle against individualism and nationalism of Zionism, against their vision of *Am Yisroel* as a nation among nations. There must and will arise among us a new Rabbi Yochanan ben Zakkai, to build anew *Yavneh*

v'Chachomeha, to promote the meta-history of Divine nationalism. The war between Agudism and Zionism is a Messianic one, a battle to complete the destiny and mission that *Hashem* charged us with at Sinai: to build the *Am HaTorah*. Not a religious movement, not a political party, not an organization that identifies itself by what and who it is not, but by a national identity completely congruent with the Torah itself, as a state is congruent with its nation. The ultimate goal of the organization must answer the call of history and destiny: To unite the *Am HaTorah* with the land of Torah to forge a state of Torah.

We may not shirk and consider ourselves inadequate for the task. Our King will help us establish his autonomy: "To unite all of *Am Yisroel* under the rule of the Torah, and to establish the Torah's governance of all the spiritual, financial and political spheres of *Am Yisroel*'s life in *Eretz Yisroel*." The Torah true Jews that remain in the diaspora will support and participate in the process as well.

We must raise the voices of a Messianic *Am*, a meta-historical *Am*, an *Am* whose entire essence is Divine justice and law. We must show the entire world that only our Torah can serve as the source of life and peace. Upon us devolve the following essential educational tasks:

1. *Talmud Torah kineged kulam*.
2. *Kiddush Shem Shomayim*. To demonstrate to ourselves and our misled brethren the beauty of Torah life, both within the home and in interpersonal relationships.
3. Awareness of our period and our responsibility. To value our lives in the perspective of what we have done to bring the *Geula* closer. To love all of *Am Yisroel*, and to utilize every possible moment and talent to influence those who have gone astray, to bring them closer to our Father and King.
4. To train leaders, talented people who will be capable of arousing the nation in *Eretz Yisroel* and in the diaspora. To organize the *Am HaTorah* and impart to it an iron will.

5. To fulfill the directives of the *Gedolei Torah* that will stand at the helm of the *Am HaTorah*, and with that discipline to generate a dynamism and freshness that will transcend any pettiness.

Telshe: 120 Years Since the Founding of the Yeshiva

In memory of my grandfather:

HaRav HaGaon Rabbi Dov Yehuda Schochet zt"l

A *talmid muvhak* of *HaGaonim HaRabbanim* Rabbi Yosef Leib and Rabbi Avrohom Yitzchok Bloch zt"l

(who participated in writing the *shiur da'as*: "*Emor Me'at ve'Aseh Harbeh.*")

niftar 6 *Tishrei* 5735, and his holy parents:

Reb Meir Shemaryahu B"R Shimon Ya'akov Schochet z"l Hy"d

from the martyrs of the city of Telshe, killed 20 *Tammuz* 5701, and:

Rachel B"R Yosef Calev (nee Ziv) a"h Hy"d

from the martyrs of the city of Telshe, killed 7 *Elul* 5701.

The Telzer History

(Based mostly on "The Yeshiva in its Development: Chapters of History and Evaluation" (Hebrew) by Rabbi Avrohom Shoshana in *Sefer Yovel HaMei'ah shel Yeshivas Telshe* (Wickliffe, 1975); and oral accounts from my great-uncle and aunt, Reb Yosef Dov and Leah Holzberg *sheyichyu* of Jerusalem, alumni of the Lithuanian Telshe and Yavneh respectively. My great uncle's father, Dr. Yitzchok Refael Halevi Etzion (Holzberg) zt"l, was a dean of Yavneh.)

Many great Lithuanian yeshivos were founded before the epochs that made them famous. Telshe was no exception. The yeshiva was founded in 1875 by three *talmidei chachomim* (1. Rabbi Meir Atlas zt"l, later the *Rov* of Shavli and Rabbi Elchonon Wasserman zt"l's father-in-law; 2. Rabbi Zvi Yaakov Oppenheim, later *Rov* in Kelm; and, 3. Rabbi Shlomo Zalman Abel zt"l, Rabbi Shimon

Shkop *zt"l*'s brother-in-law) as a school for local, younger students. Little is known of the yeshiva's early period. The yeshiva's story, for our purposes, begins with the Rabbi Eliezer Gordon ("Reb Leizer Telzer") *zt"l*'s arrival as *Rov* of Telshe in 1885. Reb Leizer was born near Vilna in 1841. He studied under Rabbi Yisroel Salanter *zt"l* in Kovno, and Reb Yisroel, recognizing his great talents, appointed him as a *Maggid Shiur* at a very young age. He then went on to serve as *Rov* in Kelm, and for a brief time in Slabodka, before going on to Telshe.

The *Haskala* movement was wreaking havoc with the yeshiva world. Modern authors were portraying yeshiva *bochurim* in as negative a light as possible. *Ba'alei Battim* stopped supporting *Talmud Torah* and *Battei Midrash* were emptying. In Telshe, Reb Leizer unceasingly combated this attitude, attempting even to change the common appellation of "*yeshiva bochur*" to the more distinguished "*yeshiva man*". Reb Leizer was responsible for many "modernizations" that enhanced the image of the yeshivos and their students. Telzer *bochurim* were the first ones to pay their hosts for their food (rich ones would pay their own way, poorer *bochurim* received a stipend from the yeshiva). They thus avoided the degrading practice of *essen teg* (receiving meals at the mercy of the local householders). Telshe was the first yeshiva to hold what are now known as *pilpul shiurim* (*shiurim klali'im* - lectures on topics rather than on the text) and to divide students into classes ("*machlokos*") graded by level.

Reb Leizer and the *Rabbeim* under him also began to develop the unique Telzer *derech halimud* of *Havona* (understanding) and *Higoyon* (logic). For Reb Leizer, a student of Reb Yisroel - the great master and protagonist of classic *pilpul* - this was a particularly wrenching effort. His writings serve as a bridge between the two *derochim*. The Telzer *derech* is much more apparent in the writings of the two illustrious *Rabbeim* who taught with him, Rabbi Yosef Leib Bloch *zt"l* and Rabbi Shimon Shkop. (Reb Shimon was born in 1860. At the age of twelve he went to study in Mir,

and he entered Volozhin at fifteen. He was very close to Rabbi Chaim Soloveitchik *zt"l*, then a *Rosh Yeshiva* at Volozhin. They would say in Volozhin that Reb Shimon attempted to break through open doors, taking even *sugyos* that seemed simple and analyzing them extensively. Reb Shimon was Reb Leizer's nephew, and Reb Leizer brought him to the yeshiva in 1885. After leaving Telshe, Reb Shimon went on to head several yeshivos, most notably, *Sha'ar HaTorah* of Grodno.)

Reb Yosef Leib was born in 1860 in Rusein. He already began studying under Reb Leizer at the age of fifteen, in Kelm. He married Reb Leizer's daughter at the age of twenty-one. Besides greatness in Talmud, he was an expert in the writings of the *Ramchal zt"l*. He also had considerable exposure to *Kabbala* through the great Lithuanian *Mekkubal*, Rabbi Yosef Shlomo Elyashiv *zt"l*, the author of the *Leshem Shevo viAchlama*. Reb Yosef Leib became the focal figure in the yeshiva. Under Reb Yosef Leib, the yeshiva became very popular, and it had to impose rigid restrictions on admittance (there were quotas on the amount of students per city that could attend the yeshiva). Even students who left for vacation had to be officially readmitted upon their return! Reb Yosef Leib initiated many innovations. In 1894, he attempted to introduce *Mussar* to the yeshiva's curriculum, and in 1897 he brought Rabbi Yehuda Leib Chasman *zt"l* to serve as the yeshiva's *Mashgiach*. The move was very controversial. Many of the yeshiva's finest students resisted the move. They saw it as an affront, as an insinuation that they lacked sufficient *yiras shomayim*. Many students participated in strikes. Reb Yosef Leib felt compelled to leave Telshe, and became a *Rov* and *Rosh Yeshiva* in Verna and Shadova. Rabbi Yosef Shlomo Kahaneman *zt"l*, the Ponovitcher *Rov*, was a leader of the student revolt. Many years later, when *bochurim* in Ponovitch went on strike to protest food shortages, the Ponovitcher *Rov* commented that he was being punished *midda kineged midda* for his own earlier misdeeds.

The yeshiva then underwent difficult times, even closing for a time in 1905. A bright spot during this time was the arrival, in 1904, after Reb Shimon's departure, of Rabbi Chaim Rabinowitz ("Reb Chaim Telzer") *zt"l*. Born in 1856, he was a student of Reb Yisroel; the Kovner *Rov*, Rabbi Yitzchok Elchonon Spektor *zt"l*; and, primarily, of the *Or Samei'ach*, Rabbi Meir Simcha HaKohen of Dvinsk *zt"l*. He taught in both yeshivos in Slabodka and served as a *Rov* in Maishad before coming to Telshe, where he taught for twenty-six years. Reb Chaim Telzer developed his own *derech* in Talmudic analysis, distinct from that of the Reb Leizer's family, and it was renowned throughout the Eastern European yeshiva world.

Reb Leizer died while on a fundraising trip to London, England, in 1910, and is buried there. Reb Yosef Leib then returned to Telshe to assume the mantles of *Rov* and *Rosh Yeshiva*. It was now that Reb Yosef Leib developed the unique character that immortalized Telshe. Reb Yosef Leib first delivered his "*shiurei da'as*" his special contribution to the world of *Mussar*, at this time. As the highest *Maggid Shiur*, he also led his students in mastering the singular Telzer *derech* of Talmudic analysis as well. The First World War led to a dramatic decrease in the yeshiva's population, but the recovery afterwards was a quick one.

Reb Yosef Leib passed away in 1929, followed exactly a year and a day later by Reb Chaim. Reb Yosef Leib's second son, Rabbi Avrohom Yitzchok *zt"l hy"d*, assumed the leadership of both the yeshiva and the city. His extraordinary talents were so well recognized that he was accorded these positions although he was not yet forty. His analytic skills, profound thought, noble character and great diligence, all in the great tradition of Reb Yosef Leib, were renowned. Reb Chaim's son Rabbi Azriel *zt"l hy"d* assumed his father's position, and the yeshiva continued to expand and grow.

The yeshiva's end began already in the summer of 1940, when the Soviet Russians, who had occupied Lithuania, ordered the yeshiva closed. The students dispersed through the city, studying in the *Mechina* and various *shuls*. The yeshiva's powerful internal *Va'ad Bnei HaYeshiva*, which in happier times dealt primarily with *Rebbe-Talmid* relationships, students' material welfare and the publication of the *Roshei Yeshivas' shiurim*, now arranged for older students to help younger ones. Much time was spent learning *Hilchos Kiddush Hashem*. Eventually, the yeshiva had to scatter over several nearby villages. still, heroic efforts to retain a semblance of unity were maintained. The yeshiva's administration sent Rabbi Eliyahu Meir Bloch *zt"l* and Rabbi Chaim Mordechai Katz *zt"l*, to the United states to attempt to transfer the institution there.

The Nazis *yimach shemam* entered the city on *Rosh Chodesh Tammuz* of 1941. After three terrible weeks of torture, on 20 *Tammuz* the Nazis massacred the male population of the city, including the yeshiva's administration and student body. The women and children of Telshe were killed on 7 *Elul*. A glorious chapter in Jewish history came to an abrupt and tragic end.

Reb Elya Meir and Reb Chaim Mordechai subsequently learnt that their families were wiped out in the *Churban* of Telshe. Rumors of the terrible annihilation soon reached them, but despite their personal tragedies, they pressed on recreating the yeshiva in America. They explored various cities, settling on Cleveland. After modest beginnings, they succeeded in laying the groundwork for the vast and thriving network of institutions in Cleveland, Chicago and New York that proudly trace their lineage to the Lithuanian Telshe.

The Telzer Derech

We mentioned that Telshe was renowned for a unique *derech halimud* of *Havona* and *Higoyon*. This *derech* is manifest in both the Talmudic *lomdus* and *derech avoda* in *Machashava* and *Mussar* practiced in the Lithuanian Telshe. An illustrious Telzer, Rabbi Elimelech Bar Shaul *zt"l*, in his foreword to the *Shiurei Da'as*, points out that a synopsis of the *derech* may be found in the *shiur da'as*: "*Chomer viTzura*."

The *Ba'alei Machashava* state that all objects in Creation consist of *chomer*, the physical substance of the object; and *tzura*, its spiritual essence. Intellectual ideas also consist of *chomer* and *tzura*. The *chomer* of an idea is its expression in thought and words. The *tzura* of the idea is the manner in which the idea expands and expresses itself in one's heart. The *chomer* of an idea varies little from person to person. It is in the *tzura* of the idea that we may distinguish between individuals. If an individual maintains lifelong intellectual growth, the *tzura* of the ideas that he or she has assimilated will change and grow more profound over time.

The greatness of *Gedolei Yisroel* is not manifest in the *chomer* of their knowledge. Many bright people might master vast tracts of Torah. It is in the *tzura* of their *chochma* that their greatness is manifest. That is why when *Chazal* describe the greatness of previous generations they talk in terms of "the *Rishonim*'s heart" (*Eruvin* 53a). In *Mo'ed Kattan* 9a Rabbi Shimon bar Yochai tells his son that he should pursue *berachos* from "people of *tzura*." In *Shabbos* 63a we are told about the "*tzura dishemata*", the *tzura* of a *sugya*. When *Chazal* describe later generations, they define their insight as "a finger upon wax." The earlier generations excelled in their penetrating understanding - their heart. The later generations are superficial - like a finger that manipulates wax. They might have the same *chomer*, but they lack the *tzura*. (It is significant that *Chazal*, despite their lower level vis a vis the earlier generations, still felt qualified to define their greatness. We

can transcend our normal capacities and perceive, at least from afar, what made the earlier generations greater; what *tzura* they possessed.)

In *Yuma* 72b we are told that a fool attempts to acquire wisdom without heart - without its *tzura*. One who strives for wisdom will attempt to uplift him or herself toward an idea and its most profound *tzura*. Most people, however, will attempt to bring a lofty intellectual idea down to their own level. In Torah, at the core of any idea is the *yiras shomayim* it should provide us. When a great person delivers a *shiur*, he not only gives over the *chomer* of the ideas being considered, but also the *tzura* of his wisdom. This is evident in his facial expression: "The wisdom of an individual illuminates his face" (*Koheles* 8). This manifest *tzura* comprised the radiance of *Moshe Rabbeinu* - "for his face shone" (*Shemos* 34).

The quest for *tzura* is the hallmark of the Telzer *derech*. It is in this quest that Telshe departed from Brisk. In Brisk, the primary method of analysis is categorization. The classic "*tzvei dinim*" is a brilliant tool for the definition of "what". For example: What is this idea? Is it one that pertains to the *gavra* (the person) or to the *cheftza* (the object)? In Telshe, however, the primary method of analysis is abstraction, e.g., what is the essence of this idea, how does it work and why does it work the way it does.

(In his introduction to his definitive work on the Rogatchover *zt"l's derech*, "*Mefa'anei'ach Tzefunos*", Rabbi Menachem Mendel Kasher *zt"l* relates the following anecdote: The Greek philosopher Plato was once strolling with one of his disciples. They saw a horse in the street. Plato turned to his companion and asked him: "What do you see? " The student responded: "I see a horse." Plato then said to him: "I see the 'horseness', the abstract of a horse. You lack perception, and you, therefore, do not possess the talent of profound intellectual insight. You only possess the vision of the physical senses, which cannot

grasp essences." Rabbi Kasher notes a similar comment by the Rambam in *Moreh Nevuchim* 2:6.)

The pursuit of *tzura* underlies the Telzer approach to all areas of Jewish thought and endeavor. *Tzura* is related to the term "*da'as*" in the system of *chochma*, *bina*, *da'as*. As Reb Yosef Leib explains (in the *shiur da'as*: "*Chochma, Bina, Da'as*") *chochma* is knowledge: the warehouse of accumulated facts one amasses. *Bina* is understanding: a *Navon* categorizes facts in his or her heart, depicts them in his or her mind, experiences their full breadth and depth, and can extrapolate from them to new intellectual areas. *Da'as* is achieved when *chochma*, characterized and developed by *bina*, becomes one with a person's essence and being, so much so that a person can conclude that this *da'as* is absolute truth. The Jewish soul has been designed by *Hashem* specifically to allow an individual to achieve this *da'as*. We are connected to the highest spiritual realms [*olamos elyonim*] and we are "hard-wired" to allow us to grasp their essences. *Hashem* designed characteristic human traits to reflect the attributes that He employs in directing Creation.

(In many *shiurei da'as*, such as "*Ki Chol BaShomayim UboAretz*" and "*BiTzalmeinu KiDimuseinu*", Reb Yosef expands on this idea of "*shiur koma*." This Kabbalistic principle explains that the entire array of *olamos* are contained in miniature in man's body and soul, and the related principle of "miniatures", that the physical world is a scale model that reflects the spiritual one. These ideas are not so novel to us. Over the past fifty years many of the Yeshiva world's great thinkers have introduced their students to Kabbalistic and Chassidic ideas. At the time, however, this system must have been an exciting *chiddush* to the Telzer *bochurim*. The prime mover of the Lithuanian yeshiva movement, Rabbi Chaim of Volozhin *zt"l*, wrote a *sefer* that described *Yahadus* in clear Kabbalistic terms. It seems, however, that by the early twentieth century this form of study was not popular. *Shiurei Da'as* is written in a

style that captures the flavor of Reb Yosef Leib's original delivery. Readers can sense the aura of novelty and revelation that surrounded even the most basic mystical discussions at the time.)

A focal theme in Telzer thought is the supremacy of intellect and intellectual endeavor. The more we expand our intellect, the greater positive spiritual impact we have on the universe - and on ourselves. We then feel uplifted and our souls are unified with and enlivened by the spiritual worlds (*shiur da'as*: "*VaYikra Bishem Hashem*"). Reb Avrohom Yitzchok wrote: "This *derech* unifies logic and poetry. The logic is a logic of poetry and the poetry is a poetry of logic." He explained: "The firmest *emuna* is *Emuna Peshuta*, with the utmost simplicity. *Hashem*, however, has granted man a unique intellect, with the capacity to think with profundity. Man is therefore obliged to channel these divine gifts in the service of *Hashem*, i.e., to deepen and strengthen his *emuna* and *Avodas Hashem* by analyzing them deeply." There are limits to our understanding. At some point we must halt our inquiries with the conclusion: "This is the will of *Hashem*, whether I understand it or not" - but the road is very long until we reach that point, and, often, upon subsequent further analysis we can understand more than we previously thought (*shiur da'as*: "*Al Yechsar HaMozeg*").

Rabbi Bar Shaul writes that in Telshe there were no *mussar shmuessen*, rather *shiurei da'as*. A *shmuess* is emotional, inspirational, and often informal. It is an experience of the heart. A *shiur da'as* is intellectual, educational, and covers a topic in a formal and systematic manner. It, too, reaches the heart, but via the mind. In a *shiur da'as* on *Mussar* ("*Limud HaMussar VeOfen HaLimud*"), Reb Yosef Leib applies this approach to the study of *mussar* texts. He departs from Reb Yisroel's *mussar bihispa'alus* - the study of *mussar* with fervor and emotion, and advocates a more intellectual approach.

A true Telzer toils mightily to uncover and reveal the roots, essences and abstracts - the core truths - of all areas of Torah. The deeper one delves, the more the differences between *Halacha* and *Agada* blur. As one's understanding becomes more profound, as one achieves more *tzura*, one is penetrating more deeply into the very *neshama* of Torah. The more profound the principle one uncovers, the more it explains (*shiur da'as*: "*Nishmas HaTorah*"). Reb Yosef Leib emphasizes that the true pleasure of Torah study only comes with ascendance into its *neshama*. See Rashi *Shabbos* 88b *d.h. LaMiyamin Ba.*) This is manifest in the remarkable similarity between Reb Yosef Leib's *Shiurei Halacha* and *Shiurei Da'as*. If a Torah idea truly possesses a certain *tzura*, then that *tzura* must be an essential truth. If it is an essential truth, it should be consistently true across the entire vast tract of our *Toras Emes*. (A brief, but comprehensive, discussion of the Telzer *derech* is to be found in Reb Elya Meir's introductory essay in *Shiurei Da'as*: "*Darcha shel Torah*".)

Some Examples of the Unique Telzer Derech HaLimud

1. ***Toch kedei dibbur kidibbur dami***: An act done or verbalization uttered within the span of time that it takes to say the words "*Shalom alecha rabbi*" of a preceding act or verbalization is considered linked to that prior act or verbalization. Reb Yosef Leib explains this principle:

In truth it is impossible to determine how finely time can be divided, for although we measure time by seconds, in fact each second may be divided yet further. The possibilities to divide time into still smaller segments are endless. It would thus seem impossible to determine an inherent quantitative maximum interval that Halacha would regard as linking two events.

Time, therefore, is measured and divided based on man's senses. *Chazal* understood that any movement, verbalization, thought or deed that person performs

engages him for a certain time span following its performance. A person is not at rest until *toch kidei dibbur* after the deed is done. You may readily perceive this when you do or speak some matter that requires concentration and immediately after that must respond to another person. For example, when you complete a *beracha* and immediately afterwards must attend to some mundane matter, you feel as if your *kavana* has been interrupted. This is because for some time after you complete a task your heart is still focused on it.

That is why Halacha measures all man's activities by the unit of *toch kidei dibbur*.

2. **Tenai:** If a lender marries a woman with objects given to him as collateral on a loan, the marriage is valid - even if the borrower redeemed that collateral during the loan's term. This is difficult to understand. After all, a lender only holds the collateral as security. His ownership thereof should be conditional on the borrower's defaulting on payment, which, here, did not occur.

Reb Yosef Leib explains that ownership on an object can be limited and divided. One individual may have certain rights of ownership in the object and a second individual other rights of ownership in the same object. Similarly, two individuals can limit and divide their ownership in a way that is conditional on some future condition. This is not the conventional notion of a condition, which postulates that the outcome of the condition will validate the ownership of one party and void that of the other. In Reb Yosef Leib's perspective, as long as the condition does not come into play each party has partial ownership. Only then will the ownership of the person on the "losing" side of the condition end.

In our case, therefore, until the condition of payment (or default) is met, the collateral is owned jointly by both the lender and the borrower. The lender's marriage via the object is, therefore, valid.

3. ***Eidei kiyum:*** A valid Halachic marriage ceremony requires the *chosson* to both give an object to the *kalla* and to expressly say that he is giving her this object to marry her. This is true even if this was obviously the *chosson's* intent: if he didn't make an explicit statement, the marriage is invalid. Why? Reb Yosef Leib explains:

We obviously know that the *chosson's* intent in presenting the object to the *kalla* was to effect marriage. A person, however, can function at different levels of intent. When we analyze man's potential levels of intent, we readily discern that the intent and decisiveness of an individual is greater when he performs a transaction in front of witnesses than when he performs the same transaction in private. Halacha requires different levels of intent and decisiveness for different transactions. The more powerful the bond that must be created through the transaction, the greater the decisiveness required. To effect *Kiddushin*, Halacha requires an unequivocal statement by the *chosson* in front of witnesses whose presence is known to him.

4. ***Migo dezachei linafshei zachei nami lichavrei:*** Normally, a person cannot, on his own initiative, act on behalf of another person where such activity will prove detrimental to others [*tofes liba'al chov bimakom dichav liacharinei*]. To acquire a random lost object for one person is to deprive it from all others. Such an acquisition, therefore, should not be valid. Where, however, the person picking up the random lost object could have acquired it for himself, he may acquire it on behalf of another. The conventional understanding of this procedure is that since [*mego*] the individual picking up the object is entitled to act on his own behalf, he may, therefore, transfer that license to the person for whom he intends to pick up the object.

There are several difficulties with this understanding. For example, if such a case occurred on *Yom Tov*, Halacha imposes a *techum*, i.e. a prohibition on carrying the object

over the boundaries of the two thousand square *amah* area in which the owner may travel. One opinion states that this object is subject to the limitations of the person who picked it up. According to the conventional understanding, however, the person that picked up the object is never its owner. Why should the object be restricted to his *techum*?

Reb Yosef Leib, therefore, explains this procedure differently: In fact, the person who picks up the object acquires it and owns it. Ownership is not always narrowly defined as the possession of an object. Even an object that never actually came into one's hands may be considered, in a broader, more abstract sense, owned by that individual - if that person derived use and benefited from the object. Since such use has tangible value, it places the object within one's realm of ownership. It is in that broader sense that the person who picks up the object and give it to another exercises ownership. One of the rights and uses of ownership is the right to give an object one owns to someone else. He thus becomes, initially, the first owner of this object, and, therefore, it is his *techum* that restricts the object's movement on that *Yom Tov*.

All the *Mussar* yeshivos produced highly motivated, idealistic alumni. A drive, even a "*bren*" for *Harbotzas Torah* and *yiras shomayim* was one of *Mussar's* paramount educational goals, and it was highly successful in instilling *talmidim* with this ideal. Most yeshivos, however, did not impart a cohesive, systematic system of thought to their students. Even those that did so in the realm of *Mussar* and *Machashava* generally did not provide a specific system of thought in *lomdus*, much less a system unified and consistent across all areas of thought, analysis and endeavor. Telshe, as we have seen, did all this. Without doubt, this *derech* inspired and galvanized Telzer alumni to high levels of accomplishment. To do some little justice to these accomplishments we must devote to them a separate section.

Telzer Activism

In the classic Telshe method, Reb Yosef Leib defines *Malchus* (*shiur da'as: Melucha*) in our times as a scale model of the kingship of *Melech haMoshiach* after the ultimate redemption. Secular governments and their leaders are but an awful caricature of that exalted state. In *Klal Yisroel*, however, even individuals often manifest qualities of that lofty kingship. Reb Yosef Leib's paradigms for *Malchus* are Yosef and Yehuda. He cites the *pesukim* and *midrashim* that describe the mightiness of *da'as* and courage of heart that imparted them the unique qualities of *Avodas Hashem* essential to kingship: Complete self-control and restraint (Yosef's *yiras shomayim*); and true humility and willingness to concede error (Yehuda's confession). Reb Yosef Leib acknowledges that few individuals are capable of ruling over themselves, transcending their surroundings, and remaining strong in their *da'as*. He concludes that Telshe, however, was determined to develop such qualities in its students, to train the leaders of the generation.

Telshe always felt a responsibility that extended far beyond the walls of the *Beis Midrash*. The yeshiva opened a modern *Cheder*, a *Mechina*, a *Kollel liRabbonim*, Teachers' Seminaries for both men and women, and, of course, the *Yavneh* high school for girls in the city. (*Yavneh* was a unique educational institution that developed independently of the Polish *Bais Yaakov* movement. Its history and educational philosophy deserve extensive analysis beyond the scope of our current discussion.) Reb Yosef Leib was one of the great Lithuanian leaders of the Agudah, and the yeshiva's influence was felt throughout Lithuania. The *Va'ad Bnei HaYeshiva* sent older students to outlying cities on a rotation to teach younger children for several months at a time. students came from all over the world to attend the yeshiva, and, upon completing their studies, they went on to become leaders in far flung communities.

History and Biography

These great deeds and accomplishments are, however, only external manifestations of the underlying spirit of *Avodas Hashem* that motivated Telzer *Harbotzas Torah*. To better understand that spirit we need to examine the Telzer *Agudas Emes veShalom*.

Reb Yosef Leib evidently delivered some *shiurei da'as* to a small group. The *shiur da'as "KeAnavim BaMidbar"*, for example, was given to a *va'ad* of *bnei hayeshiva* who had undertaken to follow Reb Yosef Leib's *derech* in *Avodas Hashem* in all aspects of their lives. Clearly, if Telshe was a yeshiva for the elite, there was an elite within the elite!

The *Agudas Emes veShalom*, founded in 1914, consisted of the cream of the yeshiva. The *Agudah* had a formal constitution and structure, including several committees and sub-committees, headed by members of the yeshiva's *hanhala* and veteran *talmidim*. The *Agudah* issued an internal annual report of its activities. The *Agudah*, however, was not a "club". In the *Agudah's* 1931 report, for example, we find much inspiring material. To the best of this author's knowledge, these gems have never before been published. The following sections are but short excerpts:

Tikkun haMiddos uShemiras haMitzvos

At the conference on 1 *Rosh Chodesh Iyar* the General Assembly expressed its opinion concerning the imperative for the *Agudah* in general and each *chaver* specifically to interest themselves in rectification of their deeds and conduct, the improvement and perfection thereof...

It is clear to us that straightness of mind is contingent on inner purity of heart. This *Agudah*, that has set *Emes* and the pursuit of activity solely for the sake of Heaven as its goal, is obliged to constantly and alertly assess the deeds and activities of all our *chaverim*...

The Essence of *Yirah* and the Pathways of *Teshuva*

On 27 *Elul* and 3 *Tishrei* very valuable lectures concerning the way of *yirah* and the way of *teshuva* were heard. Through long deliberations on the on the matters that the lectures addressed, the *chaverim* clarified and defined these issues. Basic resolutions that express the emotions of the *chaverim* and the extent to which they recognize the essence of the paths that lead to complete *teshuva* and true *yirah* were attained:

1. One *derech* leads to both *yirah* and *teshuva*. Both emanate from one source.
2. Their true quality is the restoration of the *neshoma* to its innocence, to its state in the holy source from which it was quarried. A direct ramification of this quality is that the requirement of *teshuva* is not completed when one repents for a sin. A person must constantly strive for *teshuvas hanefesh*, to draw closer to *Hashem*, "so he finds that all his days he is involved in *teshuva*."
3. The basis of the capacity to do *teshuva* is the elevation of one's self [the "hbt"] above one's sins. [This is achieved when one] connects with the lofty part of one's self, [the part of the soul] that unites a person with *Hashem*. When one sins, then does *teshuva*, his internal self pulls him higher, breathes in him new heart, and illuminates him with a new, divine light.
4. The best tool for *teshuva* [and] *deveykus* in *Hashem* is the enlightenment of one's soul and the enhancement of one's *da'as* with *da'as* of *Hashem* and of His Torah. One thus merits "to witness the pleasantness of *Hashem* and visit in His sanctuary." In this way, a person can sever himself from his low state and dwell in higher worlds.
5. To remain on such a high level, however, it is necessary to arrange one's daily life according to the demands that the new level places upon one. One must prepare a throne for *Hashem* and live with Him.

6. For this purpose it is necessary to fulfill and love all the *mitzvos* in all their details, so that they may remove the barriers that separate us from our Father in Heaven.

7. Since the light and radiance of all the *mitzvos* is to be found in each of them, we are obliged to find the pleasantness and sweetness of all 613 *mitzvos* in every *mitzva*. If instead we isolate *mitzvos* and consider each a matter unto itself we serve only our own deeds, not our G-d.

8. We must always connect our studies to our activities. We must derive the ramifications *lima'aseh* from all that we learn, and apply them to our lives. Thus we will fulfill the words of Torah with love. We will consequently be enabled to penetrate deeper into our studies, to understand and sense them properly, with the requisite clarity.

9. To achieve all this in life, to not be embarrassed to change our old paths in life and walk in new ways, requires courage of heart and strength of *da'as*. If we develop these traits, then even if we find ourselves occasionally in a state of decline, our convictions will anchor us, we will, eventually, rise again.

10. *Da'as* demands that all deeds be congruent with our current spiritual state [as it is written]: "And balance the routes of your feet." Nevertheless, we must constantly be alert and analyze whether we have perhaps reached some higher level that requires improvement and betterment in deed.

11. We must also know that the definition of a Telzer *derech haTorah* does not negate other pathways of *Avodas Hashem*. We reject only narrow and erroneous ways. The general *derech haTorah*, however, is the "candle for our feet." We may, therefore, use various *darchei avoda*, each in its proper place and time.

While most of the members of the *Agudah* were older and more accomplished *talmidim*, formal and informal efforts were made to influence younger students to strive to the same lofty *avoda*. To a lesser extent, the *Agudah* attempted to bring its *darchei avoda* to the *Mechina* and

other educational institutions in the city as well. The *Agudah* was so significant, its goals so important, that after Reb Yosef Leib's *petira*, the *Hanhala* of the yeshiva had to bring new ideas to the *Agudah* for approval!

As the *chaverim* left Telshe to take positions throughout the world, the primary focus of the *Agudah* was to spread the *derech ha-emes* of Telshe throughout the world. A 1935 protocol details the various ideas and approaches that the *Agudah* used in promulgating *yirah* and *da'as* throughout the world. (In that protocol Reb Avrohom Yitzchok explains how the name "*Emes veShalom*" underlies those approaches.) The passage of time since then does not diminish the thrill of inspiration and elevation felt contemplating the remarkable idealism and dedication of the Telzer *talmidim*!

Within the elite of the *Agudah* there was an even higher elite: those who bore the "*degel*" (flag) of the yeshiva. To join this circle, a *chaver* had to undergo a *nisayon*, a test, for a certain period. The test seemed simple: Consistent *kevias ittim leTorah*, setting daily time for Torah study, with no exceptions at all, even and especially for *chaverim* already out in the field. In a 1926 lecture, Reb Avrohom Yitzchok undertook to explain why an *Agudah* that demanded: "unique, original and comprehensive self perfection in Torah and life, and much *avoda* for our whole nation; whose ultimate purpose is to bring new life to our nation's spirit; to reveal a new light in Torah and *da'as Hashem*; and, through all this to renew the life of the nation upon its ancient foundations and return the crown to its old luster, had chosen as its flag a matter that is universally accepted? That, it seems, reveals none of our special character and ultimate purpose? "

In response, Reb Avrohom Yitzchok quotes Reb Yosef Leib (*shiur da'as*: "*LeOlam Yehei Adam Rach KeKaneh*"): "...This is analogous to a person that occupies a certain place by chance gloating over another who circumnavigated

the entire globe and then chose to dwell in that same place. Although the latter person, who uncovered much *chochma* and *da'as* in his attempts to know the characteristics of the entire creation, now chooses that same place which the first person occupies by pure coincidence, bereft of *da'as*... there is a great distinction between them. [The second individual] knows the character of that place. He knows how to love it and he will never leave it. The first person, who finds himself in the same spot by chance [has no such connection to that place]... This is also true in relation to *middos*... Occasionally the simple understanding meets up with the wise understanding that follows much study. In fact, however, there are great distances and infinite extraordinary differences between them..."

Thus, at first the *chaverim* had seen such a test as too simple, but then they realized, said Reb Avrohom Yitzchok: "...That complete *sheleimus* brings an individual to conclusions that correspond very closely to a simple, straight common sense... Not like those who say that profound wisdom must be the opposite of common sense... On the contrary, the deeper a person delves into wisdom, the more uplifted he becomes by it, the more he understands the straight *dei'os* that are implanted in man's mind... The loftiest wisdom is therefore that which is closest to simplicity. In truth, this principle is one of the foundations of Torah. One Torah was given to all of Israel, for all levels, from the simplest Jew to the highest prophet. The Torah laws and *mitzvos* that are suitable for the simple Jew are also suitable for the greatest scholar. Each one finds a taste in them according to his personal achievements... All the *middos* and *kochos* that reside in a simple person are to be found in the greatest and loftiest person, but, as the latter's character and soul are higher and loftier, they are illuminated in him by a different light..."

In a personal letter from 1933, the executive committee clarifies that the actual *kevias ittim* is only the

external manifestation of *kabbolas hadegel*: "The internal *tzura* of this acceptance is that you thus express out of a pure and refined recognition that you are sanctifying a significant portion of your life's time to be sacred for *Hashem*... Not only that, but this hour must be the focal point of all hours. All hours must turn to and be directed toward this hour, and illumination and influence must spread out from it to the entire day."

Of course, much more was demanded of the Telzer alumni. In 1934 it was decided to require *chaverim* in the field to write essays according to the Telzer *derech*; to read and critique essays that were sent to them from Telshe; to correspond at least once every three months with the center in Telshe; to give regular reports on their spiritual states and on their influence on local educational and communal institutions; and to ever prepare the field for newer, more creative *avoda*. In short, as clarified succinctly in the 1935 protocol: "The inner *nekuda* of our *avoda* in all branches of life must be the *Agudah*..."

Conclusion

The remarkable inspiration we can derive from Telshe amplifies all the more the horror of its *Churban*. *Am Yisroel* may be somewhat consoled by the successes of the postwar American Telzer institutions. We must nevertheless realize the enormity of the loss, especially at this time of 20 *Tammuz*. Almost every name encountered in connection with the Lithuanian Telshe and *Agudas Emes veShalom* is also found on the long list of Telzer *talmidim* that perished in World War II (printed in the *Teshuvos Rabbi Eliezer*). That vast potential for spiritual awakening, those great hopes to spread *da'as*, were all erased. In a much smaller measure, the loss is evident in the fact that both Reb Yosef Leib's *Shiurei Halacha* and Reb Avrohom Yitzchok's *Shiurei haGrai* bear the words "Volume One". Volume Two of each work was never published, and both first volumes have been out of print for years.

History and Biography

May *Hashem* grant that we, the direct spiritual descendants of the yeshiva world of Lithuania that was destroyed, find strength and motivation from such histories of our predecessors. Let us study and analyze their legacies, their *derachim*, and follow in their footsteps. We too, so many years and so many worlds removed, yet so closely connected, should follow in their pathways of Torah idealism. Their *Avodas Hashem* will then guide us in our pursuit of *tzura, da'as*, and, above all else, *Kiddush Shem Shomayim*.

Zemiros

You Destined Us / **זְעַדְתָּ לָנוּ**

This zemer is a kabbalistic request to HaShem to allow us to experience Shabbos in its ideal form.

**זְעַדְתָּ לָנוּ עַמְּךָ , שְׁמֶךָ לְפָאָר :
צְוִיתָ גּוֹי קֹדֶשְׁךָ , לְעוֹלָם לְהָאָר :
יּוֹם מֵעֵין הַבָּא , אוֹתָנוּ הַנְחִלְתָּ :
מִיּוֹתֵד לְמַתְנָה , פִּי בָנוּ בְחַרְתָּ :**

You destined us, Your nation, Your name to glorify, You commanded your holy people, the world to illuminate, And a day akin to [the World] to Come, You granted to us, A special gift, because You chose us.

**סְכוּם יָמִים שְׁשָׁה , מְשַׁתְקָעִים בְּמַלְאכוֹת :
תְּכַלִּית נְעֻלְמָה , בְּרִדִּיפֶת פֶּרֶן סוֹת :
פְּעָמֵי שְׁשֵׁי , אֶבֶן נְשֻׁמְעִים :
שׁוֹב לְהִתְעַלּוֹת , אָנוּ מְצַפִּים :**

The sum of six days, we are mired in toils, The [ultimate] purpose is concealed, by pursuits of livelihood, When, however, the footfalls of Friday are overheard, Again to be uplifted, we yearn.

**גִּשְׁתָּ הַדְּלָקַת הָאוֹרִין , עֲזִיבַת יוֹם-יָמִים :
חֶקֶל תְּפוּחֵין קֹדֵישִׁין , אֲנַחְנוּ נִכְנָסִים :
בְּקָרִים לְעֵתִיקָא , צְהַרְרִים זְעִיר אֲנַפִּין :
זְכָרְנוּ וְנִזְכִּירְךָ , זַבְּךָ חֲנִי תוֹלִין :**

[Then] comes the lighting of candles, leaving day-to-day, We enter the "field of sacred apples,"

In the mornings, to "the ancient," in the afternoons to "the miniature countenance," Remember us and we will recall You, purify mundane life.

רְאֵה תוֹךְ לְבַבְנוּ , מִלְךְ מְלָכִים :
רְצוּנֵנוּ רְצוֹנְךָ , חַי הָעוֹלָמִים :
יִרְצוּ כְסוּפֵינוּ , בּוֹחֵן הַקְּלִיּוֹת :
שְׁעֵה עֲתִירוֹתֵינוּ , מִלְּאֲנוּ קַרְשׁוֹת :

*See into our hearts, King of Kings, Our will [is to do] Your will,
Sustainer of the worlds,
Our yearnings should be accepted, One who discerns the inner
[workings], Hear our requests, fill us with holiness.*

אֲנֵא הַשְּׁפִיעֵנוּ , נִשְׁמָתֵינוּ הַיְתִירָה :
מְנוֹת הַטְּעִימָנוּ , בְּמִנּוּחֶתְךָ הָעִילָאָה :
לְאַהֲבָה וּלְיִרְאָה , טַהַר לְבָנוּ :
תְּנֵכֵנוּ , צְרִפְנוּ :

*Please cause to flow down to us, our additional souls, [Our]
portions grant us to taste, in Your supernal rest, To love and to
hold in awe, purify our hearts, Educate us, refine us.*

שְׂאֵלָה עוֹד נִבְקֶשֶׁךָ , מִמְרוֹם שְׁלַח לָנוּ אוֹר :
חֲמֻדַת בְּרֵאשִׁית גְּנוּזָה , סְגוּלַת זְכוּר וְשִׁמּוֹר :
מִלֵּא מִשְׁאֵלוֹת לְבָנוּ , בְּאֵמֶת לְאַמְתָּה :
לְיִחְדָּךְ יִתְדָנוּ , תַּחַשׁ לָנוּ יְשׁוּעָה :

*One more request we shall ask of You, From on High send us
Light, The precious [light], from Genesis hidden, the quality of
"Remember" and Keep," Fulfill the requests of our hearts, in
absolute truth, To unify You unify us, speed us the redemption.*

Creation Was Afraid / בְּרֵאשִׁית בְּרֵאשִׁית

This zemer consists of many allusions to the Aggadata concerning the Giving of the Torah in Perek Amar R' Akiva in Meseches Shabbos.

יְרָאָה בְּרֵאשִׁית, לְתוֹתוֹ יִתְזַיְרָה, כִּי בַיּוֹם הַשְּׁשִׁי תָנְאֵי הַתְּנָה,
כְּלָה הַקְּדִימָה, נִעְשָׂה לְנִשְׁמָע, בְּשַׁבַּת נִשְׁלָמָה, מִצָּאָה מְנוּחָה,
יִסְתַּחֲוֶה בְּרֵאשִׁית לְתַכְלִיתָהּ, בְּשַׁבַּת נְתַנָּה הַתּוֹרָה!

*Creation was afraid, that He would return it to desolation, for on the sixth day He set a condition,
The Bride preceded "We shall do" to "We shall hear," on Shabbos it [Creation] was perfected, found rest.*

The day that Creation attained its purpose, on Shabbos the Torah was given!

וּבְשַׁעֲהָ שָׁקֵבְלוּ, מִלְּאָכִים חָפְזוּ, כְּתָרִים שְׁנַיִם לְכוֹלָם קָשְׂרוּ,
מִשְׁחָטְטָאוּ, עֲדָיִם הַתְּנַצְלוּ, בְּשַׁבַּת בָּם מוֹשֶׁה יַעֲטֶרְנוּ,
יִסְתַּחֲוֶה בְּרֵאשִׁית לְתַכְלִיתָהּ, בְּשַׁבַּת נְתַנָּה הַתּוֹרָה!

*And at the moment they accepted [the Torah], angels hastened, and tied two crowns on everyone,
When they sinned, they relinquished their decorations, [but] on Shabbos Moshe adorns us with them.*

The day that Creation attained its purpose, on Shabbos the Torah was given!

סְרַחֲזוֹן לֹא נִרְשָׁם, תְּבִיבוֹת הֵיא גִבָּן, חֲמֻדָּה גְנוּזָה הַשְּׂאִיר בְּיָדָן,
מִשְׁמָאֵאִילִים כִּרְבָם, תִּיפַח רוּחָן, לְמִיּוֹנִים בָּה לְחַיִּים סְמָמָן,
יִסְתַּחֲוֶה בְּרֵאשִׁית לְתַכְלִיתָהּ, בְּשַׁבַּת נְתַנָּה הַתּוֹרָה!

*"Stink" was not written, [as a sign of] endearment to us, the [previously] hidden treasure he left in out hands,
Those whose path is to the left, their spirit shall expire, [but] for those who turn to the right it is an elixir of life.*

The day that Creation attained its purpose, on Shabbos the Torah was given!

פִּיפִיּוֹת שְׂרָפִים , יְלוּד אִשָּׁה בְּזִים , עוֹלָה מְרוֹם מְשִׁיב דְּבָרִים ,
לְמַלְאכָה עוֹשִׂים , הַתְּפַקִּיד : שׁוֹבְתִים , שְׁבַת נְבוֹאָה , תִּקַּן עוֹלָמִים ,
יּוֹם הַגֵּי'עַ בְּרִיאָה לְתַכְלִיתָהּ , בְּשַׁבַּת נְתֻנָה הַתּוֹרָה !

*The mouths of the seraphim, denigrated [Moshe] born of woman,
he who ascended on High [Moshe] responded with words:
To those who perform crafts, is the task [of] Resting [on Shabbos],
[with] Shabbos we shall come and rectify the world.*

***The day that Creation attained its purpose, on Shabbos
the Torah was given!***

גִּילוי סודות חֶפֶז , מִתֵּן דָּת נִמְצָא , בְּפֶרֶק סֵרְסוֹר תּוֹרַת הַמְּשֻׁנָּה ,
מְלֻכּוֹת פֶּה , תּוֹרָה , מוֹרְשָׁה לְנוֹשְׁלָהּ , הַיּוֹם תִּשְׁעָשְׁעֵנוּ בְּשִׁפְעַע אֹרָה ,
יּוֹם הַגֵּי'עַ בְּרִיאָה לְתַכְלִיתָהּ , בְּשַׁבַּת נְתֻנָה הַתּוֹרָה !

*The revelation of the secrets of the canopy, the giving of the law, is
found in the chapter of the broker of Torah [R' Akiva],
The kingship of Torah, a heritage to [any] one who takes it, today
shall delight us in its abundance of light.*

***The day that Creation attained its purpose, on Shabbos
the Torah was given!***

שְׂרָשֵׁי הַמְּנוּחָה , מֵעֵין עוֹלָם תִּבָּא , הִרִימוּ אֹפְיָה מֵעַל לְבַחֲרָה ,
אוֹת הַשְּׁבִיתָה , וְאוֹר הַתּוֹרָה , יְעִידוּ עַל קְדוּשַׁת עַם מְכֻלָּה ,
יּוֹם הַגֵּי'עַ בְּרִיאָה לְתַכְלִיתָהּ , בְּשַׁבַּת נְתֻנָה הַתּוֹרָה !

*The roots of the Rest, likened to the World to the Come, uplifted a
nation above free will,
The sign of the Rest, and the light of the Torah, will testify to the
sanctity of the cherished nation.*

***The day that Creation attained its purpose, on Shabbos
the Torah was given!***

