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KOL HAMEVASER

THE JEWISH THOUGHT MAGAZINE OF THE YESHIVA UNIVERSITY STUDENT BODY

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the Halakhic Prenuptial
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POLITICS & ACTIVISM





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POLITICS AND ACTIVISM

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Kol Hamevaser, the Jewish Thought magazine of the Yeshiva University student body, is dedicated to sparking discussion of Jewish issues on the Yeshiva University campus and beyond. The magazine hopes to facilitate the religious and intellectual growth of its readership and serves as a forum for students to express their views on a variety of issues that face the Jewish community. It also provides opportunities for young thinkers to engage Judaism intellectually and creatively, and to mature into confident leaders. *Kol Hamevaser* is published monthly and its primary contributors are undergraduates, although it includes input from RIETS Roshei Yeshivah, YU professors, and outside figures. In addition to its print magazine, *Kol Hamevaser* also sponsors special events, speakers, discussion groups, conferences, and shabbatonim. We encourage anyone interested in writing about or discussing Jewish issues to get involved in our community, and to participate in the magazine, the conversation, and our club's events. Find us online at www.kolhamevaser.com, or on Facebook or Twitter.

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Editors' Thoughts: Kings and Queens of Flesh and Blood

BY: CHESKY KOPEL

An obscure *midrash* called *Aseret Melakhim* describes the reigns of ten kings who ruled or will rule over all of humanity, "from one end of the world until the other." Among the stories and interpretations there appears the following account: "The eighth king is Alexander [the Great] of Macedon, who ruled from one end of the world until the other... Nor is this all, but he even tried to ascend to Heaven and discern what is there... Nor is this all, but he even tried to go to the Land of Darkness and discern what is there..."¹

This is a fair legend, considering just how much Alexander did conquer. His short-lived empire extended from Greece to the Himalayas in the fourth century BCE, encompassing more than enough to qualify as "one end of the world until the other" for the classical-era author of this *midrash*. Alexander conquered his way to this author's home from distant lands, and then just went on conquering. So far as we can tell historically, Alexander of Macedon was absolutely undefeated in battle.² In the author's imagination, even the boundaries of this world could not contain such a mighty leader. He marched his armies right up to Heaven to check out what was going on up there, then turned around and paid a visit to Hell.

The implications of such a claim cannot be overstated. The other-worldly realms

and their sacred truths, inaccessible to most mere humans even through years of contemplation, seemed open to Alexander through his imperial power. In the larger context of this *midrashic* list, his domain surpasses even that of the King Messiah, and parallels only that of God Himself, the Creator of Heaven and Earth.

It sometimes seems that in the Jewish tradition, human political prestige exists on the same spectrum as the divine, maintaining the same sort of authority and differing from ultimate omnipotence in quantity rather than quality. We recite the *berakhah* of "*she-halak mi-kevodo li-yere'av* ([God] apportioned from His glory to those who fear Him)" upon seeing a Jewish king and "*she-natan mi-kevodo le-basar va-dam* ([God] gave from His glory to flesh and blood) upon seeing a Gentile king;³ in both cases, the political prestige of the human leader is identified as deriving from God's own glory.

This special awe of human leadership becomes more nuanced in an age of democratic regimes, free speech, and the power of popular activism to influence government policy. Shades of the Alexandrian do still manifest occasionally, as in the twentieth-century demise of the mighty British Empire: The "Iron Lady," UK Prime Minister Margaret Thatcher, demonstrated this seeming anachronism when she spoke of

the British failure in the 1956 Suez Crisis as sparking a "Suez Syndrome," in which Britons "went from believing that Britain could do anything to an almost neurotic belief that Britain could do nothing." This painful symptom of empire withdrawal was alleviated only, in Thatcher's understanding, by the fierce 1982 military campaign in which Britain successfully protected its Falkland Islands possession from Argentinean assault.⁴

But Thatcher's attitude was of the Old Order, and imperial expansion is no longer in political vogue in the West. Our politics have a more liberal and equitable nature, even when they seem fraught with self-interest and power struggles. Today we are called upon, as individual citizens of independent nations, to participate in the political process as voters, activists, and elected leaders. And though earthly power has taken a new form since the time of Alexander, it remains a God-given establishment of sacred importance for Jews.

In this issue, *Kol Hamevasser* marks the recent American election season and its upcoming counterpart in Israel by exploring the interactions of Jewish values and law with the many expressions, methods, and products of public policy in Jewish experience.

1 *Midrash Aseret Melakhim* (Hebrew) in *Otsar Midrashim* (*Bibliotheca Midraschica*), ed. by J.D. Eisenstein (New York: 1915), 463. *Otsar Midrashim* is a two-volume collection of small, obscure *midrashim*, many of which are difficult to find in any other compilation, published by Judah David Eisenstein. Each passage in the collection is introduced with information on all its traceable sources and textual variants. *Midrash Aseret Melakhim* is said to appear in certain editions of *Yalkut Shim'oni* on *Sefer Melakhim* and *Pirkei de-Rabbi El'azar*, but its best-known source is an earlier compilation called *Beit Eked ha-Aggadot* by a certain H.M. Horowitz. In that context, the order of kings is slightly different and the editor there postulates that the passage's author lived a short time before the period of the *ge'onim*.

2 See, for instance, "Alexander the Great (356-323 BC)," *BBC History*, available at www.bbc.co.uk/history.

3 *Berakhot* 58b; *Mishneh Torah*, *Hilkhot Berakhot* 10:11; *Shulhan Arukh*, *Orah Hayyim* 224:8.

4 "The Suez Crisis: An affair to remember," *The Economist*, 27 June, 2006, available at www.economist.com.

Rejoinder: In Defense of a Relationship with the Christian Right

BY: AKIVA BERGER

In response to Mr. Kopel's article, "Rabbi Dr. Meir Soloveichik, Yeshiva University, and the Jews,"¹ I must take issue with a litany of points he makes with regard to the American political-religious landscape and how it relates specifically to the Jewish community. While I cannot comment on the "Christian-centric"² nature of R. Dr. Soloveichik's public speaking engagements, I find Mr. Kopel's overall characterization of both the "Christian Right" and American Jewry as considerably detached from reality. The argument contains both broad generalizations as well as misconceptions with regard to the fundamental views of both groups. It is this flawed understanding that may lead Mr. Kopel, as well as many others, to bemoan the political alliances Orthodox Jews

are forging with factions historically hostile to their own parents and grandparents.

Let us start with the so-called "Christian Right." Mr. Kopel's argument rests on the repeated assumption that, in contrast with Jews, this group tries to "impose its values" on American society "to ensure that society and government abide by Christian morals."³ Heaven forbid, Christians "speak about God

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to [their] neighbors" and may even "try to convince [someone] of His presence and role in worldly matters."⁴ As an aside, being a religious Jew, I cannot really find anything wrong with having more people recognize God and see His hand in their lives (we even pray for it every day in *Aleinu*). Moreover, Mr. Kopel asserts that Christians are pre-occupied with the "*nistar*" (the hidden), and "perceive transcendently that which [they] see around [them]."⁵ Taken together, these characterizations of the Christian Right represent a false impression, promulgated precisely

by those who lack familiarity with actual members of this group. The numerous charges Mr. Kopel levels ring untrue in light of the contact I have been privileged to have with members of this much-maligned voting bloc.

For almost all of my life, I have lived in the Deep South (Georgia), where most of my interactions with gentiles were specifically with conservative, religious Christians. My personal dealings with these wonderful people have shown me a slightly different perspective regarding those whom the media often portray as Tea Party radicals. A Salvation Army family has been our neighbors for over a decade. This past summer, I volunteered at the Good Samaritan Health Center (an overtly Christian

non-profit organization), where they practice daily devotion⁶ sessions and pray for patients at bedsides. The Intown Community Church (Presbyterian) across the street from the Young Israel I attend has always been most gracious to us (even letting us park in their lot every day except for Sunday). Some of our teachers in high school were classic Southern Baptists who spoke with a drawl and wore crosses around their necks. Not once did anyone try to preach anything to me or convince me to adopt particular political positions on any sensitive subject. All I experienced were cordial people who took their commitment to religion seriously, and respected me for doing the same. To say that they are not “this-worldly enough”⁷ largely ignores all of the charitable causes Christians have undertaken and advanced. It has been shown that in America, religious participation is the single most important factor in determining the level of personal charitable giving.⁸ Practicing, religious Christians consistently volunteer more of their time and resources to bettering the societies around them.⁹

Perhaps by “imposing values”¹⁰ Mr. Kopel refers to the Christian Right’s political activism concerning social issues such as abortion, gay marriage, and the death penalty. Personally, I see it completely within reason to use religious sentiments to inform one’s sense of morality, which in turn dictates one’s political views. Doing so should not automatically be considered an attempt to shove one’s religion down other people’s throats. If political positions are not to be based, at least partially, on one’s own moral sensibilities (which may be shaped by religion), then what are they to be based on? Take gay marriage as an example. Most of the states that have voted on the issue have voted to maintain the “traditional” definition of the word “marriage,” even those that have granted couples with same-sex unions the same, full legal rights as married couples have. Activists, unsatisfied with mere equality in the legal arena, have tried to go further and fully re-define the word “marriage.” The aforementioned voters who have altogether rejected such advances view the attempt by courts and activists to re-define the word “marriage” as an imposition on *them*. They see it as coercing communities to abandon an age-old definition, one that has held true in venerable, moral societies both religious and secular. To them, their vote is an attempt to *defend* longstanding social and religious institutions in the face of mounting pressure from the wave of secularization taking hold of the country. This shifting of perspectives

to see where the other side is coming from can be done with regard to almost any social issue. Now, I am not at all arguing that as Jews we should align ourselves with particular Christian positions, nor am I judging the merits of Christian stances on any social issue. Rather, we must recognize that these individuals harbor deep moral sentiments that inform their vote, but that vote is not, in their own view, an attempt to “impose religious values”¹¹ on society. It would be foolish to suspect that the Christian Right’s political motivation is to convert America into some Puritan utopia in which everyone adopts the fundamental tenets of Christianity. The sense I have gotten from my interactions with members of the so-called “Christian Right” runs contrary to Mr. Kopel’s portrayal of the motivations he attributes to them.

I now turn to Mr. Kopel’s analysis of the Jewish perspective on the issue. His first assumption is that Jews have not “tried to preach their religious values to the general public” or “impose [their] values or laws”¹² on society. For my part, I have noticed a great deal of preaching coming from Jewish figures

in the last few decades, mainly focusing on one theme: *tikkun olam*. As author Norman Podhoretz explains, Jews whose ritual observance has declined commonly supplant their concept of Judaism with modern-day liberalism and its ideals.¹³ Incidentally, this has coincided with the uprooting of *tikkun olam* from its original, Tannaitic context¹⁴ and taking it to mean something approximating the current social justice and humanitarian aid movements. Of course, this is not to say that Judaism does not believe in bettering society or in assisting those who need our help the most. Rather, the particular focus and means with which these goals are pursued are what many Jews have brought under the mantle of their religious values, much to the chagrin of some of their brethren. American Jews have indeed preached their values in recent times, but, having replaced traditional Jewish ideals with those of contemporary liberalism, it is only *tikkun olam* and the like that have been broadcasted to the wider society. This also explains why for the “last four decades the majority of Jews in this country have voted with their liberal principles,”¹⁵ an obvious outcome considering their choice of values with which to fill a religious void.

The article goes on to state that American Jews are “too concerned with the *nigleh*,”¹⁶

which Mr. Kopel somewhat arbitrarily defines as a pregnant woman who wants an abortion or a death row inmate seeking a pardon. Mr. Kopel characterizes Jews as being “more attentive to the terrified pregnant woman than to her unborn fetus and more concerned with the death row inmate than with the biblical sense of capital justice that put him or her there.”¹⁷ In this assertion, he is admittedly motivated by the statistic that a majority of Jews feel this way.¹⁸ But why conflate Jews with Judaism? Is it true that Judaism has nothing to say in defense of the more “conservative” sides of the two sensitive issues that Mr. Kopel raises? For one, the Talmud surely places value in the unborn fetus¹⁹ and the positive merits of capital punishment.²⁰ What a majority of American Jews think has absolutely no bearing on the objective characterization of Judaism’s position, especially given the modern-day transformation of religious ideals delineated above. In fact, Halakhah is clearly much more nuanced than that, and cannot often be said to support any one side of a political debate. I wholeheartedly believe that those on the right or the left who try to bend the Torah to support their own political agenda are committing a grave error. That being said, Mr. Kopel’s strong implication that Judaism is plainly at odds with the totality of values embraced by the Christian Right seems at best questionable, at worst downright wrong.

While I admire Mr. Kopel’s concern for fellow Jews who may not share our level of commitment, I fully understand the increasing tendency of observant Jews to politically associate with religious Christians rather than with their Jewish brethren. In the current cultural landscape, where many perceive traditional religious values to be objects of attack and ridicule from the increasingly secular left (especially as transmitted by the media), it is entirely sensible for Orthodox Jews to align themselves with the Christian Right. They see in this group committed individuals who will fight to defend values they too believe in, as both factions possess deep-seated, moral convictions stemming from their religious commitments. However, as was shown above, this in no way represents an effort by observant Jews to impose their own religious values (in this case, Halakhah) on society. Conversely, in their non-observant co-religionists, they see a movement that has distorted a cherished tradition to embody “liberal” principles either unrelated to or at odds with customary Jewish ideals.²¹ This may sound harsh, but I think it explains the current trend of Orthodox Jews becoming more and more politically aligned with right-wing, religious Christians than with other Jews.

As Mr. Kopel states so eloquently, it is imperative that we maintain constant dialogue with Jews of other denominations to reach a consensus about the moral values we adhere to and the policy initiatives we support. Nonetheless, I wholly recognize

and appreciate the political association of observant Jews with the Christian Right, so long as they do not tout Halakhah as the impetus for doing so. There is nothing wrong with political allegiances shifting over time as the ever-changing cultural backdrop in America presents fresh challenges to those who hold steadfast to their religious beliefs. Mr. Kopel presumes that we must identify with the political values of our people by virtue of their being our people, a view I consider both erroneous and imprudent. On the other hand, broadly adopting the positions of the Christian Right runs the risk of gradually causing us to discount the voices emanating from amongst our own. The values that drive us to espouse certain political views must never blind us to the fact that we will always have a special relationship with *aheinu kol beit Yisrael*, each and every member of the Jewish people.

Much thanks to Noach Goldstein (YC ’13), who helped me to edit this article and refine its arguments.

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1 Chesky, Kopel, “Rabbi Dr. Meir Soloveichik, Yeshiva University, and the Jews,” *Kol Hamevaser* 6:1 (2012): p. 3-4.

2 Kopel, 3.

3 Ibid.

4 Kopel, 4.

5 Ibid.

6 A certain form of Christian worship.

7 Kopel, 4.

8 Arthur C. Brooks, *Who Really Cares?* (New York, NY: Basic Books, 2007), 32.

9 Ibid.

10 Kopel, 3.

11 Ibid.

12 Ibid.

13 Norman Podhoretz, *Why Are Jews Liberal?* (New York, NY: Doubleday, 2009), 280.

14 See *Gittin* 32a, where the term *tikkun olam* is used as the basis for various decrees meant to thwart specific societal ills arising from shrewd halakhic activity.

15 Kopel 4.

16 Ibid.

17 Ibid.

18 See Kopel 4, n. 5, where he bases his claim on the findings of a Pew Research Survey regarding attitudes of American Jews towards abortion and capital punishment.

19 See *Ohlot* 7:6, where abortion is allowed only to save the life of the mother, and the view of R. Yishma’el, *Sanhedrin* 57b, who prescribes capital punishment for the murderer of an embryo.

20 See *Sanhedrin* 81b, where the death penalty can be imposed extra-legally in certain cases.

21 See “The Ten Commandments of America’s Jews” by Jack Wertheimer published in *Commentary Magazine* <http://www.commentarymagazine.com/article/the-ten-commandments-of-americas-jews>.



“Nowhere But Here”: Becoming Advocates for the Halakhic Prenuptial Agreement

BY: KIMBERLY HAY

This past summer, I had the privilege to intern at the Organization for the Resolution of Agunot (ORA). Although I rarely worked directly with any of the *agunot*, I was often responsible for answering the office phone, and occasionally a woman would call, asking if ORA could help her. After speaking with a few of these women, I began to notice certain common characteristics that were discernible even during my brief conversations with them. These women’s voices often betrayed a sense of uncertainty, their words a disbelief in our ability to help them. Hopelessness, doubt, and fear were often conveyed through the short telephone conversations. Soon, I began to wonder what the experience of simply calling our office must be like. I pictured a woman standing alone in her house after making sure that all of her children were out of earshot, while she mustered the courage to admit to a complete stranger that she fears her husband will never give her a *get* (writ of Jewish divorce). I wondered what it must be like to cope with such a reality. Divorce, and certainly *get*-refusal, is usually the farthest thing from a woman’s mind as she plans for her wedding, and now, perhaps a few months, years, or even decades after the wedding day, the idea of divorce and the fear of being held an *agunah* likely occupy many of her waking hours.

Until relatively recently in Jewish history, the term *agunah* was used to describe a woman who was unable to remarry because her husband was either lost at war or at sea and it could not be determined whether he was alive or dead.¹ A “modern day *agunah*,” however, may be looking at her husband from across the room at a divorce proceeding or through a car window as he picks up their children. Her inability to remarry stems not from an uncertainty as to whether or not her husband is alive, but from his refusal to issue her a *get* after their marriage has functionally ended.² Unlike the secular court system, in which a court official has the power vested in him or her to declare a couple married or divorced, Jewish law views marriage as a contract between two people whose status cannot be effected by a third party. According to Halakhah, a *beit din* (halakhic court) is incapable of divorcing a husband and wife. Rather the husband must be the one to issue his wife a *get* to terminate their marriage.³

As Beth Din of America director R. Shlomo Weissmann explains, in years past, if a *beit din* ruled that a marriage was irrevocable and that a husband should issue his wife a divorce, the Jewish court had the

authority necessary to enforce its ruling, and could threaten a recalcitrant husband with excommunication or even physical violence in some cases. Today, however, Jewish courts of law in the Diaspora lack the necessary authority to enforce their rulings. To threaten physical violence against a recalcitrant husband for not complying with a *beit din*’s ruling would be illegal, and the threat of excommunication means little today due to a lack of cohesiveness within our Jewish communities.

The combination of these factors has led to a situation in which it is possible for a husband to use the *get* as a weapon to extort significant financial or child-custody related concessions from his wife, and in some cases may withhold it merely out of spite. Without a *get*, a Jewish woman is unable to remarry within the confines of Halakhah, and if she were to have children with another man, those children would be considered *mamzerim* by Jewish law.⁴ In the *frum* community, a woman without a *get* “will not even go out for coffee with another man, let alone strike up a serious relationship,”⁵ leaving her chained to a marriage that has ended but unable to move on to a new relationship or have more children.

A solution to the *agunah* crisis was suggested twenty years ago by R. Mordechai Willig (*Segan Av Beth Din* at the Beth Din of America and a *rosh yeshivah* at YU). In coordination with many halakhic and legal experts, he devised a halakhic prenuptial agreement that holds the promise of “ending the *agunah* problem as we know it” (as expressed by R. Weissmann).⁶ As explained on the website of the Beth Din of America, a couple signing the halakhic prenup agrees, in essence, to two things. First, that if at some point in their marriage one spouse summons the other to *beit din*, they both agree to appear before the mutually-agreed-upon *beit din* specified in their prenup, and to abide by the ruling of that court with regard to the *get*. This stipulation helps to prevent the prolongation of the Jewish divorce process by ensuring that there will be no disagreement as to which *beit din* the couple will attend, and establishes the *beit din* as the vehicle through which the issue of the *get* will be decided.

Second, the couple agrees that, in the event of separation, the halakhic obligation of the husband to support his wife “is formalized, so that he is obligated to pay \$150 per day (indexed to inflation), from the date he receives notice from her of her intention to collect that sum, until the date a Jewish divorce is obtained.”⁷ If, however, the wife fails to appear before *beit din* or to

abide by the decision of the court, she is no longer entitled to receive those payments. Since the prenup is a legally binding arbitration agreement, a civil court is able to enforce the financial obligation, which the rabbinic court is powerless to do, thereby giving the husband a financial disincentive to refuse to issue a *get*.⁸

Halakhic prenuptial agreements have received widespread rabbinic support—including in a letter signed by twenty-one of our own *roshei yeshivah* endorsing their use⁹ and a Rabbinical Council of America (RCA) resolution declaring that none of its nearly 1,000 member rabbis “should officiate at a wedding unless a proper prenuptial agreement has been executed.”¹⁰ Other leading *posekim* of our generation have also given their stamp of approval to the prenup, including R. Zalman Nechemia Goldberg (prominent Torah scholar and *posek* in Jerusalem), R. Gedalia Dov Schwartz (*Av Beth Din* of the Beth Din of America), R. Osher Weiss (*Rosh Kollel* of Machon Minchas Osher L’Torah V’Haraah), and R. Ovadiah Yosef (former Sephardic Chief Rabbi of Israel), among others.¹¹ So far, the prenup has also held up to its claim of preventing cases of *agunot*. According to R. Weissmann, the prenup “has been utilized in scores of cases before the Beth Din of America, and has consistently prevented the use of the *get* as a tool for improper leverage or extortion.”¹²

The prenuptial agreement can only be effective on a wide scale if it is adopted as a community standard, since those who are most likely to need it are usually those least likely to sign it. In class, I once heard R. Saul Berman draw an interesting parallel between the halakhic prenuptial agreement and the *ketubbah*, a measure instituted by Hazal to protect a woman financially in the event of divorce or the death of her husband. Hazal decreed that no woman was permitted to waive her right to a *ketubbah*, even if she was financially secure and seemed to have no need for it.¹³ Rabbi Berman explained the rationale for this law as follows: Hazal understood that if a woman could choose not to have a *ketubbah*, it may lead to a situation in which a husband could pressure his wife into forgoing the *ketubbah* with a claim of, “don’t you trust that I would take care of you?”

It is, of course, these women who are most vulnerable to being exploited. So, too, even if a woman is absolutely confident that she has no reason to doubt her *hatan*, by failing to sign a prenuptial agreement she makes it easier for another woman to be in danger of being pressured by her fiancé to not pursue a prenup because he claims it is unnecessary. If we could create a situation in which

it is as unheard of to get married without a prenup as it is to get married without a *ketubbah*, the risk of women falling prey to such pressures would disappear.¹⁴

At Yeshiva University, we have a unique opportunity to implement the prenup as a communal standard, if not for world Jewry at large then at least for our small corner of Manhattan. The student population of Yeshiva University is, to my knowledge, the best educated group of Jewish students in the country with regards to the importance of signing a halakhic prenup. Nowhere but here do our Jewish Studies teachers make plugs during class for signing the prenup. Nowhere but here do we have a *rosh yeshivah* who is the primary author of the most widely used version of the halakhic prenup today, and nowhere but here do we return home to our dormitory rooms to find a packet of information about the prenup left on our doorstep by ORA, with the phrase “Friends Don’t Let Friends Get Married Without the Prenup” looking back at us.

While I would love to say that the result of this heightened awareness is that all Yeshiva University students who are walking down the aisle sign a prenup beforehand, I know that this is not the case. Just a few weeks ago a young woman who I am friendly with at Stern refused to sign one before getting married because she was convinced it was unnecessary. Tamar Epstein, who was called “the country’s most famous *agunah*” by *The New York Times* and who has been waiting for over four years to receive a *get*, is a Stern alumnus who was unaware of the prenuptial agreement at the time of her marriage.^{15, 16} She said last year at a panel on the *agunah* crisis hosted by Yeshiva University that she believes that had she signed a prenuptial agreement, she would have likely already received a *get*.¹⁷

As students informed about the importance of the prenuptial agreement, we have a special opportunity and obligation to ensure that not another single alumnus of Yeshiva University becomes involved in an *agunah* situation that could have been prevented had she signed a prenup. Although asking a friend if she is planning on signing a prenup while she is on a pre-wedding high may be awkward, if it could potentially save her one day from the pain and suffering experienced by an *agunah*, then could anything be more important? If we as a student population commit to asking each of our engaged friends about signing the prenup, if we continue to talk about the prenup and remove the stigma that sometimes seems attached to it, we have a real

chance of eliminating the existence of the modern-day *agunah*, at least from our own small segment of the Jewish community.

Kimberly Hay is a junior at SCW majoring in Physical Sciences, and is a staff writer for Kol Hamevaser.

- 1 See *Yevamot* 88a and *Yevamot* 121a.
- 2 It should be noted that, while uncommon, there have been instances where a woman has refused to receive a *get*, effectively prohibiting her husband from remarrying according to Jewish law. In this article, I refer only to the issue of

agunot because the vast majority of *get*-refusal cases involve a husband who is refusing to give his wife a *get*. However, any use of the *get* as a tool for extortion, whether by a man or a woman, is certainly reprehensible. The Beth Din of America has a reciprocal version of the prenup available that addresses the issue of *get*-refusal by either party, available at: www.getora.org.

- 3 See *Devarim* 24:1 and *Yevamot* 14:1.
- 4 R. Shlomo Weissmann, "Twenty Years with the Prenuptial Agreement," *Viewpoint Magazine* (National Council of Young Israel) 54,1 (March, April 2012): 66-68.
- 5 Rachel Levmore, "The Prenuptial

Agreement for the Prevention of GET-Re-fusal," *JOFA Journal* 4 (Summer 2005): 4. Available at: www.jofa.org.

- 6 Weissmann, 66.
- 7 "Explaining the Prenup: What Does the Prenup Say?," available at www.theprenup.org.
- 8 Ibid.
- 9 "Resources: Prenuptial/Postnuptial Agreements," available at: www.getora.com.
- 10 "Use of Prenuptial Agreement," available at www.rabbis.org.
- 11 "Explaining the Prenup: Rabbinic Endorsements," available at: www.theprenup.org.

- 12 Weissmann, 67-68.
- 13 Rambam, *Mishneh Torah*, *Hilkhot Ishut* 10:10.
- 14 From Rabbi Berman's SCW class: "The Individual in Society."
- 15 Mark Oppenheimer, "Where Divorce Can Be Denied, Orthodox Jews Look to Prenuptial Contracts," *New York Times Online Edition*, 16 March, 2012, available at: www.nytimes.com.
- 16 "Epstein-Friedman Case Fact Sheet," available at: www.freetamar.org.
- 17 "Fighting the Agunah Crisis: A Panel," available at: www.yutorah.org.

Reflections on Political Involvement in the Broader World Jewish Community

BY: RABBI YOSEF BLAU

For more than a decade, I have played an active role in organizations that represent the broad Jewish community. Starting as a delegate in the World Zionist Congress, I was elected to its *Va'ad ha-Po'el* (known in English as the Zionist General Council), to the General Assembly of the Jewish Agency, and to the executive board of the Jewish National Fund. After being elected president of the Religious Zionists of America (RZA), I have participated in the Conference of Presidents of Major American Jewish Organizations, which is the semi-official voice of American Jewry to the American and Israeli governments. There is ample precedent for participation in the Conference of Presidents by figures connected to Yeshiva. The late Rabbi Israel Miller (vice president of YU) and Rabbi Julius Berman (chairman of the board of RIETS) both served as chairman of the Conference of Presidents.

My ongoing participation involves interacting with Jewish leaders who span the religious and political spectrum. My primary goal has been to represent Orthodoxy, particularly its rabbinate, as principled yet respectful and friendly with those with whom we disagree. At conferences in Israel, I would sit on buses next to non-Orthodox participants, often women. At meals, I would rotate eating with secular representatives of right and left-wing Zionist parties and leaders of different religious factions. While these actions are only symbolic, they can hopefully reduce the stereotype of unfriendly Orthodox rabbis who look down at others.

The World Zionist Organization and its congresses date back to 1897, when it was founded by Theodor Herzl. Israel's participation in the annual congress is comprised of representatives of the Israeli political parties that define themselves as Zionist, chosen by the results of the Israeli elections. Zionist groups in other countries choose their delegates based on the results of national elections of Zionists, conduct-

ed for this purpose. In America, the largest delegations represent Reform, Conservative, and Orthodox Jews.

With the vast majority of world Jewry living in Israel and the United States, the delegations from these two countries dominate the congress. Their perspectives and mentalities differ but alliances are made among them to gain leadership positions in the World Zionist Organization, the Jewish Agency, and the Jewish National Fund in Israel. The issue of recognition of the non-Orthodox in Israel comes up regularly. The makeup of the delegations, primarily non-Orthodox, guarantees that resolutions promoting pluralism are passed. Mizrachi, the group of the Orthodox Zionists, fights to preserve the present system in Israel in order to maintain halakhic standards for conversion and the role of the Israeli rabbinate.

In general, resolutions directing the Israeli government to adopt policies have little effect since the government is free to ignore them. Losing the votes of the organizations that promote pluralism has limited consequences for Israel. It is still important, though, that the Orthodox have a large delegation showing strength in Jewish communities worldwide. The Israeli participants often know little about the Diaspora and are not aware of the growth of Orthodoxy.

In order to participate, one has to be a Zionist, but since there are major disputes between different Zionist groups about every major issue facing Israel, agreeing on a definition of who is a Zionist is difficult. Traditionally, to be eligible to participate, one has to sign the Jerusalem Program, a general statement that reflects the consensus definition of Zionism and its mission.¹

The Jerusalem Program was first adopted in 1951 to replace the original Basel Program with an ideological statement that reflected the creation of the state.

In 2004, this statement was revised. The Reform and Conservative representatives demanded that a statement accepting pluralism be included in the Jerusalem Program. Allied with the primarily secular Israeli parties, this would have made continued participation by the Mizrachi virtually impossible, ending an association with the World Zionist Organization that had lasted for over a hundred years. It would have also had a ripple effect on Mizrachi having any influence in the Jewish Agency, fifty percent of whose delegates represent the WZO, as well.

Primarily because we had developed a good working relationship with the non-Orthodox representatives, a delegation of three -- Harvey Blitz, Sondra Sokal, and I -- succeeded after months of lengthy, unsuccessful negotiations to find a new language for incorporation into the Jerusalem Program that all could accept.

The formulation is "marked by mutual respect for the multi-faceted Jewish people."² This choice of words focuses on respecting those with whom one disagrees generally and does not mention religion at all.

The ambiguity of this language is helpful for creating a space for coexistence; the Orthodox can read this as an endorsement of mutual respect without acceptance for religious difference, while the other groups can read it as an expression of religious pluralism. This compromise has enabled Orthodox groups to continue to participate, and has led to the recent election of Avraham Duvdevani as the first WZO chairman from Mizrachi.

I have been told many times that the fact that an Orthodox rabbi, who had demonstrated friendship, had been an active participant in these discussions played a significant role in the decision by the non-Orthodox to accept this wording even though they already had the majority of votes needed to pass a version of the Jerusalem Program that would have explicitly included accepting pluralism.

Was this a major accomplishment? It depends on one's perspective. If one accepts the premise that we as Orthodox Jews care about all Jews and are prepared to work with others whose perspectives and ideologies fundamentally differ from ours for the welfare of Israeli Jewry, then it is significant. There is an ongoing dialogue between Israelis and Diaspora Jewry about standards of conversion, a dialogue in which the Jewish Agency has a voice. Without meaningful Orthodox participation, our perspective on Jewish identity would be absent from the debate. Tone, as well as content, is critical to ensure that others will hear what we have to say.

In many areas, there is a growing disparity between Orthodox and non-Orthodox Jewish communities of the United States. This plays out in the political arena both with respect to Israel and to internal American issues. In the Conference of Presidents, which is taken seriously by presidents and prime ministers, personal friendships make a difference. If we want to be part of the decision-making process then we have to participate fully, relating to others with mutual respect.

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1 The full text of each edition of the Jerusalem Program is available on the American Zionist Movement (AZM) website, at www.azm.org.

2 Ibid.



Living Alongside Your Brother: Of Usury, Triage, and Political Philosophy

By: SHLOMO ZUCKIER

One of the fundamental questions central to the current American political scene, a bitterly contested matter dividing Republicans and Democrats, is the issue of allocating resources. Should the government employ a system that forces the more successful citizens to assist those less fortunate than themselves, or should it adopt a policy that allows people to give charity willingly rather than through compulsion? What position do Jewish tradition and Halakhah take on the matter? I will not enter head-on into what is clearly an exceedingly complex subject,¹ but I believe that a passage in *Bava Metsia*² may be surprisingly illuminating for this question.

The Talmud (cited in full in the original Aramaic on the column) presents a dispute between R. Yohanan and R. Elazar on the question of whether we say *ribbit ketsusah yotse'ah be-dayyanim* or not – whether interest, once collected (illegally), can be forcibly returned by the court to the original borrower. The Talmud proposes several verses and accompanying *derashot* to support R. Yohanan's position that the court cannot seize the usurious money. For R. Elazar's dissenting opinion, the Talmud cites the verse (found in the context of usury), "...*ve-hei ahikha immakh* – ...and your brother shall live with you,"³ which it interprets to mean "*ahader leih ki heikhi de-neihi* – return [the interest] to him in order that he can live."⁴ What does R. Yohanan derive from this verse, if not R. Elazar's *derashah*? He uses it to rule (like R. Akiva) in a celebrated case: If two people are stranded in the desert, and one has a jug with water sufficient for only one party to live, then that person should not split the water and allow both to die (as ben-Petura argued) but should drink it himself, because *ve-hei ahikha immakh* teaches that one's life takes precedence over that of his fellow.

It is possible to construe the *mahaloket* between R. Yohanan and R. Elazar as based simply on which context each Amora chooses to deploy the explication of *ve-hei ahikha immakh*. Does it refer to the command to return *ribbit* in order that one's fellow can live, or to the ruling that one should drink the water to save his own life? The dispute could be based merely on some maneuver in the *derashah* calculus; R. Elazar has the verse available to use for the former, while R. Yohanan prefers to apply it for the latter.⁵

However, I believe it is possible to understand this *mahaloket* as a much more

profound one, as it reflects a question touching upon the fundamental meaning of the verse under discussion, as well as on prioritization of human values. Let us closely analyze the two *derashot*, based on those three words: *ve-hei ahikha immakh*. R. Elazar, in applying his *derashah* in the context of *ribbit ketsusah*, explains: "*ahader leih ki heikhi di-neihi*." This sentence enjoins a person to enable his fellow to live along with him, and this understanding derives from a focus on the words *ve-hei ahikha*. On the other hand, R. Yohanan applies R. Akiva's *derashah* in the case of the two people in the desert, which expresses, "*hayyekha kodemim li-hayyei haverkha* – your life takes precedence over your fellow's."⁶ On this account of the verse, the emphasis is placed not on his fellow's ability capacity to live, but on an overriding right that he himself has to live. My life takes precedence over my fellow's.

Of course, these two approaches are not, strictly speaking, mutually exclusive. It is possible to affirm simultaneously that one has a most basic right to support his own life, while also establishing that, once that right has been satisfied, he has a responsibility to assist others in living, as well. Despite this possibility, it appears to me that these two opinions dispute one another across the board, with the argument spilling over (through the medium of the *derashah*) from one case into the next. In other words, R. Yohanan might disagree with R. Elazar's *derashah* from *ve-hei ahikha immakh* not only because he happens to have an alternate *derashah*, but because that alternate interpretation, of *hayyekha kodemim*, dictates his own perspective on both preferential life-saving and interest – this money belongs to me, I earned it, and I cannot be expected to give it up to the other party just because he needs it.⁷

Similarly, R. Elazar's *derashah* of *ve-hei ahikha immakh*, interpreted to mean that one must provide for his fellow to live, might dictate his position about the two people in the desert as well. Perhaps he would argue that the point of the *pasuk* is that one has just as much of an obligation to his fellow as he has to himself. If so, how can he privilege himself over his fellow? The two must split the drink and both die.⁸

I believe that understanding the issues of returning *ribbit* and sacrificing oneself to help a person in a desert as related can find support in some of the formulations within these two halves of the *sugya*. In all of

the different *derashot* suggested for R. Elazar and R. Yohanan, a prevailing theme is that of life and death. For R. Yohanan (who holds that *ribbit* is not collectible by the court), two of his three *derashot* are based on the notion that a person who charges interest deserves to die rather than to return the money: The verse in *Yehezkel* says "*ve-hai lo yihyeh*" (he surely shall not live),⁹ and the Gemara explicates "*le-mitah nittan ve-lo le-hishavon*" (it [the interest] is given for death, not recompense).¹⁰ The other *pasuk* from *Yehezkel* cited reads "*mot yumat damav bo*" (he shall surely die; his blood is on him),¹¹ and Rava explains that we thus compare charging interest to murder.

In each case, either the lender's or the borrower's life is seen as threatened as a result of the *ribbit* transaction. Of course, R. Elazar's *derashah* interpreting the verse in question supports forcible collection, compelling the lender to return the interest in order to allow the borrower to live, as above. And clearly, in the case of the two people in the desert, *ve-hei ahikha immakh* is an issue of life and death – the question is whether both deserted travelers will die or whether at least one will be able to make it back alive – and R. Akiva's *derashah* therefore states "your life takes precedence over the life of your fellow." Both *derashot* interpreting our verse frame their position in terms of weighing the relative value of the lives at stake. Now, it is not terribly surprising that *ribbit* is considered to be a case of life and death. The fact that someone is subjecting himself to a usurious loan in the first place bespeaks his sense of desperation, as he agrees to outrageously hostile conditions on the loan to avoid starvation. This fits with the Torah's formulation of the prohibition as applying to money as well as food;¹² loans with *ribbit* were often contracted in order to acquire basic necessities.

There is an additional literary connection between the *sugyot*. The rallying cry of R. Yohanan and his position that the *ribbit* is forcibly collected is "*li-X nitan ve-lo le-hishavon*," namely that interest is designated only for things other than repayment (*hishavon*). The question is formulated as whether we coerce the lender to return (*meshiv*) the *ribbit*. In parallel, the question facing the person with the jug of water in the desert is whether he and/or his fellow will be able to reach civilization, the *yishuv*. The words *yishuv* and *hishavon* bear a clear literary resemblance

to one another (though they stem from different *shorashim*). Additionally, each relates to a state of equilibrium, whether it is returning to one's proper place or returning things to their proper owners. These two similar discussions, parallel to (rather than intersecting with) one another, thus offer two versions of the same type of question.

And the parallel goes beyond a literary level: One understanding of what is at stake regarding *ribbit*, as Ramban points out,¹³ is the question of whether we treat our fellow Jews as one larger community, almost like family, to the point that we do them favors such as lending to them without interest. Can I privilege my own position, or should I sacrifice my own potential profits in order to help my brother? In what arrangement are all relevant parties given their due, put in their proper place? The desert scenario raises the question of how to weigh one's opportunity to return to civilization against that of one's fellow – which of the two has a greater right to return to civilization? Are we all equals, as citizens of one society? Can I privilege my own position, or should I sacrifice my life in order to help my brother? The two cases deal with both life-and-death situations as well as with the question of to what extent a fellow Jew is considered a part of one's community.

I believe that a deep question of values underlies the matter of how to interpret *ve-hei ahikha immakh* in each case to which

תלמוד בבלי מסכת בבא מציעא דף סא:סב.

אמר רבי אלעזר: רבית קצוצה יוצאה בדינין, אבק רבית אינה יוצאה בדינין. רבי יוחנן אמר: אפילו רבית קצוצה נמי אינה יוצאה בדינין. אמר רבי יצחק: מאי טעמא דרבי יוחנן - דאמר קרא (יחזקאל כ"ח) בנשך נתן ותרבית לקח וחי לא יחיה את כל התעבות האלה עשה - למיתה ניתן ולא להישבון. רב אדא בר אבהו אמר: אמר קרא (ויקרא כ"ה) אל תקח מאתו נשך ותרבית ויראת מא-להיך - למורא ניתן ולא להישבון. רבא אמר: מגופיה דקרא שמיע ליה (יחזקאל כ"ח) מות יומת דמיו בו יהיה - הוקשו מלוי רבית לשופכי דמים, מה שופכי דמים לא ניתנו להישבון אף מלוי רבית לא נתנו להישבון. אמר רב נחמן בר יצחק: מאי טעמא דרבי אלעזר דאמר קרא (ויקרא כ"ה) וחי אחיך עמך - אהדר ליה כי היכי דנתי. ורבי יוחנן, האי וחי אחיך עמך מאי עביד ליה? מבעי ליה לכדתניא: שנים שהיו מהלכין בדרך, וביד אחד מהן קיתון של מים, אם שותין שניהם ממים, ואם שותה אחד מהן מגיע לישבון. דרש בן פטורא: מוטב שישתו שניהם וימותו, ואל יראה אחד מהם במיתתו של חברו. עד שבא רבי עקיבא ולימד: וחי אחיך עמך - חייך קודמים לחיי חבריך.

it is applied. To what degree do we view our primary responsibilities as being solely to ourselves, and how much of a claim do others have on us? Do we take an approach of personal partiality, in which every man can privilege his own needs over those of his fellow, or do we view all people as equal, requiring them to treat their neighbors as suitably as themselves? This question of priorities is reflected in the differing perspectives in understanding the verse, which in turn sets our perspective on each of the relevant cases.

Any political theory must take certain positions on issues of preferential treatment of self and family and the obligation of one individual to help another. The *sugya* discussed in this article exposes some of these fundamental questions with an intriguing discussion of two unexpectedly related issues. Many other *sugyot* offer similarly stimulating perspectives, where important issues facing the world can be explored through the prism of Jewish law. Out of the sources of Halakhah, a political philosophy awaits formulation.¹⁴

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1 For two interesting discussions of the issue, see Aaron Levine, "The Role of Government" in his *Free Enterprise and Jewish Law: Aspects of Jewish Business Ethics* (Jersey City, NJ: Ktav, 1980) and Benjamin Hecht, "Beyond Tzedakah: Understanding the Torah Expenditure," *Nishma Journal Special Edition*, accessible at: www.nishma.org.

2 *Bava Metsia* 61b-62a.

3 *Vayikra* 25:36.

4 *Bava Metsia*, *ibid*.

5 See Ritva to *Bava Metsia* 62a s.v. *ve-Rabbi Yohanan*, who explains the question in this manner.

6 *Bava Metsia* 62a.

7 Of course R. Yohanan will have to explain why usury is prohibited, but there are many, less robust, explanations of the prohibition, which presumably underlies his more lenient, *einah yotse'ah be-dayyanim*, position.

8 This would be a significant logical jump, but it would be supported by the Talmud, which appears to connect these two *mahalokot*. Further, R. Yeruham Fishel Perlau, in his commentary on R. Sa'adiah Gaon's *Sefer ha-Mitsvot* (*Helek* 3, *Parshah* 33) argues that Rambam does not follow R. Akiva because he accepts R. Elazar's reasoning.

9 *Yehezkel* 18:13.

10 *Bava Metsia* 61a.

11 *Yehezkel*, *ibid*.

12 See *Vayikra* 25:37, *Devarim* 23:20, and *Bava Metsia* 60b-61a.

13 *Devarim* 23:20.

14 Paraphrase of R. Joseph B. Soloveitchik's concluding sentence in *Halakhic Mind* (New York: Seth Press, 1986).

An Interview with Rabbi Dr. Dov Dov Zakheim

BY: GAVRIEL BROWN

Rabbi Dov Zakheim served as the Undersecretary of Defense (Comptroller) and Chief Financial Officer for the U.S. Department of Defense from May 2001 to April 2004. He also served in various Department of Defense positions during the Reagan administration, including Deputy Undersecretary for Planning and Resources. He is the author of Flight of the Lavi: Inside a U.S.-Israeli Crisis and A Vulcan's Tale: How the Bush Administration Mismanaged the Reconstruction of Afghanistan.¹

Did your upbringing influence your choice to pursue work in the government?

My father, in addition to being a Rov, was the legal counsel of the Jewish community of Lithuania and the advisor to R. Moshe Berzinski. He worked both worlds and had a tremendous influence on me in that regard.

When did you decide to enter public service?

I was working in a bank in England that got into trouble after a series of bank failures all over Europe. I went to the man who examined me for my thesis, a man named Alastair Buchan, whose father was John Buchan, the author of *The Thirty-Nine Steps* and a noted anti-Semite.

Alastair was totally different. I had done work on defense-related politics and economics at Oxford University, so I was looking for a job, and he said, "Go back to Washington!" He headed what was then the leading defense institute in the world, known as the Institute for Strategic Studies (now known as the International Institute for Strategic Studies). All he did was place a few phone calls into Washington and by the time I got there I had interviews set up. Within three weeks, I had landed a job in a new office called the Congressional Budget Office. It had been approved in February and I got my job in August. I became the Naval Analyst.

Why did you choose the field of National Defense?

It interested me. It has always interested me. Foreign policy, defense/security policy was what I did my doctorate on. I was also interested in world history, which, at least in those days, was more about political and

military history than cultural history.

You have been Undersecretary of Defense, a position in which you undoubtedly had to make some pretty tough decisions. Can you recall your most difficult decision?

Probably, in many ways, the most controversial decision I had to make was when I was Deputy Undersecretary of Defense (the Comptroller of the Pentagon) and I took on the Israelis and cut funding for a fighter plane called "The Lavi," which made a lot of people consider me a "traitor" to Israel. Actually, though, at the

decisions already made. Sometimes it was very tough.

Did you have to make any tough decisions about halakhic observance while working for the government?

No, no; it was pretty straightforward. In fact, I just wrote an article about halakhic decision-making for government officials in the recent volume of *Conversations*. I told Defense Secretary Donald Rumsfeld that I was not going to work on Shabbos. He said to me, "Well, that seems fair enough." I said, "To be honest with you, if life is in danger, I've got to work." He replied, "Great, lives are always in danger in the Pentagon." I told him I could not come in for ordinary meetings and he understood that. Shabbos was never an issue.

I had a deputy. My deputy was not Jewish. He went to Saturday meetings. Unfortunately, I had to work many Friday nights, week after week. I could not walk away from work. In the Pentagon, it seems that the tough work happens after five o'clock on a Friday. My staff members, some of whom knew me before I came to the Pentagon,

were really concerned that I was missing what they called "services" every Friday night. It really bothered them that I had to be working.

Fortunately, I never worked on Shabbos. Though I remember right after 9/11 it was *Shemini Atzeres* and I told Rabbi Bieler, our *shul* rabbi, that on *Shemini Atzeres* I had a few firsts. It was the first time I worked on *yuntif*. I was driven by my driver to *shul*; my Pentagon driver had never driven me to *shul* before. And I got there just in time for *minhah*.

You have traveled to Afghanistan and Iraq. How were you able to keep Shabbat and kashrut?

I did not eat meat and I had to eat vegetables. Actually, the military now has kosher MREs, Meals Ready to Eat. Of course, it depends how strict you are. If you are not going to eat salad out, forget it. But, as I have written, a lot of *de-rabbanan* rules fall away in these sorts of circumstances.



An Interview with Ruth Messinger

By: GABRIELLE HILLER

Part of the problem is that if you are, say, sitting down for a meal with Afghani President Hamid Karzai or one of his ministers, they are going to be really offended if you do not eat. Of course, up to a point they will accept. So, for instance, I remember I was at the home of my friend Ashraf Ghani Ahmadzai, who was the Afghani finance minister, and they served this massive, beautiful roasted sheep. I couldn't eat it! He knew that, so I had vegetables. They have a few of them in Afghanistan...

Do these people know you are Jewish?

Yes, yes; they all know. It was quite funny: I remember we were flying in a C-130 over territory in Afghanistan that was a little dangerous. Minister Ghani was sitting next to me touching his prayer beads. There was a Catholic fellow, a military official sitting next to me, crossing himself, and I was saying *Tefillas ha-Derekh*.

Do you feel any conflict between your American patriotism and your feelings about Israel nationalism or Zionism?

In my first book, I quoted Alan King who said, "America is my wife and Israel is my mother; you can love two women." The fact is that, at bottom, and we have seen this over and over again since the creation of the state, which I consider to be a miracle, America and Israel have shared baseline values and baseline interests. They are going to differ tactically. They may even differ more than tactically. But, at the end of the day, they are going to come out on the same side. And I think that has to do with the fact that this country is overwhelmingly Christian – and believing Christians. A lot of these people take their Bible seriously and they take the State of Israel seriously. And there are a lot of people who share the values of Israel. If it were just the Jewish community here I do not think Israel would have anywhere near the amount of support it has. And, you know, Israel was a bastion against Communism. It is now a bastion against terrorism. There are just an overwhelming number of commonalities.

Do you have any recommendations for young Jews who want to go into government or political work?

When I started in my career there were not that many of us in the government. There are a lot of committed Jews now. Whether its Senator Pat Toomey's (R-PA) press secretary Nachama Soloveichik, who is a committed Jew, or Jack Lew (White House Chief of Staff to President Barack Obama), who I am personally friendly

with but with whom I totally disagree on politics. He is obviously a *yerei Shamayim* who sends his kids to Jewish schools, is a member of an Orthodox *shul* and a proud Jew. Eliot Cohen (Counselor to Secretary of State Condoleezza Rice under President George W. Bush) is another example.

Some of us do not wear *kippot*, some of us do wear *kippot*. Take someone like Tevi

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Troy (Deputy Secretary of Health and Human Services under President George W. Bush). He has a wonderful picture from the Oval Office with the president, his wife, and his little kids who are running around with their little *peyos* and big *kippot*. President Bush looks like he is really having a good time. There are a lot of people in government who are truly *mekadesh Hashem*. Eliot Cohen's son Rafi went to Harvard, finished first in his U.S. Army Ranger class, which is unusual for a nice Jewish boy – or even a Harvard boy. He then goes off to Iraq hunting down improvised explosive devices that kill people. When his father was sworn in as Counselor at the State Department, Secretary Rice was there and Rafi was there in his uniform with his medals and *yarmulke* on.

There are many younger and older Jews who are in government and serving their country in lots of ways. General Richard Myers (Chairman of the Joint Chiefs of Staff under President George W. Bush) told me that he would like to see more Jewish officers because they make good officers. The former number two man in the Marine Corps, General Robert Magnus, spoke to the Jewish Midshipmen Club at the Annapolis Naval Academy with his *yarmulke* on and told them to be good Jews and serve in the military. It's different. This is not the Tsarist Army and we're not living in Tsarist Russia.

You are an eighteenth generation rabbi. Why was it important for you to receive rabbinic ordination?

Well, I didn't want to be the one to break the chain! The truth is, I do not think the rabbis in my family have practiced rabbinics for years. I'm glad I received *semikhah*. It taught me how to think. I don't worry. My eldest son is at Gruss Kollel in Israel and my second son will hopefully be starting *semikhah* after he gets out of politics.

¹ Biography adapted from the back cover of his book, *A Vulcan's Tale* (Harrisonburg, VA: Brookings Institution Press, 2011).

Note to readers: Ruth Messinger has been the president and CEO of American Jewish World Service (AJWS), an organization that advocates for human rights and works to end poverty around the world, since 1998. Previously, she served for twelve years on the New York City Council and for eight years as borough president of Manhattan. She also received the Democratic Party's nomination for mayor of New York City in 1997. She lectures widely on social justice issues and serves on the board of many social justice organizations. She has been named one of the Forward's "50 most influential Jews of the year" for ten years and was included in the Jerusalem Post's list of the "World's Most Influential Jews of 2011."

How did you become interested and involved in social activism?

It really started in my home, growing up. We took it seriously. We were told to "give back to the city and to the country." You know, "stand for good things and take action." That's just the way we were raised. I've been involved in social action my whole life at various levels and with various causes.

You have been an activist, an educator, a politician, and a nonprofit CEO. Which occupation is closest to your heart?

I was very happy being an activist during the '60s. I was involved in various social movements of the '60s: civil rights, women's rights, anti-war. Then I went to social work school and started working on New York City issues and challenges and was doing that professionally, including running for office, and being an activist in and around city issues. This was my great passion and love, and I did it for twenty years, until I lost an election. After that I took this position at AJWS and got really interested in the international social change and human rights work that we do. As you probably know, we have always worked on those issues overseas, but we also work on them in the States, doing policy advocacy. I've always tried to figure out ways to work on issues in the U.S. to change government policy, either at the city or at the national level.

The simple answer to your question is that I've liked all of it!

What do you see as the mission of the AJWS, vis-à-vis Judaism and American Jewry?

Well, I wouldn't put it that way. I would

say that the mission of American Jewish World Service is to be an organization that is motivated by Jewish values and puts those values into practice in order to end poverty and realize human rights for marginalized people in the world. So that's our mission. We work on that mission internationally by finding really good grassroots social change groups and projects and helping them do their work. And we work on that issue domestically with the American Jewish community, telling them ways that they can get involved in advocacy issues around global justice. So, right now, for the last year and a half, we've been working on efforts to reverse global hunger, and our current campaign is to insist that when Congress comes back into session they need to pass the Farm Bill because they're putting millions of people at risk, both domestically and globally.¹

What methods does AJWS utilize to share and spread its values?

We talk to our mission, and we do mobilizing and organizing in the American Jewish community to advance it. For instance, we just organized Global Hunger Shabbat, so we had speakers all over the country – members of our staff, volunteers, and rabbis – give information about the situation and urge people to take action on the Farm Bill. Our website tells people very specifically how to take action and what they can do to make social change, and we communicate with people by email, by direct mail, in public speaking, and, as I said, by taking



many of the people who have done service programs with us and training them as advocates and activists.

Is there a program run by AJWS that you are most proud of?

Nope. I really love them all, and I think it's just important for people to understand that there is a both a universal and domestic organizing and advocacy program, and that there are over 400 grassroots groups that are making social change around the world, not all of which I've visited, but many of which I've been privileged to go and see.

Is there anything about American Jewry today, in terms of public policy, values, and activism, that disappoints you?

A great deal on some days. We are a community that has a tendency to look at what's wrong and not fully recognize the comparative influence and affluence of Jews in America in the twenty-first century and then not use that degree of influence and affluence to make further change and get more Jews involved in social justice. We must recognize the huge interest of your age cohort in doing things to make change in the world and understand that that is, indeed, very much a Jewish thing to do,

and that it helps people live their Judaism.

Is there anything uniquely special about the programs run jointly by AJWS and the Center for the Jewish Future at YU?

There's nothing unique, because we do similar work with people on campuses all over, but YU is one of the unusual places, in that it already has a center, a structure devoted to trying to promote activism and living Judaism in a variety of ways. This makes it very easy for us to work with YU and organize trips with them, because they're really organized in a way to do that.

What is your advice to a college student interested in getting involved in social activism?

1) Do it. 2) Learn about the mechanisms for mobilizing and organizing. So go out and do something, seek some action, but then realize that you can be part of a team and go to lobby a member of Congress, realize that you can map out a strategy for getting something changed legislatively over time, that these lend themselves to issue campaigns. So people need to learn how to do that and they should, gradually, recognize that the world is a far-from-perfect place, and that some of that responsibility, for better or worse, is going to fall to their generation, and they ought to learn

how to do these things collectively. I would hope very much for students to do this with a Jewish lens, from a Jewish point of view, because I think that the work reinforces the commitment to Judaism, and the commitment to Judaism strengthens the work.

Finally, considering recent events and your years of service to New York, do you have any reflections to share on the effects of Hurricane Sandy and the proper response to this natural disaster?

Well, I think this is a wake-up call in terms of the fact, as opposed to "the myth," of climate change, and the notion that we, all over the world, including in this very developed part of the world, need to be more alert to understanding what the climate change projections are and need to be planning carefully for them in advance. We're learning – we've learned this with Katrina, frankly, and now we're learning it again with Sandy – that it's not like the U.S. is a perfect place in which serious natural disasters won't create real crisis. That's just not true and we need to do a better job of disaster preparedness. New York and the large relief organizations ought to have been readier to handle the madness, and we need to take that lesson from recent days and start doing the things to make us readier the next time. And another thing,

which we actually said in an official statement, is that we know from our experience in working on natural disasters around the world that there's a huge set of needs immediately, but also a set of much longer-term needs for rebuilding that, in some ways, takes time, and, in some ways, it takes less time to get New York and the United States organized to do some of that rebuilding than it does to get Haiti to do it, but it still takes time.

1 "Farm Bill" is a generic term referring to bills passed by Congress every several years to address changes in agriculture and food policy. The proposed 2012 version of this legislation addresses a range of propositions on water conservation, financial safety nets for American farmers, farmland preservation, and rural prosperity. For more information on the Farm Bill agenda, see www.farmbillfacts.org. To learn how you can take action, visit www.ajws.org/reversehunger/take_action.html.

A Time to Mend?¹: Halakhic Perspectives on *Tikkun Olam*

BY: ADAM FRIEDMANN

Tikkun olam (repairing the world), or *tikkun ha-olam* as it is referred to in its original Mishnaic context, is a concept that has captured, and continues to capture, the imagination of American Jewish society. While much of this fervor is rooted in the liberal movements of Conservative and Reform, which have cast *tikkun ha-olam* as a call for social activism, interest has been piqued among Orthodox circles as well. This has prompted the rise of specifically Orthodox social justice organizations. But what is *tikkun ha-olam*? What are its definitions and parameters? More vitally, as Jews who are committed to the observance of Halakhah, we may ask from what normative sources, if any, the *hiyyuv* of engaging in *tikkun ha-olam* is derived. And, upon discovery of these sources, we ought to be further concerned with how central a role *tikkun ha-olam* should play in our lives, both on the philosophical and practical levels. A great deal of literature has been produced, both within the Orthodox community and without, which deals with this topic. To attempt an account of all primary sources would be far beyond the scope of this article, and,

with all likelihood, the abilities of its author. What follows is an outline and categorization of various Orthodox approaches to *tikkun ha-olam*. The survey is intended to highlight some major themes and is by no means meant to be exhaustive. The reader is referred to citations in the endnotes as a guide for further study.

Background

The first step in analyzing *tikkun ha-olam* is to unfetter ourselves somewhat from the restrictions of this particular terminology. The verb *t-k-n*, meaning to repair, mend, or introduce a legal measure² appears in a wide array of contexts in Torah literature.³ As may be obvious from the rather large scope that is encompassed by these definitions, most of these occurrences are not relevant to the topic at hand. (In many kabbalistic writings, the term *tikkun* does refer to an attempt to repair the world, but is intended in a purely, or mostly, esoteric sense. This is not the sense of the term I would like to consider here.⁴) For the purposes of this article, I would like to consider the formulation presented at the 1994

Orthodox Forum on *tikkun olam*, which is to investigate the responsibility "that Jews bear... for the moral, spiritual, and material welfare of society at large."⁵ Therefore, even though we proceed to an analysis of the origins of the phrase *tikkun ha-olam* in the Mishnah, it is always with an eye towards the above definition.

Tikkun ha-olam enters the halakhic stage in the fourth and fifth *perakim* of *masekhet Gittin*. The *mishnayot* there record a series of measures introduced by the *Tanna'im* in various realms of Halakhah including divorce,⁶ *ketubah*,⁷ monetary transactions,⁸ slave ownership,⁹ and *korbanot*.¹⁰ The premise given for all of these *takkanot* (legal measures) is *tikkun ha-olam*.¹¹ Two observations must be made about these *mishnayot*. The first is that all of these *takkanot* are indeed intended to further social welfare. As opposed to the usual *gezeirot de-rabbanan* (rabbinic decrees), which expand or augment the fulfillment of a *mitsvah*, these *mishnayot*, even the ones that deal with religious practices such as *korbanot*, are meant to enhance the quality of life in society.¹² The second observation is that all of these *takkanot* are

internal to the Jewish community, and are not aimed towards Jewish-Gentile relations.¹³ For this second reason, some argue that the Mishnah's principle of *tikkun ha-olam* cannot be the source for a program of interaction with the Gentile world.¹⁴

The phrase *le-takken olam* (to repair the world) appears one more time in the Talmudic-era literature. *Aleinu*, which is recited daily after each *tefillah*, and which was adapted from the first section of the *musaf* prayer on *Rosh ha-Shanah*, includes the request for God to "*takken olam be-malkhut Sha-dai* — repair the world under the sovereignty of the All-Capable."^{15, 16} This source may appear to be a promising source of *hiyyuv* for practicing *tikkun ha-olam* at first glance, as it seems to ascribe universal scope to the *tikkun ha-olam* mentioned in the Mishnah, but it falls short for three reasons. Firstly, it is debatable whether the text originally read "*le-takken*" altogether. It might have read "*le-takhen*,"^{17, 18} to prepare, which leaves us without reference to the Mishnah. Secondly, the *tefillah* does not prescribe active human involvement. Rather, we ask God to bring about this repair/

preparation.¹⁹ Finally, even discounting the previous two points, an offhand liturgical reference is hardly the basis for a halakhic *hiyyuv*. More philosophically grounded approaches to *tikkun ha-olam* will be discussed below, but, at least in this stage of the investigation, we must discount references such as the one in *Aleinu* that do not appear to be related to any halakhic principle. We have thus found that the early references to *tikkun ha-olam* have little to do with Jewish responsibility for the welfare of society at large, which is our chosen topic. Therefore, in order to proceed, we must detach ourselves from the exact phrase of *tikkun olam* entirely, using it only as a reference to our lengthier definition, and seek out other realms of Halakhah that deal with Jewish-Gentile relations. The first of these, which features in Orthodox examinations of *tikkun ha-olam* is that of the Seven Noahide Laws.

The Noahide Laws

The seven Noahide prohibitions, namely: taking God's name in vain, idol worship, prohibited sexual activity, murder, theft, eating the limb of a living animal, and the obligation to enforce law²⁰ are the basis of a halakhic system that applies to non-Jews. In *Hilkhot Melakhim* 8:10, Rambam codifies the *hiyyuv* to compel Gentile compliance with these laws: "Our master Moses did not bequeath the Torah and [its] commandments except to Israel... And similarly, Moses commanded [us] by word of God to compel all people on earth to accept the commandments, which were commanded to the descendants of Noah." Rabbis J. David Bleich and Michael Broyde both examine the *sheva mitsvot benei Noah* as a potential basis for Jewish involvement with the welfare of general society.²¹ Each considers whether Rambam's formulation, however militant, is the basis of a *tikkun olam* idea. Both analyses conclude that while the *mitsvot* certainly are binding for non-Jews²² there is no *hiyyuv*, as such, to demand or encourage compliance.²³ However, both rabbis note that there are grounds for an extra-halakhic practice of bringing non-Jews closer to a fulfillment of these commandments.²⁴ They cite the *Sefer Hasidim* who writes that, "when one sees a Noahide sinning, if one can correct him, one should, since God sent Jonah to Nineveh to return them to his path."^{25, 26}

Emerging from the discussion of the Noahide laws is the basis for a program of *tikkun olam* that fits our definition of "Jewish responsibility for the moral, spiritual, and material welfare of society at large." The Noahide laws include staples of a just society. The requirement to establish courts and prohibitions against stealing and murdering are obviously pillars of social justice.²⁷ But just as obvious is the philosophy underlying some of the other prohibitions. Not taking God's name in vain and the prohibition of idol worship have a clear religious connotation. More foundational

than this is Rambam's insistence that the Noahide laws must be accepted "because God commanded them in the Torah and informed us, by way of our master Moses, that the descendants of Noah were originally commanded regarding them."²⁸ Acceptance of these laws, for Rambam, must be accompanied by theological axioms, including a particularly Jewish view of monotheism and the divinity of the Torah.²⁹ They cannot be accepted on the basis of "logical inference."³⁰ This being the case, it follows that a program of *tikkun olam* based on an attempt to bring non-Jews closer to Noahide Laws would include ideological reorientation of the non-Jewish world. It would not be interested in a dialogue that involves only the elements that are, *a priori*, the universal concerns of humanity (such as social justice, ethics, dignity, etc.). Rather, it would ultimately entail a conversion of non-Jewish society to a particularly Jewish universalism that centers on monotheistic faith.

The public endorsement of religious ideals has not been the practice of American Jewry, or, for that matter, most of Jewry throughout history.³¹ The question of whether to engage in such endorsement today is subject to dispute, with some in favor³² and some opposed.³³ R. Bleich, for his part, bemoans the community's lack of engagement with these issues. In the past, he writes, "Jewish influence upon the dominant society was virtually nil,"³⁴ preventing any Jewish input on public religious life. Today, we have the means to articulate our views and the invitation of a society that values our input, and yet we still remain virtually silent on religious issues. R. Bleich attributes this behavior to the influence of Western political and social theory on the Jewish community. Western society, in its attempt to formulate morality on secular premises, does not seek to impose beliefs or require moral activities of citizens within the bounds of their personal lives.³⁵ Jewish thought, however, finds man "bound by divinely imposed imperatives that oblige him to be concerned with the needs - and morals - of his fellow."³⁶ In the eyes of Halakhah, Cain's primeval cry, "am I my brother's keeper,"³⁷ remains as futile an excuse as when it was first uttered. Therefore, argues R. Bleich, the Jewish community ought to formulate statements of public policy based in halakhic norms and consistent with the Noahide Code.³⁸

Whether or not one agrees with this presentation, the arguments ought to be considered seriously when pondering the public policies of the Jewish community. To posit that the Gentile public is out-

side the jurisdiction of the Halakhah is, as has hopefully been demonstrated, simply inaccurate. To argue that the attempt to apply halakhic norms in non-Jewish society oversteps the will of contemporary American Jewry becomes, in light of the arguments above, something of an irrelevancy. In practicing Halakhah, we attempt to fulfill God's will, not our own. If, as American Jews, we find ourselves uncomfortable with bringing issues of God into public discourse, perhaps we should begin to wonder if this discomfort is authentically Jewish. The Noahide Laws are, at the very least, a desirable extra-halakhic enterprise, and, at the most, an absolute *hiyyuv*, momentarily unexpressed for pragmatic reasons. Obviously, political and social circumstances must be carefully considered, and damaging effects to both the Jewish and American communities must be taken in account. However, if, as will be presented below, we can turn to our patriarch Abraham for guidance in dealing ethically with the nations of the world, we certainly must also consider his legendary campaign of *kiruv*, of enthusiastically bringing the people of the world closer to the Almighty.³⁹

Ethical Solidarity

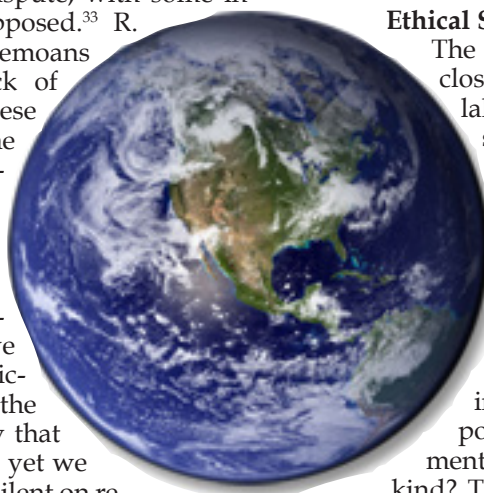
The Noahide laws may be closely linked to definite halakhic obligations, but they still do not include Jewish involvement in society in terms of proactive ethical activity. The obligation to enforce these laws may result in a just society, but does it call for direct Jewish involvement in the suffering of non-Jews, with their poor, or with the advancement of dignity for all mankind? These universal topics are dealt with by a second group within Orthodox literature on *tikkun ha-olam*. These thinkers, though not necessarily for the reasons above, have developed approaches to Jewish responsibility for greater society that limit religious involvement and amplify the conception of Jews as members of the human family. As Orthodox thinkers, they all seek a normative basis, or something like it, for these practices.

Most often cited in this context is the approach put forward by R. Joseph B. Soloveitchik in his essay on interfaith dialogues entitled *Confrontation*.⁴⁰ There, R. Soloveitchik analyzes the first chapters of *Bereshit* and develops a theory of man as a "doubly confronted being."⁴¹ On one level, the biblical Adam is summoned by God to a confrontation with the world around him, which he must dominate using his intellect. On a second level, Adam is confronted by Eve in an attempt to build a human society. Adam and Eve recognize that they are similar, but also that there are ele-

ments of each other that the other cannot see or know. R. Soloveitchik develops this structure into a model for Jewish relations with non-Jewish society. On the one hand, Jews must consider themselves "as human beings, sharing the destiny of Adam in his general encounter with nature."⁴² This perspective engenders participation "in every civic, scientific, and political enterprise"⁴³ in society and promotes being "constructive and useful citizens."⁴⁴ On the other hand, Jews must see themselves as members of a unique "covenantal community."⁴⁵ This aspect of Jewish identity is not, and cannot be, shared with the world. When it comes to the extremely personal matters of faith, the Jewish community must identify itself to non-Jewish society as a *ger* (stranger) living within it. The private relationship between God and His people is not up for public scrutiny or discussion. R. Soloveitchik was dealing with interfaith dialogue, but his comments are easily adapted to our topic. This version of "*tikkun olam*" has quite different implications than the one discussed above. In R. Soloveitchik's view we, as Jews, are required to lend our strength in making the world a better place to live, in the universal sense of ethics, social justice, scientific progress, etc. In *Confrontation*, Jewish contribution to the religious character of society seems almost detrimental. Even though it is fairly clear from other places where R. Soloveitchik has commented on these issues that he does consider certain theological ideas universal and fit for public discourse,⁴⁶ these ideas fall quite short of the campaign that is called for by the Noahide Laws.

R. Aharon Lichtenstein develops this notion further. In presenting the parameters for Jewish philanthropy in non-Jewish society, he posits that we may consider the basis for our *gemilut hasadim* (acts of kindness) to the Gentile world in two ways. One echoes R. Soloveitchik's formulation: "[Jewish commitment to *gemilut chasadim*] may be construed as a reflection of a Jew's dual identity, comprising both universal and particularistic components."⁴⁷ The alternative derivation of this *hesed* is as a *mesorah* (tradition) from our patriarch Abraham who commanded "his children and his household after him that they keep the way of Hashem, doing charity and justice."⁴⁸ R. Lichtenstein invokes biblical tales and *midrashim* in which our forebears reacted with sensitivity and kindness to Gentile plight. He cites Abraham's *haknusat orhim* (welcoming of guests), Rebecca's hospitality to Eliezer, and Moses's defense of the daughters of Yitro, among others. This is without even mentioning the endless calls for social justice found throughout the words of the prophets.⁴⁹ Given this history of caring and kind deeds, an indifference to Gentile suffering is "shamefully deplorable."⁵⁰ Rather, argues R. Lichtenstein, our "polestar" in relating to Gentile suffering is found in the Rambam:

The Sages commanded us to visit the



sick of Gentile (lit. idolaters), and to bury their dead with the dead of Israel, and to provide for their poor together with the poor of Israel because of “the ways of peace” [*darkhei shalom*]. Behold it is written “God is good to all, and his mercy is upon all of his creations,” and it is also written “It’s [the Torah’s] ways are pleasant ways and all of its paths are peace.”⁵¹

R. Lichtenstein notes that this statement of Rambam codifies a requirement of *ve-halakhta be-derakhav*, of following in God’s ways. Just as He is merciful to all, so should we be.⁵²

If the Noahide Laws suggest an overtly theological program of *tikkun olam*, the approaches listed here do the opposite. If Jewish responsibility for the welfare of general society is based in ethical solidarity with humanity, or in our universal recognition of human suffering, then the practical application of *tikkun olam* takes on R. Soloveitchik’s structure. We commit ourselves to soothe the ills of humanity insofar as the issues we approach are relevant to all mankind. At the same time, our theological contributions are mitigated. There is no need to accept a divine law in order to enter the human family; that right is granted by birth. These arguments ring with intuitive correctness. The thought that anyone could glibly dismiss human suffering or injustice of any kind is horrifying. And yet, as we have seen, this kind of *tikkun olam* has very little backing in normative Torah sources.⁵³ Emphasis on these issues has appeared only recently in the course of Jewish history.⁵⁴ It is here that the question of centrality arises. It has been argued that the lack of substantive normative backing for *tikkun olam* should exclude this enterprise from the epicenter of Jewish life.⁵⁵ Time, resources, and spiritual will-power are precious commodities for individual and community alike. Considering this, it becomes important to gauge just how much one is capable of, and priority should be given to activities that are firmly rooted in Jewish practice (inter-communal *hesed*, *tefillah*, *talmud Torah*, etc.). This by no means implies total retreat from non-Jewish society. It does, however, mean that pursuits of *tikkun olam* cannot come at the expense of other halakhic observance.

The discussion of centrality points towards one final, somewhat alarming, point. In incorporating *tikkun olam*, and not halakhic observance, as a central tenet of Jewish practice⁵⁶ the Reform movement has, admittedly, attempted to take up the radical methodology of the prophets who valiantly fought for social justice, but has also practically disowned the corpus of laws found in the *Humash*. A focus on social justice allows Reform to remain at the forefront of progressive liberal values,⁵⁷ but at the terrible cost of forfeiting much of Jewish heritage. Reform made this transformation knowingly; however, allowing social justice issues into the inner sanctum of Jewish life could, God forbid, produce

the echoes of such an effect in the Orthodox community, even with the best of intentions. Torah values are not always at odds with secular ones; sometimes the two systems simply weight things differently. Imbibing the values of the social justice movement as an individual or community can throw these weights off balance. Halakhah then becomes not a guiding light in life but, God forbid, a nuisance to be given short shrift in order to pursue those values that “really matter” to the modern person. Suddenly, where there was *kashrut* there is veganism, where there was *tefillin* there are overly sensitive concerns for animal rights, where there were *issurei arayot* (forbidden sexual relations) there is uncomfortable, if not indefensible, leniency. As Jews, we are certainly summoned to take action in bettering the world around us, but we must use the values embedded and emphasized in the Halakhah to do so, and not allow the movement of ideals to occur in the opposite direction.

The founding principle of the Jewish people is the desire to live an ethical religious life. Our ancestors were devoted to bringing to the world a way of life it had never known -- a life of defending the orphan and widow, and of cleaving to the Almighty. We, their descendants, remain confident that the vision of the *avot* and *im-mahot* will one day be fulfilled. To take up their legacy of ethical and theological edification is certainly, if not an absolute *hiyyuv*, a natural fulfillment of the *ethos* of *Yahadut*. However, if this undertaking comes at the expense of cheapening the observance of Halakhah, at the expense of marginalizing our own deep and personal relationship with God, then it ends up as a self-defeating tragedy. The factors affecting our decisions when relating to the non-Jewish world are many and complex. We must be extremely cautious, and turn to the *Ribbono Shel Olam* for His assistance in navigating these interactions.

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1 *Kohelet* 3:7.

2 Marcus Jastrow, *Dictionary of the Targumim, Talmud Bavli, Talmud Yerushalmi and Midrashic Literature* (New York: Judaica Press, 2004), 1691-1692.

3 There are ample examples in the Jastrow entry.

4 The kabbalistic notion of *tikkun* is relevant to these discussions insofar as it influenced strongly the views of *tikkun ha-olam* taken by the Reform and Conservative movements on the one hand and, *le-havdil*, by R. Kook on the other. However, going into detail would take this article too far off course. For an in-depth discussion see Gerald J. Blidstein, “*Tikkun Olam*,” *Tikkun Olam: Social Responsibility in Jewish Thought and Law* (Orthodox Forum Series), ed. by David Shatz, Chaim I. Waxman, and Nathan Jay Diamant (Northvale, NJ: Jason Aronson, 1997), 48-50 and 54. See also Gilbert S. Rosenthal, “*Tikkun ha-Olam*: The Metamorphosis of a Concept,” *Journal of Religion* 85, 2 (2005): 223-233.

5 David Shatz, Chaim I. Waxman, Nathan Jay Diamant (eds.), *Tikkun Olam: Social Responsibility in Jewish Thought and Law* (Orthodox Forum Series) (Northvale, NJ: Jason Aronson, 1997), 1.

6 *Gittin* 4:2.

7 *Ibid.* 4:3.

8 *Ibid.*

9 *Ibid.* 4:4.

10 *Gittin* 53a.

11 *Penei Yehoshua* (to *Gittin* 37b, s.v. *mishnah*) holds that all of the halakhot in the fourth *perek* are based on *tikkun ha-olam*, though it is unclear how certain rulings are related.

12 See *Gittin* 53a.

13 The topic of relations with Gentile society is not broached by the Mishnah until the end of the fifth *perek* with the discussion of *darkhei shalom* (ways of peace). The relevance of these *mishnayot* to our topic will be discussed below, though it is noteworthy that most of the cases of *darkhei shalom* involve peaceful relationships between Jews, rather than between Jews and Gentiles.

14 See Jacob J. Schacter, “*Tikkun Olam*: Defining the Jewish Obligation,” *Rav Chesed: Essays in Honor of Rabbi Dr. Lookstein*, ed. by Rafael Medoff (Hoboken, NJ and New York: KTAV Pub. House, 2009), 184 and Jack Bieler, “A Religious Context for Jewish Political Activity,” *Tikkun Olam*, note 13. See also Rosenthal, 219.

15 *Siddur ha-Shalem he-Hadash: Beit Tefillah*, 133.

16 All translations are mine unless otherwise noted.

17 The *khaf* would be accented making it a hard sounding *kaf*. The spelling here, while technically incorrect, is intended to highlight the different letter usage.

18 For more on this, see Mitchell First, “Aleinu: Obligation to Fix the World or the Text?,” *Hakirah* 11 (2011), available at: www.hakirah.org.

19 The text begins “*al ken nekaveh lekha* – therefore we hope to You [God],” and then goes on to list a number of things that we hope God will do, such as the removal of abominations from the world, the smashing of idols, etc. *Le-takken olam* is part of this list.

20 *Sanhedrin* 56a. The order of the *mitsvot* has been changed to accommodate translation to English.

21 J. David Bleich, “*Tikkun Olam*: Jewish Obligations to Non-Jewish Society,” *Tikkun Olam*, 61-102 and Michael J. Broyde, “The Obligation of Jews to Seek Observance of Noahide Laws by Gentiles: A Theoretical Review,” *Tikkun Olam*, 103-143.

22 Broyde, 108. Bleich takes this as a given.

23 Broyde, 129. Bleich, 73. Here there is an important distinction between opinions. R. Broyde concludes that the weight of halakhic sources is against Rambam and that therefore his opinion is not considered in the final makeup of the Halakhah. R. Bleich, however, argues that the Rambam’s formulation only includes an obligation to effect wholesale acceptance, by a non-Jew, of the entire Noahide code. Rambam does not obligate the prevention of particular infractions. Compulsion of wholesale acceptance is only possible in places and times where Jews have complete authority over non-Jews, a situation that does not exist today. Consequently, argues R. Bleich, Rambam’s opinion is not abandoned, but practically in-executable. This distinction is relevant because, according to R. Bleich, Rambam’s presentation of the Noahide laws as a religious and philosophical system still has bearing on extra-halakhic attempts to secure non-Jewish compliance, whereas according to R. Broyde’s view it may not.

24 Broyde, 139. Bleich, 73.

25 Quoted in Broyde, 103. Translation is his.

26 *Tosafot Yom Tov* to *Avot* 3:14 is cited by both Rabbis Bleich and Broyde in a similar vein. Both authors also present other nuances while arguing along these lines. Their articles should be consulted at length for a fuller explanation.

27 There may be grounds for even more comprehensive application of civil Halakhah to Gentiles. See note 49 below.

28 *Hilkhot Melakhim* 8:11.

29 See note 23 above. The requirement to accept Noahide laws on the basis of divine command and not logical inference (*hakhra’at da’at*) is purely an innovation of Rambam (see *Kesef Mishneh* to *Hilkhot Melakhim* 8:11). Therefore, if one holds, as R. Broyde does, that Rambam’s views of compelling Noahide compliance is not incorporated into the final Halakhah, then it is possible that his views about other details of Noahide acceptance, particularly those that are not based in any previous sources, also are not in-

cluded. However, even according to R. Broyde’s view one cannot deny the apparent theological dimensions in the prohibitions against taking God’s name in vain and idol worship.

30 *Hilkhot Melakhim* 8:11.

31 See Bleich, 97-102.

32 See Meir Soloveichik, “A Nation Under God: Jews, Christians, and the American Public Square,” *Yirat Shamayim: The Awe, Reverence, and Fear of God*, ed. by Marc D. Stern (Jersey City, NJ: Ktav, 2008), 321-347.

33 See Marc Stern, “Jews and Public Morality,” *Tikkun Olam*, 159-200.

34 *Ibid.* 172.

35 *Ibid.* 101.

36 *Ibid.* 101.

37 *Bereshit* 4:9.

38 Bleich, 101.

39 See *Bereshit Rabbah* 39:14 and 42:8 as well as *Sotah* 10a for examples of Abraham’s efforts. Cf. Rambam, *Mishneh Torah*, *Hilkhot Avodah Zarah* 1:3 and his *Sefer ha-Mitsvot*, *aseh* 3 for an incorporated narrative of these sources.

40 Joseph B. Soloveitchik, “Confrontation,” *Tradition* 6,2 (1964), 5-29.

41 Soloveitchik, 17.

42 *Ibid.* 17.

43 *Ibid.* 27.

44 *Ibid.*

45 *Ibid.* 17.

46 See Joseph B. Soloveitchik, “On Interfaith Relationships (a)” and “On Interfaith Relationships (b),” *Community, Covenant, and Conversation*, ed. by Nathaniel Helfgot (Hoboken, NJ and New York: KTAV Pub. House, 2005), 259-263.

47 Aharon Lichtenstein, “Jewish Philanthropy – Whither?,” *Toward a Renewed Ethic of Jewish Philanthropy* (*Orthodox Forum*), ed. by Yossi Prager (Northvale, NJ: Jason Aronson, 2010), 198. R. Lichtenstein grounds the relationship between Jews and non-Jews not only in the broad humanistic sense employed by R. Soloveitchik, but also in spiritual terms. Beyond the Noahide Laws, he finds that Gentiles may be included in large amounts of *Hoshen Mishpat* (tort law), and derive value from the study of Torah. They are also privy to the gamut of the “most basic strains of religious experience- *ahavah*, *yir’ah*, *devekut*, *tefillah*, *karbanot*, [and] *teshuvah*.”

48 *Bereshit* 18:19. Artscroll’s translation.

49 Cf. Jonathan Sacks, *To Heal a Fractured World: The Ethics of Responsibility* (New York: Schocken, 2007), Ch. 2.

50 Lichtenstein, 196.

51 *Hilkhot Melakhim* 10:12.

52 Cf. *Bava Metsia* 78a where “*ve-rahamav*” is applied to animals. *A fortiori* it should apply to all people. R. Walter S. Wurzburger, “Darkei Shalom,” *Gesher* 6 (1977-1978), 84, emphasizes that the incorporation of *imitatio dei* into this Halakhah was Rambam’s specific goal. The *takkanot* that are mentioned by Rambam here originate in the Mishnah to *Masekhet Gittin* (5:9). There, the reason given for them is what Rambam mentions initially here, namely, maintaining peace. Rambam then cites two source texts. The second, which ends in “and all its paths are peace,” should have been enough of a source for *darkhei shalom*. Why quote the first proof of *ve-rahamav* as well? R. Wurzburger argues that Rambam intended to clarify the basis for *darkhei shalom*. One may have reasoned that maintaining peace had the self-serving motive of upholding a ‘live and let live’ relationship with non-Jewish society. In fact, argues Rambam, it is based in an altruistic requirement to imitate God and be merciful. See *Hilkhot Avadim* 8:9 where Rambam states that *ve-rahamav* is included in the mandate of *ve-halakhta be-derakhav*.

53 Sacks, 72.

54 Bieler, 148.

55 Blidstein, 55.

56 See “A Statement of Principles for Reform Judaism,” available at: www.ccarnet.org.

57 Michael Lerner, “*Tikkun*: To Mend, Repair and Transform the World,” *Tikkun* 1,1 (1986), 3.

Images and information provided by
the Yeshiva University Museum

Teshuvah: Inspiration and Action

BY: DAVIDA KOLLMAR

BY: Davida Kollmar
Reviewed Book: Erica Brown, *Return: Daily Inspiration for the Days of Awe* (Jerusalem, Israel, and New York, NY: Maggid Books and OU Press, 2012).

When a reader first picks up a book, the first thing he or she sees is the title. Sometimes, the title of a book can be vague. It may be some phrase that sounds appealing and draws the reader's attention, but does not give any information on what the book is about. Other titles can be much more illuminating. Not only do they attract the reader, but they also give a hint as to the book's main message and purpose. The title of Dr. Erica Brown's new book, *Return: Daily Inspiration for the Days of Awe*, belongs to the second category; it is a precise summary of the book's content and goals. The "Daily Inspiration" refers to the book's ten main chapters, each of which is meant to be read one of the ten days between *Rosh ha-Shanah* and *Yom Kippur*. "Return" refers to the central message of the book, that of *teshuvah*, which is also manifested in the theme of each chapter.

Based on the writings of Rabbi Jonah of Gerona, Brown describes *teshuvah* as a sanctuary, a "space... [to return] to our essential selves."¹ It is a place where people are able to remove themselves from sin, to

muster the power to overcome internal conflict and transform themselves, and to become "one with forces that usually rage within" them.² She emphasizes that the *teshuvah* process is an internal, emotional one, although it is manifested in changed outer behavior. Brown takes issue with the common English translation of *teshuvah* as repentance, because it does not necessitate changing future behavior. Instead, she advocates defining *teshuvah* as recovery, which includes the steps necessary to rebuild the relationship with God back to where it could have been.³ Because of this definition, the book often reads as a self-help book, which could draw in some readers who are looking for inspiration to undergo the *teshuvah* process themselves. The later chapters carry through this message of *teshuvah* as a recovery process; indeed, in a way, the chapters in the book are like a ten-step program for returning to the essential selves Brown describes.

Each chapter focuses on a specific theme related to *teshuvah*. These themes are mostly character traits, such as humility and discipline, or mental states, such as faith and joy, which are meant to be worked on for that day. Each chapter goes a step closer in bringing a person to the recovery state of *teshuvah*. Beyond that, however, they do not specifically connect with each other. Within the main ten chapters Brown only references previous ones occasionally. As such, the chapters are largely independent units, and so the ordering of the chapters is somewhat arbitrary. Some chapters seem to be placed based on the specific calendar day on which they are meant to be read. One such example is the chapter on discipline, which focuses specifically on food and is meant to be read on the fast day of *Tsom Gedalyah*. However, other chapters are not related to a specific day, but seem to be organized by whether they fit better with and should therefore be closer to *Rosh ha-Shanah* or *Yom Kippur*.

Each chapter concludes with excerpts from three works: Rambam's *Hilkhot Teshuvah*, R. Moshe Hayyim Luzzatto's *Mesilat Yeshtarim*, and R. Abraham Isaac ha-Cohen Kook's *Orot Teshuvah*. For each source, the excerpts are organized so that the order

they appear in after the chapters is the same as the order in which they appear in the original. For example, each excerpt from *Hilkhot Teshuvah* comes from a different one of the ten *perakim*, and for the most part the excerpt from each *perek* is to be read on its corresponding day of the *aseret yemei teshuvah*. While the other texts do not have the same one-to-one ratio, earlier parts of the sources are read before the later parts. The excerpts seem to be chosen based on their relevance to the central theme of the *perek* in the Rambam. Following the excerpts are questions meant to spark thought about the



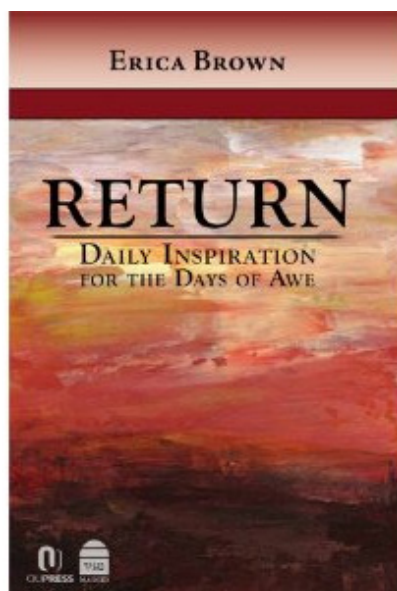
texts being read and their connection to the rest of the chapter, highlighting the points in the chapter which Brown wants to bring out in the sources. However, because of the ordering of the excerpts, it seems at times that the texts are not directly relevant to the questions being asked, so that while both the texts and the questions are valuable on their own, the connection between the two is often a stretch.

The end of each chapter also includes a "Life Homework" section, and its presence makes it clear that Brown's book is not just meant to be read, but to also be experienced. This section explains how to apply the messages of the book to daily life, giving tasks based on both the larger theme of the chapter and the smaller, more practical sub-points. Some of these assignments are taken from actual activities performed by

Brown's family to internalize some of the messages of the Days of Awe. For example, she mentions a family practice of writing down some specific areas which each individual wants to work on in the next year, and, each year, comparing the new list to lists created in previous years.⁴ By giving examples which have already been put into practice, Brown shows that her suggestions are practical and not merely nice ideas; the reader will see it and think, "If her family could do it, so can I." Brown's background in leadership training is demonstrated in these assignments, as she is able to pinpoint precisely what to think about and which actions to take in order to achieve the goal of self-improvement.

Brown's mastery also comes through in from the wide range of sources she cites throughout the book. She quotes both secular and religious sources, often on the same page. For example, in one paragraph she quotes both R. Kook and the novelist Michael Lavigne.⁵ Brown also juxtaposes classic Judaic texts with modern ones, such as when she quotes *Eikhah Rabbah* followed by *Halakhic Man*.⁶ This seamless blend of a variety of sources shows how well-versed Brown is, and this well-roundedness gives more legitimacy to what she is saying. It also makes the book more appealing to readers, since it is able to satisfy both those who want more recent, contemporary sources, and those who are focused on the need to prove ideas from more traditional Jewish texts.

The book is very short, a mere 165 pages. When divided over the ten days of the *aseret yemei teshuvah*, this amounts to less than twenty minutes of reading a day. The manageable size should help encourage people to read the book, because it will not seem overwhelming to the casual reader. Also, the topics discussed by Brown are general, wide-ranging concepts. The small size is therefore beneficial because it compels Brown to be specific in her analysis and to give concrete ideas. On the other hand, the connections between different ideas within an essay can sometimes be unclear, since there is not enough space to develop them more fully without compromising on explaining the ideas themselves.



As a result, it is sometimes unclear how Brown gets from one idea to another. Within the essay itself, the ideas seem to flow, but occasionally the reader finishes a chapter and wonders how the end of the discussion connects to the beginning. Each chapter opens with a quote from the “*al het*” section of *viduy* (confession), which introduces an essay about the theme of the day. The essays begin with a few pages of close analysis of a source or set of sources such as Tanakh or rabbinic writings, which is used as a springboard for the rest of the discussion. From here, Brown will bring in other sources related to the topic at hand, but frequently ideas connect directly only to the theme and the sources immediately before them, but not to the rest of the sources in the chapter. For example, the chapter on discipline begins by relating the story

of Gedalyah ben Ahikam, whose assassination is the impetus for the fast which bears his name. From there, Brown begins to examine fasting in general, which transforms into a discussion on self-discipline, which then further morphs into a discussion about the challenges of eating properly. This chapter then changes topic again to talk about the manna, then willpower, then habits, then R. Dessler on *nekudat ha-behira*.⁷ It then concludes with a short paragraph on self-control.⁸ While the ideas flow within the essay, it is easy for the reader to finish the chapter and wonder why R. Dessler’s thesis relates to the assassination of Gedalyah, and the emphasis on food throughout the whole chapter can seem somewhat forced.

Brown’s book is successful in providing many theoretical ideas about the *teshuvah*

process, and suggesting realistic ways to implement them in real life. Readers who are interested in self-improvement books, or who are searching for inspiration for the *asoret yemei teshuvah*, will find this work to be invaluable. Readers who are not interested in either of these things may not enjoy those aspects of the book as much, yet they may still appreciate the book’s wide range of sources as a facilitator for further study.

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1 Erica Brown, *Return: Daily Inspiration for the Days of Awe* (Jerusalem, Israel, and New York, NY: Maggid Books and OU

Press, 2012), 1.

2 Ibid.

3 Ibid. pp. 8-9.

4 Ibid. p. 126.

5 Ibid. p. 6.

6 Ibid. p. 140.

7 Ibid. p. 47. R. Dessler’s thesis is that a given person is faced with multiple challenges every day, but the ones with which (s)he struggles are the ones which are on his/her level, not those (s)he has already mastered or is not yet able to combat.

8 Brown. chapter 3.

Three Events, One Medium: A Selection of Posters from the Yeshiva University Museum

BY: RACHEL WEBER

In an election season, visual media like lawn signs and Facebook advertisements inundate us with messages about various candidates, issues, and political parties. But even before suburban lawns and the internet, another form of visual media, posters, displayed similar messages. Florence B. Helzel writes that the purpose of posters was “to stimulate public opinions and to motivate involvement in specific causes.”¹ While this does not seem particularly innovative, she claims that posters were specifically important before “the recent revolutionary technological advances in mass communication,” which weakened the effect of a poster.² Visual media can be used for two main purposes: to encourage action or to dispense information. The three posters shown here, which span the years 1917-1944, cover both of these categories. They are very different from one another, both in how they look and in their purpose, but they provide a snapshot of different issues that were important to the Jews of New York during those years.

The first poster in chronological order (Jewish Relief Campaign, 2008.046), from 1917, was meant to encourage American Jews to give donations to the Jewish Relief Campaign. This poster was made by Burke, Johnstone Studios and printed by Sackett & Wilhelms Corp. in Brooklyn in the heart of World War I. Although the war began in Europe in 1914, the United States did not enter until the spring of 1917, when the war continued to drag on violently. This poster calls for American Jews to donate as a way to help their fel-

low Jews in Europe. It portrays the American Jewish community as a woman holding a bountiful tray of food, while European Jews are destitute and begging for help. Very little is known about the Jewish Relief Campaign – it is assumed to have been run by the Jewish Relief Committee, one of the groups that later helped found the American Joint Distribution Committee. This poster is visually striking, drawing a sharp contrast between the wealth of American Jewry and those in trouble overseas.

The next poster (Pauline Dolitsky, 1991.079), from 1918, is meant to relay a completely different message. This poster announces the appointment of Pauline Dolitsky as president of the Women’s League of Yeshiva University. As World War I was ending, Yeshiva University was taking care of internal politics. Of course, it was not yet known as Yeshiva University; Yeshiva College was only founded in 1928. In 1918, the institution existed only as Yeshivat Rabbeinu Yitzchak Elchanan, a rabbinical seminary on the Lower East Side. Dr. Bernard Revel was appointed as the first president only three years earlier, in 1915, and it was under his leadership that MTA and the graduate school of Jewish Studies, later to be named for him, were established. Although they were made around the same time, this poster is very different from the one made by the Jewish Relief Campaign. Firstly, its only purpose is to be informational, as a way to let people know about a decision that was made by this women’s group. Secondly, the style is more ornate and the poster provides much more background information. This poster was not

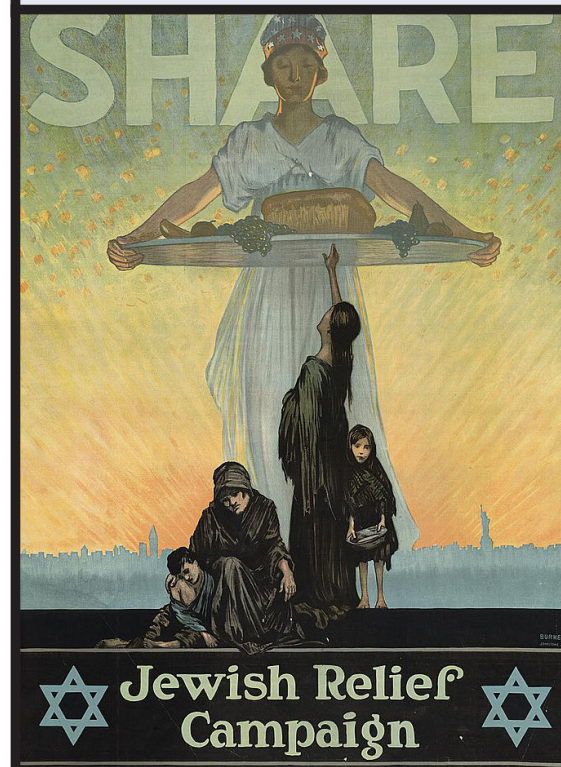
meant for any person walking down the street. It was meant to share information with those who were already interested in hearing about the subject. On the other hand, its lavish detail is meant to impress upon the viewer the importance of the information being provided. While most of us do not ever think about the presidents of women’s leagues in the early 1900s, this poster gives us a glimpse of a very specific piece of history.

The last poster (Frankenthaler, 2001.029) combines aspects of the first two. A campaign poster for George Frankenthaler, it dates from 1944, at the end of World War II. Similar to the first poster, it endorses an action; instead of requesting for viewers to “Share,” it asks viewers to “Vote.” In the first poster, however, the cause is more general, while here the cause is specifically political, and more similar to that of the second poster. George Frankenthaler was a Jewish New Yorker who ran for New York Supreme Court.³ He did not leave much of a historical footprint, although he came from a prominent political family. The Kentucky New Era reports that in 1948 he was caught up in a political scandal when corrupt New York politicians tried to buy votes in the election for Surrogate’s Court, an election in which Frankenthaler was the Republican candidate.⁴ This last poster is clearly the most modern of all three. With its minimalism and clear message, I would not be surprised to see something similar in a current campaign.

Images vie for our attention wherever we go, but we often do not pay them very much attention. Posters in particular

seem quite temporary and unimportant, but nothing could be more important for a student of history than posters from his chosen time period. As we slowly move away from an acrimonious political season,

Share: Poster for the Jewish Relief Campaign
Artist: Burke, Johnstone Studios, Sackett & Wilhelms Corp. Brooklyn, New York, ca. 1917
Lithograph
Collection of Yeshiva University Museum
Gift of Sima Ingberman

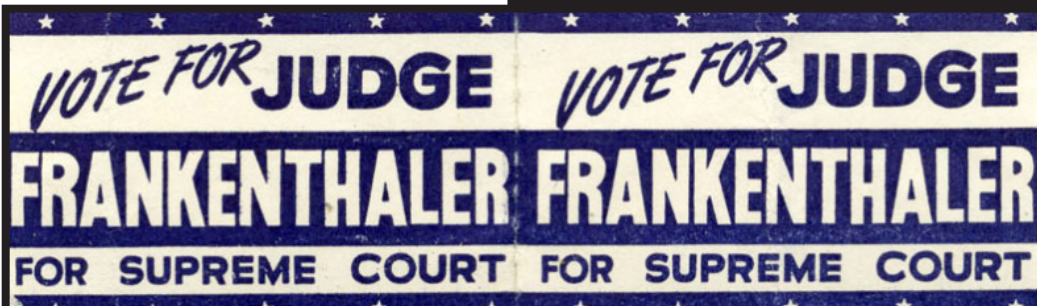


looking back to study the images of previous campaigns has never been more important. Eileen Battat, in the introduction to her book *Witnesses to History*, explains the significance of this study: "The poster provides a link with the past and makes possible the witnessing of specific events. It serves as the barometer of a society that we can know only through secondhand experience."⁵ Only by paying attention to the details can we really understand how our present differs from, but is also still related to, our past.

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- 1 Florence B. Helzel and Eileen Battat, *Witnesses to History: The Jewish Poster 1770-1985*, (Berkeley, CA: The Museum, 1989), 12.
- 2 Ibid.
- 3 Political Graveyard Staff, "Index to Politicians: Frank-bailey to Frankle", *Political Graveyard*, available at www.political-graveyard.com.
- 4 George Sokolowsky, "Court Bargaining Charge Made Public," *Kentucky New Era*, 10 September, 1948, available at: www.news.google.com/newspapers.
- 5 Helzel, 13.

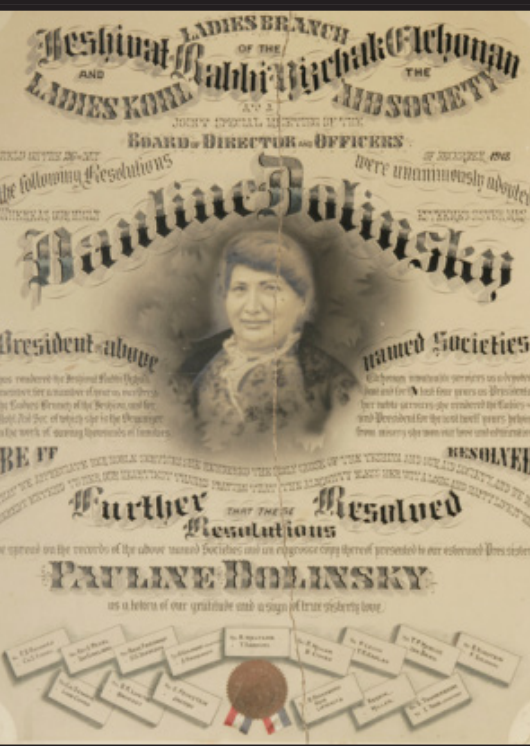
Poster stamp endorsing George Frankenthaler for Supreme Court
New York, 1944
Collection of Yeshiva University Museum
Gift of Cami Green



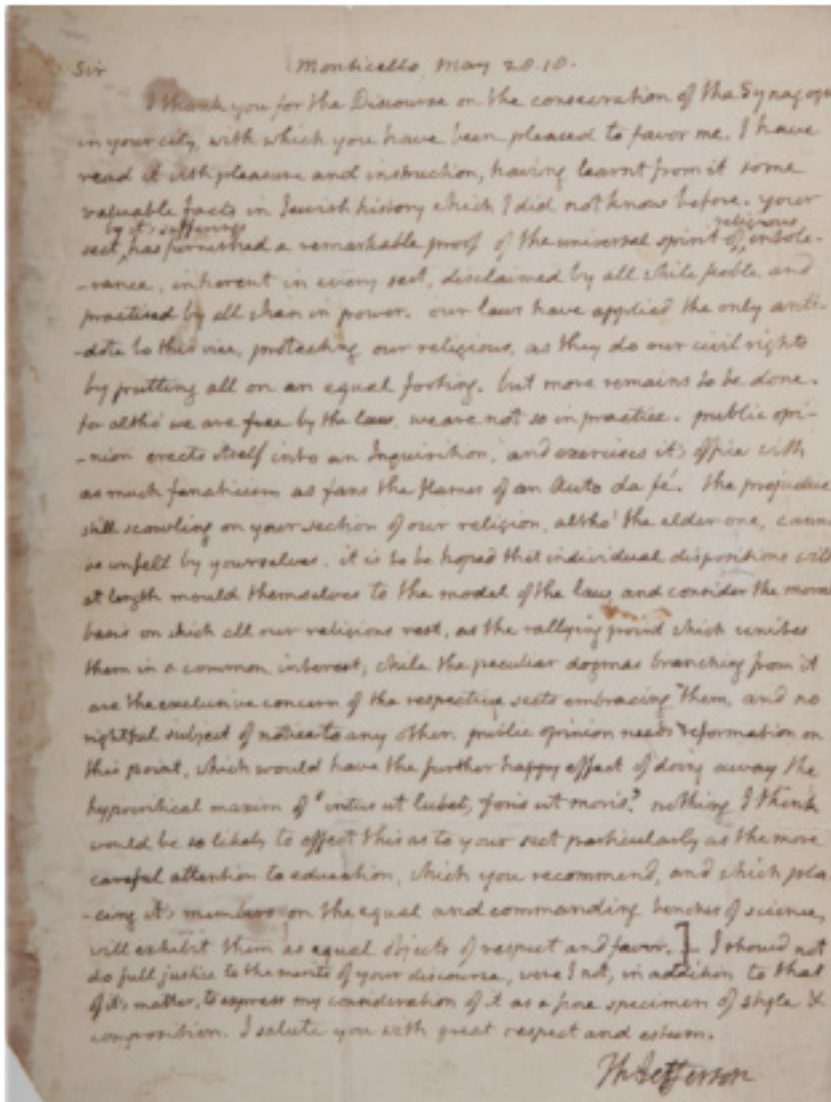
Poster: "Food Will Win the War"
Artist: Charles Edward Chambers
Published by the United States Food Administration
Printed by Rusling Wood
New York, 1918
Collection of Yeshiva University Museum
Gift of the Jesselson Family



Poster announcing the appointment of Pauline Dolitsky as President of the Women's League of Yeshiva University
New York, 1918
Collection of Yeshiva University Museum



Campaign button endorsing Oscar S. Straus for Governor
Bastian Bros. Co.
Rochester, 1912
The Deborah and Abraham Karp Collection
Yeshiva University Museum



Letter from Thomas Jefferson to Mordecai Manuel Noah
Monticello, May 28, 1818
Collection of Yeshiva University Museum
Gift of Erica and Ludwig Jesselson

In 1818, Mordecai Manuel Noah (1785-1851), a political activist, playwright, journalist and drama critic, and the recognized leader of early 19th century American Jewry, delivered a discourse at the consecration of Congregation Shearith Israel's new synagogue building in New York. In his discourse, Noah recounted the vicissitudes of Jewish history, and analyzed the Jewish role in building America and the responsibilities of American Jews. Noah sent copies of his address to leading Americans, including former President Thomas Jefferson (1743-1826). Jefferson responded with this letter, in which we can glimpse his intellectual integrity and compassionate nature. Jefferson denounces anti-semitism, and affirms education as the means by which religious prejudice will be eliminated.



Armistice Day Poster
Artist: Sidney Rosenberg
U.S.A., 1918
Collection of Yeshiva University Museum
Gift of the Jesselson Family



VOTE FOR SLATE NO. 18
Russia, 1918
Collection of Yeshiva University Museum
Gift of Mr. and Mrs. Ludwig Jesselson



FOR THE LENINIST GENERAL LINE, FOR THE PARTY AND THE COMINTERN
Moscow, 1930s
Collection of Yeshiva University Museum
Gift of Mr. and Mrs. Ludwig Jesselson

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