

THE Jewish OBSERVER

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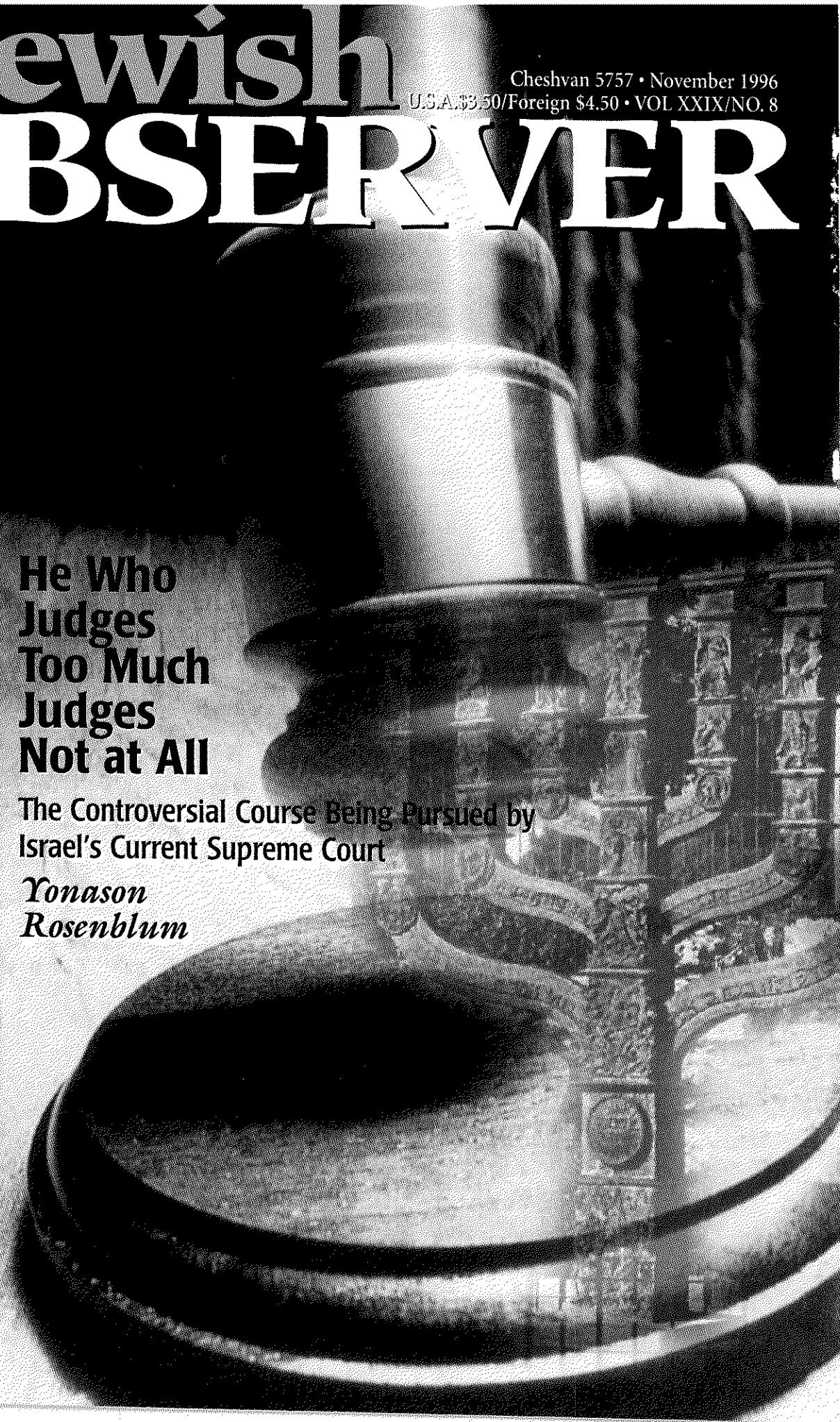
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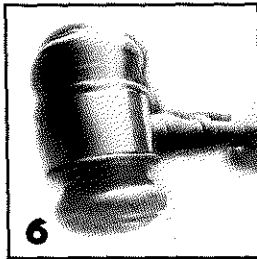
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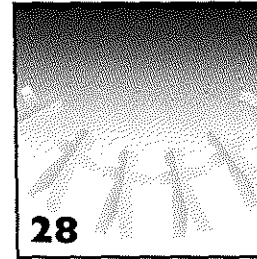
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HE WHO JUDGES TOO MUCH JUDGES NOT AT ALL

*The controversial course
pursued by Israel's current
Supreme Court*



I. BLAZING TRAILS IN "JUDICIAL IMPERIALISM"

In recent years, Meretz and its post-Zionist supporters have frequently won from the Israeli Supreme Court what they have failed to secure through the democratic political process. Most of the Supreme Court justices share with Meretz a worldview whose lodestar is the maximization of individual freedom and autonomy. It is a worldview which of necessity looks askance at any trace of the Jewish people's 3,500 year history as *Am HaTorah* (the nation of the Torah) that has not been eradicated from the statute books.¹

Thus the Supreme Court has, in the past few years, overturned an administrative regulation dating back to the founding of the State that banned the import of non-kosher meat, deprived municipalities of their traditional

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authority to close movie theaters on *Shabbos*, and equated homosexual relationships with marriage by requiring the payment of spousal benefits to homosexual partners. And this summer, the Supreme Court issued an injunction against implementation of the Supervisor of Traffic's decision to close Bar Ilan Street in Jerusalem during the times of prayer. Armed with a war chest for legal fees, the tiny Reform and Conservative movements have gained from the Supreme Court what they could never have secured in the political arena. Local religious councils have been required to admit Reform representatives and women, the jurisdiction of the rabbinical courts has been whittled away and those courts have been ordered to apply secular law, not *halacha*, to issues of property division, and the Interior

1. That is not to say that the justices of the Supreme Court are motivated by any animus against religious Jews. Religious lawyers who know Justice Aharon Barak (the President of the Supreme Court) well, describe their personal relations as warm. But because personal freedom is at the top of Justice Barak's pantheon of values, he inevitably stresses freedom from religion over the preservation of Israel's character as a Jewish state.

Ministry has been ordered to recognize Reform and Conservative conversions performed both in Israel and abroad. And at the end of October, the Supreme Court directed the government to make provision for women's *minyanim*, replete with Torah readings, at the *Kosel* (Western Wall).

Though it is the religious community that has been most vociferous in its criticism of the Israeli Supreme Court (see sidebar, p. 11), similar complaints about the subversion of the democratic process have become widespread in the Knesset, academia, and among jurists. Former *Ma'ariv* editor Shmuel Shnitzer wrote the week of the Bar Ilan decision.

"There appears to be no limit to the powers the Supreme Court claims for itself. . . . Elections have become a mere formality. . . . Learned men of elevated principles have emptied democracy of any meaning."

Avraham Burg, Chairman of the Jewish Agency, was even more critical when he sat as a Labor Party MK:

"Today in Israel there is no longer any separation of powers. The Supreme Court has taken into its hands the entire authority of govern-

ment and transformed itself into a supra-legislature. For what do we need a government and a Knesset?"²

Under the lead of its President, Justice Aharon Barak, the Supreme Court has increasingly viewed itself as possessing a mandate to resolve the fundamental value issues confronting society. In the opinion of Ruth Gavison, one of Israel's leading law professors, there is no other court in the world that has taken on the responsibility for solving all society's problems to the same extent

reserved for those branches—it's "judicial imperialism," in the words of *Ha'aretz* columnist Amnon Danker—has exacerbated the inherent tension between judicial review and representative government, and undermined its own legitimacy in the eyes of the public.⁴ Addressing his former colleagues directly, Menachem Elon, the recently retired Vice-President of the Supreme Court warned, "Judge too much and you judge not at all." By subjecting every decision of the other branches of gov-

recently, the Supreme Court has by its attempts "to resolve every conflict of values over which there is legitimate argument" created a situation in which "a not insubstantial portion of the public has come to view the Supreme Court as an enemy and not a neutral arbiter."

II. FOCUS ON THE BAR ILAN DECISION

The Supreme Court's Bar Ilan decision was a classic illustration of its judicial overreaching. The Supreme Court showed no deference to the Supervisor of Traffic's decision to close the street during times of prayer. And then it went on to fashion an extraordinary remedy—the appointment of a blue-ribbon commission to study and make recommendations concerning the issue of *Shabbos* street closings throughout the country—that went far beyond deciding the specific case before it. In general, administrative decisions by the official charged with making them are presumed to be valid provided they are not shown to be arbitrary and capricious. That is especially true where no fundamental right is involved.⁶ As long as the relevant factors have been weighed by the decision-maker, there is little basis for finding his

Armed with a war chest for legal fees, the tiny Reform and Conservative movements have gained from the Supreme Court what they could never have secured in the political arena.

as the Israeli Supreme Court.³

The willingness of the Court to overrule the decisions of the legislative and executive branches and to enter into policy-making areas traditionally

ernment to its test of reasonableness, he wrote, the Supreme Court risks transforming the rule of law into the rule of the judge.

The Supreme Court justices have rendered themselves particularly susceptible to the charge that they view themselves as Platonic guardians over the majority of the population.⁵ As professor Shlomo Avineri, former director general of the Foreign Ministry, wrote

2. The sharp criticism directed at the Supreme Court by Knesset members of both major parties in recent years, it should be emphasized, has nothing to do with its opinions on religious issues but rather with its many intrusions into the internal functioning of both the executive and legislative branches. Thus it has overturned Knesset removal of parliamentary immunity from one of its members, ordered the Prime Minister to fire ministers charged with serious crimes, and barred him from making appointments to public bodies of those it deemed morally unfit. Justice Barak himself was prepared to annul a coalition agreement between Labor and Shas, but a 3-2 majority of the Supreme Court held the issue was beyond their province.

3. The Israeli Supreme Court is much more powerful than the United States Supreme Court. In the United States, only an infinitesimal percentage of cases ever wend their laborious way to the Supreme Court. In Israel, by contrast, almost any citizen with a complaint about the action of any government official or body will be able to attain a hearing from the Supreme Court immediately. In such cases, the Supreme Court is not a court of last resort but has primary jurisdiction, and that jurisdiction is not discretionary, as is that of the United States Supreme Court. As a consequence, an Israeli Supreme Court bent on shaping society in a particular fashion will have the necessary means to do so. Given the slowness of the Knesset law-making procedures, even if the Knesset were inclined to do so, it could "correct" the Supreme Court in only a small percentage of cases.

4. To note that there is an inherent tension between judicial view and representative government is not to suggest that religious Jews are best served by unfettered majority rule. The Free Exercise Clause of the United States Constitution has, for instance, often served as a bulwark for the protection of religious minorities. See, for instance, *Sherbert vs. Verner*, 377 U.S. 398 (1963) (state may not deny unemployment benefits to Sabbath observers for refusing to accept jobs requiring Sabbath work).

Religious Jews in Israel, however, are not a powerless minority, and it would be hard to find a single instance in which the Supreme Court has protected the religious rights of the Orthodox population from encroachment by the Knesset.

5. Even when the Israeli Supreme Court relies on one of the techniques available to courts that wish to avoid ruling on a particular substantive issue, it does so in such a way as to lend credence to fears that it is pursuing a conscious political agenda rather than exercising judicial restraint. Thus the Supreme Court refused to hear a suit against the Antiquity Authority to prevent digging at an ancient gravesite,

in which petitioner presented proof that the Antiquities Authority had deliberately misrepresented the nature of the site, on the grounds that plaintiff had not exhausted his other remedies by first presenting its complaint to the defendant. When plaintiff's attorney protested that he had been one of the plaintiffs in the suit to force Prime Minister Rabin to dismiss Interior Minister Aryeh Deri and that petitioners had not been required to first present their complaints to the Prime Minister, he was told bluntly by the presiding justice, "That is at our discretion." In a similar case, when a preliminary injunction was sought against the building of Israeli Army headquarters on land in which Iraqi soldiers in the War of Independence were buried, on the grounds that building would heighten Arab animosity towards Israel around the world, the Supreme Court found no infirmity to ruling favorably on plaintiff's petition, although it would have been easy to find that plaintiffs had no standing.

6. There is clearly no fundamental right to travel on a particular street at a particular time, especially when numerous alternate routes are available. If there were, the Supreme Court would be faced with suits every time a new traffic sign was installed, or a street became one-way, or streets were closed for the motorcade of visiting dignitaries. The two largest streets in Tel Aviv are closed on *Shabbos* to create a pedestrian mall, although that closure certainly forces more

decision arbitrary or capricious, even though that weighing will inevitably depend to a large extent on the political orientation of the decision-maker.

In his questioning of the Supervisor of Traffic, Justice Barak asked why he had taken a different position on the issue under the previous Labor-led government.⁷ Justice Barak's question misses the point entirely, and reveals the extent to which he felt himself free to substitute his judgment of reasonableness for that of the Supervisor of Traffic. What had changed was obviously the government. Not surprisingly, the new government, with three religious parties in the governing coalition, gave more weight to the interest of those living adjacent to Bar Ilan in a quiet *Shabbos*, while the previous government, in which Meretz was the primary coalition partner, gave more weight to the interest of those who would normally drive on Bar Ilan on *Shabbos*. That different weighting is what democratic politics is all about. There is no objective standard, apart from *halacha*, to weigh the various interests, and thus neither the Supervisor of Traffic's earlier decision or his subsequent one can be considered arbitrary.

In issuing its injunction against the closure of Bar Ilan, the Supreme Court substituted its views of the reasonableness of that closure for that of the official who had been entrusted with making the decision by the Knesset. Even more remarkable than the Supreme Court's failure to give presumptive validity to the decision to the Supervisor of Traffic, was its departure from the narrow confines of the case in requiring the Minister of Transportation to appoint a commission to study the issue in all its ramifications.

drivers to find an alternate routes than would the closing of Bar Ilan. The only difference is that the Tel Aviv closings are motivated by the commercial interests of businesses on Dizengoff and Allenby, not by the interest of religious Jews in a peaceful *Shabbos*.

7. The Supervisor of Traffic replied that he had relied on the findings of the Sturm Commission appointed by Jerusalem mayor Ehud Olmert, and had also been influenced by President Ezer Weizman's request that a compromise solution be found.

In the *Mealreal* case, striking down an administrative regulation preventing the importation of non-kosher meat, Justice Barak wrote, "Israel is a democracy not a theocracy," which prompted *Maariv* columnist Nachum Barnea to quip in return, "We don't have a theocracy we have a Supreme Courtocracy."

The broad policy-making needed to address a particular issue in all its aspects is properly left to the non-judicial branches, which have explicit rule-making authority. Judicial decision-making, by contrast, always arises out of the concrete case and controversy before the court. Yet throughout his questioning, Justice Barak showed that the specific controversy on Bar Ilan was of only tangential concern to him. He asked repeatedly: "Where will the limit be?" "If we close Bar-Ilan, what next?" Despite its lack of power to legislate, the Supreme Court not only mandated the formation of a blue-ribbon panel but also retained for itself the right to review the reasonableness of those findings.

III. JUSTICE BARAK'S THEORIES OF JUDICIAL REVIEW

There is little question that Justice Barak is the dominant figure on the Israeli Supreme Court, both by virtue of his position as President of the Court and by virtue of his outspoken defense of broad judicial discretion. His writings provide the clearest view of the philosophy guiding the current

8. Justice Barak's concerns on this point are somewhat difficult to fathom. Street closings on *Shabbos* are commonplace throughout Israel. Yet nowhere has a street been closed that does not run through an overwhelmingly religious neighborhood. Whatever political power the religious parties have, they certainly do not have the power to close streets in non-religious neighborhoods, nor has it ever occurred to them that they do.

Supreme Court in its exercise of judicial review.

What the Judge Ate for Breakfast

The American Legal Realists, whom Justice Barak quotes admiringly, stressed the importance of subjective factors, including what the judge ate for breakfast, for any true understanding of judicial decision-making. Justice Barak does not deny the large dollop of subjectivity in a judge's decision. Whenever a judge is confronted with a case requiring the exercise of his judicial discretion, he writes, his view of the greater reasonableness of one decision over another will be "determined by [his] worldview," which is itself a product of "his education, personality, and emotional makeup" (*Judicial Discretion*, pp. 120-121).

That does not mean, of course, that the judge is free to impose his own vision of a just society in making his decision. Rather he must attempt to find the "fundamental values" of his society, even when they conflict with his private conception of what is good and beneficial (p. 125). Concerning the manner in which the judge is to extract the "fundamental values" of his society, Justice Barak has almost nothing to say. But he does stress frequently the standard by which his judgment will be evaluated: He must be "faithful to the views of the enlightened population in whose midst he sits" (pp. 126, 131) (emphasis added).

That standard, however, reintroduces the judge's subjectivity and personal worldview into the deliberations through the back window. Justice Barak cheerfully admits that just as when the judge applies the tort law's "reasonable man" standard he typically thinks of himself, so, too, in determining the views of the "enlightened population," the judge will frequently look no further than himself, whom he assumes to be an archtypical representative of enlightenment.

The "enlightened population" is for Justice Barak an elite group.⁹ In enumerating those with whose evaluations the judge must be particularly concerned, Justice Barak enumerates a list of elites—legislators, fellow judges, lawyers, and law professors—and then adds a final category, "the enlightened public" (pp. 207-208). The views of the "enlightened public" are relevant not just when there is a broad societal consensus. They are to guide the judge in resolving the most basic issues of values dividing society. When, for instance, in the eyes of the judge the definition of Israel as a "Jewish state" cannot be reconciled with its definition as a "democracy," it is the views of the "enlightened public" which, according to Justice Barak, allow a judge to find his way.

Clearly, the determination of society's fundamental values according to the "views common among the enlightened public" imposes few, if any, constraints upon the judge who sees himself as a member of that "enlightened public." But Justice Barak goes even further. No legal system is static, he observes, and therefore the judge "must sometimes depart the confines of his legal system to channel into it fundamental values that are not yet found in it. This is permitted. . . . The judge is entitled to enrich

9. The standard itself is borrowed from an opinion by one of Justice Barak's predecessors as President of the Supreme Court, Justice Moshe Landau. But Justice Barak gives a radically different twist to the meaning of "the views of the enlightened population." By the "enlightened population," Justice Landau means a broad social consensus, and the views of that population are, in his opinion, only relevant when it is clear to the court that genuine differences of opinion do not prevail among the public.

his legal system with fundamental values that have not yet been accorded judicial recognition" (pp. 158).

Such selective enrichment is apparently what Justice Barak was engaged in when he ignored the definition of "spouse" in every law to be found in the Israeli statute books, and decided that homosexual partners are spouses according to more "modern" conceptions of the term. That case raises starkly the question: What is to prevent a judge for whom the post-Zionist society envisioned by Meretz is the wave of the future from hurrying the advent of that society along, despite its rejection at the polls?

millennia. When he and his colleagues refer to "Jewish values," they do so in such broad terms—justice, morality—that they have no trouble reading into these terms their own views.

The recently enacted Basic Laws¹⁰ to which Justice Barak has ascribed constitutional status, state explicitly that their purpose is to establish the values of the State of Israel as "a Jewish state and a democracy." Though Justice Barak has in numerous opinions spelled out his conception of the term "democracy," the meaning of a "Jewish state" has received no similar consideration—perhaps because it is no longer relevant to the most "enlightened" segments of the

When in the eyes of the judge the definition of Israel as a "Jewish state" cannot be reconciled with its definition as a "democracy," it is the views of the "enlightened public" which, according to Justice Barak, allow a judge to find his way.

Who Is Enlightened?

The story is told of a father who boasted to Moses Mendelssohn that his son was a prodigy in philosophy. When Mendelssohn inquired as to the proof of the boy's prowess, the proud father replied that he had not put on *tefillin* in three months. One cannot escape the impression that similarly for Justice Barak and his colleagues, "enlightenment" is by definition in inverse proportion to religious beliefs. In weighing considerations of public policy, Justice Barak writes, the judge must connect "the specific rules of the legal system and the center of its spiritual life" (p. 145) Yet one could look in vain through his voluminous opinions for citations to the sources at the center of Jewish spiritual life throughout the

population. But the Jewish character of the State is not irrelevant to the majority of the population today, as the last elections demonstrate. How, then, can one who purports to seek out the "fundamental values" of this society pay such scant attention to its Jewish component?

That question raises an even more basic one. If the assessment of the "fundamental values" is so subjective, why should we prefer the assessment of those "fundamental values" of the least representative branch of government, the Supreme Court, to that of the Knesset or executive branch, which represent a much broader cross-section of the population? As a sociological mat-

10. In 1992, the Knesset passed two Basic Laws, one entitled The Dignity of Man and His Freedom and the other Freedom of Enterprise.

ter, the unrepresentative nature of the Supreme Court is unquestioned. In the early years of the State, there was always one religious judge out of the six justices on the Court, and one or two others who were "traditional" in outlook. The Court has since grown to fifteen justices, but the number of religious justices has held steady at one. (By contrast, approximately a fourth of Knesset members are religious.)

Every study of religious identity in Israel shows that religious observance

drops sharply with rising education. The implications of this finding are highly relevant to evaluating the Supreme Court's decision-making with respect to religious issues. The justices have no trouble identifying the interest of parties who are prevented from doing something they want because of a halachic rule that remains imbedded in the Israeli legal system. But many of them are so cut off from any authentic Jewish experience that they cannot even identify the interests on the other

side. How, for instance, can a judge who has never even experienced a *Shabbos* appreciate the interest of Bar Ilan residents in quiet streets? When the Supreme Court ordered a burial society to bury in a Jewish cemetery a non-Jewish immigrant, it could not even fathom that many of the Jews buried there would never have allowed themselves to be buried in a cemetery with non-Jews and had therefore been seriously wronged by the Supreme Court's decision. Similarly, the Supreme Court can easily appreciate the interest in "freedom of conscience" of the Women at the Wall, who seek to make a non-traditional *minyan* there. But what can the justices understand of the *kedushas hamakom* (the holiness of the place), which is destroyed by such services? Yet the average non-religious Israeli who visits the *Kosel* does so in order to feel part of his people's history from the time the Temple stood. He no more wants the *Kosel* to become a place for the showcasing of modern values than (*lehavdil*) a lapsed Italian Catholic wants the Italian Supreme Court to interfere with the religious rites in the Vatican.¹¹

Democracy Redefined

To the charge that the broad discretion he would accord the Supreme Court has, in effect, elevated the justices to the status of Platonic Guardians of the unenlightened elements of the citizenry, Justice Barak responds that democracy means much more than just majority rule. When a Court strikes down a piece of legislation or overrules a decision of the executive branch, there is no necessary tension

(Continued on page 12)


11. The estrangement from traditional Judaism of most justices can also result in uneven treatment of religious parties appearing before them. Perhaps the most egregious recent example was Justice Dorner's sustaining of the decision of the Jerusalem District Court, which granted the police's unprecedented request for the incarceration pending trial of a 13-year-old boy charged with throwing stones during demonstrations on Bar Ilan, even though the boy denied the charge and had no criminal record. While this 13-year-old languished in jail, police in Ashdod did not request pre-trial detention of a 17-year-old accused of assaulting yeshiva students, who had a previous record of assault with a deadly weapon.

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As reliable as Old Faithful, the Israeli media can be counted on to erupt every few months or so in some furious outpouring of wrath directed at the *Chareidi* community. The latest occasion of outrage was a series of editorials highly critical of Justice Aharon Barak, President of the Israeli Supreme Court, that appeared in the religious press following the Supreme Court's decision to maintain its injunction against the closing of Bar Ilan Street on *Shabbos*.

The editorial that attracted the most attention was an opinion piece by Chaim Walder, hitherto best known as the author of a charming set of children's books entitled *KidSpeak*, which began:

"A dangerous enemy has risen against the religious and Chareidi public. . . . He sits in an ivory tower immune to the authority of the newly elected government. . . . Democracy has been stolen in favor of a new dictator—Aharon Barak."

The reaction was swift and furious. Legal commentator Moshe Negbi, writing in *Maariv*, called for the immediate closure of *Yated Ne'eman* on the grounds that its editorial constituted a "clear and imminent danger of incitement" against Barak's life. That view was echoed by the *Jerusalem Post's* Allen Shapiro, who argued that publication of *Yated Ne'eman* should be suspended immediately, as its editorials were "likely to endanger public

peace given . . . the public to which they are directed" (emphasis added). Both commentators implicitly argued that the readership of the *Chareidi* press constitute some uniquely violence-prone group, likely to resort to assassination at the drop of a hat. Demands for *Yated's* closure were also heard from the left-wing Meretz party, and an entire Knesset session was devoted to condemnations of *Yated*, with politicians across the political spectrum joining in. Dan Meridor, Finance Minister in the Likud-led government, was one of the most vociferous. *Yated's* editorials, he said, constituted "terrible and awful incitement aimed at damaging society's basic values"

Interestingly, among those calling most vociferously for *Yated's* closure were Meretz and Labor Knesset members, who present themselves as the leading champions of civil liberties. Yet even a cursory perusal of the leading American cases dealing with freedom of the press—which are usually the model for Israeli civil libertarians—should have revealed the grave threat that closing *Yated* would have posed to freedom of the press.

In *Sullivan vs. The New York Times*, the United States Supreme Court made it almost impossible for a public figure to win a libel suit lest the threat of such suits stifle press criticism. And in *The Pentagon Papers* case, involving highly classified material, the Supreme Court ruled that only the clearest showing of imminent threat to national security could justify prior restraints

on the press.

To claim that Chaim Walder or any other editorialist in the religious press had created any such clear and present danger or was engaged in incitement to violence was absurd. Just a week earlier, Walder described the few stone throwers in the Bar Ilan confrontation as "the greatest menace to a just cause," and demanded that the community uproot this poisonous root from its midst and physically restrain the stone-throwers.

Political assassination and fratricide have been part of Zionist politics from the assassination of Professor Yaakov Yisrael DeHaan, a spokesman for the old *yishuv*, to the murder of Prime Minister Rabin, but the *Chareidi* community has never been tainted. In the many bitter political struggles in which the *Chareidi* community has been engaged since the founding of the State—autopsies, the drafting of women, and desecration of ancient gravesites—violence against persons has never been one of its tools. The *gedolei Yisroel* have consistently denounced the use of any form of violence.

The calls by Meretz for the closure of *Yated*, like Shulamit Aloni's call for the closure of Bar Ilan University in the wake of the Rabin assassination, thus raise serious questions about the integrity of Israeli civil libertarians. When other means appear more likely to advance their overriding goal of a completely secular state, they appear ready to sacrifice civil liberties to that goal.

* That concern with chilling freedom of the press did not prevent Shulamit Aloni, founder of the Citizens Rights Movement, from bringing a libel suit against *Hamachane Hachareidi* for labelling her an "anti-Semite." Though the characterization revolved completely around one's definition of anti-Semite, and thus could not be said to be true or false, Aloni won a very large judgment against the paper. Yet when former Supreme Court Justice Chaim Cohen said at an international legal conference that through a classic Talmudic rule regarding marital laws, "the Nazi's Nuremberg racial principles have become the law of the State of Israel," a suit for group defamation was thrown out by the Israeli Supreme Court on the grounds that his remarks were made in an academic discussion and not in an insulting fashion.

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with the democratic value of majority rule, says Justice Barak, because "democracy is not just majority rule. It is the realization of fundamental rights, such as basic human rights" (Ibid., p. 195).

In a very limited sense, Justice Barak is correct. Representative government implies at a minimum freedom of political speech. Beyond that, however, the various democracies around the world differ markedly from one another not only in their system of internal checks and balances but in their enumeration of various individual liberties and their interpretation of the scope of those rights. The basic *sine qua non* of representative governments remains that the law-making power is given to the legislature or its delegates.

Justice Barak's confusion of the procedures by which a particular polity arrives at its laws and the content of those laws leads him into serious analytic confusion, though it is hard to say whether the confusion is deliberate or not. Thus in the *Mealreal* case,¹² striking down an administrative regulation preventing the importation of non-kosher meat, Justice Barak wrote, "Israel is a democracy not a theocracy," which prompted *Maariv* columnist Nachum Barnea to quip in return, "We don't have a theocracy we have a Supreme Courtocracy."

12. Justice Barak based himself on the Basic Law of Freedom of Enterprise in striking down the regulation in question. To do so, he was forced to ignore the legislative history surrounding enactment of the Basic Law. That Basic Law was supported by a number of Knesset representatives from the religious parties, who would certainly never have voted for a law that changed the consistent public policy against the import of non-kosher meat.

Even before the enactment of the Basic Law, the Supreme Court had found ways to vitiate even Knesset legislation aimed at limiting the distribution of pork. After a series of Supreme Court decisions ruling that municipalities lack the authority to ban the distribution of pork products, the Knesset passed a law banning the raising of pigs except by zoos and institutions of science. In response, Kibbutz Lahav, the major Israeli producer of pork products, restyled itself as an institute for the study of livestock. When the Interior Ministry refused to recognize the kibbutz pigsty as a scientific institute, the kibbutz petitioned the Supreme Court, and supported their petition with the testimony of the head of the "League Against Religious Coercion." Though the kibbutz continued to produce pork for the commercial market, the Supreme Court nevertheless found that it was a scientific institute, thereby completely depriving the Knesset law of any force.

On its face, Justice Barak's statement is barely comprehensible: What is theocratic about an administrative regulation enacted by the Ministry given the authority to do so by the Knesset and which no Knesset in more than forty years acted to change? Justice Barak seemed to be saying that any legal rule that derives its inspiration from the traditional religious beliefs of the Jewish people is by virtue of that inspiration "theocratic" and therefore "undemocratic." Followed to its logical conclusion, this argument would mean that any legislation supported by the religious public or those whose opinions are shaped by classical Jewish sources is inherently suspect. In effect, religious and traditional Jews would be disenfranchised, and all in the name of democracy.

In a sense, Justice Barak's confusion about the meaning of theocracy is closely connected to his low opinion of the Israeli Knesset. The issue of how much discretion a court should be given to strike down the laws of a democratically elected parliament has much to do, he says, with whom one trusts more to protect the society's fundamental values, the legislature or the courts. He leaves no doubt where he comes out on this question: "One has a strong suspicion—based on reality—that in its haste to attain short-term political goals, the legislature will harm fundamental democratic values" (Ibid., p. 200). He does not supply examples of that reality.¹³ In his dismissive attitude toward the Knesset, Justice Barak echoes his predecessor on the Supreme Court, Justice Chaim Cohen, who when asked for his opinion of a proposal that the Knesset approve Supreme Court appointments, answered, "If we had a Knesset worthy of the name, we might have to consider such a proposal."

One suspects that the principal

13. Justice Moshe Landau, retired President of the Supreme Court, utterly rejected Justice Barak's claims on this point. "I do not know of a single law adopted by the Knesset until now that could be described [as oppression of the minority]," he wrote recently. "Much more frequently, it seems to me, the opposite is true, and that members of the political minority see judicial review as a 'second chance' to overturn the decision of the majority."

■
If the assessment of the "fundamental values" is so subjective, why should we prefer the assessment of those "fundamental values" of the least representative branch of government, the Supreme Court, to that of the Knesset or executive branch, which represent a much broader cross-section of the population?
■

objection of these gentlemen to the Knesset is that they view religious parties as having too much power, which, according to their view, casts the pall of theocracy over its precedings. But the form of representative government a people choose for themselves—in this case, one modelled on that of most European democracies—is surely one of those "fundamental values" that Justice Barak assures us he and his colleagues are best qualified to protect.

Does Israel Have a Constitution?

Justice Barak claims that the two Basic Laws enacted in 1992 are part of an embryonic constitution and give the Supreme Court the authority to strike down Knesset legislation. Now at last, in Justice Barak's view, Supreme Court justices can perform in an unfettered fashion the function he claimed for them in *Judicial Discretion*: protecting the society from itself by resisting the mood of the hour and "effectuat[ing]

the fundamental values . . . that are accepted by the enlightened public in whose midst [they sit]" (p. 130).

The claim that Israel now has a formal constitution is unwarranted. There is even less basis for Justice Barak's more dangerous claim that under the rubric "The Dignity of Man," the Knesset intended to create a wide array of "particular rights without name." Sponsors of the Basic Law¹⁴ Concerning the Dignity of Man and His Freedom explicitly represented to the Knesset that they did not intend to confer on the Supreme Court power to strike down Knesset

laws. Nothing in the text of the law, which takes up less than a column in the statute books, proclaims it the supreme law of the land—in fact, Section 10 explicitly maintains all previously enacted laws in force—or confers any new power on the Supreme Court. Nor was the Basic Law enacted with any of the formality one would expect to surround a major change in Israel's constitutional structure. Less than half the Knesset

14. A Basic Law differs from other legislation principally in that it can only be revoked by a vote of the majority of Knesset members, not just the majority making up a quorum.

members even voted on the final reading of the bill.¹⁵ Finally, the legislative history shows that the bill's sponsors deliberately limited themselves to those rights upon which there was a wide consensus—privacy, right of contract, and freedom of travel to and from Israel.

15. Compare the months of deliberations leading up to the drafting of the United States Constitution, which were followed by extensive debates over ratification in every state. *The Federalist Papers*, the greatest work of American political philosophy, was a product of those debates.

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IV. THREAT TO THE STATUS QUO

The failure to enact a constitution in the early days of the State was not a mere oversight. It was an act of creative ambiguity by the founders who recognized that on issues touching on religion there were among the population two fundamentally irreconcilable worldviews. The attempt to enunciate a formal constitution, it was felt, would inevitably involve the choice of one worldview over another and with that choice the permanent estrangement of a large percentage of the population.

Like the religious Status Quo Agreement, which goes back to the days just prior to the establishment of the State, the decision not to enact a formal constitution was an attempt to find a *modus vivendi* for a deeply divided country. In the years following, tension between different segments of society has always been present, and at times intense, and yet the State has fumbled through. In large part, this is due to the fact that any piece of legislation,

How, for instance, can a judge who has never even experienced a Shabbos appreciate the interest of Bar Ilan residents in quiet streets?

whether perceived as pro-religious or anti-religious, was at least enacted by a Knesset in which all parties were represented and could be repealed by a subsequent legislation.

Today, the Supreme Court, under Justice Barak, would institute a constitutional regime in Israel, with the Supreme Court as the ultimate arbiter of societal values; it would make explicit all that has until now been deliberately left vague. Such a path poses a serious threat to Israel's delicate social fabric. And that threat is only exacerbated, the clearer it becomes that the worldview of many of the Court's members has little in common with that of the major-

ity of Israel's citizens.

In recent years, the question has been increasingly asked with respect to the Supreme Court: Who will guard the guardians? As Justice Landau has written,

"[Whatever the failings of representative government], the remedy will not be found in establishing an oligarchical regime of a group of people—no matter how smart and wise and honest they may be—who will be authorized to strike down words of the public representatives in matters of law-making, without being brought to account to the public from time to time in elections."

Plans have been advanced in the Knesset, the press, and academia to rein in the Supreme Court, including Knesset approval of judicial appointments and more explicit definition of the Supreme Court's jurisdiction.¹⁶ The fact remains, however, as long as it is primarily the religious whose ox is perceived as being gored, those on the political Left, who depend on the Supreme Court to enact their agenda, will continue to successfully wrap themselves in the mantle of protecting one of society's basic institutions—an independent judiciary.

16. Justice Moshe Landau recently called upon the Knesset not to shirk its responsibility and to enact in explicit language a law denying the Supreme Court the authority to invalidate Knesset laws.

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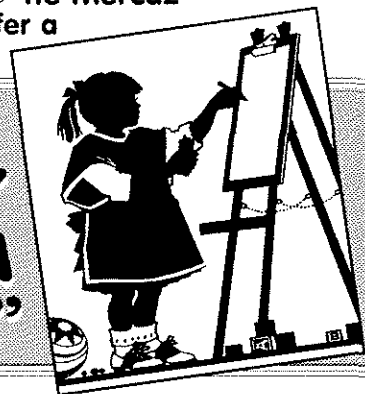
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Beachhead in Saratov



For the first time in years: Torah reading in Saratov shul

The battle to conquer the Russian city of Saratov began in earnest in the fall of 1995. It continues to this day.

Enduring tremendous deprivation, those waging the battle face almost insurmountable odds. At times, they cannot shower for weeks due to a lack of hot water. Bread is only available one day out of seven. Most of their efforts can only be attempted during a few short weeks of the year. But the greatest challenge lies in the numbers. For while there are 7000 Jews in this city of 1.5 million, the troops number far less. In fact, there are only three.

The renaissance of the Saratov Jewish community is an ongoing saga of spiritual vision, hope and, above all, *mesiras nefesh*. And much of the credit for this revolution goes to three unassuming Americans in their early twenties, whose combination of Torah, heart

Rabbi Avrohom Stone, Rav of Congregation Ohr Torah of West Orange, NJ, was a member of the Kollel of Bais Medrash Gavoha (Lakewood) for fifteen years. A published author, his "It Almost Paid to Wait" was featured in *JO*, Mar. '95; he is currently working on a biography of Rabbi Melech Silver זצ"ל.

and *ruach* alone are overturning the effects of 70 years of imposed secularism and communism. Together with Rabbi Naftali Cukier's efforts on behalf of the Vaad L'hatzolos Nidchei Yisroel—a Torah rescue effort founded by, and affiliated with, Agudath Israel of America—they have pierced the spiritual darkness lowered by the Red regime with the brilliant light of Torah and *mitzvos*.

Saratov lies deep in the Russian heartland, 700 miles southeast of Moscow, on the Volga River. It once was the home of a thriving Jewish community; its last Rav, Rabbi Yaakov Moshe Sapir, was forced to flee in 1925 under pressure from the Bolsheviks. The government quickly closed down all of the *shuls* in the city, but one. This tiny synagogue, located on a side street, was the only facility left to serve a small vestige of the elderly Jewish population for the last fifty years.

By the summer of 1993, the community had almost completely faded away. The *mikvah* had sat unused, in disrepair for half a century. A *minyán* on *Shabbos* morning was never more than

an uncertainty. The average age of those who did sporadically attend was 76. It was almost time to say a final *Kaddish* for the Jewish community of Saratov. And then, in 1993, Igor and Lena went to the *dacha*.

IGOR AND LENA AT THE DACHA

Igor is a biochemist by trade. An intellectual in his twenties, he typifies the young Jewish Russian that the Vaad targets for its *dacha* programs. Having read an advertisement offering classes in English language and Judaic studies, he took his wife, Lena, and their young child to the Vaad's summer *dacha* outside of Moscow. Now in its tenth year, this eight-week program is run each summer under the supervision of Rabbi Cukier. Involving 25 yeshiva *bachurim*, along with a few *kollel* couples, the *dacha* offers an intensive program of Hebrew language, *Chumash* and *hashkafa* (Torah ideology).

Igor took to the seminar immediately. After just two days, he was reading Hebrew. Two weeks found him deeply involved in the study of *Chumash* and

¹ Rabbi Mordechai Neustadt, who heads the Vaad, had reported to an internal meeting at the national headquarters of Agudath Israel on the need for such an undertaking. The Agudah staff responded by contributing seed money to launch the first *dacha*.

Rashi. By the end of the four weeks that he was there, Igor was fairly well-versed in basic *hashkafa* and committed to leading a life of Torah and *mitzva* observance. In this respect, he was similar to most of the seminar attendees. But in one major aspect he was very different.

Although the goal of the Vaad's seminars has always been to send its graduates back to their home communities to share the knowledge they gained with their fellow Jewish citizens, this has seldom occurred. Most of those attracted to the *dacha* are young and single. They are strangers to the local *shul*, and they have no contacts in the Jewish community. After being exposed to their first taste of Judaism, they thirst for more knowledge. Since they are single, they can often leave their jobs or studies to attend a yeshiva or the Beis Yaakov in Moscow, which were organized to cater to their needs. Igor, however, was different. He was an established member of the Saratov Jewish community with a family and a job. He definitely would be returning to Saratov after the seminar. Calling Igor aside Rabbi Cukier made him a proposition. Would he be willing to get more involved? If he would agree to leave his position as a biochemist and sign on with the Vaad full time, the Vaad would pay his salary and fund two programs: creation of a library of tapes and books



Saratov Talmud Torah children, with parents.

on Judaism in Russian, and establishment of a Sunday school. Geared toward children 5-12 years old, the school would provide Igor and Lena with a format for teaching the Torah and *hashkafa* they had learned to the Jewish children of Saratov. Igor agreed immediately. The battle for Saratov had begun.

HIGHER HORIZONS FOR SARATOV

Upon his return home, Igor contacted friends and the elderly people in the *shul* and was able to enlist ten children for the Sunday

school. Despite his weak background and limited Torah knowledge, his enthusiasm for his work was contagious. He and his wife spent the year transmitting the Torah they had learned in the seminar.

The spring of 1994 found the family in *Eretz Yisroel*, with Igor learning in Yeshivas Shvut Ami and his wife enrolled in the Russian program at Neve Yerushalayim, both on three-month Vaad-funded scholarships. During the summer, Igor started *Gemora* and *Mishnayos*, with a strong emphasis on *hashkafa*. The family returned to Russia in time to once again attend the *dacha*.

At this point, the Vaad decided to increase the level of activity in Saratov over the coming year, establishing the equivalent of a night *kollel*. Offering stipends to people living in the Saratov environs to defer travel expenses, the new Saratov *kollel* began to draw more than a *minyan* to its nightly *sefer* and *Maariv*. The program consisted of Igor's lectures on *Chumash* and *Rashi*, *Mishnayos*, Jewish history and *hashkafa*. The Sunday school grew to 25 and the effects of Igor and Lena's growth in Torah started to be reflected in remarkable success.

Small numbers of the participants became committed to Torah, going off to yeshiva in Moscow and subsequent-

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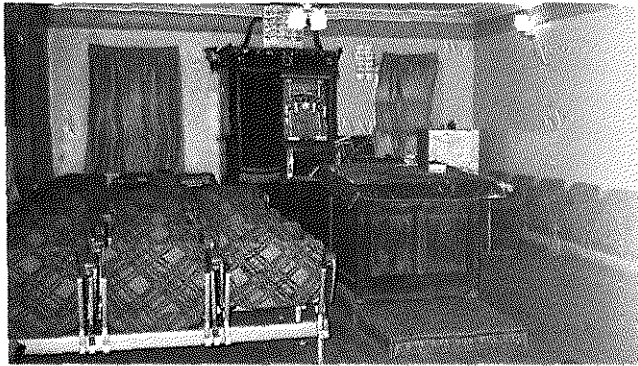
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ly to *Eretz Yisroel*. In addition, a few girls enrolled in the Russian Beis Yaakov in Ofakim, Beis Ulpana in Yerushalayim, and Neve Yerushalayim. The twice-yearly seminars outside Moscow (there is a minor program during the college winter intersession) started with 20 or more participants from Saratov. The battle had been engaged. It was time to call in the heavy artillery.

UNLEASHING THE SECRET WEAPON

The secret weapons in the conquest of Jewish Saratov are three relatively quiet American *bachurim* who study in the Mirrer Yeshiva in Yerushalayim. Having volunteered to



The shul in Saratov

participate in the 1995 summer seminar, they assumed that they would return to their studies at the program's conclusion. But they were extremely devoted and effective. While certain that they would not stay for the year, Rabbi Cukier felt that they might be willing to spend Elul and the *Yamim Nora'im* in Russia.

His hunch paid off. All three

bachurim agreed. They would travel to Saratov and stay until after Succos. Hopefully, they would add a new, significant dimension to the groundwork that Igor had laid over the past two years.

Posters and signs were immediately printed to be hung throughout Saratov. "Three dynamic American students have arrived to teach courses in English and Hebrew language and Judaic studies," they proclaimed. Everyone hoped that with *siyata diShmaya* the presence of the *bachurim* would enhance the program, but in effect, that was when the revolution began.

Revolution: Perhaps no other term could more aptly depict the effect of these three *bachurim* on the Jews of Saratov. People read the advertisements and came to see what exactly was going on. Young fellows showed up, and stayed for the entire *Shabbos*. Even lack of beds did not stop them; they slept on the floor of the *shul* Friday night.

The increased attendance on *Shabbos* resulted from "good old Yankee ingenuity" together with the

bachurim's desire to share the spirit of *Shabbos* with the entire community. They started to make large *Shabbos* meals in their apartment and invited the students to join in. Although the food they served was delicious—from the fresh *challo*s they had baked themselves (the one time a week they had kosher bread) to the steaming hot *cholent*—the

meal took second place to the *divrei Torah* and lively *zemiros* that the *bachurim* taught, and sang with their numerous guests.

Motza'ei Shabbos was reserved for the children, who, in ever-increasing numbers, would ascend the steps to the small apartment for *Melave Malka*. One of the *bachurim*, an amateur *chazzan*, taught the children *niggunim*. Before he left, his newfound Russian friends insisted he perform at a well-attended concert showcasing his cantorial skills.

Torah, of course, was the centerpiece of all the *bachurim's* efforts, going on 24 hours a day, in almost every form imaginable. The *bachurim* were busy from the early daytime hours, studying with those who went to university at night, until late into the night, studying with those who attended university during the day. They learned one-on-one, one-on-five, and one-on-six or-seven. In addition, the *bachurim* gave numerous public *shiurim*, with Igor, now president of the *shul*, happily translating their wisdom from Har Sinai into native Russian. Everything was succeeding beyond anyone's wildest projection. But the biggest shock was yet to come.

FEELING THE SHECHINA

On the *Yamim Nora'im* of 5756 (1995), the once empty *shul* was filled to capacity. The four weeks of Elul with the *bachurim* had touched a point deep in the communal Jewish soul, unleashing cascades of hope and faith not dreamed of in three quarters of a century. Sitting together with the 15 or so regular High Holiday participants, the elderly men who for 50

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years kept a glimmer of the embers of *Yiddishkeit* alive, were 50 young students who had come to warm their souls by the roaring fire of the eternal tradition of their forefathers. One of the *bachurim* served as the *baal tefilla*, intoning timeless *niggunim*, while the others gave *drashos* that, translated into Russian by an emotional Igor, pierced the heart and moved the soul.

After *Mussaf* was completed, an elderly member of the community arose, a stalwart who had held fast during the dark days of tyranny and oppression. His eyes were brimming with tears. "This is the first time in my life," he declared, "that I have felt the presence of the *Shechina* here."

MAINTAINING THE MOMENTUM

A decisive point in the campaign had been reached. Not wanting to lose a bit of the momentum, Rabbi Cukier recruited two people to leave for Saratov as soon as possible.

One was a Russian *bachur*, a graduate of the summer *dacha*, who had been learning in Lakewood at Yeshivas Mevasser Tov for Russians. The second was an American *Yungerman* with no apparent connection to either Russia or Saratov, only a willingness to help his fellow Jews on a moment's notice. At least, it seemed that way. It was only when he

bid farewell to his maternal grandmother that she mentioned that she was familiar with the city. As a matter of fact, she added, it was the last place in Russia that her grandfather, Rabbi Yaakov Moshe Sapir, had served as Rabbi.

Now the circle was being completed. Seventy years later, the great-great-grandson of the city's last *Rav* was returning to Saratov, a new generation of his family coming to serve a new generation of Jews in the community. The *Rav's* descendant carried with him a gift from the *lulav* and *esrog* dealers in Lakewood: the first sets of *arba minnim* to be seen and used in Saratov since the *Rav* had fled seven decades before. The two reinforcements arrived in time for *Succos*, and the gifts they brought were used throughout the holiday by over 50 people.

When Hoshana Rabba arrived, the Russians had looked forward to the *mitzva* of *Hoshanos* with great anticipation. Much to everyone's dismay, a thorough search of Saratov did not uncover any willow trees. The *bachurim* decided to take the group on a boat ride down the Volga River after *davening*, hoping that a trip for *simchas Yom Tov* would lift their spirits. As they cruised down the river, passing uninhabited islands so common in the Volga, they decided to stop off on one for a short rest. There, on the shore, were the most

After *Mussaf* was completed, an elderly member of the community arose, a stalwart who had held fast during the dark days of tyranny and oppression. "This is the first time in my life," he declared, "that I have felt the presence of the *Shechina* here."

beautiful *aravos* they had ever seen. Swiftly pulling out a pocketknife, one of the *bachurim* cut enough branches for all 35 people to perform the *mitzva*.

Yiddishkeit had found a place on a remote island on the Volga River. In close to a year it would parade through the center of Saratov.

The *bachurim* returned to *Eretz Yisroel* after *Simchas Torah*, and the two tutors returned to Lakewood. They were not the only ones who departed. Ten young men, joined by a 13-year-old boy, were so inspired by the six weeks spent with the *bachurim* that they went off to Moscow to learn in yeshiva. Those who remained in the city were also effected. Numerous participants became *shomrei Torah u'mitzvos*. Igor continued giving classes to a larger group than in any previous winter. The attendance, however, did not equal the levels seen during *Elul*.

The first stage of the battle appeared to have been successful, but were the accomplishments real? Or would the experience slowly fade through the dark, cold Russian winter? No one would really know the answer until *Pesach*, when another two

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emissaries would come from America. Until then, Igor stood guard until the troops would return.

THE POST-SEDER OVERFLOW

Over 100 Saratov Jews participated in the communal Pesach Seder held in the *shul* six months later. The interest became even more intense after Pesach, when the three *bachurim* returned to join their two comrades and Igor in their second foray into Saratov. This time the *bachurim* concentrated on the youth of the community. They opened a day camp for children ages 10-15, and enrolled an astounding 35 children. The campers were quickly caught up in the enthusiasm of the program, and in a few days, they were asking for *tzitzis* and learning to say *berachos*. On *Shabbos*, they began coming to *shul*, dragging their unwilling parents with them—an unheard of phenomenon in Russia.

The *shul*, which could barely hold 50 people, now hosted close to 100 each *Shabbos*, necessitating the opening up of the dining room area to accommodate the overflow. When *davening* ended, a majority of the crowd would stay for the meal. After being caught short the first *Shabbos*, the *bachurim* regularly prepared food for a capacity crowd, rather than turn anyone away.

Their success with the day camp led them to devise another program for the youth. They offered to teach any interested boy his *Haftorah*. Once he came to learn for his *bar mitzva*, they reasoned, it would be easier to convince him to attend *shiurim*. The plan worked phenomenally well.

One boy's parents insisted their son leave the program immediately after his *aliya* on his *bar mitzva* *Shabbos*. When *davening* ended, however, the boy begged his mother to let him stay for the *Shabbos seuda* tendered in his honor. One of the *bachurim* joined the conversation, adding his heartfelt wish that both she and her son remain. The request was so sincere that she agreed, despite her ill feelings towards Judaism.

Her deep resentment proved no match for the power of the *zemiros* and the inten-



One of the *bachurim* conducting a class in Saratov.

sity of the atmosphere of that *seudas Shabbos*. Halfway through the meal she began to cry. Afterwards, she stood to address those gathered. "I was very much against this," she declared, "and didn't want my son to become religious. But now I see what this is all about and I've changed my mind. My son can become religious if he desires, and he may come to study whenever he wants. I thank you for giving him this opportuni-

ty because this is what's best for him even if it's not for me."

FROM DAY CAMP TO DACHA... TO NEW HEIGHTS

The day after the day-camp ended, 53 Saratovians left for the Vaad's summer *dacha*, many of them with no previous connection to the program. Since then, a number of *brissim* have been performed. Some ten girls have enrolled in Beis Yaakovs. An after-school intensive program in Judaic studies geared toward children has begun. The Sunday school continues, along with the other existing programs and classes, taught by the people who have become religious. The five pairs of *tefillin* in the Vaad has supplied the community are worn by tens of people each day.



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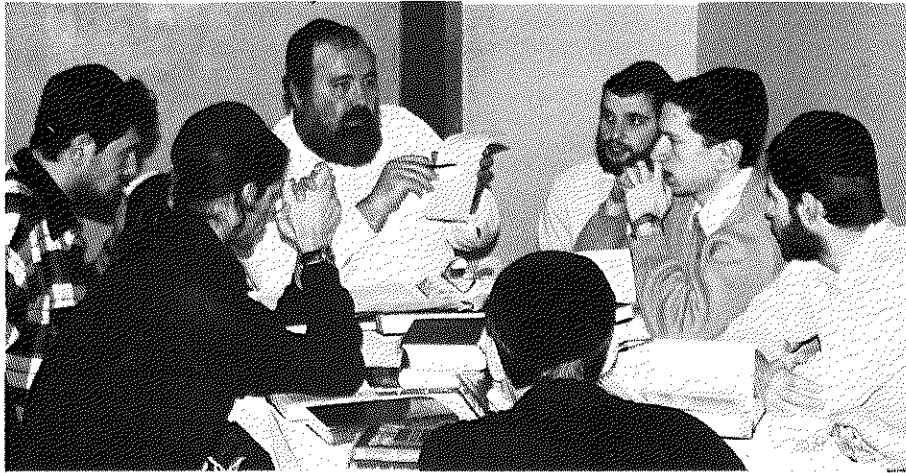
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Rabbi Cukier instructing university students from Saratov at the winter seminar. Most went on to yeshivas in Moscow.

A prominent writer for a Saratov daily, now a *baal teshuva* as a result of the program, quit his job and launched a Jewish weekly newspaper. In its pages, one can read *divrei Torah* on the *Parsha* written by members of the Saratov community, confirm the month's *zmanim* (times) for candle lighting, sunrise and *tzeis* (starlight), and learn the times for the *Shacharis*, *Mincha* and *Maariv*

minyanim that now take place seven days a week in the *shul*.

But the most impressive sights in Jewish Saratov are the three American *bachurim* who have decided to remain until next Pesach. Their days are busier than ever, with one exception: instead of teaching basic *hashkafa*, much of their time is now occupied with *shiurim* in *Gemora*. One *bachur* learns with a

Now the circle was being completed. Seventy years later, the great-great-grandson of the city's last *Rav* was returning to Saratov, a new generation of his family coming to serve a new generation of Jews in the community.

member of the community for five uninterrupted hours each morning. All three study with individuals during the daytime and give classes on all levels at night.

בט"ד

A WARM SHABBOS YOU'LL REMEMBER ALL WINTER LONG! THE SHALHEVES WEEKEND

HIGHLIGHTS

- FINDING HAPPINESS IN EVERYDAY LIFE •
- A BLISSFUL MARRIAGE: THE TORAH WAY •
- ADVERSITY: A DOORWAY TO GROWTH •
- CREATION AND ITS PURPOSE •
- THE BEAUTY OF SHABBOS •
- THE TRUE EFFECT OF T'FILLAH •
- CHINUCH: THE COURAGE TO SAY NO •
- MIDOS: BETTERING OURSELVES •

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They continue to plot new strategies to spread Torah throughout the region. Most recently, they have discussed the idea of presenting lectures in the cities surrounding Saratov with Jewish populations that the *dacha* seminars have not reached. And, of course, they continue to prepare *Shabbos* meals for themselves and their 100-plus guests.

The developments in Saratov are exactly what the Vaad had hoped for. The main difficulty is the expense of feeding the people learning there, especially the *Shabbos seudos* in *shul*. But the return is tremendous. One fourth of the current enrollment in Yeshiva Toras Chaim² in Moscow is Saratov boys. The city has one-tenth the population of other feeder-cities, but it appears to have achieved ten times the success.

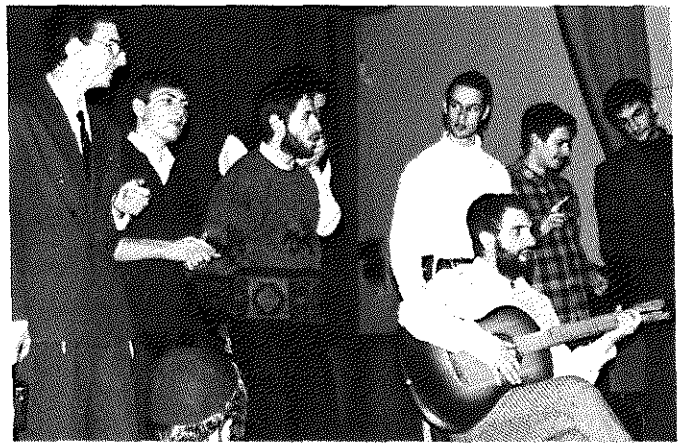
This success could be duplicated in many of the larger cities in Russia. The problem is lack of *bachurim*. Another positive factor lacking is Igor—his will-

²This Yeshiva was founded by the late Rabbi Moshe Soloveitchik זצ"ל. Other *bachurim* attend Yeshivas Ohalei Yaakov, founded by Operation Open Curtain, headed by Rabbi Chaim Preschel.

ingness to stay on was the key to Saratov's success.

Hundreds of members of the Jewish community *davened* at different times in the small *shul* in Saratov these past *Yamim Nora'im*. On the second day of Rosh Hashana, an undreamed-of sight took place in the center of the city. Proudly wearing their *yarmulkas*, their *tzitzis* dangling from their garments, 80 Russian Jews and three American *yeshiva bachurim* marched from the small *shul* to the Volga River in the heart of Saratov for *Tashlich*.

It's a multinational force, comprised of numerous Russians and three dynamic Americans, fighting to defeat the spiritual void of Jewish Saratov. Each day brings



Igor leading fellow Saratovniks at kumsitz in the winter seminar.

another battle. The troops fight on. Each day brings another victory. The foothold, gained at that initial beachhead at Saratov in fall 1995, continues to advance. ■

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Making it in the Workplace, and Creating a Kiddush Hashem in the Process

I'll never forget the first week of my "career." Here I was, a newly-minted Wharton MBA, ready to plunge into the corporate world and make my mark. At the end of my first week at General Foods, I called my mother and told her how worried I was about my future prospects. There was a "class" of six of us who started at the same time in the Desserts Division. Spence and Carol were best friends from Harvard. Matt was one of the boys who played golf with the big boss on Saturdays. Mary really looked the part of junior executive. And then there was me, Yosi. I overheard one of the secretaries ask, "What's a Yosi?" One of my new roles was to create new Jello recipes. I couldn't even eat the Jello! "I'll never make it," I told my mother. I couldn't possibly be one of them or fit in with them. How would I survive in this "jungle"?

After a year on the job, I came to the following conclusion: If an employee is a non-Jew, he or she can be perceived in the eyes of an employer in one of three ways: liked by people, disliked by people, or middle of the road ("one of the boys").

If a person is a *frum* Jew, however, there are only two possibilities: Either you will be *respected* because you are a *frum* Jew (and you create a *Kiddush Hashem*), or you'll be *disliked* because

Yosi Heber, a *musmach* of Mesivta Torah Vodaath, is currently vice president of marketing at Dannon/Lea & Perrins. A resident of Monsey, NY, he has recorded most of *Shas* for the Daf Yomi Mesechta Review audio cassette.

you are a *frum* Jew (and that can lead to *Chillul Hashem*). You cannot and will not ever be accepted as "one of the boys." There is simply no middle ground for you in a corporate environment.

Therefore, when faced with the prospects of working in this type of setting, you would want to be sure to land on the right side. In fact, the possibility of creating a *Chillul Hashem* cannot be taken lightly. As the *Gemora* says: "If a person creates a *Chillul Hashem*, even doing *teshuva* on Yom Kippur does not achieve atonement for him" (*Yuma* 86a). The question is—how can one insure that he or she create a positive impression, be properly respected, and make a *Kiddush Hashem* in such a difficult environment? One must work hard at it. I have consulted with people who are in similar situations, and we have come up with six rules that have been found to be helpful in achieving success.

True Kiddush Shem Shamayim—sanctifying the Heavenly Name—is achieved when an individual is alone within the four walls of his room; faced with the opportunity to violate a Torah command, he refrains from doing so because he realizes that his every action is scrutinized by G-d. When others are also aware of his respect for G-d's wishes, the Kiddush Hashem grows; the wider the awareness, the greater the Kiddush Hashem. But the starting place is in the privacy of the heart of that single Jew.

Widespread Kiddush Hashem will prompt observers to comment: "How wonderful are the deeds of so-and-so. How fortunate are his parents for having taught him Torah!" (See Yuma 86a.)

The Orthodox Jew in the marketplace faces frequent challenges to his fidelity to Torah values and mitzva observance. At the same time, he may be struggling to make his mark in his particular field of endeavor, which may appear to be threatened as a result of his open adherence to Torah guidelines. In the article that follows, Yosi Heber, an executive at Dannon/Lea & Perrins, describes his effort to succeed in his corner of the corporate world, while remaining faithful to Torah, and hoping to generate a Kiddush Hashem at the same time.

SIX RULES OF THUMB

* **Bend over backwards to be nice to people.** Did you ever notice that when something goes wrong, people are always "Johnny on the spot" to complain and blame? Be the one to speak up when things go right! Offer compliments to people who deserve them. Send greeting cards on appropriate occasions and verbally express thanks to the people who have been of help to you. And if you move up the corporate ladder and become other people's boss, aim at being an "easy going" boss. The bottom line is, if you treat people well, they'll both respect you and like you as a person.

* **Do outstanding quality work.** Don't just do your job, do it with a high degree of excellence. Know your field inside out, and be creative with new ideas. Become recognized as the resident expert on chosen subjects. Offer help and give guidance to anyone who needs it, at any level. By giving the job your absolute best, you'll be highly valued for your contributions to the organization.

* **Be consistent in your religious conduct.** Never waffle. They'll respect you

for it. If they perceive that you are *only* religious when it's convenient for you (e.g., leaving early on Fridays), then you're in trouble.

Dovid, a successful systems analyst in a large firm, knew that he was on the right track when a peer said to him, "If only I were as consistent with my diet as you are with your religion, I would've lost thirty pounds by now."

* **Be frum, but show them that you are a "normal" person.** Begin by being "professionally" friendly. Demonstrate that you have a sense of humor, talk about politics, and ask your co-workers about their families. They'll appreciate your worldliness and your interest in them personally. This type of professional friendliness can be more powerful than conforming to the "social" friendliness stereotype that people think one needs to succeed (e.g., having drinks together after work).

Although it can be a bit tricky, one should actively look for ways to demonstrate "normality" to them. Use common sense. While there are a number of halachic issues that you cannot compromise on, there are other things that can be done well within the boundaries

of *halacha*.

Josh, a finance director at a well-known New York bank, remembers having been "required" to go to the company's annual picnic and baseball game. He felt uncomfortable playing in the field, so he grabbed the microphone and announced the proceedings play by play, and enthusiastically cheered the hits and catches. To his colleagues, it demonstrated that he was "normal."

* **Be someone whom people enjoy being around.** Have a positive attitude and project yourself as a happy person. As the *Gemora (Succa 49)* says: "If a person projects happiness and *chein*, it becomes clear to people that he is a *Yorei Shamayim*."

* **Strengthen your *Ruchnius* level at home.** This, in truth, is the core of all *Kiddush Hashem*. Being exposed to the added *nisyonos* (temptations) of the outside world requires that extra attention be paid to your *frumkeit* level when you're not at work. Make certain that you have a *Rav* to whom you can present *she'eilos* and can consult for advice, and always maintain a *k'vius* (set time) to study Torah every day without fail. *Daf Yomi* is an excellent vehicle for this because

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מחיל אל חיל

**"FROM STRENGTH TO STRENGTH": THE CHALLENGES AND RESPONSIBILITIES
OF OUR COMMUNITY'S GROWTH**

C O N V E N T I O N H I G H L I G H T S

THURSDAY AFTERNOON NOVEMBER 28 2:30 P.M.

CONCURRENT SYMPOSIA

I. REACHING OUT WITHOUT SELLING OUT: RESPONDING TO SPIRITUAL STIRRINGS AMONG AMERICAN JEWS

Overview: **Rabbi Henoah Leibowitz,**

Rosh HaYeshiva, Yeshiva Rabbeinu Yisroel Meir HaKohen (Chofetz Chaim)

Speakers: **Rabbi Shaya Cohen,** Executive Vice President, Priority One

Rabbi Elazar Grunberger, Director, Aish HaTorah; Rav, Shaarei Chesed Shul (St. Louis)

Rabbi Leonard Oppenheimer, Rav, Congregation Kesser Israel (Portland)

Chairman: **Yisroel Lefkowitz**

II. BRAVE NEW WORLD: TRENDS IN MEDICAL CARE AND THEIR IMPACT ON THE JEWISH COMMUNITY

Overview: **Rabbi Yitzchok Sorotzkin,** Rosh Yeshiva, Telshe Yeshiva (Cleveland)

Halachic Parameters: **Rabbi Meyer Scheinberg,** Rav, Agudath Israel of Flatbush

Speakers: **Rabbi Hershy Z. Ten,** President, Jewish Healthcare Foundation Bikur Cholim of California

Chaim Dovid Zwiebel, Esq., Gen. Counsel and Dir. of Government Affairs, Agudath Israel

Chairman: **Dr. Sol Neuhoff**

III. TO THE CHUPAH AND BEYOND: HELPING OUR CHILDREN BUILD *BOTIM NE'EMANIM B'YISROEL*

Speakers: **Rabbi Dovid Cohen,** Rav, Congregation Gvul Yaavetz

Rabbi Yaakov Reisman, Rav, Agudath Israel of Long Island

Rabbi Myer Schwab, Dean, Beth Jacob High School (Denver)

Chairman: **Yaty Weinreb**

IV. BY THE SWEAT OF YOUR BROW: PROBLEMS AND POSSIBILITIES IN THE SECULAR WORKPLACE

Speakers: **Abba Cohen, Esq.,** Director and Counsel, Agudath Israel of America Washington Office

Rabbi Boruch Hirschfeld, Rav, Congregation Ahavas Yisroel (Cleveland)

Rabbi Paysach Krohn, Author, The "Maggid" Series

Chairman: **Nachum Stein**

continued...

ROUNDTABLE FORUMS: FRIDAY MORNING, NOVEMBER 29 — 10:15 A.M.

The Friday morning Roundtable Discussions aim to involve more people in some of the important issues facing Torah Jewry — to thoroughly ventilate these topics, to allow for constructive debate and to gather diverse viewpoints, all in accordance with Torah principles and values. The optimum objective of the Roundtable Discussions is to achieve a consensus on recommendations for action by Agudath Israel of America and Torah Jewry.

1 THE COSTS OF SUCCESS: EASING OUR COMMUNITY'S GROWING PAINS

Along with the Orthodox world's tremendous growth and development in recent years have come a host of attendant problems. Crises of space and of resources need to be effectively resolved, and an assortment of issues, from social services to job-training, squarely faced. How should we prioritize — and can we address — our community's needs?

- Chairman: **David M. Singer**,
Chairman of the Board, Torah Umesorah; Pres., Southern Brooklyn Community Organization
- Panelists: **Yisroel Bloom**, Founder, Yeshiva Darchei Torah;
Chairman of the Board, Yeshiva Telshe Alumni-Riverdale
Ephraim Finkelstein, President Yeshiva Ohr Somayach (Monsey);
Member, Executive and Finance Committee, Mesivta Rabbi Chaim Berlin
Professor Larry Katz, (Baltimore) Dean Emeritus University of Baltimore Law School
Chaim Kuperwasser, (Lakewood)
Chair., Agudath Israel Professional and Management Employment Services of Central Jersey
- Coordinator: **Rabbi Shmuel Lefkowitz**, Vice President, Community Services, Agudath Israel of America
Rabbinic Advisor: **Rabbi Yitzchok David Mermelstein**, Talmud Torah, Imrei Chaim-Viznitz

2 THE THREAT OF CULTURAL TOXIC WASTE: PROTECTING OUR FAMILIES FROM SOCIETY'S EXCESSES

The myriad benefits of a free society carry a significant downside — the unbridled and public expression of materialistic decadence. The Jew in golus has always been essentially alone within his larger environment, but our modern-day surroundings force themselves upon us in countless and unprecedented ways. What can we do to help insulate our children and ourselves from the spiritual pollution that seems to grow more thick and choking with each passing day?

- Chairman: **Raymond Beyda**
- Panelists: **Dr. Alan Jacob** (Miami Beach)
Yitzchok Mitnick
David E. Retter, Esq.
- Coordinator: **Rabbi Labish Becker**, Associate Executive Director Agudath Israel of America
Rabbinic Advisor: **Rabbi Hillel David**, Rav, Congregation Yeshiva Shaarei Torah

3 "GEZUNT UN SHTARK!" HEALTH ISSUES AND THE ORTHODOX WORLD

American eating habits, sedentary lifestyles and environmental hazards contribute not only to the roster of medical problems nationally but to those of our own community as well. Genetic diseases and other ethnic-specific afflictions, Rachmona litzlan, further challenge the Jewish world. How might we identify and deal with the health threats that face us? How do we translate the Torah's exhortation to guard our health into practical advice and communal efforts?

- Chairman: **Dr. David Diamond**, Pediatrician, private practice;
Assoc. Professor of Pediatrics, Albert Einstein College of Medicine
- Panelists: **Dr. Zev Carrey**, Medical Director, Rockaway-Five Towns Hatzalah;
Director of Pulmonary and Critical Care Medicine, Mt. Vernon Hospital
Rabbi Joseph Ekstein, Founder, Dor Yeshorim
Dr. Norman Kupferstein, Medical Director, Cardiacare Exercise Institute
- Coordinator: **Mordechai Avigdor Esq.**, Associate General Counsel, Agudath Israel of America
Rabbinic Advisor: **Rabbi Shmuel Blech**, Rav, Cong. Anshe Sfard (Lakewood)

4 STRANGERS AMONG THEM: THE CHALLENGE OF OBSERVANCE IN A NON-OBSERVANT WORLD

Living as a small minority within the larger society requires special sensitivity and carries great opportunities. How can we identify and utilize the potential for kiddush Hashem as we move through a world often very different from ours? What special obligations do we have in dealing with our non-observant Jewish brothers and sisters?

- Chairman: **Rabbi Michael Hasten** (Indianapolis)
- Panelists: **Steven Rosedale** (Cincinnati)
Rabbi Yonason Rosenberg, Rav, Cong. Ahavas Shalom (Columbus)
Rabbi Daniel Yormark, Rav, Young Israel of Eltingville, S.I.
- Coordinator: **Rabbi Nosson Gugenheim**, Director, Agudath Israel of Montreal
Rabbinic Advisor: **Rabbi Menachem Greenblatt**, Rav, Agudath Israel of St. Louis

SHIURIM

In addition to Daf Yomi, other shiurim will be delivered over the course of the convention, by (in order of occurrence):

- Rabbi Naftali Jaeger**, Rosh HaYeshiva, Yeshiva Shor Yoshuv
Rabbi Aryeh Z. Ginsberg, Rav, Congregation Ohr Moshe Torah Institute
Rabbi Reuven Feinstein, Rosh HaYeshiva, Yeshiva of Staten Island
Rabbi Elya Fisher, Rosh Kollel Ger

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STUDY SESSIONS Guests who are pre-registered

1. GREAT MEN AND THEIR TIMES

- THE LEGACY OF THE IMREI EMES (Gerer Rebbe)
Rabbi Shlomo Rotenberg, Rav, Agudath Israel of Williamsburg
- THE ERETZ YISROEL OF REB YOSEF CHAIM SONNE
Rabbi Shlomo Rotenberg, Rav, Agudath Israel of Williamsburg
- TURN OF THE CENTURY JEWISH SYRIA: THE ALEPPO CHALLENGE
Rabbi Yitzchok Dwek, Rav, Synagogue of Deal
- THE CHOFETZ CHAIM AND REB CHAIM OZER GRODZINSKI
Rabbi Nissan Wolpin, Editor, The Jewish Observer
- THE IMPACT OF RABBI SAMSON RAPHAEL HIRSCH
Rabbi Joseph Elias, Principal, Rika Breuer's Teachers Seminary

2. AN APPRECIATION OF TEFILLA

- PRELUDE TO TEFILLA
Rabbi Mordechai Shapiro, Rav, Congregation Beth Israel
- TEFILLA AS A TWO-WAY STREET
Rabbi Nosson Scherman, General Editor, Mesorah Publications
- THE POWER OF PRAYER
Rabbi Yisroel Reisman, Rav, Agudath Israel Zichron Chaim
- ACCEPTING THE YOKE OF HEAVEN: אמן ושמן ובכוחותיה
Rabbi Ezriel Erlanger, Mashgiach Ruchni, Mirrer Yeshiva
- DISENGAGEMENT FROM TEFILLA: ובא לציון - עולמינו
Rabbi Eliyahu Glucksman, Rav, Agudath Israel of Washington

74th NATIONAL CONVENTION

Please reserve accommodations* for _____ persons to the 74th National Convention of Agudath Israel of America, Thursday through Sunday, November 28-December 1, 1996 at the Parsippany Hilton, Parsippany-Troy Hills, New Jersey.

Check type of accommodations requested. (Give first and second choice.) If accommodation requested is not available, the next category will be assigned.

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Randy-Troy Hills, N.J.

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TO STRENGTH":
S OF OUR COMMUNITY'S GROWTH**

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for these sessions will be given priority seating.

Author, Sefer Toldos Am Olam **Thursday 1:00 p.m.**

Author, Sefer Toldos Am Olam **Thursday 10:00 p.m.**

PECH EMUNAH
Friday 9:00 a.m.

Motzoei Shabbos 7:00 p.m.

Editorial Board Member, The Jewish Observer **Sun. 9:00 a.m.**

Thursday 1:00 p.m.

Thursday 10:00 p.m.

Friday 9:00 a.m.

Motzoei Shabbos 7:00 p.m.

א - תורת
Sights, Dayan, Khal Adath Jeshurun **Sunday 9:00 a.m.**

**5 THE SIYUM AS SPRINGBOARD:
HARNESSING THE ENERGY OF AMERICA'S LARGEST GATHERING OF JEWS**

As planning continues for the monumental kiddush Hashem that will be the 10th Daf Yomi Siyum HaShas — now less than a year away — the event must be seen not only as a heartfelt celebration but as a means of further empowering the study of Torah in America and around the world. How can we maximize its potential as an impetus for the study of the Daf Yomi and Torah learning in general?

Chairman: **Rabbi Dov Loketch**, Rav, Congregation Magen Avraham (Detroit)
Panelists: **Rabbi Shlomo Besser** (Montreal)
Yosef Sofer

Coordinator: **Rabbi Avrohom Nisan Perl**, Executive Secretary, Daf Yomi Commission, Agudath Israel
Rabbinic Advisor: **Rabbi Avrohom Teichman**, Rav, Agudath Israel of Los Angeles

**6 ON THE (JEWISH) ROAD:
DILEMMAS, DIFFICULTIES AND DELIGHTS FACING THE JEWISH TRAVELER**

As modern transportation and the demands of many livelihoods make an already shrunken world smaller still, the observant Jewish traveler seems to confront new challenges, encounters and opportunities with every trip. Halachic quandaries, hostile queries and happy acquaintances abound. What are some of the problems (and solutions), predicaments (and resolutions) and opportune situations facing the frum wayfarer today?

Chairman: **Josh Berger** (Monsey)
Panelists: **Eli Fink**, Partner, Deloitte & Touche, LLP
Yitzchok Ganger, President, Amerex USA
Yitzchok Moller
Israel Senderovic, Executive Vice President, Federal Reserve Bank of N.Y.

Coordinator: **Rabbi Yonah Feinstein**, Director, Special Projects, Agudath Israel of America
Rabbinic Advisor: **Rabbi Moshe Heinemann**, Rav, Agudath Israel of Baltimore

**7 "AGUDAH 75":
CARRYING THE SACRED TRUST INTO THE FUTURE**

As the largest grass-roots Orthodox Jewish coalition movement in the United States enters its 75th year, Agudath Israel's supporters face the challenge of utilizing this milestone to proudly bear the movement's mission into the future. How can the Agudah's growth be maintained, its effectiveness enhanced and its base of support broadened yet further, as we look toward our second 75 years?

Chairman: **Henry Lowenthal** (Cleveland), Regional Vice President, Agudath Israel
Panelists: **Avrohom Halpern**, Member, Board of Trustees, Agudath Israel of America
Moshe Levitin, (Monsey) National Officer, Agudath Israel of America
David Schnell, President, Agudath Israel of Illinois
Menachem Shayovich, Member, Board of Trustees, Agudath Israel of America

Coordinator: **Rabbi Avi Shafran**, Director of Public Affairs, Agudath Israel of America
Rabbinic Advisor: **Rabbi Moshe Mordechai Lowy**, Rav, Agudath Israel of Toronto

**8 "B'SHA'AH TOVA!"
COMMUNAL SOLUTIONS TO THE JEWISH SINGLES CRISIS**

(Women Only)

The number of young men and women regarded in our community as "older singles" has risen in recent years, and it is widely recognized that a concerted effort on the communal level must play a part in helping these men and women find their bashertes. How might such an effort be constructed? What guidelines should be in place to assure its effectiveness, efficiency and propriety?

Chairman: **Mrs. Leah Gelernter**, National Vice President, Agudah Women
Panelists: **Sheily Adler**, Simcha Link (Chicago)
Mrs. Rochel Spitzer

Coordinator: **Chaim Hochman**, Director, Invei Hagefen
Rabbinic Advisors: **Rabbi Yoel Kramer**, Educational Dir., Mercaz Center for Teacher Training
Rabbi Nisson Wolpin, Editor, The Jewish Observer

**9 FAMILIES AT RISK:
CONFRONTING DOMESTIC DYSFUNCTION**

(Women Only)

Though Orthodox Jews enjoy a large degree of protection from the familial dysfunction so increasingly evident in the larger society, situations exist where unusual stresses take dire tolls on families in our communities — and no group can be fully immune to the unhealthful effects of the world without. How might we help bolster the family's defenses in the face of adversity? How can we inoculate our community against the virtual epidemic of ill-will and abuse? What remedies are available where tragedy, chas v'sholom, has already struck?

Chairman: **Mrs. Ruth Hertz, C.S.W., B.C.D.**,
Psychotherapist, private practice
Panelists: **Mrs. Chaya Hochbaum, M.S.W.**,
Counselor, A.I. Fresh Start Training Program
Mrs. Shirley Lebovics, M.S.W.,
Psychotherapist, private practice (L.A.)
Shlomo Mostofsky, Esq., Family Law Practice
Mrs. Jeanne Wahrman, Exec. Dir. and Founder,
Women's League Community Residences

Coordinator: **Rabbi Yosef Strassfeld**, Assistant Director,
Project COPE; Dir., Rockland County Chazara Center
Rabbinic Advisor: **Rabbi Yechiel Kaufman**,
Rav, First Cong. Anshei Sfard of Boro Park;
Assoc. Director, Jewish Board of Family &
Children Services, Div. of Developmental Disabilities

ROUNDTABLE PRE-REGISTRATION

I wish to participate in the Roundtable Forums on Friday morning, November 29, at the 74th Agudath Israel National Convention.

- I will be attending the entire convention.
- Reservation already made
- New reservation
- I will only be attending the Roundtables

Name(s) _____
Address _____

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- 1) COSTS OF SUCCESS
 - 2) THREAT OF CULTURAL TOXIC WASTE
 - 3) GEZUNT UM SHTARK
 - 4) STRANGERS AMONG THEM
 - 5) SIYUM AS SPRINGBOARD
 - 6) ON THE (JEWISH) ROAD
 - 7) AGUDAH 75
 - 8) SINGLES CRISIS
 - 9) FAMILIES AT RISK
- Please enroll me in the following Study Sessions
- 1) GREAT MEN AND THEIR TIMES
 - 2) AN APPRECIATION OF TERILLA

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CONVENTION HIGHLIGHTS

THURSDAY EVENING 7:30 P.M.

CONVENTION OPENING:

Rabbi Shmuel Kamenetzky,
Rosh HaYeshiva, Yeshiva of Philadelphia

SYMPOSIUM:

"FROM STRENGTH TO STRENGTH": THE CHALLENGES AND RESPONSIBILITIES OF OUR COMMUNITY'S GROWTH

Addressing the Theme: **Rabbi Avrohom Pam,**
Rosh HaYeshiva, Mesivta Torah Vodaath

Speakers: **Rabbi Shmuel Bloom,**
Executive Vice President, Agudath Israel of America
Rabbi Aharon Dovid Dunner,
Dayan, Hisachdus Kehillos Hachareidim (London)

Chairman: **Rabbi Feivel Wagner,** Rav, Young Israel of Forest Hills

SHABBOS ADDRESSES (in order of presentation)

- Rabbi Simcha Bunim Ehrenfeld,** Mattesdorfer Rav
- Rabbi Zachariah Gelley,** Rav, Khal Adath Jeshurun
- Rabbi Reuven Feinstein,** Rosh HaYeshiva, Yeshiva of Staten Island
- Rabbi Elya Fisher,** Rosh Kollel Ger
- Rabbi Yosef Frankel,** Vyelopoler Rov, Rav, Khal Bnei Shloima Zalman
- Rabbi Aryeh Malkiel Kotler,** Rosh HaYeshiva, Beth Medrash Govoha
- Rabbi Haim Benoliel,** Rosh HaYeshiva, Yeshivat Mikdash Melech
- Rabbi Moshe Brown,** Rosh Yeshiva B'Yeshiva Derech Ayson;
Rav, A.I. of West Lawrence

SHABBOS SYMPOSIA 8:30 P.M.

"SPIRITUAL CONFRONTATIONS IN THE HOLY LAND: NEW BATTLE-LINES IN PRESERVING MASORES AVOS (Yiddish)

Interview: **Rabbi Avrohom Chaim Levin,**
Rosh HaYeshiva, Yeshivas Teishe-Chicago

Speakers: **Rabbi Avrohom Yosef Laizeron,**
Assoc. Dir., Chinuch Atzmai (Yerushalayim)
Rabbi Moshe Silberberg,
Rosh Yeshiva, Yeshiva Shaarei Ephraim (Monsey)
Rabbi Usher Weiss,
Rosh HaYeshiva, Yeshivas Chasam Sofer (Netanya)

"BUING OUR YOUNG — AND OURSELVES — WITH EXEMPLARY YIDDOS (English)

Symposium Greeting: **Rabbi Yosef Harari-Rafal,**
Rosh HaYeshiva Yeshiva Ateret Torah

Address: **Rabbi Chaim Dov Keller,**
Rosh HaYeshiva, Yeshiva Telshe-Chicago

Speakers: **Rabbi Mordechai Finkelman,**
Yeshiva Darchei Torah-Mesivta Chaim Shlomo
Rabbi Eliezer Ginsburg,
Rav, A.I. Snif Zichron Shmuel;
Rosh Kollel Yeshivas Mir

MOTZOEI SHABBOS KEYNOTE SESSION 8:00 P.M.

Addresses: **Rabbi Elya Svei,**
Rosh HaYeshiva, Yeshiva of Philadelphia

Rabbi Yaakov Perlow,
Novominsker Rebbe

Guest Speaker: **Rabbi Shaul Alter,**
Rosh HaYeshiva, Yeshivas S'fas Emes (Yerushalayim)

Message: **Rabbi Moshe Sherer,**
President, Agudath Israel of America

Hazkara for the Gerer Rebbe, zt"l: **Rabbi Dovid Olewski,**
Rosh Yeshiva, Gerer Mesivta Bais Yisroel

Chairman: **Rabbi Avrohom Chaim Feuer,**
Rav, Kehillas Bais Avrohom (Monsey)

SUNDAY MORNING, 9:45 A.M.

SYMPOSIUM I: 9:45 A.M.

WHY CAN'T YOSSIE MAKE IT?: KEEPING OUR CHILDREN FROM FALLING THROUGH THE CRACKS

Speakers: **Rabbi Yakov Horowitz,**
Rebbe, Yeshiva of Spring Valley;
General Studies Principal, Yeshiva Bais Mikroh
Rabbi Yaakov Salomon, CSW,
Psychotherapist, private practice

SYMPOSIUM II: 11:15 A.M.

JUSTICE, JUSTICE! RESTORING GRAVESITES, RECLAIMING ASSETS, REKINDLING YIDDISHDEKHEIT IN EASTERN EUROPE

An Update from the Agudath Israel World Organization

Introductory Remarks:
Rabbi Moshe Sherer,
Chairman, Agudath Israel World Organization

Speakers: **Rabbi Chaskel Besser,**
Presidium Member, Agudath Israel of America;
Member, U.S. Commission for the Preservation of America's Heritage Abroad

Professor Moishe Zvi Reicher,
United Nations Representative,
Agudath Israel World Organization

Mr. Albert Reichmann,
Chairman, Endowment for Democracy in Eastern Europe

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even if you travel on business, the daily *daf* is exactly the same whether you're in Los Angeles, London or Lawrence.

It may seem improbable, but I know many prominent people in the corporate world over the years, who say that by merely following these types of guidelines, they have never really had a negative experience. Even in seemingly difficult situations (e.g., late Friday meetings, business trips abroad, etc.), many comment that they have always felt that they were respected for their religious beliefs, and not thought of as "odd" because they were so different from everyone else in their respective companies.

THE IMPORTANCE OF BEING AN AMBASSADOR

One might ask, why is it so important to bear in mind that one is representing the Jewish people, so to speak, in the marketplace—the *Kiddush Hashem* factor, if you will? Isn't it sufficient to just do your job positively, deliver faithfully, and hope for the best? The answer is simple. First of all, as one is always a Jew—24 hours a day—so, too, is one always viewed as a Jew. *Kiddush Hashem* and the opposite are always on the agenda.

In addition, it is worthwhile to bear in mind the bigger picture. One can never know which person one works with today will be in a position of major influence for *Klal Yisroel* in twenty years. The lawyer next door may someday be sitting on the Supreme Court. If he's deciding a case important to the Jewish community, and you were his "Jewish" friend, the impression one leaves today could have a profound impact on vast numbers of people.

An excellent example of this is President Harry Truman's Jewish connection. While a young man, Truman's business partner and closest friend happened to be Eddie Jacobson—a Jew. Most likely, back in Independence, Missouri, young Harry did not meet many Jews. But when it came time for the U.N. to vote on the partitioning of Palestine when Israel had declared its independence in 1948, Jacobson's influ-

ence as President Truman's "Jewish" friend was pivotal to Truman's pro-Israel policy (against the wishes of many of his advisors in the State Department). Always tell yourself: "If I'm one of the only Jews they ever really get to know, I'd better be sure that they have a positive impression of us all."

TAKING THE SHOW HOME

Until now, we've discussed the subject of what I would call "external" *Kiddush Hashem*—a

passive sort of projection of *Kiddush Hashem*, as it relates to people we work with *outside* of the Jewish community. Of even greater importance is an additional aspect that I would call "internal" *Kiddush Hashem*, the positive impact one should make on others *within* the Jewish community.

To begin with, each person has certain talents, and everyone has an obligation to give of some of those talents back to his own community. One can easily find ways to channel his or her strengths toward "internal" growth and

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improvement, creating a *Kiddush Hashem* in the process. For example, if you are a computer programmer, volunteer a few hours a month to the local yeshiva to computerize the yeshiva's financial and academic records, or to teach computer skills to the students. If you're a lawyer, offer to help the *shul* draft its real estate contract. If you're a yeshiva *rebbe*, counsel those considering a career in *chinuch*. These opportunities, however, must be actively sought out. Often, they do not just come to you by themselves.

At times, one can use one's strengths in surprising ways. While working in

England a few years ago, I had developed a cordial relationship with my boss, who was chairman of the company, and in fact the only other Jew in the firm. He was not religiously observant, but since we met once a week to discuss business matters, I summoned up the guts to ask him if he would be interested in beginning our weekly meetings with a ten-minute session in *Mishnayos*. To my surprise, he was thrilled to do so. And so we began doing this every week. As time progressed, he came to the *shiur* every week not only to learn *Mishnayos*, but to ask questions on the *Parsha* and *halacha*, as well.

THE CONSTANT QUESTION

As I just indicated, many of the points highlighted in this discussion apply not only to those who work in a non-Jewish environment, but to those who work in a Jewish environment, as well. Being nice to people and doing outstanding work can actually create *Kiddush Hashem*, and at the same time have the not-insignificant result of helping build a person's reputation in his and her place of work. This is true whether you're a stock broker, a *rebbe* or learning in a *Kollel*. In fact, the *Rambam* in *Hilchos Yesodei Hatorah* (5:11) delineates the prescription for successful *Kiddush Hashem*. This includes treating people well, dealing honestly in business, and keeping a positive attitude. And the notion of "internal" *Kiddush Hashem* via volunteering some of one's talents and time is something everyone has an obligation to do. *Hashem* gave each of us special abilities and talents. It is certainly expected that we share a portion of these *berachos* with others.

Sometimes the potential *Kiddush Hashem* opportunity is right before you, other times you must look hard to find it. The key is to always be asking yourself: "How can I do my best to be *Mekadesh Shem Shamayim* both externally and internally?" ■

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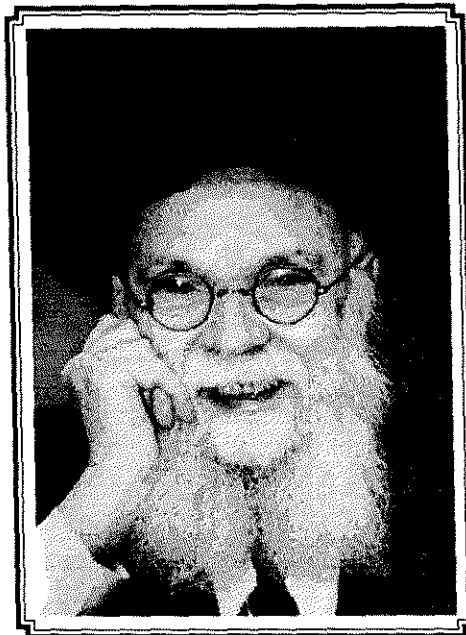
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From Step-Families to Blended Families

Practical Guidelines for Shalom Bayis

THE WIND-CHILL-FACTOR FACTOR

No matter how long something exists, we do not really seem to notice it until it gets a name. Take the "wind-chill factor," for example. Ever since *bri'as ha'olam* (creation), wind has made the temperature feel colder. But not until the term "wind-chill factor" was coined did we realize just *how* cold we feel during the winter.

The same is true for social phenomena. Families have been broken by the shattering tragedies of death and divorce for centuries. In many cases, the surviving or separated spouses remarried. It was not until recently, however, that these new families have been called "step-families." The emergence of this new term, then, seems to signal either a new awareness of an old phenomenon, or, perhaps, even an increase in the number of such families.

What is a "step-family"? Are there really more such families today? What are the unique challenges that step-families must face? What, if anything, can be done to help them overcome these challenges? This article will attempt to answer these questions.

Dr. Meir Wikler, a frequent contributor to these pages, is a psychotherapist and family counselor in private practice. He lives in Brooklyn, NY.

THE INCREASE IN STEP-FAMILIES

A step-family consists of two parents and their children, like another family. What is unique, however, is that the two parents are not the biological parents of all the children in the family. Some of the children may be the product of the wife's first marriage or the husband's first marriage. There may also be children who are the product of the current union. Or, to put it more simply, the children in a step-family may belong to one of the following three categories: *yours*, *mine* or *ours*.

In some cases, both parents in the step-family were married before. In other cases, only one parent was previously married. But in either case, when there are children, at least one parent becomes a step-parent to at least one of the children; hence, the term step-family.

Although families are not torn apart by the death of one parent any more often today than in previous generations, we are witnessing an increase in the divorce rate. While the divorce rate in the Torah community is, ב"ה, nowhere near the rate of the larger society, everyone will agree it is higher than it has ever been. As a result, there are more parents remarrying than ever before.

THE CHALLENGES OF STEP-FAMILIES

Regardless of the good will, character and personalities of the parents, by virtue of their unique family structure, there are some challenges that must be faced by all step-families. How well they clear these hurdles will determine the amount or absence of *shalom bayis* these families will enjoy.

- **Grieving the loss:** When a step-family is formed, many relationships are finally or symbolically lost or altered, permanently. A widow, for example, can speak openly about her late husband until she remarries. From then on, she must weigh the impact of her words on her new husband. Before, she could visit her late husband's *kever* (grave) for *tefillos* or comfort whenever she felt the need. Once she remarries, even occasional visits may be considered improper. Although her first husband may have died years before, once she remarries, she suddenly loses those connections that may have been quite meaningful for her.

When a mother wins custody of her children following a divorce, the children do not have to share her with anyone. After she remarries, her children will lose that exclusive claim to her attention which they once had. Depending on their ages and other factors, they may

experience their mother's remarriage as a crushing loss of what they saw as a private relationship, which now must be shared with an interloper, the stepfather.

Children, at times, can become so depressed at the loss of exclusivity in the relationship with their biological parent that adults around them may become alarmed. For the child, old emotional wounds may become reopened, such as the original loss of the noncustodial parent at the time of the divorce, or the deceased parent at the time of death.

- **Building trust:** All members of a step-family must acknowledge the need to build trust in their relationships with each other. First and foremost, the husband and wife must learn to trust each other that allegiance to children will not threaten the new marriage. Next, the children must learn to trust that their biological parent still loves them just as much as before. They must also learn that their step-parent will not try to sever the close bond they previously enjoyed with their biological parent.

- **Passing the tests:** Because the new family arrangement engenders so much anxiety and insecurity, family members often try to reassure themselves by testing others. While this may go on in any family, the sudden changes brought about by a remarriage often heighten the anxiety levels in step-families, which often leads to unconscious testing.

For example, the stepfather may feel insecure about his new wife's loyalty to him and may try to test her by being overly strict toward his step children. (See *Kesuvos* 60a for an example of this attitude of a stepfather toward his stepchildren.) He may even try to discipline them too harshly. If she comes running to their defense, he may interpret that as disloyalty on her part. If she supports him, he will feel reassured that his marriage is solid.

This, of course, puts the wife in a dilemma. If she supports her husband, her children may be unfairly punished. In addition, they will feel abandoned by her. But if she defends them, she will threaten the foundations of her new marriage.

The children, on the other hand, may

What are the unique challenges that step-families must face?

What, if anything, can be done to help them overcome these challenges?

also engage in testing behaviors. Otherwise well-behaved children may begin to speak disrespectfully or act rebelliously after a parent remarries. This may represent a test of the loyalty of the biological parent, a test of the tolerance of the step-parent, or both.

- **Heightened sibling rivalry:** Whenever there is more than one child in a family, there will be some competition, jealousy and even conflict between siblings. That is normal and expected. But in step-families, the battle-lines can be more sharply drawn between father's biological children, mother's biological children and/or the children of both parents.

This increased tension may surface, at times, during visitation. For example, when a divorced man marries a divorced woman with children from her first marriage, he establishes a new home with his new wife and stepchildren. But every other week, he is allowed to have the children from his first marriage come to his new home for *Shabbos*.

His biological children may feel they are entitled to special attention since they have not seen their father for almost two weeks. His stepchildren may feel that they are entitled to special privileges since this is their home. Neither set of step-siblings may be willing to defer to

other, creating a confrontation that would test the mettle of any parent.

- **Setting limits:** Every family must address the issue of where, when and how to establish rules. Some rules apply to everyone, others are meant only for some (i.e. the men, the children, those who attend school, etc.).

Generally, family rules evolve over time. They are imposed as the need arises. And they may be rescinded or ignored when they become obsolete.

In step-families, however, two or more groups come together in a new family, with each group expecting all of their old rules to apply. Since that is clearly impossible, a new set of rules is needed immediately. Realizing this need is the easy part. The hard part is

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getting everyone to agree on the new rules and to let go of the old rules. When custody is shared, for example, this can become a veritable negotiating nightmare.

- **Becoming a family:** Most families simply take it for granted that all members share the common identity of belonging to that family. Does a boy ever question, for example, whether or not to call his mother "Mommy"? Of course not. But in step-families, the issue of what to call the step-parent strikes at the core of the challenge of becoming a family.

When nine-year-old Surie's eyes well up with tears and she shouts defiantly, "But you are *not* my 'Tatty'!" she is reminding everyone how far they are from becoming a family. It is the difficulty in creating this new sense of togetherness that may frustrate the new parents more than anything else. As they juggle the adjustments of living with each other, the new couple must help their biological and stepchildren work toward becoming a family.

Once that eagerly sought-after, shared family identity has been achieved, everyone feels more secure, less threatened and more comfortable with the new family arrangement. Instead of feeling like they come from a "broken family," they feel like they belong to a "blended family."

HELP OVER THE HURDLES

How can step-families overcome all the challenges they face? What can they do to make the transition from step-family to blended family easier?

First, there are some things which all step families need to know.

- **Becoming a family takes time.** In the hypothetical example cited above, Surie might be willing to call her step-father, "Tatty," "Daddy," or "Abba," after she has had a few months living together with him and getting to know him. But if she is forced to use a title that is uncomfortable for her before she is ready, she may never bridge the gap of resentment which will be generated by her parents' impatience.

- **No matter how well everyone gets along before the remarriage,** stresses and conflicts can and will emerge once the new family has been officially reconstituted. It doesn't mean you did anything wrong and it doesn't mean you made a mistake by getting remarried. It just means you are a typical step-family going through the growing pains of adjustment.

- **Because of the dramatic and sudden nature of the changes in everyone's lives,** all rules and limits need to be openly and frequently discussed, stat-

ed clearly and concretely, and imposed on a trial or temporary basis only. The rules also need to be reevaluated and closely monitored for how they affect all concerned.

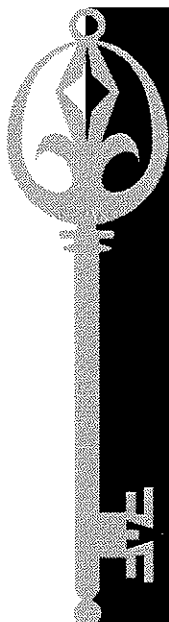
- **When discipline is needed,** the one imposing it must be the biological parent, at least initially. But won't that undermine the authority of the step-parent? Won't that discourage the child from treating the step-parent like a real parent? Won't that delay the process of becoming a family? No, no, and NO!

If the discipline comes from the biological parent only, at least in the beginning, it allows the child to develop a positive relationship with the step-parent. It will also acknowledge the reality that the step-parent *does* lack authority by virtue of his or her strangeness.

If you met someone for the first time who was only critical, you wouldn't want to have anything to do with that person. But if your best friend finds fault with you, you can accept it, regardless of how severe the rebuke may be. Why? Because if you have an *established* relationship with someone, you can tolerate criticism from them.

Step-parenting is no different. Step-parents can and should discipline their stepchildren, but *not right away*. They must allow time for a positive relationship to develop before they can risk imposing sanctions. This may take months, not days or weeks.

- **A family is not a democracy.** Yes, every member of a family must get the message that his or her feelings are important and taken into consideration. But votes cast by parents must always carry more weight than those cast by children, otherwise the parent-child relationship becomes inverted, like a tail wagging the dog.



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STEPS FOR STEP-PARENTS

In addition to what step-families need to *know*, there are some practical things that step-families can *do* which will help them to successfully meet the challenges they face.

- **Consult other step-families.** You simply cannot imagine how normal your difficulties are until you speak with others who are—or have been—in the same situation. This comparing of notes reduces isolation, generates support and provides many practical solutions.
- **Respect all prior relationships.** Everyone has faults. And that includes people who used to be married to each other. But it is not the job of a step-parent or a biological parent to denigrate the other biological parent. (See "Two 'Ex's and a 'Why?'" JO March, '93, for an in-depth analysis of the destructive consequences of overlooking this fact.)

During custody or visitation, the other parent may act in ways you disapprove of, but you will not score points with your children by criticizing your ex-spouse or your spouse's ex-spouse in

front of the children. Such conduct on your part will only send a message to your children that parents are not to be respected. Ultimately, you will pay for that mistake with dividends of *chutzpa* aimed at you.

- **If problems arise, don't wait to seek help. Help is available.** (See "Where to Get Help," below.)

The structure of a step-family is new to all members. But step-families are not new. Instead of trying to reinvent the wheel, step-families can benefit from resources of accumulated wisdom, based on the experiences of other step-families. Not to reach out for help when it is needed would be not only foolish, but cruel.

SHALOM BAYIS

The word *bayis* means both "house" and "home." As every homeowner knows, it takes time for a house to feel like a home. After much work and some time, however, most houses do feel like home. The same is true for step-families. In time, adjustments can be made which will enable everyone to feel at home in the new family.

The word *shalom* also has two meanings: "peace" and "complete." So when step-families achieve peace and feel complete, then they have attained real *shalom bayis*.

WHERE TO GET HELP

- Pamphlets, publications and books on step-families and step-parenting can be obtained from The Stepfamily Foundation, Inc., 333 West End Avenue/New York, NY 10023/ (212)877-3244.
- To find a good family therapist in private practice who is Orthodox and experienced in working with step-families, call the Yitti Leibel HelpLine (718)HELP-NOW for a referral. While the HelpLine is located in New York City, referrals are made to therapists in other major Torah centers throughout North America.
- To find a good family service agency with reduced fees or a sliding scale: in New York City, call the HelpLine; out-of-town, ask your local *Rav* or your family physician. ■

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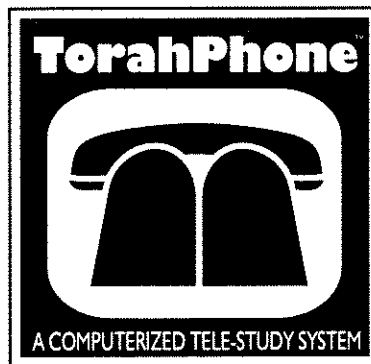
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Looking For Your Face in the Picture

Did you ever scan a group photo in search of your face amongst the multitudes? At least part of your profile, or your "trademark" raised-eyebrow? Nothing there. Then someone points to your tell-tale prominent ear or pointy chin: "That's you!"

But if that's all they show of you, isn't it more cartoon than photograph?—caricature rather than portrait?

On occasion, we spot a news story headline that talks to us—or at least, about us. We search for fulfillment of the promise, and then drop the paper with disappointment, but not real surprise.

A case in point: the Jewish Telegraphic Agency Daily News Bulletin (the news service that brings information and commentary to the vast majority of America's Anglo-Jewish newspapers) for September 12—that was the day before Erev Rosh Hashana—ran as its lead story:

THE DAYS OF AWE

HIGH HOLIDAYS MARK PERIOD OF REFLECTION, RECONCILIATION

The 10 days between Rosh Hashana and Yom Kippur are a special time.

The Days of Awe, as they are known, have a rhythm unique among the cycles of the Jewish year as a period of reflection and self-evaluation as Jews the world over prepare for the Day of Judgment.

On Rosh Hashana, according to Jewish tradition, G-d pencils each of our names into the books of life and death, deciding who will prosper and who will suffer in the coming year.

If we work hard to redeem ourselves... we have a chance to change the course of events before G-d determines our fate on the Day of Judgment, Yom Kippur, when our fate is inscribed in indelible ink.

It can be an intense time.

An engaging beginning. I mentally

leap ahead, and anticipate the reporter's comments on our community's introspective preparations. After all, the *Rav* of every *shul* delivers a *Shabbos Shuva drasha*, focusing on areas that require improvement—both in matters of Divine service and interpersonal dealings. And the utility poles and store windows in the Boro Park and Flatbush neighborhoods of Brooklyn are customarily crowded with posters announcing this or that special lecture on a *teshuva* theme. Prominent in some forty-two venues across the map—from Montreal to San Diego, and points in between—were the special presentations on the theme: "*Nosei B'ol Im Chaveiro...Why We Witness the Pain of Others,*" and the obligation to get involved in lightening our fellow's burden.¹ Wouldn't these lectures be part of the "reflection and reconciliation" featured in the JTA story?

The Full Gamut, Almost

Perusing the 130-some lines that comprise the JTA story, the reader is treated to a panoply of responses to these "spiritually charged" days, ranging from the counsel of Rabbi Kerry Olitsky and Rachel Sabath (Reform) to the musings of Rabbi David Wolpe (Conservative) and Leonard Fein (Reform), plus a couple of lines about Marc Stein (Orthodox) of the AJC, and then back to a feminist *tashlich* that involved building paper boats, talking about

¹These lectures were part of the Eighth Nationwide Yom Iyun, a focus on a fundamental aspect of our eternal, loving bond with each other, sponsored by the Torah Projects Division of Agudath Israel of America in conjunction with the Chofetz Chaim Heritage Foundation and Aneinu (a *Tehillim* Group For the Benefit of the Sick).

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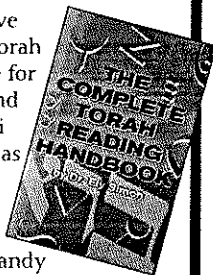
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the sins that each vessel represented and sending them floating down the waters around Manhattan... "along the Harlem River, which we hardly noticed because it was so full of sin by much larger polluters."

Eventually the reporter arrives at "some Chasidic Jews [performing]... the ritual known as 'Kapporas.'" This is followed by a vivid, detailed description:

Enormous flatbed trucks stacked with cages full of live chicken begin to park in neighborhoods inhabited by the devoutly Orthodox.

In the darkness of the night before Yom Kippur eve, the faithful crowd around the trucks.... Each person takes a live chicken—holds it by its ankles and swings it around their heads, encanting a blessing transferring their sins to the chicken.

Then the chickens are ritually slaughtered and defeathered in a building nearby whose floor runs red with entrails and blood. [How ecologically appalling compared to the wistful flotilla of sin-bearers on the Harlem River!]

And that's it for JTA's focus on the Torah community.

One searches further for the tear-stained pages of the *Tefillas Zaka* in the Yom Kippur *Machzor*, wherein conscientious, devout Jews freely forgive anyone who may have wronged them so "no one may suffer on my account." One yearns to recapture the rustle of papers as the *misparallelim* entreat G-d for forgiveness. When they refer to various aids employed for reciting a full-hearted, comprehensive *Viduy* (confessional)—ranging from Xeroxes of the *Chayei Adam's* expansion on "Ashamnu (We have been guilty...)", copies of the ArtScroll translations and elaborations on the "Al Cheit," to personal notes and resolutions. One pines to tremble to the palpable tension during *Ne'ila*, when Jews beseech G-d to help them repair damage caused by irresponsible use of others' property.... We know we have problems. But we wrestle with them and try to solve them. We recognize our shortcomings, but we also try to correct them. Is this reflected in the JTA release? Is it hinted at?—alluded to? Is it in there,

somewhere, lost among the flatbed trucks and the bloody entrails of the *Kapporas* chickens?

Author! Author!

Where does this strange bias come from? This Pre-Rosh Hashana story was penned by the same writer who early this year did a JTA feature story on the loyal, hard-working wives of the Lakewood Kollel fellows, who by virtue of dedication and shared values, are partners in their husbands' spiritual growth through their Talmudic studies. The way this writer had it, however, these hapless spouses are caught in a no-way-out trap of abject poverty in which their chosen life-style has imprisoned them. That gem of journalistic inventiveness opened with the description of a Kollel wife in her advanced pregnancy who had difficulty snapping her seatbelt as she prepared herself for her evening car service run, which she performed to help support her struggling family.

When the author of that piece was called, asking for the identity of this woman—an informal survey of the thousand or so Kollel wives in Bais Medrash Govoha had come up with no one who even remotely fits this description—the author replied that the subject was a "composite." (You know: three women's three-months' pregnancies... add another lady's mail order business which employs her brother-in-law's taxi service... plus some midnight oil burned on a new computer venture... and there you've got it.) So much for journalistic integrity.

We respectfully ask the JTA service to expand its sources of information to do justice to the thriving Torah community, instead of picking up on a grain of this, a speck of that, bringing it all together with the epoxy of creative—and libelous—imagination. It would be heart-warming to pick up a JTA news bulletin claiming to mirror the full gamut of the Jewish experience and—lo and behold!—actually see our own reflection in it. ■

A Time to Weep and a Time to Laugh; A Time to Mourn and a Time to Dance

Kohelles 3,4

I find a spot among the benches that have been wedged together to make space for the dancing. I am already bathed in sweat and need to rest. I have a moment to reflect on the music—its careful arrangement, the smoothness of the shifts from one song to another, the balanced harmonies. This is quality stuff. When they come to a song with words I can meditate and I will return to the circle. It is *Hakofos Sh'nios*, a *Motza'ei Yom Tov* tradition in Jerusalem. A nice way to conclude what has been a difficult holiday.

Succos is supposed to be *Z'man Simchaseinu*—The Season of Our Joy. There is a Torah obligation to be *b'simcha* on Succos more than on other holidays. I was already having difficulty getting into the spirit of things *Erev Chag* because of the frightful number of people I know that are undergoing treatment for cancer. The announcement *Erev Yom Tov* that there would be ten funerals for soldiers shot in the territories was a colossal blow to someone that was already down. That number would eventually grow to fifteen.

We sometimes have a tendency to relate to deaths as statistics, the degree of loss measured by the size of the number. This happens when we don't know anything about the lives of the people that died. We cannot relate to them personally on any level so they are mere numbers. One of the prices we in the

Jeremy Kagan, who studied in a Jerusalem Kollel for a number of years before serving in *Tzahal*, is on the faculty of several seminaries in Jerusalem. This is his first appearance in these pages.

■
This year our tragedies crowded in upon the holiday itself. In *Chag Ha'asif*, the holiday of gathering, we gathered pain along with our wheat. How can we be commanded to be joyful at a time like this?

■
religious community pay for being exempt from army service is that when a tragedy like the one that struck us *Erev Chag* takes place, we are far removed from the loss. We cannot learn or grow from the punishment *Hakadosh Baruch Hu* has dealt us because we do not feel the pain.

Though I did not know any of the people who died, I have spent enough time in the army in my post-Kollel years to have met people like them. For me, they are more than numbers. It is never pleasant when a person dies, but it is that much more painful when he was young and full of potential, talent, and motivation. Based on the rank and the units of those involved, you can be assured that we lost very special people.

The fifteen funerals also say nothing

of those who managed to survive the combat but sustained injuries that will leave them scarred or crippled for life. It also gives no hint of the parents, brothers, sisters, and close friends whose lives will be shattered as a result of these deaths. The wound that was dealt to *Klal Yisroel* on that pre-Succos day is almost incalculable.

I managed to get through *Yom Tov* reasonably well, as there were plenty of distractions. As is customary, I was exhausted Succos night. The day's *davening* was blessedly long and I had a *chavrusa* in the afternoon. I did not realize I had a problem until I went to a *simchas beis hasho'eiva*. When a *niggun* continues for a half-hour, there is time to contemplate the joy of the time, to turn inward and touch the sweetness of inner connection. But every time I tried, the thought came back of all those parents who were mourning the loss of a precious son.

Whether through the gift of time or the magic of the day, on Simchas Torah I was able to involve myself in the dancing and singing: "*V'chayei olam natta besocheinu*—And infinite life You planted in our midst." This does not refer only to the next world. It also means that through the Torah, *Hakadosh Baruch Hu* has blessed us with the opportunity to touch in this world something so deep that it is eternal. He has given our lives meaning. "*V'hivdilanu min ha'toyim*—And He has separated us from those who err," from those whose lives are utterly meaningless.

Simchas Torah was over and I wanted to have a last taste of that joy, to store up a little more for the coming year. I was sitting, perspiring, waiting for the next appropriate *niggun* so I could get up and rejoin the dancing. I glanced over behind the *bema*, and there he was. He was gazing at the dancing crowd. He looked thoughtful. Not particularly happy, not particularly sad—thoughtful. What was he thinking? Was he imagining his son jumping and smiling among the dancers? Was he looking at the other 17-year-olds in the crowd, wondering about their lives?

He would not be joining them. He came only to watch. He is not in the mood of dancing. His son was gunned down while waiting for a bus to take him home from Yeshiva in a drive-by shooting in the territories a few months ago. I felt a powerful desire to cry well up inside me. All I could do was imagine the horror I would feel if *chas v'shalom* my son were to be taken away—first the pain, and then the anger.

How does *Hakadosh Baruch Hu* want me to respond to this situation?

The music blasts away with its fast, joyous melodies, the dancers whirling to keep pace; a *Sefer Torah* parades through the crowd, children of all ages laughing and playing. And this man, so much here, and yet so much not a part of the celebrating. This is my neighbor—I know what his life looks like. Is not his pain my pain? What does *Hashem* want me to feel this *Motza'ei Simchas Torah*?

There is a great deal of suffering in the world. We, however, are gifted with short memories. Time removes the intensity of the hurt, and when *Z'man Simchaseinu* arrives, it is easy to dance. This year our tragedies crowded in upon the holiday itself. In *Chag Ha'asif*, the holiday of gathering, we gathered pain along with our wheat.

How can we be commanded to be joyful at a time like this? I sat in thought for a few moments. I realized that what allows us to feel the sharpness of the loss of life, that which makes mourning itself meaningful and gives honor to the life of the dead, is the fact that we appreciate the preciousness of life. The Midrash

states that the intense joy that is specific to Succos is a joy over life—the joy which flows from the sense that we have been granted a new year of *chayim*. On Simchas Torah, we revel in the intense quality of that life. The Torah gives us access and allows us to experience the infinite depth and meaning of *chayim*: "*V'chayei olam natta besocheinu*." It is the contrast to this preciousness of life that gives mourning its bitter bite, yet makes it meaningful. The mourning, in turn, serves to emphasize and sharpen our appreciation of the joy and preciousness of life. The purpose of it all is life, both in this world and the next, not death. "*V'hivdilanu min hatoyim... V'chayei olam natta besocheinu...* And He separated us from those who stray... And implanted eternal life within us." I returned to the dance floor. ■

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The Quatromini Principle— From Mass to “Motzi”

Joey Quatromini remembers well the day the Southern Baptist Convention reaffirmed, for the 11th time, its goal to target Jews in hope they will forge a “personal relationship” with the Christian Savior.

Responding to an announcement that the group would begin shoring up its missionary activities and, in expectation of successful results, actively build churches in Jewish communities, Jewish defense groups quickly shot off press releases. On national TV, their leaders’ statements ran the gamut of emotions, from hurt to anger.

But for Joey, a recent graduate of the Catholic Queen of Peace parochial school in North Arlington, New Jersey, near New York City, the actions on the part of the Jewish groups were “bewildering”—and “not very well thought-out.”

“Missionizing to the unchurched is a fundamental of Christianity,” observes Quatromini. “And in America, there is, by most accounts, still a constitutionally protected right of ‘Freedom of Religion.’”

An opinion typical of a Catholic school graduate? Perhaps. But there is nothing typical about this 18-year-old. For one thing Quatromini is Jewish. He is also Orthodox, and proudly wore his *yarmulke* and *tzitzis* fringes to mass.

“There is but one way to truly protect a Jew from the clutches of missionaries. And that is to make sure he has a solid grounding in Judaism. With protection like that, one can take on the world,” observes Quatromini, who says he speaks from experience. “Faxes and sound bytes simply won’t cut it.”

Binyamin L. Jolkovsky is a journalist who lives in Brooklyn. His articles have appeared in *The Jewish Observer* as well as in *Yated Ne’eman*, *Christian Science Monitor*, *The Washington Times*, *The Forward* and *The Jewish Week* (NY & DC).

That product of a devout Catholic mother and an atheist Italian father, Quatromini came up in an almost purely Catholic neighborhood in suburban New Jersey. He was the pride not only of his parents, but his parish. A serious student with a high GPA, Joey was one of “only a handful” within his grade, he says, who “actually took [his] religious studies seriously.”

His classes in ritual, philosophy and Bible were “the highlight of my day,” Quatromini recalls. “While others in my class would scoff, I would probe.” For a short time, as a youngster, he even considered joining the clergy.

Quatromini’s first encounter with Jews, by his own account, “was not a very positive one.” A Jewish family had moved next door to him. But their children were immediately shunned by nearly all those their age.

“Jews are the opposite of Christians,” was how one of his friends explained his

actions. He told Joey he was only echoing his parents’ sentiments.

Then came an explosive bombshell.

Quatromini’s mother—whom he describes as “the epitome of the church-going Catholic”—whispered to him that until the age of 37, she, too, had been Jewish. She revealed that, in fact, he had an entire branch of his family tree that he was unaware of. That as a child of a born-Jewish mother, Jews actually considered him one of their own.

That day, recalls Quatromini, “was one of the most confusing in my life.” For the Catholic school student who would often debate the relevance of Catholic ritual with lesser-believing peers, “Christianity was the beginning and end of Truth—capital ‘T.’”

Quatromini responded to his quandary by choosing to evade the implications. Despite an “awakening,” he continued to believe in the supremacy of Christianity.

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Then his sister began dating an Israeli immigrant who was in the process of some soul-searching. Quatromini was ultimately invited to join a Partners in Torah program. The national venture, a project of Torah Umesorah, the New York City-based National Society of Hebrew Day Schools, offers free one-on-one tutorials in a group setting. Topics covered range from the basics of Hebrew-reading to advanced Talmud.

"Jews across North America, many of whom only recently became aware of

their Jewishness, are hungry for a no-strings-attached forum to learn more about their heritage," explains Rabbi Eli Gewirtz, national director of Partners in Torah, who is in the process of establishing similar programs in every Jewish community nationwide. "Many well-intentioned people miss the mark in trying to combat the influence of missionaries. What works for most people, as it did for Joey, is providing a chance for them to become Jewishly literate."

After taking a "long and hard look at Christianity," as viewed through the

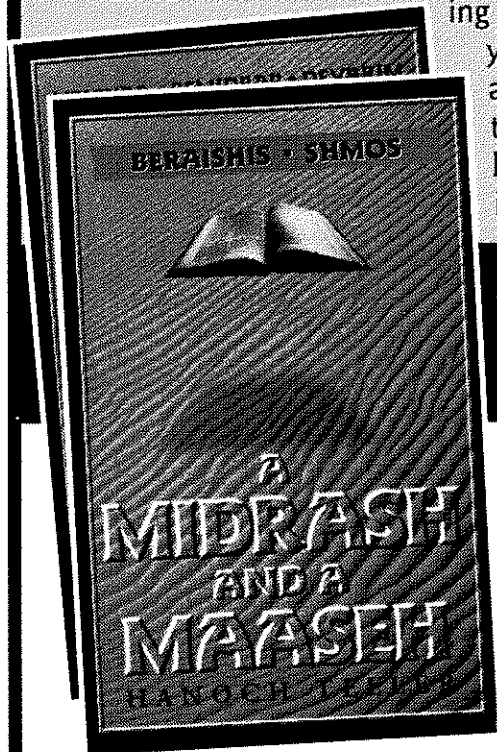
prism of Jewish thought and Scripture, Quatromini concluded that what has appeared to him as "Truth," was, in actuality, "a mixture of paganism with a sprinkling of Jewish flavor thrown in to give it historical legitimacy." He realized that "although Christians speak of their religion as 'enlightened,' it is, in every possible way, archaic."

In time, Quatromini returned to his roots, accepting upon himself an Orthodox way of life as best as he could. As a high school senior, however, he was not ready to lose his credits earned in Queen of Peace and he continued to attend the parochial high school, wearing a *yarmulke* and *tzitzis* fringes, even to mass. The service was a part of the school day requirements which he was unable to be excused from.

As to be expected, the nuns at his school were far from pleased with his

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The Jewish Observer

radical changes. And they were not shy about letting him know it.

“It’s high time for Jewry’s leaders to realize that the only way for Jews to combat missionaries, or, for that matter even intermarriage, is to make sure that rank and file have a strong grasp and love of the Torah. It is not enough to lay the responsibility of defending the Torah on others, or just the Orthodox,” asserts Quatromini.

Sounding much like the Talmud scholar he now aspires to be, Quatromini adds: “If I, who spent all my school years studying Christianity, and took my religion seriously, can embrace Judaism wholeheartedly after studying its wisdom, all the more so will Jews who already identify as Jews go to lengths to defend it. That is, if they are only given the tools.” ...*Kal ve’chomer.*

Resources now being used for “feel-good intermarriage counseling,” argues Quatromini, should instead be set aside for “preventative medicine—day school and yeshiva subsidies.”

And while much condemnation has resulted from the Southern Baptist Conference’s proclamation—including denouncements from several Christian sects—Quatromini believes the incident was not all bad.

“If anything, it has served as a wake-up call for Jewry to address issues critical to its survival. Not ecumenical dialogue, but an embracing of the precious heritage that is Judaism,” says Quatromini, who has exchanged life at Queen of Peace for a new beginning in the City of Peace.

This fall the college freshman began studying at Yeshiva Aish HaTorah in the Old City. ■



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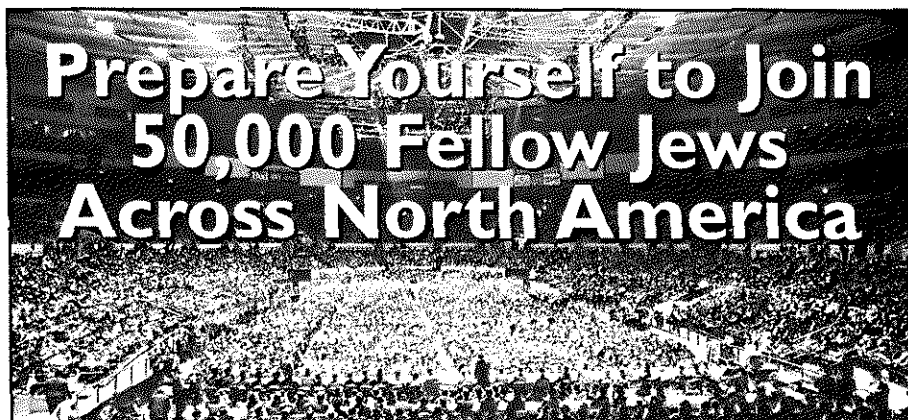
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READER'S FORUM

DEFINING THE AGENDA WITH REFORM: BEYOND THE BATTLEFIELD

To the Editor:

Levi Reisman's polemic ("We Are No Longer One," *JO* May '96) takes Reform Rabbi Simeon Maslin to task for blaming the Orthodox for the vast gulf that divides us, and rips apart Reform while he is at it. Writing such articles is very cathartic. The question is, what do they accomplish?

I will get straight to the point: Agudath Israel has won the battle against pluralism. Orthodox rabbis under 65 who will sit on Boards of Rabbis are hard to find. Our own children are not in the least impressed with these movements and they are not the slightest threat to "Torah True Judaism." This was not the case a generation ago when Rabbi Aaron Kotler dramatically changed the way Orthodoxy dealt with heterodoxy. Now, it is time to see what the reality is and reassess our approach.

Unfortunately, American Jewry is so "Americanized" that Jewish values do not come naturally. Millions of dollars

are being spent by the organized Jewish community to create programming that will give a little "Jewish Identity" to the children and to "empower" their parents to put a little Judaism into their homes. Most of this "nonjudgmental," "non-threatening," informal education seems less than effective to many committed observers, but it is all "they" are willing to do.

We know that what really works is Torah and *mitzvos*. Yet, because we have chosen to legitimize Reform and Conservative rabbis by writing polemics and treating them as ideological adversaries, we have cut ourselves off from many opportunities to influence individuals and demonstrate what Orthodoxy really is. A prominent rabbi and Rosh Yeshiva, who speaks at Agudah Conventions, publicly stated (it's on tape) that he once spoke to the Brotherhood of a Conservative synagogue about the topic of *Shabbos*. He describes how people came up to him afterwards and said, "Our rabbi never told us this. We want to join your *shul*." To which the rabbi answered, "If you are going to drive, don't come." He did not offend them, but let them know in yet another way how holy *Shabbos* is.

Another rabbi, widely admired as a great *talmid chacham*, participated in an inter-dominational symposium on "Women in the Clergy." I asked him for his rationale. He answered that it is wrong for us to concede by default every debate to those who malign our position.

He did not legitimize his opponents' credentials or point of view. He rationally explained "our" point of view to an audience that would otherwise never have heard a Torah-true perspective.

Perhaps, in 1996, we should try to find every possible way to reach Jews before they are even further away from any vestige of Jewish tradition. Can an Orthodox outreach group go into a non-orthodox synagogue building (not during services and not in the sanctuary) to teach Hebrew, to explain *mitzvos*? Is there any variation depending on who asks the question and which city we are asking about? How broad is the "issur"?

RABBI ELCHONON OBERSTEIN

Randallstown Synagogue Center, Baltimore

The Author Responds:

After reading Rabbi Oberstein's letter, I reread my original article. Did I really write a polemic which "rips the Reform apart"? More importantly, did I take Simeon Maslin to task? After all, I said he was right about a number of things. If anything, I want to reduce the shrillness and volume of the interdenominational exchanges. (By the way, with all the shrill rhetoric emanating from our less-observant brethren in the wake of the Israeli elections, I would like to find those in the Conservative and Reform camp who would like to do the same.) If I had written a generalized attack on Reform Judaism, per se, Rabbi Oberstein's argument would be valid, but my article was directed to their

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attack on Orthodoxy, on observant Jews, on us as a community. Rather than argue against Reform ideology, I tried to give our perspective on the issues that Simeon Maslin raised in his speech.

Rabbi Oberstein appears to think that the issue at hand is religious pluralism. If we have won the battle against pluralism, so he argues, we no longer need treat the Conservative and Reform as our ideological adversaries. In view of events in *Eretz Yisroel*, I must disagree. But even if we have won the battle, even if our children are not attracted by heterodox movements, that is not why I wrote what I did. Torah Judaism does not exist in a world by itself. We live alongside Jews of every ideological stripe and persuasion, and just as we view them through the lens of Torah, they view us through the lens of their own viewpoints. Thus, when they portray us from their point of view, we should be obligated to respond with a description of the same situation from our perspective.

Rabbi Oberstein asks what do articles such as mine accomplish. Another way to ask the question is, should we be writing them at all? My answer, obviously, is "yes," under certain circumstances. When we are attacked, we must respond, otherwise we are deemed to admit the validity of the attack. Furthermore, we should provide our perspective on the issues raised by the other side. Blanket condemnations of the Conservative and Reform movements accomplish nothing at all, except to belabor the obvious and achieve the cathartic effect Rabbi Oberstein alludes to. On the other hand, a reasoned response to something said about us is very much called for, and can open lines of communication by showing others how we think. To use Rabbi Oberstein's words, we should try to rationally explain "our" point of view to an audience that would otherwise never have heard it.

When Rabbi Oberstein states that "we should try to find every possible way to reach Jews before they are even further away from any vestige of Jewish tradition," I cannot agree more. I sincerely agree that we have only thirty years at

most to bring back the nonobservant. I cannot comment on the questions Rabbi Oberstein raised as to what we may and may not do; I am not a *rav* or *poseik*. However, I could caution that "outreach" can degenerate into "overreach," and we must not allow that to happen.

Several minor points. First, Rabbi Oberstein seems to think that the eleven *roshei yeshiva* issued their *psak* forbidding mixed religious groups as a defensive measure. There are a number of issues and problems the *psak* addresses and it is wrong to ascribe any one pur-

pose to it. A fuller discussion would be the subject of another article.

Secondly, the rabbi who told his Conservative audience that if they were going to drive to his *shul* on *Shabbos*, they shouldn't come, risked offending them. An alternative would be one used by an acquaintance who, in inviting non-observant guests to his son's bar mitzva, wrote on the invitation: "If you wish to come, please let us know several days in advance, so we can arrange a place for you to stay for the entire *Shabbos*."

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Rabbi Strassfeld ("Thoughts of a Wounded Child"—Oct. '96). It's a masterpiece.

I urge you to reprint the end of the article, from mid p.15—"A child from a warm..." I fear that many readers do not have the patience to read through an entire article, particularly those who need it most. The article is not only good to the last drop, but the part about expressing love is so vital. This part should stand alone to assure its being read.

YOSEF WOLK
Baltimore, MD

FURTHER COMMENT ON WOMAN'S
ROLE IN MITZVA OBSERVANCE

To the Editor:

It was with great interest that I read your recent Books in Review report on Rabbi Yisroel ben Reuven's *Male and Female He Created Them*, by Rabbi Yisroel Miller. The author questions a common but "invalid" response to the question of women's exemption from certain time-bound commandments, which has been to say that their exemption is because "in actuality women are higher spiritually than men, and are not

in need of commandments." He suggests that since none of the books proposing this idea offer a classical source for this idea, it is completely false.

I believe, however, that the source for this explanation can be found in Rabbi S.. Hirsch's commentary on *Chumash* (*Vayikra* 23). He is quoted as follows:

"... Their being freed from certain time-bound commandments can most certainly not be on account of their being in any way of lesser worthiness or importance but it seems to us to be rather much more likely that the Torah did not impose these *mitzvos* on women because it did not consider them necessary to be demanded from women. All time-bound commandments are meant, by symbolic procedures, to bring certain facts, principles, ideas and resolutions afresh to our minds from time to time to spur us on afresh and to fortify us to realize them to keep them. G-d's Torah takes it for granted that our women have greater fervor and more faithful enthusiasm for their G-d-serving calling and that this calling runs less danger in their case than in that of men from temptations which occur in the course of business and professional life. Accordingly, it does not find it necessary to give women these repeated spurring reminders to remain true to their calling, and warnings against weaknesses in their business lives. Thus, at the very origin of the Jewish People, G-d's foresight did not find it necessary to ensure their bond with Him by giving women some permanent symbol in place of *Milah* for men. So, also at the Law-giving on Sinai, G-d reckoned first of all (*Shemos* 19,3) on the faith and devotion of the women. So, also, the Jewish Nation has established the fact—and all our generations have inherited it—that in all the sins into which our nation has sunk, it has been *בשכר נשים צדקיות*, the faithfulness of our women to their convictions and sense of duty, which has preserved and nurtured the seed of revival and return."

I trust that this information will have proven to be helpful.

NAME WITHHELD BY REQUEST

The author of the above letter is principal of a girls' high school in the New York Metropolitan Area.)

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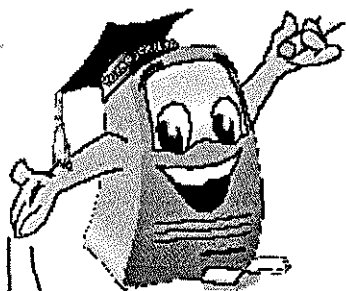
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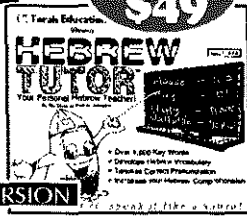


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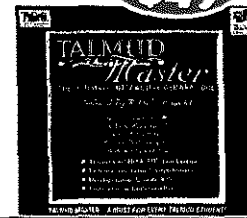


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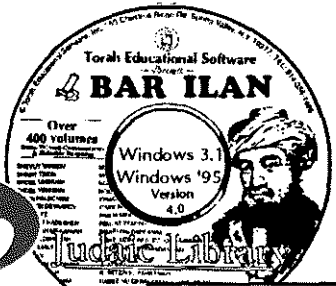
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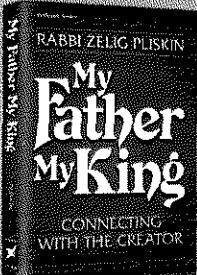
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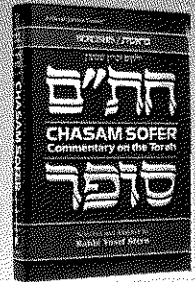
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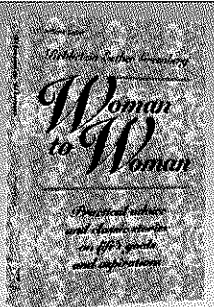


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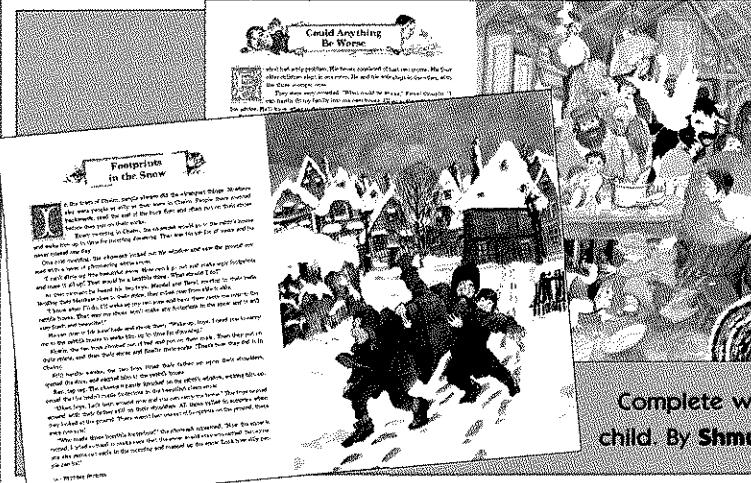
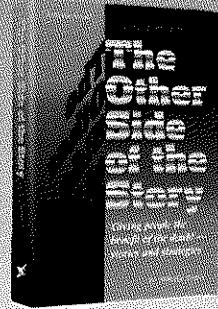
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