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MORE ON "VIOLENCE: FROM THE PERSPECTIVE OF THE ETHICS OF THE FATHERS"

TO THE EDITOR OF *TRADITION*:

In the Winter 1968 issue of *TRADITION*, Solomon Simonson discussed "Violence: From the Perspective of Ethics of the Fathers." The author acutely observes that one of the more timely and applicable of the references in *Avot* is Hillel's analysis (in II, 8) that "robbery, as a particular species of violence, is a consequence of increasing the number of one's force of men-servants." In applying this notion to the contemporary scene, Simonson explains that "Domination is the cause of violence, not simply the acquisition of wealth and resources. Complete physical domination, as witnessed in the several centuries of Negro slavery in the United States, results eventually in robbery. *Urban crime is a direct consequence of domination* (emphasis mine). A more equitable distribution of the wealth, a fairer employment policy, an open-door social practice will decrease discrimination and may also lessen domina-

tion, but the programs of black power will continue unabated until the will of the black people is no longer dominated by any segment of the population."

I applaud Simonson's understanding and wisdom. He might have reached a similar conclusion, with equal or greater ease, however, from yet another reference to violence in *Pirke Avot* in *Avot* V:8: "The sword comes into the world because of the delaying of justice and for the perversion of justice and because of them that interpret the law not in accordance with strict tradition."

Taken literally, in context, these factors may appear inapplicable to our problem inasmuch as they are quite specific and technical. "Interpreting the law not in accordance with strict tradition," for example, would seem to refer to "confusing prohibitions and permissions." The "delaying of justice" apparently refers to judges who have reached their conclusion as to what the verdict should be yet who unduly postpone pronouncing it or to a judge who "keeps putting off one day and then another the judgment of the person on trial, and instead

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turns to other cases (while) in the meantime, the person on trial is filled with suffering and worry, for he is kept waiting and he does not know whether he will be found guilty or not." The "perversion of justice," according to the commentators, refers, quite straightforwardly, to judges who condemn the innocent and acquit the guilty.

By extension, however, these factors account for much of the violence, the turmoil and unrest manifest in American life. I do not condone or approve of violence as a means of effecting change. There is, though, a distinction between violence, on the one hand, and militancy and the bringing of major pressures to bear, on the other. Institutions, it seems, are seldom solicitous or altruistic enough to effect change and reform on their own initiative. On the contrary, change generally seems to be generated as the result of a power structure yielding to pressures applied to it. Because the changes needed in America these days are radical and urgent, and because the power structure is so strongly entrenched and conservative, the pressures must be of the militant variety. Simply waiting until Election Day and voting will not suffice.

It is the failure to change especially in regard to the United States policy, that such tactics as draft resistance, tax refusal, etc., are commendable in my eyes. Moreover, in connection with violence, it is necessary to look beyond tactics. It is insufficient to simply condemn or denounce the tactics and techniques of radicals and militants. Instead, we must try to ascertain

what prompts their despair and motivates their tactics. Analogously, given the appearance of termites in a house, it is necessary not only to destroy the visible ones but, more than that, to correct the area and foundation of the house.

The analogy may be applied easily enough to American society where, I would maintain, the sword has come into the world because of the delay of justice and the perversion of justice. The sword must be broken, but so must the conditions that lead to it. Discrimination against blacks, the hunger of the poor in a land of plenty and affluence, the Vietnam War, the inequitable draft system, the perverted priority system reflected in American spending, all these come unmistakably under the heading of "The delaying of justice and the perversion of justice."

On the campus, too, the sword has come into the world because of the delay and perversion of justice. Campus unrest and demonstrations are largely a response to the unjust society that America has become.

What is the solution? Often one hears the retort, "The radicals' and militants' attacks on the political system and social order are justified, but what do they offer instead? What are the constructive elements in their attack?! What concrete changes and improvements would they make and how would they proceed?" While the details of a solution need to be worked out with much care and thought, the general outline of a solution is quite perceptible, even obvious and is implicit in the very content of this

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cogent attack.

In a passage cited by Simonson (*Avot II:8*) which relates Hillel's perception of slave-holding as a cause of robbery, Hillel also sees a cure for violence or, more correctly, a factor in bringing peace: "The more *Zedakah* the more peace." *Zedakah*, of course, means almsgiving or charity. It also means justice and righteousness, the best possible prescription for ending violence and bringing peace. In this spirit, the Hertz commentary on our passage notes that "If we take צדקה in the Biblical sense, and translate it by 'righteousness,' the saying echoes the profound declaration of the Prophet, 'The work of righteousness shall be peace; and the effect of righteousness, quietness and confidence for ever' (Isai-ah 32:17)." *Ikar Tosefot Yom Tov* similarly reflects this passage.

What, in our contemporary context, might be considered צדקה, justice and righteousness? Some elements are quite clear. Immediate and complete withdrawal from the immoral and illegal war in Vietnam would do as a starter. Of even greater importance and urgency would be the waging of a serious war against penury, hunger, and dehumanization of persecuted minorities, and making this our top national priority, over and above weapons research and production, and other military purposes. To describe as inhumane and perverted, the condition that so much poverty exists in this land of luxury and affluence and the priority of spending over 65 percent of the U.S. budget for military purposes while under 15 percent is allocated for

health, education and welfare combined, is to be unjustifiably charitable as the conscription service whereby the socially and educationally privileged avoid armed services while the others are conscripted. Considerable "reparations" from the government and from industry should stand high on the list of overdue measures of justice. Only these and other measures and priorities in this vein have the capability of forcing the sword out of our world, of promoting peace and harmony.

Avot (V:11) declares that "*Galut* comes into the world on account of idolatry, immorality, bloodshed and the neglect of the year of rest for the soil." On the level of *peshat*, exegesis, there can be no mistaking the fact that "*galut*" refers to exile, captivity, and that "שמטת הארץ," refers to the law (Lev. 25:3) which specifies that in the Sabbatical year the land is to lie fallow. Homiletic license or *derash*, however, may help us derive another more relevant meaning. *Galut* may, on this level, be taken to mean not only physical separation of people from a land; but spiritual and emotional separation too. It may refer to a state of alienation, of estrangement, of *angst*. "*Idolatry*" may include the worship of such idols as the national state as well as the worship of idols of stone, wood, gold or silver.

Of four offenses which are said to bring *Galut* into the world, the fourth stands disproportionately to the first three. One can understand why idolatry, immorality and bloodshed are grouped together. The Hertz commentary appropriately notes that "Each of these three sins

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the Jew is forbidden to commit, even if threatened with death for his refusal." One wonders, however, why the Rabbis grouped with these three the neglect of the year of rest for the soil . . . The gap is breached, at least on the level of *Galut* (i.e. Alienation) causatives, if by "שמטת הארץ", we understand, quite simply the neglect of the land — not in the Sabbatical year but rather generally. It is the neglect of critical domestic problems, of the crises and problems of our own land that has brought *galut*, alienation, into our world.

Alienation and unrest will cease when our society levies the blame for it at the proper doorstep and acts on the realization that frequently the morally culpable offense is far more grievous than the legally culpable one.

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TO THE EDITOR OF *TRADITION*:

I am not happy with the English translation [of my article, "The Spiritual and Religious Meaning of Victory and Might," Spring Issue, 1969]. There are many misunderstandings . . . some of them quite serious . . .

My phrase הקנאים היהודים שקנאו על ירושלים is rendered: "The Jewish fanatics" etc. This is more than a mistake, it is *an insult to me and the Jewish reader!* Only anti-Semitic pro-Roman historians describe the defenders of Jerusalem in the war against

the Romans as "fanatics." The meaning of the term קנאים is "Zealots," with reference to פנחס and to אליהו הנביא . . .

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TO THE EDITOR OF *TRADITION*:

As one who recently had the privilege of making Dr. Tendler's acquaintance and learning at first hand of his unique combination of Torah and scientific knowledge, I feel impelled to write in his defense against the unwarranted attack by Major A. Bloom in your last issue [Letter to the Editor, Spring 1969]. Major Bloom's letter in itself provides adequate evidence for Dr. Tendler's thesis that the ethical problems involved in organ transplants cannot be left to medical practitioners alone. In the whole of his long and detailed letter *not a single word is said about the problem of the donor.* How could Major Bloom omit reference to such an essential aspect of the problem? He talks about *Techiat Hametim* of particular individuals, but the Halakhah is very concerned with the question whether this was achieved by sacrificing other individuals.

Fortunately not all doctors think like Major Bloom. Dr. Geoffrey Spencer, in charge of Britain's largest intensive care unit at St. Thomas's hospital, London, has stated that his unit had never supplied a kidney donor ". . . simply because we have never had a situa-

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tion where we could go ahead, *carte blanche*, knowing there was no hope for the patient. We have always been trying to save them."

When Dr. Barnard performed the first heart transplant operations in the winter of 1967-68 I was living in Monsey as a member of Rabbi Tendler's community, and whilst this "miracle of modern surgery" was greeted with enthusiastic acclaim by political leaders like President Johnson and the Pope, Rabbi Tendler provided a lone dissenting voice. In the many discussions on this topic in which he participated, Rabbi Tendler focussed attention on the key question: could the operations be described as 'healing the sick' or were they an example of human experimentation; from the evidence at his disposal he was driven to take the latter interpretation. And gradually, as more detailed information became available, many non-committed laymen began to see how farsighted he had been. For after Dr. Barnard had "jumped the gun," surgical research centers all over the world suddenly felt the urge to climb on the bandwagon, and the performance of a heart transplant operation even became a status symbol. Every such operation was accompanied by press conferences, publicity, television interviews, etc., and when in the majority of cases the patient died very soon after the operation, a large variety of excuses were forthcoming. I recall one particular instance in which a child's heart was used for a transplant, and when the operation failed, the surgeon in charge

stated that the heart was too small to be able to function in the new body. Could this not have been predicted beforehand?

We then learned more about the treatment of donors — how they might be driven for a journey of perhaps a hundred miles during their last desperate struggle for life so that they could be "on the spot" for a heart transplant when they died. It is not surprising that the informed public began taking a more serious view of such operations and Rabbi Tendler now has substantial support for his view that the ethical problems arising are beyond the competence of medical practitioners alone.

Many have puzzled over the Talmudic comment at the end of *Kiddushin* "*Tov Sheberofim Le-Gehinom.*" Were not some of the greatest Jewish scholars also doctors? But the comment may well refer to doctors who because of particular skill and ability are tempted to exceed the limits of their medical charter.

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CORRECTION

Steven Shaw, the author of "The Orthodox Reaction to the Challenge of Biblical Criticism," [*TRADITION, SPRING, 1969*] was incorrectly identified as a University of Pennsylvania graduate student in Near Eastern Studies.

Mr. Shaw is presently in his final year in the Graduate Rabbinical

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School of the Jewish Theological Seminary of America and has studied at the Hebrew University in Jerusalem, Yeshivat Tomchei Timimim Lubavitch and Yeshivat Mercas Ha-Rav Kuk.