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DIVINE JUSTICE

TO THE EDITOR OF *TRADITION*:

In Rabbi Granatstein's recent article "Theodicy and Belief [*TRADITION*, Winter 1973], he suggests that Jonah's motivation in trying to escape his mission to Nineveh was that he could not accept "the unjustifiable selectivity involved in Divine "descent"; that God's desire to save Nineveh is "capricious and violates the universal justice in which Jonah believes." These are strong words which are not supported by quotations from traditional sources.

Any student of Exodus 33:13 is familiar with Moses's quest for understanding the ways of Divine Providence and is also familiar with the answer in 33:19, "And I shall be gracious to whom I shall show mercy." The selectivity of God's providence has thus been well established ever since the days of the golden calf and it would seem unlikely that God had chosen a prophet who was not perfectly aware of the difficulty of reconciling the apparent injustices involved in *tzadik vera lo, rasha ve-*

tov lo.

Why cannot Rabbi Granatstein accept the traditional explanation of Jonah's conduct namely: Jonah knew that Nineveh was likely to repent in contrast with the conduct of Israel who had had ample warnings of doom without responding to them. The fate of Israel would be negatively affected by an action of Jonah. Rather than become the willing instrument of his own people's destruction, Jonah preferred self-destruction to destruction of his people. In a conflict between loyalty to his people and loyalty to God Jonah chose the former — to his discredit, of course. In this vein, Jonah's actions are explained by Redak, Malbin, Abarbanel based on *Mekhilta* in *Parshat Bo*. Why must we depart from this interpretation?

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RABBI GRANATSTEIN REPLIES:

I cannot agree with Mr. Munk that the selectivity of Divine Providence is a simple matter established by appeal to a verse in Exo-

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dus. Jewish tradition has, after all, been perpetually concerned with the interplay of the attribute of justice on the one hand with its universal objectivity and the attribute of compassion on the other. While Exodus 33:19 expresses the selectivity of God's compassion it must be contrasted with, for example, Deuteronomy 32:4 with its emphasis on God's inexorable and absolute justice. Religio-moral problems tend to arise when we must confront the polar tension of the demands of justice over against the appeal to compassion. To my thinking the religious person must respond responsibly to the concrete situations in which this tension presents itself and this is where the greatest uncertainty is likely to be found. By all interpretations including the one presented so articulately by Mr. Munk, this is the central problem for the prophet Jonah.

I have indeed departed from the classical commentators cited by Mr. Munk and have followed instead a direction on interpretation cited in the Yalkut Shimoni Jonah 4. The Yalkut begins by asserting that God arose from the throne of justice and sat upon the throne of mercy in dealing with Nineveh. There then continues a recounting of the substance of the last dialogue of God and Jonah finally acclaims the wisdom of God in judging the world through mercy.

The *midrashim* followed by the classical commentators introduce elements that are not present in the text, e.g., concern for the welfare and honor of Israel over against the honor of God and the conse-

quences to Israel should idolators, especially those of hated Assyria repent. The commentators mentioned by Mr. Munk have relied on the external evidence of the conflict between Israel and Assyria to gauge the probable motivations of Jonah and have found certain *midrashim* helpful in this respect. I have adopted the pattern suggested in the latter part of the Yalkut out of a desire to avoid any change of reading external material into the text. This interpretation has that merit.

Whether the method I have adopted is legitimate or not depends on whether the members of the Great Assembly intended the book to be read in the context of the particular historical events in which Jonah's mission occurred or whether they sought to lift the account out of its historical context in order to express the profound and historically unconditioned truth of the power of repentance and the compassion of God. I believe the latter is the case and this is supported by the almost mysterious lack of reference to the conflict of Assyria and Israel in the book.

Let me correct a misinterpretation of the point made in my essay regarding Jonah. I do not assert that God's desire to save Nineveh is capricious. That would have the effect of asserting that God is capricious and this would be incompatible with Jewish belief. It is rather that Divine intervention (and indeed the absence of it) can and often does appear capricious to the human mind and that we have no way of escaping from the very practical view open to us. It is in

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no sense unlikely to my thinking that a person entertaining such a despairing viewpoint in a given situation should be selected for a prophetic mission. Metaphysical rebellion is not always a sign of an inferior religious and moral development. It may be the mark of a powerful religious sensitivity that is forced, perhaps against its will, to rebel and attempt to escape from a Divine mission.

For the Rabbis in *Sanhedrin* 89, Jonah is the arch-type of the prophet who sins by suppressing his prophecy the punishment for which is "death at the hands of heaven." Let us redirect Mr. Munk's question and ask how God could choose a prophet who would violate a clear mortal prohibition. Ibn Ezra, in raising this question, is quick to point out that even Moses sought to evade the prophetic mission entrusted to him and that the prophetic calling assumes some decision making capacity on the part of the prophet; namely, do and obey or rebel. That by halakhic obligation a prophet must obey his calling no matter how paradoxical or morally troubling, in no way obviates the discomfort and mental anguish he will experience. There is plenty of evidence of this in the Bible. Jonah initially sins, but his sin is paradoxically a sign of his great moral integrity. A prophet is not a religious robot. He does not practice what S. R. Hirsch called "magical mechanism." He responds to the Divine voice out of the depth of his own moral and religious sensitivities. Ultimately, Jonah cannot escape his mission but he is nonetheless sickened almost

to death by it. By the evidence of the text God asks rhetorically if He should not be compassionate toward his creatures. Apparently that to Jonah was an inexplicable descent in the service of compassion by God troubled him. Therefore I have been led to the interpretation outlined in my essay.

MICROPHONES

TO THE EDITOR OF *TRADITION*:

In the light of Rabbi Bleich's discussion of the microphone controversy (*TRADITION*, Summer 1971), I find myself again forced to defend the decision rendered by the Halakhah Commission of the Rabbinical Council under the chairmanship of my very good friend, the late Rabbi Simcha Levy Z"L. permitting the use of a microphone on *Shabbat* and *Yom Tov*.

For the record I want to establish the chronological sequence of this matter, that has become a "cause celebre."

Rabbi Levy and his Halakhah Commission published its decision permitting the use of a microphone on *Shabbat* and *Yom Tov* before any other group took a stand.

Much later the Agudas Horabonim, for reasons best known to themselves, suddenly published an "issur" on the use of a microphone in the *Morning Journal*. One could have expected a respectable rabbinic organization prepared to take a public stand against

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a decision rendered by another rabbinic organization to show them the courtesy of prior consultation before making public statements. And secondly, one would expect such a decision to be published in a Torah publication before going to the newspapers. The Agudas Horabonim, however, did neither.

Now again, one of the greatest *poskim* of our day, Rabbi Moshe Feinstein Shlita has published a volume where he deals with the matter.

It is precisely for this reason that I am undertaking the monumental task of challenging one of the greatest scholars of our present day both as to the manner handled as well as to the substance. I do not undertake this lightly. On the contrary it is with great trepidation that I take up my pen, but strengthened with the Biblical injunction "*Velo saguru mipnei ish*" I proceed.

On page 364 responsa 55 Orach Chaim Rabbi Feinstein, Shlita, lists four reasons for prohibiting the use of a microphone on *Shabbat* and *Yom Tov*. He further states that three of these apply to a transistor microphone and therefore regardless of the type, all microphones are prohibited.

His first and apparently major objection (because he elaborates on it more than any other) is based upon his interpretation of a Talmudic passage (Tractate *Shabbat* 18a) and the subsequent Halakhah flowing from it.

With all due reference to this great scholar, I must say that his interpretation of the whole matter is difficult to comprehend.

The Talmud cites a Tosefta

which states among other things, that it is prohibited to load a water-mill with wheat *erev shabbat* unless one is certain that it will all be ground before *shabbat*. If, however, there is not sufficient time to grind the whole load before *Shabbat*, then it is forbidden to load the mill *before Shabbat*. The question is — why?

The Talmud cites two reasons: One by Rabbah who says, "because it gives forth a sound", and the other by Rav Yosef who says, "that the rest law of *Shabbat* applies even to the personal property."

Subsequently the Talmud cites the opinion of Rabbi Oshaya who maintains that the law cited by Rav Yosef is the opinion of the School of Shamai and therefore not in accord with the Halakhah, because we follow the School of Hillel. Consequently, the Tosefta is not in accord with the Halakhah.

Most of the Rishonim, hold this view including the Mechaber who in *Shulchan Aruch Orach Chaim* article 252 (5) says "it is permissible to load a mill with wheat on the eve of the *Shabbat* even though it will continue to grind during *Shabbat*." According to this opinion the view of Rabbah is totally discounted.

However, there are opinions that we accept the explanation of Rabbah. Accordingly, the Tosefta represents the view of the School of Hillel and it is prohibited to load a wind-mill with wheat before *Shabbat*. This view is cited by the Rama a.l. as an addendum to the opinion of the Mechaber. He says: "However there are those who

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prohibit the case of the mill and every instance where there is reason to suspect the production of sound. Normally we should conduct ourselves in accordance with this opinion. However, in the case where one may suffer a loss we may follow the more lenient opinion." This means that basically the law is in accordance with the lenient opinion, but in the absence of a compelling situation deference should be paid to the stricter opinion. This is completely contrary to the flat statement of Rabbi Feinstein that the strict opinion is accepted as basic Halakhah.

This brings us to an examination of the explanation presented by Rabbah. How has he resolved the basic difficulty posed by the Tosefta of prohibiting an action *before Shabbat* simply because it will *automatically* continue into the *Shabbat*? If that is true then we should be prohibited from lighting a candle *before Shabbat* because it will continue to burn into the *Shabbat*. And if Rabbah is of the opinion that this too is prohibited, then why does he offer the "production of sound" as a reason for prohibiting the automatic operation of a wind-mill on *Shabbat*? After all, the "production of sound" is only a violation of a Rabbinic law, whereas "grinding" is a violation of a Biblical law.

Another difficulty is an apparent contradiction in the views of Rabbah. Here in Tractate *Shabbat*, he presents the view that it is forbidden to perform an act even *before Shabbat* that will produce a sound on *Shabbat*, while in

Eruvin 104a, Rabbah takes issue with Ula who prohibits the production of sound on *Shabbat* proper and maintains that the production of musical sounds only are prohibited on *Shabbat* proper.

Rashi, therefore, interprets the explanation of Rabbah's words "because it makes a noise" to mean that the *loud noise* of a grinding wind-mill cheapens the *Shabbat*. In other words it is a rupture of the *Shabbat* mood and atmosphere to have a wind-mill operating during the rest period. Consequently it is not a violation in the sense of committing a sinful act *per se* but setting in train a series of events that will profane the *Shabbat*. With this type of a violation it makes no difference when he commits the act because it is not the *act* that is prohibited but the *result* of the act — any act that will *result* in the disturbance of the *Shabbat* rest is prohibited even if the act is performed *before Shabbat*. And, consequently, this has nothing to do with the controversy between Ula and Rabbah in Tractate *Eruvin* because here it is a matter of noise — not simply sound.

This explanation enables us to understand the words of the Rosh when he says that Rav Yosef totally rejects the view of Rabbah because it is a novel unparalleled concept, and that, therefore, Rav Yosef prefers to attribute the Tosefta to the School of Shamai and not in accord with the Halakhah rather than attribute it to the School of Hillel using Rabbah's rationale.

The Or Zarua in his laws of

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Erev Shabbat adds another explanation to that of Rashi's in expounding this view. He says that since it makes a loud noise people might suspect that the owner of the mill is loading the wheat on *Shabbat*, which if he did would constitute a Biblical violation of the *Shabbat*, i.e., grinding. The Talmudic words lend themselves to this explanation of the words of Rabbah in the sense that since the loud noise is an irritant people will, in their frustration, suspect him of violating *Shabbat*. But a careful reading of the Or Zarua indicates that he is adding something of his own that is not implied in the text of the Talmud. Be that as it may, since he mentioned it others followed his lead. But the Mechaber does not happen to be one of these followers, because he does not even mention the view of Rabbah in 252 (5) as I have already indicated.

The Mechaber in the Bait Yosef cites the opinion of the Agur towards the end of article 338 in *Orach Chaim* which states that even those who prohibit loading a wind-mill before *Shabbat* that will continue to grind during *Shabbat* do not prohibit setting a chiming pendulum clock before *Shabbat* that will boom forth its chimes on *Shabbat*. The reason: It is common knowledge that the clock is set before and, therefore, no one will suspect him of having set the clock on *Shabbat*. However, in the *Shulchan Aruch* 338 (3) the Mechaber merely states the law that it is permissible to set a chiming clock before *Shabbat* that will boom forth the chimes on *Shab-*

bat without offering the rationale of the Agur. This is in keeping with his view in 252 (5) that the wind-mill is also permissible.

The Ramah, however, in keeping with his view that in the absence of a compelling situation deference should be paid to the stricter view, which holds that we follow the opinion of Rabbah, including the view of the Or Zarua, as we have set forth, cites both the decision and the rationale of the Agur.

By this time you may be asking, and rightly so, "What does this have to do with the use of the microphone on *Shabbat* and *Yom Tov*?" I ask the same question.

The attempt by the eminent Rabbi Feinstein to link the use of a microphone to the law of Rabbah, and even with the supplemental consideration offered by the Or Zarua, is incomprehensible for the following reasons:

1. The law of Rabbah has reference to the performance of an act *before Shabbat* that will affect the *Shabbat* mood later on the *Shabbat* day, or, according to the Or Zarua, the irritating noise on the *Shabbat* day will prompt people to suspect that he is doing something illegal on *Shabbat*. In short, it is not the act but the effect of an act performed before *Shabbat* will have on the *Shabbat* day that is prohibited. In the case of the microphone we are talking about performing an act on *Shabbat itself*. The question is

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simply is this act permissible or not?

To contend that the use of the microphone will prompt the congregation to suspect that it was turned on by a Jew on the *Shabbat* would necessitate the prohibition of the use of electric lights in the *Shul* for the same reason. It is quite obvious that in a *Shul* everybody knows that all electric lights and/or appliances are set either

- a. Before *Shabbat*.
 - b. Regulated by an electric clock, or
 - c. Turned on by a non-Jew.
2. The belabored efforts to associate Rav Yosef with the statement of Rabbah is simply not true. Tosaphot a.l. states flatly that Rav Yosef accords no validity whatsoever to Rabbah's law; and the Rosh, as previously mentioned, holds the same view.
3. In general, we cannot equate the microphone with noise that ruptures the atmosphere of *Shabbat* rest.

II.

[In reply to] the second objection: "Speaking into the microphone causes more electricity to be consumed and it is possible that this involves *Melacha* since the nature of electricity has not yet been clarified. [I cite the following]:

1. All electrical engineering firms including the Applied Physics Laboratory of the

Johns Hopkins University flatly deny that speaking into the microphone will cause the amplification system to draw more current from the electrical source into which it is plugged.

2. The highly esteemed sage and scholar J. E. Henkin Z"l writes in his *Eduth Layisroel* that the drawing of electric current on *Shabbat* involves no violation of *Shabbat*, but whatever is accomplished with it is considered as though it were done directly by hand. If this were sufficiently clear to Rabbi Henkin it is certainly clear that the nature of electricity has been clarified.

III

The third objection: The use of the microphone should be prohibited for the same reason that playing musical instruments are prohibited, namely: it will go bad during usage and be repaired on the *Shabbat*. And, he adds, microphones are even worse than musical instruments because they usually go bad and anyone can fix them.

Aside from the consideration that it is questionable whether we have the power today to prohibit something on the grounds of "*gezairah*" the eminent Rabbi's facts are not correct. While it is true that early amplification systems were difficult to set and regulate, it is not true with modern systems as we know from personal experience.

Secondly, when a system does

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go bad nobody except a trained technician can fix it.

Thirdly, what the Rabbi has in mind is probably the regulation of the sound — which is what used to go wrong and at unusual times go wrong even today. However, the regulation of the sound does not involve a *melacha*. It is merely a matter of moving the plates in the system closer or further apart, but does not affect the electrical current, the light in the tubes, (if it has tubes) or any other matter involving a “*melacha*.”

Fourth, if something should, at unusual times, go wrong the members of the congregation are forbidden to touch it, just as they are forbidden to touch the electric lights if something should happen to them.

IV

The fourth objection: Since the sounds that come out of the loud-speaker and the sounds that are put into the microphone are not identical therefore the speaker is creating another sound and this presumably involves a “*melacha*.” But I do not now have time to elaborate. Three of these four reasons apply to a transistor, therefore, even though the third does not apply, it is prohibited and one cannot be lenient. The above is a liberal translation of the Rabbi's words.

I don't want to appear disrespectful, but I cannot refrain from criticizing these words severely. What do the words “presumably a *melacha*, mean?” Either it is or

it is not. And if it is, what is it?
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CONVERSIONS

TO THE EDITOR OF *TRADITION*:

In your Fall 1972 issue, you were gracious enough to print my response evoked by Rabbi Shubert Spero's article in the Winter-Spring issue of *TRADITION*.

I wholeheartedly agreed with Rabbi Spero's assertion that common and agreed halakhic norms in matters of *gerushin*, *kiddushin* and *geruth* were not too high a price to pay for the sake of *achduth Yisrael*. At the same time, I called attention to a number of instances where non-Orthodox rabbis had indeed complied with halakhic requirements in these matters, and where the validity of the acts was nevertheless not “recognized” by their Orthodox colleagues. I also pointed out that there were cases on record where local Orthodox authorities prevented the use of the *mikvah* in cases of *giyyur* presided over by liberal rabbis. Finally, I called upon the readers of *TRADITION* not to be *dochim bishtey hayadayim*, and to spell out what Rabbi Spero and his colleagues have in mind when they call on liberal rabbis to revert to common and agreed halakhic norms in matters of *gerushin*, *kiddushin* and *geruth*.

It is a sad commentary on modern Jewish life that, to date, no re-

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sponse has reached me — either in the pages of *TRADITION* or in the form of private communications. How is one to interpret this silence? Are the readers of *TRADITION* aware of what this silence does to the cause of those in the liberal rabbinate who are striving for halakhic norms in *hilkoth ishuth*? Or have they already given up completely on the non-Orthodox segments of modern Jewry, adopting instead a *she-erith hapeletah* philosophy which would consign the majority of American and Israeli Jews to ultimate oblivion? If so, they had better think again, unless they are satisfied to think of themselves as the *Natoré Kartha* of world Jewry.

After all, “common and agreed halakhic norms” imply the cooperation of both sides. An uncooperative Orthodoxy can only strengthen the hands of those who are ready to dispense with halakhic norms altogether, and who do not regard *hilkhoth ishuth* as an essential ingredient in maintaining the unity of the Jewish people. Their numbers are growing daily. The responsibility for their sins is shared by every Orthodox rabbi who refuses to “recognize” the validity of a halakhic act when performed by a non-Orthodox colleague. May I, therefore, repeat my original appeal?

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