

Communications

LOOKING IN THE MIRROR

TO THE EDITOR:

In his reflections on the Rabin assassination (“The Editor’s Notebook,” *Tradition*, 30:2, Winter 1996), Rabbi Emanuel Feldman suggests that our openness to the secular society around us has enabled both “little profanations” (like “popular Jewish music with primitive jungle beats”) as well as the “ultimate profanation—murder” to “insinuate itself into our existence.” It is undeniable that the form of our entertainments is shaped by secular society (although I am not convinced that it is as pernicious as Feldman believes). It is both wrong and dangerous to suggest that our openness to secular society is the cause of the terrible murders committed by our fellow Orthodox Jews.

I am a member of a modern Orthodox synagogue. Several of our congregants were classmates of Baruch Goldstein. Others attended Yeshivat Kerem B’Yavneh and Bar Ilan University, schools attended by Yigal Amir. Nearly every member of the synagogue can say that they know someone who knew Baruch Goldstein or Yigal Amir or both.

Most of these same congregants, in the course of their education and careers, have come to know many non-Jewish members of the surrounding “secular society.” How many of their non-Jewish colleagues also know, or know someone who knows, a non-Jewish mass-murderer or assassin? I believe the answer is none. Murder is not a part of their world. It is a part of ours.

Besides being mistaken, blaming the *goyim* for our sins will prevent us from taking the unflinching look in the mirror (to use Feldman’s phrase) that most of us agree must be taken. Instead of searching for outside influences, we must look within, in the true spirit of *heshbon ha-nefesh*, and confront the arrogance, intolerance and primitive theology that is being communicated to our students in our *batei medresh* and schools.

DAVID J. LANDES
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EMANUEL FELDMAN RESPONDS:

Surely Mr. Landes does not mean to imply that murder is an integral part of the environment of his modern Orthodox community. Some of

my best friends live in Teaneck, and they seem quite benign.

His hyperbole is apparently the result of his struggle with what he sees as a terrible contradiction; that former yeshiva students like Goldstein and Amir can become murderers. Therefore, concludes Landes, there must be something wrong with what they have been taught in the *beit midrash*.

But there is no contradiction. Anyone who emerges from a *beit midrash* where he thinks he has learned "arrogance, intolerance and a primitive theology" has distorted what he has been taught. One can extrapolate all kinds of perversions from the Torah. A non-Orthodox rabbi in California, for example, recently discovered that homosexuality is permissible according to Torah law.

When an individual does not subordinate himself to a *gadol* in Torah learning, if he has no *rebbe* whose guidance he follows but instead interprets Torah on his own, the results are inevitable: the half-baked caricatures of Torah which can justify anything, even murder.

The fact is that neither Goldstein nor Amir ever asked Torah authorities if their contemplated actions were halakhically permitted. Had they asked, they would have been told to cease and desist forthwith. It is well known, for example, that the Kach movement, patriotic though they are, never had the approval of any *posek*.

An observant Jew who engages in murder is not a living indictment of the *beit midrash*. Rather, he is a living embodiment of my thesis that "the profane elements of the surrounding culture penetrate even the camps of the Orthodox." These murders provide clear evidence of the insinuation of profane, secular elements into Orthodox Jewish life. These profane elements are not only the physical vulgarities that we welcome into our homes, but the more subtle philosophical vulgarities that penetrate our hearts—such as *kohi ve-otsem yadi*, the reliance on one's might and power, the inability to subordinate oneself to higher authorities, and the concomitant falsehood that we alone are the sole masters of the Torah tradition. This is a grotesque fulfillment of *Yoma* 72b: "... if a person is not worthy, the Torah becomes for him a potion of death (*sam mavet*)."

Incidentally, it is puzzling how an essay which explicitly states that "this is not to suggest that . . . involvement in the affairs of society inevitably leads to the willingness to murder" can be faulted for "suggesting that openness to secular society is the cause of the terrible murders. . . ."

Nor does my essay "blame the *goyim* for our sins"; instead, it is a call to all strands within Orthodoxy, from the most "modern" to the

most *haredi*, to engage in serious introspection. The essay suggests that this introspection should focus on the pernicious influence of the un-sacred on our religious lives. It is this, rather than a careless indictment of the influence of the *beit midrash*, which will help us address the great spiritual problem of contemporary Jewish life: how to live sacred Jewish lives in today's very un-sacred global village.

TREATMENT OF THE TERMINALLY ILL

TO THE EDITOR:

The quotation from Arthur Hugh Clough's "The Latest Decalogue" with which Rabbi J. David Bleich began his discussion ("Treatment of Terminally Ill," *Tradition*, 30:3, Spring 1996) should have read:

Thou shalt not kill; but needs't not strive
Officiously to keep alive.

ELIEZER FINKELMAN
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DIVINE OMNISCIENCE AND FREE WILL

TO THE EDITOR:

I am certainly not competent to judge Rabbi Bleich's novel use of the paradox of Divine omniscience and free will as a halakhic argument allowing the destruction of a selected number of viable fetuses in order to enable the remainder to survive (*Tradition*, 29:3, Spring 1995). But I should like to make a few general comments on his article and the subsequent correspondence between Rabbi Bleich and Rabbi Grossman (*Tradition*, 30:2 Winter 1996, pp. 99-101), which I hope your readers will find relevant. (I am grateful to my son-in-law Rabbi Menachem Goldberger for helpful discussion.)

1. The paradox is intimately related to the Talmudic statement (*Berakhot* 33b) "*Ha-kol bi-ydei shamayim huts mi-yirat shamayim*," All issues are decided on High except those involving the fear of Heaven, *i.e.*, morality. Human beings are thus given freedom to make moral decisions for themselves, and this seems to clash with Divine omniscience. However, in relation to decisions with no moral basis, there will surely be general agreement that *Ha-kol bi-ydei shamayim*, *i.e.*, Divine omniscience, always applies. I cannot think of any moral considerations which enter into the discrimination between one fetus and another, and therefore the reference to the paradox seems irrelevant.

2. The view that God does not have foreknowledge of moral decisions which was advanced by Ibn Daud and Gersonides, is not quite as isolated as Rabbi Bleich indicates, and it enjoys the support of two highly respected *Abranim*, Rabbi Yeshayahu Horowitz (Shelah haKadosh) and Rabbi Haim ibn Atar (Or haHayim haKadosh). The former takes the views that God cannot know which moral choices people will make, but this does not impair His perfection. The latter considers that God could know the future if He wished, but deliberately refrains from using this ability in order to avoid the conflict with free will. Details with appropriate source quotations can be found in a recent article by Shmuel Ingvar (*BeKhol Derakhekha Da'ehu*, vol. 2 Winter 5756, pp 41-7). It is worth noting that Shelah adduced support for his ideas from Ramban's Torah Commentary, and Or haHayim identifies his exposition with the view of Ramban.

3. Rabbi Bleich dismisses the above view as a minority opinion. Some of your readers might conclude from this that minority opinions do not have any significance in the halakhic process. It is therefore worth quoting from the letters of Hazon Ish (at the beginning of the commentary on *Kelayim*) on this topic to the contrary:

It is well known that the requirement to follow a majority applies only to a *Bet Din* which is in session, but regarding scholars holding different views who lived at different times or in different places, the question of majority or minority is not relevant. In a particular area where most of the Torah derives from a particular rabbi and his disciples, and the disciples' disciples, it is correct to follow their rabbi even in a matter in which the majority (of authorities) hold a different opinion.

In recent generations most of our Torah has come to us through the specific *sefarim* of our own teachers like Rif, Rosh, Rambam, Ramban, Rashba, Ritva, Ran, Maggid Mishne, Mordekhai and the commentaries of *Rashi* and *Tosefot*, and whenever there is a difference of opinion (and as mentioned above, majority ruling does not enter) it is in the hands of every individual Torah scholar to decide whether to take a strict view or to select particular authorities to follow; likewise, in the case where no decision has been taken and the question is still open (*safeik*).

In addition to the fact that majority rule does not apply in the above situations, we do not even know what the majority view is, since many scholars did not put their views in writing, and many written views did not reach us. (Therefore Jewish law does not change when

new manuscripts are printed which convert a minority into a majority. Despite this, the courage and insight needed to decide on a logical basis are sometimes lacking, and decisions are taken on the basis of numerical majority; but it would be better to rely on those authorities whose views have reached us in all branches of Torah.

Even though we do not presume to decide between different *Rishonim* by conclusive logical arguments, nevertheless, the study of their arguments is a major factor in reaching a decision, and many times our master *z"l* (Rabbi Yosef Karo) decides in favor of one authority because his argument is convincing and removes difficulties.

Our Rabbis have taught us to abandon the use of our own intellect, and we must place great weight on intellectual comparison which is the connecting link between Creator and created.

Hazon Ish may well have had his own situation at the back of his mind; in many of his halakhic decisions he represented a minority opinion.

(PROF.) CYRIL DOMB
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J. DAVID BLEICH REPLIES:

Professor Domb expresses the hope that the readers of *Tradition* will find his comments relevant. The reader is certain to find them either interesting or curious, but I must confess that their relevance to the points in my discussion eludes me.

1. It follows from Professor Domb's comments that the dictum "*Ha-kol bi-ydei shamayim huts mi-yirat shamayim*" (*Berakhot* 33b) informs us that, since a decision to order chocolate ice cream rather than vanilla ice cream involves no moral consideration, that choice is ordained by the Deity and is beyond the pale of freedom of choice.

There is no need to burden the reader with citation of philosophical writings showing that that is not the case since it is clearly contradicted by no less a halakhic authority than *Tosafot*, *Ketubot* 30a. *Tosafot* posit a contradiction between that statement and another dictum affirming free choice and declare that the statement recorded in *Berakhot* is limited to a description of "the fetus in the mother's womb [with regard to whom] it is ordained whether he will be poor or rich, strong or weak, or wise, but not whether he will be a righteous or evil [person]" and assuredly not how he will exercise volitional choice in choos-

ing one flavor of ice cream over another or in choosing to eliminate one fetus rather than another.

More confusing and contributing to the fundamental irrelevance of Professor Domb's point is that choice of one flavor of ice cream over another occurs only as a concomitant of another decision, *viz.*, the decision to eat ice cream rather than to forego dessert. The choice of which fetus to eliminate can occur only in the context of a choice to eliminate a fetus and is inseparable from that choice. Surely the decision to engage in pregnancy reduction rather than to refrain from intervention involves a moral consideration.

2. Citation of latter-day exegetical and moralistic works, no matter how respected the authors, adds little if anything to determination of a weighty issue analyzed and discussed in great detail by the most authoritative *rishonim*. Indeed, I regard the citations as irrelevant to halakhic adjudication.

3. Professor Domb's final point leaves me totally confused. It is quite true that minority opinions do have significance in the halakhic process. But that is not what Hazon Ish writes in the citation quoted. Hazon Ish gives one instance in which the majority rule is totally irrelevant, *i.e.*, the firmly established principle that the ruling of the *Bet Din* of a given locale is binding in that jurisdiction. That is the undisputed principle of *shofetim ve-shoterim titen lekha be-khol she'arekha*. Hazon Ish then proceeds to make several incisive comments with regard to how and when the existence of a majority is determined.

The significance of a minority view is outside the purview of Hazon Ish's comments and certainly beyond the ambit of this discussion. Suffice it to say that, on occasion, Hazon Ish himself was known to rule in accordance with the majority for the sole and sufficient reason that the ruling represented a majority view. Indeed, the statement that "in many of his halakhic decisions he represented a minority opinion" is inaccurate because it is confusing. It was not the wont of Hazon Ish to rule contra a recognized majority of *rishonim*. I suspect that the instances to which Professor Domb refers are cases in which Hazon Ish advanced firmly held views on matters not explicitly addressed by early authorities. If a majority of his contemporaries disagreed, it was more likely than not in reaction to the announced view of Hazon Ish. The dicta of Hazon Ish quoted by Professor Domb support the thesis that when the inclination of the intellect and the determination of the majority coincide no further justification need be advanced. *Quod erat demonstrandum*.

4. Finally, I find the position that “God could know the future if He wished, but deliberately refrains from using this ability” to be theologically untenable. God is the *me-huyav ha-metsi’ut*; He cannot curtail His own existence. Since He is unity *par excellence*, His knowledge is inseparable from His essence. Hence it makes no sense to speak of God curtailing His knowledge in a manner that renders it non-existent.

Professor Domb ascribes this position to Or haHayyim on the basis of a secondary source. Or haHayyim’s comments are presented in his commentary on *Genesis* 6:5. The reader will discover that Or haHayyim not only accepts Rambam’s position but severely censures Rabad for his disparaging critique of Rambam’s resolution of the problem and couples his own criticism of Rabad with the prayerful comment: “May God forgive him [Rabad].” Throughout those comments Or haHayyim reiterates that God’s knowledge is inseparable from His essence. Or haHayyim then adds that, unlike man, who cannot both know and not know at the same time, God may know but “when He wishes He can negate the knowledge apprehended by His knowledge so that He does not know it.” It is not the case that God *could* know the future if he wished; He *does* know the future even when he chooses not to know it. And therein, according to Or haHayyim, lies the mystery of Divine Knowledge as posited by Rambam. Thus, Or haHayyim is squarely within the Maimonidean camp. Whether or not his comments are helpful in understanding Rambam’s view is an entirely different matter.

CORRECTION

The translation of Don Isaac Abarbanel’s comment on 1 Samuel 27:6 (Eric Lawee, “Who wrote the Books of the Bible,” *Tradition*, 30:2, Winter 1996, p.69) should have read “And in Samuel’s day, there were not kings only over Judah.”