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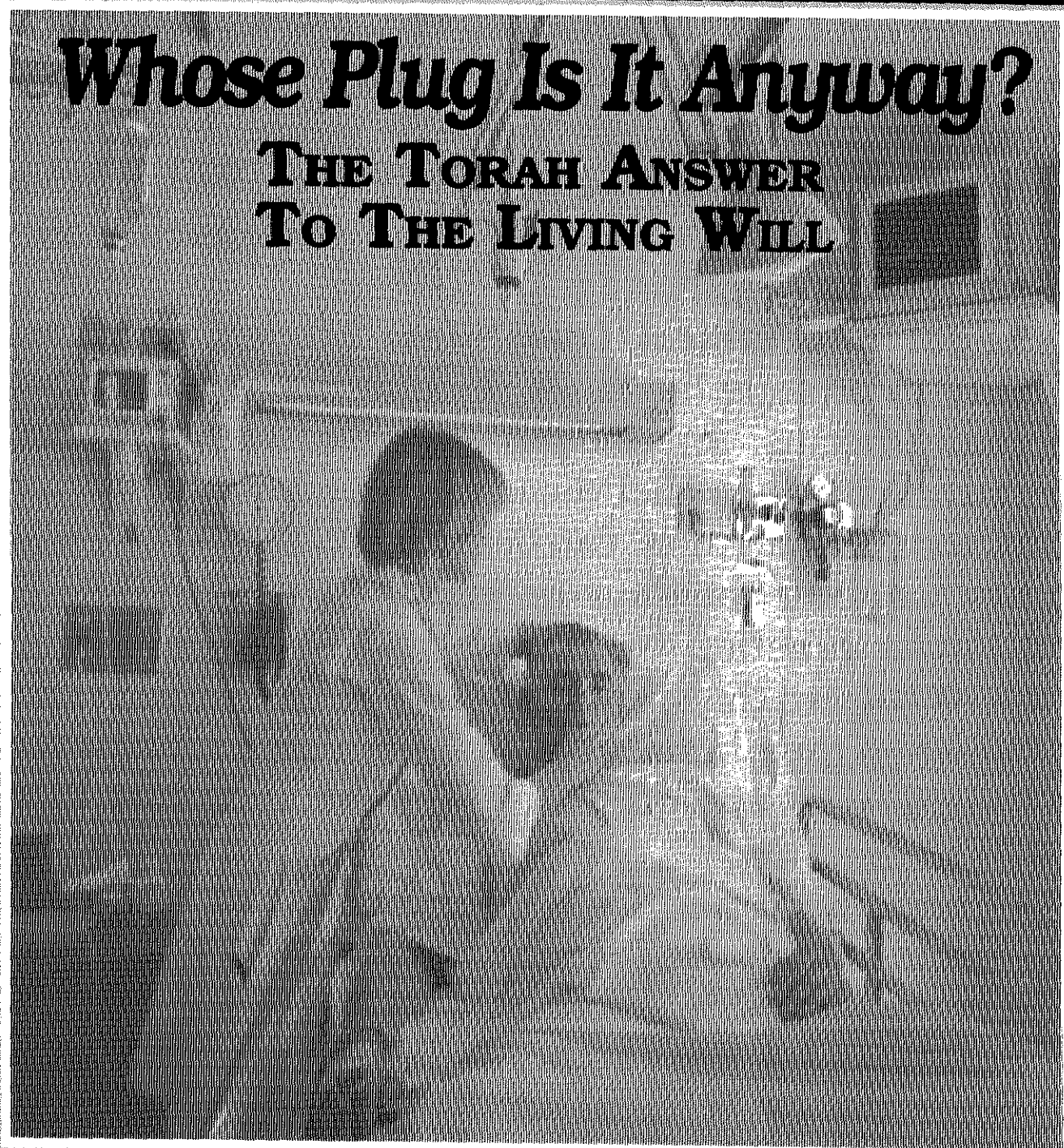
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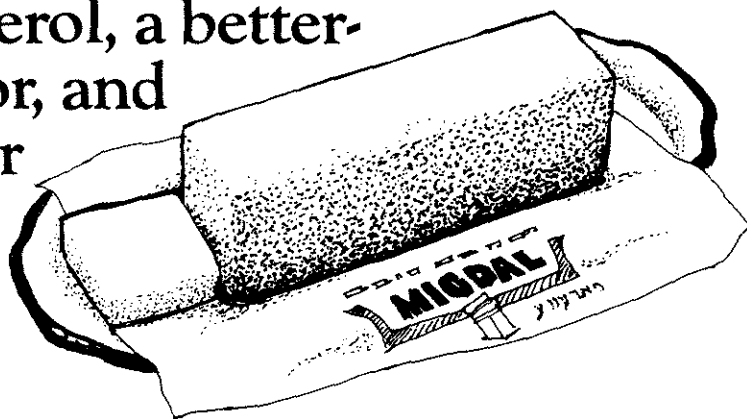
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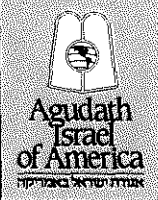
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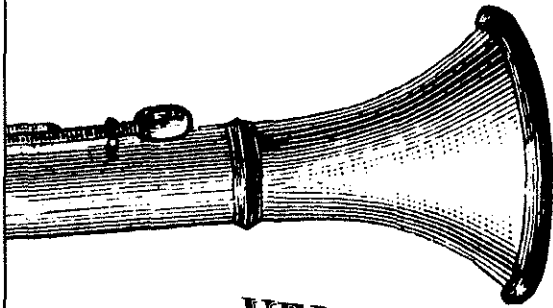
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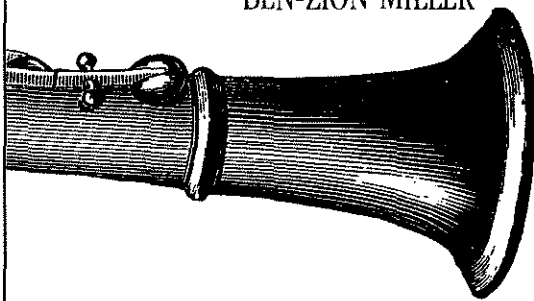
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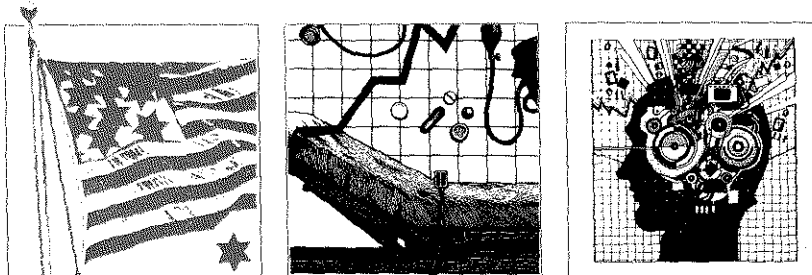
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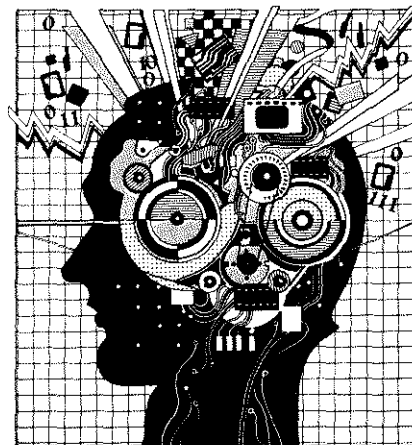
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MORE ON THE TUITION CRISIS IN YESHIVOS • AVI MOSES RESPONDS

THE MUSSAR IMPERATIVE

Meeting the Moral Challenge of Contemporary Life



It is a well-chronicled story that until the Second World War, *Mussar* was the life-force of the great European *yeshivos*. *Mussar* provided the turn-of-the-century Torah world with the spiritual fortitude to overcome *Haskalah* (the 19th century movement toward a secular-based "enlightenment").

Today, *Haskalah* is no longer a threat. The *yeshivos* have been successfully transplanted onto American soil. Orthodoxy and Torah life are thriving. Nevertheless there is an underlying feeling that all is not well. Individual commitment and integrity do not seem to be keeping pace with the rapid development of our Torah life-style. Attitudes foreign to Torah are being assimilated into our day-to-day lives. We are living in changed circumstances with new trials, which seem to dictate a pressing need to reintroduce *Mussar* study to all—even the general *tzibbur* (the community at large).

"What is *Mussar*?" The *Alter* of Slobodka (Rabbi Nosson Zvi Finkel,

Rabbi Mendelson is the *menahel* of the C.M. Lehman Beis HaMussar in Yerushalayim, founded and headed by Rabbi Shlomo Wolbe, שליט"א, a leading *Mussar* personality of our time.

founder and dean of the famed *Yeshiva of Slobodka*) once asked a group of his close students this question. After listening attentively to their various definitions, the *Alter* himself explained: What is *Mussar*?

"For with you is the source of Life, by Your light we will see light!"* (*Tehillim* 36,10). כי עמך מקור חיים באורך נראה אור

I. "WITH YOU IS THE SOURCE OF LIFE"

כי עמך מקור חיים

A hard working Jew once asked Reb Yisroel Salanter (founder of the *Mussar* Movement), "I have only one half hour a day free for learning. What should I study during that time?"

"Study *Mussar*," replied Reb Yisroel. "You will then come to realize that you can find an hour a day to study!"

This story illustrates a basic tenet of *Mussar* thought: *Mussar* challenges the basic assumptions about our responsibility and ability to serve *Hashem*. Reb Yisroel challenged his petitioner's assumption. Why had he assumed that he could

not conceivably devote more time to Torah? He had not come asking for advice to this end; he had not even considered that possibility. Reb Yisroel indicated that the problem lay not in his difficult circumstances but in himself. After the change in self-perception induced by *Mussar* study, however, he would find that he did indeed have more "free time" for study.

We tend to think of the *yetzer hora* (evil inclination) as focusing on our specific moral weak points: Our attention wanders during *davening*. We seek riches and honor. We feel anger and jealousy. It is here that we feel the impact of the *yetzer*.

But we frequently overlook a more basic and crippling aspect of the *yetzer*: Do we lead our lives in full recognition of the source of our life lying with *Hashem*, or do we act as though it were in the physical world? For, truly—if we would but search within ourselves for our basic attitude—what is our overall self-portrait? Do we identify with and live for this world or for *Olam Habba*? Do we identify with our eternal soul or our temporal body; that is, who am "I"—my spiritual essence or my physical being? For it is possible to perform a host of *mitzvos* and still

* Heard from Reb Zevulun Graz

be firmly rooted in this world. If we are honest with ourselves, won't we find that our *aspirations* are to live fully the good life? And aren't our *emotions* primarily involved with our day-to-day affairs? Compare, for example, how you would feel about the loss of one hundred dollars with your sense of loss over a missed *tefilla betzibbur* or a *Krias Shema* recited after its prescribed time.

While we fully believe in our *neshama* and agree that this is the central aspect of man, we are not living and identifying with our spirituality; we have lost sight of the true Source of Life.

This mistaken concept, this dwarfed sense of self, inevitably leads to a diminished appreciation of our spiritual responsibilities and capabilities. Within these self-established limits we feel that we are properly fulfilling *mitzvos* and living a Torah life. We live, so to speak, in the best of both worlds. We are "strictly" Torah observant without foregoing a high degree of material indulgence.

The *Mesillas Yesharim*—Rabbi Moshe Chaim Luzzatto's classical presentation of the Torah's guide to spiritual elevation—establishes in its first chapter the foundation for the various stages of spiritual development. All spiritual levels are achieved only to the extent that we truly perceive of ourselves as spiritual beings: "Man was created only to delight in *Hashem* and to enjoy the luster of the *Shechina*." The stronger our identification with our spiritual essence, the stronger is our foundation, the deeper are our roots for all subsequent spiritual development. This is not merely a matter of faith, but of our sense of our very essence.

As the root for all spiritual growth, this principle addresses us all—from the Jew who can only dedicate one half hour to daily study, to the individual dedicating his life to Torah, even to the great *tzaddik*.

The *Chasam Sofer* used to tell his students: "Believe me that on a day that I do not study a *Mussar* work, I feel that my *Yiras Hashem* has turned cool" (*Chut Hameshulash*).

Do we lead our lives in full recognition of the source of our life lying with Hashem, or do we act as though it were in the physical world?

(Who can imagine how "hot" the *Chasam Sofer's* "cool" was!)

This, then, is the first goal of *Mussar* study: to continually revitalize and fortify our spiritual self-perception. As Reb Yisroel states: "*Mussar* is the Torah for refining *timtum haleiv*—the coarseness of the [spiritual] heart" (*Ohr Yisroel*, 7). While our daily lives deplete our resources of spiritual vitality, daily *Mussar* study reinvigorates it—resetting our spiritual compass on true north.

II. "BY YOUR LIGHT WE WILL SEE LIGHT"

בְּאוֹרְךָ נִרְאֶה אֶת הָאוֹר

While this conflict between the spiritual and physical is inherent in Man's make-up and applies to all generations, the dulling of our sensitivities is particularly acute in our society. Living in a highly technical age, we tend to search for solutions to all problems through technical artifice. Solutions to the many "problems" of loyalty to Judaism have evolved into a "Torah life-style." Although these solutions may be useful on the communal level, they do not foster individual commitment; indeed, they are potentially harmful to the individual. Commitment to Torah is not a "problem" that needs a solution. Rather, it is a challenge that should prod spiritual development.

Further, technology cannot solve moral dilemmas. On the contrary, it can blur them, at times making the moral choice involved indistinct. Let us take a simple example: the cassette recorder.

Who has been to a popular *shiur* lately with no recorders in attendance? Beyond doubt, tapes most

assuredly provide us with a number of significant advantages: When it is impossible to attend a *shiur*, one can hear a recording. Those attending can relisten to the *shiur*, clarifying it further.

Now let us re-examine the matter from the *Mussar* perspective, i.e., the *Avodas Hashem* in attending the *shiur*. Regular unfailing commitment to the *shiur* is *avoda*—an act of Divine service. Inevitably, attendance will at one time or another come into conflict with other, mundane matters—a meeting, a *simcha*, a friend to visit, etc. Which prevails? If one's spiritual life takes precedence, he will—barring emergencies—always attend his *shiur*, regardless of the cost in social or economic terms. Over the years, regular attendance will educate and train one to this attitude.

Listening to the *shiur* is also *avoda*. Though our minds are preoccupied with one thousand and one matters, large and small, we must put them aside—concentrating only on the Torah we are studying.

Now that one has his tape-recorder, he can miss the *shiur*—and still be there, through the recording! It is easy to see how his sensitivity to the moral loss of non-attendance is slowly eroded—and he will probably miss the *shiur* for smaller and smaller "emergencies," without realizing it.

Similarly, the *avoda* of "listening" with concentration and understanding erodes as we depend more on our tapes. Instead of continually striving to improve our mental focus, we can slip into mental decline, unaware of the process.

Our technical society measures success in very concrete terms. This

Are all of these phenomena of an expanded Torah-lifestyle really a sign of Torah growth, or might they, in part, be testimony to a life-style of compromise: foreign ideas with a misleading label? Which of them were born of the desire to achieve eternal life, and which are creations for maintaining our life of vanity?

may lead to a prejudiced evaluation of *mitzvos*. We tend to prefer *mitzvos* that are technically "easy" to perform over those that require engagement of mind and heart. All *mitzvos* are equally obligatory. It is laudable to buy beautiful candlesticks for *Shabbos*, and to obtain *mehudar tefillin*. But where is the extra effort for intensive Torah study; and what has happened to *hidur mitzva* in honesty, business integ-

rity and love for one's fellow Jew? In an age that crowns the basest abominations and the snuffing out of a life (at either extreme of the life cycle) with the regal title of "rights," we are in danger of losing our ethical balance. *Mussar* study illuminates our hearts with the stringency with which the Torah views the keeping of *all mitzvos*, the necessity of developing fine *midos* and sharply focused ethical sensitivi-

ties. **באחד נדמה אור**

In recent years, we have witnessed the rapid expansion of a Torah lifestyle. All areas of life have become "Torah-enriched." There is Jewish music to suit all tastes, gourmet Kosher food, Torah tapes for children, Torah literature, five-star glatt hotels, Torah magazines, Torah computer programs, etc. Some of these phenomena may be partial solutions to problems confronting

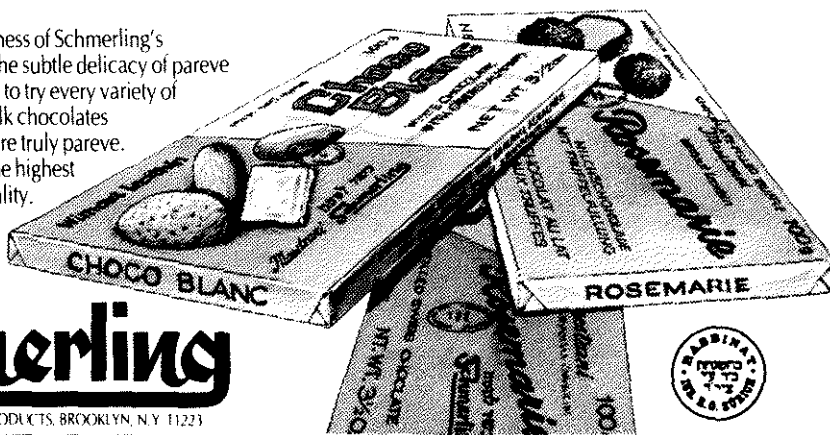
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us in our modern society. Still, one wonders: are all of these phenomena really a sign of Torah growth, or might they, in part, be testimony to a life-style of compromise: foreign ideas with a misleading label? Which of them were born of the desire to achieve eternal life, and which are creations for maintaining our life of vanity?

More importantly. How do the various components of this life-style affect each individual's spiritual growth? Partaking fully of this life-style, we may feel a false sense of spiritual satiation—we are always occupied with "Tora-dik" matters. But in reality, the *neshama* has received no nourishment and is withering for lack of genuine sustenance.

Take the yeshiva graduate who has now gone into business. When in yeshiva, he had a strong desire for spiritual elevation. In his new circumstances, will he still maintain this desire, albeit in a different form? Or will he lose direction, sinking slowly into the temporal—not really sensing it—buttressed by the false trappings of his Torah life-style? Life-style, yes—but not *life*!

An acquaintance of mine exemplifies for me the true *benTorah*. After a few years in *kollel*, he became an accountant—joining a private firm.

Drawn into the aggressive business world, he realized that the extra hours, mental fatigue, out-of-town trips, and so on, were eroding his commitment to the hours of high-quality daily Torah study he had been struggling to maintain. He decided to quit, switching to a government job: Standard salary—but regular hours and ability to leave the job behind in the office. He has consciously given up the chase for

material advancement, choosing instead to remain socio-economically lower middle-class in order to pursue his life's goal: to become spiritually "upper class."

By studying *Mussar* daily, each individual, no matter what his circumstances, keeps his fingers on his spiritual pulse—strengthening what every Jew instinctively knows: "With You is the source of life." כי עמך מקור חיים ■

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THE “HALACHIC HEALTH CARE PROXY”: AN INSURANCE POLICY WITH UNIQUE BENEFITS

Shortly before the summer, the highest policy making body within Agudath Israel of America, the *Moetzes Gedolei HaTorah* (Council of Torah Sages), arrived at a historic decision: Agudath Israel should develop, and then initiate a major national campaign to encourage people to sign, a “halachic health care proxy” – a standardized form designed to help ensure that all medical and post-death decisions made by others on an observant Jew’s behalf would be made pursuant to *halacha*.

In this article, we will address three basic questions:

I. Why the need for a “halachic health care proxy”?

II. What are the legal considerations that underlie such a document?

III. What are the specific components of the standardized form developed by Agudath Israel, and how can individual Jews avail themselves of its protections?

Chaim Dovid Zwiebel, Esq., is the general counsel and director of government affairs for Agudath Israel of America. He wrote Agudath Israel’s brief to the U.S. Supreme Court in the *Cruzan* case described in Part I of this article, co-authored Agudath Israel’s testimony to the New York State legislature regarding the Health Care Proxies and Agents Act described in Part II of this article, and coordinated the efforts to develop the “halachic health care proxy” forms described in Part III of this article.

I. THE NEED FOR A “HALACHIC HEALTH CARE PROXY”

NANCY CRUZAN AND THE LEGACY OF MODERN MEDICAL TECHNOLOGY

The Orwellian-sounding phrase “right to die” became firmly entrenched in the American lexicon earlier this year when the U.S. Supreme Court issued its ruling in the celebrated case of Nancy Beth Cruzan.

The facts of the case were undeniably tragic. Ms. Cruzan was in an automobile accident some seven-and-a-half years ago. Since that time, she has been lying in a Missouri hospital in a “persistent vegetative state,” having lost her upper brain function, legally alive but permanently unconscious. However, Ms. Cruzan is not terminally ill; she could continue to live for many years in her vegetative state so long as she receives adequate nutrition and hydration. Ms. Cruzan’s parents asserted that their daughter would never wish to be maintained in such a state, and they asked the court to compel the hospital to “pull the plug” on Ms. Cruzan’s feeding tubes. By a vote of 5-4, however, the Supreme Court denied the parents’ request, and upheld the State of Missouri’s right to continue providing life-sus-

taining nutrition and hydration to Ms. Cruzan.¹

Cruzan may have been the first case of its kind to reach the U.S. Supreme Court, but it is illustrative of the types of agonizing issues that arise so frequently in this era of rapid advances in medical technology. Those advances have enabled doctors to preserve and prolong many lives. At the same time, they have created a painful question that confronts countless individuals and their families: Are there any limits to the resources and efforts that should be devoted to the maintenance of a person whose quality of life is severely diminished, whose chances of recovery are slim or virtually nil, whose continued maintenance is exacting a severe economic and emotional cost? Where, if anywhere, is the line to be drawn?

1. In so ruling, the Supreme Court reached the result urged by Agudath Israel of America in its *amicus curiae* (friend of the court) brief – the only such brief submitted by a Jewish organization to the high court. The Court’s reasoning was essentially this: Even assuming that an individual would have a personal constitutional right to refuse lifesaving measures, states are free to insist that there be “clear and convincing evidence” that a comatose patient would in fact have refused life support before any outside party could make that decision on the patient’s behalf. Since there was no such “clear and convincing evidence” of Ms. Cruzan’s own wishes, her parents could not compel the State of Missouri to “pull the plug” and end her life.

The question is one that is faced not only by growing numbers of individuals and families, but also by society as a whole as it struggles to develop public policy in an area of extreme moral complexity.

Some in the "pro-life" community advocate an uncompromising public commitment to the preservation of human life under virtually all circumstances, no matter what the costs, no matter what the medical prognosis, no matter what the wishes of the family or even the individual patient. A growing number of others, in contrast, advocate the "right to die with dignity" — a policy that would allow patients and their families to decide, at least at some point, that the patient's quality of life was so severely diminished as to justify the withholding or termination of medical life-support.

Although most proponents of the "right to die" position would hasten

to disavow any support of suicide or of "euthanasia" (mercy killing), those concepts are inevitable outgrowths of the "right to die" philosophy and are already beginning to emerge from the shadows of the "death with dignity" movement. Laws have been proposed in a number of jurisdictions that would authorize physicians to assist patients who wish to commit suicide. One senses that stories like the one recently reported about Dr. Jack Kevorkian, a pro-euthanasia physician who had supplied a woman suffering from Alzheimer's Disease with a "do-it-yourself" suicide kit, which she promptly used to take her life, will soon fail even to raise eyebrows among most people.

For yet others, dying is more than merely a matter of right; it rises to the level of an obligation. In 1984, for example, Colorado Governor Richard Lamm told a group of attor-

neys that terminally ill seniors have "a duty to die and get out of the way with all of our machines and artificial hearts and everything else like that and let the other society, our kids, build a reasonable life." This attitude is reflected in health care rationing plans like the one recently developed in Oregon, which would deny Medicaid patients the right to receive certain types of medical services that are not deemed "cost-effective." Thus, in determining whether any given life-sustaining measure makes medical sense, the key consideration is rapidly turning into one of dollars and cents.

With these developments taking place all around us, what is to be the attitude of the Torah community?

THE PRIMACY OF HALACHA

Halacha, the law of Torah, encompasses every facet of human life. It also encompasses every facet of human death. There are *halachos* that teach us how a person's remains are to be buried; under what circumstances, if any, a decedent's body may be autopsied or dissected; whether it is permissible, or perhaps even a *mitzva*, to donate body organs for purposes of transplantation into needy others.

So too does *halacha* govern the many issues that may arise in near-death situations: the types of medical circumstances, if any, that may justify the withholding or termination of various forms of medical care; the permissibility, or non-permissibility, of undergoing experimental treatment that could shorten life if it does not cure the disease; the extent, if any, to which an individual's personal preferences with respect to medical care are relevant halachic considerations in determining the course of his treatment; the special laws that apply when a person reaches the stage of *gesisa* (in the throes of death), as well as the means by which *gesisa* is determined; the criteria by which to determine a person's death.

Obviously, to state the self-evident axiom that *halacha* provides

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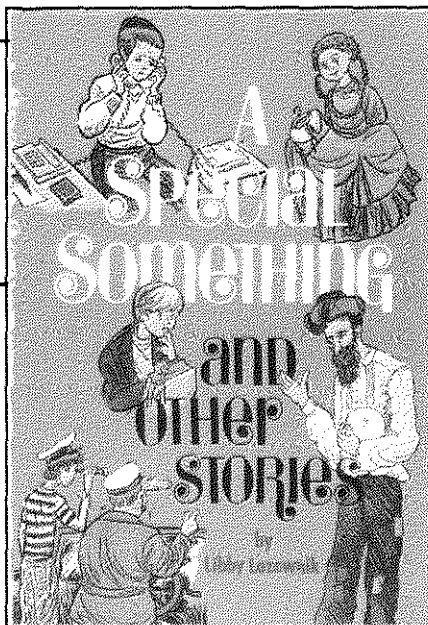
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The Orwellian-sounding phrase "right to die" became firmly entrenched in the American lexicon earlier this year when the U.S. Supreme Court issued its ruling in the celebrated case of Nancy Beth Cruzan.

answers to all of these questions is by no means to state that there is always definitive halachic consensus as to what those answers are. Indeed, with respect to certain especially complex matters, the rabbinic responsa and other halachic literature reveal a considerable disparity among a number of contemporary *poskim* (halachic decisors). Moreover, the enormous technological and physiological complexity involved in many of these *she'eilos* (questions of Jewish law), as well as the high stakes, may result in a reluctance on the part of certain *rabbonim* to render halachic rulings in specific cases.

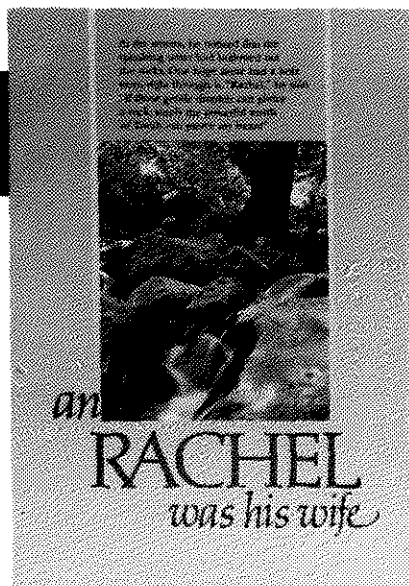
For the believing Jew, though, the bottom line is that the resolution of such issues must come through the halachic system, not through personal predilection as molded by contemporary culture. There are inevitably bound to be disparities between *halacha* and the mores of the time; the underlying philosophies are in fundamental conflict. As Rabbi J. David Bleich has written:

"Man does not possess absolute title to his life or his body. He is charged with preserving, dignifying, and hallowing that life. He is obliged to seek food and sustenance in order to safeguard the life he has been

granted; when falling victim to illness or disease he is obliged to seek a cure in order to sustain life. The category of *piku'ach nefesh* (preservation of life) extends to human life of every description and classification including the feeble-minded, the mentally deranged and yes, even a person in a so-called vegetative state. *Shabbat* laws and the like are suspended on behalf of such persons even though there may be no chance for them ever to serve either G-d or fellow man. The *mitzvah* of saving a life is neither enhanced nor diminished by virtue of the quality of the life preserved."²

2. Bleich, *The Quinlan Case: A Jewish Perspective*, reprinted in Rosner & Bleich, *Jewish Bio-*

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Thus, "death with dignity," the rallying cry of the modern day euthanasia movement, clearly does not find its roots in the law or values of Torah. Elderly persons who speak of their desire to die rather than become a financial or emotional "burden on the children" may have the most noble of intentions, but nobility of intention is not the yardstick by which Jews measure conformity with Hashem's will. Those who champion only the *quality* of human life as the overriding value in health care decisions disregard the longstanding Jewish emphasis on the *sanctity* of human life, even in its most diminished qualitative form.

In sum, the complexity of the halachic issues, the diversity of views among rabbinic authorities with respect to certain *she'eilos*, the relative difficulty of finding *rabbonim* prepared to offer halachic guidance — none of these considerations detracts from the fundamental fact that for the Jew, the framework of analysis and decision on these issues must be the *halacha*.

WHO WILL ASK THE QUESTIONS? WHO WILL MAKE THE DECISIONS?

In ordinary circumstances, when a person has a *she'eila*, he will pose it to the halachic authority whose guidance he personally accepts as binding — the *rav* of his *shul*, his *Rebbe*, his *Rosh Hayeshiva*, someone recognized as a halachic

decisor for all of *Klal Yisroel* — whomever. Yet that is obviously impossible with respect to the many medical and post-mortem issues that may arise when the person about whom the *she'eila* is being asked is incapable of posing the question himself.

One would hope that the *she'eila* under those circumstances would be posed by those who will be making decisions on the individual's behalf — in most cases, the members of his family — and that it would be posed to the very same halachic authority to whom the individual himself would have turned

doctors and nurses who may not even know that he is Jewish, let alone who his relatives are or who his rabbi is. The likelihood is all too great in such situations that medical procedures will be performed, or withheld, in ways that constitute a violation of *halacha*.

The problem arises even more frequently in the context of post-mortem procedures. Many horror stories have come to light involving autopsies, post-mortem procedures and non-halachic burials of Jewish decedents who have passed away under circumstances where nobody was available to ensure that *halacha* would be

For yet others, dying is more than merely a matter of right; it rises to the level of an obligation.

were he capable of doing so.

But not always can it be so. Some people do not have family members with whom they retain contact or upon whom they can rely to contact their *morei hora'a* (halachic decisors) in times of emergency. And, even for those who do, not always will the *she'eilos* arise under circumstances where those family members will be available to contact the individual's halachic authority. When, for example, a person is involved in an accident far from home, emergency decisions will be made for him by

followed after the person's death.

Hence the need for some form of protection — a mechanism whereby one can obtain at least a measure of assurance that when he becomes incapable of making his own health care decisions, when he dies and is unable to direct the course of his own burial, when he becomes incapable of asking the *she'eilos* himself, that others will take the steps necessary to ensure that *halacha* will be followed. As detailed below, the "halachic health care proxy" is designed to respond to that need.

ethics, pg. 270 (Heb. Publ. Co. 1979).

Sadly, certain others who allegedly represent the Jewish viewpoint propound a different philosophy. The October 17, 1989 edition of the *Congressional Record* contains the statement of Rabbi Dayle A. Friedman (Reform) in support of the "Patient Self-Determination Act of 1989," a bill currently pending in Congress that would encourage patients to prepare living wills or health care proxies. In the context of his remarks, which were presented by the bill's sponsors as part of a series of "statements from authorities on the ethical teachings of the three main-line religions' traditions," Rabbi Friedman explains the Reform movement's endorsement of

a person's ultimate right to choose to die:

"In contrast to our heteronomous tradition, Reform Jews have held that individuals have a direct, personal relationship with G-d in addition to their relationship via the Jewish people's covenant with G-d. ... We Reform Jews champion the right of individuals to make choices regarding their own conduct, including the 'right of conscientious dissent' from the dictates of tradition when mandated by individual conscience, or by individual understanding of contemporary circumstances (Borowitz, *Choices in Modern Jewish Thought*, p. 269). We reject imposition of specific choices from external authorities, either contemporary or historical....

"What is being proposed here is that the value of autonomy must be a guiding principle in a Reform Jewish discussion of choices in medical ethics. In the instant case, based on the principle of autonomy, we would have to hold that the patient, a competent, mature adult, has made a decision which must be respected. We would hope that the decision which such a person had made would emerge from a confrontation with the values expressed in Jewish tradition, both Halakha and Aggadah. Ultimately, however, the principle of autonomy requires us ... to respect even choices which might seem to conflict with our understandings of the values of the tradition."

II. LEGAL UNDERPINNINGS

THE DOCTRINE OF PERSONAL AUTONOMY

The renowned American jurist Benjamin N. Cardozo established in 1914 the principle that continues to guide medical jurisprudence to this day: "Every human being of adult years and sound mind has a right to determine what shall be done with his own body; and a surgeon who performs an operation without his patient's consent commits an assault, for which he is liable in damages."

This principle, which has come to be known as the "doctrine of personal autonomy," has been applied in numerous contexts to allow a patient the right to dictate the course of his own medical care, including the right to choose among various treatment alternatives and even the right to decline life-sustaining measures. In the famous Karen Anne Quinlan case, the New Jersey Supreme Court held that an individual's right to choose whether or not to receive treatment was of constitutional dimension, encompassed within the constitutional "right of privacy." The U.S. Supreme Court came close to endorsing this view in *Cruzan*, stating that "a competent person has a constitutionally protected liberty interest in refusing unwanted medical treatment."

That is not to say that the doctrine of personal autonomy is absolute. Some legal limitations do exist. Prohibitions against suicide or assisting others in committing suicide, for example, run contrary to the notion of unlimited personal autonomy; yet such prohibitions are recognized as legally valid. Indeed, the Supreme Court in *Cruzan* intimated that under certain circumstances, at least, a state may have the authority to override a patient's constitutionally protected "liberty interest" and insist that the patient receive life-support even against his own wishes.³

Limitations notwithstanding, it is fair to say that the clear trend in

Halacha, the law of Torah, encompasses every facet of human life. It also encompasses every facet of human death.

3. For the record, it should be noted that Agudath Israel, in its *amicus curiae* brief to the Supreme Court and in numerous other contexts, has expressed its strong opposition to the notion of unlimited personal autonomy. For example, in testimony submitted to the New York State legislature earlier this year, Professor Aaron Twerski (chairman of Agudath Israel's Commission on Legislation and Civic Action) and I observed that the doctrine of personal autonomy under New York law would generally permit a person to refuse medical treatment even where

American law is to accord virtually unfettered deference to the wishes of the individual patient in matters of medical care. But what if the patient is not physically able or competent to express those wishes?

ASCERTAINING THE PATIENT'S WISHES

A patient's inability to express his wishes with respect to health care decisions does not necessarily negate the doctrine of personal autonomy. The law typically imposes an obligation on those who will be dictating the course

the prognosis is that such treatment would lead to full recovery. We stated as follows: "Agudath Israel is troubled by the message this notion of unlimited personal autonomy delivers. It embodies a value judgment that society's interest in the preservation of human life must bow before an individual's decision that his life is no longer worth living. The implications of this message run directly counter to prohibitions against suicide and euthanasia that have long been accepted among civilized societies, and portend ominous changes in these social norms."

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of an incompetent patient's health care to do so in a manner that complies with what the patient would have wanted, were he able to express his own wishes. Stated simply, it ordinarily will be incumbent for third party medical decisionmakers to ask the question: "What would the patient have wanted us to do?"⁴

Very often, though, it may not be possible to ascertain with any degree of certainty what the patient would have wanted. It is under those circumstances that there is a broad disparity of legal guidelines throughout the United States. Some states insist that all forms of life support must be provided to incompetent patients unless there is "clear and convincing evidence" that the patient would not have wanted such support. Others accept less definitive evidence as sufficient indication of the patient's wishes. Yet others allow the withholding or withdrawal of life-sustaining measures from an incompetent patient even if there is absolutely no evidence of the patient's wishes, so long as it is determined that the patient's "best interests" would be served by allowing him to die.

These legal considerations have given rise to organized efforts to encourage competent persons to provide clear evidence of what their

wishes would be with respect to medical decisions when they become incompetent. Two basic means of achieving this purpose have been developed: the "living will" and the "health care proxy."

withhold or withdraw treatment that serves only to prolong the process of my dying, if I should be in an incurable or irreversible mental or physical condition with no reasonable expectation of recovery.

"While I understand that I am not

Those who speak of their desire to die rather than become a financial or emotional "burden on the children" may have the most noble of intentions, but nobility of intention is not the yardstick by which Jews measure conformity with Hashem's will.

THE "LIVING WILL"

A "living will" is a document prepared by a competent adult that provides specific instructions with respect to a number of medical procedures that may arise if that person becomes incompetent. For example, the "Society for the Right to Die," an organization in the forefront of the "death with dignity" movement, encourages people to sign a form (which was reproduced in *The New York Times* two days after the Supreme Court issued its *Cruzan* decision) that includes the following:

"I direct my attending physician to

legally required to be specific about future treatments, if I am in the condition(s) described above, I feel especially strongly about the following forms of treatment:

"I do not want cardiac resuscitation.

"I do not want mechanical respiration.

"I do not want tube feeding.

"I do not want antibiotics.

"I do not want maximum pain relief."

By the same token, obviously, a "living will" could specify the individual's desire that those various medical procedures *should* be maintained in the event of the individual's incompetence. The

4. In addition to the general doctrine of personal autonomy that requires surrogate decisionmakers to attempt to ascertain what the patient would have wanted, a number of governmental bodies around the country have enacted statutes or regulations designed specifically to protect the religious rights of patients and decedents. In New York, for example, the state with the most comprehensive series of religious accommodation provisions (thanks to the efforts of organizations like Agudath Israel and COLPA, and of individual public officials like Assemblyman Sheldon Silver and Health Commissioner David Axelrod), the following protections have been explicitly written into the law:

General: Section 2803-c of the New York Public Health Care Law provides, in part, as follows: "Every patient's civil and religious liberties . . . shall not be infringed."

"Do Not Resuscitate" (DNR) Orders: Section 2965 of the Public Health Law, which relates to decisions by a surrogate with respect to the cardiopulmonary resuscitation of a patient who has suffered cardiac or respiratory arrest, provides that such decisions shall be made "on the basis of the adult patient's wishes including a

consideration of the patient's religious and moral beliefs."

Health Care Proxies: Similarly, section 2982 of the newly enacted health care proxy bill (discussed in the text accompanying footnote 5 below) authorizes an agent to make health care decisions on behalf of his principal "in accordance with the principal's wishes, including the principal's religious or moral beliefs."

Determination of Death: Under section 400.16 of the New York State Department of Health regulations, hospitals are required to develop "a procedure for the reasonable accommodation of the [patient's] religious or moral objection" to a determination of death based upon the irreversible cessation of all brain function (the neurological condition known as "brain death," which is nearly universally recognized by the secular law as constituting legal death, yet is held by many *poskim* not to constitute halachic death).

Autopsies and Dissections: Section 4209-a of the Public Health Law generally prohibits the performance of an autopsy or dissection on the body of any person who carries a card stating his personal opposition to such procedures. Similarly, section 4210-c prohibits, in the absence of

a compelling public necessity, the performance of an autopsy or dissection "over the objection of a surviving relative or friend of the deceased that such procedure is contrary to the religious belief of the decedent, or, if there is otherwise reason to believe that a dissection or autopsy is contrary to the decedent's religious beliefs."

Anatomical Gifts: Under section 4222 of the Public Health Law, a coroner or medical examiner may seek the removal of a decedent's corneal tissue or pituitary gland tissue only if "such removal does not conflict with [the] decedent's religious or other views." More generally, section 4301 authorizes relatives of a decedent to donate the decedent's organs for transplantation and other medical purposes, but only "in the absence of actual notice of contrary indications by the decedent, or actual notice of opposition by [a relative], or other reasons to believe that an anatomical gift is contrary to the decedent's religious or moral beliefs." If there is reason to believe the decedent would have religious or moral objection to an anatomical gift, the hospital administrator is enjoined from requesting such a donation (section 4351), and a potential recipient is enjoined from accepting such a donation (section 4301).

point of the document is simply to enable an individual to make his specific wishes known.

THE "HEALTH CARE PROXY"

The "health care proxy" takes a different approach to the issue. Rather than specify the types of medical procedures to be undertaken, or to be withheld, the proxy simply appoints someone to serve as the health care agent of the person signing the proxy form, empowered to make health care decisions on the person's behalf if the person ever becomes incapable of making such decisions on his own. The health care proxy thus operates essentially as a power of attorney (and is indeed known in many jurisdictions as a "durable power of attorney").

A number of states have enacted health care proxy laws, providing specific guidelines as to the formal requirements of the proxy, as well as the scope of the agent's authority and other pertinent substantive issues. New York became the most recent state to do so, when, in the final days of its 1990 legislative session, shortly after the Supreme Court's *Cruzan* ruling, the legislature passed the "Health Care Agents and Proxies Act," scheduled to go into effect in early 1991.⁵

The two approaches outlined above — the "living will" and the "health care proxy" — are by no means mutually exclusive. One may, in the same document, accomplish both purposes: appoint an agent to make health care decisions when the individual cannot make such decisions on his own;

5. Agudath Israel opposed the New York health care proxy bill, objecting to the broad authority it accorded to agents to decide that patients should die. "Even though the bill is couched in terms of the agent making decisions in accordance with the principal's wishes or best interests, Agudath Israel believes that the potential for abuse of that awesome decisionmaking authority is self-evident. If the social good of permitting people to designate trusted relatives or friends to make health care decisions on their behalf can be achieved only by granting such third parties an essentially unlimited right to decide that their principals should die, we think the price to pay is too high."

and provide the agent with specific guidance as to the types of procedures that should or should not be undertaken.

As will now be seen, that dual approach is embodied in the "halachic health care proxy."

III. THE "HALACHIC HEALTH CARE PROXY": ITS COMPONENTS AND MECHANICS

With the assistance of its Commission on Legislation and Civic Action, as well as a number of knowledgeable rabbonim, doctors and lawyers, Agudath Israel has developed a "halachic health care proxy" that is now available for broad distribution and use.⁶

Actually, the "halachic health care proxy" consists of two separate standardized forms: (1) a legally binding, formal document, entitled "Proxy and Directive With Respect to Health Care Decisions and Post-Mortem Decisions" (reproduced on pages 20-21), which has been designed to conform to all the technical requirements of the recently enacted New York State health care proxy law; and (2) a short, credit

6. Copies may be obtained by contacting Agudath Israel of America, 84 William Street, New York, N.Y. 10038, (212) 797-9000.

card-sized form, entitled "Emergency Instructions" (reproduced on page 21), which summarizes the key provisions of the first form and is designed to be carried in a person's wallet or handbag. Both forms should be used in conjunction, as each serves a distinct purpose.

THE "PROXY AND DIRECTIVE"

As its title implies, the "Proxy and Directive" form accomplishes two essential functions.

First, it is a *proxy*: the appointment by a competent adult (the "principal") of another person to serve as an agent to make health care decisions on the principal's behalf if the principal becomes incapable of making such decisions on his own. Subject to certain statutory exceptions, the agent can be virtually any competent adult — a family member, a friend, anybody the principal trusts to carry out his wishes. The principal can also appoint a second person to serve as an alternate agent if the original agent is not available or willing to make decisions. The agent's authority commences only upon a medical determination of the principal's lack of capacity to make health care decisions for himself.

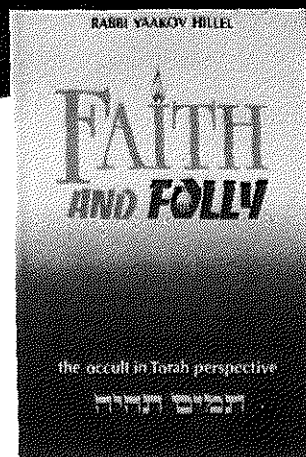
Second, the form is a *directive*: an instruction by the principal to the

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agent to make all health care decisions, as well as post-mortem decisions, in accordance with *halacha*. In order to ensure that the agent will direct *she'eilos* to the rabbinic authority the principal himself would consult were he able to do so, the form includes a section allowing the principal to designate a specific rabbi to be consulted by the agent whenever a *she'eila* arises. Or, if such rabbi is unavailable or unwilling to rule on a particular halachic issue, the form further allows the principal to designate an Orthodox Jewish organization or institution to be contacted for purposes of referring a competent rabbinical authority.

The "Proxy and Directive" form should be completed and signed by the principal. However, if the principal is physically incapable of signing the form, he may ask another adult to sign his (the principal's) name on his behalf. In either event, the signing should be done in the presence of two witnesses, who in turn should sign their names to the document as well.

THE WALLET-SIZE "EMERGENCY INSTRUCTIONS" FORM

Copies of the "Proxy and Directive" should be kept among the principal's important documents, and with a number of

key people: the agent and alternate agent, members of the principal's family, his doctor, his lawyer, his rabbi, and whomever else may be called upon in cases of emergency. At the same time, however, an unforeseen emergency may arise far away from family and home, where the "Proxy and Directive" will be of no avail unless the principal happens to be carrying a copy with him — hardly a likely happenstance in view of the sheer bulk of the document.

Hence the second "halachic health care proxy" form developed by Agudath Israel: a small, credit card-size form designed to fit in a person's wallet or handbag. The text of the card makes reference to the fact that its bearer has executed a formal "Proxy and Directive." It then proceeds to outline, in abridged form, the key provisions of the larger formal document; and provides the names, addresses and telephone numbers of the agent and rabbinical consultant designated by the principal.

It is questionable whether the wallet-size form, on its own, would be regarded as a legally binding document. Nonetheless, carrying it (on days when carrying is permitted!) is an effective means of ensuring that one's wishes with respect to medical and post-mortem decisions

will be known under virtually any eventuality that may arise. And, when used in conjunction with the more formal "Proxy and Directive" outlined above, it will provide considerable legal protection against the possibility of such decisions being made in violation of *halacha*.

INHERENT LIMITATIONS

There are some things the "halachic health care proxy" does not do. For one, it does not attempt to spell out precisely what types of procedures, under what types of circumstances, should or should not be undertaken as a matter of Jewish law. This omission reflects a conscious policy decision by the *Moetzes Gedolei HaTorah*. They concluded that the range of halachic issues was too great, the changes in medical technology too rapid, the *she'eilos* too dependent upon individual circumstances, to presume to identify in advance the precise course of action to be taken under all future hypothetical situations. Rather than engage in such a speculative and possibly misleading exercise, the *Moetzes Gedolei HaTorah* felt that the form should simply provide a mechanism that would ensure that *she'eilos* would be posed in whatever circumstances they may eventually arise.

Yet another thing the forms do not purport to do is tell individuals which rabbis or organizations they should choose to serve as halachic consultants/decisors with respect to medical and post-mortem procedures. This, too, was a conscious decision of the *Moetzes Gedolei HaTorah*. As noted above, there is a diversity of viewpoints among contemporary *poskim* with respect to a number of the issues an agent may have to decide. The *Moetzes* decided that it was not the role of an umbrella organization like Agudath Israel to identify specific *rabbanim*, to the implicit exclusion of others, as "competent" authorities in the area of medical *halacha* — especially in developing a form designed to be used by all communities and segments of *Klal Yisroel*. Rather, each

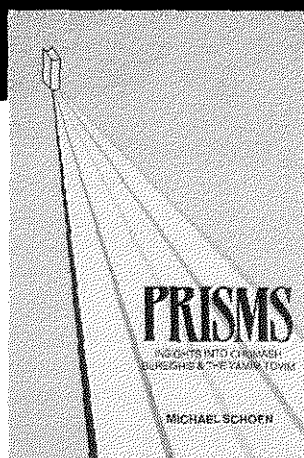
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individual should designate as a halachic consultant the particular *moreh hora'ah* whose guidance he himself would seek — recognizing, of course, the specialized and highly complex nature of some of the *she'eilos* that may arise.

It should also be recognized that the "halachic health care proxy" is by no means the answer to every problem that may arise. Among its most obvious limitations is the fact that by law, only competent adults can sign such forms. Children, and adults who are not mentally competent, will not be able to avail themselves of its protections. Agudath Israel is currently pursuing with the New York State Department of Health the possibility of developing a variation of the basic form that would enable adults to protect their children and guardians to protect their incompetent wards against medical or post-mortem violations of *halacha*.

Another question that requires careful consideration, and consultation with competent halachic authority in individual cases, is whether encouraging gravely ill patients to sign such forms could itself constitute a violation of *halacha* by creating the possibility of *tiruf hada'as* — emotional shock that could further jeopardize the individual's fragile health. (See generally *Shulchan Aruch, Yoreh De'ah* 337.) Obviously, the optimum time to encourage people to fill out and sign a "halachic health care proxy" is when they are in sound health and in full possession of their faculties, not after they have already entered a hospital or nursing home.

One final caveat: As noted above, the forms developed by Agudath Israel have been designed to conform with the specific formal requirements and other provisions of the New York State health care proxy law. Although the concept underlying the halachic health care proxy would likely be recognized as binding throughout the United States

of developing alternate "halachic health care proxy" forms for use in jurisdictions where the New York model may be inappropriate. Individuals who reside outside of New York may wish to consult with a local attorney to determine whether the New York model would be recognized in their jurisdiction; or they may wish to contact Agudath Israel for additional assistance.

CONCLUSION

Life is a precious gift from Hashem. Generally speaking, man is not permitted to squander the gift no matter how difficult or even unbearable the circumstances of human existence may become. As believing Jews, we must cling firmly to these basic values even when the secular world all around us is abandoning them.

A society that subscribes to the principle that each person is entitled to choose death — the "right to die with dignity" — is a society that fails to appreciate fully the sanctity of human life. Stated simply, the doctrine of unlimited personal autonomy in medical decision making is totally repugnant to the foundations of our faith.

Yet, in one of the ironic twists that is so common to our millennia-long experience in *golus* (exile), the very same doctrine

of personal autonomy provides each individual Jew an opportunity to obtain protection that will allow him to serve Hashem even when he is totally devoid of consciousness, even when he is at the brink of death, even after he has returned his soul to his Maker. The "halachic health care proxy" is an insurance policy that costs no money to obtain, is available to all, and provides the types of benefits that no insurance company can ever offer. ■



(and presumably in most other countries as well), other states may have certain particular requirements that might require minor modifications in the basic form. For example, whereas New York law provides that a proxy will remain in effect indefinitely unless specifically revoked by the principal, California law limits the effectiveness of its proxy (known in California as a "durable power of attorney") to a seven-year period.

Agudath Israel is in the process

[EDITOR'S NOTE: Following is the text of the "Halachic Health Care Proxy" described in Mr. Zwiebel's article, copies of which may be obtained from Agudath Israel of America. As noted in the article, the proxy has been designed to conform with the formal requirements of New York State law. Residents of other states are advised to consult with a local attorney or with Agudath Israel to determine whether this model would be recognized in their jurisdictions.]

PROXY AND DIRECTIVE WITH RESPECT TO HEALTH CARE DECISIONS AND POST-MORTEM DECISIONS

I, _____, hereby declare as follows:

1. Appointment of Agent: In recognition of the fact that there may come a time when I will become unable to make my own health care decisions because of illness, injury or other circumstances, I hereby appoint

Name of Agent: _____

Address: _____

Telephone: Day _____ Evening _____

as my health care agent to make any and all health care decisions for me, consistent with my wishes as set forth in this directive.

If the person named above is unable, unwilling or unavailable to act as my agent, I hereby appoint

Name of Alternate Agent: _____

Address: _____

Telephone: Day _____ Evening _____

to serve in such capacity.

This appointment shall take effect in the event I become unable, because of illness, injury or other circumstances, to make my own health care decisions.

2. Jewish Law to Govern Health Care Decisions: I am Jewish. It is my desire, and I hereby direct, that all health care decisions made for me be made pursuant to Jewish law and custom as determined in accordance with strict Orthodox interpretation and tradition. By way of example, and without limiting in any way the generality of the foregoing, it is my wish that Jewish law and custom should dictate the course of my health care with respect to such matters as the performance or non-performance of cardio-pulmonary resuscitation if I suffer cardiac or respiratory arrest; the initiation or discontinuance of any particular course of medical treatment or other form of life-support maintenance, including tube-delivered nutrition and hydration; and the method and timing of determination of death.

3. Ascertaining the Requirements of Jewish Law: In order to effectuate my wishes, if any question arises as to the requirements of Jewish law and custom in connection with this declaration, I direct my agent to consult with and follow the guidance of the following Orthodox Rabbi:

Name of Rabbi: _____

Address: _____

Telephone: Day _____ Evening _____

If such rabbi is unable, unwilling or unavailable to provide such consultation and guidance, then I direct my agent to consult with and follow the guidance of an Orthodox Rabbi referred by the following Orthodox Jewish institution or organization:

Name of Institution/Organization: _____

Address: _____

Telephone: Day _____ Evening _____

If such institution or organization is unable, unwilling or unavailable to make such a reference, or if the rabbi referred by such institution or organization is unable, unwilling or unavailable to provide such guidance, then I direct my agent to consult with and follow the guidance of an Orthodox Rabbi whose guidance on issues of Jewish law and custom my agent in good faith believes I would respect and follow.

4. Direction to Health Care Providers: Any health care provider shall rely upon and carry out the decisions of my agent, and may assume that such decisions reflect my wishes and were arrived at in accordance with the procedures set forth in this directive, unless such health care provider shall have good cause to believe that my agent has not acted in good faith in accordance with my wishes as expressed in this directive.

If the persons designated in paragraph 1 above as my agent and alternate agent are unable, unwilling or unavailable to serve in such capacity, it is my desire, and I hereby direct, that any health care provider or other person who will be making health care decisions on my behalf follow the procedures outlined in paragraph 3 above if any questions of Jewish law and custom should arise.

Pending contact with the agent and/or rabbi described above, it is my desire, and I hereby direct, that all health care providers undertake all essential emergency and/or life sustaining measures on my behalf.

5. Post-Mortem Decisions: It is also my desire, and I hereby direct, that after my death, all decisions concerning the handling and disposition of my body be made pursuant to Jewish law and custom as determined in accordance with strict Orthodox interpretation and tradition. By way of example, and without limiting in any way the generality of the foregoing, it is my wish that there be conformance with Jewish law and custom with respect to such matters and questions as whether there exist exceptional circumstances that would permit an exception to the general prohibition under Jewish law against the performance of an autopsy or dissection of my body; the permissibility or non-permissibility of the removal and usage of any of my body organs or tissue for transplantation purposes; and the expeditious burial of my body and all preparations leading to burial.

Time is of the essence with regard to these questions. I therefore direct that any health care provider in attendance at my death notify the agent and/or rabbi described above immediately upon my death, in addition to any other person whose consent by law must be solicited and obtained prior to the use of any part of my body as an anatomical gift, so that appropriate decisions and arrangements can be made in accordance with my wishes. Pending such notification, it is my desire, and I hereby direct, that no autopsy, dissection or other post-mortem procedure be performed on my body.

6. Incontrovertible Evidence of My Wishes: If, for any reason, this document is deemed not legally effective as a health care proxy, or if the persons designated in paragraph 1 above as my agent and alternate agent are unable, unwilling or unavailable to serve in such capacity, I declare to my family, my doctor and anyone else whom it may concern that the wishes I have expressed herein with regard to compliance with Jewish law and custom should be treated as incontrovertible evidence of my intent and desire with respect to all health care measures and post-mortem procedures; and that it is my wish that the procedure outlined in paragraph 3 above should be followed if any questions of Jewish law and custom should arise.

7. Duration and Revocation: It is my understanding and intention that unless I revoke this proxy and directive, it will remain in effect indefinitely. My signature on this document shall be deemed to constitute a revocation of any prior health care proxy, directive or other similar document I may have executed prior to today's date.

Date: _____

Signature _____

[Your signature; or, if you are not physically capable of signing, the signature of another person signing your name on your behalf]

Residing at _____ [address]

DECLARATION OF WITNESSES

I declare that the person who signed (or asked another to sign) this document is personally known to me and appears to be of sound mind and acting willingly and free from duress. He (or she) signed (or asked another to sign for him or her) this document in my presence (and that person signed in my presence). I am not the person appointed as agent by this document.

Witness _____ Residing at _____ [address]

Witness _____ Residing at _____ [address]

EMERGENCY INSTRUCTIONS

I, _____, have executed a "Proxy and Directive With Respect to Health Care Decisions and Post-Mortem Decisions," dated _____. Pursuant to the Proxy and Directive, the persons listed on the reverse of this card are to serve as my agent and alternate agent, respectively, in making health care decisions for me if I become unable to do so on my own. I desire that all such health care decisions, as well as all decisions relating to the handling and disposition of my body after I die, should be made pursuant to Jewish law and custom as determined in accordance with strict Orthodox interpretation and tradition. If there is any question regarding Jewish law and custom, my agent (or any other person making decisions for me) should consult with and follow the guidance of the rabbi identified on the reverse of this card, or as a second choice the rabbi referred by the institution/organization identified on the reverse of this card, or as a third choice an Orthodox Rabbi whose guidance my health care decisionmaker in good faith believes I would respect and follow. Pending contact with the agent and/or rabbi, I desire that health care providers should undertake all essential emergency measures on my behalf; and I desire that no autopsy or other post-mortem procedure be performed on my body.

Wallet-sized card.

"WHAT IS HAPPENING TO AMERICAN JEWRY?"



I. THE CRISIS

**"UNTIL THE TIMES
PRINTS YOUR OBITUARY,
YOU'RE NOT DEAD"**

The social directories of local newspapers may record mixed marriages, between Jews and Christians, with ever-increasing frequency. Synagogue and Temple attendance may be plummeting. Young American Jews may be contributing less than their parents did a generation ago to Jewish philanthropies. Yet scarcely a ripple disturbs the calm surface of the American Jewish community. Let the situation hit the pages of *The New York Times*, however, and a full-blown crisis is declared.

An article did, indeed, appear in *The Times*: an Op-Ed piece by Seymour P. Lachman (university dean of the City University of New York) and Barry A. Kosman (director of the North American Jewish Data Bank of the CUNY Graduate Center), entitled "What Is Happening to American Jewry?" (June 4, 1990). Drawing on recent studies by the

above-mentioned Jewish Data Bank, the authors argue that Jews, unlike most religious groups since 1900, have become less religiously involved with each successive generation: Most of them do not spend more than three days a year in public worship, and synagogue and Temple membership has suffered a steady decline. Only single-cause issues, such as support for Israel and free immigration from Russia, seem to galvanize the American Jew, and these have little long-term holding power—surely not to the next generation.

The authors go on to cite how the American Jewish family is deteriorating, with proportionately fewer households with children, and more people living alone than any other ethnic or religious group. Interfaith marriages continue to grow in frequency and acceptability—almost becoming routine in a large segment of the population.

The conclusion? "These social and demographic trends pose an immediate danger. If the distinctive identity of U.S. Jews keeps eroding, the community as we know it may crumble."

So the crisis became official with

the appearance of the article in the *Times*, and alarms sounded in the headquarters of Jewish establishment organizations across the country: If the Jewish community is really crumbling, what can be done?

THE CASE OF THE INCOMPLETE PORTRAIT

The crisis, in our view, is genuine, but the portrait, as sketched in the Op-Ed piece, is incomplete, omitting completely any reference to Orthodoxy. No mention of burgeoning *yeshivos*, and Bais Yaakovs, of the growth of day schools and *Kollelim* across the map; not a word about ubiquitous *Kashrus* symbols on myriad prepared foods on supermarket shelves; not a single nod in the direction of flourishing Chassidic groups; not a single mention of remarkably successful outreach efforts; no reference to the conspicuous presence of *yarmulkes* in the professions—medicine, law, and the academe; no acknowledgement of the impressive input of Agudath Israel of America in behalf of numerous Jewish

causes, on all levels of government; not even a footnote on the mushrooming of quality religious Jewish publications.

Not only does sidestepping this segment of the American Jewish population paint an incomplete picture, it is guilty of ignoring a demographic counter-force to the predictions of doom, calling into serious question any statistical projections for American Jewry as a whole.

the letter did include a three-sentence tribute to the vibrancy of Orthodoxy: "More Jews than ever attend Jewish day schools and receive intensive Jewish education. Within synagogues one can find Jews far more involved than their parents would have imagined. Orthodox Judaism, once considered moribund, has enjoyed a revival."

The article and the readers' response are of importance, for Ameri-

value: Orthodoxy does not need the reassurance, and the secular establishment needs more convincing than a four-page article in *The Jewish Observer*. (Although it is worth mentioning that the American Jewish Committee may well take note that it would be hard pressed to fill the main arena of Madison Square Garden with its entire membership. Yet that very arena overflowed with Orthodox Jews last

Only single-cause issues, such as support for Israel and free immigration from Russia, seem to galvanize the American Jew, and these have little long-term holding power—surely not to the next generation.



The letters to the editor that the *Times* published (June 20) pointed to this very blind spot. One writer, for instance (Tibor Weiss, a Russian immigrant in the US for 16 years), argues that the authors "fail to mention a rapidly growing category of Jews where the family plays the most important part in life,...where tolerance of intermarriage is zero, where the population is marrying at a younger age and producing more offspring per capita. I am referring to the religious Orthodox Jews of America.

"Among the religious Orthodox, every member of the community is a full-time member of a synagogue, and every successive generation is more religiously involved than the previous one."

Moreover, even spokesmen for the American Jewish Committee gave a begrudging reference to Orthodox vitality. The AJC's six-paragraph letter basically clung to such flimsy straws as proliferating Jewish studies programs in universities, reduction in overt anti-Semitism, and successful AJC advocacy for civil rights, ignoring the fact that these elements do not contribute to a healthy Jewish self-image or sense of pride, and will not guarantee a vibrant Jewish tomorrow. These only grow from knowledge of Torah and a commitment to Torah Judaism. But, as mentioned,

can Jewry's organized philanthropy creates policy on the basis of the perceptions such articles create. And it is true: secular-based Judaism and compromise-aimed Judaism are going down the tubes, and the statistics of their failure are duly documented in CUNY. But the visionary *Gedolei Yisroel* of half a century ago and more—Reb Shraga Feivel Mendlowitz and Rabbi Aaron Kotler זכרונם לברכה, for instance—who had the daring to plant and nurture a Torah-loyal Judaism in America when such efforts were considered futile, have not only been vindicated; their plan of action for the successes realized thus far is the only sensible blueprint for the future: support Torah study, spread it across the landscape of America, don't waste precious resources on palliatives that do not work, and throw away once and for all the recipes for diluted, apologetic Judaism. By the same token, if the American Jewry of the Lachman-Kosman Report continues to pursue the course that has directed it in the past, it has no future.

II. ...AND THEREFORE: A MATTER OF EXPANDED CONSCIOUSNESS

Now, simply to declare that we are alive and well, and that we possess the formula for a persistent presence, is of little

April—not gathered in protest of any terrible wrong, but convened by Agudath Israel to celebrate the completion of the Talmud through *Daf Yomi*.)

But these lines—and *The N.Y. Times* essay—are important to us, and they should give us pause: *If Orthodoxy—the heart and mind of Jewry—is so vibrant, why can't the patient be saved?*

In our sense of triumph, we dare not become swept away with triumphalism. We may number several hundred thousand committed Jews in total, but these do not make up for the five million-plus American Jews slipping away. Only heroic measures can keep the patient alive. And this can only be achieved if a heightened sense of urgency electrifies our community.

Just possibly, this sense of urgency can be achieved with a better understanding of the vital interrelationship and interdependence between the Orthodox community and the rest of American Jewry. And this understanding, in turn, can perhaps be prompted by the insights of two of the greatest leaders of the previous generation, Rabbi Aaron Kotler and Rabbi Yaakov Kamenetzky, זכרונם לברכה, who—through their leadership roles in their respective *yeshivos*, Agudath Israel, Torah Umesorah, Chinuch

Atzmai and countless other endeavors—were in many ways both architects and builders of the Torah renaissance in this post-war era.

In explaining the accountability each Jew carries for all others (see *Mishnas Rav Aaron*!) Reb Aaron drew on the *Chazal* that attributes this relationship to the *mitzva* of *tochacha*—the obligation to offer rebuke and guidance to fellow Jews who are in error. Conventional wisdom has it, says Reb Aaron, that the obligation of *tochacha* is the binding factor for *Klal Yisroel*: *Your must correct your errant friend; if not, you are responsible for his erring ways!* Once a person has attempted to correct a wrong-doer, however, or

simply finds him beyond his reach, he has done his part, and is no longer accountable for the other Jew. But this is not the case, says Reb Aaron. For (according to the teachings of Reb Moshe Cordovero, the Kabbalist-ethicist of 16th Century Tzfas) all members of *Klal Yisroel* are united on the *neshama* level. You, I, and the other fellow are essentially bound together. From this spiritual union of all Jews grows an accountability for one another that calls for *tochacha*, but interdependence does not end with *tochacha*. Even when reproof fails, our destinies are still intertwined. We cannot shrug our shoulders, part company, and go our separate

ways. Inextricably bound with one another, we are, indeed, one.

This is not poetry or trembly feel-good philosophy. This is fact: I cannot ignore a misled, indifferent Jew. I must act on my awareness of our interdependence and endeavor to win him over.

THE BEGINNING POINT

Ideally a Jew should inform all of his actions with an awareness that—yes, “If I am not for myself, who will be for me?” but also—my fellow Jew’s fate is my fate. At a Torah Assembly for Zeirei Agudath Israel, fifteen years ago, Rabbi Yaakov Kamenetzky זצ”ל told the Yeshiva youth at the gathering— young men in their late teens and early 20’s—that as yeshiva “activists” they should not alter their schedule of activities; but they should expand their concept of these activities. In other words, they should continue to devote the major portion of their time and energy to their Torah studies, as in the past, but they should view it as service to *klal*— providing *Klal Yisroel* with the *zechus* of their Torah, and preparing themselves for an active role in a *Klal Yisroel* arena in subsequent years.

This endows their Torah study with a *zechus-hatzibbur* factor, which virtually guarantees success. (See *Avos* II, 2.) And it transforms the apparent ivory tower that these dedicated young men inhabit into a context of cosmic dimensions.


The crisis delineated in “What is Happening to American Jewry?” cannot be resolved in three easy steps. It is of vast proportions, far beyond the reach of our comparatively modest numbers. But we can make a meaningful beginning if we respond to these two directives from the *Gedolim* of the previous generation— understand your fate as bound together with that of all of *Klal Yisroel*; and make your concern over their welfare the scope of your concerns, and the substance of your agenda.

לְטוֹבָה וְלִשְׁלוֹמָהּ

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In our sense of triumph, we dare not become swept away with triumphalism. We may number several hundred thousand committed Jews in total, but these do not make up for the five million-plus American Jews slipping away. ★

AN AGENDA OF TEN-FOLD SIGNIFICANCE

What does this mean in long-term goals and day-to-day activities? If the numbers of 5,000,000 to 500,000 obtain, our accountability is ten-fold. Our awareness of "their" imminent fading away and "our" apparent vigor should drive us to reach out, to embrace our brethren, to help them experience the truth of Torah, and to support the efforts of those of us who are doing it so well on a professional basis, because "they" do not exist as a separate entity. "They" are really "we." As a result, each of us must carry the national Jewish "deficit" as a personal deficit. If *corpus Israelite* is hemorrhaging in Boston, Massachusetts, or San Diego, California, we must care enough to be there, to stanch the bleeding, to offer life-giving transfusions of energy, of self. After all, if we follow Reb Yaakov Kamenetzky's sensitizing regimen of viewing private acts of individual growth as part of fulfilling a communal agenda, then not only does personal growth assume a far greater importance than normally, one can also escalate from a personal sphere of activity to a communal setting with relative ease. The yeshiva, or my tightly-knit com-



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The yeshiva, or my tightly-knit community, may be my home, but the entire country—wherever Jews need me—is my turf.



munity, may be my home, but the entire country—wherever Jews need me—is my turf.

Beyond the studying-learning-teaching nexus, we must see to it that our personal dedication to Torah and *mitzvos* should resonate with a sense of purpose and a zeal that is genuine, and contagious. Our actions and dealings with others should reflect an awareness that we are intrinsically linked with others—with estranged Jews, indifferent Jews, spiritually-starving Jews, misled Jews...Russian Jews, Iranian Jews, suburban Jews. Everything we do—secular or sacred—is of far more

significance than one might assume, and our heightened spirituality can inspire and elevate others.

This kind of enhanced awareness should put us on the alert for yet other reasons, for we are also being watched. Others judge the relevance and the beauty of the Torah by the ways in which we conduct ourselves. How ennobling it is to inspire the comment: "Fortunate are those who study Torah!" (And—by the same token—how debasing it is to arouse a contrary assessment!)

More: we—each and every one of us—must make it our personal obligation to assume one or more of a

whole array of adoption programs. After all, we are the richly endowed in a society that is so spiritually starved that it does not even realize what it is lacking. There are individuals—children, singles, families, new-comers...institutions—schools, outreach programs, *chessed* groups that need help; causes that need hands, brains, or money; misinformation that needs correction (media watch, anyone?). Make your own list, and choose what you do best. Then, think of the project as an extension of yourself, and act accordingly—with purpose, dedication, and pride. (Pride?—Yes, for how can "they" respect us if we don't respect ourselves? How can we convince "them" to care if we don't care?) The ripple-effect can be astounding!

"What is Happening to American Jewry?" ask Dr. Lachman and Mr. Kosmin. "More than you give credit for," we answer them. But not enough. Not nearly enough. ■

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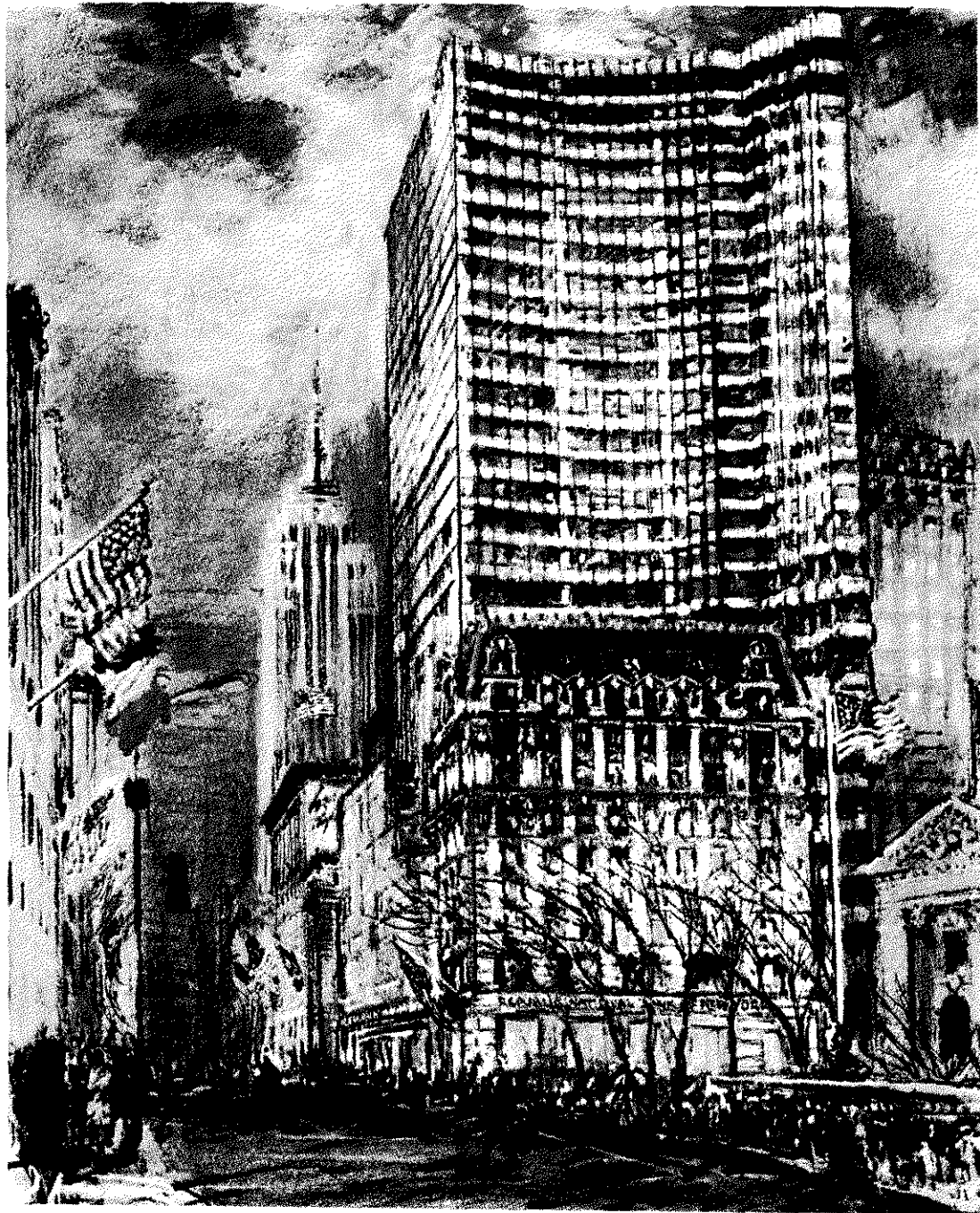
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1. The previous Skvere Rebbe, Reb Yaakov Yosef Twerski
2. The Skvere Rebbe distributes Siddurim to Jewish children in the shul in Kiev.



1

2



ALINK TO THE PAST...

On Lag B'omer, 5750, we bid our families farewell for a two-week journey to the Soviet Union. We did not have the remotest premonition that we were about to experience a rare spiritual awakening—an upheaval so intense, that we ourselves were swept into the very waves we stirred...that after 70 years of being so cruelly torn away from everything holy and Jewish, the Russian Jews were still part and parcel of the *Mamleches Kohanim V'Goi Kadosh*.

On 18 Iyar, 5750 (May 13, '90), a group of 400 *Chassidim* led by the Skvere Rebbe שליט"א departed Kennedy Airport on their long awaited trip to the U.S.S.R. Our ten-day itinerary called for visiting the burial sites of such *tzaddikim* as the *Ba'al Shem Tov*, the *Kedushas Levi*, and the *Rebbs* of the

Yisroel Meiri, a resident of New Square, N.Y., was a member of the Skvere mission to Russia described in this article.

Chernobyler Dynasty. And, indeed, within the next few days, we stormed the gates of heaven from these special places, hoping somehow to be linked to these *tzaddikim* of yesteryear....It was hard to believe that after seventy years of almost no person having had the privilege of being at these *ktivrei tzaddikim*, we were standing there, 400 of us, undisturbed, lifting our voices—and *neshamos*—in such intensity.

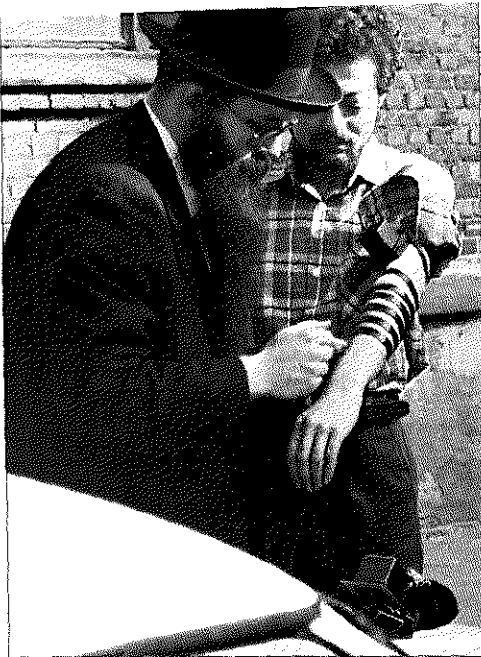
OLD SKVERE REVISITED

What had prompted the entire undertaking was our yearning to visit the village of Skvere. Under the leadership of the celebrated *Rebbs* of Skvere—first Reb Itzik'el, זצ"ל, then his son Reb Dovid'l זצ"ל—this village became a fortress of Torah, *Yiras Shamayim*, *Chassidus*, and *Ahavas Hashem*. And now, the horrible destruction wrought by the Nazis left this be-

loved town in the Ukraine in shambles.

It was during that dark period, in 1940, that Reb Dovid'l's son, the late Skvere Rebbe, Reb Yaakov Yosef זצ"ל, was forced to flee his hometown, finding temporary refuge in Romania, until 1948, when the Rebbe זצ"ל reached the shores of America, eventually establishing a Chassidic community in Rockland County, on the outskirts of the New York Metropolitan area. The town bears the name of "New Square," and we always hoped that the uncompromising dedication to Torah and *mitzvos* of its inhabitants, led by the present-day *Rebbe*, Reb Dovid'l Twerski שליט"א, would make it a replica of "der alter heim," the Skvere of old.

This hope was confirmed by a 93-year-old *Chassid* who still lives in Old Skvere. When he saw the multitude of black-clad *Chassidim* of New Square once again breathing



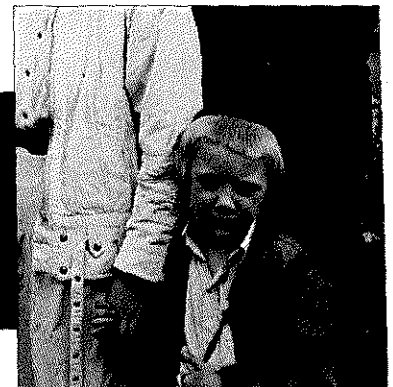
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3. Reforging a link in the chain of the Russian Torah tradition through Tefillin.

4. A Jewish child of Kiev, 1990.

4



HOPE FOR THE FUTURE

life into the forsaken town, he brushed away the tears that coursed down his wrinkled face, and whispered, "This is precisely how it was in those good old years." And he reminisced about "those good years" for hours on end....

TAPPING THE RESERVOIR

But there was something else, almost unplanned, that etched this pilgrimage deep into our minds and hearts: we were treated to a spiritual feast by our Russian brethren, reminding us time and again that "Netzach Yisroel lo yeshaker—the eternity of Israel does not lie."

"Please, a pair of *tzitzis* for me, for my *einikel*...." These words were reiterated by hundreds upon hundreds of Russians, everywhere we went. As we handed them *tefillin*, *tzitzis*, *yarmuk'lech*, *Siddurim*, and other religious articles, they in turn

endowed us with a warmth, a pride, and a realization that to be a *Yid* is a privilege beyond words.

One old Russian Jew blinking back the tears which threatened his composure, told us: "Now that I saw *Yidden* like you, I can die in peace." But by his appearance, he was just beginning to live....

The one *Shabbos* of our trip, in Kiev, was spent aboard a ship on the Dnieper River, in the company of close to a thousand Russian Jews. The dancing and singing aroused a joy and a *kedusha* that permeated every nook and cranny of the ship. We were sitting side by side with our long-suffering brothers, some of whom were experiencing the grandeur of a *Shabbos* for the very first time! We later learned that the next *Shabbos*, when we were once again *davening* in our own *batei midrashim*, the *shul* in Kiev, which was until now almost completely abandoned, housed *hundreds* of Kiev

Yidden, *davening Kabollas Shabbos* with deep joy. We had tapped a reservoir of spiritual yearning that was now flowing freely.

Taking part in our uplifting *Shabbos* was a 90-year-old Jew who had traveled ten hours by train from his hometown to join us in Kiev. He had remained steadfast to *Yiddishkeit* all these years, despite the threat that hung over his head. His old legs were very weary when he arrived, but he declared it more than worth the effort.

STILL HUNGRY

At the *seuda*, when one of the waiters called out: "Is anyone still hungry?" he received a reply from a young Russian teenager: "Of course I'm still hungry—for a pair of *tefillin*!"

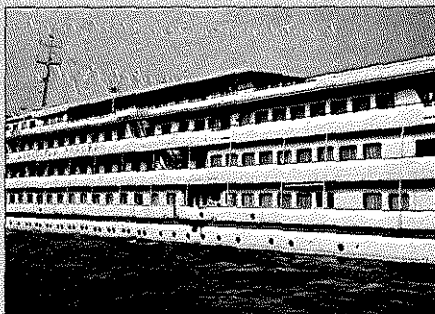
Unwittingly he had fulfilled the Prophet's vision: "And I will send a hunger over the land. Not a hunger

One old Russian Jew blinking back the tears which threatened his composure, told us: "Now that I saw Yidden like you, I can die in peace." But by his appearance, he was just beginning to live....

for bread, nor a thirst for water, but [a hunger] for the word of Hashem."

After Shacharis, one Jew told us, his face aglow, "Do you know that I've already *davened* three times today? I was so excited to pray to Hashem, that I did so twice at home, and now together with a *minyán*...." He had misinterpreted the meaning of the requirement to "*daven* three times a day!"

Another Jew reported to us: "My wife is a righteous woman. She's heard of others who kindle the Friday night *licht* before sunset, but she scrupulously waits until she sees three stars. Then she kindles the lights." Little did he realize the sad irony of his words.



5



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WELCOME TO BERDITCHEV

Berditchev, the home of Reb Levi Yitzchok, whose heart-rending *tefillot* on behalf of Klal Yisroel made him the paradigm *meilitz yosher* (defender of Jews).

This erstwhile citadel of Chassidus was our destination on a sunny Sunday morning. We were delayed, and arrived at 5:00 p.m., instead of the scheduled 11:00 a.m., to be greeted by literally thousands of Jews dressed in their very best. Their excitement was almost palpable when we distributed the countless *tashmishei kedusha* we had brought along.

Many of these people had been waiting there from nine in the morn-



Photo: Jona Bratovsky

5. The ship on the Dnieper River, where Jews of Kiev greeted the Shabbos with visiting Skvere Chassidim.
6. Reb Daniel Goldstein, town clerk of New Square, N.Y., puts tefillin on a Jew from Ostrow.
7. An elderly Ostrow Jew shares his memories with visitors, including Reb Yishaya Braun, chazan of New Square.
8. Tefillos at the grave-site of the previous Rachmistrivke Rebbe
9. The caravan of buses, ready to leave Belz.
10. Skvere Rebbe "giving Shalom" to overwhelmed child.

10



8



9

ing, to assure us a proper welcome. Some had refused to taste a morsel of food before we arrived. "A *tzaddik* is coming," they stated matter-of-factly, "and we should go away to eat?" When the *Rebbe* encountered the purity of these Berditchever *Yidden*, he departed from the schedule, which called for continuing on, and despite the late hour, lingered on. The *Rebbe* spoke fiery words of *chizuk* to these Jews, encouraging them to begin life anew....One Russian begged for a pair of *tefillin*, and when he was asked whether he would put them on daily, he answered: "*Avada ich vell! Avada!* (Of course I will! Of course!)," as if he could not fathom how we could ask such an inappropriate

question. Did it matter that he hadn't tied those straps around his arms since his Bar Mitzva?

One young boy, when told that one is forbidden to walk around without *tzitzis*, tearfully pleaded for a pair. But our supply was totally exhausted. He stood still, stubbornly refusing to leave the spot. "I will not walk another step without a pair," he stated defiantly.

Could we refuse the child? One of our group suddenly slipped off his own pair and draped it over the shoulders of the overwhelmed boy. We then went in search for another pair. We couldn't leave our friend without one.

HACHNOSAS SEFER TORAH IN THE STREETS OF MOSCOW

The climax of our trip took place on Wednesday, the day before our departure, when the streets of Moscow were transformed into a *Makom Kadosh*. As I sit writing these words, I realize that the idea still seems too bizarre to register. To dance with the Torah—in honor of the Torah—just a few yards away from the Kremlin? In over a century, nothing of this nature ever took place, not under the Czars, and not since. Where were the ubiquitous Communists lurking? They were standing on their rooftops, vying with one another for a better view. They did not want to

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11. Cover of brochure on basics of Judaism, in Yiddish and Russian, distributed at Moscow siyum sefer Torah (shown in background).

12. Skvere Rebbe under chupa with sefer Torah, in front of Moscow's famous Children's Palace.

miss the breathtaking scene. Little did they realize that they were witnessing the crashing downfall of their ko'ach hatuma. The Kiddush Hashem was indescribable.

The event, celebrating the completion of a Sefer Torah, was made possible by Mr. Albert Reichman of Toronto. The enormous hall, with a capacity of thousands of

and the voice of Russian Jewry echoed in our ears. "Please, ti'era brieder, don't forget us. Mir voinen nisht du. mir veinen du. (We don't live here, we weep here.)"

**NOW THAT
SEVENTY
YEARS HAVE
PASSED**

When the Chofetz Chaim was told, in 1918, that a new type of government was founded in Rus-

sia in which "everyone would be equal," he sighed. The tzaddik knew well what this would mean. "But it won't take much more than seventy years," the Chofetz Chaim said reassuringly, "and things will change, b'ezras Hashem."

Seventy years have passed and things are changing drastically. Let us pray to Hakadosh Boruch Hu that the changes will be complete, and we will soon once again dance with our Russian brothers—in the streets of Yerushalayim. ■



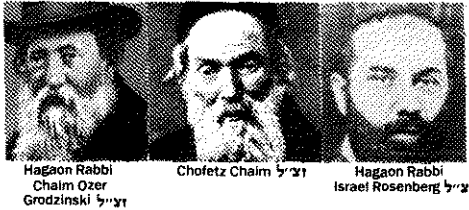
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people, was actually filled with joyful masses. As the Rebbe lovingly danced with the sefer Torah, our tears ran freely, mingling with the tears shed by our Russian brethren. We sang and danced for hours, engulfed in waves of emotions. "What shall I say?" cried one Russian Jew in his broken English. "Mine heart. Mine heart."

After tearfully parting with these Russians Jews, we began to prepare for our journey back home....Our planes screeched off the runway,

SINCE 5676, EZRAS TORAH HAS RECOGNIZED THE SACRIFICES PEOPLE MAKE TO LEARN TORAH

he yeshivas and Torah scholars of eastern Europe suffered terribly in The First World War. There was starvation everywhere. In an effort to help, the Hofetz Chaim and Reb Chaim Ozer Rodzinski asked the American Jewish community to respond. The result was Ezras Torah, a relief organization that specialized in supplying funds to help Torah families. Through pogroms, extermination and immigration, Ezras Torah has come to the help of Torah scholars throughout the world. And it continues to do exactly that today.



Hagaon Rabbi Chaim Ozer Grodzinski זצ"ל
Hofetz Chaim זצ"ל
Hagaon Rabbi Israel Rosenberg זצ"ל



Hagaon Rabbi Naftoli Z. Riff זצ"ל
Hagaon Rabbi Moshe Feinstein זצ"ל
Hagaon Rabbi Yosef Eliyahu Henkin זצ"ל

Gedolei Torah have encouraged support of Ezras Torah from the beginning. Hagaon Rabbi Yosef Eliyahu Henkin זצ"ל and Hagaon Rabbi Naftoli Riff זצ"ל were among the Torah giants who administered the organization with love and devotion. Unusual steps have always been taken to protect the dignity and respect the recipients. Thousands of Torah families who would never ask for help have received financial support through

the years. And Ezras Torah has become the Torah World's way of helping Talmidei Chachomim and their families survive.

Nobody knows the day-to-day needs of today's Torah scholars better than their Roshei Yeshiva.

How does Ezras Torah identify the most deserving Talmudic scholars? After appropriate applications are submitted, reporting on the size of the family, health-related problems, and other sources of income, an applicant's Rosh Yeshiva submits a detailed recommendation. Roshei Yeshiva are acutely aware of two important factors of interest to Ezras Torah. They know of both the immediacy of the personal needs of their talmidim and they can convey the quality of scholarship of the applicant as well. The Roshei Yeshiva offer Ezras Torah a direct link to the world of Torah scholars and teachers. And Ezras Torah offers the Roshei Yeshiva the important opportunity to play a role in helping their talmidim in moments of need.

It's not just how much Ezras Torah helps. It's how it helps.

More than anything else, Ezras Torah protects the dignity of the people who receive its gifts and loans. Many poor Torah scholars would refuse to accept Tzedakah if not for the anonymous and dignified way Ezras Torah makes its distributions. It is neither a handout nor is it institutionalized social service. The Ezras Torah system of collection and distribution recognizes the contributions Torah

scholars make to the Jewish community and therefore insures that all parties remain anonymous. Recipients do not know where the gift came from and donors do not know to whom their gift is going. It is the highest form of Tzedakah.

Help Talmidei Chachomim fight the high cost of living in Israel. Support Ezras Torah and support these five important programs.

THE YOMIM NORAIM PROGRAM:

As Rosh HaShanah, Yom Kippur and Succos approach, the needs of a family increase. This program distributes direct cash gifts to families, widows and orphans for clothing or food.

THE PESACH PROGRAM:

Pesach is always a time of extra need for both food and clothing. Again, direct cash gifts are distributed at this time of year.

THE HACHNOSAS KALLAH PROGRAM:

Helping a young Torah scholar get married and start a family is a priority of Ezras Torah. This program gives outright gifts to brides and grooms with no stipulation as to how the funds are to be used. Application is made by the fathers of the brides and grooms as well as by the chasan and kallah.

THE ISRAEL HOUSING LOAN PROGRAM:

A couple in Israel starting out, or a family that has grown, is in need of a new place to live. Yet the cost of an apartment is often prohibitive, especially for Torah scholars and their families. Ezras Torah offers interest-free loans to approved applicants. These loans go directly to the purchase of an apartment and help alleviate the financial burden of buying a place to live.

THE KEREN REFUAH:

Medical emergencies can sap a family of their resources. Often there is no money to properly diagnose or treat an illness. This program offers help and expert advice to those Torah scholars who can't afford the medical attention they need.

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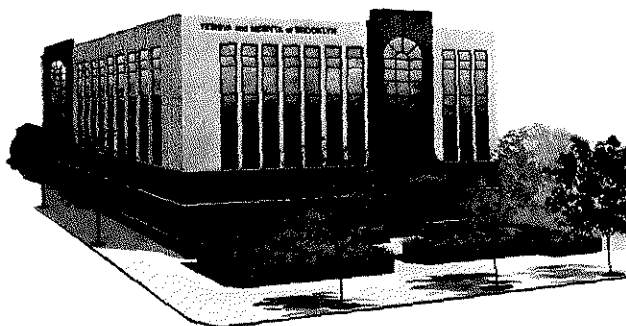
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young men from Yeshiva Ketana through Kollel. The new building, designed to accommodate 1,000 students, will allow us to continue our phenomenal growth, by accepting the many students we have been forced to turn away. It will also alleviate our overcrowdedness so that our *talmidim* can develop in a setting conducive to learning.

You can have a share in this momentous undertaking. Opportunities are now available to dedicate a room or other facil-

ity—even naming the entire new building—in memory or in honor of someone dear to you. There is no greater way to pay tribute and show your respect to a cherished relative or friend.

Even if you are unable to dedicate a facility, you surely will not want to pass up this chance to be a part of one of the most important Torah projects of this decade. Join with us by contributing whatever you can.



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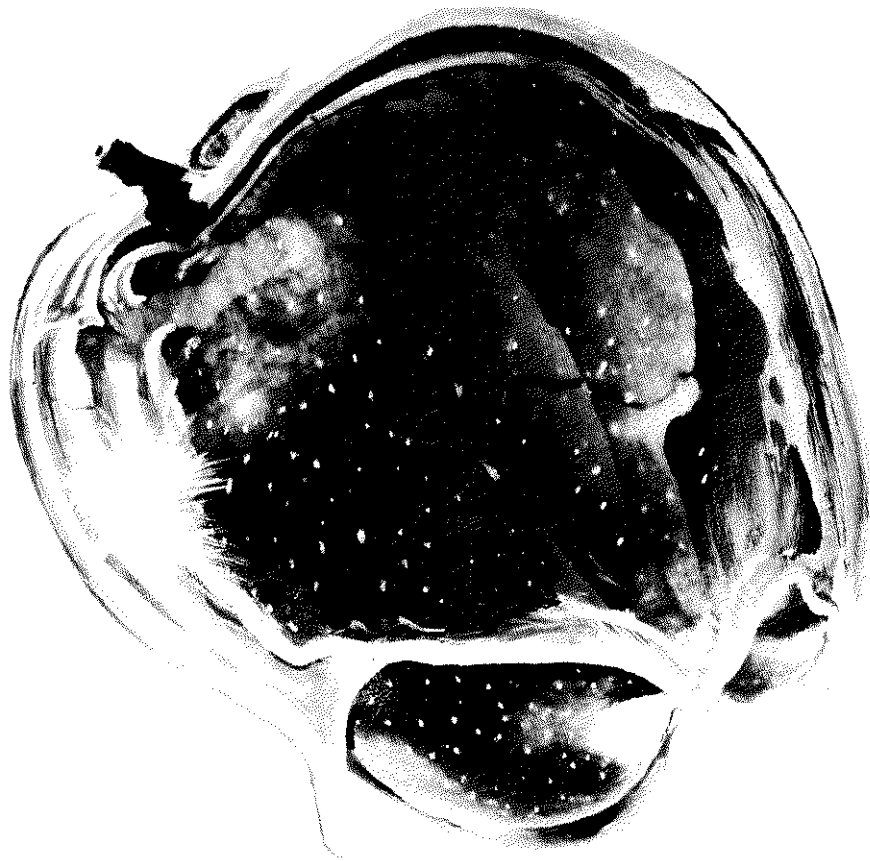
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THE HOLOCAUST Personal Accounts

Quite a while has passed since we last reviewed books on the Holocaust. During this time, historic events have transpired; in particular, the Eastern and Central Europe that emerged from the war has been radically transformed. The anti-semitism that is coming to the fore in Russia and its neighboring countries is a powerful reminder to the shortsighted that our people is "a sheep among seventy wolves." More than ever, it should be clear that it is not enough to remember what happened; there are conclusions to be drawn for our time. Hence we welcome the fact that there is an increasing number of works on the Holocaust by Jews rooted in Torah and writing from a Torah viewpoint.

EXPERIENCING DIVINE PROVIDENCE

Truly remarkable is Rabbi Chaim Shapiro's autobiographical **Go, My Son** (Feldheim, 1989, Jerusalem-Monsey, \$18.95 h.c./\$15.95 p.b.), which chronicles the author's odyssey—from his Lithuanian yeshiva studies to his return from Siberia, six years later, as a Russian tank officer. An extraordinary cast of characters peoples this book and

appears in the many incredible episodes described in it, making this a fascinating book to read. But what strikes the reader at a deeper level is the sense of Divine Providence at work in a myriad of major and minor happenings which made possible the author's survival. Rabbi Shapiro's awareness of G-d's guiding hand, and his trust in Him, which come across very clearly in this book, must have given him the fortitude and courage to navigate crisis after crisis and to survive with

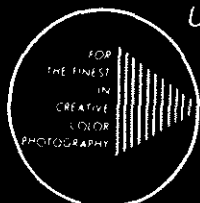
G-d's help. As the reader's attention is held by the happenings he describes, he cannot but be profoundly inspired by this book.

The Scent of Snowflowers, by R.L. Klein (Feldheim Publ., Jerusalem-Monsey, 1989, \$18.95 h.c./\$15.95 p.b.) tells a story of faith, hope, and survival in a very different setting, wartime Hungary. A young woman, Rivkah Leah Klein, and her husband faced the daily burden of fear, insecurity, hunger and pain, and above all, the tragedy of the loss of those near and dear to them. In this book, too, we encounter near-miraculous escapes and the author's refusal to give up hope and trust in G-d's saving Providence. Her skill in delineating the diverse personalities she encountered—Germans, Hungarians and Jews—also forces us to face up to one of the central themes of this book: how do people meet extraordinary situations in which they are the masters, the victims or by-standers at large. Mrs.

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Klein dedicated this book to the gentile couple that saved them by hiding them at the risk of their own lives—and at the same time she shows how the non-Jewish world in general closed its eyes to the tragedy of the Jews or joined lustily in their persecution. It is a theme that recurs in every book on the Holocaust; but the vividness with which the author's experiences are presented will firmly hold the reader's attention and make him confront the issues raised by this book.

Light in the Darkness. A Personal Account of the Holocaust, by Ruth Zeidman, translated by Yehudith Kirstein (published by the author, Jerusalem, 1988, \$14.95 h.c.) describes the author's survival in yet another setting. She was a child in Czenstochow when the war broke out, went through all its horrifying stages—ghetto existence, labor camp, and Auschwitz—and survived to attend Bais Yaakov Seminary in Jerusalem and become a teacher passing on the heritage of her parents, which was such a source of courage and faith throughout her experiences. It is interesting and instructive to compare her account with that of, say, Thomas Greve (*Guns and Barbed Wire, a Child Survives the Holocaust*); he survived the same horrors, but somehow his reaction to them is quite different from that of Mrs. Zeidman, because he did not have the same resources to draw from. The profound spiritual strength with which she met her experiences not only played a crucial role in her ability to endure but let her emerge from her ordeal as a stronger and greater personality.

"HEARKEN, MY SON, TO THE TEACHINGS OF YOUR FATHER"

That a parental home's Torah atmosphere, the memory of lost parents and what they stood for, are deeply seared into the hearts of their children, is brought out very clearly in **Survivors, Children of the Holocaust**, by Judith Hemmendinger (National Press Inc., Bethesda, 1986). A few hun-

dred boys from the same boys' barracks in Auschwitz to which Thomas Greve belonged, were taken to France after liberation. It was almost impossible to break through the walls erected by their experiences—but many of the boys did indicate that they came from religious homes and wanted to preserve their religious identity and the spirit of their destroyed families. As a result, an Orthodox camp was established for them, and the author was appointed its director. She wrote this book about her experiences so that readers should understand what the survivors went through (she notes that she was encouraged in this undertaking by her uncle, Rabbi Joseph Breuer זצ"ל). At the same time, this book serves as a beautiful tribute to a man who recently passed away: Leo Margulies spent six years in Buchenwald, all the while clinging to *mitzva* observance; the boys adopted him as their mentor, trusted him, and were inspired by him.

The crucial role of faith in the

shadow of death, and the influence of parents and grandparents as its source and inspiration, are highlighted in yet another survivor's memoir, ***They Called Me Frau Anna***, by Chana Marcus Banet (C.I.S. Publ., Lakewood, 1990, \$16.95). The author is a granddaughter of Rabbi Aaron Marcus ז"ל, noted scholar and Torah personality. Of German Jewish background, he came to immerse himself totally in the world of Polish Chassidus (and indeed wrote a classical work about it). Mrs. Banet devotes the first part of her book to her grandfather and pre-war Poland in general, before launching into an account of her wartime experiences; and it is very clear, in these early chapters as well as the rest of the book, how profoundly she and her whole family were guided by the noble Torah legacy that they had inherited. The author lost her husband, but she and her two little children survived by hiding out on the "Aryan side"—for about two years she served as the housekeeper for a high German

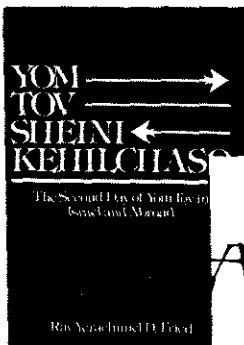
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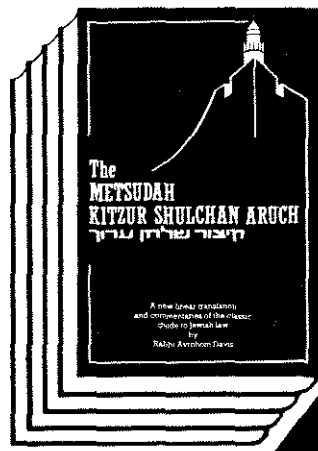
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official and his family. All this time she managed not to touch *treifa* food, and even lit *Shabbos* lights—two little matches. Her unbounded faith—nurtured by the *berachos* which her grandfather had received from his *Rebbs*—helped her through one crisis after the other, and enabled her to weather the blows meted out to her and her family without flinching. The fortitude of this remarkable personality is perhaps most evident in her postscript: as an elderly woman, now living in *Eretz Yisroel*, she is worried about the young couples who leave for abroad because of economic problems, and offers to help in the establishment of an organization to provide housing and other aid to such couples, to keep them from getting lost to *Klal Yisroel*.

Mrs. Banet's book is the second volume in a series of *Holocaust Diaries* projected by C.I.S. Publishers. The first volume is an equally impressive work, *Late Shadows*, by Moshe Holczer (C.I.S. Publishers, Lakewood, 1989, \$19.95). Together with his wife, the author recounts the story of their survival in wartime Hungary; it takes up the first and largest part of this volume. Again we find hair-raising experiences and escapes, profound faith in G-d's merciful help that let them survive, and profound disillusionment with the "civilized" world that turned its back on them; of course, however similar in pattern, each survivor's story is unique and illuminates different facets of the great tragedy. This is also evident in the succeeding sections of the book which reflect the author's work after the war in behalf of survivors. They are devoted to the stories told by them, to their later reactions to what they had experienced, to unexpected postwar encounters and incidents, and to reflections on the Holocaust.

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sympathy...or to warn Jews to be ready to fight back, in the future, or to run away. Such appeals or advice the author considers exercises in futility. The purpose of the stories he tells, testimonials to faith, is to inspire the readers and to contribute to the present revival of Judaism. Pre-war European Jewry, the bastion of Torah Judaism, was crumbling under the impact of the *Haskallah*, assimilation, socialism, and secular Zionism. Came the Holocaust—and the only truly effective resistance that could be offered was spiritual. It was *this* resistance, the author stresses, that preserved our Divine heritage and led to its flowering today, to a degree unthinkable before the war. The uncompromising loyalty to this heritage—rather than any escapism or political planning—is the only way to forestall such tragedies. The author sees the Holocaust as another, particularly terrible, episode

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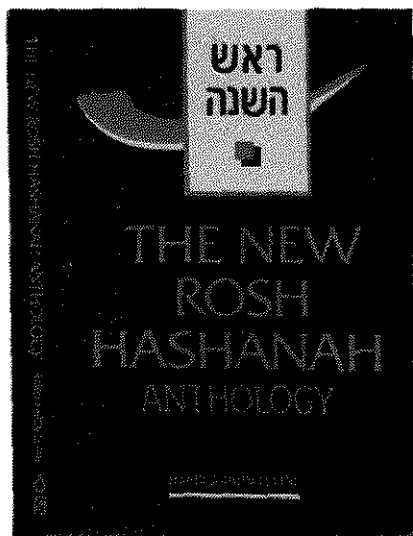
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in the eternal battle between Amalek and the Jewish people— and the lesson we draw from the Holocaust is that Amalek is defeated by faith. (It is this interpretation that leads the author to speak up against the acceptance of restitution from Germany, as giving new strength to Amalek and accounting for the re-emergence of a strong Germany!)

Very interestingly, a similar interpretation of the Holocaust, developed in greater detail, is offered in *With Fury Poured Out, A Torah Perspective on the Holocaust*, by Rabbi Bernard Maza (Ktav, New York, 1986), published with a *haskama* by Rabbi Moshe Feinstein זצ"ל, who approved of Rabbi Maza's approach. The author sees the key to the persecution of the Jews, in general, and to the Holocaust in particular, in G-d's warning, conveyed by the Prophet Yechezkel, that "with a strong hand and an outstretched arm, with fury poured out, will I rule over you." If, in the course of Jewish history, the light of Torah appears to dim, the Jewish people

has to endure a period of pain and suffering, leading to a rebirth, when the Torah's light will shine with renewed brightness. Rabbi Maza quotes from varied sources to show the weakening of Torah life in Eastern Europe before the war despite the efforts of the *yeshivos* and the Bais Yaakov movement. (This development was also described on various occasions by Rabbi Yaakov Kamenetzky זצ"ל, who emphasized that the absence of fathers from their homes for several years during the First World War played a crucial role in this respect.) At the same time, America was, Jewishly speaking, a wasteland; and Palestine promised to be the preserve of secular Zionism. The Holocaust—with all its suffering and pain—changed all this, and the sparks of faith carried through the darkness came to light up a new morning.

It must be stressed that both Mr. Holczler and Rabbi Maza speak about the meaning of the Holocaust for the Jewish people as a whole; neither presumes to answer the

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question that will come to our minds as we read the testimonials of faith here reviewed: what about all those individuals who did cling to their faith and did *not* survive? What about all the other victims? The children and infants? No human mind can answer these questions. Yet this does not mean that we can consider their suffering and death as meaningless. If, as believers, we accept that the purpose of every human being on earth is to help further G-d's goal for this world, and that his recompense is in a higher world, we will also understand that the Holocaust victims made their sacred contribution to the course of history, and attained a heavenly reward that we cannot even imagine. As for those who were granted survival, there was surely a special purpose in this (a thought expressed by so many survivors).

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presence of a Divine shield which protects—even in the very bowels of evil—some who, through their scholarship and guidance, would later help effect the resurrection of

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Torah and nation, and some who, through the recounting of their experience, would become crucial instruments for a newly perceived Providence." These words of Rabbi Nachman Bulman, in his foreward to the first volume of the Feldheim Publishers' Remembrance Series, aptly describes the motives of the authors of the autobiographies we have reviewed—and the importance of the undertakings which they so effectively brought to fruition.

The volume introduced by Rabbi Bulman is, indeed, particularly dedicated to paying tribute to G-d's saving Providence. **Operation: Torah Rescue**, by Rabbi Yechezkel Leitner (Feldheim, Jerusalem-Monsey, 1987, \$12.95 h.c., \$9.95 p.b.), is the description of the escape of the Mirrer Yeshiva from war-torn Poland to Shanghai. A volume dealing with the same subject, **Escape to Shanghai**, by Rabbi E.S. Hertzman and Rabbi C.U. Lipshitz, based on the Hebrew work *Nes Hatzalah*, appeared in 1981 and was reissued in revised form under the title **The Shanghai Connection** (Moznaim Publishers, Brooklyn, 1988, \$9.00). Both Rabbi Leitner and Rabbi Hertzman were with the Mirrer Yeshiva during its odyssey, experienced the incredible chain of happenings that made its survival possible—and heard the

Mirrer *Mashgiach*, Rabbi Yechezkel Levenstein זצ"ל help his disciples understand the meaning of the events. Each work has its distinctive approach, makes a real contribution to the topic, and will engross and enrich the reader (though *The Shanghai Connection* would have benefitted somewhat from better editing and proofreading); but they both focus on the same near-miraculous details—from the agreement of the Germans and Russians to transfer Vilna to Lithuania, and the obtaining of visas and exit permits, to the transfer of the refugees from Kobe to Shanghai, which seemed such a blow and turned out to be such an extraordinary blessing. Both books show, moreover, that the *Mashgiach* not only made sure that his listeners fully appreciated the providential character of their survival, but inspired them to make use of it for ever higher attainments in Torah study and for helping reestablish the Lithuanian yeshivos in Eretz Yisroel and America. Their contributions, indeed, turned out to be enormous; the role played by, say, Rabbi Elya Chazan זצ"ל and Rabbi Nachum Partzovitz זצ"ל in America and Eretz Yisroel is universally recognized. The reader himself cannot fail to become inspired by the insights here offered.

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MINOR FOOTNOTES TO A MAJOR TRAGEDY

While the escape of the Lithuanian *Bnei Yeshiva* undoubtedly represents a major chapter in the tragic story of the Holocaust, there were many events that we might consider minor footnotes to it. Take, for instance, the story of the refugees shipped in 1941 from England to Canadian internment camps. It did not have grand dramatic dimensions; yet it deserves attention because it involved the stubborn insistence of the Orthodox internees (many of them students of the "Schneider Yeshiva" in London) upon the fullest *mitzva* observance—and because these internees subsequently had a definite impact on Torah life in North America. **Both Sides of the Wire**, by Ted Jones (New Ireland Press, Fredericton, N.B., 1988), recounts the history of Internment Camp "B" in Fredericton N.B.; the author, a local high school teacher, drew on the recollections of both the army camp guards and of many of the internees to draw a sympathetic and sensitive picture of this strange episode.

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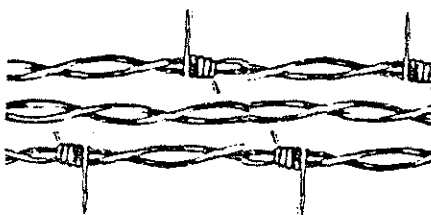
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Yet, despite the tensions created by these and other issues, the Orthodox group had an impact on at least some of the other internees; in any case, it was able to maintain its standards and goals—and in due course, Rabbis and *Roshei Yeshiva*, educators and dedicated *baalei battim* emerged from their midst. A small detail in the history of the war years—but yet another indication of how Torah keeps the Jew more than the Jew Keeps the Torah. ■

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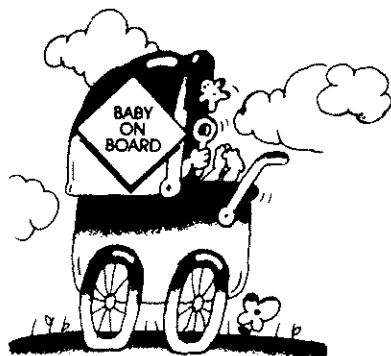
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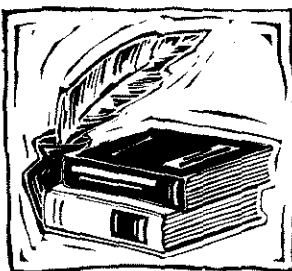


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FROM THE ARCHIVES

REB CHAIM OZER GRODZENSKI, REB CHAIM BRISKER AND THE FOUNDING OF THE MOETZES GEDOLEI HATORAH OF AGUDATH ISRAEL

There has been much speculation regarding the role of Hagaon Horav Reb Chaim Soloveitchik זצ"ל in the founding of Agudath Israel. This may in part be due to the blurring effect of the passage of time, but there is also an element of deliberate distortion involved. In any event, clarification is certainly welcome—and, indeed, is available from an incontrovertible source.

It is difficult to imagine anyone more authoritative on the subject than Rabbi Chaim Ozer Grodzenski זצ"ל, whose fiftieth Yahrzeit was marked last month (see J.O., June '90). Reb Chaim Ozer served as head of the Moetzes Gedolei HaTorah (Council of Torah Sages) of Agudath Israel from its very founding. Also, as virtual leader of world Jewry, he was in intimate contact with Reb Chaim, and was deeply involved in the events surrounding the early years of Agudath Israel. Thus, one need not look further.

A proclamation published in *Der Yud*, 17 Tammuz, 5683/July 30, 1923, discusses this very topic. Copies of *Der Yud* on microfilm are in

Rabbi Kolodny is director of the Orthodox Jewish Archives, maintained by Agudath Israel of America.

possession of Agudath Israel of America's Orthodox Jewish Archives. The following is a translation of that proclamation:

False information is currently being circulated, as part of a campaign by the Mizrachi* to discredit Agudath Israel and the Moetzes Gedolei Hatorah, making use of the name of [the son of Hagaon Reb

ment from the renowned Goan, Horav Hagoan Reb Chaim Ozer Grodzenski of Vilna, who maintained intimate contact with the late Brisker Rav, Reb Chaim, on all communal matters:

"In the year 5667 (1907), the initial meeting was held, attended by the Rav of Brisk (Rabbi Chaim Soloveitchik), the Rav of Telshe, Rabbi Elazar Gordon, and myself,

at which it was resolved to found 'Knesses Yisroel.' Its format was developed later, in Vilna, and submitted for approval to Hagaon Reb Chaim of Brisk, Hagaon Reb Dovid [Friedman] of Karlin and Hagaon Reb Eliyahu Chaim [Meisels זצ"ל of Lodz]. Unanimous approval was forthcoming

and the organization 'Knesses Yisroel' was then officially recognized by the government.

"The organization's activities were subsequently suspended, due to government pressure. After a two-year lapse, in the month of Av, 5669 (1909), on the initiative of Hagaon Rabbi Isaac Halevi, author of *Doros Harishonim*, a second conference was held in Bad Homburg. In attendance were Hagaon Reb Chaim Brisker, Hagaon Reb Elazar Telzer,

It is difficult to imagine anyone more authoritative on the subject of Reb Chaim Brisker's attitude than Rabbi Chaim Ozer Grodzenski זצ"ל

Chaim] Hagaon Reb Moshe Soloveitchik (who has a position in Mizrachi's Tachkemoni School). This campaign is aimed at confusing the public and leading them to question the relationship of Hagaon Reb Chaim Brisker with Agudath Israel, since the Brisker Rav was the acknowledged leader of the *Rabbonim* of Russia and Lithuania.

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*Details of this campaign were reported in *Kol Yisroel*, 5 Ellul, 5683/Aug. 17, 1923.

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Hagaon Reb Eliezer Rabinowitz of Minsk, and myself, as well as the Gerrer Rebbe, the present Rabbi of Bendin and several Hungarian Rabbis. In Homburg, the foundation stone of the Agudath Israel World Organization was laid.

"The Brisker Rav continued to insist that a *Moetzes Gedolei HaTorah* be established immediately, to supervise the activities of the organization. His proposal was inspired by his concern that the German educational system not penetrate our Talmud Torahs and Yeshivos—that there be no blending of Torah with *Haskalla*, of the sacred and the secular, of which he was a principal opponent—for he viewed such a program as a threat to Torah study.

"The *Moetzes Gedolei HaTorah* was actually organized there. Hagaon Reb Chaim was the principal initiator and a deeply involved member.

"During Sivan 5672 (1912), in Katowitz, the operational rules of the *Moetzes* were established, in accordance with the recommendation of Hagaon Reb Chaim.

"If, following the Katowitz Conference, Hagaon Reb Chaim's involvement in the further development of Agudath Israel became somewhat weakened for a relatively short time, it is only because the above-mentioned by-laws regarding the *Moetzes Gedolei Hatorah* were not published. He therefore suspected that the *Moetzes* would not be launched, and as a result, the German educational system would gain entry into our institutions, and through the influence of *Haskalla*, Torah study would suffer.

"In 5677 (1917), however, the urgent necessity of an Agudath Israel organization became more apparent; Hagaon Reb Chaim again concurred with me, and issued a proclamation in regard to revitalizing Agudath Israel in Russia. (This proclamation was published in *Der Yud*, one week ago.)

"Hagaon Reb Chaim had reacted negatively to '*Mesora V'cheirus*' and '*Netzach Israel*,' which were founded in Moscow and Petrograd." ■

The Extraordinary Opportunities Surrounding the Airlift of Soviet Jews



URGENT CALL FOR MEANINGFUL EFFORTS FOR BOTH TRANSPORTATION AND SPIRITUAL NEEDS

The rapidly moving events in Eastern Europe have resulted in a dramatic change in the conditions that until now have forcibly isolated the three million Soviet Jews and estranged them from their precious heritage, indoctrinating them with Communist dogma and atheism. It is now possible for large numbers of these Jews to leave the Soviet Union, with as many as 15,000 Jews being flown to *Eretz Yisroel* every month, and the outlook of as many as 25,000 monthly in the near future.

Over the years, our main task has always been to endeavor to guide our Russian brethren—both within the Soviet Union and in the free world—back to a life of Torah, to live as Jews in the full sense of the word. Recent events, however, have given their immigration a sense of urgency, due to an increasing level of

hostility and overt expression of anti-Semitism in the Soviet Union, to the point where *Pravda*, the official Communist daily, has reported that anti-Semitism is "growing rapidly." Further, there is no telling how long these doors of immigration will remain open.

We must, therefore, do everything possible to help them immigrate as quickly as possible, and participate in funding this costly but vital massive airlift. At the same time, we must maintain our dedicated activities on behalf of the spiritual welfare of these Jews, so long sealed off from their heritage.

We are publishing a memorandum issued by Agudath Israel of America calling for support of a special arrangement the organization worked out regarding the transportation of Russian Jews to *Eretz Yisroel*. The memorandum closes with the urging of the Torah community to also continue contributing to the existing spiritual programs in *Eretz Yisroel* that are so vital for these new *olim*.

MEMORANDUM

TO: CONSTITUENTS BODIES AND INTERESTED PARTIES

RE: RUSSIAN JEWISH EMIGRATION

Upon conducting a careful assessment of the current situation with respect to Jews in the Soviet Union, and upon consultation with its rabbinic leadership, Agudath Israel of America issued the following statement concerning the importance of assisting Russian Jews seeking to emigrate to *Eretz Yisroel*:

1. Many thousands of Russian Jews are seeking to leave the Soviet Union at this time. Many of them are deeply concerned about the apparent rise of overt anti-Semitism among certain increasingly vocal segments of the Soviet population.

2. The majority of Jews who leave Russia will resettle in *Eretz Yisroel*. This development certainly deserves to be encouraged. However, many Soviet Jews are simply unable to afford the costs of emigration from Russia to *Eretz Yisroel*.

3. These concerns weigh heavily upon us and the welfare of our brethren leaves us no rest. In recognition of the fact that it is a great *mitzva* to help the needy Jews of Russia who are anxious to emigrate from the Soviet Union, Agudath Israel of America has decided to undertake to assist in such emigration by raising money to help cover the costs of transportation to *Eretz Yisroel* for as many Russian Jews as possible.

4. Having found that the most viable structure currently in place to assist Russian Jews in emigrating to *Eretz Yisroel* is "Operation Exodus" sponsored by the United Jewish Appeal, Agudath Israel of America has made a special arrangement with U.J.A.'s Operation Exodus. According to this arrangement, funds contributed to Operation Exodus through Agudath Israel will be transmitted by Agudath Israel to Operation Exodus to be used solely for the purpose of helping cover the costs of transporting Russian Jews to *Eretz Yisroel*.

5. Agudath Israel of America calls upon its constituents and the Torah community to meet the call of the hour and to contribute generously to this vital project of helping enable our needy Jewish brethren in the Soviet Union to emigrate to *Eretz Yisroel*.

6. At the same time, in view of our monumental responsibility to assist and guide the new wave of Soviet Jewish refugees to return to the faith and heritage of their forefathers, Agudath Israel of America calls upon its constituents and the Torah community to support the effective programs currently in place for the *k'lita ruchania* (spiritual absorption) of the many thousands of Russian Jews arriving in *Eretz Yisroel* who are tasting freedom for the first time in their lives. We must recognize that true and complete freedom for our Soviet Jewish brethren cannot be achieved without a renewed commitment to our holy Torah.

Anti-Semitic Tide Perilous, Pravda Says

Soviet Union: Party paper warns that rapidly growing prejudice undermines political and economic reforms.

BY ABRAHAM P. KATZ

MOSCOW—Anti-Semitism is growing rapidly in the Soviet Union, the Communist Party newspaper *Pravda* acknowledged Sunday, if it now threatens to undermine the country's political and economic reforms. *Pravda* denounced not only the anti-Semitism of groups on the far right, such as the nationalist Pamyat, which blame Jews for the country's problems past and present, but also that of Russian nationalists who use anti-Semitism in their effort to revive Russian nationalism.

Los Angeles Times

MONDAY, JULY 23, 1990

This unprecedented anti-Semitism of great concern because it faces an attempt to disrupt the process of social consolidation. *Pravda* said in an article signed by a Soviet historian, S. Rogov, "A two-sided war must protect people of every nationality."

In one of the strongest official warnings against anti-Semitism the newspaper said that the country, if it achieves its democratic, cannot, conflict itself with the expectation that the Jewish question, a term that itself has an anti-Semitic undertone here, will be solved when the country's 15 million Jews have emigrated.

Pravda, in a break from official statements in the past, argued that the problem is much broader than acknowledged up to now and that it affects the whole of Soviet society and its efforts at political, economic and social reforms.

Despite repeated warnings over the past year, and a half, from the Jewish communities in Moscow, Leningrad and other major Jewish centers in the country, Soviet officials have been unwilling to recognize the rapid, even frightening, growth in anti-Semitism and its implications for the country.

Even when foreign leaders, including President Bush and Secretary of State James A. Baker III, have raised the question, Soviet officials have done little more than to speak of "social tensions" as a result of the country's severe economic problems.

Pravda, although approaching the issue in terms of the "Jewish question," Zionism and emigration, went well beyond the previous official position to report in unambiguously critical terms, the growth of anti-Semitism and the threat it represents.

"A large number of extremist groups have appeared in the country," the paper said. "Pamyat and the like are openly reviving anti-Semitism as a means of their struggle against perestroika. They use such classic falsifications as the 'Protocols of the Elders of Zion,' which had been fabricated by the Czarist police."

"Again and again, they exploit the myth of the 'Yid-Maxon-Bolshevik conspiracy' against Russia. Jews are being blamed for killing the Czar's family and the Stalinist repression, the forced collectivization, the corruption of the national culture and the destruction of the ecology."

"Unfortunately, political anti-Semitism is being cultivated by a number of literary publications as well. Every issue runs odious speculations. For the first time in our history, anti-Semitism has become quite popular in some intellectual circles."

Asking why anti-Semitism could not simply be outlawed, *Pravda* contended that it could also be used as an argument for banning Zionism as a rejection of a democratic solution for the Jewish question in a multinational state.

"That is why we cannot 'begin criticism of the Zionist ideology,' the paper said, "and why provocative activities of openly anti-Soviet, pro-fascist movements (such as the Jewish Defense League of New Khamel) cannot enjoy immunity either."

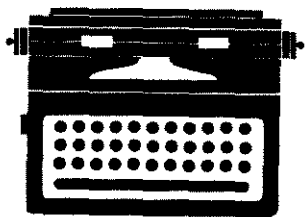
However, Boris N. Yelstin, the president of the Russian Federation, the largest of the Soviet republics, said last month that he favors legislation outlawing anti-Semitism and those organizations that promote it.

"We will have to pass a law to put a barrier before those organizations that tend to develop in fascist directions," Yelstin said. "That is absolutely inadmissible."

A major result of the growth of anti-Semitism has been to encourage Soviet Jews to emigrate at an ever-faster pace, the article said, forecasting that Jewish emigration this year will run between 200,000 and 300,000. In the first half of 1990, 50,000 Soviet Jews arrived in Israel, according to reports from Jerusalem, and the projected total for the year is 165,000.

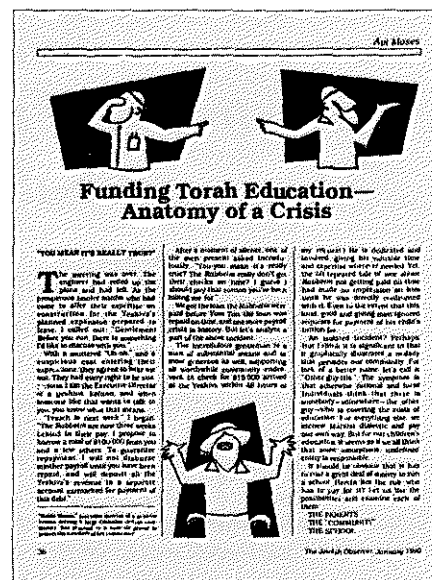
"The number of visa applications is growing," *Pravda* said. "One cannot but see that the fear of pogroms is acquiring the scale of a panic. Visa documents are being issued for people who are far from sharing the ideas of political Zionism."

"The problem cannot and should not be solved through mass emigration. The Jewish question should be solved democratically in the Soviet Union. This should not impede natural assimilation or threaten Jewish culture or prevent Jews from going to Israel or any other state. Jewish cultural institutions should, meanwhile, develop freely and democratically to satisfy the natural ethnic requirements of Soviet Jews."



Letters to the Editor

In an article that was featured in these pages, "Funding Torah Education—Anatomy of Crisis" (Jan. '90), Rabbi Avi Moses (a nom de plume) presented the desperate financial situation that our yeshivos and day schools are facing, and—after reviewing various alternatives—that concluded that our educational system is indeed in crisis, with no apparent solutions on the horizon, and we all must try harder to help alleviate the problem until an overall solution can be devised. A number of letters received by the editorial office, some of which were published in JO, April '90, reinforced Rabbi Moses' contention. A second wave of letters then arrived, challenging some of his arguments. We present a sampling below, with Rabbi Moses' response, but we advise the reader to refer to the two previous issues.



THE REDUCED TUITION OBLIGATION OF THE "POOR"

To the Editor:

Many, if not most, of the points raised by "Rabbi Moses" regarding tuition obligations are certainly legitimate and deserve serious consideration. However, publication of the article reminds me of a story: a *Gadol* approached the Steipler זצ"ל with the proposition of printing a declaration signed by all *Gedolim*, attesting to the obligation of setting aside *ma'aser* (a tithe). The Steipler opposed the idea, arguing that only those who are in reality not obligated to give *ma'aser* will listen to the ruling.

In essence, Rabbi Moses' message is that the *chinuch* of our children requires expert teachers who must be paid a proper salary to motivate them to do their job properly. Secondly, that your children's *chinuch* is your problem and you have to find the means of paying for it. The burden can be sustained neither by the "yeshiva," which is none other than yourself, nor by the "community," which, in reality, does not exist. Thirdly, if you have difficulty in paying your tuition, there is

no evading the fact that you are "POOR" and are asking for a hand-out. Add a sprinkling of a few "horror stories" and there you have it, the glaring truth—either pay up or hold out your hat for a handout.

Certainly, there is no denying that fact that there are those who should be carrying more of the burden, but who are they? I don't know and I wonder if they read *The Jewish Observer* or will be swayed by Rabbi Moses' powerful reasoning. What I do suspect is that many of your readers who possibly should not be at the receiving end of this lecture, will be hurt by its implications. This is what reminds me of the Steipler story. Furthermore, Rabbi Moses omits some very important facts:

A) the premise that the burden of *chinuch* must be born by all parents equally is certainly flawed, if not completely incorrect. It seems clear from *Shulchan Aruch* (see *Rema, Choshen Mishpat* 163:3, *Orach Chaim* 53:23) that the burden should in some manner be apportioned to the ratio of peoples' ability to pay. Those who are thus required to pay less are not on "scholarship" or the "POOR" asking the "Gabbai for the day's collection." They are paying their full share, fair and square.

Certainly, the yeshiva has the right to know the individual's financial situation (and the individual has the right to expect that only those selected few are privy to that information) and fairly assess his share accordingly. One who pays his share should not be made to feel as a "schnorrer." There are many "horror stories" of this type as well.

B) Rabbi Moses tarnishes the halos of those who pay less than full tuition while helping their sons in *kollel*. If I read Rabbi Moses correctly, one who does not pay full tuition has no right to the *zechus* of children learning in *kollel*. Certainly, one cannot shirk his obligation for tuition simply because he helps a child in *kollel*, but shouldn't it be part of the consideration? To take Rabbi Moses' contention to its logical conclusion, *kollel* would be reserved for the children of the wealthy. *Chazal* teach us otherwise: "Take heed in how you treat the children of the poor, for torah will emanate from them."

Accordingly, those of means must carry more of the burden, or the responsibility must fall upon the community at large. Rabbi Moses states that in the USA such a concept of communal responsibility

doesn't exist. Such a philosophy is nothing new; in fact it dates back several thousand years— to Sodom and Amorrhah. Wherein lies the solution? I do not know, but this much is clear; everyone must bear *no less and no more* that their fair share of the responsibility.

In closing, I would like to make one observation about a significant omission in Rabbi Moses' article. We agree that the rationale of high tuition costs is the need to provide the *Rabbeim* with a fair salary. How, then, do we treat a *Rebbe* from one school who must face a tuition committee from another school? Should he be treated as any other needy parent who cannot afford a full tuition? Doesn't this contradict the very premise upon which we base our demands? The typical *mechanech* has between five and ten children, attending at least two to four schools. The average salary of a *mechanech* in new york may vary between thirty and thirty five thousand dollars. After paying full tuition, what remains to live on? Is our society based on the premise that a *Rebbe's* wife who *must* work (without the help of a full-time maid) to make ends meet must in addition help pay their tuition? Or consider the questions the *Rebbe* must answer on the scholarship form: "do your children attend camp? How much does it cost you? Do you go to a bungalow colony? How much do you pay? Do you have cleaning help (no differentiation between a sleep-in maid and the cleaning lady for four hours a week)?" Why must a *mechanech* answer these questions? Do we suspect that he is actually earning in the six figures? Does he not deserve to send his children to camp? Are these questions calculated to put him on a guilt trip? And finally, do we expect him to walk away from the tuition committee meeting with his head high, with the resolve and conviction that his services and *mesiras nefesh* for torah *chinuch* are well appreciated? I doubt it.

RABBI BENJAMIN FORST
Far Rockaway, N.Y.

The writer is author of *The Laws of B'rachos*, recently published by ArtScroll.

OF PARENTS AND COMMUNITY

To the Editor:

Let us examine Rabbi Moses' two main points: First, the parents' obligation. The author uses an annual cost figure of \$4,000 per student as the cost of education. If, as is common, a parent has four, five, six, seven children in elementary schools and high schools (let us ignore Beis Midrash, and as the author implies, we will abolish *kollel* for the not well-to-do), that leaves parents with a bill of \$16,000 - \$28,000 cost. The average parents' net income after

taxes (excluding *mechanchim*, who can't afford *yeshivos* for their children anyway) is \$35,000 to \$60,000. Parents CANNOT fund *yeshivos*, QED. Do we then abolish *yeshivos*? I doubt it.

No matter what a parent's share of responsibility may be, we must recognize that most parents are halachically "poor."

That leaves us with "The Community." Since the idea of *kehilla* is an abstraction, we are told, "The Community" cannot be relied on to support *yeshivos*. Is this the same "abstraction" that in forty-five years created the edifice of Orthodox

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Jewry, consisting of *shuls*, *mikva'os*, *yeshivos*, *kollelim*, and so on? Yes, perhaps the previous forty years were dominated by a generation whose consciousness was seared by the pain of unspeakable destruction. Yes, perhaps the current "abstraction" requires a push to energize it. But success is a function of collective will, not of decrees and taxes. Each individual of *Klal Yisroel* said "*na'aseh v'nishma* (we will do the *mitzvos* and listen)" not "*e'eseh v'eshma* (I will do...)." There is a *kehilla*, a community, by definition. It must merely assume and fulfill its responsibilities.

How to achieve the required goals of funding *yeshivos* and, let me add, *kollelim*? This is no mystery. Anyone strolling the streets of Borough Park and Flatbush, or driving through Monsey, Teaneck or Woodmere, quickly gets the impression that there is money in the Jewish community. The question is one of will.

BEN CHANOCH
Monsey, New York

YES, RABBI MOSES THERE IS A COMMUNITY

To the Editor:

The Gemora (*Babba Basra* 21a) tells us of Yehoshua ben Gamla, who organized a system to assure a Torah education for every single child, whether the child had a father or not. Who paid for this education? There is no doubt that the communities assumed the responsibility. Rabbi Moses discusses this option, says it doesn't work, and discards it. A sign of the modern generation. In my generation, if it didn't work you fixed it. An executive director's main function is to cover the deficit in the budget. Besides being extra vigilant that every dollar spent is absolutely necessary, the executive director should serve as liaison to the Board of Directors, and through them reach out to the community. The members of the Board, who are community people, and hopefully in leadership positions, should be assisting him to meet the "right" people, and to raise funds. They will only do

this if they themselves are fully convinced of the great necessity.

In addition, an executive director should be educating the community, even those with no children in the school, that the yeshiva is its lifeblood. If the yeshiva is only billing all parents for services rendered, then why add the salary of an executive director to the budget?

Finally, *yeshivos* need to be selective in choosing the volunteer members of the tuition committee, that they be *eidele menschen*, rather than aggressive individuals. They should not be suggesting to a mother that she take a *pushka* and go to the local cemetery on Sundays to collect money to pay the tuition.... People who work or volunteer their time for a yeshiva are engaged in the service of *Hashem*, and must act accordingly.

In conclusion, the great majority of *yeshivos* struggle with budget deficits and have difficulty meeting payrolls on time, yet we rarely hear *yeshivos* declaring bankruptcy. We dare not panic and equate yeshiva education and business, and demand "payment for services rendered." Incidentally, I personally know pediatricians and others in the medical profession who do not have to be asked to go "*schnorring*" to find the funds to pay a patient's bill. When they even suspect that their regular fee may be high for a large family, they voluntarily lower their fee. We should expect no less from institutions in the service of *Hashem*.

RABBI SHOLIM HEIMOWITZ,
Member of the Board
Beth Jacob-Beth Miriam School
Bronx, New York

DON'T TRAMPLE ON THE POOR

To the Editor:

After Avi Moses dismisses all other sources of funding, he hands the responsibility back to the parents who can't afford it, with "If you really wanted to, you could cut back on your life style." Rabbi Moses specifically mentions those who really can't afford it. Which part of their

lifestyle should they cut back on? The once-in-a-while new clothing, when the hand-me-down packages don't fill the need?— Food?— Do you feel macaroni is the only allowable meal?— Heat? Oh yes, you can always wear another sweater in the house. Or perhaps skip the new transmission or refrigerator you mentioned borrowing money for. Did it dawn on you that borrowing money for a new fridge is a one-time crisis, while borrowing monthly for tuition is a situation that invites bankruptcy?

And since we *do* agree that there are parents who really can't afford it, must you make it hurt to ask for a scholarship? No one who ever gave me a package of hand-me-down clothing made a point of making sure I knew I was POOR. The committee that gives out *Tomchei Shabbos* packages or *Yom Tov* assistance goes out of their way to make sure the recipients don't feel POOR.

Then you mention parents getting involved. Yes, all parents should volunteer—for telephone squads, pushkas, baking cakes etc. But you've really got to be kidding when you mention joining in the "decision-making and direction-setting process." The average school has no interest in a non-wealthy parent on a decision-making board—as if the person who has the money also has the brains and expertise to make decisions in any communal endeavor—*chinuch* or otherwise* (please reread the story you started with). Not only that, but they generally make up the tuition committee, too, so that the ones deciding on who is deserving of scholarship are those who have little or no understanding of what it means not to have. Furthermore, as far as generosity goes, that man of substantial means donating or lending \$15,000 might not be any more generous than a \$50,000 a year man with 6-8 kids in school giving \$200.

Which leads us to "The Community." "Community" is a source of conscience and a source of social pressure" (Avi Moses). I firmly believe that there is not enough effort

or pressure on the "Community" to pay for education. And I also firmly believe that an article such as this one does nothing to help.

Look at the different life styles, and then listen to the rationale for the spending (as I overheard recently at a *simcha*): "I pay my full tuition, I give my donation at the

dinner. I can enjoy the rest. When I see someone doing work on their house and they don't pay full tuition, *that* makes me mad."

I'm not proposing that a wealthy person must distribute his money evenly to everyone on his block, but I do find that an article such as yours serves to encourage the "I'm

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*Actually, most such decisions should be made by a *Rav* or *Rosh Yeshiva*, not a layman.

Yaffa Ganz

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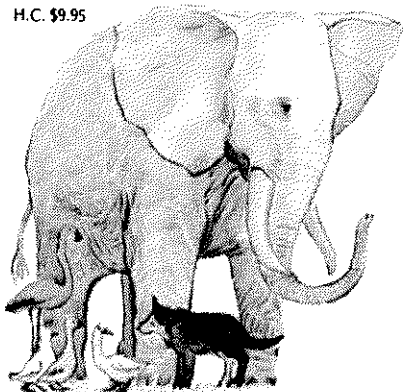
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not my brother's keeper" attitude. After all, it's up to each individual to pay for his child's education, and if that makes him POOR, that's sad—but I pay my tuition—I even give a nice donation. I realize there's no simple solution to the problem but trying to milk the same cow too many times is not the answer. With all parties trying together and with the guidance of our *gedolim*, we will find the proper way.

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RABBI MOSES RESPONDS: AFTER THE "TAKANA"— WHAT DO WE DO NOW?

We need not guess at how the system of Yehoshua ben Gamla was to work. A cursory reading of the *poskim* reveals that, indeed, it is the community's obligation to fund the elementary education system for those who cannot afford a private *melamed*. But where, pray tell, is the community?

Rabbi Forst is correct in adducing the view of the *Rama*, *Choshen Mishpat* 163:3 and *Orach Chaim* 53:23 that "we assess according to ability." I would propose that the *Rama* does not deviate from the subject under discussion and is referring to a situation where we can assess the *entire* community: parents and non-parents, *talmidei chachamim* and laymen to fund all the community's needs—including the need of providing education for those who cannot afford it, per the *takana* instituted by Yehoshua ben Gamla. As for the obligation of the individual parent who has the means, I refer the reader once again to *Shulchan Aruch Yoreh De'ah* 245:4, "He is obligated to hire a *melamed* for his son" (*Rama* loc. cit., "We coerce him...").

We agree that the Torah obligates every Jew to educate his sons, either himself or by proxy—even paid proxy.

We agree that the situation obtaining today is the same, or worse, than the one that confronted *Klal Yisroel* in the days of Yehoshua ben

Gamla, and that enforcement of his *takana* is desperately needed now. The *takana* was objective assessment and taxation, pure and simple, and we don't seem to be using it to solve our problems.

The issue at hand, then, is—WHAT NOW? Now that most of us cannot afford to educate our children, now that there is no community structure in place that assesses all its members for the funds needed to pay for that education, now that your sons' *rabbeim* cannot concentrate on teaching and just might not come back to work tomorrow because they cannot survive without having been paid for the last two months—what do we do now?

TREATING TEACHERS WITH DEFERENCE AND EQUITY

Would that we could offer automatic, across-the-board discounts to *mechanchim* in deference to their superlative and superhuman efforts and sacrifices on behalf of an unappreciative community. And the community should. But "we" are acting on behalf of the *melamdim* in those *mechanchim*'s children's school who are equally unappreciated and underpaid.

Do we absolve the *mechanech* from answering the pointed, personal and leading questions on the scholarship form? Ask any executive director or tuition committee in any yeshiva and you will discover that the financial situations and capabilities of our *klei kodesh* range across the entire spectrum from full tuition to no tuition, just like the community at large—albeit with a heavier representation on the low side of the scale. The tuition committee is responsible to determine the relative need of each applicant so as to distribute equitably the meager funds at its disposal. No one is any more "suspect" than anyone else.

The phenomenon of the working wife is not limited to the world of the *mechanech*. Should the tuition committee—many of whose members have wives who work to enable them to pay however much tuition

they pay—not consider an individual's total household income before turning to public sources of funds?

We all certainly have the right to aspire for the *zechus* of having children learning in *kollel*. But the *melamed* of our younger children so often is last year's *kollel* fellow, who has done for us the kindness of leaving the idyllic world of the *beis hamedrash* to teach our children, and has, in effect, given up *two* worlds. Why, now, should he willy-nilly be obligated to support our right to having our older children in *kollel*? Indeed, "Take heed in how you treat the children of the poor, for Torah will emanate from them." But is this properly addressed to the poor themselves? If the community does not fulfill its obligations in supporting your children's right to *kollel*, then you have a case against the community, but why withhold payment from the *melamed*, who is not an agent of the community, nor is he being supported properly by the community?

POVERTY — UNIVERSAL, AND NO REASON FOR SHAME

I apologize to all those who might have been hurt by my sketchy treatment of the obvious—the obligation of the wealthy—and my subsequent emphasis of the fact that communal collection of funds for those who cannot afford *s'char limud* was originally instituted for the orphan and the poor. I had hoped to ameliorate the impact by

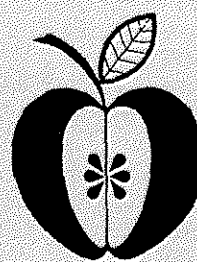
pointing out that *most* of us are in that category, and are only requesting what we rightfully deserve when we ask for consideration.

It should be obvious that "cannot afford" includes a wide range of ability—and life-styles. The family that can afford the occasional steak also cannot afford upwards of \$20,000 tuition for their five children. Between macaroni and caviar there are many gradations—and potential changes—in life-style.

I agree that borrowing for tuition invites bankruptcy. But please be aware that *your* yeshiva has not only invited bankruptcy, but that monster has already accepted the invitation and sits rapaciously at the daily table. Your "one-time crisis" is here and your *melamed* is already being paid with borrowed funds. What does that have to do with you? Ask that question when your *zeeskeit* comes home from yeshiva an hour after you have sent him, and bears tidings that the bank has placed a padlock on the yeshiva door.

Why can't it be easier to ask for a scholarship? Because if it were, there would be those who could manage without the scholarship, who would be tempted to request it. Just consider the way things work now: a system that does not—cannot—fund its own operations, distributing, *for the asking*, discounts in its fees—fees that, at best, barely cover the costs. The many thousands of dollars saved by dissuading some people from requesting scholarships go directly to providing

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scholarships for those of greater need. Of course, where the tuition committee is aware of need, and the extent of that need, it is imperative that it streamline and simplify the scholarship process for that individual, with all *eidelkeit*.

No, I am not kidding when I mention joining in the decision-making and direction-setting process. The plutocrat with the gold watch fob, puffing a fat cigar and cavalierly deciding the fate of Tiny Tuvia and his impoverished parents makes for compelling melodrama, but is the stuff of fiction. In the real world, *anyone* who has the nobility of spirit to care enough about his community's needs to get involved does so, and is eagerly welcomed by his too few predecessors—wealthy or not. Furthermore, if I were requesting a scholarship, I would do much better presenting my case before someone who considers my paltry earnings to be poverty, rather than, as is more often the case, before someone of my own income bracket who pushes himself to pay as close to full tuition as possible.

BUT WHAT OF SOLUTIONS?

So what do we do?

Rabbi Forst's reference to Sodom and Amorrhah is particularly apt. To quote from the late Satmar Rav, זצ"ל as cited in *Minchas Yitzchak* by the late Av Beis Din of Yerushalayim, Dayan Weiss, זצ"ל, (vol. 10:84):

"It is clear that even prior to the *takana* [of Yehoshua ben Gamla] the parents were obligated by the Torah to hire a *melamed* for their sons, but afterwards, an obligation was put in place to maintain *melamedim* on behalf of all Israel, rich or poor, so that even a child with no one to care for him would have a *melamed* in his city.... And after the *takana*, (Chazal) were stricter concerning this *takana* than others, as indicated in Rambam who concludes that we excommunicate the people of the city until they maintain *melamedim*, and if they still don't, we destroy it, i.e. the city.... We find in no other Torah transgression, even the strictest, that the law is clear to excommunicate and even destroy the city, as it is considered an

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Ir Hanidachas (city gone astray). It must be that in the maintenance of *melamdim* and their students, Chazal perceived the fulfillment of the entire Torah and the upkeep of the world. Ignoring this need constitutes the destruction of the world, and we should not allow a city such as this to remain in *Klal Yisroel*."

Until now, I have limited myself to veiled references of hope that our wise leaders would address and develop solutions to this problem. Apparently, a deferential, euphemistic tone does not adequately convey the severity of the situation, so I have no option but to avail myself of the succinct and direct: We, all of us, rich and poor, learned and ignorant, Rabbi and layman, leader and led, are each individually responsible for creating the situation in which we are on the brink of deserving excommunication and worse. The only thing that remains between us and such a fate is the incredible reality that though we do not maintain and support our *melamdim*, and have no communal structure that is capable of levying assessments and taxes to do so, they are still there, working unrewarded—a thin bulwark, selflessly protecting us from our own insensitivity. Some of the best and the brightest of them are forced to see to their own survival, and retreat from the battlements. Luckily, *unbelievably*, others take their place.

Chazal have instructed us regarding what we must do to assure our survival as Torah Jews. We are not doing so and are complacently relying on the miracle of the *mesiras nefesh* of the few. *How much longer dare we do so?*

AVI MOSES

TO HEAR THE WRITTEN WORD

To the Editor:

Ever since I began losing my eyesight several years ago, not only have I been unable to *daven* from a *Siddur* and say *Tehillim* inside the *sefer*, but I have been unable to read some vital and informative periodicals. There are several I have al-

ways been interested in, especially *The Jewish Observer* and *Kashrus Magazine*. I am sure that there are others in the Torah community who have also been having this difficulty.

Baruch Hashem, thanks to the kind permission of the editors of the respective journals and with the assistance of the members of N'shei Agudath Israel and Bnos Agudath Israel, these periodicals will now be available amongst the print-impaired Torah public through Torah Tapes, which is run by Rabbi Apfelbaum of 1814-50th Street, Brooklyn, New York 11204.

I would like to thank the publishers and editors of these worthy publications for being instrumental in being *mayfitz* Torah throughout *Klal Yisroel*.

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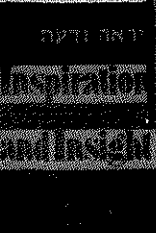


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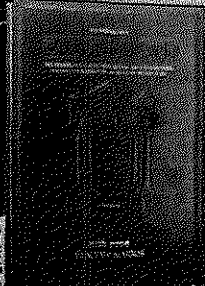
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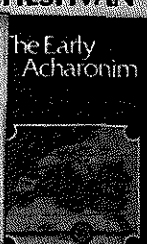
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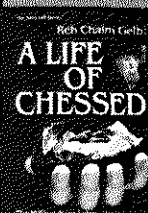
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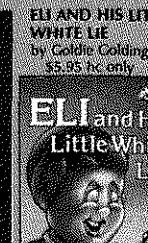
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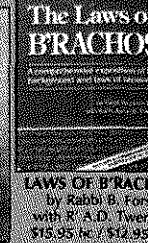
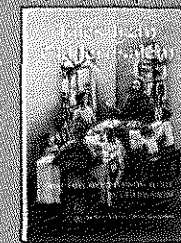
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