

# THE JEWISH OBSERVER

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*Siegmund Forst*

Evolution — Fact Or Theory?

The Spectrum Theory  
of Judaism and  
Torah Chinuch

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The New Threat  
To Shechitah

•  
“The New Theology”

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A Daughter Recalls  
A Great Father

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Book Reviews

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Second Looks at:  
Bingo and Theology  
Germany and  
The Double-Key

•  
“Religious Art Center”

# THE JEWISH OBSERVER

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### the cover

A drawing by Siegmund Forst from the *Shilo Haggadah*.  
See: EVOLUTION—FACT OR THEORY? on page sixteen.

# The Spectrum Theory of Judaism and Torah Chinuch

## *Extending the "Three-Wing" Concept to Jewish Education*

Reuben E. Gross / Yaakov Jacobs

A NEW MENACE NOW CONFRONTS THE FORCES OF Torah in the United States. It is a matter of history that congregations and communities which were once Orthodox were captured by Reform and Conservatism. More than that, the entire structure of organized Jewish life in America is dominated by the non-Orthodox, and the concept of the centrality of Torah in Jewish life is sadly a minority position today.

Of late, the dormant Orthodoxy which for decades made little impact on the American Jewish scene is being painstakingly done away with, and the self-awareness of Torah-true *Yiddishkeit*, while it is a relatively new phenomenon, is everywhere manifest. It shines forth from the many yeshivos and Torah institutions which now dot the map of the United States; it reveals itself in the new voice that Orthodoxy has raised in the councils of government and in the halls of legislation in state capitols and in the nation's capitol; it is manifest in the growth and dignity of an independent Orthodoxy which needs no longer turn to non-Orthodox spokesmen for Jewish leadership, or submerge itself in a "three-wing" Judaism.

Torah Jews have over the years pointed to the dangers to *Yiddishkeit* inherent in the recognition of Reform and Conservatism as legitimate aspects of Judaism. Those of our Orthodox brothers who have maintained these relationships in the Synagogue Council of America and other such bodies, have insisted that they do not thereby compromise the integrity of their firm belief in Torah. Yet over and over again we find indications that they have indeed compromised their stated principles, to the detriment of all Jews who still look to Sinai for direction in their own lives and in the life of *Klal Yisroel*.

Recent events in Jewish communal life indicate that the ideological differences which divide the proponents of cooperation from those who insist on an independent Orthodoxy, present a new threat to Torah *Chinuch*, the first—and the last line of defense of Torah Jewry.

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REUBEN E. GROSS is a frequent contributor to these pages; his last piece *A New Look at Humane Slaughter*, May, 1965 was widely discussed. RABBI JACOBS is editor of THE JEWISH OBSERVER.

In the wake of American Jewry's new-found awareness that we are being cut to shreds by assimilation and inter-marriage, the non-Orthodox groups, from Conservatism to secularism, have suddenly become sensitive to the value of "Jewish Education," which until now has been low-man-on-the-totem-pole, relegated to a back position, with hospitals, communal services and centers way out front in concern and consequently in budgeting.

But "Jewish Education" as it is understood by its new proponents, has as much in common with *Chinuch* as sugar-and-water has with a life-saving anti-biotic. If the glib use of the term "three branches of Judaism" pairing, for example, Reform Jewish ministers who accept inter-marriage as one of the facts of life, with rabbis who have sworn allegiance to Torah—if this is a threat to Jewish survival (which indeed it is) then the lumping together of a *shiur* in Gemmorah with the babblings of an illiterate Sunday School teacher threatens to shake the foundations of the Torah-*Chinuch* apparatus which has been built with so much *mesiras nefesh*, and which is literally the envy of other Jewish groups. Yet this is what is being attempted in the latest onslaught against Torah in America.

For many years, the American Association for Jewish Education has passed itself off as a national body which "coordinates, promotes, and services Jewish education nationally"—so reads their listing in the American Jewish Yearbook. Last December the group announced "a historic achievement . . . the successful completion of more than three years of negotiations between the association and its new constituent bodies," representation from, in the words of the JTA dispatch, "Orthodox, Conservative and Reform wings of Judaism." AAJE's president in hailing the reorganization of his group stressed that, "The AAJE will not intrude upon the ideological integrity of any of its constituent agencies. On the contrary, it will seek to help each of them to define and achieve their separate objectives within the setting of a communal approach." Staking out his claim for the new scope of AAJE, he further noted that "Jewish education . . . today . . . serves more than 700,000 children and adolescents in elementary afternoon schools, day schools, Sunday schools and high

schools." The release did not mention by name the Orthodox constituents, but it was later revealed that they are Yeshiva University and the Religious Zionists of America (Mizrachi).

Several weeks after the announcement of AAJE's reorganization, *Time* magazine ran an article (12/31/65) on Jewish education which ended with a report that the the American Association for Jewish Education, "which is now supported by 15 major organizations representing all branches of Judaism" will hold a conference in March "to discuss such problems as cooperative textbook development and coordinating schools run by individual synagogues under community-wide organizations." It will take some time to determine the number of booby-traps hidden in that last sentence.

But *Time*, in its own manner of reducing things to the irreducible minimum, captures the flavor of togetherness which AAJE—which no doubt inspired the story—is seeking to get across. Here is how they did it.

Although [educational] programs are similar for all branches of Judaism, Orthodox schools give the stiffest dose of Hebrew, while schools of the Reform branch emphasize ethics.

This delectable sentence is simply a restatement, in *Times* of the myth that the "three branches" differ in only minor ritual aspects, and in such matters as the use of Hebrew and the emphasis on ethics. *Time* should know better; Isaac Toubin of the AAJE *does* know better; and Yeshiva University and Religious Zionists must certainly know better.

When the Synagogue Council was organized in 1924 a feeble Orthodoxy was unable to see the pitfalls and abetted the formation of that agency. Today, when AAJE seeks to constitute itself as the "Synagogue Council" in the field of Jewish education, it poises a knife at the heart of the day school movement and at the entire *Chinuch* apparatus of Orthodox Jewry.

### *Is There a Spectrum?*

Confronted by this new threat, it is well that we take another look at the ideological structure which underpins Synagogue Council, the New York Board of Rabbis, *et al.* Orthodoxy, Conservatism and Reform are variably called the three "branches" or "wings" of Judaism. Some have sunken to the absurdity of comparing the differences to those between Hillel and Shamai, and—here is the rub—to the differences between Republicans and Democrats. This "spectrum theory of Judaism" is a distortion of the spectrum theory of political alignments, which is itself a distortion of the truth.

During the French Revolution political parties were classified and seated in the Estates General on the the-

ory that their differences could be linearly classified according to a polarization from conservative to liberal. Since that time adherents to tradition have been classified as "Rightists," and revolutionists and others seeking to change the *status quo* have been branded "Leftists." Whether this is a fair or accurate classification for political purposes need not unduly concern us. If the only significant difference in political platforms were the linear polarity of stability versus change, the classification of parties in a spectrum ranging from extreme right to extreme left would constitute a useful method of analysis, but movements for change are not always in the same direction nor in the same dimension. What here concern us deeply, though, is that this type of spectrum analysis has been applied to Jewish life in both Israel and America with deep prejudice to adherents of a Torah-oriented point of view, and to the utter confusion of all.

The usual spectrum analysis of Jewish life in America preaches that it is composed of a rich variety of points of view—more variety=more Democratic=more American—ranging from the extreme liberalism of Reform Judaism through the center-moderates of Conservatism to the rightists of Orthodoxy. Orthodoxy is then subdivided into a leftish Yeshiva-University-type of Orthodoxy followed by an Agudath-Israel-type of adherent, ending with Satmar Chassidism on the extreme right.

The mischief created by this type of analysis is damaging not alone for the misconceptions it creates in the gentle world and in the non-Torah Jewish world, but in that it creates in our own minds a picture of ourselves which is contrary to Torah. In the first place, the acceptance of this apparently innocent classification of Judaism in America, causes us to unthinkablely accept Reform and Conservatism as legitimate expressions of Judaism. No matter how much we protest against their heresies, having once recognized them as members of the family we can no longer deny their legitimacy. A refusal to sit down with them in a Board of Rabbis or a Synagogue Council becomes a breach of Jewish unity once we concede their place in the range of proper Jewish forms of expression.

The application of this spectrum analysis to the ranks of Orthodoxy has often been used as a weapon against Orthodoxy. How often have we heard from the non-Orthodox: "How can you criticize us for non-conformance when you cannot agree amongst yourselves"; or "I am a rightist Conservative and such-and-such a shul (a so-called modern Orthodox synagogue) is closer to me than to the ultra-Orthodox." The acceptance of this spectrum approach permits tacit agreement to the theory that there are at least three valid approaches to Torah and that within Orthodoxy there are several approaches.

In the face of the new threat of a "three-winged"

Jewish education, we must restate the relationship of Orthodox groups to each other and to the rest of Israel with *Halochoh* as the criterion. Concepts that have been imposed on us by the use of alien terminology should be cast away. The very term *Halochoh*, a "roadway," supplies us with a useful diagram for classification of Jewish groups. Within the limits imposed by the discipline of our authoritative codes there is room for flexibility. On the halachic road we travel with many *minhagim*: Yementies, Chassidim, Sefardim, B'nai Israel and Westernized Orthodox Jews travel together. However, when the halachic line is over-stepped, whether by a member of B'nai Israel\* in regard to *gittin* or by a Westernized Jew in regard to *mechitzah*, he can no longer claim all the privileges of membership with the others traveling on the halachic road just because his deviation seems so small when compared with the existing differences of those on the road. The exact position of the boundary line on the halachic road-side may at times be blurred or may itself be a matter of dispute. However, these disputes serve as an acid test to determine whether we are dealing with a genuinely legal Torah adherent or not. The manner in which these boundary line disputes are resolved will quickly answer the question as to whether we are dealing with spurious traditionalists or not. The Conservative movement, for example, makes loud claims to being traditional, as did all deviationists at the beginning of their movements—be they Christians, Karaites or Saducees. However, their rejection of authorities that are universally recognized by the adherents of the "roadway" marks them off as deviationists despite their external resemblance in many instances to the "modern Orthodox" congregations. On the other hand "modern Orthodox" groups must be included in the "roadway" camp despite the fact that they may be more at ease, socially speaking, with their fellow-Jews traveling outside the halachic road, than with their Williamsburg brethren.

In brief, differences within the ranks of *shomrei mitzvos* should be acknowledged and recognized, but it must always be emphasized that these differences are of an altogether different quality than the differences that divide us from the non-Torah world. There is only one Orthodoxy, one correct way of *Halochoh*, with a variety of *minhagim* within its ranks. Hence the label of "ultra-Orthodox" is one that can have no meaning for us. It stems from a "spectrum" approach rather than the "roadway" approach to Jewish differences.

In this light the application of the "spectrum theory" to *Chinuch* and its acceptance in some quarters of Orthodoxy threatens the tremendous gains made by Orthodoxy in building yeshivos and day schools. The danger

\* The problem of the B'nai Israel is most complex and is here used only for purposes of illustration.

is evident in a N.Y. Times headline: 3 GROUPS' RABBIS STRESS EDUCATION, with the lead paragraph reading:

The heads of three major rabbinical groups are agreed that the theological differences that separate the three branches of Judaism should not deter a common effort to strengthen Jewish education as a priority problem affecting all religious elements in Jewish life.

Here is the "spectrum theory" big as life; the "theological differences" should not divide "religious elements" in Jewish life. Whether a child studies, for example, *Megilas Esther* with *Rashi*, or learns about Purim from a Reform Sunday School text-book which says, "The funniest thing about Purim is that it never happened" is hardly important since they are both receiving a "religious education."

The *Boston Jewish Advocate* reporting the Hillel Foundation conference at which these sentiments were expressed gleefully headlines their story: LEADERS OF THREE RABBINICAL WINGS HOLD HISTORIC MEETING, and goes on to declare:

*The presidents of the three major rabbinical groups, making their first joint appearance for a public discussion on religious issues, agreed that pluralistic Judaism "is here to stay" . . . Rabbi [Max] Rounttenberg [president of the Conservative Rabbinical Assembly] deplored 'any efforts toward fragmentizing Jewish youth on the college campus.' College students, in their intellectual quest for modern relevancy in Judaism, 'couldn't care less about theological hair-splitting and ritual differences,' Rabbi Rounttenberg declared.*

*. . . The other rabbinical leaders . . . also endorsed the 'ecumenicity' of the symposium as a welcome step toward closer relationships among Orthodox, Conservative and Reform elements. 'It has been a long time coming,' Rabbi Weinstein [Reform] declared. The others concurred.*

This new 'ecumenicity' is further evidenced by plans announced for a permanent World Council on Jewish Education to be led by such diverse bed-fellows as Dr. Joseph H. Lookstein and Dr. Nahum Goldmann.

Orthodoxy is being put to the test. If the non-Orthodox can continue to divide us, they may succeed in making inroads into our *Chinuch* structure and shake the foundations of a vibrant, growing Orthodoxy.

עת לעשות לך הפרו תורתך! It is a time to stand up for G-d and His Torah. Only an Orthodoxy united for this purpose can meet the challenge. Perhaps this threat aimed at the *Tinokos Shel Bais Rabbon*, Jewish children studying Torah, may be the force that will galvanize a united Orthodox front. Not perhaps—it must be!

# The New Threat To Shechitah

## *An Analysis of Pending "Humane-Slaughter" Legislation*

*Isaac Lewin*

ON DECEMBER 27, 1965, IN AN ADVERTISEMENT IN *The New York Times*, an organization called Friends of Animals, Inc. announced its sponsorship of a new "Humane-Slaughter Bill" in New York State and New Jersey. The proposed legislation requires livestock slaughter to be carried out by a "humane method" which the Bill, introduced in the New York State Assembly by Mr. Hausbeck (Print No. 160), defines as "a method whereby the animal is rendered insensible to pain by mechanical, electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast or cut." This definition excludes *Shechitah*—the earliest known method of humanely killing animals for food—because Jewish ritual law requires the animal to be fully conscious at the time when the vessels carrying blood to the brain are severed.

Noting condescendingly that there is a tradition "of kindness to animals . . . in the Hebrew religion" and a "tradition of religious liberty in the United States of America," Bill No. 160 exempts kosher-slaughtered livestock from its prohibition. It does not, however, explicitly recognize the humaneness of the kosher slaughter method (which an Act of the Congress of the United States classified as humane), and thereby implies that—contrary to scientific proof—kosher slaughter is less humane than other more modern techniques.

In keeping with this reluctant and grudging tolerance conferred upon kosher slaughter, Bill No. 160 sponsored by the Committee for Humane Legislation of Friends of Animals Inc., would prohibit the sale of kosher slaughtered livestock "otherwise than as such or as kosher meat or in kosher meat preparations therefrom and as kosher food prepared under or sanctioned by the orthodox Hebrew religious requirements." In other words, the Bill requires kosher meat to be tagged as "kosher" and to be sold only to the group interested in observing kosher requirements—simply in order to distinguish it from "humane slaughtered" meat.

This is obviously a label of infamy—suggesting that the Jewish religion, which antedated and probably inspired the principle upon which all the protection-to-

animals societies are based, is guilty of brutality in its treatment of animals. It bears a frightening resemblance to the kind of insidious charges issued in the initial stages of history's most notorious antisemitic hate campaigns—one of Nazi Germany's earliest calumnies against the Jewish people was the claim that Jewish ritual slaughter was cruel and inhumane. The Friends of Animals, Inc.'s assertion that kosher meat is "seared with pain," its claim that "greed is being cloaked in cries of 'Religious Liberty Threatened,'" and its attempt rigidly to limit the distribution of kosher-slaughtered livestock so as to make it, in every real sense "Jewish meat," bear all the hallmarks of the yellow badge and the compulsory ghetto.

The exemption from the bill's labeling requirement for kosher slaughter carried out while the animal is "positioned and handled prior to the killing thereof by a method, or in a way, which causes no injury or pain to the animal," does not eliminate the dangers of the bill. It simply multiplies confusion and conceals the real effect of the legislation. First, Orthodox rabbis differ over whether a pre-slaughter pen is presently available which could meet this requirement while satisfying the ritual prerequisites. The legislation puts the inspectors of the Commissioner of Agriculture squarely into the middle of this religious controversy. Secondly, by making this distinction the bill falsely brands as "brutal" the overwhelming share of all the meat slaughtered by the kosher method today and all the meat eaten by Jews for centuries. Thirdly, Friends of Animals, Inc. plainly contradicts itself when it says, on the one hand, that its bill would not place "Orthodox Jewish Religious Law under Civil Law" and, on the other, that the bill "puts packers who shackle and hoist out of business." Friends of Animals, Inc. has acknowledged that Orthodox rabbis believe that the question of positioning animals for slaughter is one which must be "free from the regulations of civil government." This freedom obviously does not exist if those who espouse a certain opinion must, under the terms of a law, wear a badge of infamy and be publicly branded as consumers of "brutal" meat—a libel written into law. Finally, Bill No. 160 would breed confusion from the religious point of view because the word "kosher," instead of meaning ritually fit, would be used as a label for "brutal" meat. Other ritually-fit meat

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would presumably not be tagged "kosher." This would mean that those who practice the Jewish faith and the kosher requirements would no longer be able to rely on the absence or presence of a "kosher" label as an indication of ritual suitability.

To support its legislation, Friends of Animals, Inc. relies on a series of false and misleading assertions.

- It is not true that Israel regards shackling and hoisting as inhumane; different methods, prohibited for sanitary reasons in the United States, are used in that country and they are as humane as the methods used here.

- Injuries are not "inevitable" in shackling and hoisting. If this charge were true, it would rule out this method of kosher slaughter, since injured animals are not ritually fit.

- Hind-quarters of kosher slaughtered cattle are often sold on the non-kosher market for no other reason than that the process of de-veining required by religious law is economically unfeasible with meat which is as heavily veined as the hind-quarter. It is absurd to infer that questionable motives exist because kosher-slaughtered meat is sold on the non-kosher market.

The history of Jewish tradition and age-old principles of the Jewish faith have emphasized the importance of kindness and humaneness towards all living creatures. At a time when, in all other civilized societies, animal slaughter was accomplished by any readily available method—regardless of its effect on the victim—Jewish law made absolutely mandatory a method which is still unsurpassed in painlessness by any known to modern science. It is incredible that in this context the societies for preventing cruelty to animals can find no more suitable target for legislation than Jewish ritual slaughter—be it the *Shechitah* cut itself or the preparations for *Shechitah*.

Without a clamor even approaching that with which Friends of Animals, Inc. raises against the pre-slaughter preparation of livestock, living creatures are wantonly murdered simply for the sake of sport. Can it be that the National Rifle Association and hunting clubs are too formidable opponents for the humane societies, and that history has established that it is far easier to use the Jewish people and the Jewish faith as a scapegoat? Is it easier to corrupt the word "kosher" by defining it as "brutal" than to sully the sporting instinct of hunters by characterizing it as "cruel"?

### *The Times Reports*

On January 2, 1966, several days after the advertisement of Friends of Animals, Inc. appeared in *The New York Times*, an article was published in the same newspaper under the heading RABBI ASSAILS AD ON HAUSBECK BILL. According to this article, "Rabbi Israel

Miller, president of the Rabbinical Council of America, took sharp issue with Friends of Animals, Inc., supporters of the Hausbeck Slaughter bill now before the New York State Legislature." Exact quotations were given from a sermon by Rabbi Miller in which he charged that "Friends of Animals, Inc., would lead the unwary reader to believe that the religiously prescribed method of slaughter is inhumane and that the bill they advocate is the only legislation concerned with the humane treatment of animals."

The *Times* then quoted the following passage from Rabbi Miller's sermon: "They, and particularly their leader, Mrs. Alice Schmid, are well aware that the New York State Humane Association, which includes nearly all the humane groups in the state, have offered a bill which has the approval of all the national Jewish groups and which more than adequately covers the problem of humane slaughter." (Italics mine)

Since Rabbi Miller so clearly endorsed the bill suggested by the New York State Humane Association, it might be advisable to analyze this bill which was introduced, in 1965, in the New York Senate and Assembly (Senate Introductory 4393 and Assembly Introductory 5995) and was officially sponsored by the American Society for the Prevention of Cruelty to Animals. This bill is no less discriminatory and destructive than the Hausbeck bill.

Bill No. 4393 brands as "inhumane" and prohibits "shackling and hoisting or hanging any animal while such animal is conscious, in the positioning of such animal for slaughter." The Hausbeck bill says in this respect as follows: "No slaughterer, packer or stockyard operator shall shackle, hoist, or otherwise bring livestock into position for slaughter, by any method which shall cause injury or pain." Quite obviously, Bill 4393 considers any shackling and hoisting of an animal as inhumane, even if it does not cause injury or pain. Shackling and hoisting, as it was for many years, and to this day practiced in slaughter-houses prior to *Shechitah*, is beyond a shadow of a doubt done without causing any injury or pain to the animal, because otherwise Jewish law prohibits the use of such meat. According to Rabbi Moshe Feinstein, one of the greatest rabbinic scholars of our time, the entire process from hoisting to complete ritual slaughtering requires no more than 45 seconds. In such time no injury could be caused and no pain felt by the animal.

Bill No. 4393 by declaring that any shackling and hoisting of an animal is inhumane (without adding any qualification such as "which causes injury" etc.) is a most insidious charge against the Jewish community which has practiced *Shechitah* in such way without causing any injury or pain to the animal. Such a statement in a bill is clearly antisemitic. It is also superfluous in a bill because the definition of a humane method with the provision that only such methods are per-



missible should be sufficient to all unbiased friends of animals.

After branding shackling and hoisting of an animal as inhumane and prohibiting it "in all instances," Bill No. 4393, sponsored by the American Society for the Prevention of Cruelty to Animals, says that this prohibition shall not apply "in order to protect freedom of religion, to the operator of a commercial establishment with respect to the positioning of no more than 20 conscious beef animals per week for ritual slaughter." This provision is another terrible offense to the Jewish religion. Most clearly it is stated here that "in order to protect freedom of religion" something allegedly so inhumane as shackling and hoisting is nevertheless permitted with regard to twenty animals per week, in a commercial establishment, for ritual slaughter! This section of Bill No. 4393, like the Hausbeck bill, is reminiscent of the infamous pre-war European legislation which declared *Shechitah* as inhumane and nevertheless granted to the Jewish communities the right to slaughter a small quantity of animals in the ritual way for exclusive Jewish consumption.

There is not the slightest mention in Bill No. 4393 of the pre-slaughter pen which was so loudly propagandized by the ASPCA. This organization acquired the patent rights to the pen and made it available without royalties to the industry. Why was this pen not mentioned in the bill sponsored by the ASPCA? Was reference to such a pen avoided because the owner of patent rights is at any moment entitled to withdraw such permission? In such case, *Shechitah* would be—without special legal protection—at the mercy of the ASPCA, which could simply withdraw the pre-slaughter pen from use in abattoirs, thereby automatically abolishing *Shechitah*.

In this connection, it should be stressed that Bill No. 4393 omits Section 6 of Public Law 85-765 of August 27, 1958, which says clearly and unambiguously: "Notwithstanding any other provision of this Act, in order to protect freedom of religion, ritual slaughter and the handling or other preparation of livestock for ritual slaughter are exempted from the terms of this Act." This provision was under attack by the ASPCA and also by some Jews who felt, without justification, that such clause might imply that *Shechitah* is not humane. Section 6 of the Federal Act on Humane Slaughter is simply a statement that the civil law is not interfering with religious law. *Shechitah* is undoubtedly part of Jewish religious law. In order to perform *Shechitah* properly, the animal must be brought into a position that makes the cut possible; preparation for slaughter is, therefore, also a requirement of religious law. In proper recognition of the sovereignty of religious law in religious matters and "in order to protect freedom of religion," the entire Act on Humane Slaughter does not apply to *Shechitah* and preparations for it. In order

*"As to the alleged approval of 'all' the national Jewish organizations . . . the Union of Orthodox Rabbis of the United States and Canada, the Union of Grand Rabbis, the Rabbinical Alliance of America, the Rabbinical Board of Greater New York, the rabbinical associations grouped around the renowned Rabbis of Satmar and Lubavitch, the Agudath Israel of America, and the National Council of Young Israel, have unequivocally rejected Bill No. 4393."*

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to avoid any unjustified implications, the Act stated clearly, in Section 2(b), that *Shechitah* is humane. How could such provision, as that of Section 6, be understood as implying that *Shechitah* or its preparations are not humane?

To give up the protection granted to *Shechitah* by Section 6 of the Federal Law on Humane Slaughter, would be fool-hardy. The present attempts by Friends of Animals, Inc. and the American Society for Prevention of Cruelty to Animals to outlaw or restrict *Shechitah*, are the best evidence of the importance of the guarantee offered by Section 6.

In further analysis of Bill No. 4393, we find that it bestowed upon the Commissioner of Agriculture a sort of rabbinic *S'micha*. The prohibition of shackling and hoisting was abandoned in this bill "with respect to calves and sheep being positioned for ritual slaughter as hereinabove defined until one year after the commissioner finds that there is available at reasonable cost a ritually acceptable, practicable and humane method of handling or otherwise preparing conscious calves and sheep for slaughter." The *ritual acceptability* of any method of handling animals prior to *Shechitah* was always considered as a prerogative of the Orthodox Rabbinate. The ASPCA bill now transfers this right to the Commissioner of Agriculture. It appears at least doubtful, whether the Commissioner would care to function as a rabbi.

Strangely enough, Bill No. 4393 made Rabbi Israel Miller very happy and, according to the report in *The New York Times* of January 2, 1966, he feels that it "more than adequately covers the problem of humane slaughtering." Rabbi Miller also declared that this bill "has the approval of all the national Jewish organizations."

How adequately the ASPCA bill covers *Shechitah* has already been shown here. As to the alleged approval



of "all" the national Jewish organizations, we remind Rabbi Miller and the readers of *The New York Times* that the Union of Orthodox Rabbis of the United States and Canada, the Union of Grand Rabbis, the Rabbinical Alliance of America, the Rabbinical Board of Greater New York, the rabbinical associations grouped around the world renowned Rabbis of Satmar and Lubavitch, the Agudath Israel of America, and the National Council of Young Israel, have unequivocally rejected Bill No. 4393. The great majority of Orthodox Jews in America, represented by these organizations, is in strongest opposition to the ASPCA Bill. Orthodox

Jews demand that *Shechitah* be left to the Orthodox Rabbinate without interference by any outside force.

We trust that the legislators in all states which are considering humane slaughter legislation will overwhelmingly reject such attempts as the Hausbeck Bill or the ASPCA Bill, because they impugn the practices of the Jewish faith. *Shechitah* and its preparations have always been humane. The state legislatures are committed to the constitutional principle of religious freedom, and will, we are confident, withstand the abundance of emotion-packed propaganda which accompanies legislative proposals in this area.

# The Declaration on the Jews and "The New Theology"

## *A Search for Torah Perspectives*

*Mair Levi*

CHRISTIANITY IS IN THE THROES OF CRISIS. THE CHURCH OF Rome is still far removed from the liberal Protestant churches. The pope, struggling to make his Church 'relevant' to modern times seems particularly distant from the exponents of "the new theology" who are proclaiming a god-less religion. And yet they have more in common than the name Christian—they are each reacting to the constant encroachment of secularization into areas of communal life which were previously the exclusive domain of religion. They are each frightened at the thought that Christianity is on the verge of bankruptcy and certainly no longer a force in world affairs, paradoxically, at a juncture in human history when religion is so desperately needed and remains the only hope of mankind.

How does the Jew fit into this picture? Is he simply a passive observer, hoping that the Church will truly be kinder to him in the coming century than it was in the past? Is the dispute over "the new theology" only a fight among Gentiles, of no concern to the Jew? Or . . . is it possible that the Jew faithful to the Torah is the key figure in the crisis of the spirit which confronts mankind today?

An examination of the results of the Vatican Council and "the new theology," with these questions in mind and in the perspective of Torah would be most productive for all concerned. It is not a task for an individual; it requires intensive thought by those immersed in Torah learning. We can here merely offer guide lines

in the manner of the journalist whose task is not to solve a problem but to demonstrate that it exists and to stimulate efforts for its solution.

### *The Church and the Jew*

The convening of the Ecumenical Council was the crystalization of a ferment in the Catholic Church; of a desire to bring the Church "into step with the times." The tensions which gave rise to the Reformation in the first half of the 16th century became so aggravated and accelerated in the twentieth century that the Church had either to make some severe accommodations (compromises?) or face the loss of thousands, perhaps millions of its followers.

One aspect of the Church's teachings and practices which became increasingly unpopular was its attitude to the non-Catholic ranging from withholding recognition of the Protestant as a true Christian to hatred and persecution of the Jew. Good theology or bad—Jews suffered and died for centuries because of the Church's hostility.

This attitude of the Church toward the non-Catholic engendered anger within Protestantism and contributed to the drive for greater unity of the non-Catholic churches in order to create a more formidable opponent to the immense structure of the Catholic Church.\* This,

\* See: THE VATICAN COUNCIL AND THE JEW, *The Jewish Observer*, Nov. 1964.

If the Catholic Church feels that among its major theological objectives is the conversion of the Jews, surely they cannot expect us to assist them. An honest declaration of their intentions will contribute more to

professors—they are being joined by liberal Jewish theologians who like the idea of a divinity-less "religion"—who maintain that religion, with its outmoded

in turn, gave rise to the convening of the Vatican Council. The Church was declaring, in essence, that if there was going to be a movement for unifying Christians (ecumenism) then the headquarters would be in Rome.

To an extent the Jew became a factor in this area on the coat-tails of the Protestant, so that the Church could demonstrate that it was purging itself of *all* intolerance and hatred. Contrary to the feeling of many Jews, the pope and his bishops were not at all times preoccupied with the Jew.

Nevertheless, there was a particular Catholic interest in reconciliation with the Jew. The Jew, so long as he survived as a Jewish believer, was a living challenge to Catholic theology which taught that he was condemned to extinction because of his rejection of the Christian faith. (Over-zealous Church leaders too frequently became impatient with this theological principle and took practical measures to accelerate the process, in glaring contradiction to the Christian doctrine of love.)

But, the implications of the Vatican Council go beyond the magnitude of official Catholic hostility to the Jew. In a study of the messianic tradition of the Jew\* the author writes:

maintain, religion must enter into the next stage of its development wherein it will continue to function within the structure of the past, but without the problems created by the belief in a Divine Being.

The Sages of the Talmud anticipated this "new theology" twenty centuries ago. They did in fact state an axiom concerning theologies generally, when they noted that: לא עבדו ישראל ע"ז אלא להתיר להם גזל ועריות. "Israel served idolatry only so that they could justify dishonesty and immorality." In essence they have answered the question, "Which comes first, a pattern of behavior or the theology upon which it is based?" They have stated the axiom that theologies come on the heels of changes in patterns of behavior, and not the reverse. How else can we understand the words of one of the "new theologians" who joyously told *The N. Y. Times* that "several New Testament scholars had shown an interest in the movement and that efforts will be made to establish for the new theology a historical Scriptural base."

Perhaps the words spoken by the Psalmist (14:1) might serve as the first stone of such a base. "THE FOOL SAYS [בלבן] IN HIS HEART: THERE IS NO G-D." The Sages comment: The wicked are governed by the heart . . . 'AND DOVID SPOKE [אל לבן] to HIS HEART' . . . the righteous govern the heart." (B'raishis Rabboh, 67)

A cornerstone of "the new theology" is the problem of reconciling the existence of evil with the existence of G-d; since evil refuses to go away they insist on their "Theology Without God." Here too we can suggest a scriptural base, again from *Tehilim*. "The brutish man does not understand this, nor does the fool comprehend—the flowering of the wicked like the grass . . ." (82:7-8) The man who lives in a single dimension, who cannot cope with eternity, who can see only a little beyond his nose, is shattered at the temporal success of the practitioners of evil and so he chooses

issue (Oct. 29, 1965) Gregory Baum, a Jewish convert who served as a theological adviser to the Council cites yet another explanation: "The word 'condemn' has been removed because some bishops regarded as provocative that the discrimination and persecutions of Jews should be reproved by a stronger word than was used when reproving discrimination and persecutions of other people." (The Church has never distinguished itself in granting special privileges to the Jews.) But Baum's crucial words—crucial to us, that is—are the closing words of his article: "*The dogmatic foundation has been laid for spiritual brotherhood between Christians and Jews.*"

### Catholic-Jewish Contacts

Unlike other "dogmatic foundations" the Church has acted quickly to implement this one. A headline in *The Tablet* (Oct. 7, 1965) reads: PLAN U. S. BISHOPS-JEWISH CONTACTS. The story, datelined Rome opens: "*The Catholic bishops of the United States have appointed a ten man commission to establish formal contacts with the American Jewish community.*" Bishop Francis P. Leipzig of Baker, Oregon told reporters

Master of the Universe may be paraphrased in regard to modern science's search for understanding and 'seeing' the most minute particles of matter. In *THE NEW INTELLIGENT MAN'S GUIDE TO SCIENCE* (Basic Books/New York/1965) Isaac Asimov explains a scientific dilemma.

. . . How could one determine where a particle [is]? The obvious answer is: Look at it. Well, let us imagine a microscope that could make an electron visible. We must shine a light or some appropriate kind of radiation on it to see it. But an electron is so small that a single photon of light striking it would move it and change its position. In the very act of measuring its position, we would have changed that position.

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This inadequacy of language to describe the Almighty is so inherent in Jewish thought that it is incorporated in a specific word—כביכול—when one makes reference to G-d in some descriptive manner he utters the word, almost with a sigh—*kavyochol*—"as if it were possible" for any expression to approximate the infinite nature of the Almighty. And in the vernacular the word becomes another name for G-d.

The concept of changing behavioral patterns fathering new theologies has been recognized by Christian students of religion. One of the classic works on American religion reveals this fact in its very title, *THE SOCIAL SOURCES OF DENOMINATIONALISM*. The author, Richard Niebuhr traces the development and growth

'dialogue'—charged at the convention of the United Synagogue of America (Conservative) that Orthodox Judaism has made "unwarranted, ill-considered and intemperate attacks on the efforts to explain Christianity to Jews and Judaism to Christians. They assume that if we engage in dialogue there arises the inevitability of converting Jews to Christianity." (*The New York Times*, 11/11/65). Perhaps conversion is not inevitable in 'dialogue,' but given the Catholic belief in their's being the only true faith—a belief which was not changed by the Council, while it will be considerably toned down in the future—the risk of conversion can only be increased.

"These Jews are never satisfied" many will say—some have already said it—"we extend the hand of friendship and they reject it." It is not our desire to add to the tensions between Catholics and Jews. It is our desire to live with *all* men in peace and friendship. In areas of common concern—witness joint efforts by Catholics and Jews for securing aid to religious schools from the Federal government—Orthodoxy is prepared to work hand-in-hand with Catholic leaders. But we see no purpose in theological debates; we can only see harm in accentuating theological differences which cannot be discussed with the give-and-take of collective bargaining in a labor dispute.

If any non-Jew wants to understand Judaism better, the sources are available to him—we have made no secret of our beliefs and they have been studied by non-Jews for centuries without the benefit of 'dialogue.' For some—notably German biblical scholars and critics—it has increased their hostility to Judaism and Jews; for a relatively small number it has led to their embracing Judaism.

If the Catholic Church feels that among its major theological objectives is the conversion of the Jews, surely they cannot expect us to assist them. An honest declaration of their intentions will contribute more to understanding than 'dialogue.'

If the Catholic Church wishes to implement the 'Declaration on the Jews,' this is a task which they must undertake alone.

### "The New Theology"

WHILE THE VATICAN COUNCIL WAS THE BIG RELIGIOUS story in the past months, a discussion which has occupied theologians in the pages of scholarly journals has recently moved to the daily newspapers and even the Sunday supplements. Taking a page from Madison Avenue, proponents of radical revisions in current theology have dubbed their theology "the new theology," on the theory that anything "new" will sell. But how new is "the new theology"? A closer look at it reveals that it is in reality an old theology re-packaged for the American consumer who quickly becomes tired of the old and who will just as quickly put his money on the



Courtesy The Realist

"You Former Ch . . . -Killer!"

line when the word NEW is emblazoned on the package.

Where religious liberalism ends and atheistic humanism begins is a question that has long troubled Christian thinkers. (It has troubled Reform Jewish theologians as well.)\* "The new theology" offers the best of both worlds; it insists that it is "religious" and yet it takes all of the pain out of religion, being, in the words of a headline writer for *The New York Times*: THEOLOGY WITHOUT GOD.

The "new theologians" are mainly liberal Christian professors—they are being joined by liberal Jewish theologians who like the idea of a divinity-less "religion"—who maintain that religion, with its outmoded theological categories, is no longer relevant to modern man. They believe that the world has become "secularized." In the words of one professor of theology:

"Secularization has accomplished what fire and chain could not: It has convinced the believer that he *could* be wrong, and persuaded the devotee that there are more important things than dying for the faith. The gods of traditional religion live on as private fetishes or the patrons of congenial groups, but they play no role whatever in the public life of the secular metropolis."—THE SECULAR CITY/New York/Macmillan 1965

In the good American tradition "If 'ye can't lick 'em . . . join 'em" the "new theology" proposes that religion face up to its bankruptcy and incorporate secularism into the structure of religious faith. Modern man no longer takes religion seriously, it has no impact on his life, he is alienated from his Maker, and so, they

\*See: *Stirrings in Jewish Theology*, THE JEWISH OBSERVER, May 1964.

maintain, religion must enter into the next stage of its development wherein it will continue to function within the structure of the past, but without the problems created by the belief in a Divine Being.

The Sages of the Talmud anticipated this "new theology" twenty centuries ago. They did in fact state an axiom concerning theologies generally, when they noted that: לא עבדו ישראל ע"ז אלא להתיר להם גזל ועריות. "Israel served idolatry only so that they could justify dishonesty and immorality." In essence they have answered the question, "Which comes first, a pattern of behavior or the theology upon which it is based?" They have stated the axiom that theologies come on the heels of changes in patterns of behavior, and not the reverse. How else can we understand the words of one of the "new theologians" who joyously told *The N. Y. Times* that "several New Testament scholars had shown an interest in the movement and that efforts will be made to establish for the new theology a historical Scriptural base."

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But perhaps the greatest difficulty they project upon modern man is his inability to "see" G-d; the failure to find a proper vocabulary with which to speak of the *Borai Olom*, the Creator. And failing to find the right words, they propose that we no longer use the word "G-d." Here too the problem is hardly a new one. The Jew each Shabbos morning in the *Shir Hakovod* expresses his frustration at his inability to express the glory of his Maker:

אספרה כבודך ולא ראיתך,  
אדמך אכנך ולא ידעתך.

*I will tell of Your glory though I have not seen You; I compare You [in concepts that I can understand] and I list Your attributes—yet I know You not.*

And this very frustration is at the core of religious experience: man's attempt to come closer to G-d while knowing that it is his limitations which keep him from ultimate comprehension of the Divine. It is intriguing that the words of the *Shir Hakovod*, spoken of the

Master of the Universe may be paraphrased in regard to modern science's search for understanding and 'seeing' the most minute particles of matter. In *THE NEW INTELLIGENT MAN'S GUIDE TO SCIENCE* (Basic Books/New York/1965) Isaac Asimov explains a scientific dilemma.

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The concept of changing behavioral patterns fathering new theologies has been recognized by Christian students of religion. One of the classic works on American religion reveals this fact in its very title, *THE SOCIAL SOURCES OF DENOMINATIONALISM*. The author, Richard Niebuhr, traces the development and growth of the scores of Protestant groupings in this country to the constant state of flux in a country whose frontier was always pushing westward. As social conditions changed with the development of new sections of the country, new denominations arose to meet the new social needs, and a "scriptural base" quickly followed.

"The new theology" then is hardly new; it reflects man's tendency to create a rational basis for his irrational behavior. It is perhaps new in this sense alone, that it rejects G-d and yet insists that it is still "religion."

The *Reconstructionist*, organ of Mordecai Kaplan, lost no time in reacting to "the new theology," which appears to be closely parallel to their god-less Judaism. But they are unhappy that the theologians have chosen to dispense with the word "God." Having themselves long ago liberated themselves from belief in "G-d-as-being" they nevertheless insist that in dispensing with the word "God" they "are only adding to the confusion, rather than dispelling it."

Lest one think that *they* are confused, they explain that a "group which produces a religion, like the individual, comes to regard the sancta of that religion as precious to its members: the name of its deity, the outstanding events in its calendar, the literature which the group venerates, the places where decisive events occurred in the life of the group, and the like. These sancta provide the element of continuity; how these sancta are interpreted represents the element of change."

The above paragraph, which is incidentally a concise statement of Reconstructionism, means simply that for old-times sake it is a good idea that the old forms be retained, though their substance is constantly subject to change. It means too that while Reconstructionists no longer believe in G-d, they will continue to say that they do and simply revise their definition to suit 'modern' thinking on the subject. (This is a bit like wagering on a race after it has been run; *you can never lose*.)

### *What it Means to the Jew*

The struggle by the Catholic Church to be relevant to the times and the rejection of the Divinity by "the new theology" can only strengthen the Jew in his belief in Torah. The eternal truths of the Torah are as relevant today as they were when we stood at the foot of *Har Sinai* and heard them for the first time. The teachings, the beliefs, the patterns of behavior prescribed by our Torah are not afterthoughts based on what we would like them to be. The Torah was bestowed upon us by

the Living G-d who revealed Himself to us at Sinai and continues to reveal himself in His Creation to all who seek Him. Torah needs no new vocabulary for it speaks to us in eternal tones, not subject to the winds of time and not compromised by our capacity to comprehend.

With orthodox Christianity prepared to "accomodate" itself to modernism, and liberal Protestantism ready to abdicate its last claim to being religion of any sort (yet stubbornly claiming to be 'religious') the pure faith of the Torah Jew becomes ever more important to mankind as a whole. It is precisely in those areas where "religion" has distorted Torah concepts that the greatest disillusionment is now manifest. It is no accident that those who presented a man-god to the world are experiencing difficulty in speaking of the Divine in human terms.

In a society which still has little regard for the Jew and is still somewhat sheepish about admitting its Jewish antecedents, insisting on hyphenating "Jewish" with "Christian," the belief of the Jew must somehow be brought to the world in order to bring the world into relationship with *Hakodosh Boruch Hu*. This duty of the Jew accepted on Sinai, to be a light to the nations will reach its fulfillment with the coming of the *Geula*. Yet it is our obligation—somehow—to maintain the flow of light in these dark hours in human history. A Chassidic *rebbe* once prayed:

*Ribono Shel Olom*, redeem Your people Israel  
... but if in Your infinite wisdom it is not yet  
time to redeem Israel, at least redeem the *goyim*.

### *Reminiscences*

## A Daughter Recalls A Great Father

*Adele Engel*

I SEE MY FATHER SEATED WITH HIS GEMMORAH IN our book-lined study where he spent almost every waking moment he could spare from his other duties of the day. This was his sanctuary, and of a quiet evening—with the younger children asleep—my mother would join him with her sewing. Occasionally she would look up and smile and exchange a word with him.

This was the family harmony that permeated our home, as I remember it. Father was the dominating, quiet focus of our life, with our mother the ever-present smiling buffer between the lively activities and noise of nine children with their problems and varying activi-

ties. Our father's deep *Yiras Shomayim* and love of Torah were the guideposts of much of our development.

He was ever available to us. The three meals each day were family gatherings where we aired views and exchanged news, with our father listening, smiling and advising. Ours was a lively family—no limits were put on our conversation until a hint of *Loshon Horoh* would reach his ears. With a word or a look he was able to put an end to any expressions which bordered on *Loshon Horoh* or *R'chilus*. And so we were early taught by example the trait of *guarding one's speech*.

Seated at the head of the table, we anticipated his needs, for in all his life, father never *requested* anything at his own table. Unless it was provided, he would

MRS. ADELE ENGEL is a daughter of the late *Moreinu Yaakov Rosenheim*. She lives with her husband in *Far Rockaway, New York* where she is active in youth work at *Congregation Knesses Israel*.





Moreinu Yaakov Rosenheim blesses two of his American grandchildren prior to his departure in 1949 for Eretz Yisroel. The boy is Mrs. Engel's son.

go without food; he often said to us: "Never ask for anything, unless it be given to you voluntarily."

*Shabbos* and *Yom Tov* were focal points of our lives. How I longingly recall the Friday evenings when our father—in our beautiful large dining room—presided over the long table with gleaming silverware, the children ranged by age along the table. His high melodious voice rang out at *Sholom Aleichem* when we stood, with our mother at his side, each child grasping one finger of his hand, as a tree with the branches springing from its roots. Each blessing with his hand resting on our head was given with such warmth and feeling that his words permeated our whole being and created in us—even at a very young age—the *Shabbos* spirit which we in turn have tried to impart to our children. No *Shabbos* meal was complete in our home without two or three guests. They came from far and wide

whether it was a *yeshiva bocher*, or a famous *rav* from the East. A procession of fascinating travellers, scholars, writers and rabbis graced the Rosenheim table each *Shabbos*.

I recall our excitement and interest when an outstanding *rebbe* would be our *Shabbos* guest. His *shtraimel* or *talis* or coat would be in our keeping until after *Shabbos*, so once or twice we could not resist snipping off a small piece or thread of a garment as a memento of an unforgettable visit. From East or West—every guest in our home was a king in his right—the *Shabbos* at the Rosenheim's was an experience not easily forgotten.

In his earlier years and in my earlier recollection, father often travelled away from home in connection with his work for *Klal Yisroel*. He would always return home in time for *Shabbos*. In our possession to-day is—as we called it—"fathers *s'forim* suitcase." It is a small object and battered, proof of frequent use. On one occasion, at least, this suitcase had to be left at home, much to our fathers chargin. Prior to a trip to Poland, he was informed of a border restriction which did not permit foreign language books into Poland. Our father recalled with a smile and relish how his essential two or three *s'forim*, without which he would not travel—were smuggled into that country. A kind lady, sharing his train compartment spirited them across the border—at his request—in her personal hatbox.

Forever mindful of his family and the importance and impact of a *Yom Tov* celebration, our father introduced and continued a *minhag* for each of the *Sholosh R'golim*. Each family member—the servants included—received a personally selected *saifer*, appropriate to his age and interest. All his children own many books of lasting value, each with his loving personal inscription, ranging from children's stories by M. Lehmann to newly published rare *s'forim*. His satisfaction and contentment at our expressions of joy is part of our warmest memory.

It is well known, that the *Gedolai Yisroel* honored our father with the unusual title of *Moreinu*. It is, however, not known that no-one in his home was ever permitted to discuss or even mention this honor. Some time after this memorable *Knessia Gedola* we found the folded parchment document hidden carefully in the far back recesses of one of his bookcases.

My mother, always his companion and confidante, often was torn between her great pride in him and the humility he wanted everyone to show concerning any honors or tributes he was awarded. On the many occasions of an address, lecture or *shiur* to large audiences, we, his family, were always seated in the rear row of the hall or room. This was an unspoken rule in our family—never requested by father, but showing him our understanding of *his* and therefore, *our* con-

cept of living, forever shunning pride or ostentatious behavior.

Our father was known as an outstanding orator. His speeches were masterworks of organized thought which held his audiences spell-bound for as long as an hour or even two. And yet, after such an address, we would find a small white 2x2 card in his pocket with perhaps four or five points arranged by number, pencilled in his beautiful Germanic script.

We left Germany in 1935 after two years of living under the Hitler regime. Nothing has ever been told of the actual circumstances of our flight or of our father's difficulties prior to his departure.

Father was greatly respected by the city government and police authorities of our native city Frankfurt-on-Main. As publisher of a German-language weekly newspaper he had frequent and cordial contacts with the authorities. At one point, early in the Hitler regime, he published an editorial expressing his dissatisfaction with an order to all Jews (as well as all citizens) to fly the German flag in celebration of some Nazi anniversary. This resulted in a peremptory summons on *Shabbos* morning to police headquarters—a walk of three quarters of an hour. I accompanied father on this walk on an icy cold winter *Shabbos*. We had spared my mother any knowledge of this, and set out on what may well have been the road to a prison or concentration camp. I will never forget our conversation, warm and yet casual on my personal problems, on my school studies as well as the *Parsha of the Week*. He was calm as always, exuding faith as always. As we were about to enter the imposing Police building, he turned to me: "Wait for me here, if I have not returned within thirty minutes, you will know where I am. Return home and be of good cheer." The Almighty was with us and we returned home together after he was issued a "warning" to "temper" his editorials.

Our actual departure from Germany was caused by a set of circumstances, known to few people.. We had returned on a Friday morning from a trip to Holland.

We were told of the shocking morning edition of the *Voelkischer Beobachter*, the leading Nazi-newspaper, which had splashed across the front page our father's name and that of two other Agudah leaders (one already out of the country, another passed on). They were accused of being traitors to the Third Reich and of having plotted behind the scenes against the Nazi regime. It was almost *Shabbos*. Uncertain of the consequences, our father left his home again for a small town nearby to avoid possible arrest and yet not to desecrate the *Shabbos*. After *Shabbos* he continued his journey to Berlin where he learned the origin of the newspaper attack.

In early 1933 father, with other Agudah leaders had an audience with the Pope in the Vatican to discuss a possible Nazi victory and to try to forestall utter disaster. One of the printed reports of this meeting issued to top Agudah leaders was lost in a hotel room in Berlin and found by a member of the Nazi party. Two years later the report was sold to the highest bidder—the infamous *Voelkischer Beobachter*.

Father returned home and quietly continued his work untouched by the fear of those around him, his deep faith unshaken as ever. He had friends amongst notorious Nazis and the local government. Guided by their old past friendship and their deepseated respect, the "powers to be" issued their "last warning" and thus *Moreinu* Rosenheim was put on the famous Nazi "blacklist." Two months later, we were on our way to England and thus new Agudah World Headquarters were established in London.

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אנא יגיעו



# Evolution—Fact Or Theory?

## *A Scientist Finds the Facts Weak and the Theory Wanting*

*It has long been felt that the theory of evolution is less a scientifically developed and supported hypothesis than an effort by hook or by crook to account for the existence of living beings without reference to a Divine creator. Questions such as these have been asked:*

- *Evolutionary changes could only be the result of the mutation of genes. Are not the mutations that have been observed degenerative in nature?*
- *To bring about a change in the structure of, say, the eye, a number of other, related changes would have to happen coincidentally, e.g. in the nervous structure. Are such coincidences statistically possible?*
- *A meaningful evolutionary change would have to happen in a number of small steps. In that case the animal that has only reached, say, step two or three (a reptile, for instance, with the beginning of wings) would be less fit for survival than the animal that did not change at all. How would it ever be possible for a fully-winged bird to appear?*
- *The fossil record is the main prop of the evolutionist; how reliable is it? And since its interpretation depends on the dating of rock strata, how reliable is this?*

Some of the most basic issues involved in the theory of evolution are searchingly examined in this article by DR. LEE M. SPETNER, a physicist on the Principal Professional Staff of the Applied Physics Laboratory of the Johns Hopkins University. He is presently engaged in research on information theory.

Dr. Spetner\* spent the academic year 1962-63 as a William S. Parsons fellow in the Bio-Physics Department of the Johns Hopkins University, at which time he became interested in the theory of evolution. He has already published one scholarly paper on the subject and has another in preparation. This article, written especially for THE JEWISH OBSERVER, is his first effort on the subject in the popular field.

\*In addition to his work in the sciences, Dr. Spetner is the president of the new Yeshiva High Schools, one for boys and one for girls, established in Washington, D.C. last year. Headed by Rabbi Pinchas Lipner, formerly of Yeshivath Ner Israel, the school's religious studies are supervised by a committee headed by Rabbi Gedalia Anemer, Rabbi of the "scientists' schul" Young Israel-Shomrei Emunah, and the general studies, are supervised by a committee chaired by Nathan Lewin, assistant to the Solicitor General of the U.S.A. The schools serve Washington as well as out-of-town students.

THE THEORY OF EVOLUTION IS AN INTEGRAL PART OF modern culture and in the hundred years since it was first proposed by Charles Darwin it has had a stronger influence on human philosophy and sense of values than has any other single scientific theory. The concept of organic evolution is accepted by most literate people today as a well established truth, and evolution as a principle in nature has become intuitively natural to such an extent that the phrase, "the origin of" yields to "the evolution of" in almost any context when there is an attempt at erudition. Much of the influence of evolutionary theory is hidden and not immediately recognizable, but it is nevertheless potent and capable of having a significant influence on the molding of one's thinking. It is for this reason that it is extremely important that one try to understand this theory and to evaluate it.

It is not possible in a short article to give a full exposition of evolution. To do so would require covering all of biology, including paleontology as well as neontology; I am not able to do this and in fact very few individual biologists have a sufficiently-wide familiarity with biology to qualify them to give a complete treatment of evolution. All that I shall do here is to attempt to outline briefly the most widely accepted theory of evolution and to give an appraisal of its status as a scientific theory.

THE ATTITUDE OF BIOLOGISTS TOWARD EVOLUTION is not monolithic. There is divergence of opinion because the evidence is insufficient to point forcefully to a conclusion that can be accepted objectively. However, some ardent protagonists of evolution try to suppress the difficulties of the theory and give the non-scientific public the impression that all is clear and all is proved. This misleads the layman—who has a right not to be misled.

I should like first to distinguish between what is sometimes called the "fact" of evolution and what is called the "theory" of evolution. The so-called "fact" of evolution is that living organisms have descended with modification from pre-existing forms. The lineage is continuous, all forms of life are related to all other forms of life. Life began as a simple form and gradually evolved to more and more complex forms. The evidence usually adduced for the fact lies chiefly in the fossil record. The rocks containing fossils can be fairly

well dated and in general one finds the older rocks on the bottom and the younger rocks on top. If one studies the vertebrate remains, for example, one finds that the oldest rocks contain no fossils. As one proceeds up the stratigraphic layers one finds that the next-oldest rocks have the remains of simple fishes. The next-oldest generally have fish and amphibian fossils, the next have fish, amphibian and reptile fossils, while the most recent rocks have fish, amphibian, reptile and mammal fossils. This would support the view that the fish gave rise to the amphibia which in turn gave rise to the reptiles which in turn gave rise to the mammals. We will later examine just how conclusive this fossil record is.

The "theory" of evolution, on the other hand, is a hypothesis offered to explain the mechanism or the process by which the changes in organisms constituting the "fact of evolution" are supposed to have taken place. There have been many theories of evolution before and after Darwin. There is one theory, however, that is accepted by the majority of the present working biologists and it is known as the synthetic theory of Evolution. This theory stems directly from Darwin's original proposed theory, but it has been adjusted to take account of new knowledge and to overcome some of the original objections to the early form of the theory.

### *The Synthetic Theory*

The synthetic theory can be briefly stated as follows: Genetic variation arises from random mutation. Since the genes control the development of the organism, this genetic variation is expressed as a variation in the organisms themselves, that is, in the phenotype. This phenotypic variation is subjected to the process of natural selection in that those phenotypes which are most favored by the environment, that is, those which are better adapted to survive and produce more descendants, gradually displace the original population. Natural limitations on total population tend to select against the more poorly adapted organisms and the result is that eventually the population consists almost entirely of the better adapted organisms.

This particular theory has extremely important religious implications for two reasons. First, and most important, it contradicts religious belief as it is normally understood. The synthetic theory, by emphasizing a random source of the genetic variation which plays the role of the raw material of evolution, substitutes chance for a Divine plan of creation. Secondly, the theory seems to carry with it a sense of overconfidence in that it inspires its adherents to imagine that they understand more than they really do, and encourages them to be sufficiently presumptuous to develop from it ethical and moral codes. (See for example a recent

article by H. B. Glass in *SCIENCE*, vol. 150, pp. 1254-1261.) As a consequence of both of these reasons, the absolute basis of our moral code is removed, and "good" becomes re-defined as that which promotes biological survival. It is therefore imperative that this theory be examined so that it can be understood and the strength of its foundation evaluated.

The overall concept of evolution is in essence a historical one in the sense that it purports to describe and explain past events. The major evidence that it claims as support ought therefore to be of a historical nature, and the fossil record is offered as such evidence.

Unfortunately, these mute records, while they can conceivably be admitted as evidence of the "fact" of evolution, cannot possibly shed any light on the *nature of the mechanism* of the evolutionary process. The synthetic theory must be based on inferential arguments that consist of describing what *could* have happened. For example, mutations are observed in the laboratory, and it is therefore to be expected that mutations also occur in the wild. Furthermore, the effects of natural selection can be surmised by observing the operation of artificial selection on known mutants. In addition, in certain instances, there is evidence of natural selection in operation. It therefore seems not unreasonable that if a small number of well-adapted mutants exist in a population, then given sufficient time and good luck, the population will gradually be converted to consist of a majority of these mutants. In fact, one can calculate how many generations it should take for such a conversion in terms of a quantitative measure of the adaptivity, or the selective advantage of the mutant.

I must hasten to point out that only very simplified examples of real life have ever been considered in any quantitative way. How random mutation and natural selection can explain the real-life situations of the complex interrelation of specialized organs and the behavioral patterns needed to make use of them is only understood as a gross extrapolation of the simplified cases consisting of a single feature at a time.

With all the theorizing, simplifying, and calculating, however, the *best* the evolutionary advocates can conclude is that things *could* have happened the way they describe them. The arguments given for the synthetic theory very often assume more the character of a lawyer pleading a case than of a scientist presenting evidence. When arguments are given, they are usually circular and consist largely of begging the question. Professor George Gaylord Simpson, for example, in his book, *THE MAJOR FEATURES OF EVOLUTION*, discusses at one point the evolutionary trends in the Perissodactyls (the mammalian order which includes the horse) and the Labyrinthodonts (a super-order of primitive amphibia) and attempts to prove that these trends were correlated and adaptive as the synthetic theory requires.

"In the first place," he says, "as a matter of scientific method, when there are two sets of similar phenomena, such as primary and secondary trends in Perissodactyla and Labyrinthodonia and when the explanation is known in one case<sup>1</sup> . . . , the minimal and most likely hypothesis is that the same explanation applies to the second case. Thus our ignorance as to whether the trends in question were adaptive or not certainly fails to suggest that they were not. In fact they involve sorts of characters that are *often* (my emphasis) adaptive, and it is quite easy to see that they *could have been* adaptive even though it cannot be proved that a given possibility is indeed the right one. . . . It seems proper to *conclude* (!) that the Labyrinthodonts provide another example, and *an unusually good one*, of primary trends adaptive to the environment and oriented by selection and of secondary trends similarly oriented and adaptive to the primary trends." Notice how adroitly he converts data, that he cannot really prove fits his theory, into "an unusually good" example helping to confirm the same theory.

The evolutionary literature abounds with such arguments, and through them there are no data that cannot be made to fit the theory. In fact some biologists feel that the synthetic theory is set up in such a way that it cannot be disproved, and that this is its most serious defect. In other branches of science such a feature in a theory would be sufficient to disqualify it.

Thus, while the "fact" of evolution is based on the fossil evidence, the synthetic theory which attempts to offer an explanation for it is little more than a reasonable hypothesis that cannot be, or at least, has not been, tested. But even the fossil evidence for the "fact" is not really as good as one would normally expect scientific evidence to be. For one thing, one would expect the evolutionary process to produce greater complexity in the later organisms. One nevertheless finds many examples of organisms where the later forms are the simpler and the earlier the more complex. This is the case, for example, with the Graptlitoidea, an extinct animal, fossils of which are found mainly in the Cambrian strata. The synthetic theory further requires that the evolutionary succession be very gradual and almost continuous. While there are a few evolutionary lines that demonstrate near continuity over short intervals, one finds in the vast majority of instances distinct gaps in the fossil record that should not be there according to the synthetic hypothesis. Of course the evolutionist argues that these gaps are not real and only represent gaps in our knowledge, and, he argues, as more paleontological evidence comes in these gaps will be filled. Such arguments are a manifestation of faith on the part of the evolutionist rather than objective

1. This is not really "known" at all. He says parenthetically here in support of this statement only that another paleontologist believes that it is so and that he agrees with him.

scientific evaluation. Moreover, such faith is unjustified in light of the evidence that already exists. For one thing, new paleontological data sometimes makes the evolutionist's picture more complicated rather than more simple (an ominous circumstance for a theory). For example, the evolution of the Graptolites was worked out about forty years ago and it was thought to be well understood. Since that time, however, new knowledge has cast considerable doubt on what was once thought to be well known and now the evolution of these organisms is no longer felt to be well explained. Furthermore, with regard to the gaps in the fossil record, it has been shown by a statistical analysis of the number of examples of extinct and living genera whose fossils have been found, that the chances are extremely remote that not a single fossil has been found of the many genera which the synthetic theory says must have existed, while there are large numbers of examples each of other genera in the same family.<sup>2</sup>

### Data Missing

Gaps in the fossil record are most significant between the larger groupings. For example, in spite of the wealth of paleontological data available we still do not find the origin of *any phylum*, including the vertebrates for which the fossil record is considered to be the most reliable. Even within the vertebrates, the origins of the various classes are less than certain. On the basis of the synthetic theory one would expect that the amphibia originated from the fish in a direct manner through a single line, and similarly with the origins of the reptiles and the mammals. As the fossil data pour in, however, the picture gets more complicated and gradually paleontologists are concluding that each vertebrate class arose from the more primitive class along several independent lines.

Complicated networks of "convergences" and "parallelisms"<sup>3</sup> have to be invented in order to retain the evolutionary structure as more fossil data are accumulated. If the synthetic theory were correct one would expect to be able to arrange animals and plants according to a phylogenetic relationship, where close relatives have many common characteristics and more distant relatives have less in common. The facts, however, do not support this seemingly reasonable require-

2. Devar, D. and H. S. Shelton, IS EVOLUTION PROVED? Hollis and Carter, London, 1947.

3. "Convergence" in evolution is the independent development of similar characters in different lines. A famous example of convergence is the independent development of the eye in the cephalopods (for example, the squid and octopus) and in the vertebrates. These two types of eyes are identical in many respects including lids, pupils, irises, lenses, and even the rods and cones. "Parallelism" is similar to convergence except that the *steps* in the development of the similar characters are also similar. An example of parallel evolution is the separate development of patterns of fissures on the surface of the brains of various types of mammals.

ment. The principles of convergent and parallel evolution have to be more and more widely invoked as time goes on, so that by now it is generally admitted that convergences and parallelisms are frequent throughout the biological world.

So far, the evolutionists have been able to retain the theory of random mutation and natural selection only by proliferating complexities such as convergences and parallelisms. The theory is retained not because it is adequate to explain the facts; it is not. It is retained only because there is no theory to replace it. The situation in biology is somewhat reminiscent of the state of physics in the 1920's, when the experimental data pouring in were demonstrating with increasing force the inadequacy of classical physics until the quantum theory restored simplicity to physical description. When a new theory will come to biology and what form it will take no one can say. The important point to note however is that the random mutation-natural

selection theory of evolution does not represent absolute truth as some insist it does. Far from it. It is merely another scientific theory and in fact it is poorer than most.

It would therefore be foolish for one to mold his philosophy, morals, and ethics on the assumption that Man is a mere chance descendant of a sub-microscopic molecule that happened to form in the primordial ocean some three billion years ago. Faith of some kind is necessary in order to establish for oneself any ethical and moral code. One is free, of course, to choose his faith. Some would start by believing that the scientific theories in current vogue represent absolute truth. Others would accept a way of life derived from a Revelation witnessed by more than a million people whose testimony has been handed down, withstanding the test of time, for a hundred generations. I prefer the latter.

*Hasbkofob*

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## The Dual Nature of Man

*Mordecai Gifter*

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The world of the yeshiva student is that of the *ד' אמות של הלכה*, the four ells of the Halacha. In the vast expanse of the cosmos these four ells seem to be very confined. The life, therefore, of the *ben-yeshiva* is usually viewed as a very cloistered life. The yeshiva student is looked upon as one who is removed from the mainstream of living. And the question is asked: "What does the *ben-yeshiva* contribute to life?"

This constitutes the attitude not only towards the yeshiva student but, on a broader scale, the attitude of the secular Jew to the Torah Jew. And, therefore, in seeking to understand the world of the Yeshiva we seek, in a sense, to understand the world of the Torah Jew and to place it in its proper perspective.

It must become clear to us that Man is a dual personality; *עפר מן האדמה*—dust of the earth, limited and temporal, and *נשמת חיים*, the living soul, hewn from the infinite and eternal Being of Almighty G-d. *Dust of the earth* has reference not merely to the flesh and bones, the bodily structure of Man. It has reference to all in the human personality which is identified with earthliness, all that is temporal in essence and nature. It refers to the character traits imbedded in human

nature which are ignoble and tend to corrupt the human personality. And *the living soul* has reference to all in the human personality which is divine in essence and makes possible to see in Man a *צלם אלקים*, the image of G-d.

This duality in Man places him in a unique position in the entire plan of Creation. Harmony in this duality is the gift of creativity with which Man has been endowed. The entire world has been placed at his disposal, *כל שחה תחה רגליו*, *all have You placed beneath his feet*—said *Dovid Hamelech* (Psalm 8). He was commanded by his Creator when brought forth: *כבשוה*, subdue the earth. If Man was so commanded he was endowed with the power and capacity to effect such rule. But long ago the Sages pointed out that the Torah uses advisedly the word *רדו* when referring to the rule of Man over the creatures of the world. If Man uses his powers properly he rules, but if he uses this power improperly then *רדו*, fall, leave the heights of Creation for which you were chosen and ordained.

To subdue the world, from the vantage point of *guf* (body) results in the despot who is ultimately destroyed by his own handiwork. To subdue from the vantage point of *neshomo* (soul) results in the great act of creativity, sublimation of an earthly temporal existence

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to its original primary source. In this process of subjugation Man sublimates himself.

However, no human achievement, no matter how sublime, is completely valid if it is not translated into *guf*. Such was the Divine Will and Wisdom of the Creator. Every human achievement must be realized by the entire personality of Man. When lived by the complete person then it is a complete achievement. This is the unique nature and mystery of the human personality. And, therefore, in the language of the Torah, the communion of Man with G-d, the most sublime of all human experiences, is the language of the mundane temporal world—ויאכלו וישתו ויחזו אלקים—"They ate and they drank and they observed the Lord."

Throughout history Man has been thrust forward in world dominion by endless drives and urges which know no bounds. Long ago did *Shlomo Hamelech* say: *He who loves worldly riches is never satiated with these riches*. And the Sages said: *He who has one manah desires two*. Every achievement serves as an impulse to new gains, but from whence stems this endlessness? The Sages said: *He who loves the mitzvoh, is not satiated by the mitzvoh*, the primary source of these endless drives in human nature is rooted in *neshomo*, the love of Mitzvah; fulfilling G-d's will, knows no bounds. Man has taken these drives, this insatiable urge of Mitzvah and translated it into *guf*. This is as it should be. But in the process translation has become conversion. He has forgotten the primary source of these propulsion jets of human achievement. And we have Man declaring, *My power and the strength of my hand have made for me this great success*. We have the cosmonaut, intoxicated with the nectar of achievement, declaring there is no G-d, ה"ו, for he has not encountered Him in his adventures in the vast expanse of outer space.

We must be careful to observe that we do not speak here of religion and secularism. Religion is also *guf*-centered. The Sages pointed this out long ago when they commented upon the words of Torah: ופרעה עומד על היאור—אומות העולם, הם עומדים על אלהיהם וישראל אלקיהם עומד עליהם.

### "When They Need Gold . . ."

In reference to Pharaoh and his like, part of the needs of Man are his spiritual needs. He needs religion, he needs a synagogue. And just as he uses material things for *guf*, so also does he use spiritual values for *guf*. His religion is also utilitarian. The Sages said in commenting on the phrase אלהי זהב, אלהי כסף ואלהי מסכה, gods of gold, of silver and of molten metal:

*When they need their gold for material purposes they make their idols of silver and when they need their silver, they make their gods of molten metal.*

*Guf* is the assertion of one's self. And the human

personality finds need to assert itself in matters of the spirit. This is not *neshomo*, for *neshomo* is the denial of self in the presence of the Supreme Being.

*Guf* feels itself as a whole entity. *Neshomo* recognizes itself as a fragment of the Creator. From *neshomo* there stems ענייה (humility), the feeling of human inadequacy which urges, which drives man to the recognition that the only true "I" is אנכי ה' אלקיך, *I am the Lord your G-d*—the commandment of Faith, of אמונה.

Masorah—tradition—is the basis of Torah and Torah life. The Mishnah in *Avos* lays down the postulate of Masorah as the prerequisite for the righteous moral and ethical norm of life. *Guf* lives within the present fleeting moment, temporal in nature. *Neshomo* is eternal, part of an endless past and an endless future. The study of Torah and the life of Mitzvoh invests the Jew with the sublimation of *neshomo*. The mundane and secular becomes holy. Life becomes blessed with the spark of Divinity. Was this not what the Sages meant when they said in the Mishnah:

רצה הקב"ה לזכות את ישראל, לפיכך הרבה להם תורה ומצות. The Lord wished to purify Israel, and therefore did He give them much Torah and many Mitzvos. Maimonides explains this to mean that in such a vast array of six hundred and thirteen mitzvos an individual is bound to find one mitzva in which he is able to sublimate himself, to perform the mitzva without regard for mundane interests, and thereby find G-d. And from this spark of Divinity all of life will be illuminated with *neshomo* and Man becomes part of eternity.

The human in his very being is an incomplete entity, part of the whole of *Hashem Yisborach*. Torah, the revelation to Man of G-d's Will, is therefore of necessity given to Man in incomplete form, only as a part, as a portion of His Divine Wisdom. The greatest act of communion with G-d, therefore, is incomplete Man driven to achieve completeness, something which he can find only in the one true and complete entity, the Supreme Being. The means of achieving this communion in its highest form is the union of Man's intellect with the Divine intellect revealed in Torah. The study of Torah is therefore, in a sense, synonymous with the experience of, נבואה, of prophecy. So have we been taught by the Sages: מיום שחרב בהמ"ק אע"פ שניטלה נבואה, מן הנבאים, מן החכמים לא ניטלה נבואה. *Even though prophecy no longer is apparent through prophets, it has remained with the Torah sages*. The prophetic experience is born of the never ceasing urge of *neshomo*, that incomplete portion of Divinity in Man—which yearns to find completeness. This is what *Koheles* referred to when he said: והנפש לא תמלא, and the soul is not fulfilled.

This incompleteness of *neshomo* which experiences the joy of fullness only in G-d is the source for the strength of *Klal Yisroel*—*Knesses Yisroel*. Every individual is merely a portion of the whole and, therefore, one Jew is integrally associated with his fellow Jew.

Complete entities can be dissociated from one another. Incomplete entities find themselves in unity with each other through their unity with the one G-d of Whom their *neshomos* have been hewn. This is the bed-rock of Jewish communal responsibility unique to *Klal Yisroel*, enunciated in the maxim: *All Israel is responsible one to the other.*

### *An Attitude Toward Life*

In realizing that the wholesomeness of a full life is achieved only in G-dly communion, something which is never completed in our mundane life, the Jew develops an attitude toward life which gives him the courage and fortitude to overcome trial and travail. That which in the mundane world is a source for sorrow and pain will in the future be experienced as the same act of G-d's kindness and compassion, as those life experiences which are now a source of joy and satisfaction. So we are taught by the Mishnah: *For all those experiences over which we must today recite the blessing reserved for sorrow (ברוך דין האמת), in the future for these very same experiences we shall recite the blessing designated for occasions of joy (ברוך הטוב והמטיב).*

This duality, the mundane and temporal side by side with the Divine and the Eternal, therein lies the glory of Man as the chosen one of Creation. Perhaps the Psalmist had this in mind when he sang forth: ותחסרהו מעט מאלקים. You made Man small, but you invested him with a bit of G-dliness. וכבוד והדר תעטרנהו. Thereby did You crown him with glory and honor.

But Man defaces this glory, degrades this honor by attempting to deny the bit of G-d with which he has been invested. However, he becomes thereby, pathetic, torn asunder by the never ceasing drives of the eternal within him which yearns for completeness. Therein lies the tragedy of Modern Man. *Neshomo* seeks completion and fulfillment and Man feeds these burning desires with evermore *guf*. Modern Man is disillusioned. With all his success, with all his achievements, even with the conquest of outer space and the drive to dominate the moon and the planets, he lacks peace and knows not why. We live in a world where it has become commonplace to speak of the balance of terror as the determinant in world peace. Is this peace, or turmoil of the worst sort? One is prompted to recall the words of the medieval poet who wrote: גוף ונשמה אם תריבם גוף בל יוכלו קום. Where there is discord between *neshomo* and *guf*, rather than harmony, neither can survive.

In this world of fear, which has become a "house of trepidation," there stands the Torah Jew, who sings forth with the Psalmist: ומירות היו לי חוקיך בבית מגורי. *Your statutes are songs of elation to me in my house of fear.*

Are the *four ells of the Halacha* a small, cloistered enclave in the vast expanse of the Universe, or are they the very dynamic which gives life to the cosmos? I leave this with you to ponder.

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# South African Orthodoxy in Ferment

SOUTH AFRICAN JEWRY, LIKE THEIR British cousins, have their set ways; they dislike being disturbed. They have a strong sense of right and wrong; they expect things to go right and are appalled when they go wrong. At the onset of the new year 5726 South African Jewry had the distinct feeling that something had gone wrong. While they were in their houses of worship on Rosh Hashono, a number of visiting *shlichim*, representatives of Israel, were nowhere to be seen. After Yom Tov it developed that the distinguished visitors had chosen to spend the 'holiday' in South Africa's game reserve, Kruger National Park.

In a letter to the *Southern African Jewish Times* (10-15-65) a reader who describes himself as a "three times a year Jew" writes, "I, with thousands of other South African Jews flock to the synagogue on these holy days to identify myself with the G-d (their dash) of Israel and my religion. It is with deep shock, therefore, that I have learnt of the considerable number of Israeli Shlichim and educators who used the occasion of the high holy days to 'relax' in the Kruger National Park . . . I think it is high time that our institutions packed off these Israelis where they can give free rein to their anti-religious ideas. I for one must protest strongly at the fact that our communal institutions have 'imported' people to serve as shlichim and to educate our youth by example in a way in which NO South African Jewish parent . . . wants them to be educated . . ."

The *South African Jewish Observer*, organ of Mizrachi, echoed these sentiments in a lead editorial headed SEND THEM BACK.

No words of reproof are strong enough for those shlichim. To the general public they represent Israel. They are its ambassadors, sent here to stem assimilation, not to accelerate it. What kind of Jewish education can they transmit when they are so contemptuous of its very basis themselves?

One of the last remaining bulwarks against assimilation and a complete break with Jewish identity is the mass celebration of Rosh Hashanah and Yom Kippur—and though many scoff at the

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NEW YORK, JAN. 6. (JTA)—FOURTEEN ADDITIONAL JEWISH COMMUNITY CENTERS ARE PLANNING TO EMPLOY PROFESSIONAL PROGRAM WORKERS FROM ISRAEL NEXT FALL TO HELP INTENSIFY THE JEWISH PROGRAM OF THEIR AGENCIES. FIVE SUCH WORKERS ARE NOW FULL-TIME STAFF MEMBERS OF THE CENTERS IN BOSTON, DETROIT, ST. LOUIS, SAN FRANCISCO AND PITTSBURGH AS THE RESULT OF A DUAL EXCHANGE PROGRAM DEVELOPED BY THE NATIONAL JEWISH WELFARE BOARD AND THE JEWISH AGENCY FOR ISRAEL.

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"three-days-a-year Jews," it is a fact that these three days play a part in maintaining Jewish consciousness for thousands of Jews.

That being the case, once even the "three-days-a-year" custom is broken, the flood-gates are opened to total assimilation.

Is that what these shlichim are trying to do?

Nor is it only a question of religion. Many a Jew's presence in shul on Rosh Hashanah and Yom Kippur is intended, and accepted by the Jewish and non-Jewish communities as a whole, as sign of identification with the Jewish community. Indeed, many a non-Orthodox Jew shows his association with his brethren by staying away from his business on these holy days and by attending shul services.

And the non-Jewish world in South Africa—especially such institutions as the army, the courts and the Education Department—recognize that Jews attach

a special holiness to this period, and grant special facilities to Jews—and especially to Jewish students and soldiers—to observe it fittingly.

So what the shlichim are doing is undermining official recognition of the right of Jews to celebrate Rosh Hashanah and Yom Kippur freely.

They are demonstrating that so-called educationists brought to this country from the Holy Land attach no value to these days and this celebration.

They are demonstrating that, not only to the non-Jewish authorities, but also to the Jewish youth over whom they have not a little influence.

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## "Kelev is a Dog"

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A local Jewish educator put his foot in his mouth at a South African teachers' seminary when he said that only the Hebrew language would unite Jews all over the world, not the *Hamotze Lechem Min Haaretz*. An indignant parent took strong exception to the statement noting that, "Kelev is a dog and Suss is a horse is not enough to instill the Jewish spirit in the hearts of the children and to secure their Jewish identity."

But perhaps the most disturbing statements which greeted the new year in South Africa where made by two American Orthodox rabbis, both relative newcomers to Johannesburg. Both statements came on Yom Kippur, delivered to a capacity Yizkor audience. Here the sensitivity to desecration of *Yiddishkeit* took an opposite trend and brought an outpouring of wrath against the two rabbis who want to elevate the standards of South African Orthodoxy.

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## A "Bombshell"

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Rabbi Norman Bernhard, who held a pulpit in Wichita, Kansas for six years and served more recently as Director of the Metropol-



itan Council of Orthodox Synagogues in New York City, announced to his Oxford congregation the establishment of a new day school with higher standards than existing schools, so that, among other reasons, he would have a proper school for his own three youngsters. While Rabbi Bernhard explained to his startled congregation that the formation of a new school was a condition of his leaving America for South Africa and had been written into his contract, this did not stop an anonymous "Worried Member" from writing to the *Jewish Times* that the rabbi's announcement "came as a bombshell," and "I could hardly believe my ears when he said he had made it a condition of his contract. . . . Doesn't Oxford's Rav come under the authority of the Chief Rabbi?... He should intervene without delay . . ."

Chief Rabbi Casper did intervene . . . without delay. He authorized a spokesman for the Oxford Synagogue to report to the press that Rabbi Bernhard had discussed the matter with the Chief Rabbi and the new day school had his "unequivocal blessing." The spokesman further reported that the school had the full support of the congregation and is scheduled for opening this month (January).

#### *Another Bombshell*

Rabbi S. Poupko of Johannesburg's Sydenham-Highlands North Synagogue did not fare quite so well with his "bombshell." In his Yom Kippur sermon he attacked South Africa's Jewish communal leadership, Zionism, and the South African Jewish press, describing the latter as a 'znus-press.' According to the *Jewish Times*, an obvious target of the Rabbi's attack, "the congregation sat horrified. Even Rabbi Poupko's own supporters were astounded . . . many members . . . have said that they intend to leave the congregation.

*The Jewish Observer* / January, 1966

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"Some mentioned other incidents . . . Rabbi Poupko had stopped the tradition — observed throughout South African Jewry—of the bride and groom kissing under the Chupah . . . and that he intended insisting on a prospective bride bringing certification that she had attended the Mikvah before he would perform a wedding . . ."

The *Jewish Times* reported that they had received many letters of protest over Rabbi Poupko's remarks, among them a letter from a woman who says that she is a long-standing member of the congregation but that after listening "with rising blood pressure" to her rabbi, "especially his sneers at Zionist Youth," she would no longer attend services. They further reported that the Zionist Youth movements intend "Summoning Rabbi Poupko to

a meeting to explain his allegations."

In the midst of all this, a further dispute brewing over the propriety of a rabbi wearing a black gown, seems quite mild.

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## BOOK REVIEW

FREEDOM IN EDUCATION: FEDERAL AID FOR ALL CHILDREN / *Virgil C. Blum, S.J.* / New York, 1965 / DOUBLEDAY, \$4.95

As Dr. William Brickman points out in his introduction to this volume, it treats one aspect of the topic of "state aid to church schools" that has not been sufficiently treated in other publications; it focuses on the freedom of the individual pupil: "the principle of freedom in education for each child requires giving him the option of an education *with* religion" (p. 8).

The author of this book, a Jesuit priest and Professor of Political Science at Marquette University, points out that an "education *with* religion" does not mean a secular program with a few classes in religion added, but rather an integrated program in which all subjects relate to moral and religious values; therefore, "shared time" programs (with major subjects offered to the parochial school by the public schools) or "released time" programs (by which a public school student is given time off for religious instruction) do not meet the needs of an "education with religion" approach.

The parent who seeks this approach is of course free to send his child to a parochial school—but his freedom is illusory if as a result of doing this he is severely discriminated against, in favor of the parent who is satisfied with an "education without religion." He is taxed to support "education without religion" but must himself raise the sums needed to finance religious schools and as this becomes increasingly difficult due to rising educational costs and standards, he must settle for inferior education.

The author points out that such discrimination is not practiced in most other democratic countries, and that it is clearly unconstitutional, for "the government . . . cannot force a citizen to make a choice between his religious beliefs and welfare benefits" (p. 53), such as educational subsidies. Freedom of religion and education, in the fullest sense, is inherent in the American sense, and the author concludes his book by quoting Rabbi Morris Sherer's remarks before the House Committee on Education: "Our founding fathers never intended that our children be reared in a monolithic educational straightjacket. Our educational plant is mosaic . . ." (p. 235).

In general, this volume bears testimony to the effectiveness of the effort made by such spokesmen for the interests of the Jewish day schools as Dr. Kaminetsky, Rabbi Sherer, and Rabbi Jakobovits, who are quoted frequently and at length; there is also another reminder

here how important it is to make sure that the Jewish community not be identified with the pronouncements of Dr. Pfeffer and his colleagues.

\* \* \*

JEWISH BOOK ANNUAL, Vol. 22, 1964-5, edited by *Dr. Alan A. Steinbach* / JEWISH BOOK COUNCIL OF AMERICA, New York, 1965.

Years ago somebody commented on the strange fact that so many Jewish witnesses before Royal Palestine Commissions proclaimed the Divine right of the Jewish people to its homeland as set forth in the Bible—while these very same men completely rejected the Bible's Divine teachings in their own life. Apparently they were quite willing to draw on our past—insofar as it suited them. I was reminded of this when I read Dr. Steinbach's introduction to the present volume and his opening article.

In eloquent words Dr. Steinbach pictures the historical Jewish devotion to education, study, and learning which, he stresses, has preserved the Jewish people; he quotes the *Sefer Hassidim*, the *Maharil*, and the *Shulchan Aruch* about reverence for books; and he points out that "Jewish history texts written for children regale them with the fascinating story of Rabbi Johanan ben Zakkai who, after the destruction by the Romans of Jewish national independence in 70 C.E. gained permission from Emperor Vespasian to found the school in Jabneh. Not so well known, however, even to adults, is the fact that in 1942, almost 19 centuries later, one of the first acts of the Jews in the ghetto set apart in Shanghai by the Japanese was to establish a Yeshiva and to reprint a full set of scholarly classics" (p. 6).

And why does Dr. Steinbach enlarge upon all this? In order to point out how this great tradition has not run dry but expresses itself still today in the literature reviewed in this volume, which represents "a formidable affirmation of the vitality of Jewish creativity" (p. 3). The reader can only marvel at what at best can only be called the writer's blindness and self-deception. Does the great Jewish tradition of learning really embrace the conglomeration of books listed in this Book Annual? Was it not a tradition of *Torah*-learning and of *Torah*-education? Was it really the written or printed word, as such, that preserved the Jewish people and for which it lived, or was it not rather the *Torah* word?

The same Rabbinic authorities whose reverence for books Dr. Steinbach so warmly praises, had only the harshest condemnation for works such as the romances of Immanuel of Rome. One can easily imagine what their opinion would have been about most of the fic-

tion or, say, the bible-critical works listed in this volume. How is it possible, then, to claim them as patrons of the literary work here presented?

The fact is that this volume reflects a Jewish literature completely out of touch with the central verities of Jewish life and history. The long list of literary anniversaries serves to illustrate this point; more than eight out of every ten commemorate leaders in Conservative and Reform Judaism or protagonists of a Science of Judaism which has been utterly destructive of true Jewish values. The articles in this volume (except for an interesting study of the German "literature of remorse"), the literary awards of the Jewish Book Council, and the bibliographical lists of American Jewish books, show a similar picture: writings that either ignore or misinterpret the genuine Jewish tradition. The only exception are two sections on "Traditional works" and "Reprints" in the bibliography of American Hebrew Books (was it the influence of Martin Buber on the librarian of the Hebrew Union College that caused him, in this bibliography, to characterize the author of the *M'loh Horo'im* as an "erstwhile Talmudist converted to Hassidism"?).

The important question that the reader is left with is this: Does this volume picture correctly the American Jewish book market? Fortunately it does not. These days a bookmobile travels from yeshiva to yeshiva in New York City, selling like hotcakes works almost none of which appear in this Book Annual. Three different editions of the *Shitoh Mekubetzes* compete in the bookstores for the attention of the thirteen- and fourteen-year olds looking for *seforim* bargains. Of all fourteenth century philosophers and theologians the only one read outside university libraries—the only

one bought and avidly studied by hundreds and hundreds of American teenagers—is the *Rashboh*. A sensitive analysis of the Jewish bookmarket would bring to light the extraordinary increase in sales of Rabbinic classics; they may not be sold as widely as some of the books listed in this Annual—but they certainly show vastly greater staying power. Therein, and only therein, lies the evidence of the continued vitality of the "People of the Book."

\* \* \*

SO STRANGE MY PATH by *Abraham Carmel*, New York, 1964; BLOCH Publishing, \$4.95.

This book is the record of a "spiritual pilgrimage"—the author's journey from Protestantism through Catholicism (and the priesthood) to Judaism. The sincerity with which he describes how the Divine teachings of the Torah took hold of him and gave him peace of mind, is most inspiring. At the same time this reviewer would question the need for the reader to re-travel with the author the entire sordid road up until his conversion; and he also is not too happy with some of the ready solutions proposed by the author for various Jewish ills. However, the essential message of the book will certainly be of immense value to many Jews who have lost touch with their own heritage.

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# second looks at the jewish scene

## *The Lesson of Pennsylvania*

THE ARTICLE IN THIS ISSUE BY DR. Isaac Lewin analyzing the latest legislative threat to *Shechitah*, pinpoints a problem of ever-growing concern to the Orthodox Jewish community in the United States.

Recent events in Pennsylvania indicate that Orthodoxy must be more on the alert in its own defense: the temporary defeat suffered in Pennsylvania was the result of the Orthodox community sleeping at the switch.

The original Humane Slaughter Bill passed last summer in Pennsyl-

vania by the State legislature contained an amendment similar to the Case Amendment in the federal law, which recognizes *Shechitah* as humane and exempts the preparation of *Shechitah* from any of the bill's provisions. However, in August when the leaders of the Jewish Community Relations Council of Pennsylvania learned about this "special treatment" accorded preparation for *Shechitah*, they moved into action to oppose it. The leaders of the JCRC (the local affiliate of the National Community Relations Advisory Council) persuaded Governor Scranton not to sign the bill and to return it to the legislature, where the exemption to the preparation of *Shechitah* was deleted at their behest.

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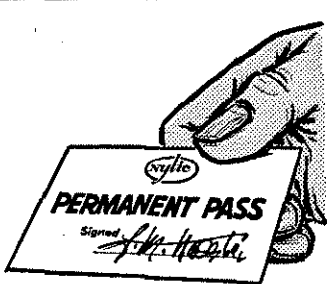
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Many weeks later, when the story appeared in some local newspapers, the Orthodox groups began their efforts to amend the bill to have the provisions which endanger *Shechitah* eliminated. The Agudas Harabonim sent a delegation to Harrisburg, the state capitol, to intervene with top legislators. Agudath Israel launched an intensive campaign to demonstrate to Governor Scranton and the leaders of the Pennsylvania House of Representatives and Senate that they were misguided in passing a bill which is contrary to the basic interests of Orthodox Jews. The Philadelphia branch of Agudath Israel was also brought into play, and it effectively launched a letter-writing and telegram campaign, and organized a number of delegations to Harrisburg.

These last-minute efforts were effective and resulted in the House of Representatives passing, almost unanimously, the Reibman Amendment, which would have reinserted the so-called "Case Amendment" into the existing law. However, since the work was begun at such a late date, the State Senate, which adjourned only several days after the Reibman Amendment was passed, could not place it on its agenda and Orthodox efforts were temporarily stalled.

This abortive attempt to safeguard the interests of *Shechitah* in Pennsylvania should teach Orthodox Jewry a lesson about the urgency of intensifying efforts in the field of

legislative matters. The formation several months ago, through the initiative of Agudath Israel, of a non-partisan group of lawyers and political scientists, the National Jewish Commission on Law and Public Affairs, is an important step in this direction. All Orthodox Jews must become aroused to the urgency of letting their voice be heard in the halls of legislatures on city, state and national levels, so that a forceful, independent Orthodox position may be clearly enunciated.

An added note: A regrettable postscript to this issue of humane-slaughter legislation regarding the preparation to *Shechitah*, is that the state legislators are being confused by an internal conflict within Orthodoxy. It is indeed unfortunate that a minority within the Orthodox groups has adamantly refused to subject itself to the position taken

Due to the large number of requests for copies of WHO'S AFRAID — ME? by Siegmund Forst, which appeared in the April 1965 issue of THE JEWISH OBSERVER, we have prepared reprints which are available free.  Write to: THE JEWISH OBSERVER  5 Beekman Street, New York, New York 10038.

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by the overwhelming majority of Orthodox rabbinic and lay organizations and Torah authorities. One must express the hope that this segment within Orthodoxy will sense the urgency of accepting the dis-

cipline of the vast consensus of Orthodox opinion. Only in this fashion can we avoid the disgraceful scene of an open tug-of-war between Orthodox groups before state leg-

islatures and its resultant *Chilul Hashem*. Basic interests of Orthodox Judaism dictate such a united approach in the crucial area of *Shechitah*.

## Germany and the Double-Key

AFTER THE TRADITIONAL DENIALS by the U.S. State Department, it has now been admitted that nuclear weapons are in the arsenal of West Germany. But, the State Department reassures us, their use without authorization by American officials is impossible because of a "double-key" arrangement which requires the collaboration of both governments to unleash the weapons.

In the period following World War I, the manufacture of weapons by Germany was forbidden under the terms of the Versailles treaty. An apocryphal story tells of a German worker employed in a plant manufacturing baby carriages. When he learned that his wife was expecting a child, he methodically brought home the various parts produced in the plant, and after three attempts to assemble the "carriage" he gave up when it continued to come out a machine gun.

It is dubious that the "double-key" arrangement will serve as a

deterrent to a German government which would for its own selfish reasons choose to make use of a nuclear weapon. It is even more dubious that the State Department will continue to resist pressures from Bonn for admission of West Germany to the exclusive nuclear club.

Not so many years ago the Peking-Moscow alignment against the West seemed unbreakable. Today the West shares with the Soviet Union a growing fear of the growing might of Red China. Few observers of international intrigue predicted this twist in the world's power alignment; the facts simply did not point in that direction.

Is there not more reason to fear—are there not more facts of history to make such a fear real—that one day it may be Germany against *die ganzer welt*?

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## "Religious Art Center"

A CAMPAIGN TO RAISE \$2,000,000 for the establishment of a "religious art center" in New York City has been launched by the Union of American Hebrew Congregations. It is difficult to predict just what a "religious art center" will look like, but perhaps some hint of what is to be expected can be gleaned from the Jewish Museum in New York City which is under Conservative auspices.

The critic of *The New York Herald Tribune* reported gleefully on September 29, 1965 that, "The Jewish Museum reopens its doors today, after being closed in two-day observance of the New Year, on the most sensational exhibition in its history . . . being presented under that section of the museum's two-part program devoted to exhibitions

without specific religious or ritual character."

But . . . there is much more to it than that. "Actually," the *Tribune's* critics goes on, "the other pictures in the exhibition are even more sensational. Rivers [the artist] paints elegantly, and with great technical refinement, the . . ." At this point, the most elementary considerations

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of decency do not permit us to go on.

If this is the concept of a "religious art center" sponsored by the Conservative movement, what can we expect from the Reform who are not inhibited by 'tradition' and 'halacha' and who will close their doors only one day in "observance of the New Year"?

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Article II notes that "the observance of the Sabbath being one of the basic tenets of Judaism, congregations shall require and enforce appropriate observance of the day on the premises owned or controlled by them . . . entertainment or music which tends to mar the sanctity of the Sabbath day shall be considered improper. Instrumental music for social dancing shall not be employed on the Sabbath."

Although there are few congregations of the United Synagogue that come close to the letter of these standards, we know of no instance in which disciplinary action was invoked against a congregation. However, such action has been taken against congregations judged to be in violation of Article III and Article V.

Article III imposes upon each Conservative congregation the responsibility "to insure proper observance of Kashrut at all functions on the premises of the synagogue. . . ." A constituent of the United Synagogue was recently expelled for having a non-Kosher kitchen. Article V enjoins the Conservative congregation against engaging "in fund-raising activities which are not in keeping with the spirit of the synagogue itself. Among fund-raising devices not to be employed are games of chance which are not solely of a social nature."

This article has been enforced against Conservative congregations which sponsored public bingo games and when they refused to abandon bingo, they were duly expelled from the United Synagogue.

The attitude of the United Synagogue boils down to this: tarfus in a Conservative congregation?—decidedly no! . . . a public bingo game?—absolutely forbidden . . . observance of Shabbos, a basic tenet of Judaism"? . . . well . . . who can be perfect?

But the United Synagogue and particularly the Rabbinical Assembly, will have to face up to another disciplinary matter. *The New York Times* (11-21-65) reports that Dr. Richard L. Rubenstein, a Conservative rabbi and theologian "associates himself with the new theology," which means in essence that he denies the existence of G-d.

The bitter "Wine" of atheism . . . sorry . . . "new theology" . . . has seeped into the ranks of Conservatism. Not being expert at interpreting the Conservative codes, we cannot pinpoint the specific article under which Dr. Rubenstein could be disciplined, but his "new theology" hardly smells 'kosher' and perhaps it might be deemed to be "a game of chance." At any rate we leave it to the Philadelphia lawyers at the Jewish Theological Seminary to pin down the chapter and verse. Just a suggestion: they might start with GENESIS, Chapter I, Verse 1.

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