

# THE JEWISH OBSERVER

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Orthodoxy and  
Synagogue Council

Political Action:  
Orthodoxy's New Road

A Soft Job at  
Auschwitz

Science and Humanism

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# THE JEWISH OBSERVER

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# Orthodoxy and Synagogue Council

Dear Colleague:

The Synagogue Council of America will mark its 40th anniversary this year. The event will be celebrated at its Annual Dinner, to be held in the Grand Ballroom of the Waldorf-Astoria on November 6, 1966.

Because of the dinner's landmark character, the Synagogue Council has chosen to honor on this occasion the heads of our three major seminaries, Dr. Samuel Belkin, Dr. Louis Finkelstein and Dr. Nelson Glueck. . . .

I am writing to you, therefore, to request your assistance . . . The importance of the occasion and the distinction of the honorees require that the Dinner be well attended. . . .

I trust that we may count on your assistance.

— From a letter addressed to members  
of the Rabbinical Council of America  
by their president.

WE HAVE HAD MUCH TO SAY about the participation of the Orthodox Rabbinical Council (and the Union of Orthodox Congregations of America) in the Synagogue Council of America (see: "American Orthodoxy" Yesterday and Today, Dec., 1964). Eleven of the greatest Torah authorities of our time have ruled that this participation is contrary to Torah Law. Officials of RCA (and the Union) have argued that their Halachah Commission has not yet ruled on what they admit is a questionable position. Yet the distinguished Chairman of that Commission has consistently absented himself from such mixed-rabbinic groups and has meticulously avoided association with the non-Orthodox on the religious level, even to the extent of urging the creation of an independent board of Orthodox rabbis in his own state. Even more: Each year a statement appears in the *Boston Jewish Advocate* urging Jews to purchase Israel Bonds on the eve of the new year, a gesture most members of RCA would consider *parve*. It is signed by members of the Orthodox, Reform and Conservative rabbinates, with one notable exception. The Chairman of the Halachah Commission has, in numerous ways, manifested his tacit support of the position of the eleven *Gedolim*, and the absurdity of an Orthodox rabbi sitting, or even appearing in print,

alongside "rabbis" who are dedicated to the destruction of Torah.

Officials of RCA have argued that their collective membership in SCA, and their individual membership in mixed-rabbinic groups does not constitute recognition of these men as authentic Jewish religious authorities. A growing number of members of RCA have rejected this argument and have voted at conventions to end participation in SCA.

The bulk of organized Orthodoxy has followed the lead of Torah authority, and has continually pressed for RCA and the UOJCA to leave the SCA and to stand together independently, with Torah Jewry, but to no avail.

For a number of years, Rabbi David Hollander, past President of the RCA has arisen at their annual convention and proposed that their constitution be amended to forbid their membership in the SCA and to rule out individual participation in mixed boards such as the New York Board of Rabbis. Each year his amendment is voted down, but each year a larger number of RCA members vote *for* the amendment. Orthodoxy in America is growing up; in every area of Jewish communal endeavor we have come to recognize our own strength, and our new dignity. We had thought that RCA (and

the UOJCA) was on its way to asserting its own strength and dignity, and was preparing to move into step with the bulk of the Torah community. It appears we were wrong—they are moving in the opposite direction.

Even as late as their last convention, RCA seemed to be rejecting the "Jewish ecumenicism" which is a threat to Torah. The New York Board of Rabbis has proposed the formation of a national body which would unify local groups of a similar nature throughout the country. Members of RCA reacted violently to this proposal. A past president of RCA who is also a past president of the Synagogue Council, arose to condemn the proposal and said in essence—we paraphrase—"We have enough *tzoros* with the existing groups, why create new ones?"

The Rabbinical Council of America is composed of men who, without exception, spent years in a yeshiva; they studied Torah as it was taught to them by *Yeraim U'shlaimim*. They number among their ranks *talmidei chachamim*, some of whom are now teaching Torah to eager young students. They have each in their lifetimes repeated countless times the opening words of *Pirkei Ovos: Moshe kibel Torah miSinai*. They know what Reform and Conservatism stand for, by their very membership in the Rabbinical Council; they reject both of these inauthentic, distorted versions of Judaism for themselves, their families, their congregations. They know that even the Petuchowskis and the Neusners, and the other traditionalists in Reform and Conservative ranks are still, in belief and practice, in open rebellion against *Kidshu B'rich Hu* and His Torah. They know that if the future of *Klal Yisroel* were in the hands of Reform and Conservatism, *chas v'sholom*, we would be doomed. We find it impossible to believe that the hearts of most of them did not fall when they read the letter from their president asking them to come to a dinner to honor the heads of "our seminaries."

We place in evidence the tragic text of this letter as a clear expression of recognition by the Rabbinical Council of the religious status of both branches of non-Orthodoxy, which goes even further, and asks Orthodox rabbis and laymen to honor its leaders.

But letters are read, and tossed into a basket. On November 6, 1966 scores of Orthodox rabbis, and their congregants brought along to add honor and lustre to the honorees (with the promise that their support will qualify their congregation to be listed as a "Congregational Sponsor" in the dinner journal) will stand and applaud as Dr. Nelson Glueck and Dr. Louis Finkelstein, the heads of two "major seminaries" who have reared several generations of "rabbis" who have in turn misled and misguided several generations of Jews, walk to the podium to receive the adulation of a grateful American Jewry.

Ever more disturbing, and ever more fraught with danger to American Orthodoxy, is the fact that Dr.

Samuel Belkin, President of Yeshiva University, as the representative of Orthodoxy in the SCA, *by his very presence at the dinner*, will place the stamp of Orthodox approval on the Synagogue Council as a spokesman for "the religious Jewish community" of America.

We feel it is appropriate at this time to quote from an article by Rabbi Moses D. Tendler who is a Rosh Yeshiva at Yeshiva University, and is also engaged in bio-chemical research on cancer, which appeared in the *Young Israel Viewpoint* (July 19, 1963) called: *Cancer-Physical and Spiritual*.

There are three intriguing similarities between the cancerous processes affecting the body and those affecting the soul of our people.

- Both have a causative agent. In medical cancer, the agent is a virus or a carcinogen such as coal tars, X-rays or other radiation. In spiritual cancer, the agent that gnaws away at the vitality of our people is ignorance—abject ignorance of what the Torah says and what the Torah means.

- In both types of cancer, the abnormal growth utilizes an energy mechanism that differs from the one chosen by the normal cell. Whereas the normal cell prefers to use a metabolic pathway that uses oxygen to liberate the energy from the food substances provided the cell, the abnormal cell prefers to use a fermentative pathway, reminiscent of those used by primitive organisms inhabiting the ooze and mud, the slime from which G-d formed Man—the creature made in His image.

So it is when the cancer of ignorance of the word of G-d affects the Jewish organism. Instead of obtaining its life-giving energies by breathing the pure spiritual oxygen—the truths of our Torah that vitalize man in all his relationships; with wife and children, with business and social associates, or in relationship with the material around him; the "cancer-stricken" Jew must seek his vitality from the primitive ooze of social science, psychology of personality, and basic human ethics, that served as building blocks for the greatest creation of G-d—the Torah-observant Jew, except for whom this universe would not have been made and without whom the whole universe would cease to exist:

*"Were it not for my Torah that is to be studied day and night, I would have not created the natural laws that govern heaven and earth."*

- Both types of cancerous growths are characterized by an unbridled individualism. The cancerous cell grows after throwing off the governing controls inherent in the organism and essential for its survival. Physiologically speaking, the cancerous growth is quite impressive. Its rapid cell division, its successful invasion of neighboring tissues are great biological feats. But this is short-term success. In all too short a time, the cancer destroys the cells that gave it birth and thus destroys itself. Likewise, the spiritual cancers of our people are, sociologically speaking, impressive. Their rate of growth, their ability to invade the healthy organisms of our people are awesome to behold. But here, too, it is short-term success. By destroying the vitality of the cells that gave them birth, they soon die off, leaving a devastated hulk that no longer carries the spark of Divine knowledge breathed into its nostrils by the One who said, *"Let there be light."*

Conservatism and Reform are sociological marvels. Initiated by the "cancer-producing" ignorance that plagued our people so fiercely these last hundred years, they have shown rates of growth truly awesome to behold. Constantly invading and eroding the healthy tissues of Judaism, they have thrown off the governing yoke of Torah, weakening the vital structure of our people. If their growth were similar to the growth of the early sects in Judaism, there would be little danger. The

older sects—Karaites, Sadducees, Essenes—expressed their unbridled individualism by growing as a wart on the Jewish body without invading the deep vital tissues. There was no true malignancy. The healthy body forced them to the surface to wither and die, without leaving a trace. Not so the cancers that plague our people today. They are burrowing beneath our skins, threatening to invade the major blood vessels of our people, seeding their death-dealing cancerous cells to the most distant organs and organizations.

*It is the heads of this movement (Reform and Conservatism are actually one movement, and historically—as Rabbi Tendler demonstrates—they have always been with us) that Orthodox Jews are asked to honor. Perhaps one can argue that we should not concentrate our energies on “attacking” Reform and Conservatism. It is certainly true, that those of us who are committed to Torah must react to the average Jew who is associated with a Reform or Conservative congregation, with love and devotion, and we should do all we can to bring him back to Sinai. But . . . to honor their leaders who are willfully subverting Torah and Klal Yisroel; whose efforts can only lead to the destruction of Torah . . . and Klal Yisroel—we take refuge in the expressiveness of a phrase in our Holy Tongue . . . Lo y’uman ki y’supar, we would not believe it, even if told it is so.*

Perhaps it will seem ludicrous to analyze a letter written by a president of the RCA (or any contemporary) with the same depth with which we normally approach a *Mishna* or a *Gemmorah*; yet there is something else which lurks in the words “our three major seminaries” for which there is other evidence than this text itself. The Orthodox one-third of the trinity, is of course Yeshiva University. What of Lakewood, Telshe, Ner Yisroel, Chofetz Chaim, Torah Vodaath, Tiferes Yerushalayim, et al?—it would appear that they must take second rank . . . to the Jewish Institute of Religion-Hebrew Union College and the Jewish Theological Seminary. We pray that we are guilty of hair-splitting; we pray they didn’t mean it.

The implications of the historic dinner, and Dr. Belkin’s participation, have not been lost on the non-Jewish world. John Cogley, Religious News Editor of *The New York Times*, is one of the most responsible and competent writers on religion in America. He is a welcome addition to the staff of *The Times*, which has hardly done honor to itself in the field of religious reporting. (See: What Makes News Fit to Print in *The New York Times*, Feb., 1966.) Mr. Cogley is a keen observer of trends in American religious life. Writing in *The Review of the Week* (Sept. 11, 1966) he observes: “In an era when ecumenism is in the air throughout the Christian world, it is not surprising that Jewish leaders are thinking more about unity in Jewish life.” Mr. Cogley bases his piece on a symposium in the magazine *Judaism* on Jewish unity, which Rabbi Shelome Danziger touched on in our October issue. But most germane to our issue is his reference to the SCA:

*The Jewish Observer / November, 1966*

Up to the present, the Synagogue Council of America has served as the voice of the total Jewish religious community in the United States. Since 1926, it has served as the only national agency for major rabbinical and congregational groups in American life—Conservative, Orthodox, and Reform.

In November the Council will celebrate its 40th year with an anniversary dinner. Leaders of the three branches of Judaism are expected on that occasion to sit side by side for the first time as a visible expression of Jewish unity. . . .

The joint appearance of these three religious educators, it is generally agreed, will go a long way toward expressing . . . a newly appreciated “will to unity” in the American Jewish Community.

Leaders of the Rabbinical Council will honor the heads of institutions which produce “rabbis” who tell their followers that they may desecrate the Shabbos, eat tarfus, violate the basic mitzvohs of Torah, as long

בס”ד

כב' אחינו האהובים, תלמידי הישיבות  
די בכל אתר ואתר, שלומכם יסגי!

הנה בימים הללו עומדת להתקיים, „חגיגה של כבוד“, אשר מטרתה לרומם את מעלתם של שלשת האנשים העומדים בראשם של „שלשת הסמינרים של יהודי אמריקה“, הלא הם: הסמינר לריפורמים דמתקרי Hebrew Union College, והסמינר לקונסרבטיבים דמתקרי Jewish Theological Seminary, והסמינר לאורתודוקסים דמתקרי Yeshiva University.

והנה משנה יתירה היא לפרש לפניכם את חומר האיסור ואת גודל השעורורי הכלולים בדרכי מות של השתתפות זו.

בעונותינו הרבים אין בידנו להעמיד הדת על תלה, ואזלת ידנו למנוע את ההשתתפות הזו.

אמנם, אי אפשר לנו לכלא את רוחנו ולהאנק דום מבלי להשמיע לכה"פ באהלי תורה זעקה גדולה ומרה על השבר הזה הבא בגבולנו.

וד' יגדור פרוצותינו ברחמים.

— יעקב קמנצקי

— יעקב יצחק הלוי רודרמן

— יצחק הוטנר

— משה פיינשטיין

י' חשוון, תשכ"ז

*Text of a declaration issued on the eve of the SCA dinner, declaring Orthodox participation to be a dangerous breach.*

## **"Apartheid" in South Africa**

*The arguments against Orthodox participation in mixed religious groups are clear. They are the result of the crystalization of Torah thinking by Gedolei Torah. The counter-arguments are most often based on words misused. We have noted in the past the seductive nature of the phrase "Jewish Unity;" those outside SCA are called by the naughty name, "separationists." The Jewish Chronicle of London recently added a new word to the anti-Orthodox lexicon. In South Africa, the Johannesburg Beth Din censured two Orthodox rabbis who sent greetings to a Reform temple on the occasion of the dedication of a new building. "Social courtesies" the Beth Din said, "must not be allowed to supercede consideration of basic religious principles . . . there is an unbridgeable gulf between Orthodoxy and Reform." (South Africa has been spared from Conservatism.) These calm, and reasoned words, which blend sound Torah doctrine with British understatement, were greeted by The Chronicle with the profound observation that the Beth Din was wrong, for is it not written that "Courtesy precedes Torah", and the charge that the Beth Din was guilty of practicing "religious apartheid." The use of such an emotionally-charged word in South Africa, where apartheid is based on the belief that some men*

*are not created equal, to describe Orthodoxy's insistence on maintaining its religious integrity, leads us to believe that The Chronicle is running out of anti-Orthodox arguments.*

*The South African Jewish Observer reports that a sharp reply to The Chronicle, whose editorial was reprinted in South Africa and other Commonwealth countries, was delivered by Rabbi Y. Keemelman, who said:*

*We have not split the Jewish community. The establishment of Reform brought the schism. It was Reform which had introduced a new type of religion and different Houses of Prayer in the community thus dividing family from family in faith. It was Reform which had made representations to the [South African] Republic's educational authorities that they did not observe the second day of Yomtov, thus dividing Jewish children. It was Reform that had written to the military authorities, requesting separate chaplains for their members in the army. As a result, every Jewish recruit had to fill in a form stating whether he was Orthodox or Reform, thus splitting the Jewish youth. They even divided the dead by erecting separate cemeteries, thus dividing sons and daughters from their parents even in their death.*

as—this is Cogley's formulation of Reform—"they hold on to the essential teachings of Judaism. . . ." Whatever rationale RCA will offer for this tragic act, and for their continued membership in SCA, it is clear that the public, Jewish and non-Jewish, sees it as a willingness to barter Torah beliefs with non-Orthodoxy for the mess of pottage called "Jewish Unity."

It should be noted that Mr. Cogley repeats the myth that "since 1926 . . . the Synagogue Council has served as the voice of the total Jewish religious community." He also has adopted, perhaps unknowingly, the device of describing SCA constituents as "major" organizations, so that should one point out that the Agudas Harabbonim, Agudath Israel, Igud Harabbonim, and Young Israel, the rabbinic and lay organizations which represent the vast majority of committed Orthodox Jews, are not members of the SCA, one can readily respond: "Ah . . . but they are not 'major' organizations." Surely Mr. Cogley would not believe that the National Council of Churches, a Protestant body, represents all "major" Christian churches, no matter what an eager spokesman to the press told him. Yet, in all fairness, we can understand Cogley being misled on this point

—we cannot understand Orthodox rabbis and leaders fostering this misleading statement.

*Mah nomar, mah n'daber?*—what more can we say? We have only to appeal to Dr. Belkin to reconsider his action which will only further weaken, and further divide, an Orthodoxy which gains new strength each day, and desperately needs unity in its own ranks. In the days to come, when Reform and Conservatism boldly speak out against Orthodoxy; when they seek to artificially inject their alien ideologies into the Holy Land, can they be met by a united Orthodoxy, when they wave in our faces legitimacy accorded them by their Orthodox "colleagues," and the recognition and honor bestowed upon them by Dr. Belkin? In drawing sharply and clearly the line of *Havdala* between Orthodoxy and non-Orthodoxy, we serve not only the interests of Orthodoxy, but of *Klal Yisroel* as well: So long as the myth of the "three branches of Judaism" is fostered by RCA and the Union, the non-Orthodox Jew remains unaware that he has rejected his heritage; *Havdala* makes possible the hope that he will one day return to lay claim to his Torah heritage. In that day shall we know Jewish unity.

YAAKOV JACOBS

# Political Action: Orthodoxy's New Road

*A Vigorous and Militant Program To Match the Growth of Torah  
The 'Hired-Kaddish' Gives Way to an Independent Orthodoxy*

AT LAST, ORTHODOX JEWS have learned the distinction between politics and political action. To the average layman 'politics' has a sinister connotation: It smacks of smoke-filled rooms and shady deals. When this distaste for politics carries over to political action, the masses abandon their legitimate rights and become prey to the wiles of the politicians.

For decades, Orthodox Jewry in the United States was guilty of abdicating its prerogatives and duties in the field of political action. The causes for this inaction were many: an innate fear of 'politics,' an enervating inferiority complex, and a distorted reverence for the powers of the *Yahudim* of non-Orthodox Jewry who were assumed to have some mystical influence with the powers-that-be.

In this manner, Orthodox Jewry for many years was satisfied with taking a back seat in Jewish spokesman-ship. At the beginning of the century, when Orthodox Jews were left out of the inner circle of the Jewish establishment, they meekly sought out *shtadlanim* to intercede in their behalf with the Reform tycoons of the American Jewish Committee or B'nai Brith, to in turn intercede in their behalf with government authorities.

In more recent times, when Orthodox Jewry became structured in an organizational framework of its own, this paralyzing self-negation nevertheless continued in its traditional pattern. With the notable exception of Agudath Israel and the Agudas Harabonim. Orthodox organizations for many years timidly and silently operated within the orbit of the non-Orthodox establishment, which had set up "central agencies" to represent Jewish interests before government bodies. For all practical purposes, these Orthodox organizations had relinquished their independence of action, even when the problem was of a distinctly Orthodox nature.

In the last few years, new winds have begun to

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rustle; many Orthodox leaders began to have second thoughts about the wisdom of their previous approach. It dawned on some of these leaders that Orthodoxy has its unique problems in the area of legislation and social action, and must evolve its own methods to cope with them. Furthermore, Orthodox self-determination was not an ideological slogan, but a practical and sensible approach dictated by the knowledge that a mother can always nurture a child better than a baby sitter.

## *The Right to Observe Shabbos*

A major impetus to abandon the 'hired-Kaddish' policy practiced heretofore, was given to Orthodox Jewish organizations by the experience of the 1962 battle in New York State to repeal the Sunday Blue-Law. This battle would not have been won, had the old method of permitting such groups as the American Jewish Congress and other secular and Reform-dominated agencies to assume their usual role of "Jewish spokesman," with the Orthodox relegated to the inane role of displaying their yarmulkes. The primary factor that impressed Governor Nelson Rockefeller of New York to support our demands, and that persuaded the Catholic hierarchy to withdraw its traditional, crippling opposition, was the emergence of the Orthodox Jewish group as an independent fighter for its rights to observe Shabbos. When the Church was convinced that this struggle was not just another act in the on-going struggle to root out religion from public life, but rather a sincere demand by religious Jews to regain their rights as citizens and to be permitted to observe the religion to which they were personally committed, the opposition capitulated.

Not all the Orthodox Jews or organizations fully sensed the lesson of this Blue Law experience. However, this lesson acted as a stimulating prelude to a development which catapulted American Orthodoxy Jewry into independent political action: the Great Society's aid to education program. President Johnson did more with his education program to hammer out an independent Orthodox position in political affairs



than reams of articles and decibels of convention speeches.

The area of federal aid to non-public schools presented Orthodox Jewry with the need for a clear-cut decision; either it would cut the umbilical cord with the non-Orthodox groups and present an autonomous position, or it would revert to its general dependence upon the "central-agencies" whose doctrinaire position on church-state separation undermined the position of the Yeshiva day-school movement in the United States. Faced with such a choice, the Orthodox Jewish groups, including the traditional partners of the non-Orthodox chose to break away from the usual 'unified-expression' concept and presented an Orthodox position favoring the Administration's program.

### *Breaking the Pattern of "Me-too-ism"*

THIS NEW POLITICAL STANCE adopted by the Orthodox Jewish organizations during the Congressional debate on the federal education aid program, and in helping solve the problems that afterwards arose from the implementation of its benefits, was a major step in altering the thinking of many Orthodox Jews. Once the pattern of 'me-toism' was broken, it slowly became clear to many that Orthodox Jewry in this country has a potential power to win many gains for Torah-interests through the proper use of independent political action.

Another test which Orthodoxy faced, after the initial victory of the federal education bill, was the challenge posed by the New York State Textbook Bill of 1965. This bill, which mandated the supply of textbooks to students of non-public schools from the 7th through the 12th grades, called for direct action by Orthodox Jews in the State with their greatest population. In an unparalleled display of the use of the democratic legislative process for enlightened self-interest, many thousands of Orthodox Jews flooded the legislators in Albany with their demands that the Textbook Bill be passed. *Veteran leaders of the New York State Legislature told the writer of this article that never before in their recollection had they been swamped with such a massive amount of mail from Jewish constituents in favor of any single piece of legislation.* This bill was passed and signed into law, and at this writing thousands of yeshiva students are benefitting from its provisions.

Our Sages tell us: *Mitzvoh goreres mitzvoh* — each mitzvoh has a tendency to set into motion a chain reaction for further good things to occur. With the sudden awakening by Orthodox Jews in New York State to the realization that they possess the ability to help their own destiny in legislative matters, the 1966 legislative season witnessed still further examples of major gains for Torah interests as a result of Orthodox political action.

### *Civil Service Examinations*

Orthodox Jews launched a new offensive for legislation which never would have gotten off the ground in the old climate. For many years we had been struggling with the problem of *Shomrei Shabbos* undergoing the indignity and hardship of being locked in a room until sundown when Civil Service examinations were scheduled for a Shabbos or Yom Tov. Every effort to upset this traditional harrassment to *Shomrei Shabbos* seeking Civil Service employment ended in defeat. The passage of the Chananau Bill, which now mandates the State and City government to arrange an alternate date for a *Shomer Shabbos* to take his Civil Service examination when it is scheduled on a Saturday, is a major breakthrough — which was unthinkable years ago — to protect Orthodox Jewish rights.

The DeSalvio Bill, which bars discrimination against Sabbath observers in scheduling examinations in publicly-supported colleges, also is a result of the new winds blowing in Orthodoxy. It too could never have become law were it not for the fact that Orthodox Jews are becoming aware of their ability to use their rights as citizens to obtain the benefits to which they are entitled.

The speed with which Orthodox organizations rose to the defense of the Yeshiva Day-School movement when the New York City Board of Education dragged its heels in the implementation of the Title I of the federal education aid program, is a case in point. The alertness with which Orthodoxy reacted to the decision by a local court upsetting the New York State Textbook Law in the East Greenbush case, is yet another example of the new mood.

There were also lesser-known areas in which Orthodoxy expressed its interest and concern:

The revision of the New York divorce laws as they affect *Halacha*, i.e., when a husband refuses to present a *get* to his wife after they have been granted a divorce in a civil court. The new codification of criminal law in New York, which is slated to go into effect in September 1967, includes in the definition of incest, the marriage of an uncle to his niece, although such a marriage is legal in Jewish religious law.

ORTHODOXY'S FLEXING of its political muscles was not limited to the State of New York. Some of the nationwide targets of Orthodox activity during recent months were: the Pennsylvania School Bus Law, the Fair Employment Practices Commission in Washington, D.C., the Michigan Auxiliary Services Law and the Ohio test-case of the federal education law, among others.

To round out this picture, it should be pointed out that the past year was not all milk-and-honey in the public affairs of American Orthodoxy. Alongside the encouraging gains, there were some vexatious—blem-



## The "Blaine Amendment"

The "Blaine Amendment" was adopted in the New York State Constitution in 1894.

The Bill failed many times to pass in the Congress, but various forms of it were incorporated as amendments to the constitutions of 34 states after 1876, a period in our national history which saw the partial revival of "know nothingism" and "Nativism" in our country. The language used in the New York Constitution is unquestionably the most restrictive of all the

state enactments.

For over seventy years the Blaine Amendment has meant just what it said. Every ruling and every decision of our courts, of our Attorney General and of our administrators has denied to children in parochial schools participation in programs of education and recreation which the general welfare would demand be available to all.

—Citizens For Educational Freedom

ishes that marred the bright scene and dampened the spirits. The Orthodox Jewish community was caught asleep in the Pennsylvania "humane-slaughter" legislation, and because of this default the State passed a law which infringes upon the free practice of Shechitah. When the Orthodox Jewish groups finally turned their artillery in the direction of Harrisburg, the State Capitol, it was a case of *too little and too late*.

"Humane Slaughter" legislation last year also served, lamentably, as a battle-ground for clashing views within Orthodoxy, and thus created chaos and confusion among the New York State legislators. The anomalous sight of some Orthodox organizations arrayed on the side of the Reform and Conservative groups against a solid front of most Orthodox organizations, each purporting to speak for Judaism and presenting contradictory stands on the "humane slaughter" bills left scars in Albany which cannot be readily healed. The fact that the basic Orthodox position did prevail, and the threat to Shechitah was temporarily sidetracked, does not detract from the *Chilul Hashem* of confronting legislators with conflicting "Torah-views."

Unfortunately there are still some among the Orthodox who choose to sit out these battles on the sidelines. There are still others who have not caught the new spirit of the times: they decry this new Orthodox 'militancy' as divisive and harmful to the 'unity' of the American Jewish community. Nevertheless, the initial victories tend to strengthen the hands of those elements within Orthodoxy that have constantly been pressing for an independent Orthodox posture wherever Torah interests are affected.

Orthodox Jews are gradually beginning to awaken from their lethargy and to make use of political action as an effective tool. While the original exponent of this position was Agudath Israel, which for decades had to suffer in lonesome isolation, an important emerging factor in this struggle is the recently-organized National Jewish Commission on Law and Public Affairs. Although the formation of this group of Orthodox Jewish lawyers and political scientists was stimulated by Agudath Israel, it evolved from its very first

meeting as an autonomous group of experts drawn from every Orthodox ideological orientation, united by a determination to utilize their talents for the common good of Orthodoxy. The activities of this group, known as COLPA, deserve to be watched as Orthodoxy strikes out for self-determination in the American governmental arena.

The year 1967 will witness a major test of strength in New York, when the State Constitutional Convention will have to decide the fate of the controversial Blaine Amendment. The language of this amendment (Article II, Section 3 of the New York State Constitution), which bans even indirect aid to non-public schools, is much more restrictive than the Federal Constitution. This amendment, which was passed in 1894 in a climate of anti-religious prejudice, was the premise for declaring the Textbook Law unconstitutional, and impedes many possibilities of help to religious-school children permissible under Federal law.

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*See: Amicus Curiae Brief on p. 20*

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This out-dated discriminatory provision must be repealed if we are to move forward in New York State in the new educational spirit of the 60's. Towards this end, Orthodox Jews will have to mount an all-out drive on the local precinct level to impress the delegates to the Constitutional Convention with the justice of our demand.

*Since World War II Orthodox Jewry in the United States has advanced with jet-like propulsion in the field of education. Dozens of communities were conquered for Torah and the standards of personal religious commitment among the nominally Orthodox were lifted to unprecedented heights. In the field of self-representation and political action, however, the progress until the past year was slow and feeble, at a horse-and-buggy pace. Now that Orthodoxy is coming of age and has reared many cadres of American-born, Torah-loyal, sons and daughters, the time has come for Orthodoxy to mature as a self-reliant, dynamic force fighting for its rights in the legislative halls of America.* □

# Science and Humanism: Foundations of Modern Society — Foundations of Modern Decay

## *How Distortion of Torah Values Has Brought About Today's Moral Crisis*

THE WELTANSHAUNG of Homo Sapiens, twentieth-century model, may be fairly summarized by two words — Science and Humanism. The first dominates his intellectual thinking, the second his moral conduct. The successes of this two-fold approach can hardly be doubted. In the short period of time since Francis Bacon preached the gospel of Science, society has developed from a horse-drawn, sailboat, handicrafts economy to an automated, jet-propelled and nuclear-powered civilization.

Less dramatic, but more pervasive, has been the rise in the concept of the Dignity of Man. Democracy — the rule of the common man — is the accepted form

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**Reuben E. Gross**

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of government. Where it is not honored in fact, as in totalitarian states, it nevertheless compels lip-service. The rights of all men to certain minimal freedoms and opportunities are no longer seriously questioned. No longer does the battle for the Rights of Man excite the revolutionary fervor of 1789. Apartheid and segregation may have its advocates, but they know that theirs is a rear-guard battle. The battle for the universal realization of the Four Freedoms may not be won in this generation, but no serious student of human affairs would doubt that the future belongs to its advocates — if Man does not commit suicide with his newly-acquired techniques for mass destruction.

The relationship of these twin-pillars of present-day civilization to the Torah outlook on life is indeed paradoxical. Each is regarded as inimical to the religious approach to life, yet neither one could have come to fruition had Torah not prepared men's minds through Christianity and Mohamedanism for the reception of certain fundamentals of Science and Democracy, by teaching Monotheism and the Dignity of Man.

BASIC TO EVERY scientific endeavor is an *emunah* (faith) — pure and simple, in the uniformity of the universe: that it is governed throughout by the same physical and chemical laws that are valid on earth, and that these laws are not arbitrarily altered in time. Clearly, in an intellectual climate wherein polytheism prevailed, serious scientific thinking would be impossible except for those select individuals who could rise above their environment, and compartmentalize their scientific, from their general thinking. Such was the situation in ancient Greece where a few philosophers and scientists managed to function on a quasi-monotheistic level. However, their productivity was limited to isolated theorems, and to unrelated discoveries and gadgets. The short-lived Muslim civilization gathered and seeded a few promising growths, especially in astronomy, medicine, and mathematics, which flowered in Christian Europe via Jewish translations. The grand generalizations of an Isaac Newton are inconceivable except in a culture that had long buried all elements of animism and of polytheism, and to which the unity of the universe had become a tacitly accepted mode of thinking.

Democracy was a more tender vine, needing longer nurture. Its flowering on American soil with the Declaration that "all men are created equal and they are endowed by their Creator with certain inalienable rights," leaves no doubt as to the source of its inspiration. A more fully-documented record would commence with the Mayflower Compact and would include the Hartford constitution of 1635 which declared the Word of G-d to be a perfect rule in all matters, domestic and political. Withal, slavery was not eradicated from America except after a bloody war, and its ghost is yet to be exorcised.

Thus, Science owes a deep debt to Torah for having inculcated civilization with the dogma of the unity of the universe; and Democracy owes a similar debt for the dogma of the Dignity of Man. Both tenets are in-

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*"Today, the Rights of Man are armed with absoluteness, shorn of the limitations inherent in its basis. It is an end in itself. Its origin is forgotten. Man is an end in himself, a deity. He has rights and privileges, but no duties. Life is important because, like property, it belongs to man, and not because it is a gift from on High."*

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supportable by bare rationality — the vaunted foundation of Science and Democracy. Yet neither structure can stand without these cornerstones derived from Torah.

UNFORTUNATELY, these two concepts have been distorted and the failure to preserve them in their pristine form is the cause of a scientific and moral crisis in our times. In Torah *hashkofa* the concept of *Elokim* ruling by *Mishpat* — general law — is modified by the idea of a flexible *Hashogocha Protis*, a direct concern for particulars. Science, however, thanks to the so-called god-intoxicated antisemitic atheist, Baruch Spinoza, soon developed the idea of a nature that governs by iron-bound laws. Interestingly, the Hebrew equivalent of 'nature' — *teva*, does not appear in *Tenach* or Talmud, except in the sense of a stamped-form, such as a coin. One of its earliest known usages as 'nature' is in Ibn Tibbon's translation of the *Kuzari*, wherein the *chaver* disparagingly remarks, "What is this *teva*?" to which the *Kuzari* replies, "It is one of the powers we heard about in philosophy and we do not know what it is, but the philosophers, no doubt, know all about it.

It is difficult to believe that a theologically-oriented language, such as Hebrew, lacked so basic a concept as 'nature,' or that in all of our early sacred writings there simply was no occasion to refer to it. I suspect, rather, that such silence is the result of deliberate suppression, the reason being that 'nature' was the name of an *Avoda Zora*, a strange god, which should not be referred to (*Shemos* 23:13). The patent irony of Yehuda Halevi's writing reflects this earlier contempt.

Today science is being forced to abandon the idea that its formulae express iron-bound laws. They are now regarded as statistical statements as to the behavior of the average molecule in the group being observed. Formerly variant readings for the same experiment were regarded as due to the human fallibility of the experimenter. Today, we are not so certain but that perhaps the results might actually be different. The calculation of half-lives of radio-active materials resembles more the work of an insurance company

actuary, who can predict with fair precision what part of a large group may die in one year, but is unable to state with reasonable certainty what may happen to any particular individual, rather than the work of a station-master predicting the arrival and departure of trains. In dropping strict determinism, Science is approaching closer to the Torah concept.

THE CONSEQUENCES of distorting the concept of Unity of the Universe into adoration of the goddess *Natura* are not merely intellectual for it has encouraged deterministic interpretations of Man and his history. But the distortion of *Kovod Habrios*, the Dignity of Man, by secular-humanism has created a deep moral crisis. Torah teaches that Man is important because he was created *b'tzelem Elokim*, in the image of G-d. Jefferson, in the Declaration of Independence, somewhat confusedly, after invoking, "the laws of nature and nature's God" (a deistic denial of *B'raishis*) then invokes the rights of man as endowed by the Creator (an affirmation of *B'raishis*). Today, the Rights of Man are armed with absoluteness, shorn of the limitations inherent in its basis. It is an end in itself. Its origin is forgotten. Man is an end in himself, a deity. He has rights and privileges, *but no duties*. Life is important because, like property, it belongs to man, and not because it is a gift from on High. Ergo . . . abortion, birth control, sex conduct, are no longer moral issues but merely private matters. The listing of suicide in the penal code may be only symbolically significant, but a move for its deletion, is therefore symbolically significant. Mass killers are placed on a level no lower than thieves and pickpockets.

However, even as Democracy proudly waves the banner of the Dignity of Man over him, scientific determinism is reducing Man to an automaton and thereby robbing him of the true source of his dignity — the Divinely implanted spark that enables him to choose between right and wrong. Condoning his crimes because he is disadvantaged, because his environment or his heredity (or both) are inadequate, will reduce him ultimately to a brute, automated level. The only true Dignity of Man is to be found in humility in the presence of his Creator. The only conception of the universe, valid for scientific growth, is one ruled by G-d, and not by blind nature.



## "A SOFT JOB AT AUSCHWITZ"

*Adapted by*

**Shimon Wincelberg**

*from a Manuscript by*

**Abraham Krakowski**

BIRKENAU IS ABOUT two kilometers from Auschwitz. Today, when we speak of Auschwitz as the extermination camp, we really mean Birkenau.

Auschwitz itself was a paradise in comparison.

With us on the train was a woman in her 80's, a Mrs. Jusefowitz. She had been of the most respected women in our hometown of Sosnowitz, and even now, unlike most of us, she was full of life and vigor, with all her wits about her.

As the train now shuddered to a halt, she turned to us with, I swear, a twinkle in her sharp, intelligent eyes, like a child possessed of some delightful secret, and said, "Shall I take it *now*?"

"It" was a small, blue cyanide capsule.

And as we looked at it with mingled horror and envy, she explained matter-of-factly, "After all, my husband and son are already up there," pointing a finger at the ceiling of the boxcar and the unknown Heaven beyond, "And why leave matters to those swine out there?"

We assured her (as though we *knew* what we were talking about), that there was still time, why not wait

and see how things looked when we got off at Auschwitz.

She shrugged agreeably, and with a secret smile crouched back down in her little corner.

The sliding doors of our boxcar were now suddenly slammed open, and we were ordered out.

This was Auschwitz, with its crudely-ironic "*Arbeit Macht Frei*" sign over the gate.

Some minutes later, a long file of male and female prisoners in striped prison clothes took our places in the empty cars. They moved like puppets, in grim, lifeless silence. We stood idly watching them for about five minutes, wondering what had happened to make them this way, and which they were now going.

Then, abruptly we ourselves were ordered to line up, men and women separately. All those who were too weak or ill to walk, as well as all children, were put back into the cars.

Mrs. Jusefowitz, of course, would have been among these. But obviously she had already seen enough, and no longer had any need of optimism from us younger people. No-one saw exactly when she took the pill.

The German guards, as always when something didn't go precisely according to plan, were not only angry at her unauthorized action, but actually upset.

My fiancé Pola and I saw that the time had come. We said goodbye. "Be strong. We're going to outlive them. *Auf Wiedersehen*." We lined up. There was no shooting here. About thirty ss men with bloodhounds surrounded us, while ten of their number went through our lines to make sure no-one had hidden any children.

Those who were found were promptly returned to the waiting train, whose next stop was Birkenau, and sometimes mothers voluntarily went with them.

Near me, there was a woman with an eight-year-old boy. She had told him to hide among the men. After a while, the ss men spotted him, but he ran quickly to hide in another group. This grim hide-and-seek went on almost playfully for a while, but in the end of course the child was caught.

Pola's brother, who was twelve, was also picked out from among the men and sent back to the cars. He vainly kept telling the ss man who had him by the arm, "But I'm grown up. I can work."

Now, three men in ss uniform arrived in an automobile. One of them, a doctor, stood in the middle. As we learned later, his name was Josef Mengele: he was the doctor who made the selection for the entire camp, and only the other day he was reported living peacefully (with a bodyguard) on a ranch in Paraguay. My first impression of him was rather favorable, despite his strange, sardonic smile. We were ordered to step up in turn and give our age. The doctor glanced at each man, then pointed to the left or to the right. The left meant back to the box-cars. Together with the robot-like figures who had taken our places in the cars when we arrived, they were beginning gradually to fill up again.

We filed past the doctor. Ahead of me was a man I knew, a chemist from Vienna. He told Dr. Mengele he was thirty-five. The doctor, looking pointedly at his bold head, showed signs of disbelief. The chemist began desperately to fumble for credentials which would establish his true age, but the doctor had already pointed to the cars. Some minutes later he began shouting to the doctor, waving his papers, but no-one paid attention any longer.

PRESENTLY, TWILIGHT SET IN. The larger part of our contingent had been sent back to the cars. I was sent to the right. I peered in the direction of the women, trying to see what had become of Pola. I thought I saw her and her sixteen-year-old sister also among those sent to the right.

We were surrounded now by the bloodhounds and marched into camp. On the way I said the *Kabolas-Shabbos* prayers, which I knew by heart.

As we neared our destination the ss men began asking us if we had any money or valuables. "Better hand

them over to us. They'll take it away from you anyhow, and make you eat some dirt, on top of it."

I didn't know what to do. An ss man, with his dog, was close beside me, and it was hard to tell which of them looked more threatening. Finally I handed him ten marks—and, to my relief, he went on.

We stopped before a long barracks marked *Sauna*. A wide door was opened, and we went in. I still remember the shock of this moment; it was as though we had suddenly been let into Hell, though in plain fact it amounted to little more than being abruptly set upon from all directions with ear-shattering yells and thoroughly beaten up. (Later I understood that this was merely to terrify and confuse us so that we wouldn't think of hiding anything.) "Undress and put down your things! Fast!"

The shouting grew louder and more menacing. "Faster, faster! You think they sent you here to live?" (This was not the Gestapo, nor the ss, but prisoners like ourselves—only no longer like ourselves.)

The gate opened again, and an empty truck drove in. A handful of prisoners jumped down, and our clothes and belongings swiftly disappeared into the truck, while we looked on, naked and shivering.

At that moment, for some reason, I felt less regret for my shirt and trousers than for my certificate of *s'micha*. As though I would ever again have any use for it.

"You're going to find out what it's like in here."

Out of the four hundred of us who had arrived at Birkenau that morning, only about a hundred were now left. Presently we were beaten up some more; this time simply because, as one of the older prisoners snarled at us, "You've been loose, living with your families, eating like pigs, living with your wives, while we've been here for more than two years. Well, now you're going to find out what it's like in here."

These prisoners included some who had been designated "monitors," and after things quieted down a little we tried—from one of the more decent-looking ones—to find out what would happen to us, and what would happen to those members of our families who had been put back on the box cars.

We were bluntly informed, "Those are all dead already. And you, you'll be shaved and bathed; and then you'll be on the way to the incinerators, too."

PART OF HIS PROPHECY WAS fulfilled almost at once. Another group of monitors came in, made us line up, and commenced rapidly to shave us with blunt razors and cold water. They shaved every place on our bodies where a hair was to be found. It was a bloody business, but if anyone let out a sound, he was silenced with a blow, and with humorous remarks like, "A little

Cologne, maybe? A manicure?" While having the hair scraped off my body, I convinced myself that this could only be a good sign. After all, if they were going to kill us at once, why would they bother to remove the hair in which we might be harboring the germ of some epidemic?

When the barbers were through with us we went into a room with showerheads in the ceiling. We had some anxious moments wondering whether water or gas would come out of them. It was water, ice-cold. After the bath we waited, still naked, in a large room for about an hour until we were given clothes: a shirt, trousers, a jacket, a pair of long winter stockings, and a pair of shoes which were actually wooden clogs. Short men got long pants, thin men baggy ones, the broadshouldered narrow jackets. We all looked grotesque. We laughed at each other hysterically, laughed and laughed, unable to stop.

*"Two boys appeared with an accordion."*

About five in the morning two boys appeared with an accordion, and commenced entertaining us with some mournful or cynical songs about Auschwitz. This, to tell the truth, did very little to lift our spirits.

At eight, we were jostled into another room amid further shouting and shoving. Our names were taken down and numbers painfully tattooed on our forearms. By the time it was over I was ill, but had enough presence of mind not to show it. Then, some time before noon, we were finally given some soup and a portion of spoiled turnips. The smell was revolting, but this was to be the main staple of our diet from then on. For every two men there was a two-liter dish; sharing mine was one of Pola's elder brothers. He was unable to gag the stuff down, but I managed not only my own share, but also what he had left over.

LATER WE WERE ASSIGNED TO Barracks 6 in the quarantine camp. Fortunately for me it was still Shabbos, the one day in the week I never felt the craving for a cigarette. (Later I was able to swear off smoking altogether, while others who couldn't shake the habit would trade even their bread ration, merely so that five or six men could each have one drag.)

This Shabbos was a beautiful autumn day. After passing many SS patrols and corpses lying in heaps beside the buildings, I heard voices calling my name. I looked at those who were calling me, but didn't recognize a single one of them. After a while, though, I began to identify them as friends I'd grown up with. They had come to Birkenau three months earlier.

At last we reached the quarantine station. Here we were left standing in front of the barracks for about an hour. Then the block monitor arrived, accompanied by some assistants. "You will be treated well

here," he told us, somewhat mechanically. "You no longer have first or last names, only the numbers tattooed on your arms. You must be sure to memorize your number!"

Then he called the roll by numbers and we had to answer, "Here!"

There were many who became confused, or couldn't recall their numbers, and while standing at attention were not allowed to sneak a look. They were promptly beaten up by the monitor's assistants. Following the roll call, we got our first taste of the "Caps on!" "Caps off!" routine, accompanied by the usual shouts, harassments, and beatings. When at last we were allowed to enter the barracks, they examined us once more to make certain no one had any personal possessions left. This too was accomplished none too gently.

*"Every fifth man was given a cot."*

Our quarters were converted stables, with a number of very small windows directly under the roof. There were about three hundred prisoners from Holland who had arrived here some weeks before, and all of us together occupied a space of 150 x 30 feet. Every fifth man was given a cot, but all were given blankets and straw pillows. We were told not to talk, only to answer questions. Monitors were present to enforce these orders.

At about half-past five we received our bread ration for the day. It consisted of about half a pound of dark bread, half an ounce of oleo-margarine, and a blob of synthetic marmalade.

Now the senior monitor ordered two of the Dutch boys, who were professional entertainers, to sing. We were also, finally, permitted to speak to each other.

At eight the lights were switched off, which was just as well, since we knew we would be called at five in the morning. I hid a piece of bread for the next day. When we were wakened I looked for the bread under my pillow. It was gone.

We were given tea—or at least it was called tea—to drink on the spot, and by six o'clock we were lined up outside for roll call. The monitors selected some of us to go back inside and carry out those who had died during the night. We were to lay them neatly in front of the barracks, so that even if they could no longer answer, "Here!" they might still be marked "present."

We stood for almost two hours. Every few minutes one of the men from Holland, who had already had three weeks of this, began to pass out. But each of them was quickly caught and held upright by his neighbors, so that he would not be marked sick.

AFTER TWO DAYS, SOME OF OUR friends and relatives from the other barracks were allowed to visit us. We



gave them what little news we could of home and of an outside world which already seemed as foreign and distant as the moon, and they told us of conditions inside.

Everyone agreed, "We must hold out at all costs," and, almost in the same breath, "There's little chance of getting out of this alive." They warned us not to lie on the cots during the day but to move around, since that appeared to be the first step before turning into a "Mussulman," that is someone who had lost the will to live, and simply lay down and died.

*"The chance to get a little extra."*

I volunteered for the detail which went to fetch the food. This, I had been tipped off, would give me the chance to get a little extra. Next morning I was awakened at four. I hadn't realized that my volunteering also meant giving up an hour's sleep. Eight men from our barracks were to fetch two cauldrons of tea, four men to each cauldron which was suspended on long poles. One of the monitors went with us to supervise. We stopped in front of the kitchen and lined up. We had hardly done this when an ss man rushed out with a whip in his hand, screaming that we had failed to stand properly at attention.

At length we got our "tea." The distance back was about two hundred yards, but the ground was muddy and sucked at our clumsy shoes. We also encountered deep ditches. We had been warned what it meant to spill food, and at noon that day, when one of the men stumbled while crossing a ditch, losing a shoe and spilling some food, he was beaten so badly that the following morning found him among those who made roll call only by virtue of being laid out in front of the barracks.

After roll call we were allowed to move around the camp. I came upon the brother of Kuti, my best friend who told me, "Kuti died yesterday. Here are his cap and his spoon. On Shabbos, when we heard you were here, he pulled together all his strength to walk over to Block 6, to see you, but we weren't allowed in. He begged the monitor, he told him how weak he was, and how much he wanted to see you once more, but it was no use. On Sunday he couldn't walk. Yesterday he died and lay in front of the barracks till this morning." He said all this in a very matter-of-fact voice, adding, "That's how things are."

It was an old cap, with the red cross insignia of the camp, but better than mine; and the wooden spoon, while still usable, was no more than a stub. I didn't want to take these things but Kuti's brother pressed them into my hand. He was twenty. Four weeks later he too was dead.

Another of our visitors in the barracks was Dr. Rzendowski, our old family doctor who now lives in



Israel. Although he was still working as a physician, he had changed so much I hardly recognized him.

"The situation is very difficult for us here," he said, and repeated the warning about lying down during the day. "I have talked to the block officials, and they have promised to give you a job. This will give you something useful to do, and you will have a better chance to stay alive."

*"Take a stick and crack them over the head."*

Next morning my number was called. I reported and was appointed assistant monitor and introduced to my superior monitors from whom I was to take orders. I was told to wash the floor, which I did with scrupulous care. When I was finished I waited for further instructions, and as I was standing there I was slapped hard in the face. "What are you doing, standing around like a golem? Don't you see they're *talking* over there on the cots? Why don't you take a stick and crack them over the head? Move!"

I went back to my cot and did nothing, and with that my "soft" job was finished. □



# emphasis . . . ours

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*The following paragraphs are extracted from an article, CHURCH AND STATE: HOW HIGH A WALL?, by Milton Himmelfarb, which appeared in Commentary, July 1966. Mr. Himmelfarb recounts the traditional arguments for church-state separation, and finds them wanting. His conclusion is a radical departure from the separationist position of non-Orthodox Jewry. □*

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THE JEWS ARE probably more devoted than anyone else in America to the separation of church and state. At times, hearing some of us talk about separation, or reading the statements of our organizations, one has the impression that we think ourselves more loyal to the Constitution and more skilled in its interpretation as well — although of course nobody ever says that in so many words. Thoughts protected against expression, as this one is, can be foolish. We are not more loyal to the Constitution or more skilled in its interpretation, we are only more separationist. And with every passing year our separationism comes closer to being part of the “old order” that Tennyson, in those verses that used to be so popular, wanted to see “yielding place to new;/. . . Lest one good custom should corrupt the world.”

The case for the regnant Jewish ideology or emotion goes this way: Granted, there must be something special in our own experience and memory, and some strong feeling about what is in our interest, to account for our separationist fervor; but we perceive and intend separation to be for the good of all as well as for our own good. Thirty years ago the Jews more than anyone else warned against Hitler and Nazism. Afterward, everybody could see that we had been right, that we had not merely been pleading our own cause when we said that resistance to Hitler and Nazism was not a Jewish interest alone but the interest of all. Similarly now in church-and-state matters.

Because the Jews have had to pay for the lesson — so the case continues — we know that separation of church and state is good and the absence of separation is bad. A country with separation is democratic, tolerant, open, free; a country without separation is despotic, persecuting, closed, unfree. The greater the separation, as in America and France, the more democracy and tolerance; the less the separation, as in Spain, Tsarist Russia, and the Papal States before the unification of Italy, the less democracy and tolerance. Of course Jews do better in an America and a France

ist, which is to say ever more American, we want it to be ever better for all. “Religious freedom,” in the words of the canon, “is most secure where church and state are separated, and least secure where church and state are united.”

A GOOD, STRONG case — or it would be if not for the vice of faulty enumeration. Where do you put England, Denmark, Norway, and Sweden, with their state churches? No one can deny that Great Britain and Scandinavia are free and democratic and that religious freedom is closer to being most secure there than least secure. Nor can any Jew deny that those countries are, as we used to say, good for the Jews. (Proportionately, more than seven times as many Jews are in the House of Commons as in the population of the United Kingdom.) On the other hand, in the Soviet Union church and state are constitutionally separate, but the Soviet Union is neither free nor democratic nor good for the Jews, and so far from making religious freedom secure — let alone most secure — it persecutes religion.

It may be argued that Soviet persecution does not fairly come under the head of separation and that state persecution of religion is a kind of negative mode of state establishment of religion. Without conceding the argument, let us return to the Soviet Union when we consider secularism and for the moment instead compare state-church England with separationist France. In democracy and freedom, the two are alike (or used to be, before de Gaulle’s somewhat authoritarian Fifth Republic); in openness and tolerance to Jews, the state-church country is better than the separationist one. Which is not to say that establishment is better than separation, but only that other things— notably democracy as it is inclined by national culture and tradition—make it the issue of separation/establishment quite secondary.

Only two years ago the Ecole Normale Supérieure, the nursery of the French intellectual elite, tried to keep out a qualified Jewish student because he observed the Sabbath. Why, he was asked, should he be admitted to an institution that trains *lycée* professors? A *lycée* has Saturday classes, like all state schools in France. Would not his Sabbath observance prevent him from teaching? The Ecole Normale Supérieure has been traditionally on the side of the French Revolution— republican, anti-clerical, anti-anti-Semitic—and since before the university careers of the Reinach brothers and Léon Blum, it has had Jewish students. But unlike the other Jewish students before him, this one was religious. Keeping in mind the distinction between

than in a Spain and a Tsarist Russia. Doesn't everyone? In wanting America to be ever more separation-secularist and religious Jews may help us to understand something about ourselves in the United States.

For a long time the distinction was blurred in the American Jewish community because in this country, church-state issues tend to be school issues. Our separationism goes back to the time when the public school was in many ways a common-denominator or inter-sectarian Protestant school. In that age of Protestant imperialism, as it has been called, the virtues and standards of America were so widely held to be the same as the virtues and standards of Protestantism that a public school had to be a basically Protestant school. One reason why the founder of American Reform Judaism, Isaac Mayer Wise, was a Copperhead in the Civil War was that he resented the Protestant imperialism of the abolitionists. . . . It was Wise who began the unbroken Reform tradition of opposing public-school Protestantism in the name of separation. Whether he would have opposed religion-in-general in the schools is unclear. In Germany his masters and colleagues took it for granted that the state should favor religion.

Sometimes Wise's tradition was a well-kept secret among his disciples and successors, because the laity was in no mood to attract attention by protest; yet while Reform rabbis now disagree about God, Torah, and Israel, they still do not disagree about the separa-

tionist article of faith, though Protestant imperialism has gone the way of so many other imperialisms . . .

As for the Jewish secularists, they have opposed religion in the schools for a simple reason. They are secularists. For a secularist, religion is infantile and infantilizing, the enemy of enlightenment, science, progress, freedom, and peace. The less religion a society or community has, he says, the better it is . . .

Of late some remarkable voices have been heard for governmental aid to the non-public school: the *New Republic* and Walter Lippman, among others. Their purpose is not to help the Catholic schools but to help American education; or better, to help bring about the conditions in which all Americans can have the best possible education. Since the quality of the nation's life will depend so greatly on education, Lippman and the others say, education has a more urgent claim on the nation than separationism. This means helping the Catholic schools, because so many children are educated there—about one in every seven. The Catholic schools need money, in quantities that can come only from government, to hire more teachers so that classes will be smaller, to get good teachers by paying good salaries, to improve classrooms, to build up libraries.

The First Amendment does not command, "Thou shalt not give governmental aid to parochial schools," it commands that there shall be no establishment of religion and no curtailment of the free exercise of re-

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ligion. The rabbis said that the gates of interpretation of the Torah are not closed, and the Supreme Court has shown that neither are the gates of interpretation of the Constitution closed. If the justices think the nation needs education more than separationism, they can easily decide that the Constitution permits aid to non-public education. If they think otherwise, then it is the turn of the gates of amendment not to be closed. Having had an amendment prohibiting liquor and another annulling the prohibition, the Constitution can have an amendment allowing aid to religious or church-related schools.

This kind of talk is hardly daring any more, but to most separationists it is novel and perverse wickedness.

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## ***On Printing Books***

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THE ART OF PRINTING is known in Jewish tradition as *M'leches Hakodesh*, the Holy Craft, and with good reason. It helped to make possible the dissemination of Torah works on a scale not previously possible. Since the invention of movable type, which made possible the printing of books, the Jew has been one of the most prolific users of printing. So much was printing respected in Jewish life, that the printer of a *sefer* was not simply an anonymous worker whose job it was to produce what others had wrought, but a craftsman who took great pride in his labors, and a partner—in a sense—with the author. Printers would place their signature or printer's mark at the end of the work, often accompanied by an expression of gratitude to G-d for having succeeded in completing his work. Many old volumes still in use, and many more in libraries testify to this practice. With the development of automatic typesetting machines, and the loss of the personal touch of the

craftsman, this practice has been abandoned. Yet, the *sefer* is still often a thing of beauty, and the meticulous Jew who seeks a beautiful *esrog*, and finely crafted mitzvoh objects as adornment of a *mitzvoh*, will choose a *sefer* which is attractively printed and bound, over one that is of poor quality.

That is not liberal open-mindedness. It is more like the outrage of a 19th-century, Herbert Spencer liberal confronted with the immoral proposal that the government should take taxes from him to support a school for educating his neighbor's children. *There are still such liberals, only for many years now they have been called, by general agreement, reactionaries. . . .*

Even the rhetoric is coming down with mustiness. "Wall of separation" may have sounded good once, but if you say it to a young man now he is as likely as not to think you mean the wall that separates Berlin. Leave it to a poet: "Something there is that doesn't love a wall." □

Unfortunately, while the number of books on Torah subjects which appear in America in the English language is growing, the traditions of the *M'leches Hakodesh* have all but been abandoned. One has only to hold a book published in America alongside a British-published work, for example, such as the volumes of the Soncino Press, to be shocked into an awareness of the relative shabbiness of our printed works.

These thoughts come to mind as we contemplate a new volume just released by Holt, Rinehart and Winston: *The Encyclopedia of the Jewish Religion*

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- Is New York State's Textbook Bill Really Unconstitutional?*
- Should Public Libraries Loan Books to Religious School Students?*
- Is Buying Textbooks For Secular Studies the Burden of Religious Schools?*
- Does the Constitution of New York State Discriminate Among Religions?*
- These, and Other Vital Questions Are Argued in the Following—*

## **Brief: Amicus Curiae**

*On August 18, 1966, the Supreme Court of the State of New York declared Chapter 320 of the Laws of 1965, commonly known as the 'Textbook Bill,' to be unconstitutional. That decision is now being appealed by the Attorney-General before the Appellate Division, Third Department, of the New York State Supreme*

*Court. The following is the text of a brief submitted by Agudath Israel of America, amicus curiae, urging the court to reverse this decision. While the brief is couched in legalistic terms, we believe it to be a document of special interest to our readers, indicative of Orthodox's new approach in the area of legislation.*

THIS BRIEF is submitted by Agudath Israel of America, a national religious educational and philanthropic organization operating under a Legislative Charter granted by the State of New York on June 9, 1939. It maintains a network of affiliated Orthodox Jewish synagogues, youth groups and women's chapters throughout the United States.

Through its Commission on Law and Civic Affairs, it seeks to interpret and to relate biblical principles as taught in the Orthodox Jewish tradition to democratic ideals and to issues of civic interest. It actively supports the Hebrew day-school movement in cooperation with other Orthodox Jewish organizations, which movement has built over 150 schools, serving more than 40,000 students in New York State alone.

### STATEMENT

Defendant-Appellant appeals from a judgment entered in the Supreme Court of the State of New York for Albany County (Justice T. Paul Kane) which pursuant to an opinion and decision dated August 18, 1966 reported in 51 Misc 2d 251, declared Chapter 320 of the Laws of 1965 unconstitutional because it conflicts with Article XI Section 3 of the New York Constitution. Said Chapter 320 amended Section 701 Subd 3 of the Education Law to provide as follows:

"3. In the several cities and school districts of the state, boards of education, trustees or such body or officers as perform the function of such boards shall have the power and duty to purchase and to loan upon individual request, to all children residing in such district who are enrolled in grades seven to twelve of a public or private school which complies with the compulsory education law, text-books. Textbooks

loaned to children enrolled in grades seven to twelve of said private schools shall be textbooks which are designated for use in any public, elementary or secondary schools of the state or are approved by any boards of education, trustees or other school authorities. Such textbooks are to be loaned free to such children subject to such rules and regulations as are or may be prescribed by the board of regents and such boards of education, trustees or other school authorities."

Article XI Sec. 3 of the New York Constitution provides . . . "Neither the state nor any subdivision thereof shall use its property or credit or any public money, or authorize or permit either to be used, directly or indirectly, in aid or maintenance, other than for examination or inspection, of any school or institution of learning wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught, but the legislature may provide for the transporting of children to and from any school or institute of learning."

### ARGUMENT

AGUDATH ISRAEL of America respectfully urges this court to reverse the judgment below, and to declare Chapter 320 of the Laws of 1965 constitutional. Conceding, *arguendo* that said statute may be in conflict with Article XI Sec. 3 of the state constitution, yet, that section of the state constitution, if enforced in accordance with its plain meaning, mandates such monstrously absurd and unreasonable consequences that it conflicts with the federal constitution and other sections of the state constitution. This court, therefore, should find Section 3 and not Chapter 320 to be unconstitutional.

This brief will not discuss possible conflict of Chapter 320 with the federal constitution because *Cochran vs. Louisiana 281 U.S. 370* appears to be definitive on that point in holding that statute valid.

## POINT I

ARTICLE XI SECTION 3 OF THE NEW YORK CONSTITUTION MANDATES UNREASONABLE DISCRIMINATION AGAINST RELIGIOUSLY COMMITTED CITIZENS, IN VIOLATION OF THE FREEDOM OF RELIGION AND EQUAL PROTECTION CLAUSES OF THE FEDERAL AND STATE CONSTITUTIONS.

The decision below presents a very strange anomaly. In this decade, numerous court decisions have been written condemning all forms of racial, religious and class discrimination as unconstitutional. The decision below, however, struck down Chapter 320 of the Laws of 1965 because that statute makes it the duty of district boards of education "to loan *upon individual request to all children* residing in such district who are enrolled in grades seven to twelve of a public or private school which complies with the compulsory education laws, textbooks." (Emphasis supplied) In other words, the failure of the statute to discriminate against children attending parochial schools and Hebrew day schools was held to be its vice and undoing.

The nub of this paradox lies in the fact that the court below followed the mandate of Article XI, Sec. 3 without raising the question as to whether this unfairly discriminatory constitutional provision is itself valid or not.

The court below held, quite properly, that in light of the sweeping language of Article XI, Sec. 3, there can be no distinction between benefits to the child and to the school. What benefits one directly, necessarily benefits the other indirectly. Hence, children attending such schools must be disenfranchised from their ordinary privileges as citizens of the State. If boards of education may not lend them books for school work, how can loans of books by publicly-supported libraries be justified? This, too, constitutes a use of property of a subdivision of the state in aid of institutions in which a denominational doctrine is taught. If the decision below is valid, the public libraries should be policed to prevent children from religious schools using books therein in connection with their school work. The loan of a book by a board of education cannot be legally distinguished from a loan by a public library. If Article XI, Sec. 3 condemns such indirect aids to denominational schools as loans of books to its pupils, what should be said of the direct use of public property by such schools, such as the use of water and sewer facilities? Sec. 3 bars the authorization or permission to use public property, credit or money in aid or maintenance, directly or indirectly, of any denominational school. Assuredly, if this means what it says, fire, police and health services must be denied to the school building. If benefit to the child is also a benefit to the school, then children attending those schools must be denied ambulance,

fire and police protection. The very paving on the school street is an affront to Article XI, Sec. 3.

THESE ABSURDITIES are not merely theoretical exercises in applying Sec. 3. The Niagara Falls Board of Education in 1965 ruled that it would be illegal to rent the LaSalle Stadium to a Catholic high school even though the same authorities granted use of that stadium to the San Diego Chargers, a professional football team, free of charge. In 1952 the State Department of Education ruled that a child enrolled in a denominational school, ill at home for an extended period, was not entitled to receive the home instruction which other similarly situated children are entitled to receive. In New York City an Orthodox Jewish student was denied the privilege of wearing a skull cap in class pursuant to a legal opinion of counsel to the Board of Education. These legal monstrosities are the logical and lawful offspring of an absurd constitutional provision.

Other sections of the Constitution itself are in irreconcilable conflict with Sec. 3 of Article XI such as Article XVI, Sec. 1 which mandates tax exemptions for all institutions that are educational or religious. On October 11, 1966 the Supreme Court of the United States refused certiorari to review a similar provision in Maryland. Likewise Article VII, Sec. 8 provides "for health and welfare services for all children, either directly or through subdivisions of the State, including school districts." Again, Article VIII, Sec. 1 states nothing in the constitution shall prevent a county, city or town "from providing for care, support, maintenance and secular education of inmates of insane asylums, homes for dependant children, or correctional institutions, or children placed in family homes by authorized agencies, whether under public or private control, or from providing health and welfare services for all children."

The court below stated that it "is aware of the implications contained in [its] views as they may affect many federal and state programs in aid of students attending private educational institutions under religious auspices." (p. 305) There are over 900,000 such students in the State of New York who attend these schools in exercise of their right of religious freedom under the Federal constitution (Pierce vs. Society of Sisters 268 U.S. 510; Meyer vs. Nebraska 262 U.S. 390) who stand to lose these important rights by the decision below. Such loss appears to be a clear violation of the principle enunciated in Everson vs. Board of Education 330 U.S. 1 and in Sherbert vs. Verner, 374 U.S. 398, that no state may "exclude individual Catholics, Lutherans, etc. . . . because of their faith, or lack of it, from receiving the benefits of public welfare legislation." Noteworthy in this connection is the language of Chapter 320 which requires that textbook loans be made "upon individual request."

IT SHOULD BE APPARENT that the reasoning of the court below is circular. In decrying that statute as an "aid" to religion, it assumed what it sought to prove, namely: that the religious school has the legal duty of supplying secular textbooks. In making this unwarranted assumption, the court below may have relied on the existing practise as proof of its lawfulness. But such reasoning is fallacious. *Religion is not "aided" by being unsaddled of a burden that never was its lawful load.* The statute before the court is an act of justice, not charity. It is the payment of a debt, not a contribution and therefore not an "aid" to religion.

Although the sharply divided court in *Judd vs. Board of Education 278 N.Y. 200* by implication sustained the validity of Article XI, Sec. 3, that decision, in a sense, was overruled by the People. Moreover, there was no direct attack on Section 3 in that case. The question herein submitted was not considered. Furthermore, that case must be deemed overruled by *Sherbert vs. Verner, supra*.

The real distinction of the *Judd* case, *supra*, is this: The *Judd* case involved bussing the child to a school where he obtains *both* his religious and secular training. The religious soul of the child, so to speak, rode free piggy-back on the secular personality of the child, which was entitled to the free bus ride. Hence, there was some basis in *Judd* for claiming "aid" to religion. Here, however, in supplying secular books to the child, there is no aid whatsoever to religion. It was the State's duty all along to supply these books. Simply because the religious schools have hitherto been assuming the State's burden of supplying the child with a secular education as part of the cost of exercising the privilege of giving them a religious education, does not make that practise correct. The statute before the court merely removes part of that inequity. It lowers the tax on the exercise of religious freedom. It replaces a small part of the cost of the child's secular education on the State's shoulders, where it belonged in the first instance.

In a strict sense, Article XI, Sec. 3 would outlaw all public aid to all education. The ban on aid to schools "in which any denominational tenet or doctrine is taught" is actually a ban on aid even to the public schools. True, the doctrine taught in the public schools may not be characterized as the doctrine of the theistic religion, such as Christianity, Judaism or the Muslim faith, but they most certainly are in support of those doctrines characterized by the Supreme Court of the United States in *Torcaso vs. Watkins 367 U.S. 488* as beliefs in non-theistic religion. Therein that Court said:

Among religions in this country which do not teach what would generally be considered a belief in the existence of God are Buddhism, Tao-

ism, Ethical Culture, Secular Humanism and others.

The decision below constitutes a discriminatory preference for the religions of Ethical Culture and Secular Humanism as against the theistic religions. Thus we reach the ultimate in absurdity — the cessation of all public support for education out of deference to Article XI, Sec. 3. The only sensible alternative is to annul Sec. 3 and to allow no discrimination as between religious faiths in the granting of public benefits.

Any attempt to "interpret" Article XI, Sec. 3 and to read into a rule of reason by searching for the intent of the drafters of that section is more likely to open a casket of snails and toads than to produce a workable solution. In the first place, the broad sweeping unequivocal language of that section does not lend itself to balance and interpretation. Secondly, research into the intent of the originators of that section opens up a trail of bigotry and prejudice.

In *Judd vs. Board of Education 278 N.Y. 211, 208,209* the history of the 'no aid to denominational schools' clause was traced back to section 12 of Chapter 320 of the Laws of 1844 which forbade the use of funds in any school in which there was taught the doctrine or tenet "of any particular Christian, or other religious sect." However, not a word was said of the background to the passage of this act — the bitter, nativist bigotry against the newly arrived Irish immigrants, the cutely worded exclusion of a "particular Christian . . . sect" which excluded Catholics but left the general Protestant posture of the schools unaffected, Protestantism not being a "particular Christian . . . sect."

*Encyclopedia Britannica (Vol. XVI, 878-13th Ed.)* credits the Know Nothing party, the pre-civil war prototypes of the Ku Klux Klan, for introducing laws mandating non-support of denominational schools. In this connection, it should be kept in mind that the discriminatory intent of the framers of this legislation is not validated merely because they were able to draft a law that is "fair on its face." (*Yick Wo. vs. Hopkins 118 U.S. 356*)

## CONCLUSION

THE JUDGEMENT BELOW SHOULD BE REVERSED. ARTICLE XI, SECTION 3 OF THE NEW YORK CONSTITUTION DECLARED UNCONSTITUTIONAL AND CHAPTER 320 OF THE LAWS OF 1965 DECLARED CONSTITUTIONAL.

*Respectfully submitted*

*Reuben E. Gross*

*Attorney for*

*Agudath Israel of America*

*Amicus Curiae*

*The Jewish Observer / November, 1966*



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# second looks at the jewish scene

## A Bag of Tricks

WHEN GROUPS OR FORCES engage in controversy over a period of time, certain techniques are developed and it becomes possible by observing these patterns, to anticipate what one side or the other will do or say in the future. In the struggle between religious Jewry in Israel and secularism, one such pattern of controversy repeats itself often enough to make it a rule.

If religious Jewry has a strong case, the opposition will find a religious Jew who will declare that there is really no case, and will quote 'scriptures' with great erudition to prove it.

The reaction against the abuse of bodies in the Holy Land has been almost unanimous among Orthodox groupings. The issues are clear; they need no repetition (see: *The Autopsy Crisis in Israel*, Sept. 66). Jews in Israel are being denied rights which are universally accepted in democratic countries. Bodies are dissected against the expressed wishes of the deceased or the family, and by general admission, the practice is so widespread as to be obviously a deliberate attack against religious Jewry.

In the face of this horrible, and obvious injustice, *The American Zionist* (published by Z.O.A.) carries in its October issue an article entitled: *Post Mortem and the After-Life*, by Aryeh Newman, who is associated with the religious department of the Jewish Agency. In addition to allowing himself to be used against religious Jewry, Mr. Newman's article reads like illustra-

tions from a classical text on logic, using the oldest known tricks to confuse the unsophisticated reader. TRICK NO. 1: Set up a straw-man and knock him down. Extend the argument beyond what its proponents maintain, and then lick your chops as you prove the extension to be wrong.

*According to the Committee for the Protection of the Dead, Israeli doctors are engaged in a vast conspiracy to eradicate the belief in the after-life and the resurrection, two of the 13 articles of faith enumerated by the great Maimonides. Their weapon: post mortem. But vigilante bands of yeshiva students are keeping a watchful eye on pious patients on the danger list, alerted to deliver them whole to the waiting Hevra Kadisha, the moment they have breathed their last.*

It has been suggested that some of the more vicious practitioners of autopsy abuses are motivated by hostility for traditional Jewish beliefs in the Divine nature of man, and in the immortality of the soul. But to sum up the dispute in these terms is to befuddle the issue. In the same paragraph Newman pulls another trick out of his yarmulka:

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Make the opposition look silly, and you won't even need logic. In cartoon-like style he pictures the "vigilante bands" (a highly emotionally-laden word to the American reader) delivering bodies to the Chevra Kadisha.

TRICK NO. 2: Picture the opposition as being primitive, unlearned at best; the kind of people who are superstitious and opposed to pro-



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gress. Picture those on your side as knights in shining armor whose dedication to mankind is beyond question. This avoids the necessity of reacting to charges of injustice and cruelty. Witness his second paragraph.

*It is probably difficult for the average reader of The American Zionist to grasp the dread, some would say hysteria, that the prospect of a post mortem calls forth from the average religious person in Israel. The latter includes the vast mass of so-called Oriental Jews, those born and bred in the Central and East European yeshiva milieu and excludes a minority of the western educated orthodox. Pictures of the "mutilated" corpses of the pious disfigure boardings. Doctors and nurses have been manhandled.*



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*Hadassah recently had to call the police to insure the performance of a vitally necessary post-mortem. What spells devotion to their profession by some, is regarded by others as wanton and atheistic sadism.*

TRICK NO. 3: Having won over your reader by the previous tricks, show him that you are a reasonable man and that there is some validity to the arguments presented, but that something is being done to correct some minor abuses.

*Both the rabbinate and the religious parties, the moderate and extreme, have insisted that strong legislative action be taken to limit the discretion of physicians in conducting post mortems. A committee of inquiry, composed of doctors and rabbis, hammered out its recommendations over the last three years; but the final Knesset reading on the measures inspired by them has recently been postponed. The medical authorities find them too restrictive, the rabbis too permissive.*

TRICK NO. 4: Here is the clincher. Quote authorities on the subject, and demonstrate that your opponents don't know what they are talking about; that your position is actually more religiously-motivated than the opposition.

*When political and emotional issues are set aside, it transpires that no rabbinical authority would forbid post mortems on principle. It was the late Chief Rabbi Herzog and Frank who in 1944 gave Hadassah permission to conduct post mortems where the cause of death could not be determined by any other means and where the operation might save the life of another patient elsewhere. They left the decision to three authorized doctors—the patient's, the Department, the hospital head.*

TRICK NO. 5: (This one is demonstrated in the paragraph above.)

Ignore the fact that the authority you cite has himself repudiated the application of your citation; and above all, be extremely careful to ignore the undisputable fact that every rabbinic authority in Israel today has repudiated your position.

TRICK NO. 6: Quote an indisputable source which appears to be related to the discussion and put it across so smoothly that your reader will not bother to think about the connection.

*The recently formed non-political "Torah Judaism" movement headed by Professor E. Aurbach of the Hebrew University, which counts a number of orthodox scientists in its ranks, called on rabbis to participate with doctors in a campaign to enlighten the public regarding the necessity of bona fide post-mortems. It went so far as to propose that leading figures should set the example by volunteering their bodies after death for medical purposes. The statement issued by the movement cited Rabban Gamaliel as an example. In the Talmud (Ketubot 8b) he is recorded as having introduced more austere burial customs by setting the example himself and ordering that his body "be treated lightly."*

In the event that this trick is less obvious than the others Newman uses, it should be noted that Rabban Gamliel's institution of austere burial practices has nothing whatsoever to do with post-mortems, and if it has any connection at all it manifests Rabban Gamliel's great concern for *Kovod Hamess*, which Newman chooses to ignore.

FINAL TRICK: Having shown that your opponent is primitive, opposed to progress, ignorant of the real Torah position, and having demonstrated your ability to be reasonable and logical, close by returning to ridicule.

*It is quite obvious that a revolutionary change in medical techniques, post mortems of a*

greater or lesser frequency have come to stay in Israel. The Committee for the Protection of the Dead will either have to modify its evaluation of the heretical effects of post mortems, or discover some other means of but-

ressing belief in the after-life and the resurrection.

Orthodox Jewry is tired of trick-logic—it stands opposed to the desecration of the dead in the Holy Land, and will not settle for excuses and half-baked logic.

here papers to rabbis—least I think de're rabbis . . . black coats an'all, some with curls hangin' down de're ears an' all dat.

But on Saturday, de rabbis they donn' come down t'git de paper; like dey ain't suppos'de buy on Saturday. Dat's awright wit me.

But, evy Saturday, the truck pulls up with de Jewish papers . . . it's de'same driver; I say "hiya Max"—but it ain't de'same paper. I mean t'me it looks de'same, but on top it's got a diffent name, I mean it's de'same name, but one name is missin,' see. I cann' explain it ex-actly.

But most o'de steadies, dey don't buy de paper at all. I axsed ona my regulars to explain it all t'me. He says it got sometin t'do with religion, but I'll level wit'ye . . . I donn' unerstan, an I donn' tink he unerstans hissself. Like I sez, dem Jews iz strange people. □

## "Strange People"

"Donn' get me wrong . . . I ain't one o'dem anteesemites. It's just dat some of dem Jews is strange people.

Like, I run a newsstand in a Jewish neighborhood. Been on the same corner for seventeen years . . . I know my customers, who gets the Times, who gets de News, an'all dat. Why even when a stranger comes

up t'de stand, I can spot a Times man right away, so I whip out a Times.

I sell lots o' Yiddish papers too and I got lots of steadies . . . Jewish folks' been getin dere paper at my stand fo'years. On Fridies I order a 'coupla extra dozen — always sell out . . . and dat brings me t'de queer part. All week I sell lots of dese

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# Letters to the Editor

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## "Orthodox Modernism"

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To the Editor:

In "Modern Orthodoxy or Orthodox Modernism" (October 1966) Rabbi Danziger correctly refers to the emergence of a new group of Orthodox intellectuals whose voices are just beginning to be heard. As one of those included by Rabbi Danziger in this group, I read his comments with some interest even where, for reasons too lengthy to detail here, I could not agree with them. It is good to know that there are those for whom the deposit of

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### NOTE TO OUR READERS

Letters addressed to THE JEWISH OBSERVER must be signed to be considered for publication. At the request of the writer, we will withhold his name, but no letter will be published unless a signed copy is addressed to our office.

Naturally, we retain the right to be selective in our choice of letters, and lengthy letters may be shortened at our discretion.

We trust that readers will continue to share their reactions to whatever appears in our columns, and all matters of interest to our readers. Letters should be typed and double-spaced, if possible, but we want to hear from you in any case. We find readers' letters stimulating and of particular value to us in our efforts to constantly improve our publication.—Ed.

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faith that is Israel's is precious and worthy of defense when in apparent danger.

Still, no matter how certain we may be of the authenticity of our point of view, we must remember that as human beings we stand perpetually under the judgment of G-d and that what we take to be the truth of Sinai may in fact be our anger and pride in sacred garb. While this applies of course to me at least as much as to Rabbi Danziger, it is the spirit in which *Bnei Torah* should conduct their mutual search for the truth.

In his fully justified zeal to protect the Divine Word from the ravages of naturalism, Rabbi Danziger writes: "Modern naturalistic thought — Jewish and non-Jewish — heretically rejects *Torah Min Hashamayim* as the literal, objective phenomenon of 'And the Lord spoke to Moshe,' which is the very basis of Orthodox Judaism." His meaning here is, I take it, that Orthodox Judaism must interpret the expression "And the Lord spoke to Moshe" literally. But this is precisely the view that the Rambam in the *Guide* condemns as wrong. He devotes Chapter 65 of the First Part of the *Guide* exclusively to the interpretation of the phrase "And G-d spoke," insisting on the "inadmissibility of the attribute of speech in reference to G-d." The word "speak" he asserts is a homonym which must never be interpreted literally in reference to G-d. While this is not the place to discuss fully the philosophical implications of this view, it is perfectly clear that Orthodox Judaism must shun literal interpretations like the plague if it is to remain faithful to the oral Torah.

MICHAEL WYSCHOGROD  
*Department of Philosophy*  
City College of New York

### Rabbi Danziger's reply:

Professor Wyschogrod readily admits that my reference to the emergence of a new group of Orthodox intellectuals who are be-

ginning to make their views known is correct. However, he suggests that my article is actually a response to an *apparent* danger, rather than to one that is real. Many of us, unfortunately, are witness to its palpable reality.

The observation which suggests that what I take to be the truth of Sinai may in fact be my "anger and pride in sacred garb" is the kind of *argumentum ad hominem* which I tried to avoid in my article.

More important is Prof. Wyschogrod's suggestion that "no matter how certain we may be of our point of view — what we take to be the truth of Sinai may in fact be" — something else. Such incertitude, or hesitation, in matters of Sinaitic *ikkarim* may be deemed a virtue by existential philosophy, but it hardly qualifies as the absolute *emunah* of historic Orthodoxy, on which our very *Olam Habba* depends. This *emunah* demands, if need be, even the martyrdom of ourselves and our children (*Kiddush Hashem*). How can we be expected to do this if our conviction "may in fact be our anger and pride in sacred garb?" Yet Prof. Wyschogrod would have us be less absolute when we criticize his views and those of his colleagues, because this is "the spirit in which *Bnei Torah* should conduct their mutual search for the truth!" To conduct a search for the truth in this spirit in *matters of Sinaitic ikkarim* is to be not yet absolute enough about those *ikkarim* to stake on them our own lives and the lives of our children in this world and in the one to come. For indeed, TRUE *emunah*, as the Rambam stresses, consists of the utter conviction "that it is impossible in any way for the matter to be different from our *emunah* and that there is no room in the mind for rejecting this *emunah*, nor for conceiving the possibility of anything different" (*Guide*, Part I, Chapter 50, translated from the Hebrew version).

When the Rambam insists on



“the inadmissibility of the attribute of speech in reference to G-d” (*Guide*, Part I, Chapter 65), he means precisely what he says — “in reference to G-d.” What proceeded from G-d was not speech in the literal sense, *chas veshalom*, which can proceed only from a material source. Whenever the term speech is applied to G-d, it refers to the will or the thought of G-d, not to His speech. But in reference to the prophet, what reached the prophet was audible words, either by means of created speech\* or by means of one of the eleven kinds of prophecy which the Rambam enumerates in Part 2, Chapter 45 of the *Guide*. This distinction is clear from the very next paragraph following the one from which Prof. Wyschogrod took his excerpt.

That the Rambam, in his enumeration of kinds of prophecy, held that *audible* words reached the prophet, will be immediately evident from the following excerpts (Part 2, Chapter 45):

“The fourth degree [of prophecy]. The prophet hears in a prophetic dream something clearly and distinctly, but does not see the speaker. This was the case with Samuel in the beginning of his prophetic mission, as has been explained.” (In Chapter 44 the Rambam explained: “The prophet may perceive that which he hears with the greatest possible intensity, just as a person may hear thunder in his dream, or perceive a storm or an earthquake . . . and sometimes the prophet may hear the prophecy in ordinary common speech, without anything unusual, as may be seen from the case of Samuel, the prophet, who when he was called in a prophetic vision, believed that the priest Eli called him; and this hap-

\* Cf. Rav Saadiah Gaon’s *Emunoth Ve-deoth*, Treatise 2, Chapter 12: “The ultimate meaning of ‘the Lord spoke’ is that G-d created speech, which He conveyed through the medium of the air to the hearing of the prophet”; this is also the view of Kuzari, Part 1, 89, and other *Rishonim*.

pened three times consecutively.”)

“You will perhaps ask this question: among the different degrees of prophecy there is one in which prophets, e.g., Isaiah, Micah, appear to hear G-d addressing them; how can this be reconciled with the principle that all prophets are prophetically addressed through an *angel*, except Moshéh Rabbenu, in reference to whom it is said, ‘Mouth to mouth I speak to him’? I answer, this is really the case, the medium here being the imaginative faculty that hears in a prophetic dream G-d speaking; but Moshéh heard the voice addressing him ‘from above the covering of the ark from between the two cherubim’ without the medium of the imaginative faculty” (See Abarbanel’s commentary).

Literal and non-literal interpretations can be equally dangerous as distortions of the Divine Torah. Only our *historic emunah* can tell us what is literal and what is not.

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To the Editor:

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The Jewish Observer / November, 1966

## AGUDATH ISRAEL LAUNCHES NATIONAL MEMBERSHIP CAMPAIGN

A nationwide drive to mobilize Orthodox Jews into the ranks of the Agudath Israel movement was launched this month. In a proclamation issued by the presidium of the organization, Torah-loyal Jews are asked to "stand up and be counted" in the world-wide struggle for the perpetuation of authentic Judaism. (See the text of the proclamation, together with a membership application, on page 23).

## LAUNCH DRIVE TO REPEAL 'BLAINE AMENDMENT' IN NEW YORK STATE CONSTITUTION

The Commission on Law and Civic Affairs of Agudath Israel of America has launched a state-wide drive for the repeal of the discriminatory church-state amendment (popularly known as the Blaine Amendment) of the New York State Constitution. The Blaine Amendment is far more restrictive than the Federal Constitution against any form of assistance, including "indirect" aid, by governmental agencies to children attending non-public schools. (See page 9.)

Reuben E. Gross, chairman of Agudath Israel's Commission on Law and Civic Affairs testified on October 10 at a hearing of the New York State Commission preparing the 1967 Constitutional Convention, and called for the Convention to repeal this section. Rabbi Menahem Shayowich, secretary of the organization's Civic Affairs Commission, is the chairman of the committee spearheading the mobilization of support among Orthodox Jews throughout New York State in the all-out effort to impress upon the delegates to the Constitutional Convention the importance of this issue.

## WEEKLY RADIO SERIES AROUSES GREAT INTEREST

A warm public interest has been generated by the series of weekly radio programs sponsored by the New York Branch Presidents Council of Agudath

Israel. This fourth annual series of broadcasts, which began October 8 and will continue until Pesach, takes place on Saturday nights, 9:30 P.M., over station WEVD. It features distinguished Orthodox leaders in presenting news and views on Jewish public affairs, as well as conceptual insights into basic tenets of Torah.

## OVERFLOW CROWD AT MEMORIAL TO LUTZKER RAV

A huge overflow crowd at a memorial meeting held on October 23 in New York City heard an impressive array of Torah authorities eulogize Rabbi Zalmon Sorotzkin ז"ל, the famed Lutzker Rav and Chairman of the Moetzes Gedolei Tatorah, who passed away last Tammuz.

The gathering, which was chaired by Rabbi Seymour Gewirtz of Waterbury, Connecticut, was addressed by Rabbi Moshe Feinstein, Rabbi Yaakov I. Ruderman, Rabbi Boruch Sorotzkin, Rabbi David Lifschitz and Rabbi Menachem Porush.

Rabbi Feinstein announced that the Torah authorities of Eretz Israel and the United States had decided to publicly issue a request that every Jew should pledge \$100 per year to be a supporting member of the Chinuch Atzmai, the network of independent Torah schools in Israel of which Rabbi Sorotzkin was a founder and president. Many of the participants immediately signed a subscription card indicating their willingness

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to accept this \$100 per capita assessment to maintain Chinuch Atzmai, which provides a Torah education to over 45,000 children in the Holy Land.

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