

# THE JEWISH OBSERVER

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- 1. Is Forced Autopsy Legal?*
- 2. The Latest Developments*

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American Jewish Society?**

**America's Orthodox Melting-Pot**

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*"Should... our hearts not bleed..."*

*The Sacred and the Secular*

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Chaim D. Keller

# Is the Ben Torah Meeting His Obligations to the American Jewish Society?

After all is said and done; after the last public statement has been made; after the last news release has been mimeographed; after the last convention has been adjourned; and after the last survey has been published—the future of the Jewish people in America, whether the American Jewish Community realizes it or not, lies with the young people now being educated in the yeshivos and Bais Yaakov schools throughout the country. The vital question we must ask ourselves is: Shall this future be assured by these B'nei Torah and Bais Yaakov girls merely by their being the *Sh'eiris Hapleita*—the only Jews (Heaven forbid!) who will remain after the winds of agnosticism and the tides of assimilation have taken their awesome toll? Or shall this priceless reservoir of youthful talent and dynamic energies, of dedicated commitment to Torah and Mitzvos, positively influence the course of events on the American Jewish scene? There is at this time an unprecedented opportunity for the Ben Torah to make his influence felt on the American Jewish scene. This observation is based on a number of factors.

## *A Debacle of Stunning Proportions*

SOCIETY AT LARGE is in the process of a moral debacle of stunning proportions. The “new” morality and the “new” theology have pulled out all stops. The concepts of right and wrong, of good and evil, have been replaced by the criterion of what is acceptable to society—and society’s standard is being constantly revised by a downward-spinning consensus. American and Western European civilization in the latter part of the twentieth century have conformed to a tragic pattern of moral decay all too familiar to students of the history of the great empires of the past which have long since disappeared from the face of the earth. The tremendous strides in technology during the past decades, coupled with an over-emphasis on material well-being and physical pleasure, have created a spiritual void and a

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state of animalization in which mankind cannot endure.

The world must eventually sicken of its own excesses and then there will occur a counter-revolution of G-dliness. And there is evidence of this in intellectual circles.

## *“The King is Naked!”*

OTHER FACTORS: The American Jewish Community is slowly beginning to realize that “the King is naked.” The superficiality of what passes for Jewish education with its two or three hours a week of songs and stories, leavened with a smattering of Hebrew, has been exposed. The almost complete lack of Jewish content in the programs of the Jewish Federation agencies has already aroused serious criticism from within. The inability of the secularly-oriented American Jew to reproduce himself in his own image is being bewailed without realizing, that Jewish young people with no specific Jewish commitment, lacking even the nostalgic attachment of their parents to things Jewish, feel no need to identify with “Jewish” civil-rights movements or “Jewish” anti-war protests. Antisemitism is no longer the great adhesive agent that it had been among American Jews. The Jews’ gradual acceptance into the mainstream of American social and cultural life has almost sealed his fate as a Jew, Heaven forbid.

Of course, the secular establishment is too well entrenched to disappear that quickly. The nature of large organizations is such that they outlive by many years the purposes for which they were originally formed. As long as there are executive personnel who draw salaries; as long as there are lay people interested in communal recognition; as long as there is a ready source of income from generous welfare-fund subsidies, these organizations will continue to valiantly fight anti-semitism (and if it is not easily available—they will dig it up). They will continue to pump hundreds of millions of dollars into “Jewish” hospitals which serve predominantly non-Jewish patients, who would otherwise be cared adequately for from federal and local government funds. And they will continue to support

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*“The average American Jew who still retains some emotional tie to his people is caught in a dilemma . . . he is so dismally ignorant of what Torah is that he looks on its adherents with the same sort of wistful . . . envy with which the civilized white trader might regard the simple care-free natives of some South Sea island. He realizes that they enjoy life more, but he can never bring himself down to their level.”*

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ridiculously ineffective systems of Hebrew and Sunday Schools which serve only to lull the American Jewish charity donor into feeling that he has done something for Jewish education.

But there are some, sincerely concerned about Jewish survival, even in the secular camp, who are slowly realizing that, like it or not, Orthodoxy has the only feasible program for Jewish survival. Witness the ever-growing emphasis of the Reform movement on *mitzvos massios*—what they call “the ceremonial and liturgical” aspects of Judaism—as opposed to their previous philosophy of militant assimilation. Not too long ago the Anglo-Jewish press reported the case of the Reform Rabbi who at a Friday evening service, stood in his pulpit and, publicly recanting that he had never worn a yarmulka, proceeded to put one on while reciting the traditional *Birchas Shehechayonu*. Witness Conservative Day Schools—and the talk of them even in Reform circles. Witness the surprising growth of the Yavneh movement on the college scene while the Hillel programs continue to lose ground.

This does *not* mean that Yiddishkeit in this country is in full bloom. Nor should we speak, starry-eyed, of a resurgence of Orthodoxy. Much that goes by the name of Orthodoxy in this country would never, in an earlier age have passed the scrutiny of the *Ziknei Hador*. “Only in America” could much of this be called Yiddishkeit. Nevertheless, some Jews, after much wandering and experimenting, have finally *begun* to see that their wandering has led them nowhere; that the experiments have been unsuccessful. The premise that by making Judaism more palatable by watering it down we will attract and hold more of our adults and young people has just not proven valid.

The average American Jew who still retains some emotional tie to his people is caught in a dilemma. He knows that the “old ways” were the most effective, the most soul-satisfying; yet he cannot bring himself to believe in and to act in accordance with what he considers an outdated set of values. He has been so filled with misconceptions and distortions, he is so dismally ignorant of what Torah is that he looks on its adherents with the same sort of wistful, condescending envy with which the civilized white trader might regard the simple care-free natives of some South Sea

island. He realizes that they enjoy life more, but he can never bring himself down to their level.

This is one of the main aspects of the role the Ben Torah must play in our society. He must project the proper image of Torah and *Shomrei Torah*. There is no one better equipped for this vital task than the American-trained Ben Torah. He must, by word and action, represent the finest in the Jewish people. The B’nei Torah must once again become the elite of Klal Yisroel.

### *Wearing the Priestly Garments*

The Torah tells us (*Parshas T’zaveh*): *The Lord commanded Moshe to make for his brother Aaron [the Kohen Godol], the priestly garments for honor and glory.* The Ramban explains that this was done so that Aaron should gain respect because of these sacred garments which were actually the same as those worn by kings. Nor was this only for Aaron, for the High Priest. The Torah tells us: *And for the SONS OF AARON you shall make shirts and belts and head-gear for honor and glory.* Our generation in this country may be witnessing an unprecedented increase in the *study* of Torah. Yeshivos are bursting at the seams. But there is a pitiful lack of *Koved HaTorah*—of respect for those who learn Torah.

The tired American Jewish jokes still talk about “my son the lawyer” or “my son the physicist”—we have not yet attained the level of “my son the Yeshiva Bochur,” “my son the Talmid Chochom.”

The late Telzer Rosh Yeshiva, HaGaon Reb Chaim Mordechai Katz, זצ”ל, used to tell of the situation of Torah scholars in the period before HaGaon Reb Eliezer Gordon, זצ”ל, founded the Telshe Yeshiva, when the Haskala movement was making tremendous inroads among the simple, pious masses of Russian Jewry. At that time the term “Yeshiva Bochur” was a derogatory one. Rav Katz used to tell us that when Rav Gordon founded the Yeshiva, one of his main concerns was to raise the prestige of the *Lomdei Torah*, and so he put “shiny buttons” on the Yeshiva students. The university students of those days used to be proud of the polished metal buttons on their jackets. Rav Gordon put another type of shiny button on his *talmidim*—he dressed them in the robes of Torah majesty.

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*“Considering the gravity and dimension of the problems facing Yiddishkeit in America; considering the sheer numbers of those who have been educated in the yeshivos, somehow we are not doing our job.”*

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It is easy to understand a Rosh Yeshiva's sensitivity to criticism of yeshivos and yeshiva talmidim—but all too often this criticism is not of a constructive nature. It does not come from the wellsprings of *Ahavas Yisroel* which these critics are so anxious to espouse. There is too often in the spoken and written criticism of yeshivos a not-too-well concealed deprecation, even animosity for the traditions of the Eastern European Yeshivos which are being carried on in this country. Ill-informed and impractical people are forever voicing their opinions on how the yeshivos should be run and what sort of talmidim they should produce. This has become a fad—even in professedly-Orthodox publications. Needless to say, those who are actively engaged in the work of building and administering yeshivos realize that all is not ideal; that there is ample room for improvement. They are constantly engaged in an agonizing effort at self-appraisal and are continually seeking new means to achieve the maximum goals of Torah and *yiras shomaim* for the unbelievable amount of soul-numbing and back-breaking toil that building yeshivos requires. In this constructive sense let me share with you some of my own criticisms of Yeshiva talmidim.

Considering the gravity and the dimension of the problems facing Yiddishkeit in America; considering the sheer numbers of those who have been educated in the yeshivos, *somehow we are not doing our job*. We are living through a tremendously trying and difficult period. There is a momentous battle to be fought and we are just not getting our men into the field. It does not require armies, nor whole divisions, nor even regiments. Whatever has been accomplished in this country has been accomplished by individuals—by a handful of dedicated individuals. If more of our B'nei Torah would only understand their responsibilities in these times; if they would realize that, since they have been privileged to enjoy the spiritual luxury of learning G-d's Torah in the sanctified atmosphere of the Beis Medrash, that they have a duty to see that others are given this opportunity. If they have had the *z'chus* to hear the Truth they must realize that they are obliged to fight against Falsehood. As the *Chofetz Chaim* used to say to those close to him: “We are engrossed in the *daled amos shel halacha*—while our people are drowning—either from ignorance of Torah or because of the guilt of the scoffers.”

The Chofetz Chaim directed himself to those who were engrossed in the *daled amos shel halacha*. What

of those B'nei Torah who are not so occupied with learning, who have left the yeshivos? We sit at our Shabbos tables, basking in the light and warmth of the Shabbos lights, and partaking of the heavenly Shabbos delicacies, while in the darkness without, there are Jewish souls who are cold and hungry—not physically cold and hungry, thank G-d there is no lack of fuel, no lack of food in our blessed country. There is, however, a numbing spiritual cold, a debilitating Torah famine. This is what makes this question of the role of the Ben Torah in the community so urgent.

To be specific: Not enough B'nei Torah are entering the field of Torah—whether it be in Chinuch, in Rabbonus, or in founding yeshivos. The urge for financial security and lack of recognition discourages these young people who could be the leaders and luminaries of Israel. Those who enter business and the professions are too pre-occupied with their own livelihood and with their own families to take an active part in communal life. Apathy is a prime destroyer. We are not willing to “get involved” and thus let the opposition take the initiative. When we do react to vital issues we suffer to a degree from self-righteousness.

There is a tendency to smugly mock those who are not as observant as we. We must realize that by laughing and making fun of people who are stifling for lack of Torah we are not *yotzei*. We cannot acquit ourselves by adopting a purely negative attitude; by attacking and deriding those who are outside the Torah Camp. All too many B'nei Torah relate to the non-Torah world with an attitude of *bitul*. *Bitul* may at times serve a useful purpose, but *it cannot become a way of life*. We must seriously examine our own motivations when we deride those who controvert Torah. Does this derision emanate from genuinely pure intentions? Is it really *לצנותא דעבודה זרה* (scoffing at idolatry) which our Sages permit; or is it merely scoffing? We must ask ourselves: Do we realize that it is a *bittere gelechter* or do we derive some sort of perverted pleasure from knowing that we are “holier than they?”

The Ben Torah must make this fine distinction. He must walk the thin line between frost and fire—between the two undesirable extremes: condoning by complacency the actions of those who would destroy that which is sacred, or throwing fuel on the flames of hatred and vituperation which must come from misguided and improperly motivated zeal.

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We must speak up forcefully for the sanctities of the Jewish people and denounce in no uncertain terms *Chilul Hashem* whenever and wherever we encounter it. But we must speak with dignity and avoid the puerile antics and tactless actions of poison-pen writers who do our cause no good. When Gedolei Yisroel protest, they know how to protest and do so not from motives of personal hatred but from true *Ahavas Yisroel*.

### *Our Responsibility*

The Medrash tells us that in three things the Holy One desired to rely, as it were, on his creatures.

The Holy One, blessed be He, supports the whole world. . . . Yet he commanded the B'nei K'hos to "carry" His Holy Ark. . . . The Holy One, blessed be He, guards his world, yet He commanded Israel to guard His sanctuary. He illuminates the whole world yet He commanded Israel, "Let them take to you pure olive oil . . . to kindle an eternal light."

- The Almighty supports the whole world yet He bids us to carry the *Aron Hakodesh* on our shoulders. B'nei Torah must begin to shoulder more of the financial burden of Torah. We cannot continue to rely on Heaven and on others' efforts. We cannot leave this burden to the few pitifully-overworked Roshei Yeshiva and *mechanchim*, or the handful of under-appreciated *baalebatim*. We cannot rely on the non-observant to bear this burden. We must bear our share. And in this we must realize that it is not we who are carrying the *Aron* but the *Aron* which is carrying us.

- The Almighty guards the world and guards Klal Yisroel, but He calls on us to guard the Mishkan—(the sanctuary) against invasion by alien philosophies; against the desecration which is bound to occur when ignorant and malicious destroyers (Jewish or non-Jewish), are allowed to enter the sanctuary. We must guard Torah with every fibre of our being and with the very breath of our souls if necessary.

- The Lord of the Universe illuminates the world yet He calls us to kindle the Menorah. We must inspire our brethren with the light of Torah. It is for us to illuminate every dark corner in Jewish life with the life-giving light of Torah which we have been privileged to learn at the feet of the Gedolei Yisroel.

The *Chofetz Chaim* used to say: *Darkness cannot be driven away with sticks*. We must kindle lights and the darkness will disappear by itself. Let us raise on high pure Torah Hashkofah, and the shadows of doubt and falsehood will flee. In all of this we must not lose sight of one all important principle: All of our efforts on behalf of Klal Yisroel must be guided by our own continuing Torah study and by the direction of the Gedolei Yisroel.

The Gemora lists various indications of the *עקבתא דמשיחא*, the period immediately preceding the coming of Moshiach.

*ב.עקבתא דמשיחא חוצפה יסגי*. CHUTZPA will be very great. We have already seen the greatest of our Torah authorities challenged by young upstarts who want to match *smichos* with them.

*ומלכות תהפך למינות*, *Governments among men will turn to heresy*. This we see in the straddling giants of the Communist world.

*ואין תוכחה*, *There will be no reproof*—no one will endeavor to set his fellow Jew on the right path.

*אנשי הגבול יסובבו מעיר לעיר*. *Those who should set the lines of demarkation*—the sages of Israel—will be forced to wander from city to city to support Torah.

*והכמת סופרים תסרה*. *The wisdom of the sages will be despised*.

*וראי חטא ימאסו והאמת נעדרת*. *Those who fear sin will be scorned and Truth will disappear*.

*נערים פני זקנים ילבינו*. *Young people will insult the elders of the generation*.

All this has come to pass before our eyes. And the Gemora concludes: *ועל מי יש לנו להשען על אבינו שבשמים*. *Upon whom do we have to rely? On our Father in Heaven!*

Let us not misunderstand—Reb Chaim Volozhiner זצ"ל tells us that this last observation is part of the curse: When *ehrllicher yidden* will say *Upon whom have we to rely; On our Father in Heaven*, then we are in bad shape! The Ribono Shel Olom tells us "Don't rely on Me!"

*YOU shoulder the holy ark!  
YOU protect the sanctuary!  
YOU kindle the Menorah!*

We are living through the *עקבתא דמשיחא*. We can hear Moshiach's footsteps! Let us not wait for him to come knocking on our doors to wake us up from our slumber. *Let us go out to meet him!*

Bernard Weinberger

# AMERICA'S ORTHODOX MELTING-POT

## An Amalgam of Jewish Types is Creating an "American-style" Torah-true Jew

America has a proud tradition as a melting-pot of many and varying cultures. It has demonstrated a rare capacity of absorbing a multiplicity of differing peoples. It has also played a decisive role as a melting-pot, albeit unnoticed, for the Orthodox Jewish community. As a place of *kibbutz goliyos*—the ingathering of exiles—after the great Holocaust of our era, it has brought together abruptly a host of different types of Orthodox Jews. Galician, Lithuanian, Hungarian, Viennese, Russian and German Jews, have now lived side-by-side as neighbors for three decades. In pre-war Europe they were exposed to one another too, but, they did not share such close and constant social intercourse as they experience today. The Agudath Israel movement has among its many credits the notable achievement of having brought together the various groups of Torah Jews into a cohesive and unified movement long before the American experience; yet, the contemporary setting is so totally different in degree and in kind that it warrants careful study.

Each group, it must be conceded, has come to America with certain prejudices and pre-conceived impressions about the others. We cannot ignore the fact that the Chasidic Polish or Hungarian Jew was seen by the *Litvak* as a well-meaning and pious Jew who was unfortunately an *am-hoaretz*, at worst, or a Jew of little learning, at best. The Chasidic Jew reciprocated with a commensurately uncomplimentary image of the *Litvak* as a person, with at least a love for learning if not a *talmid chochom* himself, but at the same time a *kal* or a "liberal" in matters of piety.

Within the sub-cultures of each group there were also prejudices of a lesser importance. The Brisker *lamdon* was apt to view condescendingly the *Mussarnik* of Kelem or Slabodker. And the Polish Chosid was prone to regard his Hungarian counterpart as lacking in astuteness and perspicacity. Yet, each small group found enough common ground with his co-Chosid to see the *Litvak* as the real threat. On the other hand, all the Lithuanian *lomdim* had enough in com-

mon scholastically to regard the illiterate *Chosid* as his adversary. Both groups joined in negative feelings towards the Russian or Chabad Chosid as a pompous rationalist arrogating to himself the luxury of indulgence in mystical profundities that he was not really equipped to handle. They all joined in common prejudice against the superficialities and lack of depth in commitment of the German Jew—the *yekeh* as he was pathetically referred to. He was seen as a rigidly-disciplined Orthodox Jew, whose meticulous and punctilious obsessions with order, was humorously and condescendingly tolerated, but whose real understanding of the dynamics of Jewish teachings was at best peripheral.

### *A Half Century of Orthodoxy*

Of course, the Jewish community in America had a history of half-a-century of Orthodox Jewry prior to the great wave of immigration on the eve of and following the Second World War. As a result, there had already emerged an American Torah community that had reared a generation of its own on these shores. One could have expected that those American products would have enjoyed the admiration and esteem of their European brethren. After all, the America that had once been thought to have *treife stones* and which was always regarded as so totally inconducive to Torah life had in fact produced a wonderful generation of committed Jews and even *talmidei chachomim*. Yes, there was some admiration and pleasant surprise displayed by the newcomers. But, beneath the joy there was pity, for the American Orthodox Jew was seen as naive and unsophisticated, lacking in appreciation for the real values of Torah living. The American boy was credited with honesty and sincerity but *nebach* without true perceptivity. The mobility of American life has suddenly made of these different groups neighbors sharing many communal institutions and services in Williamsburg, Crown Heights, Boro Park, Washington Heights, the Lower East Side, Pelham Parkway, and even Los Angeles and Detroit.

Before we consider the effect of the melting-pot process on these different Jews, let us just briefly examine the why of so strange a phenomenon in Jewish life. How is it that such a vast group of people united in so total a commitment to the Shulchan Oruch and

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*Taryag Mitzvots*—all relating every aspect of life to the final barometer of Torah, should become so splintered into various groupings, each with its chauvinistic pride and outer-group directed prejudices?

### *The Hazards of Golus*

Part of the answer undoubtedly lies in the inevitable hazards of golus-living. Each Jewish group living as an oppressed minority people within a dominant, overpowering culture, has absorbed parts of the more's of that particular dominant group. Thus, the Polish Jew has within his being part of the Polish *goy*. The same is true of the Hungarian, Galician, German, Russian, and American Jew. Each has an adhesion, a *sircha* of the *goyishe* culture to which he was exposed, and each has incorporated within his behavioral patterns some of the habits of the dominant group. What happens when in the process of *kibbutz goluyos* these groups meet is that the "Polish Goy" within the "Polish Jew" clashes with the "Hungarian Goy" that has penetrated the Hungarian Jew. Thus it is the alien substances within each Jewish group that collide with one another rather than the Jewish components that fail to live peacefully.

The irony of the situation is that the most effective weapon employed by vicious and rabid antisemites is the argument that Orthodox Jews cannot even get along with each other; they are a cantankerous and quarrelsome people who are at loggerheads with one another. This is a convenient tool employed, for example, by governmental agencies when asked to deal with the Orthodox Jewish community as a group separate from but equal with the Conservative and Reform Jewish communities. They deliberately overlook the fact that this divisiveness within the Orthodox community is superimposed on them by the dominant groups who deny these people the right and opportunity to live a complete and total Torah life that would unite them all into one cohesive group.

HAPPILY, DESPITE SPORADIC tensions, the American experience has provided a rapprochement between the various Torah groups. We are slowly being weaned away from our group prejudices towards a healthy respect for one another's individuality within the framework of a Torah society. I give no currency to the oft-quoted shibboleth that Judaism is not monolithic, which is often misconstrued as a license for an "everything goes" policy. Of course, Judaism is broad enough to encompass many different nuances or emphases. But, we do have fundamental principles that unite us all under the banner of Torah. Thus, we now have sufficient evidence that the Chasidic community has a vast army of *lomdim* who spend days and nights within the "four ells of the Halacha" on top of partaking of *shirayim* of the rebbe. We now have Chasidishe yeshivas and kollelim that are nurturing students equip-

ped with Brisker perception and Kaminitzer depth-analysis. Similarly, the Chasidishe community has gained tremendous insights into the *Litvishe* piety that may be concealed beneath the short jacket or shaven face. The militancy for Torah living is today as much part of the *Litvishe* yeshiva as it is of the Rebbe's Beis Medrash. We have also come a long way in recognizing that the *yekeh* of Washington Heights, has a deep rooted love for Torah study, is militant in his observance of Torah, and has a penetrating insight into the idioms of Jewish life and expression. We have also come to see *Chabad*, with all of its mysticism, as a pragmatic system of spreading Torah and Mitzvos in the far-flung communities of the United States; as a reaching out to the college campuses to win back the estranged to Torah study, and as a movement employing the techniques of modern mass-media for the furtherance of Torah teachings.

### *The "New" Yeshiva Bochur*

Finally, all of these nuances have been synthesized within the emerging American yeshiva-bochur, who can combine Chasidic zeal, of both the *Chabad* and Polish-Hungarian varieties, with German discipline; American sincerity, integrity, and honesty, and *Litvishe Lomdus*, into a passion for fostering a new and vibrant Jewish community on American shores. A composite of the new type of American yeshiva-bochur may wear a beard, *daven* with a gartel, go to *mikveh* every morning or at least *Erev Shabbos*, give *masser* of his earnings to *tzedakah*, *daven* mincha before the *shekiah*, is careful to eat a Brisker *kizayis* of matzoh and *moror*, observe Rabbenu Tam's *shiur* of sundown, go to the Rebbe for *Sholosh Seduahs*, learn *Tanya*, engage in discussion with college youth, read *The New York Times* (and possibly the *Saturday Review*), use only *glatt* and *cholov Yisroel*, speak only Yiddish to his children, stand throughout *Kriyas Hatorah*, and walk away when he suspects that he is being exposed to *Loshon Horah*. His composite wife not only covers her head but wears a *sheitel*; has difficulty buying dresses with long sleeves at Saks Fifth Avenue, Bonwit Teller, or Lord and Taylor; sews her own dresses; goes only to bungalow colonies where there is no mixed swimming; is a member of *Noshim Rachmonyois* or other *Chesed* groups, and is careful about how she diapers the baby on Shabbos. The American experience has indeed provided a melting-pot experience for Torah Jews also.

Nevertheless, despite the general accommodation of the various groups to one another there remain residual tensions that still have to be surmounted and are particularly manifest in regard to marriage. It may be generalized that distinct groups do not "intermarry." The Hungarians of Williamsburg and Boro Park, the *yekehs* of Washington Heights, the Lubavitcher of Crown Heights appear to have a high incidence of in-



group marriages; they still seem to cling to their own groups. But, there is an ever-increasing rate of "inter-marriage" between the *Litvishe* yeshiva-bochur and the Polish-Galician-Chasidic-bred Bais Yaakov girl — and here one comes face to face with the disparity between first generation and second generation American Orthodox Jews and the residual prejudices that often get a marriage off to a bad start.

In most cases, the prospective bride and groom would have no difficulty in developing a mutually agreeable plan for the future. However, the *mechutonim* interfere and give vent to all their latent prejudices. The problem is not simply, will the new couple eat *kneidlech* on Pesach or should there be separate rooms for the men and women at the wedding. Fundamental values come into play that generate an atmosphere of hostility and suspicion. The Chasidic parent will find it difficult to meet the demands of the *Litvishe* parents that the groom be subsidized for three to five years in a *Kollel*, even if it means that the bride takes a job to support the family. To the Chasidic Jew there is nothing sacred about institutionalized learning after the wedding and he is content to have the groom employed and have him learn before and after working hours. The *Litvishe* parents, on the other hand, may not concur in the urgency of the groom's wearing a

beard and *kaftan* for the wedding. In this personal setting, the differences of emphasis on achieving ultimate values loom large and become stumbling blocks for harmonious relationships. Rarely is a *shidduch* broken by these differences. Ultimately the questions of who will be *mesadur kiddushin*; will it be a large Chasidic wedding or a limited *yeshivashe* wedding; will the *kalah* have her entire face covered for the *badeken*; will pictures be allowed; should the *chosen-kallah* see each other often before the wedding, will all be resolved. But, in the process they may have planted the seeds of suspicion and distrust that will jeopardize the harmonious development of the couple.

We are witnessing the emergence of a new type of Torah-true Jew, "American-style," that our European-bred parents have cause to be proud of. There is every reason to hope that each group will continue its efforts to impress its particular values upon the emerging American Torah-true Jew. But, such effort should allow the maturing yeshiva-bochur to assimilate what he regards as the best of all traditions into his own individuality. It is the balanced lives of our own children that is at stake and we would be well-advised to proceed with determination and toleration, with conviction and circumspection, with diligence and prudence.

Harvey B. Spring

## THE PROBLEMS OF THE ORTHODOX JEW IN THE SERVICE OF HIS COUNTRY *A Former Army Chaplain Charges Mass Indifference*

The young Orthodox Jew entering the armed forces leaves the familiar environment of home and synagogue, the happy warmth of Shabbos and Yom Tov, and the relative ease of Yiddishkeit in a large urban area. His military service occurs at a period in his life when he just enters young adulthood. For many, this experience is the first real separation from family ties and the security of home. Companionship becomes a matter of force, not choice; bewilderment replaces security.

The young Jewish recruit is subject to conformal living under rigid discipline. He finds that his meals require his personal attention to assure rigid observance

of Kashrus. The intimacy of daily prayer, the donning of tefillin, the strict observance of Shabbos—all established patterns in civilian life, become irregular patterns in military life.

Each year thousands of Jewish men enter the armed forces in this country to fulfill their military obligations. Orthodox youth, representing a small segment of the total Jewish military strength, have needs and demands which constitute a most important phase of the Jewish religious program in the military services.

THERE ARE THREE systems under which a young man enters military service. He may enlist for a period of three years; he may be drafted for a period of two years; or he may join a Reserve unit in his home state and be placed on active duty for a period of six months. The two-year draftee and the man who serves under the six-month active duty plan are obliged, after completion of active duty, to attend monthly meetings and

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RABBI HARVEY B. SPRING has had first-hand experience with the problems of the Orthodox Jew in the Armed Forces. He completed a productive tour of duty as a United States Army Chaplain at Fort Leonard Wood in Missouri where he implemented many of the suggestions he puts forth in this article. He is now a resident of Chicago.

a two-week summer camp to fulfill their Reserve commitments. The six-monther has a longer Reserve commitment because of his shorter period of active duty.

Regardless of the manner in which an individual becomes part of the army, his first four months follow the standard pattern: an initial eight weeks of basic training, and a second eight weeks of advanced specialized training. After four months of training the enlistee and draftee are stationed permanently at a military installation to perform the duties they have been trained for, while the six-monther is placed in an OJT (on-the-job-training) assignment for his last two months of active duty.

THIS CYCLE FOLLOWS a pattern: The recruit reports from an induction center in his home state to a reception station at the military installation. At this station he experiences his first tests of army life for a period of four-to-five-days of basic military orientation, testing, and clothing issue. From the reception station, the new serviceman is usually sent to a large Basic Training Center in the United States.

With this in mind, let us now examine the problems confronting the Orthodox Jewish soldier during his first four months of training. The Orthodox Jew entering the army today is often completely uninformed about the relationship between his religion and his military role. He is apt to enter the service expecting to be a 'goy, because he knows of no other alternative. He enters with the expectation of ignoring positive Judaism in his life for a period of six months, and returning to civilian life to pick up where he left off. But Judaism cannot be put away in mothballs for six months and then taken out unchanged.

Even the man who enters the service with the determination to remain observant, often fails in his attempt. Many decide to become vegetarians, but the vegetables are *treif*, having been prepared in non-kosher utensils. Realizing that despite his good intentions, he is not keeping kosher anyhow, he may, *rachmana litzlan*, wind up eating everything that is put before him.

Another problem he is confronted with is *Shmiras Shabbos*. The soldier may sincerely attempt to adhere to Shabbos observance, but the pressures of routine inspections and military training may become overwhelming and result in complete desecration of the Shabbos. During his basic training, he spends a week training in the field and he faces the problem of having no kosher food available, not only of non-availability of food, and the problem of being forced to shave with a razor blade.

In order to *daven* with *tefilin*, he must wake up before his barracks-mates—usually in the wee hours of the morning. He is placed in the embarrassing position of *davening* in the barracks and cannot have the privacy and intimacy of prayer without interruption, comment, and possible ridicule by his fellow-trainees.

A great part of his training takes place on Shabbos and he is informed that these activities are mandatory and he must participate.

The result is that many Jewish youths coming from fine Orthodox homes (some even from rabbinical homes), and those who would have normally been Orthodox, stray away from Judaism.

WHO IS RESPONSIBLE for this tragic situation? Is it the un-informed, bewildered youth on the threshold of manhood? Is it the Jewish chaplain? Or is it the Orthodox community which permits this situation to exist?

As far as the Jewish soldier is concerned, what can he expect when a small room with a hot-plate and a can of kosher-corned-beef hash and a can of so-called chicken dinner is the extent of kosher food available at the average post? More typical are the Jewish religious centers on various posts which do not maintain Kashrus. At other posts, the "kosher kitchens" are only "kosher-style." It takes a strong-rooted individual to keep Kashrus when it means a diet of tuna fish for eight weeks—and these are few and far between.

The majority of army posts do not have Orthodox Jewish chaplains, who are scarce in today's army. Were there even a much greater number of Orthodox chaplains, there could never be adequate care for all the Orthodox trainees.

An additional problem is that of the constant turnover in personnel: Would a Reform chaplain conscientiously take over a program established by an Orthodox chaplain, and could he, even if he so desired, maintain a kosher kitchen according to halachic standards?

It is the Orthodox community that must bear the responsibility. Our synagogues, centers and schools focus attention on youngsters and adults; young adults—those between the ages of eighteen and twenty-five—are a forgotten, neglected group in American Jewry. Our country is replete with day schools, yeshiva high schools, national Jewish youth organizations, Jewish camps, mesivtas, and rabbinical seminaries—all trying to instill Yiddishkeit in the Jewish youth. The instant an individual leaves these settings he is completely ignored. This is precisely the status of the Jewish youth entering the armed forces. His rabbi is usually abysmally unaware of the situation in the armed forces; the location of Jewish chaplains on posts; the existence of a six-month program as an alternative to being drafted or enlisting; or, in terms of Halacha, what to tell the Jewish youth who is preparing himself for military service.

The yeshiva takes the attitude that once a young man leaves the yeshivah, he is no longer their responsibility. Our large Orthodox Jewish organizations have not even scratched the surface in terms of their responsibility to Orthodox men in the armed services.

Several months ago I made a study of the assistance offered by four organizations, who claim to offer their

## Succos in Korea



*Official United States Army Photograph*

help to the Orthodox soldier. Three of these organizations are Orthodox. I sent identical letters to these four organizations using a fictitious name and a friend's address, telling them that I am being drafted and would like to know how to continue my observance of Kashrus and Shabbos while in the army. All four organizations replied, but their assistance was superficial and virtually useless.

At the time when the young Jewish man needs counselling and guidance to maintain the established standards of Judaism, the Jewish community turns its back on him, on his needs and his problems.

It is not enough to provide kosher kitchens on individual posts. The total answer is not in having the army supply kosher food. If an individual really wants to keep kosher, the alternatives become simpler through other channels which will shortly be explained.

The problem of the Orthodox Jew in the armed forces is not a problem that can be shirked off by American Jewry. There are two major approaches for us to take. The first is a short-range approach.

- Orthodox rabbis located in the area of army installations, should make periodic visits. They will be given red-carpet treatment and will have the opportunity to meet with commanding officers and the commanding general and can then acquaint them with the problems confronted by Orthodox Jewish soldiers.
- Rabbis and communal leaders should become aware of the different military-obligation programs. They should become acquainted with the various Reserve (six-month program) units in their area so that information will be readily available for guidance to the young men entering the service regarding what to join and where to go. (For example: it is advisable for the

young man to join administrative units for ease in adhering to Jewish laws. The individuals should avoid units where they would be assigned as cooks because of the *issur of bosor v'cholov.*)

- Larger Jewish communities should have available an informative pamphlet for distribution at the large training centers. This pamphlet should contain information about existing facilities on the post, religious-program observances, guides for basic training, and a summary of what the Jewish youth can and cannot expect while in that particular location.
- Local rabbis should become personally acquainted with the Jewish chaplains serving in their locality—regardless of religious beliefs, for obvious reasons.
- Rabbis should inform the youth entering military service to have in his possession a portable shaver for use in the field, and of course to bring his *tefilin*. Means should be explored for the soldier to be *Shomer Shabbos* within his assigned company. Where the choice exists, young men should be advised to enter the army during certain times of the year in order to avoid conflict with major holiday observances.

In past years, the Armed Services Division of the National Jewish Welfare Board announced that arrangements had been made in Washington that no Jewish personnel would be forced to enter the service immediately prior to and during the Pesach holiday. The inefficiency of this organization in publicizing this ruling became apparent several years ago, when over twenty Jewish men (including two who were Orthodox) arrived at one of the basic training centers on the morning before Pesach. The two Orthodox men had resigned themselves to having no Seder and eating *chometz* during Pesach.

- On the matter of Kashrus observance, there are a number of ways to cope with the problem. The men

entering the service should be advised to bring adequate money with them in order to purchase kosher foods in an installation area where this is feasible. Arrangements should also be made to have food packages sent by the soldier's family periodically.

Once a man is assigned to a unit in a military installation, he should make arrangements with his unit kitchen to obtain fresh fruits and vegetables, milk, canned fruits and vegetables, etc. The soldier should have a hot-plate available within his company area. He should also be prepared to purchase pots, pans, paper-plates and cups, and utensils.

All these things can be accomplished if the man entering the service has the desire to maintain Kashrus and if the groundwork has been properly established by the Jewish communal and rabbinic personnel.

NOW LET US EXPLORE the long-range plan. Basically, this is an extension of the short-range plans, with the one important addition of a national Orthodox organization which would guide and co-ordinate individual community efforts in the implementation of the short-range program. Less emphasis should be placed on kosher kitchens and facilities as presently exist under the auspices of the National Jewish Welfare Board. Many organizations have professed interest and concern with Orthodox Jewish personnel but experience and existing policies indicate that their programs are not adequate for the needs of the religiously-observant serviceman.

Thus the interest and concern of a national Orthodox Jewish agency focusing on the religious needs of men in the armed services can fill the gaps left by present agencies and ultimately win the respect of the various branches of the armed services as well as the total Jewish community in America.

Expanding the program previously outlined in the local communal induction centers should include the relaying of information not only to Orthodox men but to all Jewish personnel entering the services.

The American Jewish community and its leaders have too long been lax in their interest and concern for the young man in the military. The "know-nothingness" that presently exists is a detriment to a people whose tradition is based on *chesed* and *rachamim* for their fellow man. The plight of the Orthodox Jewish soldier can no longer be ignored, and the potential role of Judaism in the armed services be lost. We must not forsake Torah Judaism in this important area; we must further our principles and beliefs by giving our soldiers the opportunity and support to continue the beliefs and practices we hold so vital. Dare we continue our slumber and forsake so many young Jews when they need us most. These problems and the need for their solution must weigh heavily upon the conscience of American Jewry.

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# Fund Saving for Yeshivos

## A Plan to Modernize Yeshiva Administration To Save Money and Time for Administrators

OVER THE YEARS, numerous plans have been advanced, to organize a United Yeshiva Foundation. These plans, which have reached various degrees of development have all been formulated with a singular goal—joint fund-raising. It was felt that a massive campaign on behalf of all yeshivos would succeed in raising larger sums of money than could be raised by individual yeshivos acting independently.

The many and complex problems involved in this scheme (which will not be discussed here) have aborted all of these plans.

There is however one positive and promising avenue of approach in organizing a united or federated group of yeshivos; a group whose goal would not be fund raising but fund saving.

In the American economy, it is axiomatic that buying power is a potent force in establishing the price structure. Witness the decline of the small business man and his virtual disappearance from the economic scene. Small business cannot compete with the large corporations or co-operatives with their tremendous buying-power. The huge volume of their purchases enables them to buy at much lower prices than the independent or individual business man.

It should be worthwhile for our yeshivos to investigate the possibility of applying this principle to their own purchasing needs. There are many commodities and services that all yeshivos require and that each negotiates for and purchases individually.

AN ASSOCIATION OF YESHIVOS that would purchase commodities and services as a unit, could save thousands of dollars each year that could be channelled into actual *chinuch*.

Some areas to which this principle could be applied

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RABBI AVROHOM DAVIS *has served in executive positions with various Torah institutions and was recently appointed Director of Development for Agudath Israel of America.*

and affect substantial savings are: food; building supplies; office supplies; insurance, health plans and workmen's compensation; and service contracts for building maintenance and cleaning.

This plan might also include utilizing the modern and efficient methods of bookkeeping that have been made possible by various types of computers. Individually, it would be impossible for any yeshiva to entertain such a proposal because of the cost of these new systems. An association of yeshivos could realize the tremendous benefits that many large companies enjoy due to these superior systems made possible through technological advances.

Such an association would not only save actual funds but would solve a basic problem of yeshiva administration. In all fairness, how many yeshiva administrators or executives have the business knowledge or experience needed in order to buy correctly, efficiently and economically? How many of them are adequately trained to efficiently maintain and supervise the cleanliness and repair of buildings? This plan would permit them to utilize their time more productively, in the interests of actual school administration and strengthening the educational program.

There are many graduates of yeshivos who have been successful in business and who could form the nucleus of such an organization. These men know the problems and needs of the yeshivos and have the ability and experience to apply modern business techniques to solving these problems.

In recent times, we have seen the benefits of united efforts administered by experts, in obtaining Federal and State aid for our yeshivos. Had every yeshiva attempted to act individually to obtain these benefits, it would have resulted in dismal failure. It was only through the efforts of dedicated people acting and speaking for all yeshivos that success was realized.

It is now time to take a more serious look to see how much could be saved by further cooperative efforts by and on behalf of our yeshivos. □

Judah Dick

# Is Forced Autopsy Legal?

***In the light of Israeli Law and the United Nations Declaration on Human Rights, a legal expert finds Israel's Pathology Law to be unjust and illegal***

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THE STATE OF ISRAEL has been described by its first Prime Minister as "a state governed by law rather than Halacha." Sad as it is to contemplate that the people who brought the ethical-modal concepts of law to the world should ignore Halachah in establishing its legal system, it is a premise we must accept.

Much has been written in recent months on the religious objections to the mass-scale autopsies being performed in Israel. It will be our objective here to demonstrate that any post-mortem operation performed over the objection of the deceased while yet alive, or his next-of-kin, is a violation of fundamental human rights which are basic to the democratic system of government.

Every democracy which is true to itself recognizes that there are certain areas which are private and reserved to the individual, which may not be intruded upon except under the most extreme circumstances, if at all. Freedom of religion and the right to practice one's beliefs are certainly within the area where government is forbidden to enter, unless the particular practice causes harm to other members of society, such as human sacrifices under some pagan system of belief. Freedom from medical experimentation on one's body would also seem to fall within such category, with perhaps some leeway given to the state where necessary to prevent crime. We will review the history of the present situation, its comparison with practices

in other civilized nations, and its relation to fundamental rights as commonly understood and embodied in the United Nations documents.

## *History and Background*

Jewish tradition opposes post-mortem dissection of a body as a desecration of the dead man's right to repose. [Other faiths do permit autopsies but require that all parts of the body eventually be buried.] The only exception made by the great majority of Halachic authorities is where there is a sick person before us whose life may be saved by knowledge we obtain as a result of the autopsy. This situation is not as rare today where medical information is readily and quickly communicated to all parts of the world via medical periodicals and lectures, and where new drugs and techniques are constantly being developed.

This rule, however, has not satisfied the medical profession or hospitals, who are rated on the basis of the number of autopsies performed. Furthermore, many research projects cannot be conducted without study of large numbers of bodies to determine the effects of certain foods, climates and environments on certain diseases. The medical profession has also contended that it would have been impossible for it to make the great advance in medical knowledge without autopsies, although it will concede that the need for autopsies has been declining with the development of better and more effective methods of clinical diagnosis.

In 1949, the Chief Rabbinate of Israel entered into an agreement with Hadassah Hospital providing that the Rabbinate would not object to autopsies in the following cases: (a) where required for criminal investigation, (b) where the cause of death cannot otherwise be ascertained and this fact is attested to by three physicians after their own study of the records, (c) where the life of existing patients may be saved, (d) where it is required to safeguard the health of surviving relatives because the disease is hereditary, and (e)

where the person donated his body during his lifetime. In all cases where an autopsy takes place, the hospital was to carry it out with due reverence for the body, which was to be delivered with all parts removed therefrom, immediately upon completion of the autopsy, to the Chevra Kadisha for burial. The only bodies which were to be used for medical school study were those of persons who volunteered their bodies during their lifetime, and even in such cases, the dissected parts were to be buried at the earliest possible opportunity. It has been said that this agreement has not been honored by Hadassah Hospital in that three physicians sign for an autopsy routinely, without regard to the facts of the particular case, or whether any new and constructive knowledge will be gained from such an autopsy; that bodies are treated in a most frivolous manner and the removed parts are not buried as soon as possible, and are often discarded or exported to foreign countries for research and to obtain foundation grants. While Hadassah has denied these charges, the truth of the charges has been adequately verified. In fact, it has been stated by a former Vice Minister of Health that in many instances blank forms bearing the signatures of two physicians were available for use by any physician desiring to perform an autopsy.

### *The Anatomy and Pathology Law*

In 1953, the Knesset in effect adopted the standards set forth in the agreement of the Rabbinate and Hadassah into law. No provision was made for the consent of the family or the decedent (during his lifetime) in those cases where autopsies were authorized. Presumably, the Jewish law knows no such right of the family to waive the rights of a proper burial of their next of kin, and consent has no bearing on whether or not an autopsy should be performed. The Law did permit a person to donate his body for medical purposes, and the agreement with the Rabbinate also took the position that we need not object in such cases.

While the Ministry of Health was in the hands of a religious person, the 1953 Law was apparently construed rather strictly, and no problems of mass autopsies seemed to exist. It is only since a member of Mapam has become the Minister of Health that the 1953 Law has been given a broad interpretation, allowing autopsies under the guise that it would otherwise be impossible to ascertain the cause of death. The present Minister of Health has gone so far as to order hospitals to refuse admission of patients who insist on guarantees that his body will be returned to his family after death un mutilated. This edict has endangered the lives of many elderly persons who hesitate to enter a hospital for badly needed medical care.

Several years ago, a commission consisting of doctors,

jurists and rabbis was appointed to study the situation and make recommendations. The majority of the commission recommended requiring consent of the family or decedent before performing an autopsy. The recommendations of the commission were not adopted by the Government under the pressure of the medical profession. The Government submitted a draft statute which would require consent of the family (or rather allow the family to claim the body within 5 hours of death). Consent would not be necessary in those cases where autopsies are authorized by the 1953 law. Thus, the new draft would contribute nothing toward a solution of the problem, and would create more problems than it would solve. The Chief Rabbinate has attacked the draft as worse than the present law.

### *Rules of Statutory Construction*

It would appear that the 1953 Law is being abused by the physicians in Israel to justify wide spread performance of autopsies. It has been claimed that the rate of autopsies in Israel exceeds that of all the other civilized countries and may be as high as 80% of those dying in hospitals.

One of the prime rules of statutory interpretation is a study of the legislative history. Clearly, the 1953 Law being based on the agreement made between the Rabbinate and Hadassah should be construed in accordance with such agreement. Under the agreement, wherever the cause of death can otherwise be ascertained, no reason for an autopsy exists. With today's improved methods of clinical diagnosis, there are very few cases where an autopsy is necessary to ascertain the cause of death, although it is true that pathology is a more exact science than clinical diagnosis.

Moreover, the Supreme Court of Israel has declared that "It must always be assumed that the sovereign legislator did not intend to violate those general principles which are the fundamental basis of our whole legal system . . . Wherever there is doubt as to the construction of an authorizing Act, the court will prefer that construction which will give effect to, and not derogate from, the principles of natural justice. (*Municipal Council of Jerusalem v. Lubin*, 13 P.D. 1181, Jan. 30, 1959). If this rule is true for confiscation of forfeiture of property, it would *a fortiori* apply to irreparable damage to a human body.

The Israel Court has been quite strong in the protection of civil rights and fundamental rights, even in the absence of a written constitution. In *Israel Communist Party v. Mayor of Jerusalem*, (15 P.D. 1723, Aug. 8, 1961), a city law banning election posters which contained libelous or seditious matter was invalidated as contrary to the fundamental conceptions of democracy. In *Israel Film Studios v. Film Inspection Board*, (16

P.D. 2407, Dec. 10, 1962) the Court warned that Government should not attempt to suppress information even where it thought that such information was misleading and did not truthfully reflect the problem. The film showed police arbitrarily and unjustifiably attacking peaceful citizens and dragging them from their homes. The Court cited the Universal Declaration of Human Rights of the United Nations and United States Supreme Court decisions on the First Amendment to show that freedom to obtain information is but a subdivision of freedom of thought and expression. In *Peretz v. Kfar Shmaryahu Local Council*, (16 P.D. 2101, Nov. 7, 1962), the court stated that freedom of religious cult and practice was one of those inalienable and fundamental rights guaranteed to every citizen of Israel in the Declaration of Independence and flows from the principles of democracy and the rule of law on which the State is founded.

It is therefore clear that any law passed by the Knesset which may be inconsistent with property rights and freedom of religion must be interpreted to avoid any conflict with such basic and fundamental human rights.

### *United Nations Documents*

The United Nations adopted a Universal Declaration of Human Rights on December 10, 1948. This document is not a binding treaty but is merely an authoritative expression of world opinion on the subject. To implement the Declaration, the Human Rights Commission of the United Nations has drafted a number of conventions which will be submitted for ratification to member states. Two of these conventions were approved by the General Assembly on December 16, 1966 and are now in the ratification process. These are the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. The Commission is now working on the Declaration of Elimination of all Forms of Religious Intolerance, and several articles of this convention are in final form at present. Israel has been an active participant in the drafting of all these documents.

The general principles contained in these documents are that fundamental human rights are paramount and should not be tampered with except for the most urgent and cogent reasons. While not dealing with religious rights generally, the Universal Declaration of Human Rights (Article 18) and the International Covenant on Civil and Political Rights state: Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals, or the fundamental rights and freedoms of others. In all other instances, everyone shall have the right to manifest his religion or belief in worship, observance,

practice and teaching. (Covenant, Article 18; Universal Declaration, Articles 18 and 29). States are under an obligation to provide effective remedies for the enforcement of such fundamental rights by competent national tribunals. (Covenant, Article 2; Universal Declaration, Article 8).

In order to understand the proper boundary of state police powers, we may use the guidelines set down by the United States Supreme Court in *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 639, where it stated:

*In the interest of general welfare, therefore, the state may regulate the conduct of its citizens, even when contrary to an individual's religious beliefs, but such restriction can be justified only to prevent grave and immediate danger to interest which the state may lawfully protect.*

This rule is followed generally by all American courts to invalidate any legislation infringing upon religious rights of a citizen unless the State can show that such legislation is an absolute necessity to protect the public health and safety.

In order to understand the type of religious practices envisioned in the Universal Declaration and Covenant, we can study the draft Covenant on the Elimination of all Forms of Religious Intolerance. Article VIII of 1964 text reads:

*The prescriptions of the religion of a deceased person shall be followed in all matters affecting burial customs, subject to the wishes, if any, expressed by the deceased during his lifetime, or failing that, those of his family.*

Article IX reads: "Equal legal protection shall be afforded to all cemeteries or other burial places and also to the funeral and memorial rites of all religions and beliefs."

Article X reads: "All acts directed or intended to prevent or to restrict the freedom of religion or cult shall be prohibited."

The Final Draft of the Convention has kept the same concepts with a slight modification in text. Thus, Article III of the Final Draft provides that States shall ensure to everyone in their jurisdiction equal legal protection for the rites, ceremonies, activities and places of disposal of the dead. [See U.N. Document E/CN.4/920, 21st Session]. Arcot Krishnaswami, the Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, which drafted the original text of the Covenant, explained in his study, that as a general rule, the prescriptions of the religion or belief of a deceased person shall be followed in matters affecting burial and funeral rites, and that this was accepted generally as part of freedom of religion. It is therefore clear that a State may not order



an autopsy in violation of the religious beliefs of a deceased unless it is an absolute necessity to protect public health and safety such as in cases of public epidemics or criminal activity.

### Laws in Democratic Countries

With few exceptions, the statutes of almost all democratic countries require the consent of the next-of-kin (or of the decedent during his lifetime by will or other written instrument) to authorize an autopsy. The only cases where such consent is not necessary is where the death occurred under suspicious circumstances and if a crime may have taken place, or where the public health is at stake. This rule is based on the concept that the family's duty to bury its dead also carries with it a quasi-property right to effectuate such burial in accordance with the wishes of the deceased or the family. Post-mortem operation, however slight, is considered an interference with the right to give the body a proper burial. The degree of mutilation of the body will not affect liability, although it may affect the quantum of damages, since the basis of damages is the mental pain and suffering caused to the family. Where the autopsy is intentional, punitive damages may also be awarded. (*Annot.* 83 ALR2d 956,957). In a recent case, an appellate court awarded \$3500 as damages for an unauthorized autopsy. (*Cremonese v. City of New York*, 23 AD2d 861, 259 NYS2d 235, rev. on other grounds, 17 NY2d 22). Damages are awarded even where a hospital acted with the consent of a coroner where the hospital was aware of the cause of death from the patient's medical history but desired to confirm it. (*Gould v. State*, 181 Misc 884, 46 NYS2d 313).

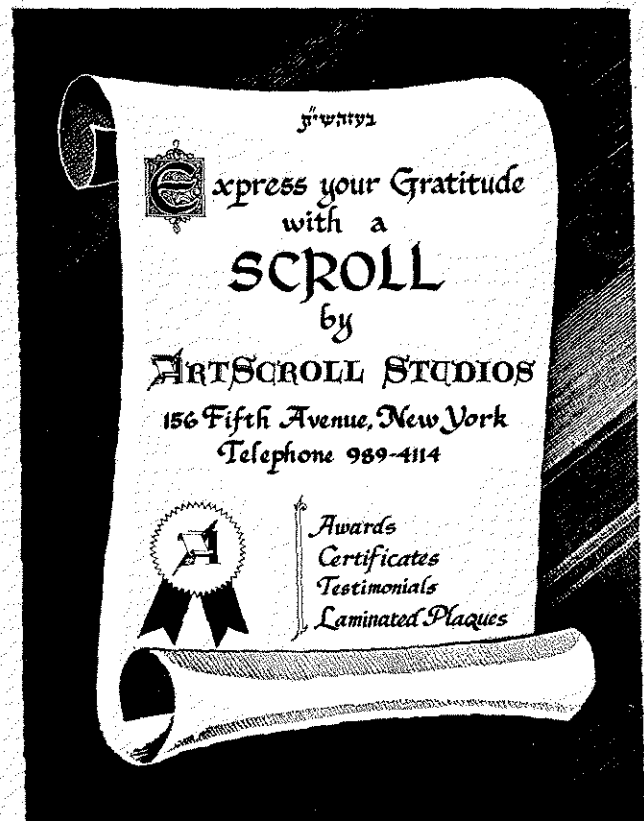
While American courts have never gone into the question of religious beliefs in relation to autopsies since the Christian churches have no objection on religious grounds to an autopsy (provided that the portions are eventually buried), the courts have developed a property concept in a dead body and will not allow the taking of such property without the assent of next of kin except where required for some urgent public necessity or the imperative needs of justice. In *Danahy v. Kellog*, 70 Misc. 25, 126 NYS 444, the court refused a request to discover and dissect a human body to determine the cause of death for use as evidence in a civil action. It stated: *If the article to be inspected were a piece of machinery, instead of a human body, the court would not be warranted we think, in making an order permitting the machinery to be taken apart, and part of it carried away for the purposes of further examination. Much less could the court be justified in permitting an autopsy on a human body.*

It may therefore be said that under the prevailing rule of law in democratic societies generally, a human

body has at least the same degree of legal protection granted property generally, and may not be confiscated by the State for whatever uses it sees fit, except under the most extreme circumstances.

While it is true that knowledge obtained from autopsies has been useful to medical knowledge and many discoveries would not have been possible without them, the legislatures have seen fit to preserve the autonomy of the person and his family over the disposal of his body and to leave the decision of whether or not an autopsy is to be made to them, on the theory that the individual right to burial should not be subordinate to the general interest of society to further medical knowledge.

As a democratic state, Israel has a duty to protect the rights of its citizens to live as they see fit, without infringing on their right of burial and/or their religious beliefs on the conduct of such burial. This right is both a property right and one of religious freedom. In order to secure this right, an unauthorized autopsy should subject the person performing it to civil and punitive damages as well as criminal liability. A method of private enforcement by civil suit is crucial in whether a law will be honored or violated, where the state authorities show little or no inclination to prosecute violation of the law. □



# Israel Digest

Menachem Greenberg

## Autopsy Crisis Still Unresolved — Hadassah Closes Pathology Labs To Two Orthodox Hospitals

The autopsy crisis returned to the headlines of Israel's press with reports of new abuses, mass demonstrations, threats, and high-level government negotiations.

A demonstration in B'nai B'rak was sparked by events following the death of Rebbitzin Sarah Rachel Nadel, wife of the Rosh Yeshiva of Kollel Chazon Ish. Rebbitzin Nadel, who was 42 and left nine children, had been under treatment at the Tel Hashomer Hospital, where officials had assured Rabbi Nadel that in the event of death the body would not be dissected. As several thousand persons gathered for the funeral, an incision was discovered on the body near the heart. Upon inquiry, hospital officials explained that the patient had died of heart failure, and the incision was made in an attempt to save the patient's life by open-chest heart massage. When the incision was opened it was discovered that the heart had been removed. When word seeped out to the waiting mourners, an angry crowd began to march in the direction of the hospital. Mayor Weinberg, of B'nai B'rak, asked the mourners to turn back, and personally headed a delegation to the hospital, where the director turned over the heart in a nylon container.

At the B'nai B'rak demonstration, Gedolei Torah lead the masses in prayers traditionally recited in the face of *gezeros* (oppressive decrees). The crowd, half a kilometer long, then marched to the home of the Chazon Ish, where Chief Rabbi Yaakov Landau of B'nai B'rak, pleaded with the Mizrahi partners in the Eshkol coalition to threaten to leave the coalition over this issue. He bemoaned the fact that in the Holy Land it had become necessary to gather to protest against edicts promulgated and enforced by Jews against their brothers.

During *Chol Hamoed Pesach*, the body of Rabbi Moshe Gottesman, an 80-year-old former resident of the Bronx, was returned from Tel Hashomer Hospital with plastic eyes which had been placed to conceal the removal of the eyes. The hospital had promised the family that the body would not be tampered with. After strong demands, the eyes were returned for burial with one cornea missing.

In the wake of the protest demonstration, Eshkol directed Minister of Health Israel Barzilai, a member of Mapam, to appoint a commission of inquiry to investigate the Nadel incident. Barzilai appointed no religious personalities to the commission, and as chairman, selected Dr. G. Gjebin, Director-General of the Ministry of Health, who strongly supports the present autopsy law and who issued the directive to all government hospitals instructing them to refuse admission to any patient who demands assurance that his body will not be dissected should he die there.

MEANWHILE, Eshkol cabled a reply to four American non-Orthodox organizations—the American Jewish Committee, the Rabbinical Assembly, the United Synagogue of America and the Union of American Hebrew Congregations, which had joined the world-wide protest. He told them that reports of abuses had been greatly exaggerated, but that he and Justice Minister Shapiro were negotiating with religious and medical authorities for the drafting of a new autopsy law. On April 10th Eshkol and Shapiro conferred with Agudath Israel's Knesset deputies and assured them that the new law would not contain an ambiguous clause about *pikuach nefesh* exceptions which would render the law meaningless, but would interpret *pikuach nefesh* "by the *Shulchan Aruch* as established by the *Morei Horaah* (*poskim*)."

But on May 3rd, in another meeting with Agudah Knesset leadership, together with Shapiro and Barzilai, the Prime Minister spoke in general terms about introducing a new autopsy amendment within ten days, but refused to commit himself on details. The Agudah leaders left the conference with expressions of grave dissatisfaction.

Rabbi Joseph B. Soloveitchik, honorary chairman of the World Mizrahi-Hapoel Hamizrachi Organization, in a cable to the Israeli Mizrahi leadership, insisted that the Mafdal must resign from the government coalition if the autopsy problem is not satisfactorily resolved. In a cabled reply, Interior Minister Moshe Chaim Shapiro of Mizrahi, assured Rabbi Soloveitchik that Mafdal shares his concern and that the crisis would soon be resolved. Rabbi Soloveitchik then cabled to Shapiro a warning against accepting any compromise solutions in this issue.

IN TEL AVIV, a group of American rabbinic leaders now living in Israel presented to the United States Embassy a petition signed by 1,500 Americans living in Israel, requesting their government's protection against autopsies that might be performed on them if they died in Israeli hospitals. The delegation, led by Rabbi Jona Horowitz, formerly Rosh Yeshiva of the Be'er Shmuel Yeshiva in Brooklyn, and Rabbi Hersch Kohn, whose wife's body was mutilated in Hadassah Hospital last year, asked that they not lose their rights under Amer-

ican law which prohibits autopsies unauthorized by the family except in rare cases.

IN JERUSALEM, Dr. H. Unger, Director of Hadassah Hospital's Pathology Department, informed the two religious hospitals, Shaarei Zedek and Bikur Cholim, that as of May 3rd, his department would cut off pathology services to them because "recently there has been an unfounded campaign of defamation against doctors engaged in the field of pathology, and it is known to me that circles close to the administrators of certain hospitals identify themselves with these defamations." Neither of the religious hospitals has its own pathology department, and both have been sending specimen tissues for analysis to Hadassah Hospital, which has the necessary facilities to detect cancer and other diseases.

Dr. Unger warned that these services would be terminated "until such time as the administration announces publicly and in the press that they want my services and those of my colleagues."

Shaarei Zedek replied in a newspaper declaration expressing appreciation for Hadassah's assistance in the past, but condemned forced autopsies, and compared it with the practice of forcibly removing blood or limbs from a person—universally prohibited even in an emergency. Operations on living persons, the hospital wrote, require the patient's consent, and his death does not transfer the rights of his body to any doctor or hospital.

In a Knesset address, Health Minister Israel Barzilai listed seven American Jewish hospitals as proof of his contention that American hospitals have high autopsy rates. Responding to a poll conducted by Agudath Israel of America, five of these hospitals—Mount Sinai of Chicago, Beth Israel of Boston, The Jewish Hospital of St. Louis, National Jewish Hospital of Denver, and Mount Zion of San Francisco—said that Barzilai's figures were approximately correct but that no post-mortem operations are performed without the permission of the deceased's family. "To do otherwise," wrote one director, "would make us liable to major legal action by members of the family."

## 16,675 Study in Israel Yeshivos

New figures released by the Ministry of Religions show 16,675 persons studying in Israeli yeshivos. Included in this sum are 2,577 *kollel* students, 4,185 in *yeshivos gedolos* (age 17 and up), 4,020 in *yeshivos ketanos* (age 13 and up), 3,934 in yeshiva high schools, and 1,959 in yeshiva vocational schools.

The Ministry contributes IL 2.6 million (\$867,000) or 15 per cent of the annual operating budgets of the yeshivos.

Of the one thousand students from outside Israel, 518 are from the United States, 121 from Great Britain, 66 from Belgium, 58 from Switzerland, 54

from South America, 40 from France, 20 from South Africa, and small numbers from Australia, Austria, Italy, Denmark, Holland and Germany. One hundred and three of these are heads of families who arrived in Israel with their families.

## Bar Mitzvah — "Kibbutz-Style"

The secularist kibbutz movement has published *Yalkut Bar-Mitzvah 5727*, a compendium of source material for the observance of Bar-Mitzvah kibbutz style. As one of the authors writes, "We wish to adopt the milestone of Bar-Mitzvah for our path as part of our educational system and adapt it to our secular movement way of life. . . . In my opinion, Bar-Mitzvah has no other implication but that henceforth the boy is punishable, a qualified witness, is counted as a full-fledged member of a religious quorum, etc. Since we are impoverished in faith, do not observe, let us not be hypocrites by sanctifying things which are not true to our everyday lives."

The book does contain a description of the traditional Bar-Mitzvah observance, but this, according to Aryeh Newman, in a review of the book, is practiced in few kibbutzim. "The general pattern," says Newman, "is one of thirteen tasks set for the youth connected with scouting, and the display of self-reliance in various spheres of his everyday existence on the kibbutz. The only thing in common with the traditional Bar-Mitzvah is the date—the seventh grade of elementary school—around the thirteenth year.

"The cornucopia of traditional material is purely informative," continues Newman, "placed side by side with articles on puberty and fertility rituals in primitive tribes. Traditional benedictions are often quoted, but humanist and secular interpretations are appended. The starting point is the physical change the boy and girl feel around Bar-Mitzvah.

"The G-d mentioned in the Bible is remade as the G-d within us. The *mitzvah* refers to those social duties devolving on each member of the collective. The Biblical triplet ("V'eyrasteech . . .") the worshipper recites as he winds the tefilin thrice round the middle finger is thus interpreted: "I will betroth thee unto Me forever"—*I hereby make a covenant between me and the movement, not for a moment but forever.* "I will betroth thee unto Me in righteousness and in judgment and in loving kindness and in mercy"—*I make my covenant with the teaching of Judaism which is a law of justice and mercy.* "I will even betroth thee unto Me in faith"—*in faith in man and society.*" The latter half of the third verse—"and thou shalt know the Lord"—apparently is omitted.

Instead of the father reciting the customary *Boruch Shep'torani*—"Blessed be He who has freed me from punishment for this child's sins"—the children recite

"Blessed are we that we have bound ourselves this day to the kibbutz and the movement."

Encouraged by what he calls a "shift in attitude from an ideology of indifference to things Jewish, to one including at least a knowledge of tradition," Newman concludes that the book "portrays most effectively the attempts of secular educators to anchor themselves as much as possible in Jewish tradition and at the same time scrupulously divorcing themselves from any suggestion of religious belief or practice."

### **Knesset Debates Radio and TV**

A Knesset debate on Kol Yisrael, the Government-owned radio broadcasting authority, brought sharp criticism of the anti-religious character of the programming. Among the accusations voiced by members of Knesset from various parties were: (1) Kol Yisrael fails to report news of religious significance and never interviews visiting Torah personalities, although non-Jewish writers who arrive are hotly pursued for interviews; (2) mass demonstrations by religious Jews are reported contemptuously; (3) speeches by religious Knesset members are misquoted or quoted out of context; (4) recordings of deceased *chazonim* are broadcast on Shabbos and Yom Tov; (5) Kol Yisrael's best programs are broadcast on Friday night and Shabbos; (6) the authority's religious department consists of 4 persons, out of a total of 538 employees of Kol Yisrael; (7) instead of being a national institution representing all shades of opinion prevalent in the nation, Kol Yisrael is an instrument of the dominant political party.

In another Knesset debate on the establishment of a government-owned television broadcasting system, the religious parties expressed fears that the ruling party would gain control over a still more powerful mass medium and use it as a propaganda instrument for its own benefit. They also expressed concern over the demoralizing effect television would have on the nation's youth, especially in view of the fact that receivers would pick up the Arab channels as well. Anti-Israel tirades, belly-dancers, and old movies are among the regular fare on Television Cairo, Damascus, Beirut, and Riyadh.

### **Transistors Blast on Mt. Zion**

In a letter to the editor of the *Jerusalem Post*, Rabbi Dr. S. M. Lehrman, who retired to live in Jerusalem after serving for many years as a rabbi in England, complains about the desecration of Mt. Zion by "a constant procession of cars and luxurious streamlined coaches right up to the very entrances of the Holocaust Cave, the Tomb of David, and other sacred places on this historic site. This traffic does not even rest on the Shabbat, when a more rarefied, spiritual calm should

prevail in opposition to the raucous, hurly-burly of the life below throughout the week.

"The screeches of the horns sounded by impatient drivers, the jazz and Beatle music coming from transistors and car radios, as well as from the loud voices of those 'pilgrims' who are 'doing' the holy places of Jerusalem, actually disturb the services in the miniature synagogues held regularly on the eve of the day of Shabbat and festivals."

Rabbi Lehrman said that Mt. Zion was "gradually becoming a replica of a popular English seaside resort on a national bank holiday."

Another letter-writer asked that motorcycles be banned on Shabbos in Jerusalem. Ethel S. Cohen, a New Yorker, wrote: "You cannot imagine how moved I was by the quiet of the Jerusalem streets Friday night and early Sabbath morning—which the obnoxious, noisy motorcycles completely destroy. . . . The motorcycles are earsplitting, as well as bearers of noxious fumes which pollute the otherwise lovely air of Jerusalem."

### **Missions Sue Government For Right to Build School**

The Israeli Supreme Court has ordered the Minister of Social Welfare to defend its refusal to grant a permit for the opening of a missionary institution in Haifa. The Welfare Ministry had insisted that the American-European Bethel Mission agree to accept only Christian children in their institution.

The Mission claimed that Israeli law does not prohibit the attendance of Jewish children at missionary institutions, and that the Welfare Minister had thus overstepped his legal authority. Quoting the United Nations Charter's advocacy of religious freedom, the Mission declared that it does not seek the conversion of children through its institution, but rather works for the conversion of the children's parents.

### **Bill Would Empower Government To Force Work on Shabbos**

A "Time of Emergency" bill now in Knesset Committee would empower a cabinet Minister to declare a state of emergency and compel citizens to work on Shabbos and Yom Tov. In opposing the bill, religious-party spokesmen said that Orthodox Jews had certainly done their share during the War of Liberation and the Sinai Campaign, but that work on Shabbos in case of emergency could be sanctioned only by qualified rabbinic authorities.

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# second looks at the jewish scene

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## Stirring the 'Dialogue' Pot

Attempts to further involve Jews in "dialogue" with Christians continue unabated. In March the Commission for Catholic-Jewish Relations of the National Conference of Catholic Bishops issued "guidelines for Catholic-Jewish Relations" which were immediately "hailed" by the American Jewish Committee. (B'nai Brith's ADL did their own "hailing" in a release to the press distributed before the Bishops' statement had been made public.)

Prominent in the Bishops' guidelines was point seven which states: "It is understood that proselytizing is to be carefully avoided in the dialogue . . ."

While men still hoped to fulfill the alchemist's dream, someone insisted he had found the way:

*If you stir a pot of lead, while not thinking of the word 'crocodile' . . . it will turn to gold.*

In spite of all Catholic protestations to the contrary, we still find it impossible to understand how Catholics engaged in 'dialogue' with Jews—or any non-Catholics—can in fact avoid proselytization. Any doubts that others may have should be quickly dispelled by a recent work, *The Missionary Dimension* (The Bruce Publishing Co., Milwaukee, 1967) which bears the *imprimatur* of the Church. In the words of the publisher, its author, "an expert on the missionary activities of the Catholic Church comments upon the impact of Vatican II on this vitally important apostolate . . . [and] how the work of

the Council has led to viewing the missionary activity of the Church in a new perspective."

In the author's preface he makes it perfectly clear that "The decree *On the Missionary Activity of the Church* . . . makes implicit and emphatic a doctrine that is implicit in the *Constitution on the Church* . . . [and] while it does not constitute the whole work of the Church, missionary activity does and must operate as an 'inherent dimension' in the thinking and all the other activities" of the Church. In his final paragraph, the author closes his work by quoting from the *Decree On the Missionary Activity of the Church*:

*Since the whole Church is missionary, and the work of evangelization is a basic duty . . . this Sacred Synod invites all to a deeper interior renewal, so that, having a vivid awareness of their responsibility for spreading the Gospel, they may do their share in missionary work among the nations.*

We submit to the Bishops, that the clear meaning of this Vatican decree makes it impossible, however well-intentioned they may be, to enter into 'dialogue' with Jews, while having no thought of proselytization, or "carefully avoiding" it.

THE *Reconstructionist* magazine in an editorial on April 14, 1967, welcomes the Bishop's guidelines, but expresses the fear that 'dialogue' may degenerate into entertainment simply to draw large numbers to

"synagogues, temples and centers." They urge that Jews "follow the lead of the non-Jews" and set up "Jewish guidelines for 'dialogue'." But this is precisely the rub—given the complete chaos that is the pattern in American Jewish life today, it is utter naive to hope for guidelines; it takes no prophetic vision to project the absurdities that will be perpetrated upon American Jewry under the catch-all drive for 'dialogue.'

In recent weeks, we have had some indications of what we can expect. In no society in the world can something become a fad as quickly as in America—and 'dialogue' is quickly becoming "in" and absurd. A new synagogue is dedicated in Jackson, Mississippi, and the mezuzah is placed on the entrance by Catholic and Episcopal clergymen; a congregation installs its new rabbi (Philip Hiatt, former vice-president of the Synagogue Council of America) and *The New York Times* heads the story: 2 CHRISTIANS HELP TO INSTALL RABBI. A full-page ad in *Time* Magazine proclaims in large bold-type: FROM THE JESUITS OF WHEELING COLLEGE: SHALOM!—it is an appeal for funds (to Jews?) to pay for a \$1.5 million library for the co-ed institution which, "in the spirit of the Ecumenical Council, is pioneering in Jewish studies." The word 'dialogue' itself has become a fad-word: people who in the past would content themselves with conversation or discussion, now insist on having 'dialogue.'

The Torah leaders of Orthodoxy have given us the most sobering guideline: *that we respectfully de-*

cline all invitations to 'dialogue' while striving for the friendliest relationships with all of our fellow-Americans. We pray that, before it is too late, our fellow Jews who are not normally cognizant of Torah

leadership, will in this instance at least, recognize its wisdom.

WHILE THERE HAS BEEN general agreement within Orthodoxy on the dangers of 'dialogue,' the Rabbinical Council of America and the Union of Orthodox Jewish Congregations of America were scheduled to take part in a conference with Protestant and Catholic clergy. The conference was arranged by the Synagogue Council of America, the National Council of Churches, and the National Conference of Catholic Bishops.

It was this conference which was described by *The New York Times* as opening "a new phase" in Christian-Jewish 'dialogue.'

In late March, three national Orthodox rabbinic bodies sponsored a meeting in New York City to protest Orthodox participation in the Boston conference. A resolution adopted by leaders of the Agudas Harrabonim, the Agudas Ha'ad-morim, and the Igud Harabbonim (Rabbinical Alliance) expressed deep interest in "the maintenance of friendly relations between Jews and non-Jews" but declared that in "the sphere of religion there must be a complete separation," and that religious bodies should not participate even in conferences "that are designed for discussion of civic and social problems." Such conferences, the resolution continued, "are fraught with peril to Judaism," and RCA and UOJCA were urged to withdraw.

On April 19, the Union of Orthodox Congregations of America announced, following a meeting of their Board of Directors, a unanimous decision "not to participate in, and to dissociate itself from" the Boston conference sponsored by the SCA, the National Council of Churches, and the National Conference of Catholic Bishops.

In its resolution announcing its withdrawal, the UOJCA stated: "It is the position of our Union that interreligious dialogues or colloquiums—whether or not intended to involve inter-changes on theology or doctrine—contribute to and are identified in the public mind with the ecumenical movement. This movement of its nature is directed to the fusion of faith communities, and is to be fundamentally differentiated from the objective of advancement of the mutual social in-

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terests of the several faith communities.

"In view of the foregoing, it is the policy of the Union of Orthodox Jewish Congregations of America that henceforth it shall not authorize the participation by the Synagogue Council of America in interreligious dialogues, colloquiums or similar undertakings." UOJCA expressed the hope that SCA would withdraw from the Boston Conference since they could not represent all three of their constituent groups. However, SCA has refused to withdraw and the Ford Foundation has announced a grant of \$36,500 to the Synagogue Council to subsidize the Boston Conference for which SCA is acting as "fiscal agent."

At the same time, the Rabbinical Council of America in a separate statement, announced its own withdrawal from the Boston Conference. The RCA statement notes that they have long been aware of the dangers inherent in 'dialogue' and have cautioned Jewish groups not to participate in "discussing theological problems which can only cause embarrassment to and inflict untold harm upon the good relationship prevailing between the Jewish and non-Jewish communities." However, RCA insisted that they still deem it necessary that in the area of "social legislation and ideology," "full cooperation and coordination of efforts . . . be furthered and promoted." While insisting that the Boston Conference was in keeping with their guidelines, they listed two reasons for withdrawal:

1. "The fear that an erroneous impression might be created especially within the Jewish community, that we Jews were somehow part of the ecumenical movement of Christian unity. The Jews as a distinctive faith community have no part in Christian theology and tradition."
2. ". . . the projected Boston Conference has left the impression that the Jewish community, particularly its orthodox seg-

ment has revised its attitude toward ecumenism. . . . Accordingly, the Rabbinical Council of America feels impelled to request the postponement of this conference, and to announce that it will not participate."

In essence, RCA, the Union's rabbinic arm, has for the time being not clarified its future position, while the Union itself has committed itself to the use of its veto power to close the door on SCA participation in any proposed 'dialogue.'



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I will do my best to serve and unite all sections of the community, but I am not prepared to replace the Torah by an umbrella, either open or closed, as the symbol of my office.

Never forget the immense tragedy of our religious differences; should your and our hearts not bleed with grief when we, your brothers and heirs to a common tradition, cannot worship in your synagogues, cannot eat in your homes, and sometimes cannot even marry your sons and daughters, because laws which we recognize as divine and sacred have become meaningless to you; because what has united us for thousands of years now estranges us.

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## The Sacred and the Secular

The American Jewish Committee is the “iceberg” of organized Jewish life in America: It is loosely lumped together with other national Jewish agencies; it gains a fair share of press coverage—yet most Jews are unaware of the immensity of its structure. AJC has the largest staff of professionals; its influence is felt in Washington, and through its field offices, in the capitals of the world. Its influence is felt in the State of Israel through its headquarters there (located, significantly, in Tel Aviv, rather than in Jerusalem), and its influence in Rome has become increasingly evident since the Vatican Council.

The AJC is headed by lay presidents who come and go, but its Executive Vice-President, Dr. John Slawson, identified in AJC releases as “social scientist,” is its de facto leader. Slawson recently published *Toward A Community Program for Jewish Identity*, a twenty-page brochure outlining his thinking, in

which he calls for “fresh thinking and bold action to make Judaism as ‘intellectually attractive, emotionally satisfying and esthetically enjoyable’ as it has been in the past” (AJC release 4/12/67).

Slawson notes a shift in the historical purposes of AJC: “When we first became concerned with Jewish identity . . . some two and a half decades ago . . . we were interested in the position of Jews in relation to other groups—particularly to Christian society. We felt that to be treated as an equal, one must consider oneself equal. . . .” Declaring that “America’s Jews have ‘arrived’—if not completely, at any rate very nearly,” Slawson concludes:

“In keeping with the Jews’ generally high status [in their cultural level and their economic and social status], Judaism today is regarded as one of America’s three major faiths, on a par with Protestantism and Catholicism—a position it appears certain to retain, thanks in

large measure to the Ecumenical Council’s declaration on the Jews, promulgated in 1965. . . .”

However, in spite of having “arrived,” thanks to the American Jewish Committee and the Ecumenical Council, Slawson unhappily notes that “a certain malaise pervades the Jewish community of the United States—a malaise which stems, in large part, from confusion about Jewish identity. The signs of pathology are clear. Few children, young people or adults are reached with real effectiveness by Jewish education or religious institutions. Inter-marriage is increasing; college students are indifferent to their Jewish commitment, and alienation, often to the point of apostasy, is rife among them. At the same time, many of the younger people seem to feel an unsatisfied hunger. They want to know, to feel, to appreciate. It seems as if a spark were waiting to be fanned into flame.”

We can readily agree with Dr. Slawson’s diagnosis of the Jewish malaise — but not with his prescribed remedies:

“For the Jew who has become more or less alienated from his tradition, finding a group identity can be a troublesome matter. Assuming that Jewish piety no longer means much to him, should he make a clean break and embrace Protestantism or Catholicism? Some will and some do. But not many—if only because it is no longer difficult to be a Jew, no longer *shver tzu zein a Yid*. The burdens and handicaps that used to go with minority or immigrant status have largely disappeared.

“Given the persistence of ethnic identity, a Jew in present-day America needs to accept himself as a Jew if he is to be a whole person. The question is: What does being a Jew mean to him? What does it have to do with his life experience? A Jew who no longer responds to the devotional elements of Judaism may answer these questions by embracing the secularism that more and more pervades our society gen-

erally, while retaining his Jewish affiliation. He can easily do so because religious practice itself is taking on a more secular form—particularly the Jewish religion which has never made much of a distinction between the religious and the secular. In Jewish tradition, the distance between the sacred and the profane is small.”

Slawson, proposing—or at least ready to accept—the elimination of the sacred from Judaism, then suggests that AJC’s constituency is most uniquely prepared to assist “in changing the very course of Jewish life in America, [since] we have the advantage of not being committed to any one branch of Judaism: Orthodox, Conservative or Reform. . . . Our leadership consists of men of high caliber, respected in the general American community and influential in Jewish affairs.”

(We note in passing that in announcing the election of officers at the last convention of AJC, the biographical data showed several memberships in Phi Beta Kappa, a Doctorate in Jurisprudence, and a good number of *summa cum laude* honors, but not a single reference to any Jewish educational achievements by the leadership that is so eminently qualified to “change the very course of Jewish life.”)

DR. SLAWSON’S PROPOSALS for Judaism, stripped of the jargon of the social scientist, are in the good old American tradition: “If y’cant lick ‘em—join ‘em.” And in support of his thesis that a secularized Judaism is the remedy for our malaise, he cites the “fact” that “the Jewish religion . . . has never made much of a distinction between the religious and the secular.” We don’t know who thought of this first, but Edward Fiske, Religion Editor of *The New York Times*, writing on Christian theologians’ new approach to the secular, notes that “they are showing a new interest in Jewish thought, which never made the distinction Christians did between the sacred and the secular.”

We have only to look at the Torah concept of *havdalah*, wherein we differentiate between “*kodesh* (the sacred) and *chol* (the secular); between light and darkness; between Israel and the Nations; between the Seventh Day and the six days of labor,” to recognize that Judaism is indeed most concerned with the difference between the sacred and the secular. And when the Sages sought to place the *havdalah* into the *Shmone Esrei* at the close of Shabbos, they singled out the *brocha* in which we give thanks for the understanding (*daas*) bestowed upon us by the Almighty—“for if there is no understanding, from whence shall come the capacity to differentiate?” It is the capacity to differentiate which is the substance of knowledge.

But Slawson has not cut his new Judaism out of whole cloth. While Judaism sharply delineates the sacred from the secular, it does not deprecate the secular; it seeks, on the contrary, to sanctify the common-place, to elevate the mundane to the spiritual realm. The table at which a Jew takes his meals is likened to the *Mizbeiach*—indeed it becomes an altar when he sanctifies his bread by recognizing its source and its purpose. More so—without the secular there can be no sanctity; without the mitzvohs which require the use of one’s physical self, of physical objects and artifacts, the Jewish soul would be stifled. The Jew takes some sheets of wood, two-by-fours, bamboo sticks, a length of wire and an electric bulb, and fashions a *succah* in which he envelops his entire body in the performance of a mitzvah, and thereby draws himself closer to his G-d; and the most profound philosophic discourse on man’s dependence on G-d, is no substitute for a *succah*.

In essence, the Jew seeks to elevate the most mundane aspects of his life to the spiritual level; in every area of human existence, the Torah speaks to the Jew and thereby sanctifies his every act. In this

sense, we could readily agree that “Judaism never made much of a distinction between the religious and the secular.” But to remove the sacred underpinning of the secular; to remove “Jewish piety” from Judaism, and to maintain that one is yet left with a viable Judaism, is to maintain that if two parts of an organism are not generally distinguished from each other, then the removal of one will not seriously impair the organism. It is those movements in Jewish life which have attempted to divorce Jewishness from the sacred, that have given birth to the “alienation, often to the point of apostasy” of Jewish youth; and it is precisely that kind of “Judaism” which makes many of our “younger people seem to feel an unsatisfied hunger,” as Dr. Slawson himself puts it.

Dr. Slawson writes further of an inspiring experience at a Brandeis Camp Institute weekend, when a Dr. Bardin “completely demolished the notion that the Sabbath is a day of restriction and denial, and brought out its traditional role as a day of joy, study and contemplation, with no limitation except the ban on work—as the day when one ‘switches off’ the concerns of the everyday world. This ever-inspiring conception, together with the time-hallowed Sabbath ritual, seemed to give many of the participants their first true realization of the meaning of prayer, of personal communion with one’s G-d.”

It is good that Dr. Slawson should discover and experience something of the real nature of Shabbos. He urges that the methods used at the Camp be studied by “a team composed of an educator, a sociologist and a psychologist” to determine if the experience ‘could be duplicated elsewhere.’ We are certain that there are among our readers any number of Jews who would welcome Dr. Slawson as their house guest for a Shabbos or Yom Tov, where he would find a rich spiritual experience, based, in his own words, on “communion with

one's G-d," not a secularism void of the sacred and the spiritual. THE American Jewish Committee has gained the respect of many circles in this country by studies they have conducted in measuring attitudes and beliefs of Jews and non-Jews. As a Jew whose heart

yearns to be united with the heart of every Jew, we propose that the Committee utilize its vast resources to study Orthodox Judaism as it is lived today in Williamsburg, in Boro Park, in Monsey, in Memphis, in Los Angeles — wherever they choose. Such a study would, we

believe, demolish many false notions, and could be a major factor in bringing about better understanding between Jew and Jew, and a better understanding of the marriage of the sacred and the secular which is at the heart of Judaism.

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# Letters to the Editor

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## *Praise . . . and Criticism*

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To the Editor:

I have been reading this monthly with great interest ever since I returned from my visit to New York last spring. I feel that I would like to tell you how greatly this publication is appreciated by readers like myself, who, though not being a member of Agudath Israel, yet find in its columns a courageous and generally well-balanced formulation of the Torah-true point of view vis-a-vis the present internal Jewish situation. The recent articles by Rabbi Danziger and Harav Gifter were, in my opinion, most valuable contributions towards a clarification of our spiritual and political issues. So was Professor Glick's *Time For a Change*, the publication of which in THE JEWISH OBSERVER was a pleasant surprise to me.

May I voice one word of criticism. The news columns from Israel are filled almost exclusively with items picturing the desperate struggle against Torah laws and Torah values, which is being waged by state agencies and individuals. All these items are true, and more could be added to them. However, knowing as I do your deep attachment to Eretz Israel in its various aspects, I am sure you appreciate that this picture could be taken as a deliberate attempt to paint all shades without any light. Surely I need not tell you that there is very much

light in our land, even as it is today, and it shines all the more brightly, the more darkly the shades appear to threaten us.

There hardly have ever been so many yeshivos and so much Torah learning in our land as at the present time. There have never been so many and so widespread Torah-true settlements and neighborhoods. The percentage of religious schools of all shades is on a steady increase.

I for one firmly believe that the present anti-Orthodox agitation is not activated by hatred but by fear, a deep fear of what Israel will look like in 20-30 years when the influence and sheer numerical strength of Orthodoxy in Israel will be much more marked than even today. The birthrate among Orthodox Jews is so much higher than among the others, and the number of religious Jews among the waves of emigrants from Israel is negligible.

I am quite sure your Israel news column can easily be balanced regarding "good" and "bad" news, without incurring the danger of being made to look like a Zionist propaganda sheet.

I hope you will not take my criticism amiss. Most other pages of THE JEWISH OBSERVER are of such a quality and interest, that I would not gladly miss them.

MORDECHAI BREUER  
*Principal of the  
Horeb Schools  
Jerusalem*

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## *"Jews of Silence"*

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To the Editor:

Being an Orthodox Jew much in sympathy with the views presented in your periodical, I was disturbed by your claim that those individuals engaged in protesting the treatment of Soviet Jewry "look for guidance to the political and social scientists rather than to Torah and its teachers. . . ." (*The Jews of Silence*, March, 1967).

In reality, most of the public protest which took place in recent years is attributable to Orthodox Jews. Student Struggle for Soviet Jewry, the organization which has been responsible for

initiating the bulk of the major activities, is run by a handful of religious youth. Among its Advisory Council of eleven are seven Orthodox rabbis and three Orthodox laymen. The Center for Russian Jews, a recently established group, is also controlled almost exclusively by religious individuals. In addition, the American Conference on Soviet Jewry, consisting of approximately twenty-five Jewish organizations (including a disproportionate number of Orthodox ones) is headed by Rabbi Israel Miller, a former president of the Rabbinical Council of America.

Nor were the views of some of the leading Torah authorities ignored. The Lubavitcher Rebbe, for example, has no objection to protest, although his movement resorts to a different means of activity on behalf of Russian Jews. Rabbi Pinchas Teitz of Elizabeth, a former opponent of protest, returned from a tour of the Soviet Union as a strong advocate of such course of action. Rabbi Bernard Poupko of Pittsburgh experienced the same transformation. Furthermore, Rav Joseph Soloveichik has privately endorsed public protest to some young, Orthodox rabbis affiliated with Student Struggle for Soviet Jewry. In addition, Rav Aharon Lichtenstein is one of the patrons of the latter group.

Rav Henkin's opposition to a certain rally in the past was published in the *Jewish Press*. Rav A. Kotler זצ"ל was against a demonstration in 1962, but not necessarily against all protest at any time. I attempted to ascertain the position of Rav Feinstein, but his stand does not seem to be well-known. . . .

Yet this run-down should at least show that many of the Jews associated with protest are hardly persons who esteem the political scientist over the Torah teacher. Indeed, they are mostly dedicated, religious Jews (some of great Torah learning) deeply concerned with saving their oppressed brethren in Soviet Russia.

It is also vital to remember that since public demonstrations began in the last few years, there has been a marked increase in the supply of matzoh and immigration laws have been eased. More books in Yiddish were published and executions for economic crimes have

been almost eliminated. Moreover, synagogues are now being closed down at a much slower rate. And the plates of the promised *siddurim* were already shown to Americans by Soviet authorities.

Thus, at least on the surface, we may guardedly conclude that protest "works." If there is a more effective way of helping to save Soviet Jews, it should be recommended and adopted by all means. But merely standing by idly, only twenty some-odd years after the Holocaust, seems criminal. G-d only knows how many Jews we might have saved from the crematories with "protest."

ALEX LITTMANN  
Elmhurst, New York

To the Editor:

Permit me to make the following comments on your review of Elie Wiesel's, *The Jews of Silence*:

1) You should have felt obligated to have made much more clear just how strongly Wiesel felt about the need for outside protest of Soviet antisemitism. *The Jews of Silence*, as he explicitly

states, are those Jews outside Russia who do not protest. Even more significantly, you ignore the fact that virtually every Jew who spoke to Wiesel appealed (often with tears) for outside help (protests).

2) Your attempt to discredit those Orthodox Jews who have protested, by referring to their seeking guidance from "political and social scientists" is simply absurd. When you are ill, I imagine that you consult a medical doctor, because he is an expert on the subject. Is it then any the less reasonable for those who have protested to seek the advice of experts on Soviet affairs *as well as* that of Torah leaders. It is, in fact, a measure of their desire to help rather than hurt their fellow Jews.

3) Your article conveniently ignores the fact that many great Torah leaders have given their support to those who protest against Soviet policies.

4) Finally, may I say that you would be doing Jewry a great service if you presented at length the views of those Torah leaders who have counseled *against* public protests. The arguments of such great men should be carefully considered by all Jews. One can only

hope that the discussion (on both sides) will be carried on, on a level that befits the problem.

DAVID SINGER

OUR REPLY: It was not our purpose to suggest that social scientists have nothing to contribute to our understanding of how we can best serve our Soviet brothers. Their insights can be as vital to arriving at a proper Torah position, as, for example, the information supplied by a physicist in order to make a halachic decision regarding some new electronic device. However, in both cases, the *p'sak din* is rendered by the rav on the basis of data supplied by the scientist—not by the scientist himself.

Actually, the analogy may break down since the social sciences are hardly as precise as the physical sciences and the data of social sciences—unlike the physical—may be based on certain pre-conceived notions about man and society that are in conflict with Torah perspectives.

More germane to the questions raised by our readers, however, is the fact that

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—as Mr. Littman himself indicates—the preponderance of Gedolei Torah have counseled against public protest. Should these men re-evaluate, and subsequently change their position, they will then inform us—until then we are bound by their counsel. As to asking them to make public their reasoning in opposing public protest—this matter goes beyond the principle of *emunas chachamin*: It is similar to asking a government to make classified information available to the public in order to determine if it should really be classified.

Mr. Littman is himself uncertain as to the efficacy of public protest: “at least on the surface, we may guardedly con-

clude . . .” [it] ‘works.’” With similar uncertainty we may wonder if public protest has not ‘worked’ . . .

It should be noted that the alternative to public protest is not “standing by idly,” and that reference to the Holocaust in

this context can be misleading and detrimental. For a more detailed discussion, we refer our readers to *Soviet Jewry and Jewish Responsibility* by Dr. Simcha A. Neuschloss, TJO, September 1965.

—Ed.

## News of Agudath Israel

### THE LEGISLATIVE FRONT

● Herman Cahn represented the Commission on Law and Civic Affairs of Agudath Israel at a hearing in Trenton on April 5th of the New Jersey Senate Education Committee, where he presented a brief supporting a proposed law mandating bus transportation for non-public school children. The Education Committee approved this measure, which was ultimately passed by the state legislature and is now awaiting Governor Hughes' signature.

● Agudath Israel contacted key Congressmen in Washington last month to mobilize opposition to the Republican amendments (known as the Quie Amendments) to the Education Aid bill extending federal education programs for two years. The Republican amendments would have nullified the intent of the federal education aid program by presenting “bulk funds” to the jurisdiction of the State education commissions, thus menacing the opportunities of non-public school children to benefit from these programs.

● Reuben E. Gross, chairman of Agudath Israel's Commission on Law and Civic Affairs, will appear this month at a hearing of the New York State Constitutional Convention to advocate repeal of the restrictive “Blaine Amendment.”

● Governor Nelson Rockefeller of New York invited Rabbi Moshe Sherer of Agudath Israel to participate in the ceremony at his office on April 28th when he signed into law a bill enabling *Shomrei Shabbos* in civil employ to take time off for religious observance. This bill, which is of special help to the many Orthodox Jewish teachers in the public school system, was actively supported by Agudath Israel.

● The leaders of the State Legislature in Harrisburg, Pennsylvania, were contacted by Agudath Israel, to alert them to the importance of passing a bill (H.B. 559) to exclude the preparations for Shechita from the Humane Slaughter bill passed last year in that state.

Agudath Israel urged chairman Emanu-


el Celler of the House Judiciary Committee, as well as other members of the committee, to reject the Judicial Review Bill passed last month by the Senate. The Agudah memorandum pointed out that this bill would severely hamper distribution of federal funds for non-public school children and would result in endless litigation.

### CAMP REGISTRATION TO CLOSE THIS MONTH

Registration for Camp Agudah for boys and Camp Bnos for girls is proceeding so rapidly that it is expected to close this month. This year's registration is marked by a larger number of campers than ever coming from smaller communities throughout the United States. The camps are sponsored as a non-profit educational project by Agudath Israel of America, and are located in one of the most picturesque areas of the Catskill Mountains in New York.

**PIRCHEI SIYUM WINNER SETS NEW RECORD:** 1305 MISHNAYOS The National Interbranch Pirchei Agudath Israel *Siyum Mishnayos* on April 8th witnessed the setting of a new record: the winner, Avrohom Rosengarten of Monsey, New York, recited 1,305 Mishnayos by heart. This annual event, to which the admission price is the knowledge of Mishnayos by heart, attracted over 1,000 Pirchei members from every part of the Eastern United States.

**TORAH-TRUTH SQUADS FORMED BY AGUDAH BRANCHES.** Following a suggestion of the national office of Agudath Israel, branches of Agudath Israel throughout the nation are forming “Torah-Truth Squads” to react to the distortion of the Torah position in many local newspapers and magazines. Agudah branches in Philadelphia, Boston, Chicago and Baltimore already have functioning Torah-Truth squads and other local chapters are in the process of establishing such committees, to offset the mis-information which the public receives about Jewish news and views.



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