LETTERS TO THE EDITOR

Ribon Kol-Olamim

Mitchell First writes:

I very much enjoyed Rabbi Yaakov Jaffe's article on "*Ribon Kol Ha-Olamim," Ḥakirah,* vol. 34. I had noticed that the *Siddur Avodat Halev* (2018) had taken the position that this prayer and *Shalom Aleichem* were "one unit." I did not know whether they had a real basis for writing this. Now I see they did.

I write to point out one minor but interesting error in Rabbi Jaffe's article. When he translates the *baraita* at *Shabbat* 119b, he follows the common translation of "*mitah"* as "bed." I.e., the three things for which the angels are checking are the lit candle, the set table, and the made bed.

But most likely "*mitah*" here is a reference to a dining couch—the couch that was reclined on during the meal. For each diner, next to the couch there would be a small table with the food. I wrote a column about this in the *Jewish Link* issue of Oct. 27, 2022 (available online). "Dining couch" is also the meaning of "*mitah"* at *Esther* 1:6 and 7:8.

See, for example, Mishnah *Beitzah* 2:7, where the case discussed is sweeping between the "*mitot*." The meaning of "*mitot*" here are couches that people reclined on while eating. The issue was the permissibility, on Shabbat and Yom Tov, of sweeping up the small pieces of food that ended up on the floor between the "*mitot*."

P.S. I also want to apologize for my error on p. 314 in my article. I erroneously wrote that Psalm 137 was one of the fifteen *Shir Ha-Ma'alot* chapters. The *Shir Ha-Ma'alot* chapters are 120-134.

USA and the Six Million

Dov Fischer writes:

I take issue with a statement in Elliott Resnick's "Why Did the United States Not Save the Six Million?" in *Ḥakirah* 25.

Early in the article, Resnick states that "we know that [Franklin Delano] Roosevelt was an evil man." I expected the rest of the article to support this sensational and disturbing claim. Instead, the article proceeds to do just the opposite. The thesis of the article actually vindicates FDR: that we cannot judge historical figures by the interventionist moral standards of today. Nowadays, it is accepted that the U.S. has a moral duty to intervene to prevent genocide thousands of miles away. In the 1930s, the US still adhered to the Founding Fathers' isolationist ideals. As the author points out, American Jewry was as guilty as Roosevelt in not pushing to do more to save European Jews. Surely, the author would not affix the term "evil" to describe the bulk of American Jewry in WWII. Similarly, Churchill is as guilty as FDR in not ordering the Royal Air Force to bomb Nazi concentration camps.

We should avoid the nonchalant use of the word evil. If we use the same term "evil" to describe both Hitler and a revered U.S. president such as FDR, then we have cheapened the term to the point of meaninglessness.

From a Jewish religious perspective, it is inappropriate to call a U.S. president evil. This is even if we accept the premise that a bombing campaign against the Nazi concentration camps would have been effective at saving a significant number of lives. Moses respected the office of Pharaoh, and Esther respected the office of Achashverosh. Religious Jews should be mindful to address current and past U.S. presidents (including Carter and Obama) with at least the same level of respect afforded to Pharaoh and Achashverosh.

Elliot Resnick responds:

When I wrote "we know… Roosevelt was an evil man," I was facetiously articulating the mainstream view of American Jewry.

After presenting this view, I called it—and other common attitudes about the response of America and American Jewry to the Holocaust—"presumptuous—arguably even preposterous." In short, I agree with Rabbi Fischer's first point.

The Children of Prophets

Joel Rich writes:

Rabbi Francis Nataf's article, "The children of prophets," was thought provoking.

I would add one point to consider concerning "the suggestion that prophecy has anything to do with halakhah as far from obvious." The Gemara in *Sukkah* 44a discusses the nature of the practice אתמר: רבי יוחנן ורבי יהושע בן לוי, חד אמר: ערבה יסוד נביאים, וחד אמר: ערבה מנהג נביאים. Rashi on the spot states יסוד נביאים הוא - תקנת נביאים אחרונים חגי זכריה ומלאכי, שהיו ממתקני תקנות ישראל באנשי כנסת הגדולה. What is the point of stating that the enactment was from prophets who were from *Anshei Knesset Hagedolah*, which authority was invoked?

Rav Soloveitchik seemed bothered by this and comes up with the following interesting approach in the *reshimot:*

שם. מנהג נביאים. קשה, מכיון דחבוט הערבה הוא מתקנת ב"ד הגדול או ממנהגם, מאי נ"מ שהיו נביאים בין אנשי ב"ד הגדול שהתקינוהו והנהיגוהו, והא אין נביא רשאי לחדש דבר וכח התקנה והמנהג יוצא מכח הב"ד דוקא ולא מחמת שהיו נביאים ביניהם.

וי"ל, דהנה תקנת ומנהג הערבה הוי דין זכר למקדש. תקנה או מנהג זה נתקן בימי חגי, זכריה ומלאכי שחיו שנים רבות לפני חורבן בית שני, וא"כ מנין ידע הב"ד שבימים ההם שיחרב הבית ויצטרכו לתקן תקנות זכר למקדש, ע"כ שהנביאים שביניהם הודיעום על החורבן העתיד לבא ומשו"ה התקינו והנהיגו דייני הב"ד תקנת ומנהג הערבה עבור הזמן אחרי חורבן הבית השני. ולכן נקראת בשם יסוד נביאים

ומנהג נביאים, כי הם שגרמו לתקנה ומנהג זה, כי התנבאו שיהיה חורבן הבית השני ושיש לתקן משום זה מצות ערבה זכר למקדש.

A Mesorah of Medicine

J. Jean Ajdler writes:

Dr. Edward Reichman in his "The Jewish Attraction to the Medical Profession," *Ḥakirah*, Vol. 34, p. 217, refers to a letter Rambam addressed to his disciple Joseph ibn Aknin (the recipient of the *Moreh Nevukhim*) in which he recommends that ibn Aknin pursue his medical career instead of receiving compensation for a rabbinic position from the Exilarch. Unfortunately, the author of this learned and interesting paper confuses Joseph ben Judah ibn Shimon (his faithful disciple, to whom his book *Moreh Nevukhim* was intended and to whom the book was sent in several installments) with Joseph ben Judah ibn Aknin, having a similar profile and career. Indeed, Prof Reichman is certainly not the first nor the last to confuse these two (see Eisenstein, *Otsar Israel,* 1924, Vol. 5, pp. 136 – 137). I assume the author is referring to the letter addressed to Joseph ben Judah ibn Shimon, regarding the dispute with the Rosh Yeshivah: Shilat, *Iggerot ha-Rambam* (Jerusalem, 5747), vol. I, pp. 300-318, specifically p. 312. In this same letter, Rambam mentions sending six installments of the *Moreh Nevukhim*, then currently being developed. It should be noted that Shilat's book does not contain any letter to Joseph ben Judah ibn Aknin but many letters to Joseph ben Judah ibn Shimon.[1]

Edward Reichman responds:

I am grateful for your correction. Since I refer to a "*mesorah*" of medicine, I would certainly not wish to perpetuate an error in that *mesorah*. Your important correction does not change the substance of the exchange between Rambam and his student as it bears on the understanding of the Jewish attraction to medicine.

Prohibition Against Lying

Nathan Aviezer writes:

There was an interesting exchange of opinions between R. Yaakov Jaffe and R. Asher Bush in the "Letters Section," *Ḥakirah* 34 (Fall 2023) relating to the Torah prohibition against lying. I would greatly appreciate receiving the views of these two rabbis regarding the following

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[1] See Joseph ben Judah ibn Aknin," *Encyclopedia Judaica*, 1972, Vol. 2, 501. See also, "Joseph ben Judah ibn Shimon," in Joel L. Kraemer, *Maimonides*, 2014, p. 359; Moses Halbertal, *Maimonides Life and Thought* (Princeton Univ. Press, 2014), p. 382; "Joseph ben Judah," *Encyclopedia Judaica*, 1972, Vol. 14, 1403.

example of lying in the Torah.

In Genesis 27:19, we read that Yaakov declared to his blind father Isaac: "I am Esau, your first-born." Yaakov also lied several other times in the course of the exchange between him and Isaac. The purpose of these lies was to trick Isaac into giving his blessing to Yaakov, instead of to Esau. There do not seem to be any mitigating circumstances mentioned in the Torah that would justify these lies.

Moreover, similar criticisms can be made against Rivkah. She was not only a full partner, but the instigator and perpetrator of these lies (27:8-10). Her goal was to ensure that Isaac's blessing would be given to her favorite son Yaakov, and not to Esau, as Isaac had intended.

Finally, it should be mentioned that when Rivkah tried to convince Yaakov to be a party to these lies, Yaakov's only hesitation was that he might be caught out by Isaac in lying, and the desired blessing would become a curse (27:11-12). Yaakov expressed no hesitation at all regarding the lying itself.

I am not aware of any commentator who criticizes Yaakov and Rivkah for these lies. Rashi comments (27:19) that one need only add a few words to Yaakov's statement to make the lie disappear. According to Rashi, what Yaakov really meant to say was: "I am (the one bringing you food and) Esau (is) your first-born" where the added words have been placed in parentheses.

According to this comment of Rashi, there is no such thing as a lie. I might state, "I am the King of England." My lie disappears upon adding a few words to my statement, "I am (a professor of physics and Charles III is) the King of England."

Yaakov Jaffe responds:

In Fall 2023, I touched briefly on the question of lying in Jewish Law and Jewish Ethics, a topic that has captivated me for some time. Prof. Nathan Aviezer cites a number of situations where Biblical figures engage in falsehood; the list of times people in Tanakh utter something other than the truth—even when not under life-threatening circumstances—would take pages.[2] A partial list includes Avraham (for safety: *Bereishit* 12:13 and 20:2), G-d (for *shalom*, *Bereishit* 18:13), Avraham (to avoid pain, *Bereishit* 22:5 with *Chizkuni*), Yitzchak (for safety: *Bereishit* 26:7), Yaakov (for his birthright, *Bereishit* 27:19), Leah (for *shalom*, *Bereishit* 29:25 and *Bava Batra* 123a), Yaakov (for safety, *Bereishit* 33:14), Yaakov (for *shalom: Bereishit* 37:10), the brothers (for *shalom*, *Bereishit* 37:32, Yosef (*Bereishit* 42:7-9), the brothers (for safety, *Bereishit* 44:20 and 50:16-17), Moshe (to encourage financial gifts, *Shemot* 3:16), Aharon (for *shalom*, *Avot De-Rebbi*

[2] See Shira Weiss, *Ethical Ambiguity in the Hebrew Bible: Philosophical Analysis of Scriptural Narrative* (New York: Cambridge University Press, 2018) and Nosson Slifkin, *Lying for Truth* (Feldheim, 1996).

Natan 12:3), Shimshon (to extract vengeance, *Shoftim* 14:4), Shmuel (for safety, *Shmuel* I:16:2), David (for safety, *Shmuel* I:21:6), Natan the prophet (to teach a lesson, *Shmuel II* chapter 12), Michayhu ben Yimlah (to teach a lesson, *Melachim I* chapter 20), Chazael (to complete a rebellion, *Melachim* 2:8:10), Yehu (to punish idol worshipers, *Melachim II*, chapter 10). All of these individuals could have achieved their goals without lying, all lie, and virtually none are criticized for their actions. A list of those who lie in the Talmud would be just as long.[3]

A Kantian deontologist believes that lying is always prohibited and is thus forced to give an ad hoc justification for each and every lie, essentially arguing that lying is always forbidden, barring list of dozens of legal and historical exceptions. Yet, those exceptions and justifications can yield bizarre conclusions when applied widely, as Prof. Nathan Aviezer argues. In contrast, a consequentialist reads the early Jewish sources as instead saying we must live our lives in a way that resembles G-d and his wide range of transcendent virtues in balance—including *Din, Emet,* and *Shalom*, all in balance. Why would we place the importance of truth above all else?

We often build our moral system on the basis of the texts that are written nearest to our time—*mussar* books, halachic summary volumes,[4] novella of the later *Acharonim*. However, if we listened carefully to the Biblical and Talmudic sources, we might reach a different conclusion. I disagree with Rabbi Bush who argues the Rishonim count lying as a negative commandment; it seems that they too recognize that telling the truth was part of general morality and not an actual mitzvah *per se* (Rambam, *Yereyim* 235, *Semag* 107, *Semak* 227 and 236). It is obviously harder to live a halachic life where something is sometimes permitted and sometimes prohibited depending on a rich analysis of the outcomes, but *aseh lecha rav* teaches that we should think deeply about each case with a competent halachic authority to determine what to do.

Lying is not wrong; bad consequences are wrong. Lying in court, in business, under oath and which causes shame are prohibited because they achieve bad consequences. Lying that increases happiness, avoids shame and embarrass-

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3 See Hershey Friedman and Abraham Weisel, "Should Moral Individuals Ever Lie? Insights from Jewish Law" (2003) *http://jlaw.com/Articles/hf_LyingPermissible.html* and the sources cited in my original letter.

4 My earlier letter noted how Rabbi Eliezar Melamed, *Peninei Halakha* (Israel: Har Bracha, 2006), 35-64, writing in the 21st century, has a chapter of his halachah literature devoted to truthfulness, innovatively moving truth from the ethical literature into the halachic literature. Yet, Melamed elides the existing ethical source material which describes the *value* of truth, into new halachic source material which proves a *prohibition* to tell untruth.

ment, increases safety and promotes the peace was never prohibited (*lo ne'esrah)* because it achieves good consequences; this is not the case of a prohibited act permitted under an exception (*dechuyah)*. Hashem also pursues peace, humility, and the future vision for a functioning world, and truth is balanced against those other values. Peace and modesty are as much values in Judaism as telling the truth, and the Jew of fine character pursues these values even at the expense of truth. Truth and lying no longer have the same dramatic, privileged status that they might under the deontologists; lying is prohibited when it has a negative consequence, but it is not categorically prohibited.

Asher Bush responds:

First, I would like to express my gratitude to Dr. Aviezer for his great work for the Torah and our *emunah* in showing how good scientific theories are in consonance with the Torah. Personally, I had the privilege of spending a few very memorable days absorbing his wisdom and approach. I continue to share these ideas and approaches with students and congregants alike.

Regarding the first question, whether any commentators fault Yaakov and Rivkah for their less than honest conduct. First and foremost is the Torah itself which shows the man who concealed himself and presented himself to his father as the "other brother" later being the victim of Lavan's deceit, as under the cover of darkness he conceals his daughter causing Yaakov to marry the "other sister." He is receiving מדה כנגד מדה, treatment corresponding to his deception of his father; consequences he must live with for the rest of his life.

Rav Hirsch is very direct in his introduction to this story (Bereishis 27:1), writing, "As repeatedly remarked, we follow the opinion of our sages and do not consider it our task to be apologists for our great men and women, just as the Word of God, the Torah itself, never refrains from informing us of their errors and weaknesses. If Rebecca brought it about that Jacob deceived his father, it says quite unequivocally בא אחיך במרמה, your brother came with deceit."

More significantly, he writes, "What could she have wanted with this plan? Nothing but to bring home to him, to convince him, ad hominem, that, and how easily, he could be deceived. If a Jacob, an איש תם can so easily masquerade as a גבור ציד, how much more so can an Esau masquerade as an איש תם to him! And in this—Isaac's un-deception through Jacob's deception—Rebecca succeeded perfectly."

I find this approach of Rav Hirsch to be highly compelling, borne out by the language used here and elsewhere in Tanach, showing a common theme in the words and the background circumstances. Below is an elaboration of this approach, as seen in the following comparison, taken from my commentary on the Book of Ruth:

ויחרד-Reaching a New Level of Clarity: When Boaz awakens in the middle of the night it says ויחרד, "and he trembled." It seems that here the text is connecting this entire series of events to a seemingly unrelated story in *Bereishis* (27:33). That story is when Yitzchak is tricked and gives the *berachah* to Yaakov. The turning point in that story is also highlighted with that same word ויחרד.

> This is not just about a word, but a whole turn in a story. Each of these two stories is about a whole series of events orchestrated by the mother [Rivkah, Naomi] for the child [Yaakov, Ruth] in the hope of securing a future from the man [Yitzchak, Boaz] who seems to be in control of that future. In each case, the child is sent to act under cover, in the case of Yaakov in costume, in the case of Ruth in the dark. In each event the person being encountered [Yitzchak/Boaz] asks מי /מי את אתה, "who are you?" right after ויחרד. This is followed by his giving a *berachah* to the heretofore unrecognized person.
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> But most importantly, this trembling is a critical turning point in each story. Rather than being a "wake up" to something they had never considered, it is more likely a moment of reaching a point of clarity that had eluded them until then. In the story of Yitzchak/Yaakov, it is at this moment that Yitzchak comes to the realization of just how he needs to view his two sons. It is hard to imagine that he had not had many moments of doubt and questions over the years about giving that *berachah* to Eisav but still felt compelled to give him this *berachah* since he was technically the first-born. It was only now that he had the full clarity about the roles and futures of his two sons and affirmed the *berachah* "mistakenly" given to Yaakov.
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> So too in the case of Boaz; he has already begun to take Ruth under his protective wing, providing opportunity and safety. It is hard to know what he has been thinking until now in terms of marriage and other responsibilities, but the fact that upon seeing her by his feet in the middle of the night he comes to the point of commitment so rapidly certainly seems to indicate that this had been on his mind before. But it is only now that he has the clarity of mind that he committed himself to taking this to the next step, seeing to her secure future, hopefully through marrying her or at least making sure that his cousin would do so. …
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> When Ruth returns early the next morning to her mother-in-law, even though it is still dark and hard to see anything, she is greeted with the words מי את בתי, "who are you, my daughter?" On the surface it seems that she could not tell who it was but did realize the person she saw was a woman, something that cloth-

ing, hair, or silhouette could reveal. But even if Naomi could see that it was a woman and not a man, still this would not account for the word בתי, which implies she knew exactly whom she was talking to (more details on this point are addressed on *pasuk* 16). Accordingly, it is possible to suggest that this question, and the same one asked previously by both Yitzchak and Boaz, was not literally about "who are you," but something deeper. It seems to be a rhetorical question, more of a confirmation of their previous understanding/assumption, almost as if to say, "now I see how the Divine plan is supposed to play out."

This is also seen in the story of Yehudah and Tamar, which in many ways is the companion story to that of Boaz and Ruth. It too is an account of disguise and deception, also designed to bring Yehudah to that moment of recognition. Perhaps the biggest surprise in that story is just how long it took to get to that point, as Tamar likely assumed she would be recognized far sooner.

The thread that unites each of these three narratives is that the disguise is used not to trick and cheat, rather, to get a person to recognize and fully acknowledge that which he has been somewhat blind to. In each of these three accounts part of the plan was to be discovered, not to "get away with it"; this is bolstered most significantly in the story of Yaakov and the *berachah* since it is inconceivable to suggest that a *berachah* received in complete error and fraud could possibly be of value in Heaven.

But as Dr. Aviezer correctly points out, the story of Yaakov and Rivkah is more challenging than the other stories, as dishonest words accompany the "playacting." As mentioned above, the Torah shows that no matter how much such conduct can be justified, there are significant, even severe repercussions. In the other two accounts, we are not made aware of any such repercussions.

The larger question regarding how the Sages addressed morally challenging stories, at one time teaching the real and deep lessons these accounts are intended to offer while at the same time fearing that such stories might provide license for us to do the same, is indeed a major topic. This is a most important topic that Dr. Aviezer's letter reminds us needs further treatment for this story and throughout Tanach. ☙