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KOL HAMEVASER

THE JEWISH THOUGHT MAGAZINE OF THE YESHIVA UNIVERSITY STUDENT BODY

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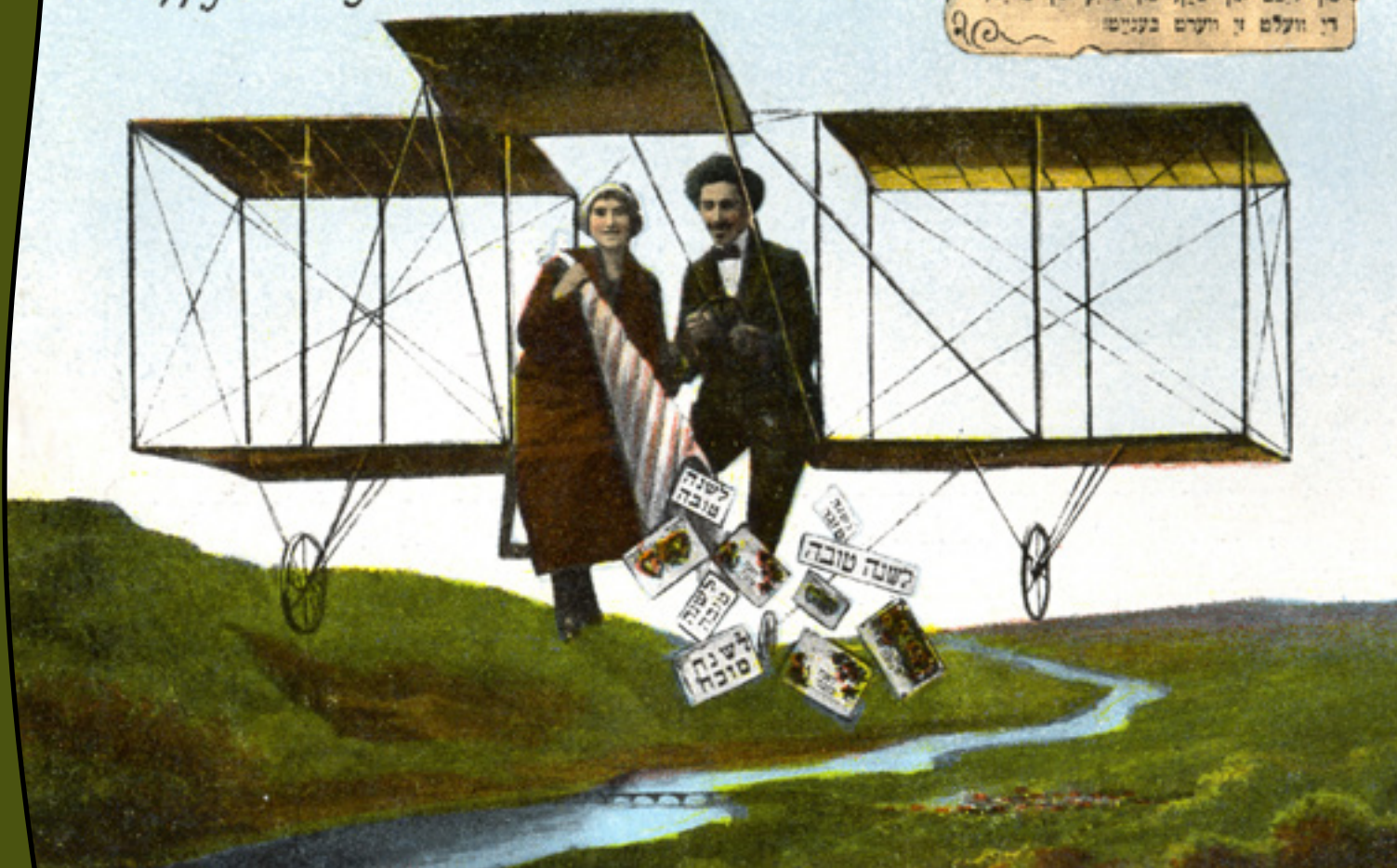
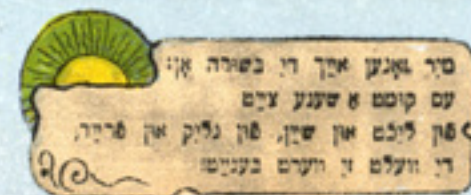
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לשנה טובה רחוקה
A happy New Year



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ABOUT KOL HAMEVASER
Kol Hamevaser, the Jewish Thought magazine of the Yeshiva University student body, is dedicated to sparking discussion of Jewish issues on the Yeshiva University campus and beyond. The magazine hopes to facilitate the religious and intellectual growth of its readership and serves as a forum for students to express their views on a variety of issues that face the Jewish community. It also provides opportunities for young thinkers to engage Judaism intellectually and creatively, and to mature into confident leaders. *Kol Hamevaser* is published monthly and its primary contributors are undergraduates, although it includes input from RIETS Roshei Yeshivah, YU professors, and outside figures. In addition to its print magazine, *Kol Hamevaser* also sponsors special events, speakers, discussion groups, conferences, and shabbatonim. We encourage anyone interested in writing about or discussing Jewish issues to get involved in our community, and to participate in the magazine, the conversation, and our club’s events. Find us online at kolhamevaser.com, or on Facebook or Twitter.

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Editors’ Thoughts: The Technological Revolution and the Jew

By: ADAM FRIEDMANN

The production of technological works entails reconstructing the natural world for use against itself. Where once there was a rocky plane, now there is a walled city separating its inhabitants from the outside. Where once there were disparate natural resources, now there are machines that harness the forces of the primal world for humanity’s betterment. “Technological advance” is synonymous with “the formation of a new world order,” and humanity is this new order’s forward guard. Insofar as this is the case, the production of technology is an exertion of the *tselem Elokim*. Just as God created the natural world, so too, do we, uncovering the riches hidden in nature, “create” the technological world. In the ranks of *imitatio dei*, at least in the physical-creative sense, the production of technology holds a prominent position.

And yet, we find that the Tanakh polemicizes against a particular kind of technology, that of the military variety. In the Torah’s recounting of *keri’at Yam Suf*,¹ Egypt’s fleet of “horse and chariot” is mentioned a staggering twelve times. The message of the narrative is unmistakable. Pharaoh, armed with the very best killing machines of the day, was no match for God, whose might exceeds that of any army.² In light of this narrative, the production of military machines seems frivolous, if not entirely pointless, when in opposition to God’s will. An extreme reading may even conclude that military technology

is unnecessary altogether. The intensity of the moral questions that arise in war places the subset of military technology in a category of its own. However, we may still wonder if the Torah expresses here a general warning about technology. As a result of the changes achieved by technological advance, the typological “technological man” lives increasingly in a world of his own design. This is especially true in the contemporary era. Today’s technological man is not cold in the winter, nor hot in the summer, due to climate control. The darkness of night is permitted to fall only when he turns off his electric lights. Vast continents are shrunk as he travels the globe in a matter of hours, and communicates instantly with anyone on Earth with a slab of plastic, metal, and silicone he carries in his pocket. His only intimations of agricultural seasons are fluctuations of price in the supermarket. The intoxicating wonder elicited by this new world order sets the stage for its greatest religious danger. In a world that is designed by humanity, we may choose, or, more precisely, convince ourselves that we may choose, to leave God out of our designs. Swayed by the sense that “[our] strength and the might of [our] hands made [for us] all this wealth”³ we conclude that we have no need for God. Without a polestar to guide it, raw human creativity can be diverted toward fulfilling the basest human cravings. Technological advance can become maidservant to the will to

power, as was the case with Pharaoh’s chariots, or to various hedonistic drives. Thus technology, which raises humanity to new heights of dignified living, threatens also, given the right circumstances, to plunge it to unprecedented depths of moral decadence.⁴

The Torah’s approach to technology opposes this potential selfish drive by placing the pursuit of a relationship with God at the center of humanity’s creative motivations. The *mishkan*, *am Yisrael*’s first architectural feat, is initiated by the directive, “They shall make for me a Sanctuary and I will dwell among them.”⁵ In this instance, it is clear that an enhanced relationship with God is the direct goal of the technological effort exerted. If the *mishkan* can be used as a model for the Torah’s treatment of technology, then it follows that humanity, in designing a new world, must make a central place for God in that design. By this view, technological advance is redeemed from its potential servitude to hedonism when aimed, directly or indirectly, at enhancing religious practice.⁶ Thus technology may become not only a way of dignifying human life, but a means of preparing humanity intellectually, emotionally, and sociologically for the sanctification of life. In this issue of *Kol Hamevaser*, we grapple with the challenges that present themselves in the halakhic, hashkafic, and historical realms as Judaism encounters technological advance. As always we hope

to present not the final word on any topic but the first one; one which enables an active and thoughtful dialogue within our community. Thank you for reading.

1 In the passage running from *Shemot* 14:6 – 15:21.
2 This sentiment is encapsulated by the leading verse of *The Song of the Sea*: “I shall sing to Hashem for He is exalted above the arrogant [and His exaltedness results from] having hurled horse with rider into the sea.” (*Shemot* 15:1, Artscroll translation with alterations according to Targum Onkelos). The theme of opposition to military technology continues even after *Benei Yisrael* have formed their own conquering army. See, for instance, *Yehoshua* 11:6.
3 *Devarim* 8:17. Artscroll translation.
4 It is for this reason that our Sages were skeptical of the value of Roman ingenuity, noting that their architectural products (bridges, markets, bathhouses) were intended, after all, for hedonistic gratification (taxes, brothels, pampering respectively). See *Shabbat* 33b and *Avodah Zarah* 2b.
5 *Shemot* 25:8. Translation mine.
6 See *Avodah Zarah* 2b.

Letter to the Editor

Dear Editors,

In the last issue of *Kol Hamevaser*, the article entitled “Our Side of the Mehitsah: An Open Letter,” written by Davida Kollmar, was beautifully and tactfully written. It touched upon many issues of women’s roles in the synagogue and expressed many concerns that I share with the author.

However, I feel that Davida missed an important point that is *very* pertinent to our institution. That is that the insensitivity to women’s religious issues stems from the decisions of some educators and students in Yeshiva College and RIETS. I have witnessed countless examples of disrespect, insult, and revulsion (feigned and real) to women’s spiritual needs. There are men in Yeshiva University who purposefully deny the spiritual and religious commitment of women. Among some of my colleagues, there exists a culture of male superiority, of religion being man’s domain, of complete insensitivity to the religious needs of

women. I fear that Davida was only describing the symptoms of this culture. For example, last semester I often prayed at the 2:30 *minyan* in the Heights Lounge. Usually there are women who are studying there at this time who are asked to leave so the men may pray. I once suggested that the women who want to can join us in the far left pit. There was plenty of space in the center pit for the men to let the women have the other space. An acquaintance of mine (who had recently gotten married, no less) said, with contempt, “No, get them out of here. They’re women!” I can’t describe the horror and disgust I felt at hearing that. The very concept of women praying seemed alien to him.

Another example: R. Goldwicht used to give a night *seder shiur* in the center of the Glueck *beit midrash*. A female friend of mine wanted to hear him speak. Because the second floor is sometimes the women’s section, she went there to hear him. She received dirty looks, and someone told her that it is not the best idea for her to be there.

R. Goldwicht, *shlita*, heard about it and at the next *shiur* he had a small *mehitsah* set up for her so that she would be comfortable. Although I laud R. Goldwicht’s response, the fact that he needed to say something disturbs me. As a qualifier, I am not saying that all the men in YC or RIETS hold these chauvinistic attitudes. I am simply relaying what I have seen among some of my colleagues.

Perhaps more courses in contemporary women’s issues and a more mixed religious environment would help alleviate this problem. How about having a shabbaton on the Wilf campus, or inviting the Stern student body to the Hanukkah party? Why not introduce contemporary women’s issues in *shiurim* across the spectrum of Jewish studies programs? In discussing co-ed education, a *rebbe* of mine in Israel said that he recommended having separate secular classes and mixed religious classes. Should not our religious leaders and educators demonstrate how we should behave with members of the opposite sex?

My *roshei yeshivah* in Israel always said that they would prefer we meet our future wives in Israel so that the religious and spiritual element in our relationship also flowers.

YU has tried to mend these various issues in ineffective ways. YUConnects meetings and marriage guidance events seem to be no more than band-aids for the dominant male culture in Yeshiva College. If we integrate women’s religious issues into our religious courses and *shiurim*, perhaps we will not be so shocked when our future wives want to join us in shul.

Sincerely,
David Khabinsky

Shut Down the Bible Department

By: ELLIOT RESNICK

Shut down the Bible Department? What can be wrong with teaching Bible in Yeshiva College? Unfortunately, a great deal.

For better or for worse, the overwhelming majority of Orthodox Jews grow up believing that Moshe wrote every word of the Torah as dictated by God. They also believe Moshe received the entire Oral Law at *Har Sinai*. Finally, they believe biblical Hebrew is holy and contains hidden wisdom of one sort or another.

I will never forget the day my Intro to Bible professor said, although not in so many words, that the thirty-nine forbidden melakhot are post-Sinaitic additions. In other words, the myriad Shabbat laws are just what the cynics say they are: rabbinic inventions.

They do not come from God.

I, too, believed all this. Indeed, they were axioms of my faith – until I took Intro to Bible. In that course, my professor challenged all three beliefs. No longer was it clear that Moshe wrote the entire Torah. Indeed, it was not even clear if the Torah we possess today really mirrors the original Torah received on *Sinai*. Letters, words – even whole sentences – may have been added or deleted. Moreover, Hebrew, I learned, is just another ancient Semitic language. It possesses no intrinsic holiness. All those *Ba'al ha-Turim* insights based on *gematria* and the exactitude of the Torah text? All nonsense, apparently; very clever, but essentially based on error. Of what significance is *gematria*, after all, if Hebrew is a man-made language? Of what value are all the *Ba'al ha-Turim's* brilliant computations if our Torah is not the exact same one that God gave to Moshe?

And what about *Torah she-be-al Peh*? I will never forget the day my Intro to Bible professor said, although not in so many words, that the thirty-nine forbidden *melakhot* are post-Sinaitic additions. In other words, the myriad Shabbat laws are just what the cynics say they are: rabbinic inventions. They do not come from God.

What is the point of teaching all of this to impressionable nineteen-year-olds? What exactly do some of the Bible professors who teach these anti-traditional ideas hope to accomplish by shocking their students?

I am not opposed to truth. If my beliefs are naïve or based on ignorance, I am fully in favor of reconstructing my Judaism on a more solid basis. But this is not what my Bible professor did. He destroyed my core beliefs without replacing it with anything. He tore down my foundation and left me

ones. Suggest new ideas. Rebuild Judaism on a new basis. But don't leave students hanging without guidance. It is quite ironic, but I can think of no other class in YU that is as potentially damaging to one's faith as Intro to Bible. When I speak to right-wing acquaintances of mine, my main hesitation in recommending YU for their siblings or children is not the Philosophy Department or any science department; it's the Bible Department.

I therefore propose that YU either radically reform this department or eliminate it entirely. Of course not every Bible course is problematic, but too many of them are, and the damage these courses inflict is too dangerous to ignore. If reform or elimination is not possible, then YU should at least strip Intro to Bible of its requirement status. Yeshiva College has a limited number of requirements; Intro to Bible need not be one of them. If the college wishes to preserve the number of required Jewish courses, let it restore the old YC requirement of Jewish Philosophy, which, in any event, is probably more important for the average student.

Like *Seridei Esh* (R. Yehiel Ya'akov Weinberg, 1884-1966), I believe that Judaism has nothing to fear in knowledge.¹ If it did, it would not be worth much. But injecting doubt into the heads of impressionable students is no *mitsvah*. If Bible academics are right about the nature

of Judaism – they may or may not be – fine, let them teach their views. But then give students ideas for how to reorient their Judaism accordingly. Until that point, shut down the Bible Department.

Elliot Resnick, YC '06, BRGS '10, is currently studying for his PhD in the Bernard Revel Graduate School for Jewish Studies.

¹ See Marc Shapiro, *Between the Yeshiva World and Modern Orthodoxy: The Life and Works of Rabbi Jehiel Jacob Weinberg, 1884-1966* (London: Littman Library, 1999), 179-180.



KOL HAMEVASER

The Jewish Thought Magazine of the Yeshiva University Student Body

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¹ and check us out on Facebook!

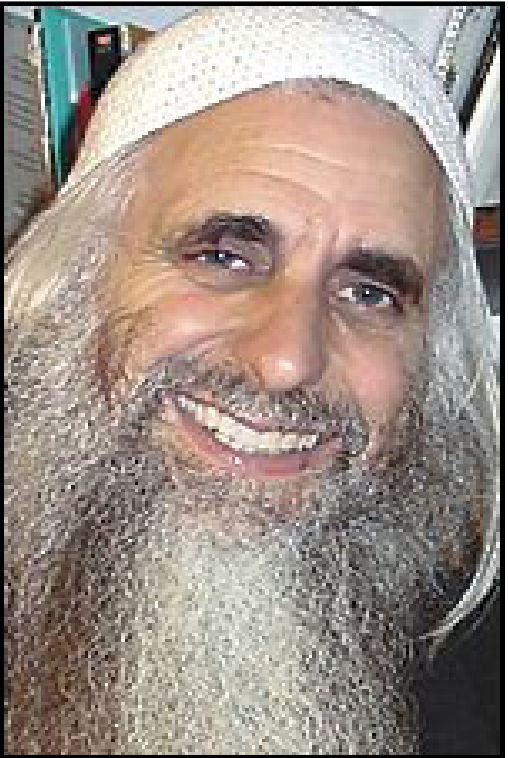


In Memory of Three Great Jewish Visionaries

By: CHESKY KOPEL

When the prophet Eliyahu ascended to heaven in a mighty whirlwind, drawn by horses and chariots of fire, his disciple Elisha bore witness to an event at once magnificent and unspeakably traumatic. Elisha remained on earth, bereft of his beloved teacher, and cried out, “Father, father! The chariots and horsemen of Israel!”¹ He tore his garment in mourning, but immediately “took up the mantle of Eliyahu that fell from him.”² The textual juxtaposition of mourning and active succession is not accidental; for Elisha, the only proper mode of memorialization was to continue the mission of leadership from which his master was suddenly removed.

Kol Hamevaser rarely publishes commemorations of deceased figures; typically, this magazine's contributing writers will undertake such a task after the passing of a man or woman who impacted our community directly and immensely. The events of recent weeks, however, demand an exception. Three men, all of them bold rabbis, thinkers, and visionaries of Judaism in Israel, passed away in February and March. Menachem Elon, David Hartman, and Menachem Froman, of blessed memory, dedicated their lives to Israel, Judaism, and the Jewish people in different ways, each one leaving an indelible mark on Jewish life,



tradition, and values. Precisely because the works and lives of these men have been less relevant to, and less read within, the Yeshiva University community than they

have been in Israel, I will attempt very briefly here to present their personalities and their works. Not a single one of the following presentations does its subject



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justice. I only hope that we can learn more about these men and their work so that we can ultimately take up their respective mantles of Jewish conscience.

Menachem Elon was born in Düsseldorf, Germany in 1923 and arrived in Palestine with his family in 1935. He studied and earned *semikhah* in Yeshivat Hevron (formerly Slabodka) in Jerusalem, a law degree from Tel Aviv University, and a doctorate in Talmud and Philosophy from the Hebrew University.³ He participated in the founding of *Kibbutz Tirat Tsevi* in 1937 and served as a military prosecutor during Israel's War of Independence.⁴ His 1973 encyclopedic work on Jewish jurisprudence, *ha-Mishpat ha-Ivri: Toledotav, Mekorotav, Ekronotav* (English edition titled “Jewish Law: History, Sources, and

Principles”) revolutionized the study and application of Jewish law in Israel.⁵ In that same year, Elon was appointed a justice of Israel's Supreme Court, and he was named deputy president in 1988. Elon established himself as a preeminent legal thinker and religious Zionist leader through his written works and his lectures at the Hebrew University. He was awarded the Israel Prize for jurisprudence in 1979. Menachem Begin nominated Elon for the presidency of Israel upon the latter's retirement from the Court in 1993. Elon died on February 6 at the age of 89.⁶

David Hartman was born to a Hasidic family in the Brownsville neighborhood of Brooklyn in 1931.⁷ He left the world of Haredi *yeshivot* on his own to study in Yeshiva University.⁸ After earning *semikhah* from RIETS, Hartman served as a pulpit rabbi in New York and Montreal, during which time he studied Philosophy, ultimately earning a doctorate from McGill University.⁹ Inspired by the Six-Day War, Hartman made *aliyyah* with his family in 1971. He was a professor in the Hebrew University for more than two decades, during which time he also lectured as a visiting professor in both UC Berkeley and UCLA.¹⁰ Hartman founded the Shalom

...for Elisha, the only proper mode of memorialization was to continue the mission of leadership from which his master was suddenly removed.



Hartman Institute, named for his father, in 1976 in Jerusalem. The Institute operates as a scholarly center for exploration of contemporary theological, cultural, and political questions facing Judaism and

Israeli society, and administers two high schools – separate, one each for boys and for girls – in Jerusalem. Through the work of the Institute, university lectures, and several books on Jewish theology and philosophy in both Hebrew and English, Hartman established himself as a leading voice of liberal Orthodoxy, arguing that the Jews' covenant with God demands the

adaptation of religious principles to modern times. As such, Hartman's critics often characterize his thought unorthodox or even heretical, and his opponents include some figures in our own institution. His political work includes service as an advisor to Zevulun Hammer, education minister from 1977 to

1984; Teddy Kollek, mayor of Jerusalem from 1965 to 1993; and Ehud Olmert, prime minister from 2006 to 2009. Hartman died on February 10 at the age of 81.¹¹

Menachem Froman was born in *Kefar Hasidim* in the Galilee in 1945, fought in the battle for Jerusalem as a paratrooper during the 1967 Six-Day War, and came to religion only after leaving the army. He studied in Yeshivat Merkaz Harav and earned *semikhah* from former Ashkenazic Chief Rabbis Shlomo Goren and Avraham Shapira, after which point he and his wife Hadassah became leaders of the Gush Emunim movement to settle territories newly conquered in 1967. They participated in the founding of the Gush Etzion settlement of Tekoa in 1977, and Menachem served as the rabbi of the settlement and lecturer at several local *yeshivot* until his death. As an author, teacher, and activist, Froman emerged to enigmatic prominence as a visionary and negotiator of peace with the Palestinians who ardently opposed ceding any land in an agreement of territorial division. At the heart of Froman's philosophy lay a deep attachment to the sanctity and mystical quality of the Land of Israel along with a conviction that Jews and Arabs, both Christian and Muslim, can live together in harmony and mutual respect. He established personal relationships with Palestinian leaders, including Sheikh Ahmed Yassin and Mahmoud al-Zahar of Hamas, and advocated peaceful cooperation founded upon the joint basis of religion and physical proximity. Froman believed that the “peace process” attempts to separate Jews and Arabs physically while sidelining the religious interests and leaders of both sides ignore the roots of the

Israeli-Arab conflict and the best hopes for its resolution.¹² In his own words, “I always say that the settlements are the fingers of the hand that is extended to peace.”¹³ Rabbi Froman died on March 4, at the age of 68.¹⁴

Chesky Kopel is a senior at YC majoring in History and English, and is an editor-in-chief for Kol Hamevaser.

1 II Kings 2:12. This and the following excerpt are from the JPS translation with minor modifications.
2 Ibid. 2:13.

An Interview with R. Dan Marans

BY: ADAM FRIEDMANN

Rabbi Dan Marans is the executive director of the Zomet Institue. Zomet is a non-profit, public research institute dedicated to seamlessly merging Halachic Judaism with Modern Life. For close over 30 years Zomet’s staff of rabbis, researchers and engineers have devised practical and pragmatic Halakhic solutions for institutions, businesses and private citizens. Zomet has also published 30 volumes of the journal Tchumin which focusses on Halachic research and responsa written by leading rabbis, scholars, scientists, doctors, lawyers, engineers and economists.

Can you describe the overall goal of the institute?

The goal of Zomet is to merge and synthesize Halakhah with all aspects of modern life. It could deal with technology, it could deal with euthanasia, it could deal with almost anything, even ecology.

Is there a specific connection between the work being done at Zomet and the building of the state of Israel and its society?

I think that as we build a Jewish state, and everything in the world becomes more and more technically oriented, there are constantly new challenges. For example, entrance control: People aren’t just using a metal key; they are using electronic keys or codes, or bio-tech systems that recognize people’s faces or fingers. So as life gets more and more complex, you can’t just stay behind. It’s very hard to stay behind. As life gets more and more complex, we have to investigate every option of whether or not we can use new modern things with Halakhah. And as the world becomes more and more complex, it becomes much harder for people to tell the difference between what we are used to

3 Aaron Kalman, “Menachem Elon dies at age 89,” *The Times of Israel*, 6 February, 2013, available at: www.timesofisrael.com.
4 Yaffah Goldstein, “Interview with Justice Menachem Elon (Hebrew),” *ha-Tsofeh*, 3 December, 1993.
5 The original Hebrew edition was published by Hebrew University’s Magnes Press in 1973. The English edition of the title provided above was translated by Bernard Auerbach and Melvin Sykes published by the Jewish Publication Society (Philadelphia, PA) in 1993.
6 Kalman, *ibid*.

doing and what we could be doing.

What would you describe as the Institute’s most important achievement?

The most important depends on one’s point of view, but, personally, I think the most important products are those that help people who are disabled to lead a normal life. For example, you have someone who couldn’t talk on Shabbat or couldn’t move around on Shabbat -- it totally ruins their oneg Shabbat -- and we give the people their oneg Shabbat, which is a really big thing.

For example there was a doctor who couldn’t speak, who lost his voice and the ability to speak, that we gave a microphone, a personal microphone that enabled him to speak on Shabbat, that enabled him to be a participant, to be involved in his community.

As life gets more and more complex, we have to investigate every option of whether or not we can use new modern things with Halakhah.

Are there any common misconceptions concerning the institute that you face?

I think that maybe people often think that we are trying to trick God, or find loopholes. But the reality is that it’s one of two options: either you can trick God or you believe that God knows everything and you can’t trick someone who knows everything. If God is an all-knowing be-

7 Jodi Rudoren, “Rabbi David Hartman, Champion of an Adaptive Judaism, Dies at 81,” *The New York Times*, 10 February, 2013, available at: www.nytimes.com.
8 Rabbi Shmuly Yanklowitz, “Rabbi David Hartman: A Transformative Force And A [sic] Unique Legacy,” *The Jewish Week Online*, 14 February, 2013, available at: www.thejewishweek.com.
9 Stuart Winer, Liberal rabbi-philosopher David Hartman dies, *The Times of Israel*, 10 February, 2013, available at www.timesofisrael.com.

ing, then God knew that computers would exist, knew how the world would develop, and knew that there were loopholes in Halakhah that we would be able to use.

Can you describe how the Institute began? Was there a specific event or situation that instigated it?

R. Rozen, who learned at Kerem B’Yavneh and learned with Professor Lev, felt that there was a need to do it. He was one of the first students at Machon Lev. He felt that the world was advancing, and if we want to make a Jewish state, it would have to be independent. We can’t just rely on Arab workers, or other non-Jews doing work for us on Shabbat. We have to understand how Halakhah deals with everything that comes up in modern life.

Do you find that public perception of things that the Institute is producing are an obstacle to making the products more mainstream?

Some things that are technologically permitted are not necessarily in the *ruah* of Shabbat. For instance, using a Shabbat keyboard, which we developed, is only halakhically problematic because of *uvda de-hol*, it’s not “shabbesdik.” You’re not building circuits or creating fire or creating something new – all the problems of Shabbat. But it’s still a problem, because if people could suddenly use their keyboards on Shabbat, that would really change Shabbat as we know it, so obviously people are worried about change.

How did you get involved in Zomet?

R. Rozen called me and offered me a job.

What is the most rewarding experience that you have had working for Zomet?

10 Ibid.
11 Rudoren, *ibid*.
12 Yair Ettinger, “Rabbi Menachem Froman of West Bank settlement Tekoa dies at 68,” *Haaretz English online*, 4 March, 2013, available at: www.haaretz.com.
13 Ayelett Shani, “The West Bank’s Rabbi Menachem Froman has the solution to the conflict,” *Haaretz English online*, 20 July, 2012.
14 Ettinger, *ibid*.

A couple of years ago, three days before Rosh ha-Shanah, I got a letter from a doctor in Canada who said that, as a doctor, he realizes that one of the most important factors [in healing] is the person’s mental and psychological well-being. The fact that we were able to give him a halakhicly permissible sound speaker to use on Shabbat helped to cure him from the cancer. Specifically, [the patient] was able to read the Torah on Shabbat.

Does Zomet primarily produce things for public use?

More for mosdot like government hospitals.

What is Zomet working on now?

We’re working on new nurse call systems. Also, new Shabbat light based on LEDs is coming out --similar to the Shabbat (Kosher) Lamp, but based on LED lighting.

Are there are any long-term projects involving the government or the army?

To dial Bluetooth phones, we’re working on lots of different things. It’s hard to specify individual things.

A Yawning Gulf? Attitudes Toward the Death Penalty in the Torah and Hazal

BY: ATARA SIEGEL

A man is trapped in a closed, concrete room. All routes of escape are blocked and heavily guarded. Just outside, a group of trained, highly skilled men intend to kill him with cold precision. An outsider landing in the middle of this scene would be shocked, and employ all his resources to rescue this hapless victim. However, if our righteous visitor was informed that our “victim” was actually a cold-blooded killer himself awaiting the death penalty, making a moral decision about what to do with him would become much more complicated. Modern American politicians debate both how to fairly apply the death penalty as it stands now and whether we should have a death penalty at all. Jewish thought also includes two streams of thinking about this issue, with the Torah more supportive of the penalty and Hazal more reluctant to enforce it.

The Torah is strong in its support of the death penalty, legislating it as a punishment for many violent and non-violent offenses, including forms of incest,¹ adultery,² idolatry,³ kidnapping,⁴ rape of a married woman,⁵ and violation of the laws of Shabbat.⁶ The Torah is particularly insistent on enforcing the death penalty in cases of murder, declaring, “And one who strikes a person [fatally] shall be put to death.”⁷ In several places, the Torah emphasizes the justness of taking the life of one who has ended another’s. Speaking to Noah after the flood, God declares, “One who spills the blood of man, by man his blood shall be spilt.”⁸ A similar verse, “The land will not be appeased for the blood spilt within it except with the blood of the spiller,”⁹ is repeated at the end of a discussion of the laws of *ir miklat* (city of refuge) and unintentional murder. These verses portray the death penalty for murderers not simply as a punishment, but as a fair, measure for measure consequence that the perpetrators have brought upon themselves.

Given the Torah’s attitude, it is surprising and somewhat jarring to see Hazal’s much more hesitant view of the death penalty. The Gemara in *Sanhedrin* 40b lays out a set of criteria necessary before a criminal can be sentenced to death, criteria so strict as to make enforcement of the death penalty essentially impossible. According to the

Gemara, before sentencing a criminal to death, the judges must confirm with the witnesses, “Did you warn him? Did he accept the warning?” However, a simple warning on the witnesses’ part is not enough. The defendant himself must also orally acknowledge that he knows his crime will carry the death penalty before he commits it. Furthermore, the time between the witnesses’ warning and the defendant’s crime cannot exceed the amount of time of *kedei she’eilat shalom*¹⁰, the amount of time it takes to say hello, for otherwise, as Rashi explains,¹¹ we are afraid that the defendant may have forgotten the warning. In a famous *mishnah* in *Makkot* 1:10, the anonymous *Tanna Kamma* limits how often capital punishment should be applied and says, “high court which kills once in seven years is called ‘destructive.’” R. El’azar ben Azariah goes further and gives the same label to a court that kills only once in seventy years. R. Tarfon and R. Akiva go as far as to say that they personally would never enforce the death penalty, although R. Shimon ben Gamliel is unhappy with the freedom this position would give to murderers.

Based on the verses in the Torah cited above, one would think that the *Tanna’im* should praise a high court that ensures justice will be done and enforces the death penalty, but Hazal seem to take the opposite view and not-so-subtly criticize “trigger happy” courts that impose the death penalty too often. Based on the above *mishnah* in *Makkot*, R. Ovadiah Bartenura, a famous fifteenth century commentator, derives that courts should actually deliberately avoid the death penalty when they can, and should specifically “look for merit in capital cases.”¹² Some scholars would explain that Hazal simply had a different *hashkafah* about the death penalty than the Torah did, and therefore tried to use technicalities to circumvent the Torah law. In the words of scholar Sara Japhet, Hazal always lived with a tension that stemmed from “the continuous emergence of gaps between changing historical situations ... and the fixed, canonized text,”¹³ and they reinterpret

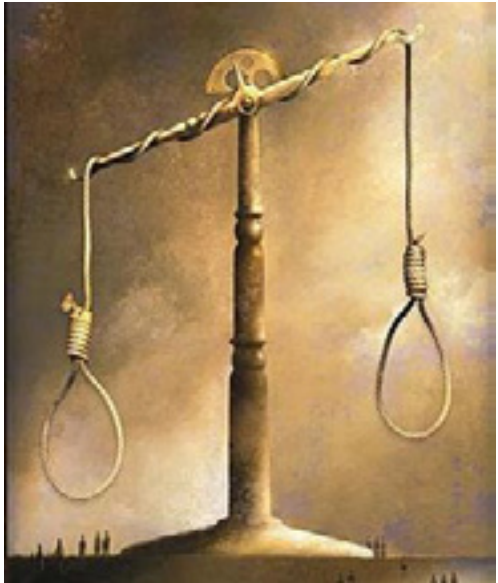
the text to meet the requirements of the day “guided by their social ideology.”¹⁴ As an Orthodox thinker, however, while accepting that Hazal were human beings and therefore influenced by their historical surroundings, I find it difficult to imagine Hazal imposing their own ideology on the law when the Torah has a clear, emphatic, and opposing position. Is it possible to find a different way to reconcile Hazal’s and the Torah’s differing attitudes towards capital punishment? Is it possible to find some source in the Torah that Hazal were picking up on when they lay down rules limiting the situations in which the death penalty applies?

While the legal portions of the Torah are emphatic in their insistence for imposing the death penalty on murderers, stories in Tanakh seem to temper this insistence. The Torah’s first murder takes place early on, in the fourth chapter of the book of *Bereishit*. Kayin kills his brother Hevel in cold blood, and is confronted by God who asks where Hevel has gone. Unrepentant, Kayin responds with the famous question, “Am I my brother’s keeper?”¹⁵ God, of course, is not fooled and accuses Kayin, declaring, “What have you done!”¹⁶ At this point, Kayin has murdered his innocent brother in cold blood, and is defiant and unrepentant about his crime. Based on the Torah’s own legal principles, we should expect God to destroy Kayin on the spot, to spill Kayin’s blood in retribution for the “sound of [his] brother’s blood screaming to [God] from the ground.”¹⁷ But God does not kill Kayin. Instead, He decrees that Kayin will be banished, a punishment starkly similar to the punishment of exile reserved for unintentional killers.¹⁸ When Kayin protests that even this punishment



is too strict, God in fact protects Kayin from death, placing a special mark on him so that “all who find him should not kill him.”¹⁹ Hazal were highly aware of this conflict

between the punishment God prescribes for murderers and the punishment He actually gives Kayin. The *midrash* in *Bereishit Rabbah* 22:12 expands upon and dramatizes God’s refusal to sentence Kayin to death. R. Yehudah describes the beasts, animals, and birds of the world coming to God and demanding Kayin’s blood in revenge for Hevel’s death, but God instead declares, “Whoever kills Kayin will be killed.” R. Yehoshua ben Levi continues and imagines the primeval snake asking for Kayin’s



death and justice for Hevel, but God only repeats, “Whoever kills Kayin will be killed.” R. Nehemiah tries to explain why God would persistently refuse the animals’ seemingly just claim that Hevel should be avenged through Kayin’s death: “The law of Kayin is not like the law of [other] murderers,” R. Nehemiah says, because “Kayin killed, but he did not have from who to learn.” According to R. Nehemiah, Kayin deserved a different punishment than the one normally reserved for murderers because his case was different from cases of other murderers. There were mitigating factors in Kayin’s case; Kayin did not have any precedent to teach him the severity of murder, and therefore he was not fully aware of what he was doing. A *midrash* in *Sanhedrin* also expresses this idea that Kayin’s murder was not fully intentional or premeditated. Having never previously experienced death, Kayin was not sure where he should strike Hevel in order to kill him, and ended up bruising and wounding Hevel all over his body, until he happened upon his neck and killed him there.²⁰

Hazal definitely recognized Kayin’s sin as serious, even as causing the world

to become less godly; the *midrash* in *Bereshit Rabbah* blames Kayin for causing God to remove Himself from the world, stating succinctly, “Kayin sinned, [therefore] it [the *Shekhinah*] left to the second firmament.”²¹ And yet, another *midrash* raises the possibility that Kayin’s great sin was not as inerascable as it seems, and may even have been forgivable. Commenting on Kayin’s question of God, “Is my sin too great to bear?”²² the Gemara explains that Kayin here challenges God, “Is my sin greater than that of the sixty myriads who in the future will sin before you, and yet you will forgive them!”²³

Perhaps, then, when Hazal express a hesitant attitude towards capital punishment, they are not ignoring the Torah’s proclamation that capital punishment is the just response to murder. Instead, perhaps Hazal are simply also attuned to the story of Kayin, to the mitigating circumstances surrounding his murder. Maybe Hazal recognized that almost all capital cases have mitigating factors, that we need strict rules to ensure that anyone sentenced to capital punishment was fully warned and informed of the severity and consequences of his crime.

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death penalty is not only a necessity of the individual but also a historic and universal necessity,” with the claim that the biblical story of Kayin supports their assertion. “‘Hands Off Cain’ is written in the Bible,” they contend, “and this ancient imperative means, to us, that the State cannot take the life of one of its citizens.”²⁴

It seems reasonable to contend that Hazal’s hesitant view of the death penalty was derived from the Torah itself, not simply from the “social ideology”²⁵ of the time. The Torah’s call for strict enforcement of the death penalty expresses the idea that murder and even other crimes are so abhorrent, so unforgivable, that a person who commits them no longer deserves to live. Recognizing this principle of justice is important, but some slippage occurs when

applying ideals and abstract principles of justice to flesh and blood cases. Hazal may believe that few actual, real-life situations qualify as classic criminal cases where strict justice should apply. Perhaps, like Kayin, our imaginary murderer did not fully understand what he was doing or did not have complete intent to murder. Maybe he would not have followed through with his crime had he been warned, or been warned strongly enough. And when you are deciding to put a man to death, you cannot afford to be unsure whether or not the punishment is just.

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- 1 *Vayikra* 20:11-15.
- 2 *Vayikra* 20:10.
- 3 *Shemot* 22:19.
- 4 *Shemot* 21:16.
- 5 *Devarim* 22:23-27.
- 6 *Shemot* 31:14.
- 7 *Vayikra* 24:21. All translations are my own.
- 8 *Bereshit* 9:6.
- 9 *Bamidbar* 35:33.
- 10 Rashi *Sanhedrin* 40b s.v. Hemit B’tokh K’dai Dibbur
- 11 Ibid.
- 12 *Makkot* 1:10, see Bartenura ad loc.
- 13 Article in edited book: Sara Japhet, “The tension between Rabbinic Legal Midrash and the ‘Plain Meaning’ (Peshat) of the Biblical Text-An Unresolved Problem?: In the Wake of Rashbam’s Commentary

on the Pentateuch,” in Sefer Moshe: The Moshe Weinfeld Jubilee Volume: Studies in the Bible and the Ancient Near East, Qumran, and Post-Biblical Judaism, ed. by Chaim Cohen, Avi Hurvitz, Shalom M. Paul & Moshe Weinfeld (Winona Lake, IN: Eisenbrauns, 2003). 403. Thank you to R. Mordechai Cohen for exposing me to Japhet’s work.

- 14 Japhet, 409.
- 15 *Bereshit* 4:9.
- 16 *Bereshit* 4:10.
- 17 Ibid.
- 18 As described in *Bamidbar* 35:9-15.
- 19 *Bereshit* 4:15.
- 20 *Sanhedrin* 37b.
- 21 *Bereshit Rabbah* 19:7.
- 22 *Bereshit* 4:13.
- 23 *Sanhedrin* 101b. In this *midrash*, Kayin claims that his sin should be no less forgivable than the sin of the 600,000 Jews who left Egypt. Presumably the sin the *midrash* is referring to is the sin of the Golden Calf.
- 24 “Appeal to the United Nations for the Moratorium on Capital Punishment and the end of ‘state secrecy’ on the death penalty,” *Hands Off Cain*, available at: www.handsoffcain.info.
- 25 Japhet, 409.

Moshe and Rabbi Akiva: The Symbolic Relationship Between Two Great Leaders

BY: YISHAI KANTER

What was R. Akiva’s beginning? They say he was forty years old and had not learned¹ anything. Once he came to the well and asked, “Who hewed this stone?” They said to him, “The water that consistently falls on it every day.” [Furthermore,] they said to him, “Akiva, have you not read, ‘Stones that water eroded?’”² Immediately R. Akiva judged a *kal va-homer*³ regarding himself: “If soft distorts hard, words of Torah, which are hard like iron, can, all the more so, hew into my heart which is flesh and blood.” Immediately he returned to learn Torah.⁴

This well-known story of how R. Akiva began his path toward leadership should seem familiar to us from an even better-known story; how Moshe *Rabbeinu* began his path toward leadership. A turning point in Moshe’s story occurs when he experiences a phenomenon in nature: the burning bush.⁵ After this event, Moshe begins his path toward leadership. R. Akiva also begins his path toward leadership after experiencing a phenomenon in nature: the water eroding a rock. This similarity opens up several important questions: Are there other similarities? What are the key contrasts? And is the resemblance between the two stories intentional? Let us begin to answer these questions by first considering similar qualities of each individual story.

One similarity to consider is that both R. Akiva and Moshe started out in positions from which it appears unlikely that one can become a leader. Ramban points out that for much of Moshe’s life before the burning bush incident, he was a fugitive fleeing from Pharaoh for having killed an Egyptian taskmaster.⁶ *Shemot* 2:11 says, “Moshe grew up and went out to his brethren... he saw an Egyptian man striking a Hebrew man of his brethren.” Focusing on the word “*va-yi-gdal*,” “grew up,” Ramban says that Moshe, having just reached maturity, was approximately twenty years old when he killed the Egyptian taskmaster. From the flow of the text it seems that Moshe fled from Egypt a short time later. But we know from *Shemot* 7:7 that Moshe was eighty years old when he stood before Pharaoh. This means that Moshe spent about sixty years running away from Pharaoh before witnessing the burning bush. During those sixty years he was likely sentenced to execution if he dared to come back to

Egypt. If we had to guess at this point whom God might pick to lead the Israelite people out of Egypt, Moshe’s inability to even enter the land safely would put him far away from first choice as leader of the Jewish people.

The same can definitely be said about R. Akiva. In R. Akiva’s time, the Torah scholars were among the main leaders of the nation. As our opening quote from *Avot de-Rabbi Natan* indicates, R. Akiva had not learned any Torah before the age of forty. *Pesahim* 49b reports that he had the status of an *am ha-arets* (ignoramus in Torah matters) and, as R. Akiva himself said, he even hated the Torah scholars. Thus R. Akiva before his experience at the well, like Moshe before the burning bush, was certainly not in a position from which ascent to Jewish leadership seemed likely.

These similarities alone, while somewhat curious, only merit special attention in view of some sharp contrasts between R. Akiva and Moshe, contrasts that at times seem related. First, within the second similarity itself lies an important contrast: For Moshe

anything wrong;⁷ R. Akiva, on the other hand, had serious personal shortcomings that lowered his potential to become a leader. He was an *am ha-arets* and hated the sages. In *Pesahim* 49b, R. Akiva says that when he was an *am ha-arets* he wanted to “bite [a sage] like a donkey.” The process that led him to leadership was actually one of tremendous character development.

In fact, the long path R. Akiva travels signifies another key difference between him and Moshe *Rabbeinu*. After R. Akiva’s nature phenomenon he spends years learning and developing his own character before taking on a leadership role. Moshe jumps straight into leadership after being told by God to go to Egypt during his experience at the burning bush.

The differences between these two figures, both before and after their witness of a phenomenon in nature, underlie an important variance in their respective developments into leadership. For Moshe, the development is rather sudden and completely devoted to the purpose of leading the Israelite people out of Egypt. For R. Akiva, it is a long and gradual development completely devoted to self-improvement, through which he becomes so great a person that he becomes worthy of a leadership position.

Another important contrast presents itself within the phenomenon in nature experienced by each man. The first obvious difference between these experiences is that Moshe’s was supernatural whereas R. Akiva’s was natural. The bush burns without turning to ash and, through it, Moshe has a prophetic revelation from God. What R. Akiva witnesses, water eroding a rock, is an ordinary occurrence but it nonetheless surprises someone who is unfamiliar with it. Thus, although Moshe’s experience stands out for being miraculous, R. Akiva’s experience is also special in that it was unintuitive and unexpected.

These two experiences are also opposites of each other. A bush is a weak material made up of twigs and leaves, while fire is a strong and destructive force. Thus Moshe sees a weak material being attacked by a strong force and withstanding it. A

rock is a strong substance that is hard to break, while dripping water is a rather weak force that does not usually harm that which is strikes. R. Akiva sees a strong material being attacked by a weak force and not withstanding it.

A final difference between these phenomena concerns the manner in which the men experienced them. Moshe had a more instructive experience in that his

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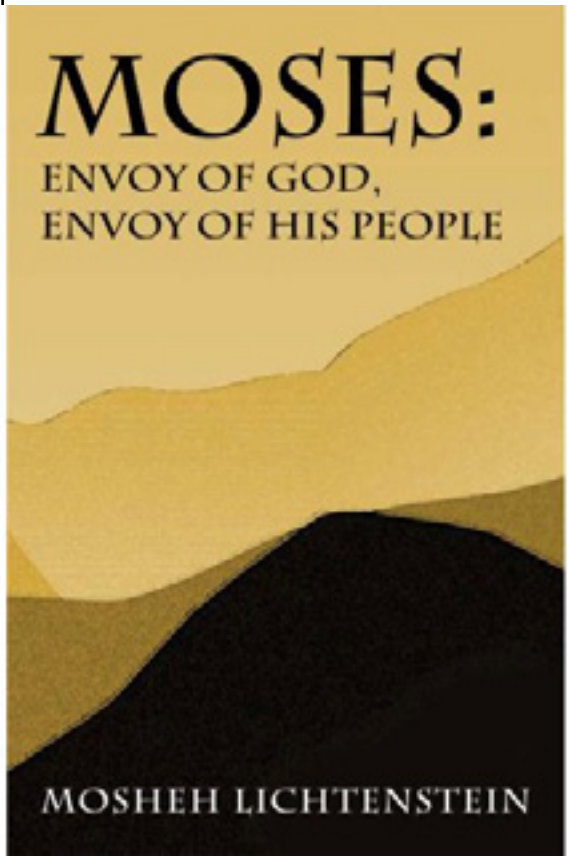
message from the burning bush, along with its mission, was told to him as he passively stood and listened. R. Akiva’s experience was more self-initiated in that he derived his message on his own.

Not only was Moshe’s call to action an instructive process, but the symbolism of the bush itself was also instructive. In *Shemot* 3:11-12, Moshe asks who he is that he should be fit for the task God is asking of him. God responds, “... For I shall be with you, and this is your sign that I have sent you.” Rashi explains that the words, “this is your sign,” convey to Moshe that the bush doing what God wants and not getting burned serves as a sign to Moshe that if he does God’s mission he, too, will not be harmed.⁸ Thus, the symbolism of the phenomenon in nature that Moshe witnessed had a message for him and that message was explained to him by God instead of Moshe deriving it himself.

R. Akiva had a more self-initiated, active experience. He definitely received a message or idea from the erosion: just as the water penetrates the rock, so too can Torah penetrate R. Akiva’s heart. But here R. Akiva derives his message himself through logical reasoning. R. Akiva was not told his lesson from the rock, but rather arrived at it himself. Moshe had the challenge of trust in God. R. Akiva, on the other hand, had to go through a tremendous self-improvement.

What made Moshe an unlikely candidate for leadership, namely being a fugitive, did not seem to reflect any character flaws, but it may have been cause for him to doubt his own capacity to become a leader. Throughout Moshe’s conversation with God at the burning bush, Moshe is hesitant to accept the mission. At many points in this conversation Moshe doubts he will be able to accomplish anything. He says, “Who am I that I should go to Pharaoh and that I should take the children of Israel out of Egypt?”⁹ “I am not a man of words,”¹⁰

and his final plea, “Please, my Lord, send through whomever You will send!”¹¹ In response, God reassures him that He will be a guide to Moshe through any problems that arise. As He says, “For I shall be with you”¹² and “I shall be with your mouth and



teach you what you should say.”¹³ Thus, Moshe’s challenge is to trust that God will make things work out regardless of what situation in which Moshe finds himself.

This general theme of trust in God as Moshe’s challenge is expressed in the differences between his story and R. Akiva’s. Moshe’s experience in nature was miraculous, unlike R. Akiva’s. This was important because he needed to understand that, despite impossible odds, God can do anything and would always be able to protect him. Moshe saw a weak substance being attacked by a strong force and withstanding it. This serves as a metaphor for how he would be able to withstand anything that attacks him through God’s help, and how he could therefore trust God to protect him. Moshe’s experiences were instructive and not self-initiated like those of R. Akiva. His were more of a test of trust in God, since following instruction means trusting the instructor. After the burning bush he went straight to Egypt because his challenge, unlike R. Akiva’s, was not to go through any character development. Instead, his challenge was to do what God told him and trust that God would fulfill His promises despite the dangers involved in the mission.

For R. Akiva the challenge was to achieve a major change of character. He started

out as an *am ha-arets* whom most people would not expect to end up anywhere near Torah scholarship. After his experience with the rock, R. Akiva does not go straight into leadership like Moshe. Instead he begins a long path of personal growth not even intended toward a position of leadership, but rather toward being a better person. After many years of self-improvement, he becomes so great that he can be considered a leader of the Jewish people.

The theme of R. Akiva’s challenge being one of difficult self-development also comes through in the differences between his story and Moshe’s. R. Akiva’s experience with the rock was not miraculous, but it was something unintuitive. If one did not know any better, his first guess might be that water will not break through a rock. Similarly, even though the challenges R. Akiva faced in changing himself were not impossible for him to overcome, it was unexpected that he would meet them. The idea of a strong substance being penetrated by a weak force over a long time conveys the message that a difficult task can be accomplished with great diligence. R. Akiva needed to realize that he could master the Torah through years of hard work and strong efforts on personal development. R. Akiva was more self-initiated in facing his challenges, both with deriving the message from the rock himself, and

with the intense years of study that followed. This was important because character development is, arguably, most effective when people commit to it themselves.

A prominent Talmudic association of Moshe and R. Akiva is the story in *Menahot* 29b in which God anachronistically sends Moshe to one of R. Akiva’s classes. The Gemara there also relates how Moshe witnessed the brutal murder of R. Akiva:

[Moshe] said before Him, “Master of the Universe, You have shown me his Torah, now show me his reward.” [God] said to him, “Turn around and see what is behind you.” [Moshe] turned around and saw that people were weighing the flesh from [R. Akiva’s body] in the butcher’s meat market in order to sell it. [Moshe] said before him, “Master of the Universe! This is Torah and this is its reward?!” [God] said to him, “Quiet! This is part of My greater plan to which you are not privy.”¹⁴

Moshe’s response to seeing R. Akiva’s horrific death was one of serious

puzzlement in regards to the question of theodicy. God’s response that Moshe must remain quiet and accept the way God has run the world, dovetails with the theme constructed above that Moshe’s main challenge was that of trust in God. Once again Moshe is in a situation that does not make sense to him, but is simply told by God to accept the divine decree and trust that God is justified for allowing this situation to happen.

But R. Akiva’s reaction to his own death is very different. In *Berakhot* 61b, the Gemara relates that R. Akiva was executed during *zman kerī’at Shema*. He took this as an opportunity to recite the *Shema* one last time so that he could truly fulfill the words “love God... with all your soul.”¹⁵

For R. Akiva, the main issue in his horrific death was not a question of trust in God, but rather how he could use the situation he is in to once again improve his worship of God. This is in line with R. Akiva’s general challenge being one of personal development, since he saw even his own horrific death as a chance to push that development further along.

The Gemara thus describes God as interacting with these two figures according to their different challenges in relation to the same tragedy of R. Akiva’s death.¹⁶ From Moshe, He demands trust. For Rabbi Akiva, He has him killed at the time for the recital of *Shema* so that R. Akiva can have one last opportunity to improve

his personality as one completely committed to God. By juxtaposing Moshe and R. Akiva in the same story and presenting their different reactions, the Gemara in *Menahot* highlights the connection between Moshe and R. Akiva and their differences as presented above.

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1 The translation “learned” here might not be exact. The Hebrew word, *shanah*, could also mean “learned again” or “reviewed” (see *Berakhot* 18a). Also, the end of this passage indicates that R. Akiva “returned,” rather than “started” to learn Torah. Nonetheless, the fact that elsewhere in the Talmud he is said to have been an *am ha-arets* (*Pesahim* 49b) demonstrates that he was severely lacking in Torah knowledge, even if had been exposed to it previously.

2 *Iyyov* 14:19.

3 A *kal va-homer*, also known as an *a fortiori* argument, is a type of logical formula. It dictates that if one thing is taken as a given, then this same thing is assumed to also be true in a situation where it is generally more likely to be true.

4 *Avot de-Rabbi Natan*, chapter 6, translation mine. All translations to follow are from Artscroll, with minor modifications.

5 *Shemot* 3:1-4:17.

6 Ramban to *Shemot* 2:23, s.v. *va-ye-hi*.

7 It is true that Moshe was exiled for killing an Egyptian taskmaster. One might contend that this was an immoral act of murder because the Egyptian did not deserve that strict of a punishment. One could then argue that Moshe was disqualified to be a leader at this stage of his life on moral grounds, just like R. Akiva. However, I do not think that that is a reasonable consideration for two reasons. The first is that we can at least sympathize with, if not justify, what he did to the Egyptian taskmaster in defense of the abused Israelite slave. Also, the Torah itself does not reprimand Moshe for committing murder. Thus, it would seem that Moshe did not actually do anything wrong, and this factor should not be a consideration.

8 Rashi to *Shemot* 3:12, s.v. *va-yo-mer*.

9 *Shemot* 3:11.

10 *Shemot* 4:10.

11 *Shemot* 4:13.

12 *Shemot* 3:12.

13 *Shemot* 4:13.

14 *Menahot* 29b.

15 *Devarim* 6:5.

16 The Gemara in *Menahot* may be a homiletic and not historical story. But even if that is the case, the Gemara touches upon the issue of what Moshe’s challenges and relationship with God were by addressing what God would say to him had this situation occurred.



All About the Blue

By: GILAD BARACH

Reviewed Book: Baruch Stermán, *The Rarest Blue: The Remarkable Story of an Ancient Color Lost to History and Rediscovered* (Guilford, CT: Lyons Press, 2012)

In the past twenty years, a new candidate has emerged for the biblical *tekhelet*, a central component of the mitzvah of *tsitsit* as commanded in the Torah.¹ The sky-blue dye that can be extracted from the murex trunculus shellfish matches many of the traditional descriptions provided by Hazal and the other bearers of Jewish tradition. Thousands of people have been convinced that this dye is exactly what God commanded them to place on the fringes of their garments, and they have purchased dyed wool to fulfill this commandment. Thousands more wait for more conclusive evidence, more widespread adoption, or more prodding. Each side of the debate is defended by vocal and prominent leaders, and a wealth of literature has been produced on the issue.

Dr. Baruch Stermán’s new book, *The Rarest Blue*, is not about this debate. It is not about Halakhah. It is not even written for a Jewish audience. In fact, *The Rarest Blue* defies categorization of any sort. It should not be labeled a story (as its subtitle suggests) for it contains too much science, though it cannot be called a book of science either since it focuses too heavily on archaeology. Nonetheless, while *The Rarest Blue* refuses to be measured by traditional yardsticks, it excels in the unconventional category it carves out for itself. With terrific prose and an inviting tone, the book appeals in both content and presentation to readers of all backgrounds and interests.

The Rarest Blue begins with a lengthy historical overview of dyeing in the ancient

world. Evidence of shellfish dyeing dates back to eighteenth-century BCE Greece, and remnants of dyed fabric from as early as the fifteenth century BCE have been found in Syrian archaeological digs. Cuneiform tablets from fourteenth-century Egypt contain the words *takhilti* and *argamannu*, referring, respectively, to the blue and purple dyed wool known in Hebrew as *tekhelet* and *argaman*.² These precious dyes came to symbolize aristocracy and were highly demanded commodities. Trade and conquest spread these fabrics throughout the world, and they have been found as far away as St. Petersburg.³

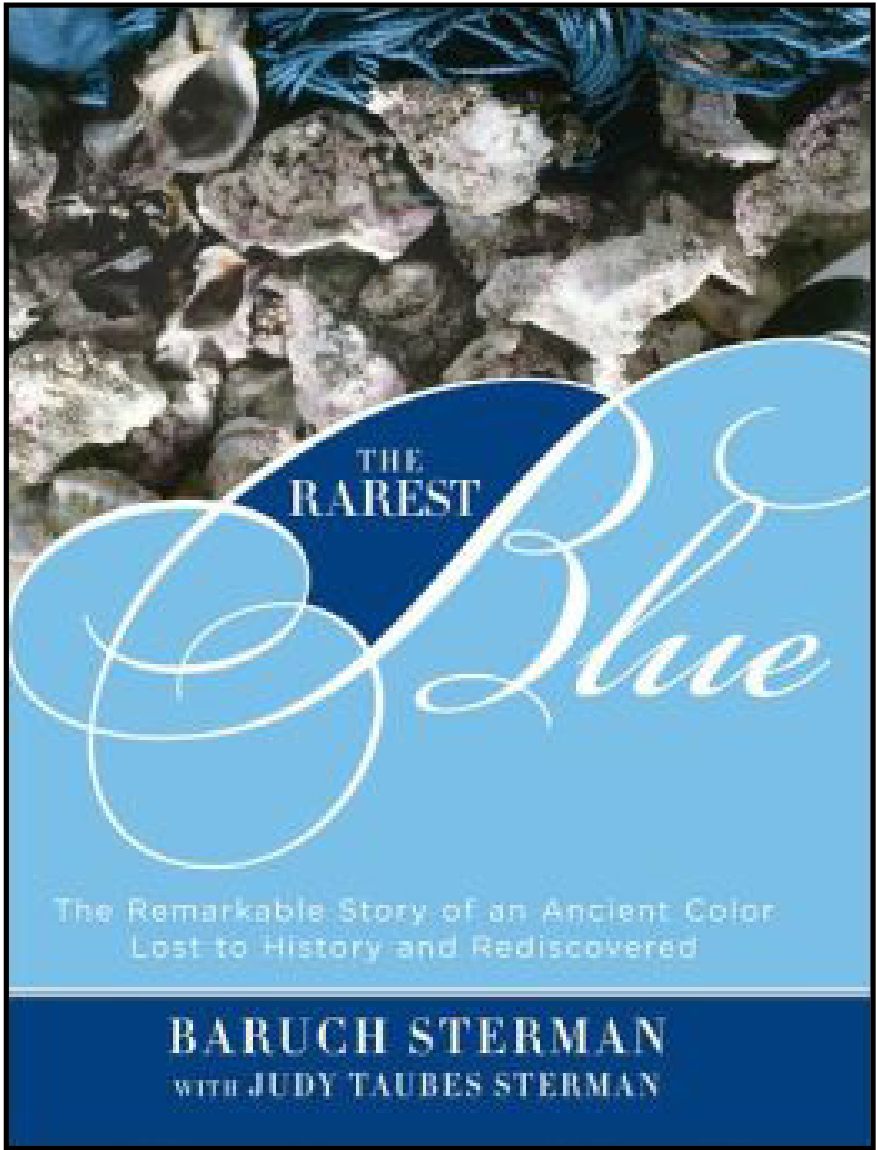
The shellfish-dyeing industry has ancient roots in Israel as well. Excavations in Dora, an ancient coastal city between Jaffa and Haifa, revealed a pair of pits, one full of shells of the murex snail, and the other containing coagulated dye. Although it is not fully understood what function each of these pits served, it is clear that a murex-dyeing factory was centered there.⁴ Digs on Mount Zion in Jerusalem have uncovered shells of the murex trunculus.⁵ Tufts of purple and blue wool found in Masada from the time of the Bar Kokhba revolt have been chemically analyzed and found to have been dyed using the murex snail as well.⁶

The prestige of these colors led to decrees on who could and could not wear them. In Rome, the color of one’s toga denoted his status and stature, and Julius Caesar and Augustus established limits on which royal advisors could wear purple robes. In the fifth century CE, the emperor Theodosius II forbade commoners not only to wear purple-dyed clothes, but even to own them. Other sources imply that the same restrictions applied to blue clothing. For Jews living

under the Roman Empire, this made wearing *tekhelet* illegal and dangerous. Hazal, aware of these circumstances, comfort those who cannot fully observe the mitzvah of *tsitsit*.⁷ As is apparent from late Talmudic sources, the rabbis no longer wore *tekhelet*, but still tried to perpetuate the knowledge of how to produce it. In the seventh century CE, the last vestiges of the dye industry in Jerusalem were destroyed, and by 1453, murex dyes and fabrics had disappeared from the world entirely.⁸

Although the loss of *tekhelet* was tragic for

observant Jews, the global dyeing industry had a ready substitute: plant-based indigo dye. The chemical equivalent of murex dye, indigo is cheaper and easier to obtain and use, and has colored everything from King Tut’s kherchief to Levi Strauss’s denim jeans. It is also disqualified for use as *tekhelet*, which must come from the *hilazon* creature, rather than for a plant. The virtual equivalence of *tekhelet* and *kala ilan* (the Talmud’s name for indigo) is the focus of many strong statements in Hazal about the ethical imperative of dye sellers to



market their goods truthfully.^{9,10} The modern quest to rediscover the *hilazon* began with the Radziner Rebbe, Gershon Henokh Leiner, in the nineteenth century. A Torah prodigy who independently studied secular subjects as well, Leiner traveled to the aquarium in Naples, Italy, hoping to find the sea animal that produces the biblical *tekhelet*. From Hazal’s many descriptions of the *hilazon*, he identified the ten most reliable characteristics and concluded that the cuttlefish was the right creature. Unfortunately, the cuttlefish creates a brown dye, not the blue that he had wanted. Leiner consulted a chemist, who devised a chemical process by which this brown dye could be made blue. In 1891, the Radziner Rebbe opened a tekhelet factory and began to sell dyed strings.¹¹

Though Sberman generally avoids matters of Halakhah, his occasional references create a deeper appreciation of traditional Jewish sources in light of the history and archaeology he discusses.

R. Isaac Herzog was the second modern Jewish leader to investigate *tekhelet*. Educated in the University of London and later Chief Rabbi of Israel, Herzog was also obsessed with the study of *tekhelet*. He investigated the chemical protocol employed by the Radziner Hasidim and was shocked to discover that their process was the same one that was used to produce a synthetic dye known as Prussian blue, and the cuttlefish ingredient played no real role. Herzog’s own investigations led him to the murex trunculus, which was known to have been central to the dyeing industry in the ancient world and appeared to match many of Hazal’s descriptions. However, this snail produced only a violet dye. Though the scientific community widely accepted that this violet color must have been the biblical *tekhelet*, Herzog stayed committed to the halakhic sources that *tekhelet* is sky-blue. He died in 1959, uncertain whether he had discovered the ancient *hilazon*. In the 1980s, chemist Otto Elsner found that by merely exposing the ink of the murex trunculus to sunlight, its color changes from violet to sky-blue; the murex trunculus can make blue dye after all. Scientific acceptance of the murex as the *hilazon* and Herzog’s insistence on the dye’s color finally converged.¹²

At this point in *The Rarest Blue*, the historical narrative ends, and the book contains chapters on the physiology of the murex and the chemistry of the dyeing process. The descriptions are tailored to non-scientists and explain many of the challenges involved in murex-dyeing. The subtleties and complexities of the procedure not only stimulate appreciation for the ancient dyers’ craft, but also clarify many challenging technical descriptions found in the Talmud and non-religious sources. For example, it is now understood why the Talmud says that one must remove some dye from the heated mixture in order to test its color, rather than simply looking in the pot.¹³ The hot dye is in a chemically reduced state that allows it to bind to wool, but which changes its appearance; only when it is removed and exposed to oxygen does it take on the blue color and remain fixed to wool.¹⁴

The book then devotes a pair of chapters to the color blue. A physicist by profession, Dr. Sberman explains why nature’s palette is full of reds and greens, but mostly devoid of blues. Blue can be physically produced by one of five physical phenomena, ranging from Rayleigh scattering (which is responsible for the blue sky) to quantum absorption of radiation (the blue sea) to crystallography (blue gemstones). None of these, however, can lead to an organic dye. The exception is indigo, whose unique molecular structure has a high degree of symmetry, allowing it to absorb and radiate light of blue wavelength.¹⁵

Based on the physics, it is unlikely that an as-of-yet undiscovered organic pigment will be able to produce a blue dye.¹⁶ Sberman then switches from science to society with a discussion of various cultures’ perspectives on color in general, and blue in particular.¹⁷ He finishes the book with a brief summary of the birth of the modern *tekhelet* industry, which gets its dye from the murex trunculus.¹⁸

The book ends without a call to action and without an insistence that the proposed *tekhelet* is the biblical one. Sberman’s foundation, the Ptil Tekhelet Association, is mentioned only in passing, and its web address is not even provided.¹⁹ Nevertheless, the religiously disinterested format of the book is very effective in convincing the reader that the murex trunculus is the *hilazon* and that the blue dye it produces is the right *tekhelet*. By steering clear of the usual debate over admissibility of archaeology in the halakhic court or the degree to which this *tekhelet* has been adopted (or not) by rabbinic authorities, Sberman frees himself to make it undeniably clear that *tekhelet* was universally known throughout the ancient world as the sky-blue dye extracted from a murex trunculus. It existed with this name long before Jews were commanded to put it on their garments, and it persisted well into the period of Hazal. It was produced and worn in biblical Israel and the world over. Everyone knew what *tekhelet* was, and now we do as well. While it is not clear whether the author intended for this result, *The Rarest Blue* presents a powerful proof for the authenticity of the current *tekhelet*.

Though Sberman generally avoids matters of Halakhah, his occasional references create a deeper appreciation of traditional Jewish sources in light of the history and archaeology he discusses. For example, it is known from the archaeological record that blue and purple dyes were very difficult to manufacture and very costly, so their use was mostly limited to noblemen. The Torah reflects the same phenomenon: The priests wore garments dyed with *tekhelet*.²⁰ The novel extension in Jewish law is that every male affixed a string of *tekhelet* to his clothing, illustrating “the epitome of the democratic thrust within Judaism which equalizes not by leveling, but by elevating: All of Israel is enjoined to become a nation of priests.”²¹

Halakhah can also explain perplexing archaeological finds. All ancient dyeing factories were located on the sea, both because it is the natural habitat of the murex snail and because the odor of the dye fermentation had to be kept away from cities. Why, then, were murex shells found in Jerusalem? Sberman suggests that their presence does not mean that dye was produced within the city. Rather, shopkeepers selling dyed wool for *tsitsit* proudly displayed these shells in their stores to show that their products were from authentic shellfish, not indigo.²²

Sberman could have included more discussion on religious philosophy and Halakhah, albeit at the risk of limiting the book’s audience. Two particular subplots in the history of *tekhelet* stand out as deserving further attention. R. Herzog’s steadfastness to the tradition that *tekhelet* is blue, in opposition to everyone in the scientific community of his time, is an inspiration for other debates between science and tradition.²³ R. Leiner and R. Herzog’s unenviable responsibility to decide which traditional descriptions of *tekhelet* were reliable and which others were hyperbolic or misinformed²⁴ has implications for other modern questions in Halakhah.²⁵

Needless to say, Sberman is not as ambivalent to the authenticity of his foundation’s *tekhelet* as his book suggests. He certainly has more to say, as evidenced by the number of articles he has posted on the Ptil Tekhelet website. In a recent lecture at Yeshiva University, he firmly but respectfully challenged the common counterarguments to the adoption of *tekhelet* for the mitsvah of *tsitsit*.²⁶ But his book operates independently of this dispute. It delivers a historical and scientific account of the murex *tekhelet* that can be appreciated by any audience, a valuable contribution to the public understanding of this important mitsvah.

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1 Numbers 15:38. *Tekhelet* is also required in certain priestly garments and

Tabernacle materials.

2 Baruch Sberman, *The Rarest Blue: The Remarkable Story of an Ancient Color Lost to History and Rediscovered* (Guilford, CT: Lyons Press, 2012), chapter 2.

3 Ibid. chapter 3.

4 Ibid. chapter 4.

5 Ibid. chapter 5.

6 Ibid. chapter 6.

7 “Greater is the punishment for [those who do not wear] white, than for [those who do not wear] *tekhelet*” (*Menahot* 43b, cited by Sberman, p. 85).

8 Ibid. chapter 6.

9 Ibid. chapter 7.

10 For example: “The Holy One, blessed be He, will exact vengeance from him who attaches to his garment threads dyed with *kala ilan* and maintains that they are genuine *tekhelet*” (*Bava Metsia* 61b, cited by Sberman, p. 70).

11 Ibid. chapter 8.

12 Ibid. chapter 9.

13 *Menahot* 42b.

14 Sberman, *The Rarest Blue*, chapter 11.

15 Ibid. chapter 12.

16 As Sberman recently said in a lecture in Yeshiva University, “At least as far as science knows today, there is not even the possibility for there to be another blue dye that is created in a natural process.” (Baruch Sberman, “Evidence for Techeiles,” *YUTorah Online*, 2 December, 2012, available at: www.yutorah.org.)

17 Sberman, *The Rarest Blue*, chapter 13.

18 Ibid. chapter 14.

19 The website, www.tekhelet.com, is an impressive resource on the history, science, and *halakhot* of *tekhelet*. The site contains many articles and multimedia links exploring every aspect of the mitsvah of *tekhelet* and murex-dyeing. *Tallitot* and *tsitsit* with *tekhelet*, as well as sets of dyed string, are available for purchase.

20 Exodus 28.

21 Jacob Milgrom, cited by Sberman, *The Rarest Blue*, p. 29.

22 Ibid. 67-70.

23 Ibid. 129-132.

24 Ibid. v112, 129-130.

25 Two possible areas where the methodologies of R. Leiner and R. Herzog might be applied are the identification of *shibboleth shu’al* (usually translated as oats), one of the five grains in Halakhah, and the pronunciation of certain letters and vowels in Hebrew. Interestingly, these matters are also heavily influenced by the relative weight one gives tradition versus other sources of knowledge, a question which arises regarding the adoption of the modern *tekhelet* as well.

26 Sberman, “Evidence for Techeiles.”

The Paper Trail of Jewish Postcards

By: GAVRIEL BROWN

Jewish ascendancy to the highest echelons of science and technology – “high tech” – is a uniquely modern phenomenon. The rise of Jewish leaders in technological firms, Michael Dell (Dell), Andrew Grove (Intel), and Lawrence Ellison (Oracle), not to mention the praise that critics from David Brooks to Warren Buffet have lavished upon Israel for its cutting-edge technology, would seem a laughably distant dream for the Jews of *shtetl* Europe or New York’s Lower East Side.¹ For most of history, it seems, Jews were mystified by technology, not masters over it. One relatively offbeat, yet charming, expression of the lure of technology within Jewish life comes from following a paper trail to the fascinating world of twentieth century Jewish postcards. A brief case study of the iconography, text, and context of these quaint and kitschy images uncovers layers of embedded cultural and sociological history.

In the fourteenth century, *Maharil* (R. Jacob Moelin of Mainz) was the first to recommend adding a New Year’s greeting to the top of correspondence sent during the month of Elul.² By the beginning of the twentieth century, Jewish artists

capitalized on the practice by printing a variety of simple greeting cards for the occasion.³ Over the next two decades, however, the phenomenon spun off sub-genres of witticisms, visual curiosities, holiday greetings, and fantastical tableaux.

By the “Golden Age of Postcards” – between 1898 and 1917 – the so-called “picture-postcard,” a pre-stamped card designed for casual correspondence, exploded into the twentieth-century equivalent of a viral video.⁴ “The illustrated postcard craze, like the influenza,” recorded a London newspaper at the turn-of-the-century, “has spread to the islands from the continent, where it has been raging with considerable severity.”⁵

Our brief study of these amusing postcards begins in Germany, the epicenter of the postcard craze.⁶ A postcard (2003.056) produced in Germany depicts a

family using an early telephone to make what appears to be a long distance call to Palestine; the technology was designed around 1916, but was most certainly not available in Jerusalem.⁷ The Yiddish inscription, a rhyming couplet, speaks of the “good son” who speaks with his parents “from a wide distance.”⁸

Postcards, in other words, were the only way to communicate with Palestine; telephoning was simply a fantasy. Thus the postcard envisions a future in which distant families together.

The imagined capability of the telephone to reach a distant land undermines the pragmatic applicability of the message. Postcards, in other words, were the only way to communicate with Palestine; telephoning was simply a fantasy.

Thus the postcard envisions a future in which technology could bring distant families together.

Dr. Galit Hasan-Rokem, in her “Jews as Postcards, or Postcards as Jews: Mobility in a Modern Genre,” published in *The Jewish Quarterly Review*, writes, “The heyday of

postcard production and performance coincided with the great migrations of the end of the nineteenth and the beginning of the twentieth century together with the massive uprooting of populations during, and after the First World War...”⁹ Jewish postcards in general, and this postcard in particular, reveal the migratory patterns of Jews – from East to West and from Europe to Palestine.¹⁰

A similar card (2005.056) depicts a couple tele-wishing each other a year of “comfort and love” and a year without harm.¹¹ The iconography of the telephone on these postcards, as a real and imagined form of communication between separated families and lovers, uncovers early Jewish captivation with vanguard technology. Jews, of course, were not the only ones attracted to technology. However, the curious convergence of traditional text with newfound technologies signifies a certain enthrallment with the capabilities of these machines and a playful (if not misinformed) representation of the limits of that technology.

Other amusing twentieth century postcards also illustrate the Jewish wonder with newfangled technological



1926.709 Poster: Build a Communist Life in the Fields of the Soviet Union, Artist: Issachar Ryback (1897-1935), USSR, 1926, Gift of the Jesselson Family



2001.358 Rosh Hashanah postcard depicting two children using an early form of radio, Central Publisher, Warsaw or Germany, early 20th century, Collection of Yeshiva University Museum



1992.173 Rosh Hashanah greeting card depicting couple in a biplane, Printed in Germany for the Williamsburg Art Company of New York, ca. 1915, Collection of Yeshiva University Museum

“More curious Luftmenschen montages of amazed Jews in various flying contraptions illustrate a Jewish fascination with modern aviation.”



1992.180 Rosh Hashanah greeting card depicting couple in a propeller plane, printed in Germany for the Williamsburg Art Company of New York, ca. 1920, Collection of Yeshiva University Museum



2005.067 Rosh Hashanah postcard depicting people using an early telephone, Central Publisher, Germany, early 20th century, Collection of Yeshiva University Museum



2003.056 Rosh Hashanah greeting card depicting a young man communicating with his parents by crystal set, printed in Germany early 20th century, Collection of Yeshiva University Museum

phenomena. One (2001.358) depicts a little girl's amusement with a crystal Radio, an inexpensive radio requiring earphones. The caption also includes a formulaic Yiddish poem of merry tidings.

More curious *Luftmenschen* montages of amazed Jews in various flying contraptions illustrate a Jewish fascination with modern aviation.¹² Dr. Hasan-Rokem found that, among the thousands of Jewish postcards in museum collections, “the dominant mode of mobility is... the airplane.”¹³

The first in this series (1992.173) depicts a Jewish couple flying on an early biplane over an American landscape, the wife holding a cornucopia filled with traditional New Year's greeting cards, while the husband steers the motor-less plane with a steering wheel. The couple appears to be distributing these greeting cards to the town below. This *Rosh ha-Shanah* greeting card includes a prescribed Yiddish poem, “We bring you good tidings / A wonderful time is approaching / Of light and radiance, of happiness and joy / The world will be renewed!”¹⁴

Five years later, the same New York-based production company produced a more technologically accurate (not to mention advanced) and more creative New Year's card (1992.180). Here, a couple flies in an early cloth-covered motorized aircraft

while the inscription extols the “brass machine,” which “disappears [before] one can look.”¹⁵

The airplane, like the telephone and crystal radio, is a rather unconventional object to place in—let alone have dominate—a New Year's greeting. Perhaps these images represent the alterity, or otherness, of new technology in the eyes of contemporary Jews. In retrospect, the unusual staging of these postcards appears to be at once archaic and laden with tradition, adorned with Yiddish formulaic text and yet distant from the visual landscapes of the Old World. They are brimming with newfangled technology, captivating images, and New-World landscapes. They are deeply entrenched within an industrial and modern society and employ a futuristic vocabulary.

As an artistic phenomenon, these cards pick up on photographic techniques that became a sensation around 1915.¹⁶ As a small example of a more complex commentary on the place of Jews in Europe and the convergence of Jews and technology, these four images magnify—and intensify—the conversation.

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1 Ryan Jones, “Warren Buffet: Israel has a surplus of brains.” *Israel Today*, 14 October, 2010, available at: www.israeltoday.co.il.
Brooks, David. “The Tel Aviv Cluster.” *The New York Times*. 12 Jan. 2010.

2 Noam Zion, *Seder Rosh Hashanah* (Jerusalem: Shalom Hartman Institute, 2004), 9, available at: www.hartman.org.il.

3 Sharon Liberman Mintz and Elka Deitsch, *Past Perfect: The Jewish Experience in Early 20th Century Postcards: an Exhibition*, October 7 - December 30, 1997 (New York: Jewish Theological Seminary, 1998), 1.

4 Benjamin H. Penniston, *The Golden Age of Postcards: Early 1900s (Identification & Values)* (Paducah, KY: Collector Books, 2008), 3-8.

5 Mia Fineman, *Faking It: Manipulated Photography before Photoshop* (New York: Metropolitan Museum of Art, 2012), 131.

6 Mintz and Deitsch, 1.
7 “Phone to Pacific From the Atlantic,” *The New York Times*, 26 January, 1915.

8 Google Translate, with slight modification.

9 Galit Hasan-Rokem. “Jews as Postcards, or Postcards as Jews: Mobility in a Modern Genre” *Jewish Quarterly Review* 99, 4 (2009): 505-546, 510.

10 This image acquires an additional dimension cognizable only from our highly connected age. This postcard is perhaps the

earliest representation of the “you never call me!” Jewish mother stereotype.

11 Google Translate, with slight modification.

12 “Luftmenschen,” a term borrowed from Hasan-Rokem's work, literally means “air people,” but is also a remarkable double entendre. In Yiddish, the word can refer to “an impractical contemplative person having no definite business or income.” See “Luftmenschen,” *Merriam-Webster*, available at: www.merriam-webster.com.

13 Hasan-Rokem, 525.

14 Hasan-Rokem, 528.

15 Google Translate, with slight modification.

16 Fineman, Mia. *Faking It: Manipulated Photography before Photoshop*. New York: Metropolitan Museum of Art, 2012.



2009.069 Technion Jubilee
Commemorative Medal, designed
by Michael Pelheim, bronze, Israel,
1974 Collection of Yeshiva University
Museum Gift of Charles Feingersh



2009.484 Interior of a matzah factory, glass lantern slide, Israel, 1930s, Collection of Yeshiva University Museum, Gift of Av Rivel

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