

WHO MAKES UP THE RULES?

by Rabbi Aron Tendler

As we are about to begin the Nine Days (Tuesday night, July 13), our thoughts should be focused on mourning the past and building the future. In order to do so we must have a clear understanding of why the Bais Hamikdash (Temple) was destroyed and in what merit it will be rebuilt. An analysis of the final two Parshios in Sefer Bamidbar offers significant insight into the reason for the destruction of the Bais Hamikdash and what we must do to rebuild it.

The second Bais Hamikdash was destroyed because of Sinas Chinum - unwarranted hatred between Jews. As the Talmud in Gitten states, "Yerushalayim was destroyed because two Jews, Kamtza and Bar-Kamtza couldn't get along with each other." The rebuilding of the Bais Hamikdash will therefore be rebuilt when Jews figure out how to set aside their unfounded animosities and get along with each other.

It would be an impossible expectation for Jews to set aside all their differences. As a nation, we have always embraced different opinions, outlooks, and Halachik decisions. As the Medresh in last week's Parsha states, "Just as their faces are different one from the other, so do their opinions differ one from the other." However, we must be certain that when we differ and the way in which we differ should not be classified as unwarranted animosity.

Given the publicized rift between the Orthodox and the other denominations of Judaism, Tisha B'Av is a perfect backdrop for discussion and analysis of our divided people. Everyone should decry the deplorable state of affairs that exists within the general Jewish community. Entire segments of Jews, to the right and to the left, have been demonized by written and spoken rhetoric that does not offer sufficient understanding and clarity. If the Bais Hamikdash was destroyed because two individuals could not get along with each other, how can we ever expect to rebuild the Bais Hamikdash when unwarranted animosity exists among us?

Let us be honest with ourselves and with each other. The issue today is not whether Jews can get along with Jews. The issue is, can Judaism embrace a pluralistic view of the fundamental beliefs that have been the foundation of our tradition for over three thousand years? Can such fundamental beliefs as the divinity of the Written and Oral Laws be opened to serious debate? Is there a place in Judaism for a non-theist rabbi, or must we conclude that the argument between the Rambam and the Ramban as to whether belief in G-d is a prerequisite to all the Mitzvos or its own Mitzvah was theoretical theology rather than fundamental religion? Must we believe in a G-d Who is good because He rewards and punishes, or can we fool ourselves into thinking that nature and society are

independent of causation and our behavior?

However, far more honest and down to earth is the question of, "Who makes up the rules?" Are the values and laws of Judaism an open ended system that allows for each generation to redefine the meaning of truth; or, does truth span time and circumstance because it is divinely determined and therefore irrevocable?

The Orthodox have always maintained that there is a G-d Who took us out of Egypt, gave the Written and Oral Law to Moshe on Mt. Sinai, and that the law remains irrefutable regardless of time and circumstance. If we follow G-d's Torah as taught to us by the rabbis throughout the millenium, we will be rewarded, if not, we will be punished. The other denominations challenge all or some of those basic tenets of our religion. (Note Maimonidies 13 Principles of Faith 6 through 9)

This week's two Parshios herald the end of the 40 years of wandering in the desert. The Bnai Yisroel were poised to enter the promised land, and aside from Moshe's final words that comprise Sefer Divarim, this week's two Parshios were G-d's final instructions to the Jews. The first circumstance that G-d addressed in Mattos was personal vows. What is so significant about personal vows and a father or husband's right to annul some of his daughter's or wife's vows that they should be among G-d's final instructions?

To understand why the regulation and application of personal vows are so significant, we must consider what has been the underlying focus of Sefer Bamidbar. Rav Shimshon Raphael Hirsch writes, "This Fourth Book... shows the relationship of the nation of Israel, as it actually is, to the ideal of its calling " (Commentary on 1:1). As the Jews moved away from Mt. Sinai toward the fulfillment of their destiny as a "kingdom of priests and a holy nation" living in the Promised Land, their unquestioning acceptance of G-d's every law was of paramount importance. They were to be judged by the scale of their own words, "We will do and then we will understand." To the extent that their behavior reflected their declaration of acceptance was the extent of their individual and collective successes and failures.

In the course of the 40 years, the Jews studied and practiced the mandate of their own words. For 40 years they heard the commandments of G-d relayed to them through Moshe Rabbeinu, and for 40 years they struggled to understand and integrate G-d's commandments into a workable lifestyle. For the most part, they succeeded so admirably that they earned the title of "The Generation of Knowledge". However, they were a generation that had not been tested. The extent and depth of their commitment to accept and fulfill G-d's commandments had never been challenged in societies arena of assimilation. Their one and only test in withstanding the seductiveness of Midian's daughters had ended in abject tragedy and failure.

It became obvious after the incident with Baal Peor (end of Balak) that acceptance and study of G-d's commandments were not powerful enough to withstand the temptations of a materialistic and sensuous world. Only when they are coupled with self-discipline do they meld into an impenetrably

protected lifestyle. The very first step toward self-discipline is accepting authority. Whether the authority of parents, teachers, government, religion, or G-d; acceptance of that authority guarantees the system's viability.

Authority alone without the self-discipline of the followers can not succeed either. If the followers are unwilling to accept the authority of the leaders there is not leadership, unless the leadership can force them to comply in some manner. Therefore, in order for any system involving a hierarchy of authority to function properly it must work in concert with self-discipline or coercion.

A true indication of the success of leadership is when their constituency takes the initiative to do more than the stated demands and expectations. That kind of personal commitment reflects a belief in the values and goals of the system and its leadership. However, even personal commitments are subject to the rules and regulations of the system. Regardless of personal fervor and feelings, authority must still regulate; otherwise there is chaos. "Every man doing as he sees fit", is always a prescription of systemic breakdown and disaster.

A person who embraces Torah and Mitzvos as an exciting, growth challenging, and comforting life style will be inspired to integrate more than the expected into his day. Such a person will seek out more opportunities for Torah study and acts of Chesed. Such a person will approach prayer with greater intensity, joy, and sense of connection to G-d. Such a person will obligate himself in the form of a personal oath or vow to attach greater sanctity and meaning to his life. Such a person will desire to express his devotion through even greater discipline than otherwise demanded. Such a person validates the goals of leadership in developing a kingdom of priests and a holy nation. However, such a person is still subject to the review and sanction of Halachik authority.

The case of the father or husband annulling the personal vow of a daughter or wife symbolizes the place of authority in maintaining the integrity of the entire system. Rashi references the Talmud in Nidarim 79a that restricts the husband's power of nullification to those vows that might cause his wife personal discomfort or impact her relationship with the rest of the family. Such a vow, regardless of her religious fervor or conviction, is subject to the symbolic authority of the family system represented by the husband. All other vows are beyond the purview of the husband's symbolic power.

Rav Hirsch's eloquence best expresses the relationship between personal vows and the system of family and nation. "The intent of the regulations which now follow (referring to the beginning of Mattos) is to make it possible for individuals, for communities and for the entire nation to establish for themselves permanent norms that will ensure the faithful observance of the actual Law... The one indispensable means for achieving this end, of bringing about the development of the nation as a whole, and of every form of communal life is the acknowledgment that such vows must be regarded as inviolable. At the same time, the heads of the tribes are entrusted with the task, if need be, of annulling such vows in an effective manner."

On the one hand, we hope for expressions of personal commitment and devotion. When such dedication is expressed as a personal vow, the full force and severity of Torah authority binds it, "according to whatever comes from his mouth shall he do" (30:3). On the other hand, Halachik authority, as represented by the husband and as vested by the Torah in the Rabbis, must remain paramount.

As I said earlier, the real question dividing Orthodoxy from the other denominations of Judaism is, "Who makes up the rules?" Orthodoxy fully accepts the absolute authority of a divine Torah as taught to us throughout the millenium by our Rabbis. It does not mean that we are perfectly observant. It simply means that we accept the absolutes of tradition and authority. It means that we are committed to fulfilling the vow of our ancestors who collectively proclaimed, "We will do and then we will attempt to understand."

The other denominations must understand that our differences are not "unwarranted animosity." The weight of history and the strength of our devotion, support our principled stance. We can not accept compromises in the fundamental beliefs that are the foundation of our relationship with G-d. However, we must always welcome sincere inquiry and debate. The manner of our speech must be respectful but courageous. We are the true champions and teachers of our traditions and we owe no apologies for who and what we are. If we respond with forcefulness and passion, it is because we know the richness and beauty of a lifestyle that fully integrates G-d. We wish to share the goodness. We wish to heal the rift. However, we will not compromise the authority of our traditions and rabbis who are the soul of our people.

When the Bais Hamikdash will be rebuilt it will be founded on the fulfillment of our own national vow, "We will do and then we will attempt to understand." Understanding is important. However, before we can understand we must first fully accept the divinity of our law and the authority of our rabbis.

THE NINE DAYS

The Nine Days begin on Rosh Chodesh Av, the evening of July 13, and end Thursday evening, July 22. This interval of time imitates the period of "shiva" with some of its restrictions.

Washing and Cleaning Clothing:

It is forbidden to wash or iron clothing during the 9 Days, even if it is done by a non-Jew. You may give clothing to the cleaners before the 9 Days, even if they will be cleaned during the 9 Days. One may not, however, pick up the clothing until after the 9 Days.

Freshly laundered clothing:

It is forbidden to wear new or freshly laundered clothing during the 9 Days, except for undergarments and socks. All garments to be worn during the 9 Days should be worn for a short time before the 9 Days begin. If clothing becomes soiled and you don't have a clean change, you

may wash only that which you need. Small children's clothing that are constantly getting dirty may be washed during the 9 Days. Bed linens should not be washed or changed, except when truly needed. Purchasing new clothing, even if they will first be worn after the 9 Days, is forbidden. Sewing and all types of alterations are not allowed during the 9 Days. If needed, minor tears and buttons may be mended.

Eating Meat and Chicken and drinking wine:

Eating meat or chicken is prohibited during the 9 Days. Drinking wine or grape juice is also prohibited. These prohibitions do not extend to Shabbos or a Seudat Mitzvah such as a Brit, Pidyon Haben or a Siyum.; The custom is to have a young child drink the wine from Havdalah; however, if there is no young child, the one making Havdalah may drink.

Bathing and washing:

Among the more difficult restrictions to keep during the 9 Days is the prohibition against washing and bathing. Being that we are imitating the period of "shiva", the expected mental attitude is one that "doesn't care" due to the enormity of the loss suffered. It is obvious that the Rabbis wanted us to act as if we are affected by the absence of the Beit Hamikdash in a manner that reflects a deep sense of loss in our relationship with G-d. Our culture, much more so than other cultures, places a priority on personal hygiene. This is taken into account by the Halacha. The criteria established by the Halacha is: bathing for pleasure vs. bathing for necessity. The degree of "necessity" changes from person to person, so the Halacha expects some modification in our personal hygiene depending on the individual. Saunas, steam rooms, swimming, and other forms of pleasurable bathing activities are certainly prohibited during the 9 Days for every one. Small children are permitted to swim, bathe, etc.; however, we are especially vigilant during this period of time in supervising any activity which might contain risk.

Each of us must seriously assess our level or "necessity"; however, everyone can take a quick, lukewarm shower, rather than a leisurely hot one, and still accommodate our "need to be clean". Women preparing for the Mikvah are permitted to wash in the usual manner.

Copyright © 1999 by Rabbi Aron Tendler and Project Genesis, Inc.

The author is Rabbi of Shaarey Zedek Congregation, Valley Village, CA.
