

leading to proficiency in this area, might be offered in the senior year of Mesifita and Beth Jacob high schools to be followed by two years of training—as part of the seminary curriculum for the young ladies; and for the young men, a schedule of two lectures per week in addition to assigned reading, so as to constitute a minimum of interference with their post-high school Torah study.

Since teaching in the yeshiva secular department is less time-consuming than teaching in the Torah classes, and takes only part of the afternoon hours, this training might also help to alleviate the budget strain of a *Kolel* fellow who is seeking part-time employment, without surrendering the major portion of the day from intensive Torah study.

Provide our own publications. Should all this materialize, then—funds and manpower permitting—the logical subsequent steps would be the preparation of the following materials:

- curriculum outlines to guide teachers to a Torah-oriented approach to the subjects at hand;
- workbooks for student use, modifying and supplementing standard textbook material to suit our program;
- our own textbooks. The Catholics produce “Cathedral Editions” of standard textbooks, and our purposes demand a similar effort.

As mentioned, the potential of the general studies as a reservoir for Torah-related learnings and attitudes is virtually an unexplored frontier, and could well provide the stuff for another article* if not several books.

In the meantime, it is hoped that these lines have succeeded in making the reader aware of the problems of the coexistence of the sacred and the secular in our yeshiva classrooms, and a broad outline of what can and must be done. □

* Scheduled to appear in a future edition of THE JEWISH OBSERVER—Editor.

Ezriel Tshavi

Rabbi Goren Takes Over

The Tragedy of Irresponsible Leadership

The struggle to survive in the usual *golus* situation, where Jews are subjected to the domination of non-Jews and their culture, can constitute an oppressive burden. . . . When the *golus* is imposed by fellow Jews, the load becomes a most painful one. . . . A *golus* becomes staggering in its burden when the survival of the Torah Jew is threatened by an individual who, at first glance, is a member of the Torah camp. . . . Such is the tragic dimension of the current crisis unleashed by Rabbi Goren's recent actions.

To fully comprehend the implications of his precipitous move and to understand why it provoked so fierce a storm of condemnation from all quarters of responsible leadership, one must examine the background and the circumstances of his *psak*.

Keeping the Promise

WHEN THE NEW CHIEF RABBI, Shlomo Goren, took office, he wasted no time in keeping his campaign promise to “release” the Langers from their status of *mamzerut*.

Notwithstanding the decision rendered by a Petach Tikvah rabbinical court seven years ago, and upheld since then in the Supreme Rabbinical Court in Jerusalem; in spite of warnings and pleas from just about

EZRIEL TSHAVI observes the Israeli scene for readers of J.O.

every respected Torah authority the world over not to brush aside this halachic decision except through proper evaluation through accepted judicial procedure, Rabbi Goren convened a "blitz" court of his own. Without consultation with those who had previously judged the matter, with total disregard for the opinion of fellow Chief Rabbi Ovadia Yosef, without revealing the names or qualifications of any of the members of his court or the basis for its judgment, without examining witnesses who could challenge or corroborate basis for decision, he declared the Langer brother and sister as *Yehudim kasherim* and personally arranged their marriages to their respective fiancés.

Rabbi Goren's swift action was ostensibly designed to heal a number of painful wounds in Israeli society. Beyond freeing Chanoch and Miriam Langer to marry their chosen fiancés, Rabbi Goren had apparently entertained other hopes: to prove that *halacha* and "humane needs" are indeed compatible; to enhance the prestige of the Chief Rabbinate and, as a result, the rabbinate in general, by demonstrating its capacity for innovative action; to take off the pressure engendered by Gideon Hausner's motion to grant limited recognition to civil marriages; and to bring together the disparate elements of Israeli society, as one nation living under a common heritage.

Ironically, the integrity of *halacha*, the prestige of the Chief Rabbinate, and the unity of the Jewish people are all suffering immeasurably as a result of Rabbi Goren's clandestinely convened court and its "blitz" procedure; and while the personal problems of the Langers may have been mitigated to their own satisfaction, the tragic proportions of the problems that beset these highly complex issues seem to loom even larger.

Symbolic of the Times

THE PLIGHT OF THE LANGERS was first brought to the public attention several years ago when a *beis din* (rabbinical court) in Petach Tikvah refused to authorize the marriage of Chanoch, an officer in the army, to his fiancée. His sister, Miriam, was similarly restricted. As *mamzerim* the Langers are limited by Torah law to marry only others of similar status or converts to Judaism. They turned to their top-ranking superior, Minister of Defense Moshe Dayan, who cried out in favor of the couples' romantic intentions, and vowed to change the law that adhered to the Torah's marriage restrictions. As a result of General Dayan's interest in them, they became *cause celebre* in Israel.

In truth, the Langers are the bitter fruit of an adulterous liaison (Chava Langer was never divorced from her first husband, Abraham Borokowski, before entering into "marriage" with Otto Langer, the father of her

unfortunate children), and they should be recognized as a tragic symbol of an amoral era of promiscuity and Eros shops. Instead, they have become a symbol for the Israeli Rabbinate's supposed lack of flexibility and humane consideration. Apparently, the sympathies of the broad public, whose opinions and attitudes are often molded by a secular-biased press, are more responsive to the unfulfilled yearnings of two hapless couples who want to marry but cannot, than they are to the profound sanctity with which the institution of marriage is endowed by Jewish law and to the gravity of violating this sanctity.

The Langer case had thus become basis for a general impatience with religious law, and as an expression of this antipathy Gideon Hausner (of the Independent Liberal Party) brought a motion to the Knesset floor last July, proposing recognition of civil marriage for all of those who cannot marry by Torah law (such as a *mamzer* with a *Yehudi kasher*, and a *kohein* with a divorcee). This motion was opposed by secular and religious parties alike, each for reasons of their own, and Hausner withdrew it when Golda Meir assured him that after Rabbi Goren's imminent election to the Chief Rabbinate, he would solve the problem that was causing Hausner and company such anguish.

State of Religion

IT WAS WHOLLY EXPECTED that the religious community would be pained by the possibility of recognition for civil marriages in Israel. Protection of the perpetuation of at least minimal purity and continuity in *Klal Yisroel* was assured under the Turkish rule and British mandate, when the only legal marriages and divorces were those performed by rabbis. This should surely not be threatened today in a Jewish state under Jewish rule. The resultant prospect of two separate registries—one for those who are married by Torah Law and another for those who are not—would create an ugly schism in Jewry, and the religious community could not be a party to the creation of such a schism or even be a witness to its advent.

It was this same spectre of an Israel split in two that troubled Golda Meir. It would be an unforgivable failure in her leadership if she were to preside over the splitting of the religious community from Modern Israel—especially when this community represents the legitimacy of Israel-the-Nation's claim to Israel-the-Country. Or, as Danah Zohar, a correspondent for the (London) *New Middle East*, summarized it, she could not allow "the passing of a law basically contradicting the Jewish Law—a recognition that Israel and the Jewish nation are two different things, an admission that Zionism has failed, that Israel is just another nation-state."

So for the preservation of the unity of the people of Israel, most responsible factions in Israel were anxious that Hausner's motion not be passed. And Golda Meir promised him that the situation that prompted his motion would improve.

"Mrs. Meir advises that one should be patient for changes in the relationship of religion and state. She is confident that these changes will be accomplished through the Chief Rabbinate elections."

—HATZOFEH (daily published by Mizrachi in Israel) 28 Tammuz, 5732

Democracy in Action

MRS. MEIR FOUND delivering her promise much more difficult than stating it. The key factor was Rabbi Goren's election to the Chief Rabbinate—for in contrast to all other well-known rabbinical figures, he had reiterated an impatience with conventional *halachic* procedures and claimed to have ways of solving problems like the Langers'. This was often coupled with a denial of his intention to change *halacha* "even one iota," but he nonetheless won a reputation for being a rabbi who "speaks the language of the times."

The rules for selecting members of the electoral college that chooses the Chief Rabbi were changed, altered, and amended countless times to assure Rabbi Goren's election (see "The Rabbinate at Bay," J.O. December, 1971). Finally, the electoral college was slated to have been composed equally of 75 lay and rabbinic members. The Mafdal (Mizrachi-Poalei Mizrachi) refused to accept such a formula and insisted on a rabbinical majority. This was ultimately granted—to the tune of 70 political leaders (including avowed anti-religionists such as the notorious mayor of Nazareth), and 70 rabbis appointed by regional rabbinical groups—augmented by 10 additional rabbis, to be appointed by the Ministry of Religions. Even this concession was not fully granted, for these ten were appointed by a committee of three: Dr. Zorach Wahrhaftig—plus Golda Meir and (Mapai) Justice Minister, Yaakov Shimshon Shapiro. Dr. Wahrhaftig's nomination of Rabbi Shlomo Y. Zevin, a universally recognized Torah scholar, was voted down by the other two. He was known to oppose Rabbi Goren's election. Instead, a number of young rabbis from the Kibbutz Movement were pushed in. The final result was a body with a nominal majority of rabbis but with a virtual secular bias, and Rabbi Goren was elected, in accordance with the master plan—a distinct degradation of the independence of the Chief Rabbinate.

Authority of the Rabbinate

THE SELECTION OF A RABBI should be the privilege and responsibility of those who are committed to the spiritual goals he is meant to exemplify, of those who seek his guidance and attempt to emulate him. He should represent their highest spiritual aspirations, not the temper of the times nor the whims of the broad masses.

The foundation of rabbinical responsibility and authority includes such staples as intellectual objectivity and total independence from outside pressures—or as the Torah commands: "Thou shalt fear no man," unthreatened by the lack of sympathy of the unlettered. The rabbi must endeavor to bring the people's thinking and behavior to the Torah level, not the reverse. Yet *Haaretz* hailed the choice of Rabbi Goren because "it had shown that the electors were sensitive to public censure of the state of affairs."

So the threat of loss of position for non-compliance with popular demand became an ugly reality, with the replacement of Rabbi Unterman, who could not be swayed to compromise on those issues of personal status such as *mamzerut* that threaten *halachic* authority but that the masses fail to understand.

By contrast, Rabbi Goren continually espoused approaches of leniency, grandstanding for popular acclaim. As a newspaper account in *Davar* (8 Cheshvan, 5732) reported:

"Goren expressed his assurance that there are possibilities to run the State in accordance with halacha, but the rabbinate must discover more lenient approaches than in the past. . . . There is definitely enough elasticity in halacha to allow for a free and democratic life for the Jewish People in its own land."

"The eternity of Klal Yisroel has demonstrated that halacha possesses sufficient elasticity to fit all situations. It is only up to us to stretch it a bit more whenever more difficult problems arise. . . ."

Both the procedure and issues that propelled Rabbi Goren into office represent severe attacks on rabbinical authority—his personal popularity notwithstanding.

Delivered as Promised: Mercy in Law

WHEN HE ASCENDED to his post, Rabbi Goren begged the dissident secularists to allow him a year's time to resolve some of the more pressing marriage problems before they consider reviving the Hausner motion to recognize civil marriages. He did not keep them waiting long, but with no advance announcement convened a court of nine men.

Three separate courts composed of leading rabbinical figures, including the Supreme Rabbinical Court in Jerusalem, had already judged the matter on three different occasions—and the findings were invariably the same: both Langers were indeed *mamzerim*. When Rabbi Goren invited the *Rishon Letzion*, Rabbi Ovadia Yosef, to review the matter, he refused—having already judged the case once before in Tel Aviv. However, he did offer to join Rabbi Goren in appointing three others to sit on the matter. Rabbi Goren sidestepped this counter-offer, preferring to be more closely in control of the judicial process. But by whatever formula, court procedures, hearing of witnesses, and examination of previous findings should be a time-consuming business.

Thus on Sunday evening, November 19, when Rabbi Goren called a press conference in his house, he surprised his audience when he informed them that in adjoining rooms as the Solomon Hall in Tel Aviv, Miriam and Chanoch Langer had already married the fiancés of their choice, as *Yehudim kasherim*. Rabbi Goren had arranged all details of the marriage, from the appointment of the *beis din* that freed them from their *mamzerut* earlier that same day, to the assignment of rabbis to officiate at their weddings. (He personally did not attend the weddings but General Dayan was very much in evidence at both celebrations.)

Rabbi Goren revealed all of this at his hastily called press conference. But he refused to reveal the membership of his court. (He would only describe it as consisting of "5 Ashkenazim and 4 Sefardim—one of whom already judged this case before." Participation was subsequently denied vehemently by all nine rabbis who ever judged the case.) He also would not discuss the basis for the court's reversal on the earlier decision rendered.

A week after his lightning court convened, however, Rabbi Goren did reveal the basis of his decision—the status of Mrs. Langer's first marriage. Her first husband, Avrohom Borokowski, had been converted to Judaism by a reputable rabbi in Likuva, Poland, some fifty years ago. . . . Now if that conversion had not been effective, Mrs. Langer's first marriage would not have been valid, and her relationship with her second "husband" would not have been adulterous; then her children by Langer would not be *mamzerim*.

But Borokowski claims to have been a faithful Jew for fifty years. Why, he claims, should a near life-time of fidelity to Torah be callously and mercilessly wiped off the record for the sake of the illegitimate aspirations of two who, by marrying contrary to halachic guidelines, will only continue to violate Torah law as long as their marriage lasts? Nonetheless, the popular concept of mercy is fulfillment of the romantic plans of two couples, who should not marry for their own sake, as well as for the sake of any children they may bear.

And these hopes are being met, even at the expense of a *ger tzedek's* half-century of loyalty to Torah. . . . One is reminded of the Midrash: "He who is overly merciful when it is not permitted will ultimately be cruel to the merciful"—*Kohelles Rabba* 7.

From the Left: Applause

REACTIONS THROUGHOUT THE WORLD were extreme. The press celebrated Rabbi Goren's courage and liberal qualities in news stories, headlines, and editorials. *The American Examiner-Jewish Weekly* (December 1) proclaims: "Goren Defies Terror . . ." (" . . . the unbridled terror launched against him not to act on this case"). And *The Jewish Heritage* (California, November 24) sings out that "Love Conquers All in Case of 'Mamzerim'." Before the decision "many Israelis were of the opinion that there was no alternative but to take marriage and divorce out of the exclusive hands of the religious establishment.

"When the matter was first raised, *Heritage* urged an immediate rethinking of the issue, suggesting that within the Jewish heart of mercy and understanding there was room to end the abominable *mamzerim* decrees.

"We suggested that *halacha*, Jewish law, could not be that stern and inflexible as to create a new outcast class within our experience as Jews.

"Rabbi Goren found that heart and found that spirit of *halacha* which must state that where conscience demands a solution, one must be found.

"The case will now become a guideline for Jewish communities throughout the world."

Gideon Hausner put it more succinctly: *Congratulations to Rabbi Goren for "revealing strength of heart and good spirit by removing the abomination of mamzerut from our midst."*

Not the plight of two individual mamzerim, but the problem of mamzerut.—And should traditional halacha, stiff with rigor mortis not yield any release, then—in accordance with the Goren Guideline—innovation must be employed in all Jewish communities, wherever the problem arises.—Not the difficulty of finding a solution, but the problem of no one else looking—the implication that in no other rabbinical breast did a compassionate heart beat but in Rabbi Goren's; in no other mind did any possibilities of release exist but in Rabbi Goren's.

Or as (Conservative) Rabbi Judah Nadich heralded in the name of the World Council of Synagogues (Conservative) "We bless you for your courage and the great ruling which will increase the glory of Torah."

And as Rabbi J. Glazer, vice-president of the Central Conference of American (Reform) Rabbis declared: "It is gratifying to know that the [Langer] brother and sister will no longer be victims of petrified statutes."

Thus Rabbi Goren's action succeeded in striking sympathetic chords in the hearts of those estranged from the principles of Torah Judaism. He accomplished this by misrepresenting *halacha* as being adaptable to the popular concept of what seems worthy of mercy at the moment, forsaking the pivotal place of the Torah in all our judgments—"Her ways are pleasant ways" no longer applying to the immutable ways of Torah Law. . . . The limitations that society so needs and the fixed guidelines that youth so desperately craves were demonstrated to be flexible beyond meaning. . . . The Chief Rabbinate proved itself a willing tool of an imperious government. And the Chief Rabbi made the "opposition"—the guardians of our heritage—appear to be rigid and without understanding or compassion; further alienating the masses from the Torah community and its ideals.

Contempt from the Torah Leadership

DISTRUST OF RABBI GOREN'S brand of leadership was expressed in responsible rabbinical quarters over the years—especially when he would rush in where others feared to tread, such as his shofar-blasting entry into areas of the Temple Mount—the most sacred spot on Earth. According to the Rambam, trespass of the Temple Mount is punishable by *koreis*—severing of life in this world and the next.

In an interview published in MAARIV (25 Sivan 5731):

GEULAH COHEN: "Regarding the prohibition against *tefillah* on the Temple Mount—when you were yet in uniform, in defiance of the Chief Rabbinate from one side and the Ministry of Defense on the other—you entered the Temple Mount on Tisha B'Av, 5727 and prayed. The prohibition still stands. Today, as a civilian rabbi, do you expect to continue your battle to abolish this prohibition?"

RABBI GOREN: "Correct, I entered the Mountain area to pray. And correct, in this issue I disagree with those greater in number and better. . . ."

One also recalls the Helen Seidman affair, in stark contrast to the unusual stringency Rabbi Goren is exercising in regard to Avrohom Borokowski's conversion. . . . At that time the government was about to topple because of the Christian-born wife of a kibbutznik who had undergone a Reform conversion and then demanded recognition as a Jewess in a civil court. She based her claim on the then newly-drafted Law of Return that does not require *giyur kehalacha*. Mrs. Seidman was an avowed agnostic who saw no point in going through an Orthodox conversion ritual she did not believe in. . . . If the court would have recognized her Reform conversion as basis for Jewishness, the government coalition almost certainly would have dissolved. Rabbi Goren rushed in to rescue the situation. He "converted" Mrs. Seidman with a lightning speed that even inspired amazement among Liberal Jews, who

DAAS TORAH

18 Kislev 5733

We are appalled at the frightful desecration of KOVOD SHOMAYIM (Divine Respect) that was perpetrated through the recent grave incident, unparalleled in Jewish history, wherein the Torah was tampered with, distorting Torah law . . . falsifying Halachic procedure, permitting that which is strongly prohibited. In regard to this we hereby proclaim that his findings and decisions are totally invalid.

Affixing our signatures with a wounded heart

RABBI YECHESKEL ABRAMSKI

Senior Rosh Yeshiva, Head Judge of the London Beth Din, currently in Jerusalem

RABBI CHAIM SHMUELEVITZ

Rosh Yeshiva of Mir

RABBI MOSHE CHEVRONI

Rosh Yeshiva of Chevron

RABBI SHLOMO ZALMAN AUERBACH

Rosh Yeshiva of Kol Torah

בס"ד, י"ח כסלו, תשל"ג

דעת תורה

נדהמים אנחנו מחילול כבוד שמים הנורא שנעשה ע"י הדבר החמור שנפל בישראל אשר כמוהו לא נהיתה להרים יד בתורה ולקעקע את ההוראה בישראל לגלות פנים בהוראה בדרכי תעתועים להתיר איסורים חמורים בריש גלי ע"י מעשים במחשך ולהשים ללעג וקלס את כל דרכי ההוראה בישראל מקדמת דנא.

אי לזאת הננו מכריזים שפסקיו והוראותיו בטלן.

הכו"ח בלב קרוע ומורתח

יהזקאל אברמסקי חיים שמואלביץ
משה חברוני שלמה זלמן אויערבאך

customarily take longer to perform their "conversions"; Mrs. Seidman—now "Jewish," of course—continued to live with her *kohein* husband (forbidden by Torah Law), in a left-wing kibbutz that makes a practice of trampling on Torah Law; and the government's stability was preserved.

RABBI GOREN: "In the field of conversion there is a tremendous range of flexibility in halacha—more than in other cases."—DAVAR, 8 Cheshvan, 5732.

In view of this record, a number of reputable rabbinical judges (*dayanim*) announced their intention of handing in their resignations when Rabbi Goren took office this past October. While some were persuaded to remain in office ("Don't deprive people of competent judges, merely because you question the responsibility of the man in charge"), Rabbi Yosef Shalom Elyashav, one of the most revered *halacha* authorities in Eretz Yisroel, refused to remain in his judicial position. Since Rabbi Goren's "blitz" decision, he has become the object of even more widespread condemnation from the religious community, as his manner of "solving" this problem has generated outrage both far and wide.

On the day of Rabbi Goren's first announcement (that the *mamzerim* were "kosher" and happily married),

Rabbi Eliezer Menachem Shach, the venerable Rosh Yeshiva of Ponevezh, interrupted a meeting of the Central Committee of Agudath Israel of Eretz Yisroel and asked for the floor. First he referred to several occasions when the Chofetz Chaim called together conferences of rabbis, telling them: "When your *baalebatim* (congregants) are asked in the World-to-Come: Why did you conduct yourselves in such a manner?—they will reply: We had a rabbi in our city and he never protested. Who needs this? You must reprimand! You must!"

"There are times," Rabbi Shach continued, "when we must speak up. Now we must cry out for fires are raging and the Sefer Torah itself is being threatened. We must cry out—Save it!

"The Torah is being ripped into shreds and we cannot sit by in silence. They say the Chief Rabbi is a scholar . . . But one must also fear G-d. We can not rely on any of his decisions or his *hechsheirim*. Let each man here tell his friend—and to pass the word on!

"You must forgive my intrusion, but fires are raging!"

• Five thousand people crowded a public square in Jerusalem in a mass demonstration on November 23

PROCLAMATION FROM LEADING RABBIS

We are shocked to the depths of our souls that one who is known as a Rabbi should be so brazen as to extend his hand to (tamper with) the Torah, to permit those forbidden to marry to do so through fallacious means, by repudiating the Judaism of a man long accepted as a sincere convert and reversing his status to that of a non-Jew. This is a great breach in the protective wall of our faith and our sacred Torah.

We therefore do declare that all judgments rendered by this man are totally void and one is forbidden to rely upon them in any way.

In signature, with broken heart

RABBI ELIEZER MENACHEM SHACH

Rosh Yeshiva of Ponevezh

RABBI YAAKOV KANEVSKY

Steipler Rav

RABBI YOSEF SHALOM ELYASHAV

RABBI YISROEL VELTZ

Head of Rabbinical Court of Budapest

RABBI YOSEF ADLER

Head of Rabbinical Court of Turda

RABBI SHLOMO ZALMAN FRIEDMAN

Head of Rabbinical Court of Lugano

RABBI SHIMON YECHESKEL JAKOBOVITCH

Head of Rabbinical Court of S. Vadkert

(Signatures in alphabetical order)

More signatures to follow.

ב"ט

גילוי דעת מגדולי הרבנים

מזועזעים אנו עד עומק נפשנו מן המעשה הנורא, שקם אחד אשר בשם רב יכונה, ויעז במצח נחושה לשלוח יד בתורת משה להתייר מפסולי קהל בדרכי תעתועים, בהפקעת יהדותו של אדם העומד בחזקת גר והפיכתו לגוי. וזוה פרוץ פרצה נוראה בחומת דת תורתנו הקדושה.

על כן אנו מכריזים שכל חזרותיו של איש זה בטלן ומבוטלן ואסור לסמוך עליהן כלל וכלל.

הכו"ח בלב נשבר ומורתח

אלעזר מנחם מן שך יעקב ישראל קניבסקי

יוסף שלום אלישיב

יוסף אדלר
אבד"ק טורדא

ישראל וועליץ
ראבי"ד דק"ק בודאפט

שלמה זלמן פרידמאן
אבד"ק לוגאנא (מלפנים אבד"ק ראחאב)

שמעון יחזקאל הק"י יאקאבאוויטש
אבי"ד ורי"מ ש. ואוקערט יצ"ו והגלילות

כסלו, תשל"ג

התימות נוספות יבואו!

התימות לפי סדר אי"ב

to protest the *psak* that is obviously based on political expediency and satisfying the sentiments of the masses rather than on *halachic* considerations. Following two hours of speeches (by Rabbi Yosef Shalom Elyashav, among others), the people in the crowd rent their garments in mourning, in keeping with the *halacha*: *When a Sefer Torah burns, one must rip his garments in mourning.*

- A similar protest gathering was held in Bnei Brak on the following Saturday night, addressed by the Bnei Brak Rav, Rabbi Yaakov Landa, and the Ponevezher Rosh Hayeshiva, Rabbi Shach. This total renunciation of confidence in Rabbi Goren's reliability in *halachic* matters was publicly proclaimed by a growing list of leaders in the Torah community (see boxes).

- Rabbi Ovadia Yosef was known to have offered his hand to Rabbi Goren as a gesture of conciliation. There was speculation regarding the extent of the implication of this gesture. In a personal letter to Rabbi Moshe Weiss of Bnei Brak, he explained:

"I am amazed at your question [if I agree with Rabbi Goren's decision]. It is well known to all that I battled firmly, with might and main, against participating in a beis din to judge this matter again. . . . Reports that I blessed the results of his court are unfounded . . . like so many other foolish newspaper reports.

"It is known that I already judged the case and found [their marriage] forbidden by Torah law. Some Supreme Court members proposed issuing a statement hailing Rabbi Goren's psak, but I adamantly refused, and the matter was removed from the agenda.

"My extended hand was meant only as an invitation to get on with the other business of the Chief Rabbinate—kashruth, appointment of dayanim, and so on.

"You may publicize this letter,

*"In deep friendship,
(Rabbi) Ovadia Yosef"*

- A declaration issued by Orthodox rabbis and Roshei Yeshivos in France on the 4th day of Chanukah, 5733, stated:

"We have seen the words of Rabbonim-Gaonim and Roshei Yeshivos in the Holy Land, and their outcry regarding the scandalous legitimatizing of mamzerut to enter Israel. Who can see these men step forward and not follow suit? We extend our fullest support to all their actions."

Signed by: Rabbi Dovid Horowitz, Head of Beis Din of Strasbourg; Rabbi Yaakov Rottenberg, Head of Beis Din in Paris; Rabbi Yaakov

Toledano, Rosh Yeshiva, Merkaz Torah; Rabbi Moshe Yebagi, Rosh Yeshiva Beth Yosef, Nice; Rabbi Eliyohu Munk, Rav of the Orthodox community of Paris; Rabbi Chaim Chaikin, Rosh Yeshiva Aix-les-Bains; Rabbi Yosef Zivoni, Rosh Yeshiva Beth Dovid, Marseilles; Rabbi Shmuel Akiva Schlesinger, Head of Beis Din, Strasbourg.

- At the convention of the Agudath Israel of America, a resolution, drafted by the leading Roshei Yeshiva, was passed by all delegates,

"expressing shock and outrage over Chief Rabbi Goren's defiance of all the leading Halachic and Torah authorities in Israel and world-wide, permitting the marriage of illegitimates. His underhanded, secret and lightning-like manner points up the menace of Rabbi Goren's policy of bowing to the demands of Israel's secular establishment that the Torah and Jewish law be altered to conform to the so-called "needs of present times."

- *Hatzofeh*, (the Mizrahi newspaper in Israel), has been claiming that Rabbi Goren has the backing of Rabbi Joseph B. Soloveitchik of Boston. Rabbi Moshe Feinstein telephoned Rabbi Soloveitchik and he categorically denied supporting Rabbi Goren in any way.

- Rabbi Moshe Feinstein issued a statement on behalf of the Agudas Horabonim—Union of Orthodox Rabbis of the United States and Canada—stating, in part:

"Every rabbi must object to this desecration of Heavenly Glory. . . . We therefore join in the daas Torah of Hagaon Horav Yechezkel Abramski, and the concurrence of all great Torah scholars of Eretz Yisroel, reaffirming that all halachic decisions (rendered by Rabbi Goren) are null and void. . . .

"In the name of all members of the Agudas Horabonim . . .

"(Rabbi) Moshe Feinstein, President"

- The Lubavitcher Rebbe, Rabbi Menachem M. Schneerson, condemned the Goren court declaration, primarily because it created a dangerous precedent with repercussions regarding rabbinical authority—both for the selection of a rabbi on the condition that he permit the forbidden, and for the announcement by the Premier (G. Meir) and Defense Minister (Dayan) that the brother and sister would be permitted to marry into Israel prior to the rabbinical judgment on the matter—virtually as though the government were rendering the decision.

The Rebbe added:

"Under such circumstances, Rabbi Goren is not responsible for the halachic decisions he issues. They are produced under pressures from the government and are totally meaningless. . . . Rabbi Goren should step down from office."

Of great significance is that most of these people are towering figures in the Torah world, and any attempt to smear them as being "extremists" or as being motivated by petty political interests is ludicrous.

Rabbi Abramski has been recognized as one of the foremost Torah authorities in the world for close to half a century, and he has always shied away from partisan issues . . . Rabbi Auerbach is a man completely immersed in halachic research and lecturing in his yeshiva . . . Rabbi Shach is a man celebrated for a discipline so encompassing that his mind is not known to stray from Torah. Only in recent years has he felt compelled to speak out on public issues . . . Rabbi Elyashav has a long-standing affiliation with the office of the Chief Rabbinate, as Chief Justice of the Supreme Rabbinical Court . . . Rabbi Feinstein and the Lubavitcher Rebbe need no introduction to American readers, and any attempt to denigrate them as "religious extremists" needs no rebuttal.

When men of this calibre unite in outcry, the breach against Torah must be a grave one indeed.

One Nation Under Golda

AT THE CONCLUSION of the Langers' marriage ceremony, Rabbi Goren telephoned Golda Meir—in the tradition of "a messenger is beholden to report to his dispatcher"—and they exchanged congratulations. Mrs. Meir was undoubtedly pleased that she was once again presiding over one unified Israel, instead of over two countries—one composed of those who only recognize the Torah's commands as the guidelines for legality of marriage and divorce, and one made up of those who accept "civil," man-made guidelines. But by dictating rabbinical decisions to the Chief Rabbi—actually setting up conditions for his holding office—she not only succeeded in further reducing the Chief Rabbinate from a post that was at least a rabbinate until now, to one of ridiculous puppet stature; she has also alienated an entire body of Torah loyal Jews who are now searching for alternate ways of surviving in a secular dominated Israel.

While one may have felt reasonably confident in weathering the storming confrontation between a Torah society and a secular one, it becomes a much more difficult task to survive when the secular element assumes the power to dictate the nature and form of

the religious commitment of the other group. Instead of attempting to pursue paths of conciliation or rapprochement, the religious Jew is compelled to retreat and take shelter from a domineering secular establishment.

In the meantime, those who had hopes for unity at any price are not even achieving the anticipated outcome of Rabbi Goren's "humanitarian" act—a guarantee to withhold the Hausner motion for Rabbi Goren's first year in office. In spite of his initial salutary statement, Mr. Hausner recognizes that not all *mamzerut* problems are solved by this one decision, and he still intends to propose his motion to grant recognition to civil marriages of those who cannot marry by Torah Law. He is only waiting out a decent interval, as promised by his party, to see if the Langer case is only an isolated virtuoso performance, or if indeed Rabbi Goren can continue to bend halachic norms that form obstacles to those who wish to marry, but are forbidden to do so by Torah Law.

As the controversy churns on, Mrs. Meir is not above stepping into the thick of the battle with some incendiary statements of her own. With reference to the four yeshiva students who allegedly harassed Rabbi Goren, she declared during a cabinet meeting: "Why should these young men be free (from the Army) so that they can intimidate Chief Rabbi Goren? . . . If the hooliganism continues, we shall have to discuss the question (of Army exemptions), particularly in those yeshivot whose students will be found to have participated in this behavior."

No one would defend the rash acts of several hot-heads, whose impulsiveness is hardly representative of the general mood of pained sobriety in the religious community. Mrs. Meir's response—generalizing on this isolated act, and then hurling words of threat and intimidation—is hardly balm for a society that is being ripped apart by powerful differences.

A Time for Fasting

FIFTY ONE YEARS AGO, when the first Chief Rabbi was elected, a day of fast was declared by Rabbi Yosef Chaim Sonnenfeld. The man elected to office at that time was Rabbi Avrohom Yitzchok Kook. Although Rabbi Sonnenfeld was often at odds with him on many issues, there was close friendship between the two men. Nonetheless, the fast was declared.

In explaining his reason for calling the fast, Rabbi Sonnenfeld's prescient lament was: "*If some of us today (1921) fail to see the danger in a secular force controlling a rabbinical body, in years to come, all will agree.*"

The years have come. □

A MATTER OF FACTS

When a *psak* (halachic decision) is rendered, there are two aspects to it: the facts on which it is based and the *halachic* principles that are subsequently applied to the facts.

It would be out of place to discuss here Rabbi Goren's *halachic* reasoning. *Halachic* arguments are a matter for rabbinical authorities not laymen. But there is no real *halachic* controversy in this case, it would seem, except perhaps over the admissibility of the procedures adopted by Rabbi Goren. And the universal outrage by Torah authorities all over the world shows that there are no two possible views upon this matter

The protocol of Rabbi Goren's Court was classified as a military document, but since its contents have been circulated, comment is now very much in order.

The factual basis of his decision is open to general discussion and can be totally refuted by available documented evidence.

Rabbi Goren: Borokowski never underwent a conversion. And if he ever did convert, it was because his father-in-law, Mr. Ginzberg (father of Chava), forced him into it.

Rabbi Goren simply offers no evidence to this effect.

Also, the circumcision of Borokowski, as prerequisite to his conversion, was performed by Rabbi Yitzchok Meir Parness, a well known *mohel* of thousands of Warsaw children, who never would have performed the circumcision for a spurious conversion.

Beyond this, Chava Langer testified on 11 Tishrei, 5727: "Avrohom said that he wanted to convert (on his own). When I told my father, he said, 'Good; let him go to Warsaw to become a *ger*.'" He was not forced to convert.

One foundation of Rabbi Goren's psak is the testimony of a social worker in Tel-Aviv to the effect that Avrohom Borokowski maintained his Christian belief after his conversion. The proof: when she investigated the absence of his boys from school, she found that he had

which might let us say: "These and those are the words of G-d."

The basic issue is the facts in the case—Rabbi Goren claims to have uncovered new facts which, according to him, justify his *psak*.

The facts on which a *psak* is based can legitimately be subjected to our examination for accuracy. A thorough—and devastating—study of Rabbi Goren's "new facts" appeared on December 1 in *HAMODIA* (Jerusalem) from the pen of RABBI A. WEISS.

The following is a summary of his findings.

kept them home to celebrate a Christian holiday.

Rabbi Goren presents the social worker's file as independent testimony.

The social worker, in her deposition, stressed that she had no independent knowledge of these charges; she reported them as having been told to her by Chava (Borokowski) Langer just prior to leaving him for Otto Langer. She was at that time engaged in a legal battle with Borokowski over custody rights of the children, and she had every reason to want to discredit him. Her testimony would never be accepted in any *beis din*, and gains nothing by being recorded in a social worker's dossier.

One might still suggest that perhaps she was truly interested in saving the children from Borokowski's negative influence. This, too, is refuted by the facts. Borokowski consistently endeavored to give their sons a religious education. After Chava left them for Langer, he had them enrolled in the Tachkimoni and Aliya Schools—both religious institutions, even though there were other schools more conveniently located.

Rabbi Goren quotes a letter from Borokowski's eldest son that says that his father had him baptized in a church in Poland—proof that he never sincerely underwent conversion.

The very same letter states specifically that this baptism took place prior to his father's conversion to Judaism. Rabbi Goren only presents part of the letter, ignoring the rest!

Rabbi Goren has a statement signed by Borokowski that confesses to lapses to Christianity.

Borokowski's oldest son, Yehuda, claims that the statement was signed under pressure to release the unfortunate Langers from their *mamzerut*. He cooperated out of sympathy with his half-brother and sister, and convinced his father, who is not literate in Hebrew, to sign the paper. The elder Borokowski insists that he always did live with fidelity to Judaism and he wants to be considered a Jew from the time of his conversion. He has initiated a libel suit against Rabbi Goren for branding him a non-Jew, and the courts have given Rabbi Goren thirty days to substantiate his labeling of Borokowski.

*Rabbi Goren: In absence of outside evidence, a *ger's* claim to conversion can also be considered as basis for acceptance as a convert. Borokowski never has before formally claimed to be a convert to Judaism.*

In the court record of Petach Tikvah, 3 Elul 5721, Borokowski offered, unsolicited: "I am a *ger* who converted in Warsaw before I married. I converted in a rabbinical

court and was married before a rabbi."

Rabbi Goren argues that the venerable Rabbi Levitsky surely was aware of Mrs. Langer's previous marriage when he presided over her second marriage to Otto Langer. Undoubtedly the Rabbi had disregarded her marriage to Borokowski on the basis of the invalidation of his conversion.

Mrs. Langer (as recorded in the protocol of the Petach Tikvah *beis din*, 11 Tishrei 5727, page 6): "When I married Otto Langer in Givatayim, I did not say that I already had a husband. I said that I was a maiden." Her marriage license, #64125, signed by Rabbi Levitsky, listed her by her maiden name: Chava Ginzberg.

How could Rabbi Goren base his *psak* on Rabbi Levitsky's assumed invalidation of the Borokowski conversion, when Rabbi Levitsky was totally unaware of Borokowski as a factor in the Langer "marriage" and probably had never heard of him?

Avrohom Borokowski has not been conducting his life in accordance with Torah and *mitzvos*, as is evidenced by his ignorance of basic laws and customs and his conversion is, as a result, retroactively invalid.

Rabbi Goren chooses to disregard evidence from reputable sources,

such as the testimony of the *gabbai* of a *shul* in Petach Tikvah—a religious Jew—who related that he knows Borokowski as a practicing Jew who *davens* regularly in *shul* and observes Torah and *mitzvos*. Instead Rabbi Goren accepts the testimony of two openly irreligious young men—one is married to a non-Jewess—friends of Chanoch Langer, whose testimony was already discounted in Petach Tikvah because they could not have possessed the knowledge regarding Borokowski they pretended to have.

Rabbi Goren studiously ignores any evidence that points to Borokowski's fidelity to Torah law; for instance, the fact that Borokowski insisted on a *get* (rabbinical bill of divorce) to dissolve his marriage with Chava Langer before entering a new marriage seven years after she had left him, and had refused to live with his new wife without bonafide *kiddushin* (religious marriage ceremony).

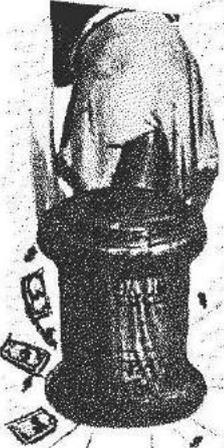
Rabbi Goren also chooses to ignore that, in a cross-examination before the *beis din*, Borokowski displayed knowledge of when and how one wears *tefillin*, the appropriate prayers to be recited at specific times, and so on.

Borokowski in Petach Tikvah: "Had I not been sincere about my

conversion, I would never have come to Eretz Yisroel to live." (The living circumstances were much more difficult then.)

MORE DISTURBING YET is Rabbi Goren's total violation of halachic procedures for rabbinical judgment. In his hastily convened court, not one witness was examined before the judges. There was no formal convening of a *beis din*. New witnesses were not summoned, nor cross-examined, nor questioned in the presence of the defendant (Borokowski), denying him the basic right of challenge or denial. The names of the judges were not publicized, which is a requisite in every *psak*. IN SUMMARY, one must stress that the decision was rendered under extreme government pressure to legitimize the Langers, and that the author of the decision did not act as a free and independent agent.

(This discussion did not deal with the popularly held belief that Chava married Otto Langer under the assumption that Avrohom Borokowski, her first husband, had perished in the Nazi death camps. This is a romanticized fiction that has no relationship to the facts nor any bearing on the case. It is now well-known that the Borokowski's migrated to Eretz Yisroel a number of years before World War II.)



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