

The YU

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From the Editor

The Public Dissemination of Torah

BY EPHRAIM METH

In our nation's earliest years, we were forbidden to publicly disseminate *halakhah* and *lomdus* through writing. Some Rishonim maintain that we were even forbidden from recording oral Torah thoughts for personal reference. R. Yehudah haNasi revoked both of these prohibitions. Nowadays, we may write Torah thoughts for our own growth, and for the public's pleasure.

Similarly, our publication has a dual purpose: first, to motivate and train *its writers* to formulate Torah thoughts clearly, concisely, and powerfully; second, to provide *its audience* with high-quality Torah thoughts via the medium of high-quality writing.

Historically, our *gedolim* have demanded that only first-rate Torah thoughts be committed to writing. The

Rambam wrote that one should review an essay's content one thousand times before committing it to writing. Rav Ashi wrote two drafts of Shas; Rashi's rough drafts are published alongside his final drafts in some *masechtos*; the Tosfos Rid wrote four drafts of his commentary, as did Rav Shach in our generation. When the Ketzos realized that some novellae he was ready to publish had already been printed by R. Yonason Eybeschutz, he deleted them from his manuscript to eliminate redundancy. The Chofetz Chaim checked every copy of his books for typographical errors. Our *gedolim* have long supported augmenting the Torah-writing skills of budding *talmidei chachamim*; we hope and pray that our publication lives up to their standards.

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Fire and Fury: May Beit Din Punish on Shabbat?

BY ADAM FRIEDMANN

“Lo Teva’aru Eish Bekol Moshveteichem Beyom ha-Shabbat” (Shemot 35:3). The Sefer Hachinuch writes that this pasuk teaches us that judges should not execute judgments (“shelo yaasu hadayanim dinim”) on Shabbat. The Chinuch goes on, paraphrasing the Sefer Hamitzvot (lav 322) to note that there is a conflict between different sources as to how this halachah is derived. The Mechilta derives the halachah from “lo teva’aru”. The Torah has already instructed us that melachah is not permitted on shabbat (Shemot 20:10). This leaves the specific prohibition of hav’arah extraneous. On this basis, the Mechilta concludes that this mention of hav’arah is not referring to Shabbat, but rather to sreifat beit din. The Torah is prohibiting the administration of the punishment of sreifah on Shabbat and uses a drasha (lelamed al haklal kulo yatza) to apply this to all mitot beit din.

The Chinuch, again borrowing from the Sefer Hamitzvot, points out that the phrase “lo teva’aru” is also used for another well known derashah (“hav’arah lechalek yatza”). Since this derashah is accepted l’halachah the words “lo teva’aru” cannot be the source of the prohibition to execute judgments because they are already employed. Instead the Sefer Hamitzvot and Chinuch refer to a Gemara Yerushalmi in Sanhedrin (4:6) which uses the word “moshveteichem”, which refers to the sitting place of beit din, to learn the prohibition of executing judgements.

The Minchat Chinuch observes that the Sefer Hachinuch’s introductory sentence (“shelo yaasu hadayanim dinim”) implies that this prohibition includes any type of court punishment including lashes (malkot). However, the Chinuch only brings one example of applying this prohibition, in the case of mitah. Therefore, the question remains as to whether this prohibition applies universally to all forms of punishment or only to the four mitot beit din.

The Minchat Chinuch cites the Rambam (Shabbat 24:7) who rules that all forms of punishment are prohibited including lashes. This would settle the Minchat

Chinuch’s question if not for the comment of the Magen Avraham who notes (O”C 339 note 3) that the Gemaras which mention this issue (Yevamot 6b, Sanhedrin 35b, Shabbat 106a) imply that the prohibition is only for punishments which involve violating shabbat. We had reason to believe that certain punishments, because their administration is a mitzvah, should have overridden the prohibition of shabbat even though these punishments involve doing certain melachot. “Lo teva’aru” teaches us that this is not the case. However punishments which do not involve violating Shabbat are certainly obligatory. The Magen Avraham is therefore uncertain about how to explain the Rambam since he includes malkot, which does not seem to involve any violation of shabbat. He suggests that perhaps the Rambam holds that malkot indeed involve a melachah (that of chovel) and this is why he included malkot in his ruling.

I would like to make the case (*bemehilat k’vod haMagen Avraham*) that the Rambam *does* hold as we originally thought, that the prohibition of “moshveteichem” applies to all kinds of punishment. This is evident from a number of places. Firstly the Rambam in Sefer Hamitzvot is explicit in stating that the prohibition is “to carry out punishments upon wrong-doers, and to actualize verdicts (piskei din) on Shabbat” (lav 322). This formulation sounds like it applies to all punishments. Furthermore one may ask if the purpose of “lo teva’aru” is only to prohibit carrying out the mitzvah of onesh beit din in certain cases, why should this alone constitute a separate mitzvah lo ta’aseh? This should be considered merely a limitation of the mitzvah aseh. Therefore it seems that this prohibition applies even to those punishments which do not involve melachah. This notion is further supported by the Rambam in hilchot Shabbat. The Rambam begins perek 24 of hilchot Shabbat by stating activities which are prohibited on Shabbat even though they are not melachot and do not bring one to do melachot. Rather, they are prohibited because Shabbat requires that we change our

general conduct from that of weekdays. If the Rambam holds that “moshvoteichem” only prohibits punishments which involve a direct melachah, this halachah does not belong in perek 24.

However the Magen Avraham’s observation of the Gemaras still holds. These Gemaras seem to imply that we are only concerned with punishments which are at odds with keeping shabbat. If so, how does the Rambam learn that this rule extends to all punishments? The answer may lie in the aforementioned Gemara Yerushalmi. As noted above, the Rambam asks on the Mechilta which learns our prohibition from the words “lo teva’aru”. He answers his question using the Yerushalmi which learns from the word “moshvoteichem”. However, we find that the Bavli in no less than two places (Sanhedrin 35b, Yevamot 6b) asks the exact same question as the Rambam and gives the same answer. If so why did the Rambam reach for the Yerushalmi, which is the more obscure source? The an-

swer, perhaps, is that while the Bavli uses this derashah only in terms of violating Shabbat, the Yerushalmi’s formulation is more universal. The Yerushalmi simply asks, “from where do we know that courts cannot judge on Shabbat”, and answers “from moshvoteichem”. From the context of the Gemara it seems that “judging” here refers to punishing. We find, therefore, that the Yerushalmi concludes that the derashah of “moshvoteichem” expands from sreifat beit din to include all court punishments, even those which do not involve melachah. If this is so, the Rambam’s choice of the Yerushalmi as the source for this halachah indicates that he chose the Yerushalmi’s understanding of the derashah *as opposed* to that of the Bavli, and therefore the question of the Magen Avraham does not apply to the Rambam’s ruling.

Thus we may conclude that according to the Rambam, the prohibition of administering onshei beit din on Shabbat applies universally to every onesh.

Havdalah: Making the Distinction

BY JOSH WERNICK

The *parshiyot* we read during these weeks discuss Shabbat. Every Shabbat, we say *kiddush* to sanctify Hashem’s name (Pesachim 26a) and to differentiate between Shabbat and all other days. We still make *Kiddush* in shuls despite the fact that most people make *Kiddush* again at home in order to *be mekadesh Shem Hashem* in public. We also say *havdalah* at the conclusion of Shabbat. There are many halachic issues regarding *havdalah* that need to be discussed.

There is a *machloket* whether *havdalah* is a mitzvah *d’orayta* or *d’rabanan*. The *Minchat Chinuch* (Mitzvah 31) says that *kiddush* is also a mitzvah *d’orayta* and he says that just like *kiddush* is *d’orayta*, *havdalah* is *d’orayta*. This is derived from the *pasuk* (*Shemot* 20:8) “Remember the Shabbat to sanctify it;” sanctify Shabbat at its entrance with *kiddush* and at its departure with *havdalah*. However, the Rosh (11:3) and Pri Migadim (Orach Chayim 296) hold that *havdalah* is only a mitzvah *d’rabanan*.

Chazal decreed that the *tzibur* should say “*ata chonantanu*” in the *beracha* of “*ata chonein*” on motzei Shabbat in order to standardize *havdalah* (Berachot 33a and Shulchan Aruch Orach Chayim, 294:1). However, one still has to recite *havdalah al hakos*. Poskim argue about which

recitation is the main fulfillment of the Torah obligation and which is secondary. The Mishna Berura (296:1) considers *havdalah* in the *shmoneh esreih* as the primary one. However, the Chatam Sofer (Orach Chayim, 21) understands that the primary recitation is the *havdalah al hakos*.

The Rambam (Shabbat 29:5), explains that it is *assur* for a person to eat, drink, or do *melacha* before *havdalah*. The Brisker Rav infers from the Rambam’s formulation, which seems to not differentiate between the *issur melacha* and *issur achila*, that these *issurim* sprout from the obligation to perform *havdalah* and have nothing to do with the *issur melacha* of Shabbat. In Shabbat (150) the Mishnah explains that a person can watch his *peirot* as the day gets dark if it is close to his *techum* Shabbat. The Gemara applies this even if one didn’t do *havdalah* yet. The Gemara asks - how can one fulfill his needs before doing *havdalah*? The Gemara gives two answers in its conclusion. One answer is that indeed, the permission to watch one’s *peirot* only applied if one already made *havdalah al hakos*. Another answer was that he made a *heker* by saying “*hamavdil ben kodesh l’chol*”. Many Rishonim argue regarding this if one needs *havdalah* with *shem* and *malchus al hakos* or if it is sufficient with just this *heker*. The

Rif implies that this *hekeir* sufficed *bedieved* for *melacha*, *achila*, and *shtiah*, while the Ran writes that it suffices *lechatchila* for *melachah* but doesn't suffice even *bedieved* for *achila*. The Brisker Rav explains this based on his fundamental understanding of the Rambam. According to the Rif, the three things forbidden before *havdalah* are all based on the *chovat havdalah* associated with them, the source of this *issur*. Hence, *bedieved*, one can fulfill his obligation vis-à-vis all three with just this *hekeir*. According to the other opinions, the *issur melacha* sprouts off of *dinei Shabbat*, which is a separate mitzvah from *havdalah* altogether, allowing for this *hekeir* to be enough to *matir*

the *issur melacha*.

The Brisker Rav adds that according to the Rambam and Rif, since the *issur melacha* is not an extension of Shabbat's *issur melacha*, it may prohibit activities that are normally permitted on Shabbat and it may permit activities normally prohibited on Shabbat. This is why the Shulchan Aruch (298) ruled that one may light fire and carry in a *reshut harabim* before *havdalah*. This would not be true according to the Ran who holds that the *issur melacha* before *havdalah* is an extension of the regular *issur melacha* on Shabbat.

From the Masechta

Contemporary Observance of Kedushat Har Habayit

BY AARON KRAFT

The Talmud (Yevamot 6b) indicates that the Biblical requirement to revere the *Beit Hamikdash* applies to *Har Habayit* even in the post-destruction era. Practically, this entails treating *Har Habayit* with a degree of respect by not using it as a shortcut, not entering it while wearing shoes, not spitting there, and other similar acts. This is derived from the fact that the Torah (Vayikra 19:30) juxtaposes Shabbat observance and temple veneration, implying that just as keeping Shabbat is timeless, showing reverence for the *Beit Hamikdash* is eternal. Rabbi Aryeh Leib Ginzberg (Turei Even Megillah 28a) reasons that extending this commandment to the post-destruction era necessarily means that there is still holiness (on a Biblical level) to *Har Habayit* (an issue that is the subject of debate in many tractates – see Megillah 10a and Zevachim 107b). In other words, Rabbi Ginzberg assumes that if there is a requirement to revere *Har Habayit*, it is due to its retained sanctity.

However, if reverence for *Har Habayit* obviously implies sanctity of the space, it should suffice for Rambam to rule that there is an obligation to fear *Har Habayit* even after the destruction, and then we could logically deduce that *Har Habayit's* sanctity persists. However, Rambam (Beit Hab'chira 6:14-16) rules that the holiness endures

forever based on a separate biblical verse and still relies on the verse cited in Yevamot (6b) in declaring that we must fear *Har Habayit* even post-destruction (7:7).

The Birkat Avraham on Yevamot 30 asks why did Rambam find it necessary to quote two verses – one to teach the sacredness of the *Har Habayit* and another to teach the obligation for reverence – if one verse would have been adequate?

When it comes to the various laws and practices related to the *Beit Hamikdash*, there are two categories we can identify. Some laws flow from the sanctity of the *Beit Hamikdash*, while other laws pertain to the edifice itself. For example, Rambam (Beit Hab'chira 6:15) writes that the ability to offer and consume sacrifices depends only on the holiness of *Har Habayit* and is therefore possible even in the absence of the physical edifice (at least in theory). The issue of offering sacrifices in the post-destruction era has been the subject of much debate, especially in the last two centuries. However, Rav Soloveitchik pointed out that the commandment to appoint guards for the *Beit Hamikdash*, for example, depends not on the sacredness of the *Beit Hamikdash*, but on its physical existence. Rambam does not list this as one of the commandments that can apply today because the sanctity of the *Beit Hamikdash*

dash persists. Furthermore, he writes (8:1) that guarding the Beit Hamikdash is a positive commandment not because we fear enemy attack but because it is a sign of respect – “a palace without guards pales in comparison to a palace with guards.” Rambam implies that the sentries add a degree of pomp and circumstance, making a visit to the *Beit Hamikdash* an experience. This impressive experiential component depends on the *Beit Hamikdash* standing in full functional glory, not on the holiness with which its location is endowed.

With this distinction in mind, we can return to our original inquiry and explain that the reason an additional verse is necessary to teach that reverence applies even post-destruction is that one might have thought that this law depended on experiencing the *Beit Hamikdash* in its full grandeur, and would thus be limited to a time when the *Beit Hamikdash* stood. The second verse teaches us that this commandment is not a function of the *Beit Hamikdash* standing in all its magnificence, but rather a function of the holiness embedded in *Har Habayit*.

Inyana D'yoma

Chametz: When Possession is not Ownership

BY YECHIEL FUCHS

The gemara (Pesachim 5b) discusses whether one violates *bal yera'eh* and *bal yematzei* (BYBY) by simply accepting responsibility (*kabalas achrayus*) for another person's chametz on Pesach (as opposed to having a complete ownership of the chametz).

What type of responsibility must one accept upon himself in order to transgress BYBY on Pesach?

Beginning the discussion, the Rosh (1:4), Tosfos (Shavuos 44a) and the Rambam (Hilchos Ch"uM 4:3) all write that '*kabalas achrayus*' is at least like a *shomer sachar*. This is based on the fact that the gemara writes in the name of Rava that one who accepts responsibility for the chametz will be liable if it gets lost or stolen. A *shomer sachar* is liable for theft or loss of the object being guarded.

Furthermore, Rabbeinu Dovid adds that the type of responsibility one must accept to be in violation of the prohibition of BYBY must be like a *shomer sachar* since a *shomer chinam* is only liable if there would be negligence (*peshiya*) involved, and therefore no one could argue that the chametz that he is guarding would be considered his ("*shelcha*"). The Torah tells us that on Pesach the chametz must be "*shelcha*". The chametz is not considered yours if your only responsibility is to avoid a loss due to negligence.

In a different vein, the Meiri writes that *peshiya* is insufficient to make the chametz considered as if it were yours, since *peshiya* is considered like an act of damage (*hezek*). In fact, the Rambam writes this explicitly (Hilchos Sechirus 2:3)-, "*poshea mazik hu*."

Based on this understanding, the Rambam writes that although ordinarily a *shomer* is *patur* for damage regarding *shtarot/avadim*, if they have committed a *pshia* they are *chayav*.

This premise is questioned by the Ravad, who points out the fact that although a *shomer chinam* is *chayiv* for *hezek b'baalim* (if he borrowed it in the presence of the owner) he is *patur* for *pshia b'baalim*. This clearly demonstrates that *pshia* is not a form of *hezek* as the Rambam portrayed it to be. Therefore, how can *poshea* be considered an act of damage!? There is no exemption of damage in a case of *baalav imo*! (See Birchas Shmuel Bava Kama siman 32, Bava Metzia siman 47).

In contrast, the Ritva writes that simply being a *shomer chinam* is sufficient to transgress BYBY. If this is true, why does Rava say that one will be liable for theft or loss? The Rosh writes that this statement of Rava refers to theft or loss that results from negligence. Additionally, the Ritva writes that it is possible that this detail of the case was

only part of the story and not to be understood as a necessary component to be liable.

Tosfot (Bava Meztia 82b, Shavuos 41a) offer a third opinion and writes that one needs the *kabalas achrayus* of a *shoel*. Rava's statement meant that one would be liable for theft or loss despite all precautions (even *b'ones*). Tosfos must hold that only when there is a liability for loss or theft despite all precautions, the *shomer* becomes like the owner of the object.

With regard to this *chametz* after Pesach, the Ritva writes that it is permitted because even though the Jew will violate BYBY, it is still called '*chametz shel nachri*', *chametz* belonging to the non-Jew. The entire prohibition against *chametz she'avar alav ha'Pesach* only applies to *chametz* belonging to a Jew.

Rav Yonasan Sacks Shlit"za suggests that it is not coincidental that the Ritva writes this and also maintains that all you need to transgress BYBY is a level of *shomer chinam*. You don't need the *chametz* to be genuinely yours

in order to transgress BYBY. All you need is to be *rotzeh b'kiyumo*, desiring the *chametz's* presence. This level of *rotzeh b'kiyumo* is insufficient to give the *chametz* a status of *chametz she'avar alav ha'Pesach*.

On the other hand, the Rambam (Hilchos Ch"uM 4:3) disagrees and writes that if one has *chametz* of a non-Jew in their possession without *kabalas achrayus*, then the *chametz* is permitted to the Jew after Pesach. This implies that if one is *mekabel achrayus* then the *chametz* is forbidden due to the prohibition against *chametz she'avar alav ha'Pesach*. If one is *mekabel achrayus* then it becomes like it is yours.

This is consistent with the Rambam who writes that you need a heightened level of *shemirah*, and thus a *shomer chinam* is insufficient. Once you have a heightened level of responsibility and ownership, it makes sense that for such an object one will be in violation of *chametz she'avar alav ha'Pesach*.

Recognizing Hashgachas Hashem

BY RABBI YONASON SACKS

The mitzvah of "*zechiras yetzias Mitzrayim*," remembering the Exodus, occupies an incontrovertibly prominent position in Jewish consciousness. Ramban (*Shemos* 13:16) notes that the Jew's constant recollection of *yetzias Mitzrayim* attests to his unwavering belief in the veracity of the Creator and His Torah, and that "Because *HaKadosh Baruch Hu* will not perform overt miracles in every generation to (convince) the wicked and the deniers, He commanded us to make a constant recollection of what our eyes saw, and to transmit the matter to our children, and from their children to their children, until the final generation." In underscoring the significance of this commandment, Ramban enumerates the plethora of other *mitzvos* which also serve to deepen the Jew's awareness of *yetzias Mitzrayim*, ranging from *chametz* and *korban Pesach* to *tefillin*, *mezuzah*, *krias Shema*, and *sukkah*. The Ramban emphasizes that by perceiving the providence of *HaKadosh Baruch Hu* throughout our national history, we cultivate an acute awareness of His omnipotent existence and the truth of His Torah. Our recollection of the unquestionable Divine involvement in the wondrous miracles of *yetzias Mitzrayim* proclaims our steadfast belief in *HaKadosh Baruch Hu*. At the same

time, however, Ramban adds that our attention to these "great" miracles should never distract us from the "minor" miracles which occur constantly throughout our own lives. On the contrary, a fundamental and inviolable tenet of Jewish belief is that "From the great miracles, a person comes to admit to the hidden miracles that are the foundation of the entire Torah. For no one has a portion in the Torah of Moshe until he believes that all of our words and events are miracles, and they are not all a product of nature." According to the Ramban, the daily requirement of *zechiras yetzias Mitzrayim* teaches us the eternal mission of the Jew: to perceive and appreciate the undeniable presence of the *yad Hashem* in each and every aspect of life.

The Ramban's notion that miracles exist in both revealed and concealed forms is evident in the very meaning of the word "*neis*" itself. The conventional translation of the term "*neis*" denotes a "miracle" or "wonder", as Rashi describes in *Shemos* 17:16. However, the Torah also employs the very same term to signify a "banner" or "flag," as seen in *Bamidbar* 26:10 and *Yeshayah* 18:3. In light of the Ramban's explanation, these two definitions are not coincidental. The glorious and overt miracles serve as a "ban-

ner,” proclaiming and confirming the miraculous status of the smaller, “natural” miracles and wonders. Such a relationship is certainly apparent in the dual miracles of Chanukah. Chanukah celebrates both the “natural” military victory and the “supernatural” burning of a small amount of oil for 8 days. The unquestionably supernatural burning of the oil corroborated the equally miraculous nature of the military victory.

This duality finds particular relevance in our current season of Adar. The *Gemara* (*Megillah* 6b) presents a dispute as to whether the *Megillah* should optimally read in Adar 1 or Adar 2. Rebbe Eliezer B’Rebbi Yossi requires that the *Megillah* be read in the first Adar, in accordance with the principle “*Ain ma’avirin al hamitzvos* - one should not skip over opportunities to fulfill a *mitzvah*”. Rebbe Shimon Ben Gamliel, however, defers the reading of the *Megillah* to the second Adar, in order to juxtapose one *geulah* (Purim) to another (Pesach). His ruling begs the simple question: what is the value of adjoining the two *geulos*?

Perhaps Rebbe Shimon Ben Gamliel’s ruling is precisely rooted in the Ramban’s understanding of revealed and concealed miracles. The Vilna Gaon, in his commentary to *Megillas Esther* (1:2), emphasizes that the significance of the holiday of Purim lies in the ostensibly natural occurrence of supernatural miracles. The salvation was performed in the context of “*hester panim*” - concealment of the Divine hand. The Vilna Gaon cites the well known question of the *Gemarah* (*Chullin* 139b): “*Esther*

min haTorah minayin? - Where is Esther alluded to in the Torah?” The *Gemarah* cites the verse (*Devarim* 31) “*V’anochi haster astir panai bayom hahu* - And I will conceal my face on that day.” It is precisely this concealment, or “*hester panim*,” set in the darkness of the Babylonian exile, which characterizes the miracle of Purim. The Jewish people’s imperilment and subsequent salvation were orchestrated through entirely “natural” means, and the name of *HaKadosh Baruch Hu* is not even mentioned in the *Megillah*.

In stark contrast, the miracles of Pesach were marked by drastic deviations from the normal course of nature. From the transformation of water to blood to the splitting of the sea, the hand of *HaKadosh Baruch Hu* was unquestionably evident throughout the Exodus; Jews and non-Jews alike were forced to recognize His insurmountable involvement. In light of the Ramban’s comment, perhaps the juxtaposition of Purim and Pesach serves to further sensitize the Jew to the miracles of *HaKadosh Baruch Hu*. Through the revealed miracles of Pesach, we recognize the equally undeniable involvement of *HaKadosh Baruch Hu* in the story of Purim. Pesach’s open miracles thus affirm Purim’s silent miracles.

May our constant remembrance of *yetziyas Mitzrayim*, along with the other annual commemorations of *HaKadosh Baruch Hu*’s indescribable wonders, help us to perceive and appreciate the constant miracles with which *HaKadosh Baruch Hu* blesses us each and every day of our lives.

The YU Ethicist

Should Selfish Teachers Quit?

BY EPHRAIM METH

Should selfish teachers quit? Should selfish students seek to teach? These questions are at the core of a dispute between two giants of the last generation, R. Aharon Kotler and R. Simcha Wasserman. R. Kotler reportedly urged his students to plan on careers in chinuch so as to maximize their involvement in Torah study after entering the workforce. In contrast, R. Wasserman believed that teachers must embark on their careers motivated by an idealistic spirit that spurs zealous commitment to their students’

success; to enter the field of education for any other reason is tantamount to murder. This essay will explore some historical precedents for this dispute and probe each position’s conceptual underpinnings.

Parenthetically, all agree that altruism in teaching cannot substitute for Torah knowledge. Teachers must invest prodigiously in developing their own erudition before giving free reign to their altruistic impulse, lest they impart to their students a superficial Judaism, incomplete,

empty, or chas veShalom distorted. Similarly, despite the dispute about selfish teachers, who teach well with intent to better their own situation, all agree that no 'bad' teacher should teach, even for selfless reasons. If one cannot do a job, one ought not to do it.

R. Yehuda haNasi attributed his outstanding Torah stature to the fact that he observed R. Meir from behind. "If I had seen his face," said R. Yehuda, "I would have been even greater." (Eruvin 13b) The commentary Einei Shmuel interprets this passage allegorically. R. Meir was a spiritually powerful figure, yet was constantly bound up in pursuit of his own spiritual betterment. He could not spare the energy or time to turn around and face his students. He charted for them a path, but did not lend his hand to help them scramble over boulders or through brambles. By following this path, R. Yehuda haNasi became great; but had the pathfinder offered assistance in navigating the obstacles, he would have been greater. How piquant! R. Meir's conduct certainly justifies R. Kotler's approach. Yet R. Yehudah's lament carries overtones of R. Simcha's point. Ultimately, this passage proves that the tension between altruism and selfishness in pedagogy has a long and rich history.

After learning the law of *be'alav imo*, that a borrower is released from liability if when he borrowed the lender was in his employ, Rava's students began to borrow all manner of things from Rava. Upset, Rava scolded: "do you think I am your employee? In reality, *you* are all *my* employees. For *I* determine the curriculum, we study the tractates that *I* wish to review. Your role, my students, is to facilitate *my* review of the Talmud." Here, Rava's students echo R. Simcha's position, while Rava, whose view about student-teacher relationships is codified in the laws of *be'alav imo*, supports R. Kotler's opinion.

There are two ways to explain this dispute. First, Rambam and Ramchal maintain that most mitzvos are for per-

sonal spiritual gain. In contrast, Ramban often explains that mitzvos' purpose involves bettering society for the sake of bettering society, not for the impact that such actions have on their doers. Even in the context of Talmud Torah, R. Chaim Soloveichik holds that personal study is subsidiary to teaching, and therefore in situations where funds are limited, excellent teachers should be supported before excellent scholars. Hence, R. Kotler's and R. Wasserman's positions may be informed by a general attitude towards mitzvos, or at least towards the mitzvah of Torah study.

The second and most likely explanation of the dispute concerns the proper measure of zealotry for Torah study that we ought to cultivate. R. Kotler's most important innovation in America concerns zealotry for Torah study, Torah study for its own sake, Torah study to the exclusion of other values. For R. Kotler, other values exist only on a lower plane; they should be acknowledged, but not stressed at the expense of stressing the value of Torah study. Someone zealous for his Torah study will, and should, seek the profession most suited to maximizing their Torah study. Cultivating such zealotry is more important than any other value. In contrast, R. Wasserman may acknowledge that zealotry has a place, but believes that it cannot displace the student's centrality in his teacher's mind.

The only possible conclusion for such an article is to echo the words of R. Shimon Schwab, written decades ago about a similar issue. We are incapable of decisively resolving this issue, which has deep and well-founded historical roots, where each position found champions in pre-eminent contemporary figures. All we can say definitively is that adherents to each position must be respected, the legitimacy of each position should be acknowledged, and we should remain true to whatever pedagogical path our teachers and source texts indicate we should follow.