

View on Adoption

I just picked up your spring issue, and my eye went immediately to your article on adoption written by Bayla Sheva Brenner (“Filling the Void: Creating Jewish Families Through Adoption”). Almost fifteen years ago we came to Israel childless and well into middle age, and soon discovered the near-impossibility of living in Israel without children. After a year of hope, fear, prayer and feelings of powerlessness, we became the parents of two little boys, aged one month and one year, born in Guatemala, flown home to Israel to be part of the Jewish nation. For those couples looking to international adoption, I suggest making *aliyah* first. The faces of Israel are myriad. Our children are an integral and much-loved part of the landscape in our community; they are the only internationally-adopted children living [in our community], and kids, when asked if they know adopted children, often forget to mention our boys. There is nothing like raising Jewish kids in Israel, and for adopted (converted) children, the Jewishness pervading all aspects of life here enriches the experience manyfold.

Shoshana Susan Weinstein
Kfar Adumim, Israel

The Future of Religious Zionism

I'd like to commend you for running the symposium on the future of Religious Zionism (“Religious Zionism: What's Next?”) in your spring issue. The discussion was timely, and the articles were uniformly excellent and informative.

However, I can't help but face the entire premise with a mixture of amusement and sadness. This is not the first time *Jewish Action* has run a cover feature of this nature, and not the first time the Religious Zionist community has grappled with these issues. Each time, however, it seems to be a result of only one thing: the

Israeli government taking steps with which most of the community disagrees.

Jews regard the State of Israel highly for a number of reasons. Citizens of Israel may have a patriotic feeling toward it; Jews worldwide may see it as a physical haven and home base. Religious Jews worldwide may see Israel as all that, plus a spiritual home, a gift from God and, hopefully, the first stage of the redemption.

None of these reasons touch the government of the State, as terrible as some of its ideas or actions may be. I don't think, for example, that when Bill Clinton became president in 1992, conservative or Republican commentators in the United States agonized over whether they would have to stop being patriotic, or loving their country or serving in the armed forces.

As human beings with minds of our own, we will never completely agree with whoever it is who is governing us. And as Israel is a democracy, for better or worse, there's always a possibility that we will disagree with a government policy.

But giving up on the whole enterprise when that happens is inexplicable. To the question of whether Religious Zionism has a future, therefore, I'd agree with your contributors—“Sure, a glorious one!”—but add the question, “Why ask now?”

Nachum Lamm
Kew Gardens Hills,
New York

Memories of Stockholm

Regarding the most interesting article “Memorable Moments of the Nobel Prize Ceremony” by Shira Leibowitz Schmidt (spring 2006), I only wish to submit a small correction. The author writes [in a footnote] that the Orthodox shul in Stockholm was transferred from Hamburg after the war. Actually, the shul, probably the only one to survive Kristallnacht, was sent just *prior*

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to World War II. Rabbi Joseph Carlebach telephoned his old friend Hans Lehmann, who had moved from Hamburg to Stockholm, to ask whether he could accept a shipment of the complete furnishings of the shul, including the Torah scrolls and the library.

My father accepted immediately, and the shipment was sent to Stockholm in a number of large crates early in 1939. My father and eldest brother, Bert, were at the pier to inspect the newly arrived shipment, which had been damaged by the Nazis in an attempt to render the furnishings unfit to be used. My father had them all restored, and the shul was inaugurated with a dignified ceremony, as was reported by several newspapers at the time. A large plaque was affixed to the shul to commemorate this historic event. Since its inauguration, a regular minyan has been conducted there twice a day. This fascinating story is being made into a documentary, which is soon to be released.

Erik E. Lehmann
Monsey, New York

... Another form of salvation was to be accomplished by [my grandfather] Hans Lehmann. A young friend of my uncle Bert Lehmann was expelled from the Mir Yeshiva at the time of the German invasion of Poland. My grandfather immediately arranged for the young Rabbi Shlomo Wolbe to live in his home in Stockholm to be the *haus lehrer* for his sons. As their tutor, Rabbi Wolbe, who instilled a strong love of Torah and ethical behavior in my father and his brothers, was saved from a sure tragic fate. In an otherwise bleak and sometimes hostile Swedish environment, the joys of Torah and its beauty blossomed. And the world, through the grace of God, was granted this century's foremost leader of the *musar* movement.

Barbara Lehmann Siegel
Silver Spring, Maryland

Pesach in America

■ Yaakov Horowitz's essay ("The American Pesach Experience," spring 2006) contained an inaccuracy, as he identifies General Mark Clark as a non-Jew. Halachically, General Clark was Jewish, as his mother's name was Rebecca

Ezekiel. While Clark adopted his father's Christian beliefs, he never forgot his Jewish roots. As military governor of Austria following World War II, he was especially sympathetic to Jewish survivors of the war. Thus, General Clark's stirring remarks to the Jewish soldiers under his command are understandable. I doubt that any other World War II general officer could have delivered such an address.

Seymour Kleiman
Pikesville, Maryland

Business Ethics

■ *David Hojda's book review "Personal and Financial Integrity and Halachah" (winter 2005) began with a case that appears in one of the books under review, Mishpatei HaTorah by Rabbi Tzvi Spitz. Rabbi Jonathan Blass, rav of Neve Tzuv in Israel, takes issue with Rabbi Spitz's halachic determination. We hereby present a summary translation of an exchange between Rabbi Blass and Rabbi Spitz (translated by Rabbi Hojda). Rabbi Blass's original letter (in Hebrew) is available at www.ou.org/pdf/ja/5767/fall7d/LetterFromRavBlass.pdf, and the relevant section of Rabbi Spitz's sefer (in Hebrew) is available at www.ou.org/pdf/ja/5767/fall67/Sabal.pdf. Ed.*

This is the case, as presented in our article:

Chaim, a tourist flying back to the United States from Israel, arrives at the airport at the last minute for the last flight to New York. He hires a porter to bring his luggage to the check-in area, where he will meet up with him to pay for the service. Chaim gets sidetracked along the way, having run into an old friend. When he eventually shows up at the designated area, the bags are there, but the porter has left, having told another passenger that he could not wait any longer; the porter expects Chaim to find him. If Chaim goes looking for the porter, he'll likely miss the flight. If he does not locate him now, he most probably will never see him again. He owes the porter twelve dollars; missing the flight will cost him several thousand. What's his obligation?

As many as five Torah prohibitions (and one positive commandment) are involved. Chaim must give the worker his twelve dollars (that very day!)—even if it means missing the flight. If the only seats

available for the next day are in first class (and cost several thousand dollars more), so be it. As long as the added expense represents less than 20 percent of his assets, if Chaim considers himself a frum Jew, he has no choice but to suffer the financial loss. (Even if the porter had given up all hope of ever getting paid, Chaim's obligation would remain.)

It is my opinion that in the case quoted from your *sefer*, the traveler would *not* be obligated to miss his flight at a cost of several thousand dollars in order to pay the porter. My reasons are as follows:

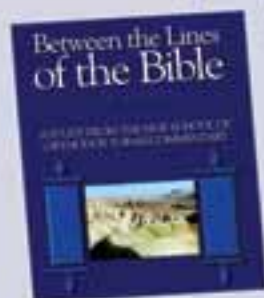
1. The porter was negligent in abandoning the bags at the check-in area. The chances are quite good that the traveler would never see those bags again, either because a thief had grabbed them or because one of the security personnel had blown them up, in accordance with security protocols. The porter is hired to watch the luggage until the owner appears; the amount that someone would pay to have a porter transport his bags to a certain place and then abandon them is \$0! Therefore, even if the traveler would not have had to suffer a substantial loss or inconvenience in order to pay the porter, he does not owe him a single penny! After all, no service was rendered.

2. Neither the positive mitzvah "on this day shall you pay his hire" nor the prohibition "not to withhold wages overnight" require one to suffer a significant financial loss in order to pay one's worker on that same day. The *Sefer Hachinuch* (mitzvah 588) writes that "the Torah does not obligate one [in this positive mitzvah] except where he has [the money] in his home or he is able to pay him. If, however, he cannot pay without losing a great deal of his own [money], the Torah does not obligate him in such a case." In other words, if paying him "on that day" involves a significant loss, we do not consider the employer as one who has the worker's wages "with him" (Leviticus 19:13). The only time that the employer would potentially transgress these commandments is when the worker has demanded his wages and despite the employer's having the money readily available, he refuses to pay on time. In addition, because the traveler has neither acted with guile nor with violence, he has not

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transgressed the prohibitions of theft or of withholding another's property.

3. You have indicated that in the case at hand, if the traveler does not pay now, he will never have the opportunity to do so. But as I already mentioned, the porter is not due a single penny, as he did not perform his job. However, even in a case where the porter has done the job properly, I question whether the tourist is obligated to seek him out in order to pay him. Rather, it would seem that it is the porter who must do the searching. A thief, for instance, is bound by a positive commandment to return what he has stolen. Yet, if the one he stole the property from has "wandered far away," the thief is not obligated to seek him out so that he can return what he has stolen, but is permitted to hold onto the property until the owner returns. The reason for this is that he fulfills his obligation simply by guarding the object until the owner returns. Before even beginning to discuss how much a person is expected to lose in order to fulfill a mitzvah, we must first determine whether the obligation even applies.

In the case of the tourist, it happens to be that the "employer" does not have the luxury of waiting for the porter, as the plane is leaving. The question then becomes whether the tourist may board the flight. It would seem to me that it would be sufficient for the traveler to leave his name, address and phone number with one of the airport officials, so that the porter can contact him in the States and request that his payment be forwarded to Israel.

Rabbi Jonathan Blass

Rabbi Spitz responds

Regarding your comments on what I wrote in my *sefer*, *Mishpatei HaTorah* 1, chap. 45, I will respond to your objections according to the order in which you presented them.


1. You claim that the porter's job was to not only transfer the suitcases from the car to the check-in area, but to wait there [until the tourist shows up]. I disagree. His job is to transport things, not to stand guard over them afterward. Once the porter has brought the suitcases to wherever he was told to bring them, his task is completed—and his payment is due immediately (assuming, that is, that they had not agreed to some other arrangement from the outset). He has no further obligation and those who fly frequently can confirm this.

2. [Regarding your claim that the tourist should not have to undergo any major expense], the wording [in *Sefer Hachinuch*] would indicate that [the author] is referring to a situation where the employee does not have the money on hand and would therefore need to put something up for sale at a significant loss. In that kind of situation, he would be exempt from having to pay on that day and would be permitted to pay at a later time. However, that is not the situation in our case, for two reasons:

A. Firstly, the tourist *does* have the money to pay the porter that day; it's in his pocket! And, he hired the porter intending to use this very money. However, due to his own recklessness, he is now unable to locate the porter immediately. He could still find him and pay him using the money in his pocket, but is not interested in doing so, as he is unwilling to suffer the loss of some *other* funds. However, this is a loss that he has brought upon himself, due to his own negligence. Given that he could still pay the worker on that same day, with cash he has in his pocket, he is obligated to do so [despite the consequences]—even according to the *Sefer Hachinuch*.

B. Secondly, the *Sefer Hachinuch* refers to a case where the employer is being allowed to delay payment but will give it to the worker at a later time. Because the worker *will* be receiving his money in the end, the *Sefer Hachinuch* does not demand that the employer suffer a significant loss. In our case, however, if the worker is not paid today, he will *never* receive payment for his labor. This would constitute outright theft. The employer must therefore pay him today—and be prepared to lose up to one-fifth of his assets.

3. Regarding your inquiry as to who must seek out whom, it is obvious that once the porter had completed his assignment and was waiting at the place where he had dropped off the bags, which is the place where he is customarily paid, it is incumbent on the tourist to conduct himself in accordance with what is customarily done. After all, the porter accepted the job based on that understanding. It is therefore obvious that it is the tourist's responsibility to search for the porter and compensate him for the job he did on the tourist's behalf.

In conclusion, it is my belief that everything I wrote in *Mishpatei HaTorah* is correct both in theory and in practical *halachah*. 

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