

CONFIDENTIAL - ERUV

Memo on Meeting with Rabbi Aaron Kotler, Rabbi Jakabovits and myself in Lakewood, October 15, 1962.

We appeared in the Succah of Rabbi Kotler at 12:30 P.M. He immediately proceeded into a "Shiur" on the laws of Eruv for about one hour. He would not allow us to interrupt him and divert him from his dissertation. He was anxious to prove in every way the fact that there was a ^{clear} ~~definite~~ prohibition on the Eruv, in fact a "safek d'oraita." Upon questioning, he admitted that he barely glimpsed at all ^{into} the literature printed in "Noam" and the other writings of Rabbi Kahner. As a matter of fact, his conclusions were almost exclusively based upon a reading of the polemics between the "Mishkenot Yaakov" and the "Beth Ephraim."

We then shifted the matter to more practical ^{Considerations} ~~conclusions~~. I emphasized that we were not being driven to an Eruv by irate laymen who insisted upon it. Rather, that we want it for the sake of Sabbath observance - and here we presented to him, once again, our entire rationale. I pointed out that the opinion of the general public was that the older rabbis and especially the Roshe Yeshiva were always intent upon adding ~~a~~ prohibition upon prohibition. Rabbi Kotler countered by accusing them of being ^{a i} ~~Miskolim~~ "Miskolim." I repeated that, fortunately or unfortunately, this breed hardly exists any more and that, furthermore, I was quite in agreement with the mood of the public. Here was a case where with equal effort sources could be found to grant permission for an Eruv and make life more liveable for Orthodox Jews, but that those who had the authority seemed to delight in saying "no." Rabbi Kotler was clearly unshakeable in his conclusion, and at the same time ^{unmistakably} ~~clearly~~ apologetic and on the defensive in his presentation. ^{He} I protested that his hand was forced by other gedolim in Israel and England in the matter of the New York Board of Rabbis, and that he had specifically decreed that that "issur" not be publicized. I argued that in the present case we would not need a man of the stature of Rabbi Kotler to devise ways of issuing a prohibition on the Eruv; even lesser light could accomplish that. We had hoped that he would be big enough to issue a permissive decision, or at the very least to let

^{the matter} ~~these remain as they are~~ it was before his intervention.

Rabbi Jakobovits said that we are ~~quite satisfied~~ ^{are not objecting} that he has decided against the Eruv; but that does not mean that he must insist upon Rabbi Henkin and Rabbi Feinstein withdrawing their previous permission to go along with the Eruv, and in fact that would constitute a "chilul shem." ^{ha-} Rabbi Kotler denied ^A that he had brought any influence to bear on either of these two rabbis to change their minds. I reminded Rabbi Kotler that after he had entered the picture, ^P upon the invitation of more politically oriented figures, Rabbi Henkin added new conditions and Rabbi Feinstein made a complete about-face within twenty-four hours. Rabbi Jakobovits pointed out that we had not officially been notified by Rabbi Henkin and especially Rabbi Feinstein that they had changed their minds. Both Rabbi Jakobovits and I pressed upon Rabbi Kotler the idea that it is possible to have different opinions on Halakhic issues; that because he thinks that a possible Biblical violation is involved, this should not ^{weigh} ~~overweigh~~ the previous proposed decisions that the other two rabbis ^{definitely} ~~clearly~~ allow the proponents of the Eruv to go ahead with their plans. We implied as openly as we could without disrespect that his opinion was not one of papal infallibility, especially in the light of all the "Gedolim", both living and not, who had endorsed our program. Rabbi Kotler seemed utterly unaware of such possibilities. He struck us as being the ultimate in authoritarian character.

Rabbi Jakobovits implied that we still might consider the possibility of announcing the Eruv for our own synagogues only. Rabbi Kotler, to the surprise of the two of us who had expected a furious response in the face of this statement, merely replied that he strongly urges us not to do that.

I told Rabbi Kotler that this was a terrible blow to us. The two of us were attempting to draw our congregations closer to the world of the Yeshivot, and that he was doing his best to destroy any possibility of rapprochement. While we had not publicized the matter widely, still our people, ^{especially} and most important laymen knew of the situation.

I told him that we were not going to bear the onus for this comedy. If people were going to ask us, we were going to ^{say} ~~report~~ that the Rosh Yeshiva of Mesivta

Tifereth Jerusalem had abruptly changed his mind under pressure, that the Rosh Yeshiva of Torah Vadaath, without ever having anything to do with the problem at hand, had suddenly been "bold enough" to affix his signature to the "Issur" on the Eruv; ~~and~~ that the Rosh Yeshiva of Lakewood was the one who insisted that all must yield to his own ^{negative} opinion. He very heatedly maintained that he had never changed his mind, but had all along been suspicious of the legality of the proposed Eruv. I repeated that that may be so, but that it was he who was obviously the major force in causing the others to change. Our implication was clear. If they were going to insist upon their present course, we would have no choice but to shift the embarrassment and the blame to them, and would not hesitate to let them face the dilemma of having to explain an erratic course to the very people they were appealing to for ^{financial} support.

Rabbi Jakobovits once again mentioned that we still might consider an Eruv for our own synagogues. Rabbi Kotler repeated his previous position, discouraging us from doing that, particularly because of the vociferous opposition of some of the lesser lights of the Agudath Harabbanim. We left at this point, having spent over two hours with him.