

The Four Sons: *Tinokot Shenishbu?*

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הגדה של פסח

בְּרוּךְ הַמְקוֹם, בְּרוּךְ הוּא. בְּרוּךְ שֶׁנִּתְּן תּוֹרָה לְעַמּוֹ יִשְׂרָאֵל, בְּרוּךְ הוּא.

כְּנֶגֶד אַרְבַּעַּה בְּנֵים דְּבִרְהַ תּוֹרָה: אֶחָד חָכָם, וְאֶחָד רָשָׁע, וְאֶחָד תָּם, וְאֶחָד שְׂאִינֵי יוֹדֵעַ לְשֹׂאֵל.

Today I would like to talk about the 4 sons. If you think about it, the 4 sons are really a MICROCOSM of the Jewish People. And the Seder is a time we tell the story of the Jewish People to the Jewish People. We do this to strengthen the BONDS of the Jewish People, to try to bring everyone IN to this great project we call the Jewish People. From all 4 corners of the globe, from all 4 corners of the people, as it were, we try to INCLUDE all.

First we read:

פרשת בא (יב:כו) וְהָיָה כִּי יֹאמְרוּ אֲלֵיכֶם בְּנֵיכֶם מָה הָעִבְדָּה הַזֹּאת לָכֶם:

Upon which the Yerushalmi explains this is the question of the Wicked Son:

ירושלמי פסחים פ"י ה"ד [ב"תורה תמימה" שמות פרק יב פסוק כו]

תנא ר' חייא, כנגד ארבעה בנים דברה תורה, בן רשע מהו אומר, מה העבודה הזאת לכם, מה הטורח הזה שאתם מטריחין עלינו בכל שנה ושנה, מכאן שהוציא עצמו מן הכלל, אף אתה אמור לו בעבור זה עשה ה' לי (י"ג ח') לי עשה לאותו האיש לא עשה, אלו היה שם לא היה ראוי להגאל לעולם ר"א):

Then we read:

פרשת בא (יג:ח) וְהִגַּדְתָּ לְבִנְךָ בַּיּוֹם הַהוּא לֵאמֹר בְּעִבּוֹר זֶה עָשָׂה יְקֻנֵּק לִי בְּצִאתִי מִמִּצְרָיִם:

On this the Sechel Tov, as the Hagada itself, explains that the verse which has no question, refers to the One Who Does Not Know how to ask:

שכל טוב (בובר) שמות פרשת בא פרק יג סימן ח

(ח) והגדת לבנך. זהו שאינו יודע לשאול, שהרי כנגד ארבעה בנים דברה תורה, ...

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וְשֹׂאִינֵי יוֹדֵעַ לְשֹׂאֵל - אֶת פֶּתַח לוֹ, שֶׁנֶּאֱמַר: וְהִגַּדְתָּ לְבִנְךָ בַּיּוֹם הַהוּא לֵאמֹר, בְּעִבּוֹר זֶה עָשָׂה יי לִי בְּצִאתִי מִמִּצְרָיִם.

Then we read:

פרשת בא (יד:יד) וְהָיָה כִּי יִשְׁאַלְךָ בְּנֶךָ מָחָר לֵאמֹר **מה זאת וְאָמַרְתָּ אֵלָיו בְּחִזְקֵךָ יָד הוֹצִיאָנוּ יְקֻנֵּק מִמִּצְרָיִם מִבֵּית עֶבְדִּים:**

Here the Pesikta Zutra explains that this simple question is that of the Simple Son (the Tam):

פסיקתא זוטרתא (לקח טוב) שמות פרשת בא פרק יג סימן יד

לאמר מה זאת. זו מדת התם שאינו חכם בדעת לשאול ואינו רשע לכפור, אלא הוא תם, ואינו יכול להבין ושואל מה זאת,

So too Rashi, though he calls him tipesh.

רש"י שמות פרק יג פסוק יד

מה זאת - זה תינוק טפש שאינו יודע להעמיק שאלתו וסותם ושואל מה זאת, ובמקום אחר

הוא אומר (דברים ו כ) מה העדות והחקים והמשפטים וגו', הרי זאת שאלת בן חכם. דברה תורה כנגד ארבעה בנים, רשע ושאינו יודע לשאול והשואל דרך סתומה והשואל דרך חכמה :

The remaining son of the 4, is of course the wise son, the verse of whom we find in Devarim (as Rashi mentioned in our parsha):

דברים (ו:כ) כִּי יִשְׁאַלְךָ בֶּןְךָ מָחָר לֵאמֹר מָה הָעֲדוֹת וְהַחֻקִּים וְהַמִּשְׁפָּטִים אֲשֶׁר צִוָּה יְקֹוֹק אֱלֹהֵינוּ אֲתֶכֶם :

The four sons are not only sons to one family but are really paradigms of the ways various Jews approach their Jewish identity. These identities have halachic implications. Of course all Jews are Jews, but those who violate fundamental principles – e.g., mehalel shabbat befarhesia – are treated differently.

For example, if a mehalel shabbat Jew gets into a car accident, we don't break shabbat for them. [True that pikuach nefesh is docheh shabbat – but that is only for Jews that keep Shabbat – for we say, better to violate one shabbat that many shabbatot will be kept – e.g., by the victim of the accident].

While this approach to Jews of varying allegiance worked well when the vast majority of Jews kept Torah and Mitzvot, today we live in a time where the identity crisis that Jews have with their Judasim has reached crisis proportions. What do we do with Jews:

- who know nothing about Judasim (aino yodea lishol),
- who have minimal acquaintance with Judaism (tam – mah zeh).
- who reject Judasim (Rasha),

~ aino yodea lishol ~

So the Gemara touched on a type of Jew that is aino yodea lishol - i.e., a Jew was raised by Goyim (tinok shenishba) – he doesn't practice because he doesn't know: as such he is accepted as Jews with full rights (e.g., we violate Shabbat for him). This is the Classic TShN

The Rambam later expanded on this approach and applied it to the children of Karites. That is, Jews raised by Karites are essentially in the same boat as Jews raised by Goyim – He too knows nothing of Judaism.

The Radvaz included in this category Jews disconnected from Jewish people – e.g., Shevat Dan in Ethiopia. – They too know nothing of Judaism.

- >> From this ROvadya recommended accepting Ethiopian Jews.
- >> R. Tzachi: Russian Jews also fall into this category.

So all these types of Jews, I believe, can be considered like “aino yodea lishol” TShN – they grew up completely disconnected.

~ tam ~

This brings us to more modern times and more modern dilemmas. In the 1800s Enlightenment came on strong and Reform Jews rejected their Judaism. These people could be considered the Wicked son of the Hagada. But what about their kids? Based on the Rambam, R. Yaakov Ettlinger said that Jews raised by Reform Jews who rejected their Judaism were TShN for they were raised not knowing anything of Judaism.

~ rasha ~

R. Ettlinger's ruling on children of Reform Jews could apply to Jews today who grew up not knowing anything under parents who rejected Judaism. But what about those who themselves reject Judaism – like the first generations in Israel who knew Judaism and rejected it?

The Hazon Ish has a big Hidush on this topic and says that when the Shechina is not Geluya, when the Shechina is in crisis, even one who REJECTS his Judaism is TShN! That is, even the “rasha” of the four sons is considered a TShN.

Rav Kook takes the notion even further. He says that we are no longer in Galut and the idea of TShN cannot apply anymore. We cannot relate to Jews even as TShN when they are sacrificing their lives for the Am and the Aretz. That is, while TShN allows a kind of entrance back into the community of religious Jews, it is still not a full acceptance. R. Kook says they are like “anusim” – simply forced by circumstance to not believe, not keeping Torah and mitzvot.

R. Amital goes further and says that we should not even consider them in a category of anusim, which is derogatory. He says that R. Kook argued that the Jews' “zika” (connection) to Judaism was weak due to circumstances beyond his control. R. Amital says that today, the “zika” to Judaism must be redefined to accept Jews in Israel as they are.

~ conclusion ~

Today there is no doubt that our people are in an identity crisis – with all 4 sons present. Excluding any of them from our table will only bring further crisis, we must ever strive to include them in some way for at the end of the day, the Torah spoke of 4 SONS – they are all our family.

(1) See Sources in TinokSheniba.docx in Research.

(2) Long End: This is a delicate and critical topic – on the one hand, we don't want to alienate Jews, especially in the land of Israel, on the other hand, we want to make clear that not abiding by mesoret Yisrael is anathema to our people and ultimately destructive to the nation. Perhaps we should apply tinok shenishba (and/or other inclusive innovations) to save the lives of all in Israel (i.e., since not doing so causes eiva with non-Jews it will certainly do the same with Jews – and at this time when the vast majority of Jews are hiloni, such eiva could be detrimental to the religious cause). However, when it comes to social regulations – like stam yainam – we should maintain this as a statement

that something is not right and that there is a difference between believing observant Jews and those that don't (believe and observe) – and here I include those that observe but don't believe (so called ortho-praxis) who are just as detrimental to the integrity of the people as those who don't practice anything. For are they not like the proverbial pigs that show their signs of “kashrut” externally, but internally are “treif”?! And see Binyan Tzion (above) who explains that if people say kiddush – and thus express a belief in the Creator, they do not have the odium of mumar upon them.

See below where R. Lubitch argues that we should not refer to mehalelei Shabbat as “Rasha” – he makes a good point. Nevertheless, I think the term must be retained if we in the religious world will not lose all sense of the critical need to keep Torah and Mitzvot. If everyone is “good” why sacrifice yourself to be “good” when you can have your cake and eat it too! Of course we should not be condescending with others, but we should nevertheless, constantly reinforce in ourselves that there is a higher standard to which we hold all Jews accountable.

<http://upload.kipa.co.il/media-upload/beitHilel/18922545-1212014.PDF>

In halacha and in the conceptual outlook of the periods of the Bible and of the Sages, the attitude toward a Jew who transgressed the commandments was extremely severe. If we take as a typical example the sin of desecrating Shabbat, the Torah declares that the punishment is death (when all the conditions for complete conviction are fulfilled), and the Sages consider the person who desecrates Shabbat to be a denier of the divinity of the Torah. In rabbinic literature, we find explicit statements that one should despise apostates, and these statements are based on the words of King David in Tehillim (139:22): “Those who hate you, Oh God, I despise; and with those who rebel against you, I shall quarrel. With consummate hate do I despise them; they are enemies to me.” The Sages determined that the verse “Love your neighbor as you do yourself” (Vayikra 19:18) refers only to “those who behave in the ways of your nation,” but “those who do not behave in the ways of your nation – you should not love” (Avot D’Rabbi Natan, ch. 16). In accordance with these sources, the Rambam ruled (Laws of Mourning, 14:1) that all the commandments between a man and his fellow man, such as visiting the sick, comforting mourners, and all other acts of loving-kindness, only apply to “your brother in Torah and its commandments,” but not towards someone who has abandoned them. The phenomenon of secularization among Jews began in 19th Century Germany, and the great rabbis of that period responded to it with the assistance of a different law of the Rambam, in which he addresses the appropriate attitude towards Karaites. He rules that they are to be considered in the same group as “all the heretics, those who deny that the Torah is from Heaven, informers, apostates, whereby all these are not members of the people of Israel ... and anyone who kills one of them has performed a major mitzvah” [Laws of Apostates (Mamrim), 3, 2]. However, in the very next law, the Rambam points out that a person who did not become a Karaite by his own initiative, but was born into the Karaite society, “he is like a baby who has been taken captive (Tinok Shenishba) amongst them ... for it is as if he was compelled (oness).” Regarding such people, the Rambam rules that “it is correct to encourage them to repent, and to draw them to Judaism with warmth, until they return fully to Torah.” Rav Yaakov Etlinger (Altona, Germany, 1798 – 1871), and Rav David Tzvi Hoffman (Berlin, 1843 – 1921) referred to these words of the Rambam and applied them to Jews of their time who had begun desecrating Shabbat. But if one looks carefully into their responsa, one will see that this definition of “a baby who has been taken captive,” or tinok shenishba, did not bring them

to consider these people as good Jews for all purposes. They only relied on the concept of tinok shenishba to allow these people to complete a quorum of ten Jews for purposes of prayer (minyan); or to be lenient regarding wine that they touched, that it should not

be forbidden under the category of “stam yeinam,” gentiles’ wine of unknown status, which may not be drunk. Similarly, it is clear from the halachic rulings of these rabbis that they are referring to people who, together with desecrating Shabbat, also attended synagogue, recited Kiddush and Havdala, and still retained a largely Orthodox way of life (see shut Binyan Zion HaChadashot 23, shut Melamed L’Hoil Orach Chaim 1:29). As years went by, the usage of the concept tinok shenishba spread significantly. Today, if you were to ask any person who keeps Torah why he relates in a friendly manner to secular people, and why he does not hate them according to the citations from the Sages and the Rambam, would unhesitatingly answer: “What’s the problem? They are like a tinok shenishba!” But there is a problem, and even several problems, with this definition:

1. There are major halachic authorities who disagreed with this definition of the Rambam.
2. The Rambam referred to Karaites who believed in the main articles of faith and observed the commandments, even if not according to the Sages. In contrast to this, among the secularists of today, there are many who have no belief at all and are far removed from observing the commandments.
3. Even the halachic authorities who applied the idea of tinok shenishba in our times, generally referred to Jews who on some level were faithful to Jewish tradition. Furthermore, they didn’t consider that the definition of tinok shenishba is reason enough to relate to people who do not observe commandments as if they are “your brother,” or worthy of being considered a “friend” in the context of “love your friend,” for anything other than a few isolated issues.
4. Many Jews who do not observe the commandments in our times grew up in observant or traditional families, and it is therefore problematic to consider them as tinok shenishba. Applying this definition to this group seems forced and insincere. The primary problem regarding the concept of tinok shenishba has nothing to do with halachic thinking, but instead concerns ethics and interpersonal relations. The idea that lies behind the concept is that the secularist has a status of being compelled (oness), and the fact that he does not observe commandments is a result of the fact that he had no choice other than to live according to the irreligious education that he received. In halachic language the term “oness” is simply a technical definition, which can be utilized to exempt people from criminal transgressions that they were coerced to do. By contrast, we are discussing an issue that needs to shape an attitude towards people who are absolutely independent and have free will, being confident that they are living their lives according to their own autonomous decisions. We come and say to them, “You think that you are independent in your way of life, but you are nothing but a ‘tinok shenishba!’” The concepts of “oness” and “tinok shenishba” incorporate a clear value judgment, which views such a person as inferior, as someone who lives his life in darkness, while only the religious person has “seen the light.” Relating to a secularist as an “oness” leads to a condescending and patronizing attitude, characterized by lack of respect. It strips him – “for his own good,” as it were – of his rational reasoning, and attributes to him an inability to make value judgments. This general assessment of a secularist as an “oness” as a result of his being considered a tinok shenishba has practical ramifications as well. Take for example the criticism and outrage that secularists often express after organized meetings with religiously observant people. Many claim that religious people spoke to them condescendingly and not eye-to-eye. They

complain that while they attended the meeting fully intending to participate in a discussion on equal terms, the religious people came in order to lecture them, and “show them the light.” The New Secularist In my opinion, the attitude toward the secularist and towards secularism requires an updated general outlook that understands secularism as a new global phenomenon, and that it is incorrect to shape an attitude towards this issue by recycling halachic terms imported from a different era. The approach that I promote asserts that one must construct one’s mindset regarding the secularist of our period upon an unequivocal assessment that he is not the “rasha” (wicked person”) referred to by the Sages and the Rambam. Any honest person intuitively senses this distinction, and I would like to point out the primary aspects where it is demonstrated. 1. In previous periods of history, the apostate or the heretic was a secularist in a religious society. Today, the believer, who observes the commandments, is religious in a secular society. This simple historical fact is of major significance, for in the past, discontinuing the life of observing the commandments was scathing defiance against the Torah of Israel. Today the defiance element is no longer a factor. The secularist, even one who grew up in a cocoon of Torah and commandments, wishes to live his life like an ordinary person, the way the majority lives in society. His motivation is the desire for an existence of autonomy and not an urge to raise the flag of rebellion against the religion of Israel. 2. In the past, the religious element of a person’s character was an integral and essential part of his Jewish identity, and consequently, leaving his religion implied leaving all connection to the nation of Israel. One who abandoned the burden of the commandments was defined in rabbinic literature as one who “departed from the path of the community,” for the community at large observed the commandments, and he was the exception. As a result, one was obliged to hate and eradicate him (Rambam, the commentary to the Mishna of Sanhedrin, ch. 10.) Today, by contrast, there are many Jews who have left the Torah, yet have not abandoned their connection to the Jewish people at all. They are not religiously observant, but they are very Jewish indeed, in their commitment to the nation of Israel and to the State of Israel. In the past, when law and order in society derived its force and stability from religious belief, there was logic in the position that leaving the walls of religious society was paramount to renouncing basic human values. The atmosphere that was common in the past dictated that if you do not believe, you cannot be believed, and one cannot trust a man who has no God. As a source to this idea, the Mussar elders enjoyed quoting the verse that Avraham said when he reached the dangerous area of Gerar: “There is no fear of God in this place – and they will kill me” (Breishit 20:11.) Avraham claimed that religious faith and fear of God are the exclusive guarantors of moral behavior, and the establishment of values of honesty and justice in society; and when these are missing, people are even capable of killing. Today, it is clear to all that people of no religious faith are also committed to a world of law and moral values. Moreover, there are many areas in which the secular world developed detailed systems of law and morality far more comprehensive than those of the religious world. Subjects such as protecting the freedom of the individual and his rights, equality of all man, concern for social justice, organization of proper government, protection of the environment, and similar achievements are all to be found on one level or another in Jewish sources. But it is modern culture, bearing its liberal and democratic values, which developed these issues

to their current developed level, and implemented them. In light of all this, I believe that we must declare resolutely that the loaded halachic terms “rasha” (a wicked person), “mumar” (an apostate) and similar expressions, that in the past led to particularly severe operative instructions, are not suitable to the modern-day secularist. In halachic terminology, we may say that "הדשות פנים לכאן באו" – "a totally different person has entered." This new outlook dictates that one should consider any Jew who ties his fate with the nation of Israel, as a “friend” (as in the context of “Love your friend”), for all intents and purposes. This outlook is harmonious with our natural intuition, and generates genuine respect to the secular person, allowing us to treat him as our brother, even if he is not “your brother in Torah and its commandments”; it allows us to consider him a colleague and partner, and to conduct a dialogue as an equal. All this without needing to resort to condescending assumptions regarding his ability to make value judgments; or the temporary nature of the secular phenomenon, considering it as merely an instrument to implement short-term missions.

Obviously, this outlook does not relinquish the right to criticize certain aspects which characterize today’s secularism, such as excessive permissiveness. The new approach is also supported by the fact that among the secular community in Israel, there are many who show great interest in Jewish sources, leaders, and values. There are those who express this by participating in various learning groups, while others selectively observe certain customs of Shabbat, festivals, etc.