ISRAEL AND ZIONISM

The negative attitude held by sections of the Orthodox stream towards Zionism is a major factor inhibiting unity within *Klal Yisrael.*

This applies particularly in Israel where religious extremism has manifested itself in a tragic manner, bringing about a polarisation in society which may have profound repercussions on the entire Jewish people.

Over the past 20 to 30 years the religious leadership in Israel has moved away from the traditional moderate arena it once occupied into a world dominated by extremist ideological elements which threaten the unity of the Jewish people and the future of Israel.

One of these extremes represents the contemporary extension of the East-European anti-Zionist rabbis and yeshivot, and their historic battle with *Mizrachi* and its rabbis who supported the Zionist movement. In their more extreme manifestation we describe these groups in Israel as *haredim.* In the diaspora they have their counterparts amongst the right wing rabbis in some yeshivot and congregations.

There are critical differences between religious Zionists and the *haredim* in attitudes towards the contemporary world. But even within the *haredi* ranks there are varying degrees of moderation and extremism.

The moderates among the *haredim* may share the commonly held belief among Jews that the emergence of the State of Israel is the most significant positive event in Jewish history since the days of the Maccabees. However, they simply reject the religious Zionist belief that, with the re-establishment of Israel in its own home, we are witnessing the *atchalta digeula,* the beginnings of the Redemption. In fairness it should be noted that many Jews share this view and still regard themselves as Modern Orthodox.

Some take their anti-Zionism a step further and deny the redemptive or pre-messianic nature of the Jewish State. In their view, Israel is nothing

more than just another secular state which happens to provide for a Jewish majority. They are devoted to *Eretz Yisrael* - the *Land* of Israel - but they scorn *Medinat Yisrael,* the *State* of Israel. They do not celebrate *Yom Haatzmaut*- Israel Independence Day - or *Yom Yerushalayim* - the annual commemoration of the liberation of Jerusalem.

The 'ultra' ultras, who at this stage are only a minority among the *haredim,* go even further. They consider it a religious obligation to agitate for Israel's 'de-Zionisation.'

The spectrum of non-Zionism stretches from the more moderate opponents of Zionism to the ultimate fanaticism reflected, for example, in the Satmar Hasid who denounces Zionists as Nazis, or to his Israeli counterpart in the *Naturei Karta* who calls on PLO leader Yasser Arafat to liberate him from the secular Zionists.

The radical *haredim,* with the support of their right wing allies in the diaspora, make political demands which have estranged them from the Jewish people. The extremists do not care because they appear to lack the *ahavat Yisrael* which, in turn, leads them to hold *Klal Yisrael* - the Jewish people as a whole - in contempt. Most of them are concerned only with their own sectional interests which they promote with a form of smug self-righteousness.

The worst manifestation of their indifference to the national interest was their exploitation of the political process to obtain exemption from army service for students attending their yeshivot. [12] Such behaviour in relation

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12. There is certainly no clear halakhic basis to justify exemption of yeshivah students from the army. In a monograph published in 1948, the late Rabbi Shlomo Yosef Zevin, universally recognised as one of the greatest Talmudic scholars of this generation, condemned those rabbis who approved of exemptions from the army. He wrote:

> What is the source for exempting yeshivah students and torah scholars from an obligatory war fought to defend Israel from those who come to destroy her, God forbid? How can you pass it off as if it were Halakhah or *da'at torah* that yeshiva students need not register or serve? Have we not learned that when it comes to saving a life - not many lives, just one - 'these things are done by the leaders of Israel' and by the scholars 'in order to teach the Halakhah to the nation'? Was any distinction made whether or

to the obligation of military service which is pursued by some *haredi* groups generates more hatred against religious Jews in Israel by the non-religious than any other single factor. This, despite the exemplary role of national-religious youth in the Israel Defence Force, and in particular the outstanding performance in combat of students from yeshivot *hesder* - students who combine their army service with religious studies.

In sum, *haredi* extremists are today primarily responsible for the devastating polarisation between religious and non-religious Jews in Israel. [13] In setting themselves apart from the positive achievements of national religious life, in rejecting Army service, and above all in appearing to reject the sacred precept of *ahavat Klal Yisrael,* they can be said to have profaned the national institutions of Israel. Their behaviour has provided ammunition for the anti-religious secularist extremists who, thirty years ago, were a declining influence in Israel.

In this context it is clear that the moderate Orthodox elements in Israel and the diaspora have undergone a substantial decline in influence over the past two decades. In many cases they retreated without resistance in the face of aggressive right wing or *haredi* triumphalism. As they retire many

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not it is time of learning torah that is to be lost? If this is the case in the saving of one life, how much more so in the saving of tens of thousands of Jews?

But if our enemies fall upon us in a mad killing frenzy, we must defend ourselves. And you, our *Geonim,* admit the dire necessity of this obligatory war. Many of you have sent blessings and words of encouragement to our valiant soldiers. It is your obligation to encourage young and healthy scholars to fight. 'Will you send your brothers to war, and yourselves sit at home?' [*Tradition,* Fall 1985, p. 51.]

13. *Haredi* extremism does not exonerate the anti-religious elements in government who, during the early years of the State, abused their power and deliberately created a campaign to de-Judaize *olim* originating from religiously observant homes in the Arabic-speaking world. These migrants arrived shortly after the establishment of the State of Israel and were immediately directed to non- and anti-religious environments in what can only be described as an ideologically motivated attempt to wean them away from religious observance. But that is now history and one immoral act does not justify another. At this point in the history of the Jewish people all efforts should be directed towards neutralizing the deepening *kulturkampf which* threatens to destroy the very fabric of Israel's national purpose, civic peace and coherence.

of the moderate rabbis are being replaced by extremists who favour *hitbadlut* - separation from other sections of Jewry.

What caused these dramatic changes and the displacement of moderate by right wing rabbis?

Paradoxically, it was the moderate religious lay leaders and rabbis in Israel, and to some extent also in the diaspora, who were themselves responsible for paving the way for these developments. In a very real sense, they suffered from an inferiority complex about their own ideology. Hence, they did not trust their own educational systems and sent their children to non-Zionist or anti-Zionist yeshivot. As a consequence they created within their ranks a generation of non-Zionist and even anti-Zionist teachers, leaders and rabbis to whose hands they delegated the religious education of their children. It was therefore not surprising that many of their own children joined the anti-Zionist camp and were encouraged to treat secular culture with suspicion and contempt.

Over the past decade, these trends have accelerated. The vast amount of government money pouring into the coffers of religious institutions in Israel is unfortunately directed overwhelmingly towards **non-Zionist** and even **anti-Zionist** yeshivot. And tragically, while all this has been happening, the broad national religious educational system in Israel, which embraces the wider community, has been regressing, and is now under siege from right wing, non-Zionist elements. As in Israel, Jewish schools and yeshivot in the diaspora have also been currying favour with extremist elements to demonstrate their 'torah true' Orthodoxy.

THE FAILURE OF ORTHODOX EDUCATION

The most devastating aspect of the relative deterioration of Modern Orthodoxy has been the repudiation of any linkage between torah and universal knowledge by the ascendant right wing elements who are currently trying to take over the remaining moderate-inclined Orthodox institutions in the diaspora and in Israel.

In the nineteenth century Rabbi Samson Raphael Hirsch, paradoxically himself a pre-Herzlian "anti-Zionist" and a fervent separatist, inspired a form of torah Judaism that demanded total commitment to Halakhah, but also encouraged broad understanding of and involvement with the world at large.

In his *Nineteen Letters of Ben Uziel,* Rabbi Hirsch stated:

> Pursued hand-in-hand, there is room for both (Jewish and general studies), each enhancing the value of the other and producing the glorious fruits of a distinctive Jewish culture which at the same time, is 'pleasant in the eyes of God and man'. [14]

Rabbi Hirsch's *Torah im Derech Eretz* movement played a critical role in maintaining Judaism in the Western world for over a century. No one could challenge its adherents in their standard of observance and their commitment, despite their involvement with the culture and science of the world around them.

Until recently, the national-religious and Modern Orthodox elements unhesitatingly promoted such concepts in their own educational structures. It all made sense to an enlightened movement. If Jews were not going to live in a self-imposed ghetto, they had to be able to reconcile worldly knowledge with torah.

14. Cited in Norman Lamm, *Faith and Doubt,* KTAV, N.Y., 1971, p. 72.

In Israel this trend was encouraged by the philosophy of the late Chief Rabbi Isaac Hacohen Kook who was also condemned as a heretic by the extremists of his time.

Samuel Heilman notes that:

> Rabbi Kook supported the integration of secular studies with torah learning so that 'the wisdom of history and criticism, logical thought, poetry, and all their branches will not belong solely to those people who want specifically to destroy the torah and faith in God.' The latter were not, he believed, the young irreligious pioneers who were settling the land. These Jews were, in Kook's estimation, 'singularly free from all superstitions and idolatrous cults which are the real enemies of Godliness and spirituality.' They were instead 'souls in a void' who had lost 'sensitiveness to things divine through a lack of understanding and perception.' Their admirable contemporary goals of social justice and universal human emancipation needed, however, to be grounded in religious sensibility.
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> Similarly, Kook believed Orthodox Jews narrowly committed to strict observance of the letter of Jewish law to the exclusion of anything else were 'souls in need of repair,' who could benefit from a dose of the universalistic values of the secular world. Only an integrated yeshiva such as Kook tried to create would, he believed, help both groups.[15]

Today, Bar llan University in Israel and Yeshiva University in New York stand isolated and alone in the religious world. They face continuous assault on the grounds that they are not 'torah-true' institutions simply because they teach worldly, secular knowledge in addition to torah.

It is, of course, tragic that teachers in the national-religious school system who had been educated in right wing yeshivot absorbed a hostility against the study of the secular wisdom of the world at large. They idealised the 'purist' right wing approach as the ultimate in religious commitment and piety.

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15. Samuel Heilman, *op. cit.,* Vol. 2, Part 2, p. 181.

Many of these right wing Orthodox religious educators maintain that the study of 'worldly wisdom' may be accepted, not as a means of enhancing wisdom and human perfection in conjunction with torah, but only as a sad concession to economic necessity. Hence, the majority of Hasidic and non-Hasidic yeshivot reject contact with secular academic learning other than as a means of earning a livelihood. Some even insist that, if a livelihood is not imperative, one should immerse oneself exclusively in torah studies, ignoring the well-known dictum of Maimonides, who warned that "one who makes up his mind to study and not work, and lives on charity, profanes the name of God, and brings the torah into contempt."

The Modern Orthodox also follow the ancient Jewish tradition which recognises that the torah is the Jewish people's unique and supreme ethical fountainhead. But in contrast they also maintain that worldly wisdom enhances torah - that it does not conflict with a recognition that that wisdom is the universal heritage of all mankind in which Jews should share as equals. Modern Orthodoxy regards worldly wisdom as **increasing** our appreciation of God's role in history and as a vehicle for a better understanding of the Divine truths contained in the torah.

Rabbi Norman Lamm, President of Yeshiva University, has observed that in historical terms the galaxy of outstanding religious leaders who synthesised *torah umadda* - torah and wordly studies - includes some of the most profound intellectual contributors to Judaism:

> The knowledge of medicine did not detract from Maimonides' sense of wholeness; Don Isaac Abravanel was no less a full personality because of his financial abilities and diplomatic skill; knowledge of grammar did not impoverish Abraham Ibn Ezra; philosophy did not diminish the stature of Hasdai Crescas; secular poetry did not reduce the wholesomeness of either Solomon Ibn Gabirol or Yehuda Halevi; mathematics did not make the Gaon of Vilna any less a Gaon; and a general philosophy has not lessened the greatness of Rabbi Joseph B. Soloveitchik. On the contrary, the 'umadda' development of each contributed not only to his intellectual greatness but to his *shlemut,* his completeness which would have suffered

> without a development of those gifts. Wholeness is enhanced by many-sidedness, and fullness by openness. [16]

A positive attitude toward *torah umadda* does not invalidate acceptance that the torah is preeminent as our sacred teaching. But this is a far cry from saying that the torah is the *exclusive* repository of all mankind's wisdom.

Sadly, however, this negative trend is becoming the prevailing world outlook of many young rabbis. One only has to be present at a gathering of Israeli rabbis to discover that not only is it almost impossible to encounter a young rabbi with a secular higher education, but that most of them have never had a general (i.e. secular) high school education in conjunction with their religious studies.

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16. Norman Lamm, *Torah Umadda: The Encounter of Religious Learning and Worldly Knowledge in the Jewish Tradition,* Jason Aronson, New York, 1989, p. 221.

RITUAL AND ETHICAL OBSERVANCE

When rabbis adopt a narrow, anti-intellectual approach, they are paving the way for an even further alienation from Judaism of the mass of Jews. Instead of being viewed as a historic religion with a message for all mankind, Judaism becomes an embattled enclave which is more in conflict than in harmony with the world at large. Religious Jews, in turn, become an isolated minority, a sect which rejects all secular knowledge as intrusive and corrupt rather than as complementary to the torah.

It is as if Judaism in its own right cannot confront the competing life styles and the challenge of the world at large and Jews must therefore return to the false shelter of the ghetto in which they were previously forcibly confined.

Such a view conflicts with the basic precepts of Judaism which, centuries ago, taught that serving the Almighty was all-encompassing; that it included *mitzvot shebeyn adam lamakom,* the commandments affecting man's relationship to the Divine, as well as *mitzvot shebeyn adam lachavero,* the *mitzvot* governing relations between man and man; that by virtue of torah, Israel was to be a 'light unto the nations'; that 'wisdom' of any kind was not alien to torah. But a man-the-ramparts self-ghettoisation marginalises believing Jews and trivializes the torah - which is a 'torah of truth' for all times, all places, and all peoples.

This is relevant to our consideration of rabbis and their role in contemporary Judaism because, over the past twenty years, there has been a growing tendency in Jewish life for rabbis and Jewish religious leaders to compete with one another in demonstrating who can be more *machmir,* more rigorous or extreme, in relation to the performance of the ceremonial and ritual *mitzvot.* Many rabbis today imply that severity in halakhic judgement is a reflection of a desirable ascetic ideal. Yet in reality they would be hard pressed to demonstrate that such an approach has historical roots in the mainstream Jewish tradition. Indeed, it can certainly be demonstrated that being *machmir* was not at all uniformly regarded by our Sages as a criterion for being a better Jew.

The influence of certain rabbis in right wing yeshivot has been a major factor in promoting this trend. Being isolated from *Klal Yisrael,* surrounded by idealistic young men ostensibly striving to serve God, they have frequently lost contact with the mainstream of Judaism and the Jewish people and as a consequence have become more and more *machmir* in their interpretations, thus attenuating their communication and relatedness with other Jews.

To buttress the implementation of this trend, the *issur* - the Rabbinical prohibition - has become more frequently utilised by right wing rabbis both in Israel and in the diaspora. The *issur* or *cherem* (excommunication) was used unsuccessfully by the Gaon of Vilna against the Hasidim, and by the anti-Zionist rabbis against the Zionist Movement. It failed because, despite the fact that it was supported by the counterparts of some of today's *Gedolei Hador-* great torah Sages - the real issues involved were political or, at any rate, not purely halakhic.

Regrettably, the trends within Orthodoxy towards extremism in ritual practice are not usually linked with higher standards in the ethical realm. Only too frequently many who adhere to the letter of the ritual laws are lacking in their general moral demeanour. Adopting a stringent, *chumrah-*based approach towards observance of commandments concerning man's relationship to God does not automatically guarantee abjuring a *kullah* (leniency) in ethical behaviour - that is, in man's relationships with his fellow man.

With some notable exceptions, many of the contemporary *haredi* or right wing rabbis lack the spirituality, gentleness and *ahavat Yisrael that* seemed to emanate from their predecessors in Europe before the war - especially the Hasidim.

Occasionally *chumrot-* severe legal judgements - border on the grotesque. For example, Rabbi Ovadia Yosef, the former Sephardi Chief Rabbi of Israel, ruled a few years ago that Nechama Leibowitz, the octogenarian biblical and talmudic luminary, could be permitted to teach men, but only from behind a curtain. Earlier, Rabbi Schach, then leader of the primarily

Lithuanian or anti-Hasidic sector of *Agudat Yisrael,* [17] had said that because of *kol ishah* - the ban on hearing a woman singing - she could not teach men at all.

Without being a *talmid chakham* or rabbi, I am unable to comment on the halakhic grounds for such an interpretation. But it surely appears to be an extraordinary example of competitive efforts to prove who is more rigorous when even the more 'moderate' ruling of the two is still such a radical shift from hitherto accepted practice in Orthodox quarters.

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17. Rabbi Schach now heads *Degel Hatorah,* a group which broke away from *Agudat Yisrael.*

REFORM: THE IMPENDING CATASTROPHE

There are, of course, far more serious issues involved than *kol ishah.* One such issue is the question of dealing with people who consider themselves to be Jewish but who would not qualify as such in halakhic terms. This is particularly relevant today because of the many thousands of Soviet Jews now arriving in Israel amongst whom are partners to mixed marriages, children of mixed marriages, and many other complex categories of questionable halakhic Jewish status. In a situation of this nature there is a desperate national need for rabbis to take into account the prevailing social circumstances and the fact that these people are living in a Jewish state.

The need to adhere to Halakhah in such matters is self-evident, but it is surely now time for rabbis to try to be more *mekel,* more lenient than *machmir,* in relation to problems which will ultimately affect the unity and destiny of the Jewish people. Of course, the confused status of many Soviet Jews presents enormously complicated problems for contemporary halakhic authorities, but that is their historic challenge - and one which cannot and must not be 'solved' by the easy technique of an automatic and reflexive 'no'. Tragically, all too often tolerance of more lenient interpretations of Halakhah is rejected and those who do not adopt the stringencies laid down by the more *machmir* elements are all but placed in *herem* - the status of excommunication.

What happens in Israel is, of course, reflected in the diaspora where religious developments and polarisation between religious and non-religious elements are also taking place.

In the United States, the largest Jewish community in the world, many observers describe halakhically committed Modern Orthodox rabbis as a dying breed. While it is far from certain that this accurately represents the facts, the very impression has a life and influence of its own. Conversely, non-Orthodox groups are moving further away from tradition. The Conservative Movement, like the Reform Movement, now ordains women as rabbis. There are even more dramatic changes in the Reform movement which endeavours to compensate for the loss in the ranks of the Jewish

people by converting to Judaism the non-Jewish spouse of a mixed marriage with minimal commitments. This was also apparently the principal factor which motivated Reform to declare, against millennia of sanctified practice, that patrilineal descent would qualify as a criterion for Jewish status.

The distress generated in Orthodox quarters by these dramatic breaches with traditional Halakhah affecting Jewish status was aggravated by recent additional deviations from basic Jewish moral traditions by the Reform leadership - specifically, the ordination, at least in principle if not yet in practice, of homosexual rabbis, and support under the rubric of women's right to freedom of choice for abortion on demand. Both of these departures from Halakhah are clearly repugnant to historic Jewish tradition. Abortion is only sanctioned in the event of the mother's life being at risk. Judaism may extend compassion to homosexuals but it categorically precludes any interpretation which would legitimise it as an alternative lifestyle. Such indisputable perversions of age-old Jewish morals have persuaded many Orthodox Jews who hitherto supported Reform Jewish day schools and other Reform institutions in preference to non-Jewish institutions, to review their position.

Lord Immanuel Jakobovits, Chief Rabbi of the British Commonwealth, reflects the sense of disillusionment and anguish with the direction of the Reform Movement which exists amongst even the most tolerant Orthodox observers:

> It grieves me deeply that of late, in very recent times, the focus of the attack on our traditional values [by the Reform movement] is no longer limited to the ritual, not even to interpersonal status and relations, but also challenges the moral commitments that we thought would unite us and would not be a matter of dissent, certainly not in public. Now alas, the break in our ranks is threatening to sever the last ideological bonds of commitment that bind us together. And I say this with deepest grief and regret in the hope that we can reverse this current trend. [18]

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18. Immanuel Jakobovits, 'Preserving the Oneness of the Jewish People: Can a Permanent Schism be Averted?' *Tradition,* Winter, 1989, p. 93.

Lord Jakobovits quotes Rabbi Jacob Petuchowski, a prominent Reform leader, who recently wrote in the *Journal of Reform Judaism:*

> There is no doubt that Reform Judaism approves of neighbourly love, of honouring one's parents, and of paying the wages of a hired labourer before sunset. Nor would Reform Judaism deny the importance of laws against murder, theft, and false oaths. The difficulty arises when we remind ourselves that the torah's moral legislation is not exhausted by the provisions that we have thus far enumerated. Moreover, even such 'simple' laws as those prohibiting murder may have implications that latter-day Reform Judaism is trying its best to evade. Thus, in public debate, Reform Judaism has tried hard to create the impression that 'Judaism' favours abortion-on-demand. In reality, traditional Judaism, while not holding a position on abortion identical with that of the Roman Catholic Church, approves of abortion only in the case where the mother's life would be at stake . . . Blanket approval of abortion-on-demand does not come to us from the source of Judaism's moral legislation, but from the platform of leftist politicians.
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> So does a favourable attitude towards homosexuals, which has manifested itself in the encouragement of the formation of homosexual Reform congregations. This is happening at a time when medical opinion is by no means unanimous about the nature of that particular 'sexual preference', but when the championship of the cause of gays and lesbians has top priority among the 'demands' of the political left. Certainly the torah's moral legislation can hardly be invoked in support of a favourable attitude towards what the torah itself calls an 'abomination'...
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> ...in the nineteenth century, Reform divested itself of ritual obligations while affirming Ethical Monotheism as that part of Judaism which really mattered. The theistic component of Ethical Monotheism began to be problematic in the twentieth century, and, in any case, threatened to limit the constituency available for the support of Reform's organizational structure. As a result, efforts were made to accommodate atheists and agnostics within the ranks of Reform Judaism. What was left of the Reform past consisted of the emphasis on morality and ethics, or what, in Reform Jewish parlance, is

usually called 'Prophetic Religion'. The most recent stage of American Reform Jewish development has seen the onslaught even on biblical morality. What is now championed as "Prophetic Religion" is more likely to be the program of the political left than something that speaks to us from the pages of Holy Writ.

Rabbi Petuchowski concludes:

> ...one wonders what Kaufmann Kohler would have said about abortion-on-demand, or Claude G. Montefiore about Reform congregations for homosexuals. One does know, however, that the one thing that all Reform Jews have had and do have in common is the fact they are not Orthodox. The question is whether the negation of Orthodoxy is enough of a living faith to transmit through the generations, and enough of a religious content to sustain a denominational identity. Judging by the repeated changes in Reform Judaism's demographic composition, the answer to that question would seem to be 'no!' Indeed, I see the suicidal tendencies manifesting themselves in my own religious environs'. [19]

In such an environment, the emergence of two 'classes' of Jews who will not be able to intermarry is now becoming a frightening reality. There is already talk in the United States of introducing registries of Jews eligible for Orthodox marriage in order to cope with Reform Jewry's rapidly growing halakhically non-Jewish constituency.

This complex problem is compounded by the realisation that the only possible solution would require the non-Orthodox groups to grant Orthodoxy legitimacy in crucial fields without the Orthodox being in a position to reciprocate.

A terrible potential tragedy thus faces world Jewry. Throughout Jewish history, and especially over the past century, there have been numerous examples of Jews deviating from their religious commitments and observances. However, the unifying fabric of the Jewish people remained intact because there was basically only one accepted form of conversion and

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19. *Ibid.* Rabbi Jakobovits quotes from *The journal of Reform Judaism,* Fall, 1986, pp. 15-24.

religious marriage or divorce and hence a single undisputed determinant of Jewish status.

The institutionalisation of walls permanently separating observant Jews from other Jews is now in the process of becoming a reality. In future we could well find Jews sharing common goals in relation to Israel, combating anti-Semitism, being united by a tradition of Jewish history, and yet unable to marry one another. This is the most burning issue facing Israel and the diaspora. There are no easy solutions and only the rabbis can provide the leadership required to resolve this terrible problem.

HALAKHIC SOLUTIONS POSSIBLE

To find halakhic solutions to major problems affecting the Jewish people was the challenge which rabbis overcame over the millennia. Today, regrettably, many rabbis appear to have major inferiority complexes and bury their heads in the sand accepting without challenge the dogma that in comparison to the *Cedolim* - the great Sages of the past - they and other contemporary *talmidei chakhamim* - learned Sages - are not only inferior but effectively impotent.

One is tempted to ask whether previous halakhic interpretations were not influenced by the social conditions of their time. If one concedes that they were, are our current problems not also capable of reinterpretation according to new social realities, without compromising the essential halakhic prerequisites? [20]

In our age of crisis and human distress one would expect our rabbis to follow the example set by their predecessors who, during periods of crisis and need, stretched the *din torah* and rabbinic halakhot to the limit, especially in order to alleviate the distress of innocent people.

There are many other examples of how the rabbis of the Talmud and their successors used the power to reinterpret earlier laws when there were clear and present social, moral or ethical reasons to do so. Besides, whilst the Jews were in exile, Halakhah was in exile with them. Now that the Jewish exile is largely over, contemporary rabbis are obliged to shed their timidity and try to utilise existing elements within the broad framework of Halakhah to overcome some of the tragic human problems facing the modern Jew and Israel. As Rabbi Eliezer Berkovits states, "Halakhah is in exile in the

20. *Vide* Emanuel Rackman, *One Man's Judaism,* Philosophical Library, N.Y., 1973, pp. 262-283 and 'A Challenge to Orthodoxy', *Judaism,* Spring, 1969, pp. 143-158.

Land of Israel as it was before in the lands of Jewish dispersion. It is still the Halakhah of the *shtetl* not that of the State. As yet we have not become worthy of *Torat Eretz Yisrael."* [21]

It is difficult to visualise how the *Tannaim* - the scholars of the Mishnah - would have fared with their contemporary counterparts if they tried today to introduce innovative halakhic adjustments designed to blend in with real life such as the *prozbul, shtar-mekhirah, hetter-iskah,* etc. [22] They would, in all probability, have been branded Reform Jews by some of the more extreme right wing contemporary rabbis and heads of yeshivot.

Paradoxically, if Halakhah today is as clear-cut as we are often told, we would be obliged to conclude that former generations of rabbis were not outstanding pious scholars but, in reality more ignorant and less observant than their contemporary counterparts.

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21 • Eliezer Berkovits, *Not in Heaven: The Nature and Function of Halakhah,* KTAV, N.Y., 1983, p. 91.

22. Prozbul
According to biblical law, all loans were cancelled at the end of every seventh or sabbatical year. In order to overcome the reluctance of people to lend money, Hillel introduced the *prozbul.* This was a document designed to transfer the debt to a court so that it would remain valid despite the sabbatical year.

Shtar-mechirah
A bill of sale, whereby *chametz* - unleavened bread - in one's possession is sold to a non-Jew before Passover and repurchased after the festival. In this manner the law of owning *chametz* on Passover is not violated even if the *chametz* was located in one's home.

Hetter-iskah
The Bible forbids the lending of money for interest to a Jew. When commercial development demanded modern banking facilities, the rabbis sanctioned the borrowing and lending of money with interest for business purposes by means of a *hetter-iskah,* a specially designed partnership agreement between borrower and lender.

These innovative adjustments did not represent changes in fundamental Halakhah. Rather, they were ingenious solutions invoked from within the Halakhah itself to solve difficult societal problems. Yet, the contemporary rabbinate rarely displays the ingenuity or the compassion shown by their predecessors who so frequently found halakhically sanctioned solutions to difficult religious problems.

Innovative solutions to halakhic problems are not necessarily the preserve of 'modern' or 'progressive' rabbis. For example, to overcome the issue of prohibited marriages, divorces and associated halakhic issues related to anti-halakhic practices employed by Reform and Conservative rabbis, the late Rabbi Moshe Feinstein effectively nullified the status of any wedding ceremony not performed in full accordance with the requirements of Jewish law, which includes the need for participation of two adult male observant Jews as witnesses. By this process Rabbi Feinstein in effect resolved the problem of divorce and remarriage conducted by non-Orthodox parties and overcame the issues of *gett, agunah* and *mamzerim* [23] in marriages performed by non-Orthodox ministers. This was a brilliant and regrettably rare example of flexibility in halakhic law employed to meet the challenge of the social realities of our time. Rabbi Feinstein was an outstanding *talmid chakham* and one of the great leaders of right wing religious life who would certainly never be regarded as a Modern Orthodox rabbi. Yet his solution is not widely accepted by the Orthodox Rabbinate.

Whilst the *'glatt glatt kosher'* - super kosher syndrome - is an alarming reflection of extremism in the observance of ritual *mitzvot,* it is nevertheless an unfair generalisation to suggest that Jews have become obsessed with ritual *mitzvot* and are in danger of judging themselves as good Jews by those criteria alone.

This brings to mind the oft-quoted story of the rabbi who asks his synagogue president for advice about the subject matter on which he should *darshen* - preach. He inquires whether he could talk on Shabbat observ-

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23. *Gett*
A bill of divorce provided by a husband to a wife, without which a divorce cannot be effected.

Agunah
A woman unable to remarry because her husband will not give her a *gett* (bill of divorce) or because there is no certifiable evidence of his death.

Mamzer
The offspring of an halakhically adulterous or incestuous union. Despite the frequent usage of this word for an 'illegitimate' offspring, in Jewish law a child born of unmarried parents carries no stigma and may marry any other person.

ance. He is told: rather not. *"Kashrut"?* Rather not. "Family purity"? Rather not. "OK," asks the frustrated rabbi, "on what should I talk"? To which the president responds: "Just talk about *Yiddishkeit."*

Yet, without promoting the idea of a Judaism of abstract ethics, or a Judaism devoid of *mitzvot,* it is clear that our generation of Orthodox rabbis is today in danger of being regarded, by many Jews at the non-religious end of the spectrum, merely as interpreters and policemen of ritual observance, catering to an increasingly exotic minority and occasionally even seen to be promoting forms of primitive superstition in the name of religion.

Because many Orthodox rabbis are perceived to have abdicated their role as national moral and ethical leaders, a large proportion of the non-observant regard them as irrelevant fringe-dwellers whom they would encounter only when they face critical Jewish life-cycle events such as marriage, divorce, funerals, conversion and, perhaps, bar mitzvah.

The problem is particularly poignant in Israel, where rabbis seem to have abdicated their role as moral authorities. They are not hesitant to quote Halakhah on political issues. And some of them are quite happy to sign manifestos demanding as an halakhic imperative that Israel's present boundaries be retained. But, sadly, many of these rabbis are no longer perceived as even being obliged to create a social or ethical awareness. And the repercussions of the recent initiatives by religious parties in the political system could be regarded as scenarios for a theatre of the absurd if the implications were not so profoundly serious.

RELIGION AND POLITICS IN ISRAEL

During the first twenty years of the State, religious political parties in the Knesset were dominated by moderate religious groups who acted as the bridge between religious and non-religious elements and who were committed to the nation as a whole.

For reasons explained above, the former moderate Mizrachi-oriented elements have now largely been displaced by a combination of *haredi and* ultra-nationalist groupings.

The *haredi* groups, in particular, have exploited the balance of power and created enormous resentment by obtaining sectional benefits for their members and frequently ignoring the welfare of the people and the State *per se.*

The unseemly bargaining and outright bribes extended to Knesset splinter groups which now regularly precede the formation of a government is sufficiently nauseating when it applies to politicians who as a whole are generally despised in Israel. It is, however, tragic when rabbis and their followers are involved in such machinations. It becomes a *chillul hashem* - a blasphemy - when, prior to elections, medieval-style ecclesiastical threats and/or blessings are conveyed through the print and electronic media by various rabbis in order to influence the ignorant and the superstitious, thus creating an image of Judaism repugnant not only to the secular but to most traditionally inclined Jews, including many who are strictly observant.

It is such primitive political machinations and the naked pursuit of power by competing religious factions that have now made many former supporters of religious political parties question the benefits or otherwise of organised religious groups being directly involved in the Israeli political framework.

Consider, for example, the most serious recent manifestation of such absurdity - the Knesset voting patterns on the proposed amendments to the Law of Return. A combination of political expediency and religious

zealotry led to a situation in which the genuinely halakhic issue of 'Who is a Jew?' as it applies to Israeli law could have been determined by the votes of Arabs, Communists and other secular interests. Fortunately, after painful debates which were not only counterproductive but even threatened to undermine the relationship between Israel and the diaspora, the issue was not put to the vote in the Knesset.

In this, and similar cases, the new forces of religious extremism tried to exploit Israel's inherent political instability.

This was exemplified in March, 1990 when Rabbi Eliezer Schach - the 96 year old mentor of the *haredi* party, *Degel Hatorah* - in the course of an attack against the Labour Party at a mass political rally held in a basketball stadium, condemned members of kibbutzim as Godless with "no links to Judaism, no links to the past.... who breed rabbits and *chazir*- pigs." [24]

The outburst prompted a moderate national religious group, *Torah V'avodah* to state:

> One who speaks in the name of the Almighty should recall that along with their negative attitudes such as eating pork and desecrating the Sabbath, the secular community also has positive attributes, such as the building of the Land of Israel and the sacrifice of its blood for the country's defence and the preservation of the Jews living there.

Torah V'avodah went on to note that, proportionate to the general population, five times as many kibbutz members have fallen in Israel's wars. It was also observed that in his address Rabbi Schach made no reference to *mitzvot* affecting relations between individuals and the State, that *Hatikvah* - Israel's national anthem - had not been sung and that the national flag had not been displayed at the stadium where Rabbi Schach had delivered his speech.[25]

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24. *Jerusalem Post,* 28.3.1990.

25. *Ibid.*

Needless to say, crude condemnations of those not adhering to religious observances are not only directed against the Labour Party. Rabbi Ovadia Yosef, a former Sephardi Chief Rabbi and the spiritual mentor of another *haredi* party - *Shas* - opposed Rabbi Schach and supported the Labour Party. He therefore publicly condemned *Likud* Prime Minister Shamir and his wife for eating shrimp and other prohibited seafood despite the fact that Mr Shamir's Labour Party counterpart, Shimon Peres, was never regarded as a person with a penchant for kosher food.

A further sad example of this sort of behaviour was exemplified several years ago in the monstrous claim by *haredi* cabinet minister, Rabbi Yitzchak Peretz then of the *Shas* Party, that the tragic deaths of 22 Jewish school-children in a bus accident was a form of divine retribution to punish people in the area because cinemas in their town operated on the Sabbath *(chillul Shabbat).* Rabbi Peretz made a similar claim following another tragedy, which he attributed to the fact that some of the *mezuzot* in the area concerned were not strictly kosher.

On another occasion, a *Shas* Member of Knesset alleged that the death of Israeli soldiers in terrorist attacks was divine retribution for promiscuity amongst women in the army.

But Rabbi Schach must qualify for having provided by far the most painful and simplistic explanation for the Almighty's tolerance of innocent human suffering. In an address to students of the Ponivezh Yeshiva which he heads, Rabbi Schach blandly ascribed the Holocaust to divine retribution as a direct consequence of the Jewish people having drifted away from religious observance. Fortunately he did not attempt to explain why religious Jews and millions of innocent children suffered the same fate as the non observant.[26]

Such primitive attitudes obviously intensify the trends to polarisation and extremism. In these circumstances, whilst no-one can deny that religious groups have the same democratic right as any other section in the community to form themselves into common interest political parties, the impact of their presence in the political arena in Israel is now regarded by many as being extremely harmful to the cause of Judaism. Indeed, the move for a total separation of religion and politics is now gaining momentum even amongst religious Jews, including many who were previously supporters of moderate religious parties like the *Mizrachi.*

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26. *Jerusalem Post,* 26.12.1990.