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KOL DODI DOFEK: FIFTY YEARS LATER

Ish *ha-Halakha*, the Rav's description of the halakhic personality, was published in 1944. In that essay, the Rav sought to rescue for posterity at least the gestalt of that wondrous halakhic personage whose apparition haunted him even as the actual physical world that halakhic man inhabited was going up in smoke with the rest of European Jewry.

In 1956, just twelve years later, the Rav wrote *Kol Dodi Dofek*. In the interim, Jewish history had been radically transformed: a Jewish State had been established in 1948. It was small, struggling, and surrounded by enemies fanatically bent on its destruction. While existence was hard there, this was akin to the turmoil and pain of a woman in labor. These were the birth pangs of 1948, not the death throes of 1944.

If *Ish ha-Halakha* was a eulogy for a world destroyed, *Kol Dodi Dofek* was the hopeful expression of the blueprint for a world reborn. Despite their contrasting moods, the two essays share many themes, address similar issues, and express a unity of purpose.

II

The pre-Holocaust European Jewish community had been undergoing rapid change since emancipation, buffeted by ideas and ideologies that questioned the very foundations of the traditional Jewish worldview. If, as sociologists of religion aver, modernity means having options, pre-Holocaust Jewry was undergoing the crisis of modernity in the form of an array of choices, many entailing the rejection of religious observance and values. The breakdown of the ghetto walls threatened the relative spiritual safety of the former insular society; and socialism, Bundism, and an increasingly confident and aggressive secularism questioned old

Jewish behavioral norms. As society became less stratified and more open, secular schools and universities challenged the educational foundation of the traditional Jewish community. Finally, Zionism, in all its manifestations, challenged the political passivity of that community.

Ish ha-Halakha addressed these challenges with the argument that halakhic man, properly understood, had the power to narrow the chasm between himself and the rest of society:

[I]t is revealed and known to Him who created the world, that my sole intention has been to defend the honor of the Halakhah and Halakhic man, for both *it* and *they* have oftentimes been attacked by those who have not penetrated into the essence of Halakhah and *have failed to understand* the Halakhic personality.¹

In other words, says the Rav, a proper understanding of halakhic man and an accurate articulation of the halakhic worldview would create grounds for a rapprochement between halakha and its critics. There is no good reason for its estrangement from society at large. Were the two sides to engage in dialogue, they would discover that they have much in common. *Ish ha-Halakha* seeks to narrow the gap between modernity and Orthodoxy. Few were listening at the time: in 1944, the overriding issue was the sheer physical survival of *kelal Yisra'el*.

After the Holocaust, *kelal Yisra'el* put all its energies into rebuilding. The establishment of *Medinat Yisra'el* focused that restructuring on the newborn State. Jewish communities, the *she'erit ha-peleta*, were engaged in reviving Jewish life around the world, but Israel took center stage.

A serious problem remained: all the issues that had divided the Jewish community before 1939—the relationship between Orthodox and non-Orthodox Jews, secularism, the very legitimacy of Zionism itself—were still not settled, and so Jewry remained divided.

The Rav, in *Kol Dodi Dofek*, addresses these issues in two ways. In the essay's first section, he articulates the argument for the legitimacy of Zionism. In the second section, the Rav engages in nothing less than writing the *social contract* of the nascent State.

III

To fully appreciate the Rav's *biddush* (novel interpretation) regarding the legitimacy of the State of Israel, it is important to understand the nature

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of Orthodox anti-Zionism in the immediate pre-Holocaust years.

There were two motifs, one practical and the other theological. Practically speaking, working with the Zionists meant collaborating with the non-observant, with the “wicked.” Since such cooperation was prohibited, working together with Zionists was impossible, even if, theoretically, the goals might be laudable. The same idea had earlier led to the separatism of Orthodox communities (*Austritt*) in Germany and Hungary.

The theological criticism was most sharply expressed by the most severe opponent of Zionism and the State of Israel, Rav Yoel Teitelbaum, the rabbi of Satmar. Orally and in writing, R. Teitelbaum consistently denied the halakhic legitimacy of a Jewish State before the advent of the messiah. He held that position even before the Holocaust. Afterward, R. Teitelbaum felt that his argument was strengthened by the Holocaust itself, which, he argued, was God’s punishment for the Zionist heresy of seeking to establish a State before its time:

Because of our sinfulness we have suffered greatly . . . worse than Israel has known since it became a people. . . . In former times, whenever troubles befell . . . the matter was pondered . . . which . . . sin had brought the troubles. . . . But in our generation one need not look far for the sin responsible for our calamity. . . . The heretics have made all kinds of efforts to violate these oaths, *to go up by force and to seize sovereignty and freedom by themselves, before the appointed time*. Luring the majority of the Jewish people into heresy, the like of which has not been seen since the world was created. . . . *It is no wonder therefore that the Lord has lashed out in fury*. . . . And there were also righteous people who perished because of the iniquity of the sinners and corrupters, so great was God’s wrath.²

Through this argument, human activism is tainted, and when that activism results in the establishment of a State, the State itself is born in iniquity.

The Rav’s detailed discussion in *Kol Dodi Dofek* of theodicy, the problem of explaining evil in the world, was surely meant as a response to R. Teitelbaum’s claim that the evil of the Holocaust was punishment for Zionist activism. According to the Rav, it is futile to ask why evil exists. We are simply not equipped to understand the “why” of evil. The proper question to ask is how we are to respond to evil. His answer is that we must respond in a manner that will enable us to emerge from the confrontation as better, more moral, more ethical, and more spiritual beings. As the Rav puts it, we must transform our covenant of fate

—which is causality-driven, natural, and passive—into a covenant of destiny, an active meaningful existence, permeated and suffused with a sense of purpose.

Thus R. Teitelbaum's very question about the reason for the Holocaust is rendered illegitimate, and his advocacy of passivity is revealed to be mistaken. In the Rav's view, our confrontation with evil teaches that we must be active in the historical arena and thus transform our existence from one of passive fate to one of active, chosen destiny. On a national scale, the establishment of *Medinat Yisra'el* is the proper response to the Holocaust.

The idea that passivity is not always a virtue and that public activism is proper and legitimate has its roots, I believe, in *Ish ha-Halakhah*. Among the major themes in *Ish ha-Halakhah* is the centrality of the human creative gesture. God is the creator, and man must emulate Him. The biblical story of creation has an ethical and normative significance. As God creates, so must human beings create. If we learn from God, we will not be passive in the face of human tragedy:

Halakhic man is a man who longs to create, to bring into being something new, something original. The study of Torah, by definition, means gleaning new, creative insights from the Torah. This notion of *hiddush* . . . is not limited solely to the theoretical domain. . . . The most fervent desire of halakhic man is to behold the replenishment of the deficiency in creation, when the real world will conform to the ideal world and the most exalted and glorious of creations, the ideal Halakhah, will be actualized in its midst. . . . This longing for creation . . . is embodied in all of Judaism's goals. And if at times we raise the question of the ultimate aim of Judaism, of the tales of the Halakhah in all its multifold aspects and manifestations, we must not disregard the fact that this wondrous spectacle of the creation of worlds is the Jewish people's eschatological vision, the realization of all its hopes.³

In fact, "the peak of ethical perfection to which Judaism aspires is man as creator."⁴

This partnership with God in creation leads man to seek to heal the deficiencies in the world:

Man is obliged to perfect what his Creator "impaired." "Resh Lakish said: Why is the new-moon goat offering different, in that [the phrase] 'a sin offering unto the Lord' (Num. 28:15) is used in connection with

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it [whereas ordinarily the phrase ‘a sin offering’ is used without the additional ‘unto the Lord’]? Because the Holy One, blessed be He, said: This goat shall be an atonement for My diminishing the moon [i.e., it is as if the sin offering is not ‘unto the Lord’ but ‘on behalf of the Lord’]. The Jewish people bring a sacrifice to atone, as it were, for the Holy One, blessed be He, for not having completed the work of creation. The Creator of the world diminished the image and stature of creation in order to leave something for man, the work of His hands, to do, in order to adorn man with the crown of creator and maker.⁵

When man remains passive and allows the deficiencies to continue without intervening, the result is tragedy, and ultimately, Holocaust. He stresses this point in *Kol Dodi Dofek* by saying:

Let us be frank: During the terrible Holocaust, when European Jewry was being systematically exterminated in the ovens and crematoria, the American Jewish community did not rise to the challenge, did not act as Jews possessing a properly developed consciousness of our shared fate and shared suffering, as well as the obligation of shared action that follows therefrom, ought to have acted. We did not sufficiently empathize with the anguish of the people and did very little to save our afflicted brethren. It is hard to know how much we might have accomplished had we tried harder. Personally, I think that we might have been able to save many. There is no doubt, however, that had we properly grieved over the afflictions of our brothers, had we raised our voices and forcefully demanded that Roosevelt issue a sharp protest-warning, backed by concrete actions, we could have substantially slowed the process of mass murder. We were witnesses to the greatest and most terrible tragedy in our history and we were silent.⁶

When man, however, takes the initiative and acts to mend the world and repair its deficiencies, God responds with His blessings. In fact, every step in the Zionist effort to establish the Jewish State was signified by God’s approval. There were, according to the Rav, six instances where God “knocked” at our door, signifying not only His approval of the effort to establish the Jewish State, but actually calling for our support of the Jewish State, begging us, in fact, not to remain passive again!

Having established the legitimacy of the Zionist effort, the Rav goes on in the second part of *Kol Dodi Dofek* to create the formula whereby such a State can function in practice despite the cleavages in the Jewish community. While Jews are in exile, he argues, it is, perhaps,

natural for them to separate into different communities, but this sort of separation cannot exist in a Jewish State.

As for the argument that “collaboration” with the wicked was out of bounds, the Rav created a formula to resolve the problem through a new social contract. The Rav, in fact, never believed that differences in behavior in and of themselves create an inseparable boundary between Jew and Jew. When a German Orthodox rabbi told the Rav that “he had more in common with a civilized German non-Jew than he had with an irreligious Polish Jew,” the Rav was shocked. He recalled:

I thought . . . that what he had in common with a non-religious Polish Jew was the fact that in the eye of the Jew hater they were both Jews and that the Jew hater made no distinction between them. . . . Later, to our sorrow, many western Jews discovered their kinship to Jews of other lands. . . . [T]he discovery . . . came too late after the Satan had been granted temporary sway in the world.⁷

But this commonality between religious and non-religious Jew derives not only from living in a world where “Satan has temporary sway.” The unity of all segments of *kelal Yisra’el* should be realized even in good times, in the first Jewish polity in two thousand years. Indeed, this very State, according to the Rav, called into being by God Almighty who said, “Let there be a state of Israel”⁸—whose “six knocks” we all heard—needs the full and total support of the entire Jewish community.

The framework for this cooperation, as developed by the Rav, lies in the theory of two covenants through which *kemeset Yisra’el* is tied to the *Ribbono shel olam*—the covenant of fate and the covenant of destiny. The covenant of fate emphasizes the historical loneliness and otherness of the Jew, the fact that we are a “people that dwells alone.” That sense of alienation is shared by all Jews, even those not loyal to Torah and mitsvot:

So long as a person’s nose testifies to his origins, so long as a drop of Jewish blood courses through his veins, so long as physically he is still a Jew, he serves the God of the Hebrews against his will.⁹

There is, however, another covenant, the one made at Sinai, the covenant of destiny. Destiny signifies will and choice for both the individual and the group: “A life of destiny is a life with direction; it is the fruit of cognitive readiness and free choice.”¹⁰

While the covenant of fate is forced on man, who is cast into a model not of his own making, the covenant of destiny is accepted by

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the explicit statement, “we will do and we will obey.” And, argues the Rav, one cannot be bound to God with only one covenant.

Today, fifty years after the publication of *Kol Dodi Dofek*, are Jews in the Jewish State still bound up together through the dual covenant? To thrive, democratic states need to maintain not only checks and balances between branches of government, but also individual rights such as a free and vigorous press, transparency, and accountability of the leaders to the citizenry. Also required is the loyalty of all participants in the polity to the system. Only if all groups and parties play by the rules of the game and obey the results will the system survive.

Over its fifty seven-year existence, Israel has proven strong enough to withstand internal threats to its existence. While Israeli society has been deeply divided on many social, religious, political, and economic issues, the system itself was never threatened.

With the Oslo process, begun in 1994 by Prime Minister Yitshak Rabin, and his subsequent assassination by a religious-Zionist fanatic, the fissure in Israeli society was deepened as never before. Ominously, protagonists in the debate began accusing the other side of disloyalty to the State.

For example, since 1967, students of *yeshivot hesder* who joined the IDF were the pride of Israeli society as a whole. Their abilities, character, and devotion to Israel, not to mention their loyalty, were never questioned. But after the Rabin assassination, this veneration of *yeshivot hesder* began to diminish. It was a slow process. But the fact that Rabin’s assassin was a product of a *yeshivat hesder* eventually tainted the religious-Zionist community as a whole.

As Oslo and Intifadas I and II unfolded, and as disengagement came on the horizon, tensions rose further. The issue of “returning” land to the Palestinians, disengaging from Gaza, and evacuating settlements became not only issues of political significance but also matters of religious, indeed halakhic, debate. Public statements and even legal rulings by leading religious-Zionist rabbis that their followers should not obey military orders intensified the Kulturkampf that was already enveloping Israeli society. There were now serious efforts to delegitimize a whole segment of society, even calls to disband *yeshivot hesder*.

This deterioration went two ways. As the issue of disengagement proceeded from policy to implementation, a feeling of frustration and estrangement came to dominate the religious-Zionist community, as many began questioning whether this State was worthy of their loyalty. The Israeli media carried stories of this group, or that rabbi, question-

ing whether, for example, *Yom ha-Atsma'ut* should be observed in the spring of 2005 not as a holiday, but as a day of sadness.

To be sure, there were some rational positions voiced by leaders of religious-Zionism. Rav Aharon Lichtenstein, writing in *Haaretz*, expressed a more balanced view of the situation and asked the various communities to keep their cool. But such public voices were the exception. The general tenor in the religious-Zionist community was one of frustration, disappointment, and rejection.

As disengagement became fact on August 15, 2005 (the day after *Tish'a be-Av*), there was truly a danger that Israeli society would erupt into violence. And yet, thank God, the violence that many expected did not materialize. There were tensions, high-decibel arguments, even threats of violence, but ultimately the Israeli political fabric remained intact. Jews who felt connected by the covenant of destiny and Jews who were bound up by the covenant of fate came to the conclusion that the Rav had grasped so many years earlier—that the two covenants cannot be torn asunder.

There remains the danger that religious-Zionism, so aggrieved by the process of disengagement, will be tempted to retreat from its position of full support and identification with the State. It may follow the road of the haredi community, which looks upon the State in purely instrumental terms. Indeed, in the period leading up to disengagement, while Israeli society was debating the pros and cons of this policy, the haredim were deafeningly silent. As one leader told me, “We do not agonize over this issue. We look upon this government as we looked upon the Polish government. We try to get what we need for the constituency that we serve, and we are satisfied.”

Segments of the religious-Zionist community may do just that, and “disengage” from the State. Such a retreat back into passivity would be tragic, defeating the original religious-Zionist dream. It must not be allowed to happen.

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NOTES

1. Rabbi Joseph B. Soloveitchik, *Halakhic Man*, trans. Lawrence Kaplan (Philadelphia: Jewish Publication Society of America, 1983), 137. Emphasis added.
2. Rabbi Yoel Teitelbaum, *Va-Yo'el Moshe*, 6th ed. (Brooklyn, NY: Yerushalayim, 1982), 5-7. Emphasis added.
3. *Halakhic Man*, 99.
4. Ibid., 101.
5. Ibid., 107.
6. Rabbi Joseph B. Soloveitchik, *Fate and Destiny: From the Holocaust to the State of Israel* (Hoboken, NJ: Ktav: 2000), 63-4.
7. Rabbi Joseph B. Soloveitchik, *The Rav Speaks: Five Addresses Delivered to Conventions of the Mizrahi Religious Zionist Movement During the Period 1962-1967* (Jerusalem: Tal Orot Institute, 1983), 147.
8. Ibid., 17.
9. *Fate and Destiny*, 45.
10. Ibid., 54.