

Rabbi Rabinowitz, a well known scholar and author, until recently served as Chief Chaplain of the Israeli Air Force.

WHY YOM KIPPUR?

I

"Rabbi, why did it happen on *Yom Kippur*?" The question was voiced by a young female trainee during one of my sessions at the officer's training school. She did not ask why it happened; she knew that only too well.

Every youngster in Israel grows up with the feeling that he may well have to fight to live. His brothers, sisters, parents, uncles and aunts have all done and are doing just that. Why should his lot be different in a hostile world?

"But, Rabbi, what was the significance of it happening on *Yom Kippur*?" The question rang across the hall then and it has been resounding in my ears ever since. For the first time in my life I was almost at a loss for words. This youngster sensed the deeper significance of it having occurred on *Yom Kippur*. She sensed it; I could not explain it. My lame response hardly bears repeating. I failed her dismally. Perhaps I failed myself even more so. Why did it have to be *Yom Kippur*? What Jewish historical logic lies beneath the surface? Where in the maze of the bewildering labyrinth of Messianic times lies the key? The problem is not one to be considered from the tactical viewpoint of Egypt's high command; that is to miss the point. The Jewish soul and consciousness were stirred in an unfathomable manner that relate to the essence of Jewish being. Why *Yom Kippur*?

Friday the fifth of October! I had not yet left the house when the telephone rang. It was the commander of the Air Force. He said:

Rabbi, I am putting the Air Force on full alert as from now on. Would you please issue instructions to your Chaplains and to the units in accord.

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"You understand," he added, "that I would not take this step on the eve of *Yom Kippur* unless it was very serious."

Hardly saying goodbye to my wife, I left. Cables, phone calls, instructions, guidance and directives crowded the next couple of hours. No one said, no one spoke, — "But Rabbi, if?" "If," I said, "you move." "If," I said, "you make sure that no one is unable to fulfill his duty because of the fast." "If, then you supply everything required." "Yes, in the event of movement you may wear shoes. You may travel. You may . . . you may . . ." My God, was I letting myself be carried away issuing blanket instructions for mythical "ifs"!

A hasty phone call to my father-in-law. A veiled hint that he pray for peace. A quick blessing and goodbye to the family and I was headed for the base where I was to spend the strangest *Yom Kippur* of my life.

There was nothing tangible but it was in the air. The base was more crowded than usual. The synagogue was packed with soldiers. I noticed officers and men whom I had never seen in the synagogue before, as I spoke to them of self searching, of prayer, of the individual in the modern world, of hope for peace. Little realizing what I was saying, I explained the need to pray for the stamina, courage, integrity and will to do whatever we may be called upon to do. And then we prayed.

The ancient melody of *Kol Nidrei* was accompanied by the effort to purify the mouth for prayer. Acceptance of the Unity of the Kingdom of God was followed by *Vidui* — confession. And then "let our prayer ascend in the evening for Your reply in the morning . . ." After the service an unusually large audience remained behind to participate in study and recital of Psalms.

Tradition has it that sincerely uttered prayers on *Yom Kippur*, uttered in an atmosphere of calm spirituality and detachment from worldly affairs, gather all the gabbled prayers of the year in their ascent to the Throne of Glory. Alas, it was not to be. The morning service started on time, but that was about all. Every few minutes someone else was called out. "Rabbi, we need technicians to load the hawks for transport." And so, in between prayers, I was busy persuading soldiers that they must leave the synagogue and go to their tasks. "But it is *Yom Kippur*!"

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This is the *mitzvah* of this *Yom Kippur*. I know how you feel but this is what you must do — now. You had better put on your boots or else you won't be able to do the job properly. Yes, you may use the walkie talkie to coordinate the work. You may not smoke. You cannot phone your girl friend to say goodbye. You may take your kit and *te-phillin* . . .

"Rabbi," the C.O. said as I stepped into the bunker, "the Egyptians crossed the canal twenty minutes ago. It is war. We don't yet know exactly what is happening." A few minutes later, — "Headquarters need you, Rabbi," and then, I spoke for the first time in my life through the communications system on *Yom Kippur*. I could not help reminiscing a few minutes later and there floated through my mind scenes of strenuous refusals to preach at synagogues because of the microphones in the pulpit. Such, it seems, are the ways of God.

In and out, *Minchah* was tricky. The *minyan* was at times only an illusion, there being hardly any beholder. But towards *Neilah* something stirred. Opposite the synagogue, on the lawn, were pilots, crews and men waiting for their call. As we started *Neilah* they began to come in. There was, after all, time for a little prayer and it was certainly needed now. Pilots overalls mingled with mechanics overalls, grease and dust, grime and prayer. We sang and we prayed and, as the shadows lengthened we recited, the whole congregation together at the tops of our voices, every verse of the *Avinu Malkenu*. The tension was relieved only by the *shofar*. I think that after all the *Yom Kippur* prayers were able to gather the gabblings of the year and ascend proudly before the Throne.

We also had other worries. Total mobilization required total reorganization. Kitchens had to cater for several times the numbers normally fed. Milk and meat utensils clubbed together wouldn't provide the necessary for either meal. What would become of *kashrut*? The answer was to turn everything into meat. Stop milk cooking and have them work and eat in shifts round the clock. They couldn't in any case all eat together. *Tallitot*, *tephillin*, *siddurim*, they were taken from synagogues straight to their units. Tomorrow they would need all these and more. The army Chief Rabbinate opened the floodgates and supplies poured

forth in volume. Squadrons were visited in the early hours of the dawn so that pilots had the "Prayer for the Way" in their flying suits before take off on sortie. Miniature books of the Psalms were distributed wholesale, literally by the thousands. Everybody flying, everybody on the ground and everybody everywhere, got them. One pilot, returned from captivity, told me that he saved his sanity, when in solitary confinement, on discovering the tiny book of Psalms that he had slipped into his overalls at my request before take off. And, of course, *Sukkot* was literally around the corner.

And what a *Sukkot* it was going to be. The most celebrated *Sukkot* since last the Children of Israel marched through the desert. It had to be. The Festival is a Festival, war or no war — and it was!

Somehow prefabricated *sukkot* were obtained and transported to every group of soldiers from Syria to Egypt. *Lulavim* and *etrogim* were distributed in quantity. And if the Sages said that all Israel is fit to sit in one *sukkah*, this was certainly so of the *lulavim*. I think that approximately eight hundred officers and men must have recited the blessing over my *lulav* alone, in central Sinai, and that between five and eight o'clock on the first morning.

The keynote was to be rejoicing in the Festival. Boost the morale and get to as many positions and men as you can. Take a bottle, take two. Pass it around and drink *lechayyim*. And that is precisely what happened night and day. We trudged miles with the *lulavim* in one hand and the bottles in the other, and both were accepted warmly — especially the brandy. Hundreds visited the *sukkot* for wine and cake, for a word of Torah, for a snatch of *zemirot*, for a fleeting, deep sense of the *Chag*.

The first night of *Sukkot* in Central Sinai was memorable. We had a rocket attack and morale was teetering. The service was crowded. After it, so was the *sukkah*. The base commander came in and we made *kiddush* — after a short *dvar Torah*. And then they poured through for almost two solid hours to make *kiddush* in the *sukkah*. Wave after wave of them. We then went from post to post to drink *lechayyim* with those who could not come to us. I don't know how the tarmac stood it, my legs felt beastly.

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I ended up in the small pilots mess at the end of the runway. We passed around the bottle and began to talk.

We spoke of many things, none trivial, but with good sense and humor. The remarks of one pilot have stayed with me ever since. This young fellow who was born in Israel, schooled here and trained here, said to me:

Rabbi, only since *Yom Kippur* have I begun to understand and feel Jewish. Now I know what it means to be a Jew!

The casualty list had grown. I was fully informed of this, but apart from ground staff and anti-aircraft crew casualties we had been able to do nothing about regaining pilots who had fallen in enemy territory. But now that the front was moving towards Damascus there was a wide area we could search and begin to gather our dead. We quickly organized ourselves and moved north where we set up temporary field quarters. With helicopters and command cars the *Chevra Kadisha* got to work. On foot and in the air we began to comb the Golan. And we began to find them, to bring them back, to identify and bury them.

The eve of *Simkhat Torah* found us a small group in the middle of nowhere and with no *minyan*. A quick survey indicated a camp just beyond the permitted walking distance from where we were. A religious sergeant was immediately dispatched to pace off the distance and place the requisite meal under a convenient tree on our behalf so that with the *erub* in place we would be able to walk to the camp and back later that evening. We arrived, found a synagogue and immediately organized the entire camp for the evening service and *hakkafot*. These took place in the large square formed by the living and administrative quarters. Everyone took part, they enjoyed it so much that we were even treated to supper. Progress — from eggs on the first night of *Yom Tov* we actually got tinned bully beef on *Simkhat Torah*.

The next day I think everyone had a *minyan* but our small group. We spent the day as target practice for Syrian gunners, while gathering our beloved heroes. We had done all we could in the north and I was back in Sinai. I had, in any case, popped back the day after *Simkhat Torah* to marry a couple who had

finally decided that they were in love and were to be married on the spot and at the front. The C.O. was obliging so I left the Golan to its own wiles for a few hours and obliged also. Death, marriage, destruction and *brithot milah* (for the son of a captive pilot in Syria and another killed in Egypt) the cycle continues, inextricably interwoven with no dividing or defining lines. Human happiness and tragedy pacing side by side. War and the triumph of the lust for life. Just as the little orphaned girl of four said to her stricken mother, "I know Daddy was killed but why shouldn't I have a birthday party?"

We were to open a base in Egypt. When I arrived, the advance party had just left, though I had asked them to wait while I obtained a *Sepher Torah*. The Pyramids beckoned and off they went. Fortunately I was able to get onto a half track which was going in the same direction and off I went — with everything needed to open the first synagogue of Zahal on Egyptian soil.

The bridge across the canal was "warm" but the anti-aircraft boys were magnificent and we arrived shortly thereafter. The roads were strewn with the garbage of war. The terrain scorched and desolate. Only the equipment of war lived and moved in that setting of destruction. Tanks, troop carriers, ammunition trucks, men sleeping on the roadside, men washing, men eating, men praying and all around burnt out tanks, dead men, destroyed buildings, ruined land, the horror and sickness of war. We arrived.

I had everything except an Ark. Where was I going to find one? But find one I did. I discovered a small cupboard in one of the dugouts and dragged it back to the hangar. A *tallit* covered it nicely and we had an *Aron Kodesh* in the raised alcove formed by the flue of the hangar. We were ready for the dedication.

The troops were lined up inside forming a passage through which the procession carrying the Torah would walk. We walked to the accompaniment of traditional song, elated, towards the Ark. In the semi-darkness of the hangar the song and *simchah* of the Torah was deeply felt by all. The Torah was placed in the Ark, the Prayer for the Fallen recited, as also the Prayer for the State of Israel and the hangar again resounded — to *Adon*

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Olam. The first synagogue to be dedicated on Egyptian soil was open.

"Rabbi, why *Yom Kippur*?"

II

They came from all walks of life, from all stations in society. They came in all sizes, in a bewildering variety of garb and hair-style. In carriage, gait and outward appearance the ultimate in diversity, but they came as one man. All of a sudden, poverty and riches, slum and villa, religious and irreligious, labor and conservative, all the labels rife in the divisive society which is Israel's social scene, were no longer to be found. As long lost brothers they greeted one another, wisecracked and readied themselves for the front. Quickly all of these worlds apart coalesced into the unified worlds and brotherhoods of fighting units. Since last serving together the majority had neither seen their comrades nor given them much thought, but with the smoothness of a well oiled machine, they integrated without friction as if it had only been yesterday.

Well, wasn't it indeed only yesterday. The war of attrition, the six-day bout, '56 — the years in between were only intervals. They had known, all of them, that they would meet again faced with the same struggle, the same tragedy. They hated war. They loathed the idea of the military and bore no personal animosity towards their enemies. The army runs no publicity campaign directed towards heightening feelings, stirring passions or fester-ing hatreds. On the contrary, most of its publicity for consumption by the men in the field is so highbrow as to be almost unintelligible to a large number of those to whom it is addressed. The Israeli fighting man is so totally devoid of animosity and hatred that it is unbelievable. He fights because he is compelled to fight to live. But at heart he is a gentle father or brother or son who thinks only of his loved ones and not of the enemy. His problem is how to win, not how to destroy. His intellectual and spiritual energy is spent in torturing himself for having so soundly drubbed the other side, and he plagues himself with doubt and self-searching. He is not prepared to kill for the sake of kill-

ing, and, in spite of all that he has been taught and trained for, he is never really a soldier at heart. In many ways, especially after his first war, he is like an overgrown boy. Other than the fact that he is fighting for survival he does not really understand why he is fighting at all.

What forces of history are at work? What lies behind it all? Why me and mine? To what is it leading? He entertains vague hopes that after the war all will be well and a new day will dawn — better leave the understanding of it all till later. He knows instinctively that the politicians have again made a mess of everything but he discovers no pattern, no direction, in the momentous events in which he is engulfed.

Though the recurring cycle disturbs him deeply, and he suddenly becomes receptive to the thousand and one straws which are grandly proffered on all sides and he is prepared to discuss them through the night, he somehow fails to find the link in Jewish history and in Jewish being. Everything ought to have been different after the generations of historical tragedy and suffering. We are back in our own country. Why have we had nothing but trouble, anguish, hostility and strife — within and without? Is this the ultimate goal of the Jewish people? Profoundly disturbed he gropes. Perceiving some kind of vague inevitability in what is happening, his spirit rebels — gloriously, and he decides to do nothing.

The dichotomy between Israeli and Jewish, so real for the non-religious and so non-existent other than in paradox for the religious, is a source of serious contemplative thought. For in fact a pattern, historical or supra-natural, can only exist where the two are fused. If they are distinct there can be no pattern in twenty five years of history. So that the problem becomes one of resolving the dichotomy; a serious, awesome step which few are either mentally or spiritually prepared to take.

The result is tragic. It gives rise to a series of problems which the outsider views as disintegration. Who am I? What am I doing here? What is patriotism? What nationalism? What honest justification is there for the havoc resulting from my being here? In truth it is the very opposite of disintegration. It is the quest for the soul of a people. A soul disturbed and disfigured by

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aeons of happenance and circumstance, but which is in process of coming into its own. The real problem lies not in the surface links but in the essential oneness of the Jewish people. For if one accepts the dichotomy between Jewish and Israeli one is indeed hard put to know where one stands, and the result is massive ambivalence in attitude. The demonstrable oneness of the Jewish people strikes at the core of the dichotomy, of the severance of the links with the past, of the momentous tide of Jewish history, and, as such, at the heart of the secular nature of the Jewish State. This perhaps, more than any other factor lies at the heart of the uneasiness and ambivalence evident in the Sabra soul. This hammers continually at the roots of his intellectual and spiritual being. Is he living a lie, even a part lie? Is he in fact closing the door, or at least refusing to open one, upon the soul of his people? If so, and this is not clear to him, he is indeed guilty of turning upon himself, of attempting to refashion himself as a stranger to his people.

"Rabbi," the young pilot had said on that *Sukkot* night, "only now do I begin to know what it means to be Jewish!"

III

The Sabra recoils from anything with the appearance of *tzviut* — two facedness. His ideas on the subject of *tzviut* are far fetched and unreal, nonetheless they are sincerely and even violently upheld. For the thinking Sabra, doctrine is terribly important, yet he fails to perceive the blind alley into which he is led by virulent adherence to doctrine. The doctrines which he upholds and clings to are not unreasonable in themselves but they pit him against the Jewish people as a people with a unique history and destiny of its own. The more he clings to these doctrines the more estranged he becomes, the more incapable of understanding himself or the problem of Israel and the Diaspora.

A child of extreme enlightenment he remains virtually in the dark about Jews and Judaism. He does grasp instinctively that his particular brand of Socialism has succeeded in divorcing him from the mainstream of Jewish history, but though this bothers him he has been brought up to consider this inevitable. Only time

and events are making this gap problematic for him. Both the Jews and what is happening to them illustrate unequivocally that in his one-sided divorce suit his soul is no longer in it and the answers must lie somewhere else. His doctrinal outlook has failed to do more than paper over the cracks in the burgeoning, dynamic society of Israel, and he is very much aware of it. Statehood was to bring normalcy, national pride, acceptance by the family of nations and security. No one knows any more what normalcy is. National pride is at a low ebb. Never has the Jew been so insecure or isolated internationally as after twenty five years of Statehood, so what really happened and towards what must we strive? Far from being vigorous, the spirit is flagging and instead of challenge we are offered platitudes. It would be false to assume that only the Israeli has a problem. For Jewry the problem is worldwide and it manifests itself in different ways in different countries. There are, however, certain common denominators. Foremost amongst these is the emptiness borne of ignorance.

Neither in power politics nor within the human spirit is a vacuum tolerated and so, empty of Jewish content, the Jewish soul is fulfilling itself in a tremendous variety of ways. The ways of the spirit are indeed unknown to us but human ignorance does not blank it out. Be it immersion in the challenge of multiracial, problem-ridden America, or the depression of communist Russia, the Jewish spirit finds its outlets. Youngsters in America are willing to accept the challenge posed by society in upheaval. Jews in Russia yearn for a Judaism they do not understand and for a people which to them is hardly distinguishable from myth. And yet, in both spheres, heights of selflessness and heroism are evident. Their Israeli cousin lays down his life for Jewry despite all. The common bond of devotion to a cause is evident on all sides.

Russian Jewry apart, how Jewish is the selflessness? The Israeli understands full well that his struggle is for his people. He is simply unaware of the identity of his people or of its historic purpose. The American Jew faces the brave challenge of America with the result that the Jewish nurture of generations is poured out, as it ought to be, but into non-Jewish channels. Both see no

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challenge in being Jewish because Judaism is seemingly beyond their ken. Both give unlimited and unbounded expression to the creative, protestant Jewish spirit, but not within the framework of Jewry, and not in a manner calculated to bring them closer to its soul.

With the founding of the State, the most momentous event in thousands of years of Jewish and world history took place and it has failed to hold the Jewish people. In spite of enormous challenge and the potential to rebuild itself and its homeland, world Jewry is content to pay others to be active in every aspect affecting the State, but not to shoulder its burdens in person. And it is becoming doubtful whether the young generation and those to follow will go so far as its seniors in spending sentiment and treasure. While American Jewry becomes more American, Israeli youth cannot yet bring itself to cross the Rubicon.

Though no Jew had ever doubted his identity before, nor had any non-Jew, the Israeli born and educated began to ask "who am I?" From there to "what am I?" and "what am I doing here?" is not a large step. United only in adversity, faction became strife, extremism rife. War has shaken complacency, tragedy imitation, power politics chauvinism, questioning the diverse shades of bigotry. Though direction is lacking, movement is evident. To quote a famous aphorism: "the winds of change are in the air."

IV

The most important reorientation that is needed at present is a return to the axioms and perspectives of Jewish history. Jews have traditionally been historians, not in the school-book sense but in a very special sense. They excel in endowing the meanderings of history with meaning, pattern and soul. The grand drama of the canvas of history is seen and appraised against an equally grand background of spiritual direction and purpose. Specifically exemplified in and by Jewish history this view is projected onto the screen of world history. Seen in this "cosmic" sense, long-term history is invested with a reality the effects of which become evident as nation after nation, epoch after epoch strum the chords in harmony or discord.

Diverse backgrounds, traditions, social mores, spiritual framework and climate cannot disappear overnight. Generations must pass before the leavening effect becomes meaningful. The Israeli cannot have it both ways. Either he decides that now is all and the Jewish people will fail as a people in its homeland, or he sees himself as a pioneer willing to forego a large part of "now" so that his people will thrive and generations yet unborn will reap. As a people we have faced harsher problems in the past. We overcame them because of devotion to the long term view of history, because we dreamed and toiled for utopia. Judaism does not look back to a golden age, it looks forwards to the Messiah its efforts must bring.

It was Maimonides who declared that no system of law or social order can ever solve every problem for everyone. The point of law and social order is that they maintain norms and bearing for the majority and that they enable a people to progress and adapt without losing its way or its identity without losing its distinctive soul. In standing firm, in refusing to bend before every idle wind or 'ism, its adherents retain character, distinctiveness, originality and a degree of channelled creativity. This is Halakhah.

Without the training and guidance, restriction and regimen, framework and direction of the Halakhah, the Jewish people is in danger of losing itself as a people — witness the mass assimilation rampant in those areas where Jews have ousted Halakhah from their lives. It is generally realized that without Judaism the *Golah* is steering a dangerous course of brinkmanship and losing. What is not so generally appreciated is that exactly the same dangers face an Israel divorced from Judaism.

If the spiritual essence is lacking there is nothing to prevent assimilation in Israel. No reason for Jews who do not wish to do so, to remain there. No distinctive challenge in building up the homeland. No particular need to strive to regenerate a people on those bases which are much more easily attainable elsewhere in the world. Further, there is no valid reason for others to come there. It is only the particular challenge of Judaism which can demand of the Jew to be in Israel, to strive for Israel and to give up all else in order to participate in founding and building its

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people.

Israel cannot have it both ways. It cannot continue to live on sentiment, nor can it continue to demand the loyalty of world Jewry to a spirit which it itself rejects. Charity, sympathy, identification in times of stress or of war are excellent virtues but they are not the positive virtues required to build a nation in its restored homeland. Only the dynamism engendered by spiritual dream and challenge, both of which Judaism disburses with largesse to those who have the heart and mind to receive, can do that.

The Jew has an appointment with destiny. He can do one of two things; the choice is his. He can cop out and assimilate or he can strive to keep the appointment. There is no in-between and those who sit on the fence delude themselves, fail themselves and fail their people. We know how history deals with complacency. It is time to face reality — as men and as Jews.

It had to be *Yom Kippur*. It could only have happened on *Yom Kippur*. Because *Yom Kippur* is that moment in Jewish life when a man faces himself. When a people comes face to face with its being, with its past and with its future. Providence has, on occasion, to deal drastically with man for man's good. Rather than allow him to fail himself by indifference or default Providence brings him up sharply, restores him to basic truths and thereby enables him to surge ahead with renewed vigor, strength and vitality.

V

It has been a tenet of Zionist ideology that the Jewish people must return to its homeland, rebuild itself there and thus attain normalcy. This aim sufficed to move mountains. In the political sense it has been achieved. An aim once achieved loses potency, hence the bankruptcy of the Zionist movement today. The aim of the Jewish people in its homeland is not to achieve "normalcy," it is to be a Jewish people in the historic, futuristic framework which forms its destiny. This has not been achieved. Herein lies the challenge to Jewry both in Israel and throughout the world.

Preoccupation with archeology will not suffice to produce the

tangible roots that are being sought in Israel. Nor is there any logic other than that of Jewish history and Divine promise for Jews being there at all. The socialist doctrines which form the mental milieu of Israel's hierarchy lead only to confusion and self doubt and to rent souls and to warped views of social and international justice. Israel cannot be resurrected on doctrines such as these, for too much is left unanswered, too much in turmoil. It is the Jewish consciousness that is to be appeased, not Marxism nor Gordonism. Once this is grasped the problems acquire different perspectives and the logic of historic and Divine destiny may begin to salve the shattered heart.

Renouncing socialism for "get thee unto the land which I shall show thee, for to thee and thy descendents have I given it for ever," is awesome indeed. But it is the only way to heal the rift in conscience and to unite Jewry in common striving. Without this tremendous *volte-face* we shall not succeed, because without it we have no title to being here. We know in our hearts that herein lies the need of solution, but we know also the enormous demand upon each one of us if we adopt it — and we balk. We continue to delude ourselves as if, enmeshed in the trammels of our delusion, the Jewish spirit will fail to exert itself.

We need only look to Russian Jewry to become aware of the true state of things. After sixty years of intense harassment and silence, suddenly the Jewish spirit, far from being crushed or demolished or obliterated, emerges in splendor. Heroically it asserts itself and what to socialists was impossible, and written off, becomes suddenly very real and very material. Should we fail to nourish the Jewish spirit that has thus shatteringly emerged, it will show itself in other ways until we are finally forced, despite ourselves, to acknowledge it. Let us be certain of at least one fact. Russian Jewry is not in ferment over socialist Israel. It is in ferment because it believes in Jewish Israel and that is what it is seeking. That is why it is risking all in attempting to come to Israel. It does not for one moment entertain the idea that Israel is just another socialist state.

VI

In attempting to understand what is happening in and to Israel

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today, it is pertinent to put the finger upon one of the most relevant sources of the confusion and turmoil to which we are witness. Over the years it is evident that practically no subject of public concern is ever discussed upon its own merits. It is thrashed out, if at all, on strict party lines, regardless of the rights and wrongs of the case. This has led to situations in which though majority opinion may be in full agreement with a particular course of action, that course is not adopted because party dictates leave no room for objective decision or discussion. This is true concerning both religious and non-religious matters. It is a characteristic of Israeli democracy.

Tragically, this has led to a disastrous confusion in the mind of the public at large regarding religion in the state. Religion and its problems have become identified in the public mind with the religious political parties with the result that though on the most vital, basic issues of Judaism, there is widespread sympathy, support and sympathy are withheld because of the political implications of such support. Torah has been relegated to the political aspirations of a party and has ceased in the public mind to embrace the people as a whole. Allegiance to a non-religious political party leads to anti-religious bias simply because religion is confused with a party to which one does not belong.

There is only one answer to this problem. Religious parties as such must cease to exist. They are in fact giving rise to more negative results than positive. If they did not exist, religious issues would earn far more support in public and political life than they have enjoyed hitherto. There is, however, a snag. There are certain basic issues in Jewish life that must be inviolately embedded within the structure of the state. As long as these are not so embedded the religious parties must continue to struggle politically — in spite of the price demanded.

Aside from the fundamental issues of marriage and divorce, the sabbath, religious education and one or two other issues, the religious platform contains nothing that is not included in the programs of other political parties. It contains, however, much that is rejected by many religious people who nonetheless support it because of the dangers to basic Jewish survival if the fundamental religious issues are not represented as such by a party

in the *Knesset*.

The sole way out of the morass, the way that will ensure the framework of a Jewish State and at the same time clear the political air in the state, seems, therefore, to be the enactment of the basic statutes fundamental to Judaism and their constitutional guarantee; and the dissolving of the religious parties. This will ensure the integrity of the Jewish people and at the same time enable a fruitful leavening of the remaining political parties to take place. Above all it will end the confusions and hatreds engendered by the fusion of religion and politics within a political party. It will free Torah to speak independently to the people on its own merits. Torah has nothing to fear from such an encounter.

VII

As we survey the course of immediate Jewish history we cannot escape the feeling that Israel is being forced to retrace and re-experience the basic steps in its history. In reliving its history it is being readied as a people for the momentous changes that lie in store. A great number of the early steps of the Second Commonwealth have already been experienced. The great movements of the very first steps are now in process. Israel returned to Sinai, it even returned to Egypt and has literally experienced for the first time since the exodus, an exodus from Egypt into the desert. This is not mere coincidence, nor is it military strategy or power politics. It is an essential phase in the rebirth of the Jewish people. After Egypt it took forty years to become the people who would enter the promised land. After the return from Babylon, it took two to three hundred years of quiet, deep penetration to recreate a Jewish people. In our day it may take as long but of what import are decades or centuries in the life of a people. Time is irrelevant to a timeless people living a timeless history. "And He took him outside and said: look to the stars, for so will be thy seed!"

There is widespread misconception as to the nature of Halakhah. Over and above questions of obedience, acceptance, affinity to, relevance, it is important at the outset to grasp that Halakhah is not merely a vague system or religious law bounded

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by intangible love and mystical yearning. The integrity of Halakhah as a total system of law and jurisprudence embracing all branches of human life, must be granted before discussion can begin.

Halakhah, for its adherents, has no less binding force than any other system of law, extant constitution, statute or by-law anywhere in the world. In the same way that one does not go through a red light, one does not infringe upon Halakhah. As a system of law it is not given arbitrarily to the whim and fancy of the individual for interpretation or application. It is administered by highly and skilfully trained halakhists. Failure to grasp this fundamental approach stems largely from the fact that Halakhah today carries no sanctions but religious sanctions, and this fact has led to notions of the vague nature of its binding force in the mind of a public which knows the penalty for going through a red light. Though its validity is based upon deep religious conviction, its discipline is the discipline of law.

Two hundred years after the event it is possible to speak (as does Daniel Boorstein in his book, *The Genius of American Politics*) of the "givenness" of the American Constitution. How does a given, written constitution from way back succeed in dealing with the problems of modern "now"? Boorstein (p. 15) describes it briefly and lucidly in the following words:

Changes in our policy or our institutions are read back into the ideas, and sometimes into the very words of the Founding Fathers. Everybody knows that this has made of our federal constitution an "unwritten" document. What is more significant is the way in which we have justified the adaptation of the document to current needs: by attributing clarity, comprehensiveness, and a kind of mystical foresight to the social theory of the founders.

When I read this and several related passages in his book, in 1957, I was moved to write to Prof. Boorstein and asked him a simple question. Are you Jewish? If so, how far did your being Jewish influence your interpretation of the American constitution, since what you have written parallels very closely, though the rationale differs in important respects, the way the Jew sees Halakhah? We have in the American constitution a written con-

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stitution which, far from becoming outdated has not only kept abreast of the times but has succeeded to a large extent in shaping them.

If we turn to the British constitutional framework, we find no written constitution. What we do have are conventions of society and common law precedent. Precedent becomes binding so that a form of written constitution exists in fact. Once distinct, equity has been coalesced with the judicial framework so that precedent making and its binding nature are rendered flexible.

Whilst the American Supreme Court reads values into the written constitution, and into the hearts of its authors, the British judiciary tempers convention and precedent with equity which itself reflects the contemporary state of society. The fusion of law and equity in fact brought about the fusion of law and conscience in British jurisprudence. The orderly development of society within the framework of law is thus possible under both systems.

These two examples show that a written constitution does not prevent progress, and that at least finally, the connection between law and conscience has been generally recognized and established.

VIII

Halakhah has both a written and an unwritten constitutional base in the form of the Written and Oral laws. The Oral law comprises both the conventions and norms of the system as well as the instruments for its valid expansion, contraction and application. The relationship between the Oral and Written laws has been well described by Samson Raphael Hirsch. The Written law, the Torah, as the Word of God embraces and contains all, but

the Written Law is to the Oral Law in the relation of short notes on a full extensive lecture on any scientific subject. For the student who has heard the whole lecture, short notes are quite adequate to bring back afresh to his mind at any time the whole subject of the lecture . . . (Commentary to Exodus, English Ed., p. 288).

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The Halakhah is decided by the full apparatus of the Oral law and not by the notations of the Written, which can in any event only be understood in the light of the norms and guiding principles co-terminal with it but transmitted orally. It is in the light of these living and dynamic principles that Halakhah is decided. Halakhah does not have to read back to find values or equity or conscience, these are inherent in both the Written Law and its halakhic translation, they are of the essence of the law. Halakhah reads back only in order to discover its principles and norms in the Wisdom of the Written Word.

The criteria of its norms and conventions, continuously applied to changing conditions throughout the ages, have rendered Halakhah capable of coping amply in all climes and states of civilization. Continuous discussion and consensus have enabled it to avoid crystallization and retain viability even in face of the most abstruse modern problems. One has only to open contemporary Responsa literature, or glance through rabbinic periodicals, to witness the application of Halakhah to present day life in all of its ramified realms. It is a fact that, for example, with the good will of all concerned, the problems of the military establishment in Israel can all be solved halakhically in such manner that does not impair either the readiness or efficiency of the army as a prepared, fighting force.

The problems raised in Israel do not reflect the problematic nature of Halakhah. They reflect the confusion of those who cannot bring themselves to live by Halakhah. They are the problems of those who prefer to live by a mixture of Roman, Turkish, British, American and other legal graftings provided these are not original, integral Jewish creations.

IX

What would a Jewish State begin to look like were it to come closer to Judaism and to Halakhah? Aside from clearing of the political air and the removal of much of the underlying tension, it will render possible orderly constitutional development owing to the precondition of the fundamental Jewish bases to be embodied constitutionally at the commencement of the reformation.

The courts would begin to search for and apply Jewish legal precedents so that in time, legal emphasis, atmosphere and tone would be transformed and unified.

The problem of national integrity as reflected in the "who is a Jew" controversy, as well as the dichotomy between Jew and Israeli, would cease to exist. We would certainly know exactly who we are. We would also know on exactly what terms any one else could become one of us by adopting our identity.

We would begin to nurture a sense of national pride and dignity by creating original, Jewish forms and norms instead of aping and grasping at everything proffered from abroad, however unsuitable and foreign it may be to Jewish nature and sensitivity.

Foreign policy and national security would continue to follow such paths as are dictated by international politics and our relations with our immediate neighbors, but social reform would receive a definite Jewish bias and would be governed by the Jewish sense of equity and social justice.

This is not the place to elaborate in detail the ramifications and perspectives of the Jewish State. The factors outlined suffice to create the essential framework for a Jewish State at peace with itself in which Jewry as a whole could participate and create an original, forward looking society. They would not impair the freedom of the individual to any greater extent than any other system under which one may choose to live, certainly less than under many others.

Surely it is time to begin being ourselves. It is time to declare unequivocally that title to *Eretz Yisrael* is vested in the Bible and in its promise alone. It is time to begin to translate the ethic of the Bible and its Prophets into the reality of the Third Jewish Commonwealth.