

Bechukotai 5776

BS"D Parashat Be'chu'kotai 5776

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Complex Halachic Issues

The rebuke and warning to the Jewish nation of the punishments which would be our lot if we forsake the Torah characterizes our parsha. Moshe relates to the nation the suffering of individual and of the nation as a whole in graphic detail, culminating in our being expelled from the Holy Land to suffer in galut.

To our chagrin and disgrace all of Moshe's abstract scenarios have come about, with the grim reality even worse than what was predicted.

However, there is one punishment inherent in galut which was not mentioned by Moshe, but stands as one of the most depressing and ominous. It is our inability to deal with complex halachic issues in the absence of a Sanhedrin and the ru'ah hakodesh (holy spirit) that nurtured the spiritual capabilities and needs of the rabbis in Eretz Yisrael, as I will explain.

The Gedolim who failed the nation

For those of us who respect the foresight of great rabbinic personalities and accept their leadership, an embarrassing and bewildering quandary gnawingly refuses to disappear, and with the passing of time increases in intensity.

It is so huge that the manner that most rabbis and bnei Torah

deal with it today is through disregard and avoidance.

It is the adamant and often aggressive opposition that most leading rabbis at the time of Theodore (Binyamin) Herzl showed to the Zionist movement and to the creation of a Jewish State in Eretz Yisrael.

The list includes among many others: Moritz Gudemann, Chief Rabbi of Vienna; Rabbi Dr. Herman Adler, Chief Rabbi of Great Britain; the Lubavitscher Rebbe, Rabbi Shulem Ber Schneerson; the Gerer Rebbe; Rav Shimshon Raphael Hirsch; Rabbi Chaim Ozer Grodzinsky, Rabbi of Vilna.

On the spiritual level, what is touted as the reason for such widespread rabbinic opposition to Zionism is that the movement was led by secular Jews and secular ideas. On the practical level, it was the fear that secular nationalism would replace the Torah way of life for millions of God-fearing Jews.

What I find unacceptable in these claims, even when voiced by many of those rabbis themselves, is the simple fact that they could have created a religious-chareidi Zionist movement to parallel or compete with the secular Zionist movement. The absence of such an obvious solution leads me to believe that the "fly on the wall" in the closed doors of the rabbis' discussions heard something else entirely.

The problem intensifies when one sees how the great rabbis, whose love for Eretz Yisrael did not fall an iota before the love and self-sacrifice of the most ardent chalutz who cleared the rocks and dredged the malarial swamps, were so wrong in their willingness to accept the status quo in which the Jews of Europe found themselves at the time: dire poverty, rampant anti-Semitism, and the secularization of large parts of the young generation.

In stark contrast, the Medina has proven – over and over again – its success in providing a home and parnassa for millions of Jews and has afforded the Torah a new lease on life in all its

aspects.

So, on the one hand, we have the Gedolim of our nation who were guided by the Torah vs. the reality of life which proved them totally wrong. This is an untenable situation that demands resolution.

I submit...

There was a reason for their opposition not only to secular Zionism but to any mass return to the Holy Land. It was not – as is popularly believed – that the Jewish people are prohibited to return with anyone less than the Mashiach. I believe that the reason was so filled with negative implications that they had to conceal it from the general public.

The Gedolim knew that if they would call for a mass return of the Jewish people to Eretz Yisrael, they would succeed in bringing millions of our people home. Jews would swarm to the Holy Land and kiss the ground they were walking on. The rabbis feared that if the land would be filled with God-fearing Jews, the leadership of the nation would naturally fall on the shoulders of the rabbinic Gedolim.

The rabbis understood very well that, in the absence of a Sanhedrin and prophecy to deal with the unprecedented, complex halachic questions which a Torah-based Medina would bring to the fore on a daily basis, they would be unable to lead the Medina. The huge issues such as a national army and police force were beyond their halachic experience, because these and a myriad of other issues do not appear in the Shulchan Aruch.

Their halachic outlook was classic chareidi where the chumra reigns supreme, as in the matter of the Shmitta year. Their opposition to selling the fields to a non-Jew would destroy Jewish agriculture, which could not support the farmer without

a steady flow of produce for export. Modern industry cannot compete in the world's markets if the means of production are all closed on Shabbat and holidays.

The life-and-death issues of a modern nation – including international finance, import and export, manufacturing, international travel, mass conversion and civil marriage – were beyond their halachic experience and precedents.

This is what the great rabbis could not admit in public, because it would cast a long shadow on the Torah and its applicability in all generations. So they decided that the best excuse would be to maintain the status quo until HaShem brings the Mashiach with all the halachic resources to guide a modern Medina according to the Torah.

The religious Zionist rabbis were confident that the Halacha would be able to deal with each problem as it arose, even if it would require leniencies in some halachic areas and looking away in other areas until the nation returns to itself and to the Torah.

The chareidi leadership at that time in history was correct in their assessment that they would be the leaders of a religious majority in the Land, and in their subjective feelings of the halachic difficulties and challenges a Medina would pose.

Within this state of affairs, our Father-in-Heaven, who so much wants His children to come home, entered into the picture and brought about the historic imperatives for the establishment of the Medina.

Halacha in Israel today

In the complex spider web of our lives in the Holy Land, our rabbis are succeeding in dealing with the issues according to the Halacha.

Rav Shlomo Goren z"l, first Chief Rabbi of Tzahal, will be remembered for many things, but utmost for his success is laying down the ground rules for maintaining an army which acts within the parameters of Halacha. The army kitchens are kosher and most are mehadrin. The basic laws of Tzahal prohibit the desecration of Shabbat when not necessary for immediate defense. An officer is prohibited from giving an order contrary to the laws of Shabbat or kashrut. The army is the biggest organization in the country dealing with halachic conversions. Before going out to battle, the army rabbis who are also active soldiers, speak to the troops regarding the mitzva of defending Jews in Eretz Yisrael. And so much more.

Complex medical issues are dealt with within the Halacha, as well as technological challenges which are dealt with at the Tzomet Institute in Alon Shvut, headed by Rabbi Yisrael Rosen.

Women's health issues, in all its aspects, are dealt with in the Pu'ah Institute of Rabbi Menachem Burshtein.

Many issues were decided upon by great poskim such as Harav Shlomo Zalman Auerbach z"l, Harav Yosef Shalom Elyashiv z"l and Harav Shlomo Yosef Zevin z"l.

My premise is that the rabbinic leaders of 120 years ago opposed the creation of a Jewish State in Eretz Yisrael because of the halachic challenges inherent in a religious State. Had they been able to see our lives today in the Medina, they would have surely joined hands with the secular Zionist organization.

With the help of Hashem, the great poskim of today's Medina are proving that the halachic challenges have advanced and developed the Halacha in a way that has prepared the Medina for the advent of the Mashiach.

Shabbat Shalom,

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