

# Why Does the Torah Require Eretz Israel?\*

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*Dedicated to the memory of the late I.J. Grunfeld who enriched Anglo-Jewry with his devoted service as dayan and with his literary contributions.*

Even a cursory reading of the Torah is sufficient to impress us with the tremendous importance that it attaches to the duty of the Jewish people to acquire Eretz Israel and to live in it.

As early as in the third parasha of Beresheet, we read how Abraham was called by the Almighty to leave his country and kindred and father's house and travel to the land that G-d would show him (Genesis, 12:1). Then, very close to the conclusion of the Torah, we read the last words spoken to Moses before his death by the Almighty, containing that deeply moving command: "This is the land which I swore unto Abraham, unto Isaac and unto Jacob saying, I will give it unto thy seed, I have caused thee to see it with thine eyes but thou shalt not go over to the land" (Deut. 34.4). Previously we had heard Moses praying, pleading and crying out to be permitted to cross the Jordan and see the fair land which was promised to the Patriarchs, but the Divine decree had refused his plea, and here we see Moses poised on the peak of the Mount of Nebo, yearning to enter the land but only permitted to scan it from afar. The Torah more or less ends on this note of yearning and tension.

The significance of the land for Judaism is again illustrated when the spies, sent out by Moses, cast doubts upon the feasibility of trying to conquer it, and were punished more severely than those who had worshipped the Golden Calf.

The following question must confront a thoughtful mind: Why is it that whilst the most important world religions do not recognize frontiers to their activities, the Torah directs that a specific nation and a specific land should act as a vehicle for its message?

We know that Christianity, for instance, tries to spread all over the world. So does Buddhism and so does Islam. These religions do not limit themselves to nation, peoples or particular countries. Yet, Judaism does. Is this not a surprising restriction? Why should a religion, which has such an unrivalled universal outlook as Judaism, be so limited?

Of course this question could be given a simple answer by saying that in an overwhelmingly idolatrous environment the Jewish people had to be separated from the destructive surroundings in order to preserve in purity the worship and service of the one G-d. However, we venture to suggest that this answer may not really exhaust the significance of the need for a land and that it probably conceals a more subtle reason.

Other religions, quite apart from the dogmas, can be described as vertical religions in that they lay stress either on faith or inner psychological states linked to the monastic or secluded life pattern. They tend to restrict themselves to the exclusive relationship between man and his god. Not so the Jewish religion, the essence of which is its inter-personal relationships and a legal system which stresses above all a deep concern with the weak and under-privileged: i.e. the slave (Exodus, 21:2-6; Deut. 15:12-18), the maidservant (Exodus, 21:7; Deut. 15:17), the laborer (Deut. 24: 14-15), the poor (Lev. 25:35; Deut. 15 7-11), the borrower (Exodus, 22: 24; Lev 25: 36-38; Deut. 15: 1-6), the woman taken captive in battle (Deut. 21:10-14), the hated wife (Deut. 21:15-17), the privacy of a man's home (Deut. 24:10-13), the orphan and the widow (Exodus, 22-21; Deut 24:21; 27:19) the stranger (Exodus, 23:9; Lev. 19:33, 25:35; Deut. 24:17, 27:19), the Levite (Deut. 12:19, 14:29, 16:14; 26:11-13), whose tribe possessed no portion of inheritance in the land, the protection of the criminal from over-harsh punishment (Deut. 25: 1-3), the protection of birds (Deut. 22:6-7), and the humane treatment of animals (Exodus, 23:5; Deut.22:10; 25:4).

Even the Sabbath and the Year of Release have as their stated object the protection of the laborer (Deut. 5:14), rest for the animal (Exodus, 23:12), and the availability of food for the wild animals (Lev. 25:7).

Furthermore, the Torah lays down laws designed to bridge the gap between various sections and strata of society and to unite their hearts in brotherhood and amity, especially during periods of rejoicing (Deut. 12:18; 16:11, 16:14).

In order to build a society in which a legal system could be set up which took its inspiration from the ideal of kindness and protection of the rights of those who were socially at a disadvantage, a special nation was needed whose religion insisted on such an ideal and a country was needed in which such a legal system could be introduced. One ideal of such a state would be the abolishment of poverty: "...there shall be no needy among you" (Deut. 15:4).

In other countries where the laws in force were largely designed to protect the vested interest of the powerful landowners, a mere movement for improving the laws which was not constituted as a nation stood little chance of success for such a movement would have been regarded as a threat to the interests of the rulers, and forcibly suppressed. Our rabbis tell us that even Abraham himself was persecuted in his native country by Nimrod.

The righteous who went before Abraham, such as Enoch, Noah and Shem, even though monotheistic, seem to have practiced a vertical religion as our rabbis explain, The great turning point came with our father Abraham who G-d knew could "command his children and household after him to keep the way of the Lord to do righteousness and justice" (Genesis 18:19). It should be explained that when the word `mishpat' is used together with the word `sedaka', as in the above quoted passage, it does not really mean justice in the sense of imposing a punishment but rather has the sense of awarding the weak their just dues and rights. Compare: "laasoth mishpat avdo" (Kings 1, 8:59) where it is translated, "to uphold the cause of his servant". It has a similar meaning in "osei mishpat yathom ve- almana" (Deut. 10:18) - He upholds the cause of the orphan and widow, and in the passage "osei mishpat la-ashukim" (Psalms, 146:7) - "He upholds the cause of the oppressed."

Thus, with Abraham a turning point in history takes place. It is revealed to Abraham that G-d does not demand so much worship in seclusion as ethical behavior reinforced by just laws and persons capable of upholding the spirit of such laws. The book of Psalms enshrines this thought: "And He gave them the land of the heathen and they inherited the labor of the people that they might observe His statutes and keep His laws" (105:44-45).

But the Almighty had even an even wider purpose. He wished the model society established by the Jewish people to serve as a model to the whole world. Therefore, he did not choose a remote land, but a country that would catch the eye of the world by being situated in what is perhaps the globe's most central position ("the navel of the world", in the language of the rabbis), namely on the bridgehead joining the three great continents: Europe, Asia and Africa, and one, moreover, lying on the sea coast, opening it to even more distant countries.

These ideas are tightly woven into the words spoken by the Almighty to Abraham in telling him to found a nation and country: - "Get thee out of thy country, and from thy kindred and from thy father's house into a land that I will show thee... and I will make thee into a great nation and I will bless thee and make thy name great and thou shall be a blessing... and in thee shall all the families of the earth be blessed". (Genesis, 12:1-3).

These few words contain the basic idea of being worthy to found a nation and to have a land and to become an example and blessing to the nations.

Moshe, our teacher, also makes it clear that he is interested that the nations of the world observe the Jewish way of life and try to copy it, for he says, "Observe therefore and do them, for this is your wisdom and your understanding in the sight of the peoples that when they hear all these statutes they shall say, `surely this great nation is a wise and understanding people'" (Deut. 4:6). Moses also says, "And all the peoples of the earth shall see that the name of the Lord is called upon thee" (Deut. 28:10).

These ideas were expanded and elaborated by Isaiah, when he says:

"And it shall come to pass in future time that the mountain of the Lord's house shall be established at the top of the mountains and shall be exalted above the hills, and all nations shall flow unto it, and many people shall go and say `come ye and let us go up to the mountain of the Lord to the house of the G-d of Jacob and He will teach us of his ways and we will walk in His paths, for out of Zion shall go forth the law and the word of the Lord from Jerusalem'" (Isaiah, 2:2-3).

When Isaiah says that the mountains of the Lord's house shall be established at the top of the mountains, he is speaking figuratively, for mountain, here, means the leaders of the world. Compare: "Who art thou, Oh great mountain, before Zerubabel thou shalt become a plain" (Zechariah), 4:7). Here Isaiah has spelled out the message of Genesis and Deuteronomy, that the social structure which the Jewish people shall exhibit will become a paradigm for the world, and in fact, when the world successfully copies similar legal systems which shall ensure order, justice and kindness to all its citizens, then the attitude of countries to each other will also change and their violent passions will subside for their citizens will build up much less aggression in their souls, living less frustrated and happier lives. Once such psychological conditions prevail, the peoples of the world will be prepared to be led by a just leader. Hence, Isaiah continues: "And he shall judge among the nations...and they shall beat their swords into plowshares and their spears into pruning hooks, nation shall not lift up sword against nation, neither shall they learn war anymore" (Isaiah, 2:4).

At this point it might be asked, did the Land of Israel in the past actually fulfill the great role that was assigned to it?

The answer is that it played one of the greatest roles in history and if it did not complete its task by absolute standards, it certainly did act as a sounding board to the nations whereby the foundations of the moral order of the West were laid down.

Speaking of the roots of American culture, Russell Kirk observes: "Our modern moral order, at least in what is called the West, runs back to the burning bush on Sinai" (The Roots of American Culture, p:17). Professor Eric Voegelin writes: "Through the leap in being, that is through the discovery of transcendent being as the source of order in man and society. Israel constituted itself the carrier of the new truth in History" (Israel and Revelation, p. 123).

Such is the depth of the Order which Israel taught that Professor Voegelin goes on to say: "Without Israel there would be no History" (ibid p. 126) Then, referring to the confused and dark vision of some modern historians, he goes on to say: "Spengler and Toynbee return indeed to the School of Civilizations from which Moses had led his people into the freedom of history" (ibid).

We have now answered the questions raised: why a land and nation were needed as a vehicle for Abraham's ideal, and why this specific land was chosen.

What lesson may be drawn from the above conclusions? Firstly, that the aim of the Torah is not a "vertical religion" but essentially a religion of social justice. This was beautifully expressed by the Rabbis when they said: "Moses said to the people of Israel, "G-d has given you His Torah - if you do not carry out the civil laws, He will take away His Torah from you. Why? Because G-d only gave you the Torah for the purpose of carrying out justice, as is written, 'The strength of a king is shown when he loves justice' (Psalms, 99:4). Therefore, if you carry out the civil laws, G-d will give back to you your law courts, as it says, I shall bring back your judges as at first and your counselors as at the beginning. Afterwards thou shalt be called the city of righteousness, 'the faithful city' and, what does it say thereafter? 'Zion shall be redeemed with justice and those that return to her with righteousness'". (Midrash Rabba, Exodus, Parasha 30. para.9)

From this it follows that the immediate task of redeeming our country spiritually today is to bring the laws of our country more and more into accordance with the laws of the Torah and its spirit.

Actually, a beginning has been made to lay the foundations for carrying out such a task. We are handicapped by the fact that it is today almost impossible to know what the opinion of Jewish legal authorities through the ages have been in connection with countless specific topics. The reason for this is that although we have a huge literature of responsa (decision by our legal authorities) we have at present no method of locating those decisions embedded as they are in a vast literature which comprises some 30,000 volumes. In order to retrieve the necessary information, it is necessary to put the contents of the individual responsa which number hundreds of thousands, onto a computer. This is being done in different ways at two places, one at Bar Ilan University, in conduction with Yeshiva University of New York, and, in a slightly different way, at the Law Department of the Hebrew University on Mount Scopus. When these projects are completed, we may expect a body of well-trained experts in Jewish Law to sit down and distill out the ideals of Jewish jurisprudence and to find ways and means of applying those ideas to modern conditions and modern problems. The Kenneseth is sure to give its best attention to the considered opinions of such a body and will incorporate their findings into future laws. However, the public must be award of the vital role which the laws governing our country play in the framework of our religion.

Only too often one hears opinions and attitudes, from deeply religious people, which portray a complete indifference to the legal system of the country, without realizing how such opinions and attitudes contradict the most basic concepts which the Torah wishes to inculcate into the hearts of the Jewish people.

To understand the attitude of such people one must realize how Judaism was gradually reduced from a structure of social engineering to a mere "faith". First, our people lost their independence, country and Sanhedrin. Thereafter, they still kept their autonomous courts in countries such as Babylonia where they lived in great concentrations. When, later on, Christianity and Islam did all they could to degrade the status of the Jews, he still kept a measure of autonomy within the walls of the ghetto. However, when the Emancipation started in Europe, the Jews were given to understand that they could only enjoy freedom if they gave up their autonomy, ceased to be an independent people and reduced their religion to a passive and vertical faith. (See Encyclopedia Judaica under the following heading: Emancipation, Napoleon Bonapart) on a par with other religions, a process which the nations who had erstwhile been persecuting us well understood could break our back as a nation. This, in fact, it nearly did.

Indeed, it worked so well that even the orthodox in many countries were influenced into claiming that they were German or English or French by nationality and only Jews by religion, not realizing that in harboring these feelings they were playing into the hands of their enemy who was out to destroy the Jewish national identity.

Yet, with some, this self-destructive idea became integrated into their Orthodoxy so that a feeling which should have been felt as a betrayal of our people became, so to speak, sanctified.

Such people forget that an indifference to the civil laws spells the end of the Torah, as our rabbis said in the passage quoted previously. Indeed, it is this insensitivity to the importance of the dimension of civil law as an integral part of Judaism that has allowed some orthodox Jews to arrive at the strange opinion that a country of their own is a superfluous luxury for Jews and also for Judaism. This clearly represents a regression to the pre-Abrahamic outlook and, if acted upon, would nullify the great transformation in the moral order for which the Patriarchs and Moses stood.

What we must remember today is that in ages past, during the Second Temple and again during the periods of the Mishna and Talmud, and even down to fairly recent times, major regulations were instituted by rabbinical legal authorities in order to ensure that fairness and equity should continue to regulate Jewish society through all vicissitudes and changing patterns of life which the years brought them. Creative activity in the sphere enactments was patently regarded as crucial to Judaism and as part of the natural application of Torah principles to the new situations.

Such growth may not be arrested now. Now that we have our Holy Land back, how can such a vital concern of our religion be handed over in its entirety to the secular powers, and to short-term interests? Every aspect of the long-term welfare of our people must be strongly represented, studied and legislated for.

It may be that if our ecclesiastical authorities rightly feel that we are not yet ripe for a Sanhedrin, or that we do not have men sufficiently trained for such a position, might not then the creation of a 'Shadow Sanhedrin' be considered in order that they apply themselves to current problems and study in what direction substantial benefits could be bestowed on the Israeli legal system out of the rich storehouse of Jewish tradition and the Jewish past? For many years they would only be an exploratory body without actual powers but be able to influence by advice.

But, an attitude of indifference to the question of whether the secular legal system in Israel is just or not, combined with an attitude of non-cooperation, must be seen as being contrary to the whole tenor and spirit of our Torah.

One thing is certain and that is that a truncated Judaism that is chiefly interested in the ritual side of the Torah and has abandoned its great social ideas will result in a mere caricature of what Judaism really stands for and a mere shadow of its authentic essence. Furthermore, it would constitute a real abdication from a feeling of deep responsibility towards the social structure for which Judaism stands.

It would, moreover, become a Christianized Judaism, for just as the Church is chiefly interested in people belonging to the Church and the priest officiating at births, marriages, and deaths, so Judaism would become chiefly interested in synagogue attendance and that a rabbi officiates at births, marriages, and deaths. Could a greater distortion of our teachings be imagined? And could a greater victory have been given to our enemies whose main subconscious motive is to annul specifically Jewish ethical ideas from influencing the structure of society?

Let us therefore reverse any process of attrition that may be overtaking us in this area. Let us take a deep interest in the formulation of Equitable Law in our country, and help in building up the legal structure in the spirit of the Torah, so that Zion may be indeed be redeemed with 'mishpat' and those who return to it with righteousness.

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This is the point at which my article had originally ended. However, a friend who read it thought that the message of the article might be misconstrued by some readers. He feared that they might come to the conclusion that what I was saying amounted to the thesis that all Judaism required was interpersonal and inter-social decency, and something that one might almost equate with secular humanism. Anyone coming to such a conclusion would be in serious error. The writer is overwhelmingly convinced that deep commitment to others can only spring from a consciousness of G-d's presence, and one might say that the depth of one's commitment to others was in direct ratio to one's commitment to G-d.

It must have become apparent by now to every discerning observer of human affairs that the humanism which secularists advocate is nothing but a veneer, and being a mere ideology, of necessity cannot be more than skin-deep. If at times it seems to inspire enthusiasm, on closer examination, it will usually be found that the enthusiasm springs from impure motivation such as resentment, jealousy or a feeling of need for justification.

The truth of this statement is well illustrated by History, where the pattern of events is easy to read for the facts stand out starkly.

We frequently hear liberals talking critically and with an air of superiority about religious persecution and religious coercion. Let us take a metaphoric balance and put on one of the scales all the persecutions and coercions that have been suffered by Jews and others at the hands of various religions during the last 2,000 years. Then, let us put on the other scale the amount of blood shed by atheistic revolutions during the last 200 years, taking into account the French Revolution, the Russian Revolution, the Chinese Revolution and lastly the Nazi holocaust which included both Jews and non-Jews. We shall arrive at a figure for innocent citizens slaughtered in cold blood which would exceed 60,000,000.

The above facts show that the wanton destruction of human life committed in the name of secular ideologies make the acts of various religions over the last 2,000 years pale into insignificance.

These figures also disclose the fact that under the banner of ideologies which profess a desire to improve human relationships there simmers a ruthlessness and a disregard for life, which is unparalleled in any religious movement. All ideologies which have advocated secular humanism, liberty, fraternity, equality, not based on some deep religious intuition, have over the course of times been proved to have been hollow mockeries. Incidentally, the spearhead of atheistic ideologies is permissiveness, which gives unrestrained freedom to the sexual instinct. At a later stage freedom is given to the aggressive spirit. Hence, the great increase in violence in recent years, both on the screen and stage, and in society at large.

Let us now return to the question of Judaism. Over and above the various precepts which demand from us kindness, honesty, and humaneness, there stand the important and indispensable precepts which demand the practice of various rituals bracketed under the heading of "miswoth shebben adam lamakom", which means precepts regulating the relationship between man and his Creator. The purpose of these precepts is to open up channels in our soul for the influx of divine consciousness, and to develop in us a sensitivity to the spiritual order. It is only on the solid basis of such consciousness and such sensitivity that the harmonious relationships to humanity and society can be built.

Even this must not be thought of as just humans learning to live with each other. Something much deeper is implied. When humans attain to an inner harmony with the Divine Will, then the very order of the universe is changed - a higher harmony is injected into all the workings of the cosmos to produce interlocking and smooth relationships between every part of the whole.

Secularism, which demands no exercises in self-discipline, which has no places or times set aside for the dimension of the sacred, can never tap those deep well-springs of spiritual power which alone can lift man and society to a higher plane.

It is pathetic to see liberals, humanists and atheists look on helplessly at human shortcomings. They stand aside watching human failings without a plan, without a path and without any solution.

The two fundamental aspects of the Jewish religion, namely the relationship between man and G-d, and the relationship between man and society, each complimenting each other and each underpinned and fostered by an array of precepts, are integrated in the Torah into a system designed to ensure both personal and social perfection of such a quality that it will ultimately bring about an undreamt of harmony in the world, molded by good will, love, understanding and peace into a single community throbbing with a single pulse, but above all, interpenetrated by the Divine Presence.

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