

RAV YITZCHAK HERZOG: THE ETERNAL RELEVANCE OF TORAH

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During the nearly two millennia that the Jewish people did not hold sovereignty, those *halachot* that related to the creation or running of a polity, such as many economic and judicial laws, were not practically relevant. However, with the miraculous creation of the modern State of Israel, the Jewish people were faced with the challenge of building a society in its totality. For Religious-Zionist poskim, who believed that the return of Jewish sovereignty had religious value, it was critical to explain how a State could function from a religious perspective.

Some poskim, such as Rav Goren, were more comfortable relegating these responsibilities to the secular authorities by granting them the status of a *malchut*, a kingship, while others sought to find ways of integrating the spirit of the Jewish law into the state, though not the letter (as in *Mishpat Ivri*). However, Rav Yitzchak HaLevi Herzog, the first Ashkenazi Chief Rabbi of the State of Israel, had another approach. He believed that given the chance, halachah could develop an entire economic system, though he did not seek to impose a halachic criminal law. Theologically, he thought it was heretical to embrace a secular court system with its own standards of economic law, especially one which was merely a hodgepodge of British and Ottoman law. It was an

implicit statement that the word of G-d was incapable of speaking to the modern world.

However, he understood that for thousands of years, these laws had not been developed in a way that they could function in the modern state. There were expectations that daughters should inherit, that non-religious Jews or non-Jews be accepted as witnesses in courts of law, things that from the vantage point of strict halachah are not the case. His solution was to propose *takkanot*, decrees that would bridge the gap between halachah and modern society. To that end, he gathered many Torah scholars to develop a system of such decrees to prove that it could be done, hoping, though not expecting, that they would be accepted as the law of the State of Israel. These proposals were collected and published in a three-volume book, *Techukah L'Yisrael al Pi Torah - A Constitution for Israel According to the Torah*.

Dr. Alex Kaye devoted his dissertation to Rav Herzog's novel approach. The basic philosophy that undergirded it became the majority position among religious-Zionist thinkers, since it was specifically they who had hoped that the State could represent the Torah as part of its fulfillment of the beginnings of the redemption. Rav Herzog summarized his idea succinctly:



Rav Yitzchak Herzog zt"l
1888 - 1959

The aspiration of all of religious Judaism in Israel and the Diaspora should be that the constitution include a basic clause that the law of the land is based on the foundations of the Torah. (trans. from Kaye)

The *takkanot* were his way of trying to get Israelis who did not necessarily embrace the Torah to accept this vision, by finding a way to express halachah and democracy. His conviction that Torah could and should speak to the modern world should inspire us to think creatively about how Torah can be integrated into all areas of life, even those that have not been classically under the purview of halachah. (Modified from *Toronto Torah*)