

Geulas Yisrael #38
Oaths of Jewish History

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Parshat Mishpatim lists a comprehensive system of monetary laws and the judicial protocols which enforce that system. Legal oaths are taken under three scenarios: if an item was deposited with a watchman for safekeeping and became damaged, the caretaker or "shomer" must swear about its breakage or damage. Secondly, if one lone witness verifies a claim, the defendant must swear to his innocence. Finally, a defendant who confesses to owing part of a monetary claim must swear that he doesn't owe the full amount.

Legal oaths are meant to both verify claims and to deter future lies. Knowing that oaths will be imposed deters dishonest people from lodging false claims.

In 1952, The Satmar Rebbe authored a strident sefer known as Vayo'el Moshe in which he lodges vociferous accusations against Zionism. He asserts that the Zionist enterprise violated divine will and that the Holocaust was a punishment for these historical crimes. Returning to Israel was illegal because it violated the famous "three oaths".

Shir Hashirim details the odyssey of Jewish history and the timeless struggle to resurrect our lost relationship with Hashem. This odyssey is encapsulated in a parable about a courtship between a man and woman. At three stages in the story, as the love between man and woman is about to flare, three oaths are imposed "not to undermine nor to awaken the love until it matures and is desired - **אם תעירו ואם תעוררו - את האהבה עד שתחפץ**

Based upon these three proclamations, the gemara in Ketuvot lists three divine restrictions incorporated in three oaths: The Jews were avowed not to attempt a military recovery of Israel, and also were obligated not to overthrow the authority of their host Gentile countries. The Gentile nations were "sworn" not to excessively persecute the Jews. To the Satmar Rebbe, Zionism had violated the two oaths of the Jews.

Those who view Zionism as a divine intervention, and our return to Israel as the launch of redemption must carefully consider these oaths and the

Satmar Rebbe's claims. Here is a brief summary of four different responses:

Are These Oaths Halachik?

Not every statement in the midrash or the gemara is a legally binding regulation. Typically, the Rambam and the Shulchan Oruch serve as yardsticks to determine halachik legality. Neither cites the three oaths, raising significant doubt whether this gemara should be read as halacha or merely as allegory.

The question of halachik legality is even more pressing given the odd nature of these oaths. For oaths to be binding they must be verbally articulated. These oaths were never actually spoken by any human being. Furthermore, oaths taken by a parent do not bind a child or a descendant. How can ancient oaths, even if they were once articulated, legally regulate our behavior thousands of years later?

Evidently, these oaths which do not conform to halachik oaths are not legal vows but rather, establish a framework for an ambitious anthropological experiment called Jewish history. It is unnatural for an indigenous people to live for thousands of years severed from their homeland and subject to foreign rule. This situation can quickly disintegrate into constant tension, belligerence and chaos. Hashem installed historical "ground rules" to assure a relatively stable Jewish exile. Jews would make peace with their condition rather than constantly ferment rebellion or continually mobilize for military missions. In exchange, Gentiles would supportively host the Jews and avoid excess persecution and discrimination. This was a historical working arrangement rather than an assortment of legally binding oaths.

Have 'They ' Upheld their Oaths?

Even if we assume, for the sake of argument, that these oaths are literal and legal, perhaps they are mutually contingent. Namely, Jews are bound to their oaths as long as the international community maintains its oath- not to persecute the Jews. Looking back at the past millennia of human history and the endless inquisitions, deportations, massacres and pogroms- capped off by the horrors of the Holocaust, it is evident that

their oath has been grossly violated. Once that oath has been suspended Jews are released from their side of the bargain.

Did we Rebel and Attack Israel?

Regrettably, our continued survival in Israel requires one of the best-trained and highest motivated armies in the world. Furthermore, serving in the Israeli army is an honor we could only dream of for thousands of years. However, we never planned this scenario. We had hoped for a peaceful resettlement of our people in their homeland. We worked through international bodies to bring this dream to fruition. Step by step we secured declarations, UN resolutions and international support. When Arab countries refused to accept us, and invaded our fledgling state threatening to annihilate us, we were forced to defend ourselves. Our return to Israel can hardly be portrayed as a "rebellion" or a "military grab". We arrived peacefully on donkeys and in boats, hoping for harmony but prepared, if need be, to defend ourselves militarily. Sadly, we were forced into armed conflict. This wasn't our decision nor our initiative.

Has the "Time" Arrived?

We were sworn not to accelerate the love until the love has matured and has become "desired". It appears that Hashem's love for us is ripening right before our eyes! Millions of Jews are streaming back home in a once-in-history human pilgrimage. Arid lands in Israel, which had lain fallow and barren for centuries, have bloomed. Torah study is proliferating in Israel, and radiating from Israel, at levels unseen in over 2500 years. Our state has advanced exponentially in almost every sector of national development. Hashem 'desires' our affection and now, we are summoned to respond with our own signs of love. The oaths have expired.

We patiently wait for Hashem to fulfill His ancient promise to our ancestors to bring us all home.