

## **HaRav David Bar-Hayim & His Torah - An Introduction**

*By Yair HaKohen*

I was introduced to the ancient nusach tefillah of Eretz Yisrael by Rav David Bar-Hayim and I would like to express my appreciation to the Rav for his courage, creativity, and mesirut nefesh in advancing ideas and practices which are not being promoted by the mainstream rabbinic Establishment.

For many years I was in touch with the Rav and knew him as a rabbi who was posek halacha in a way that was decidedly different from that of rabbis I had previously encountered. But, I did not completely "connect" with his halachic approach until he introduced me to nusach Eretz Yisrael. This nusach, or liturgy, was used in Eretz Yisrael from time immemorial until the time of the first Crusade (1095-1099), at which time the Jewish communities of Eretz Yisrael were annihilated or dispersed. I now understand that his approach can perhaps best be explained as the culmination in the halachic realm of the type of "hands-on" approach which made many idealistic, religious Jews make aliyah, as opposed to relying exclusively on prayer and anticipation for Mashiach to come. Yes, the Rav's approach also parallels in the halachic realm the efforts of good religious Jews who, understanding that Mashiach is not a prerequisite for the building of the Temple (clearly implied by the Talmud Yerushalmi, for example) proceed with activities meant to strengthen our control of the Temple Mount and ultimately pave the way for the rebuilding of the Mikdash. And yes, Bar-Hayimism also represents a halachic "hands-on" approach which parallels the efforts of those religious idealists who devote themselves to trying to re-convene the Sanhedrin.

The Rav has for many years had the wisdom to understand that just as other lofty religio-national goals must be pursued proactively, so too a halachic recalibration need not occur as some far away result of the deliberations of a future Sanhedrin once Mashiach has already come. While we must revere talmidei chachamim of previous generations, we must also have the self-confidence to believe in the ability of talmidei chachamim of our own generation to get to the bottom of halachic issues in an intellectually forthright and consistent fashion without always resorting to such popular Orthodox slogans as "this makes sense but we don't pasken that way" or "it's a machloket." If a scholar understands the Rishonim and Acharonim on a given issue and has achieved a high level of certitude regarding the correct position, then he should have

the courage to take a stance and not allow the truth to be lost in post-modernist quagmire.

And so too regarding the return to the Talmud Yerushalmi. The time has come to take all of the sources which indicate the supremacy of Torat Eretz Yisrael at face value-as well as those which speak of the ultimate resurgence of the Talmud Yerushalmi. HaRav Avraham HaKohen Kook ztz"l wrote of how the Jewish nation's return to Eretz Yisrael will be and should be accompanied by a return to the Talmud Yerushalmi in the halachic realm as well, and this as a result of a change in the manner of limud Torah. HaRav Kook's approach regarding these matters can readily be seen from his writings in Orot HaTorah, Perek 13 paragraphs 3 & 4, and Igrot HaRa'ayah, Heleq Aleph, No. 96, pps. 112-113. HaRav Kook cites the Zohar Hahadash (according to the Gra's annotation) which states on the pasuk "al hageulah v'al hatemurah" from Megillath Ruth that "al hageulah" refers to the Talmud Yerushalmi and "V'al HaTemurah" refers to the Talmud Bavli. "V'al HaTemurah" denotes a substitute, something that serves as a temporary, inferior substitute to that which is ideal, i.e. the Talmud Yerushalmi which we return to as we return to Eretz Yisrael.

We merit in our generation to have among us a Rav who is committed to carrying out the authentic legacy of HaRav Kook. That which HaRav Kook delineated as being a necessary part of the Jewish nation's development will never come to fruition without the willingness of a Rav to forge ahead and make Torat Eretz Yisrael a living, breathing reality. Rav David Bar-Hayim has arrived to advance this monumental endeavor.

A hands-on approach is such a satisfying one to take-we need not feel intellectually and spiritually helpless. We can forge our destiny with Hashem's help and all for the purpose of serving Him in the best possible fashion-accepting the Truth even if it veers from common practice (though very often it does not) and adopting an Eretz Yisraeli approach to Jewish Law.

Nusach Eretz Yisrael provides a focal point which enables a renewed concentration\kavannah in our tefillah and also drives home the point to ourselves and Jews everywhere that indeed we really our home in Eretz Yisrael – not just physically, but spiritually and intellectually as well.

Since I've begun using nusach Eretz Yisrael my kavannah during davening has increased substantially. And the nusach also provides me with a concrete anchor into the world of Torat Eretz Yisrael. I now feel exactly what I intuitively felt was lacking-a way to express my religio-nationalist aspirations on a daily basis. While I derive much joy from annual

observance of Yom Haatzmaut and Yom Yerushalayim, I have always felt that if these are the only authentic expressions of dati-leumi Judaism, then apparently DL Judaism has not succeeded in creating a Torah-Halachic paradigm substantively different from the Haredi paradigm. I felt that there must be more, there must be so much more....

The more I think about it, the more I realize that what Rav Bar-Hayim has effectively done by reviving nusach Eretz Yisrael is to revive a national form of Judaism which is the logical extension of the national religious\dati-leumi idea. Those in the dati-leumi rabbinic Establishment who wonder what can be done to make their hashkafah more attractive to Jews who as of late very often feel the tug in the haredi direction-would do well to consider that a pale imitation can never serve as a vibrant alternative to the object of imitation. Far more attractive is when one moves forward with confidence towards the natural and logical fulfillment of those essential values which have already been intuited for generations.

Simply put: neither eating falafel, nor observing Yom Haatzmaut, nor ascending periodically to Har HaBayit, nor even the creation of another hilltop settlement in the Shomron are sufficient for dati-leumism to be viewed as a vibrant, independent, ideology which serves as a magnet to attract others. In fact, we run the risk of being marginalized by the vast majority of Israeli society if the current dissonance between our halachic mode and religio-political positions continues. When the majority of Israeli society, which is either dati, haredi or traditional\masorati, recognizes that we are internally consistent-that our individual lives and national lives jibe in a harmonious, organic fashion-then we stand a fighting chance of making them understand that our political goals are the natural extension of a healthy Jewish approach. That these goals are not the rantings of "extremists" but the only possible result of true Torah personalities. Truth be told, even some members of the secular population will acquire more respect for both Judaism and religio-nationalism when both are seen as melding naturally. It is currently difficult for the secular population to have anything but contempt for a Judaism seen as archaic and out of touch with the newly constituted national existence.

This point is of great significance when one considers that current trends demonstrate increasing polarization-part of the population becomes more religious, while the other part becomes more secular. And specifically in the masoriti\traditional population we see the same trends-a generation of masorati has engendered a generation of children who are either more religious or more secular-the status quo does not remain. Those who choose a more secular direction stand a much better chance of learning to respect a Judaism which seems more relevant.

Here we touch upon a crucial point. Nusach Eretz Yisrael is not just icing on the cake. This beautiful nusach is an urgently needed vehicle for getting us into the right mode so that we will be in a position to influence all of am yisrael to get into the right gear and take those actions which will get us out of the current morass and onto the right track.

If this last point could only be understood by more individuals in the Torah world then we could really start to jump-start this country onto the path towards a Torah State. Torah State?! First let us have the right type of Torah-personality; then we'll be in a position to influence and convince others of the need for such a State.

Fundamental to the Rav's approach is the idea that our long sojourning in Exile\Galuth did not merely involve physical punishments, but intellectual and spiritual ones as well. Our concepts have become blurred, our Judaism is not as lucid as it once was. Concomitantly, Rav Bar-Hayim offers us the opportunity to start removing the haze by ourselves, not waiting for some magical/mystical/unknowable event to occur. Just as it is unreasonable to wait for the Temple to descend from Heaven, so too is it unreasonable to assume that the haze will just waft away without our doing something about it.

The Rav speaks of the need to move from galuth mode to geulah mode-what an enchanting idea! Let us upgrade our own mode of Judaism as a pre-condition for upgrading from a State of Jews to a Jewish State.

Some may ask: why do we need to involve ourselves in changing halachic modes? Let us just continue following the standard haredi\dati-leumi-halachic regime while at the same time we struggle for alternative leadership. While we must praise those who make efforts to bring about a truly Jewish political leadership, we must also point out to them that their message will ring much more clearly with rank-and-file Jews when a more organic message is conveyed. Our current Mishnah Brura mode needs to be replaced by a mode which will be recognized by all as a national halachic methodology-one that addresses our national condition and not just our status as a conglomerate of various communities.

When the average Israeli hears that Torath Eretz Yisrael does not divide Jews into the categories of Ashkenazi, Sephardi, or Teimani but provides one halachic paradigm for all-he will better be able to understand why the Torah can create nation cohesion and serve as the basis for governance in Eretz Yisrael. For that matter, when the average Israel hears that we have returned to the Talmud which has its roots in Eretz Yisrael -this also will convey a message that Judaism is not a relic of the past-that Judaism is of eternal relevance. He will understand that that which was relevant the last time we were sovereign in Eretz Yisrael is also just as relevant this time.

It is important to re-emphasize that while the dati-leumi approach does convey a message of greater relevance regarding national issues-this is only to a point-the dati-leumi approach can only be taken truly seriously as an alternative sovereign once dati-leumism fulfills its natural destiny by breaking out of the shackles of galuth Judaism and adopting an approach which combines Truth and Torath Eretz Yisrael. We must recognize that intellectual dishonesty turns many away from Judaism and that clinging to galuth Judaism has either the same effect or drives others into the arms of the real McCoy of galuth Judaism-haredi Judaism.

Shulchan-Aruch Judaism, which was our operating manual in galuth can not provide us with the direction which we now need in Eretz Yisrael. Perhaps this sounds scary, similar to renegade movements which historically have sought to override Chazal. To the contrary, Rav Bar-Hayim urges us to cling to the words of Chazal in the most

authentic fashion. The Rav's methodology is to study the words of Hazal, the Tora Sheba'al Pe, in depth, viewing the Torah as an all-inclusive system. This is the approach of Rambam in his Mishne Torah which served as the basis for later halachic compendia. From there, the Rav is posek in accordance with a straightforward understanding of the meaning of the Talmudim, while placing the Talmud Yerushalami back in the center.

The only thing that Bar-Hayimism rebels against is clinging to the haze. The formal purpose of rabbinic study and decisions since the time of the Talmudim has been to clarify and apply that which Chazal established. The formal purpose has never been to carry on practices which clash with that which Hazal decided. The problem is that the understood formal purpose has been replaced by a de facto unwillingness to abandon practices which indeed do clash with Hazal's decisions. Such unwillingness in effect creates a barrier between the natural desire of a Torah Jew to serve Hashem faithfully

and what he is actually at times doing in practice. It also effectively grants later generations veto power over that which Hazal intended.

What has essentially happened? Our long, bitter galuth has created a mode of Judaism which at times distorts Hazal's true intentions. Such distortions have arisen unintentionally-but when the Truth is apparent and yet rabbis claim that we can not reclaim the Truth lest we disrespect previous generations of rabbis-then ultimately it is Hazal who are being disrespected.

Bar-Hayimism is a powerful expression of fealty towards Hazal and respect for their words. Those who wish to serve Hashem-come and drink deeply from the satisfying wells of Rav Bar-Hayim's Torah.

Ultimately, those in the Haredi world who search for Truth will come knocking on Bar-Hayimism's door. Though there are different ways of characterizing modern harediism, one of its de jure characteristics is the desire to serve Hashem in the ideal manner, i.e. mi'lechatechila, and not b'dieved. The practices of many haredim would seem far indeed from Torah ideals, but at least formally this is what Haredim are supposed to be doing. Thus, Haredim's self-definition is based upon this idea-that they, as opposed to the dati-leumi, perform the precepts of Judaism in the best possible fashion-as opposed to the dati-leumi's watered-down, compromised form of practice. Again, we here are referring to Haredi self-definition which of course necessarily veers from their actual practice. Admittedly some Haredim do in fact invest enormous efforts in performing the mitzvoth in the way which they believe to be the best possible fashion. A community which sees itself as devoted to the Truth-despite all of the deviations-will ultimately find some of its followers wandering towards Bar-Hayimism-which not only prides itself upon the desire to serve Hashem in Truth-but actually does so.

We already see a not so gradual ideological splintering occurring in Haredi communities-a growing split between working or "modern" Haredi and classic Haredi, a growing population of Haredi youth who are searching for something else, but not secularism. Some of this splintering population will seek to take its formal self-definition in a radically different direction.

There ultimately is no part of am yisrael which will not be attracted to an approach which represents a return to Hashem in a manner whose authenticity will prove irresistible.

Nusach Eretz Yisrael is not "just another nusach". It is a vehicle by which the message of Bar-Hayimism can be conveyed to growing swaths of am yisrael who ultimately will return to Torath Eretz Yisrael.