

Torah for a Time of War: A Moral Map for an Impossible Present

Yehuda Kurtzer

Yehuda Kurtzer is President of the Shalom Hartman Institute and co-editor of *The New Jewish Canon*.

In the first few fragile days following the Hamas assault on southern Israel on October 7, it was hard to know what to think, much less what to do. The magnitude of the tragedy was so enormous and its brutality so savage that those of us who could only watch from afar—who could not participate in burying the dead, building a support network for displaced Israelis, or preparing for battle—could only sit in shock and in grief as an unimaginable story unfolded before our eyes.

Over those first few days and then weeks, I found meaning and solace in the Jewish tradition's legal and customary framework for death and mourning: *aninut*, the period before burial, when the Mishnah teaches^[1] that one who has a dead body for whom they are responsible to care and to bury, is exempt from the obligation to pray; *shiva*, the strangely social but still hushed week of visiting mourners and creating a cocoon of comfort and community for them; and, at thirty days after burial, when *shloshim* marks the next step in the mourner's return to regular life.

I also found myself using traditional interpretive frameworks to give shape to those first frightening and furious days; I defaulted to the language of Jewish collective memory as a means of to make a small degree of sense out of an anti-Jewish barbarism that I recognized from studying Jewish history but had never seen before in my lifetime. It is a normal Jewish activity to wonder, I wrote that week, where we have seen stories like this before, and what the present reminds us of in our past.^[2] These are coping mechanisms and a means of strengthening our resolve to survive.

But for better or worse, October 7 was bigger than the halakhic and liturgical prisms of mourning and more than another lachrymose moment in a terrible history. October 7 started a war; October 7 constituted another violent chapter in the Israeli-Palestinian conflict; October 7 signaled a major volley in what could constitute a massive regional conflagration, initiated and ignited by Iran; October 7 is another crucible for Israel's contested leadership, and an interruption in a yearlong domestic battle about the future of its democratic norms and institutions; October 7 triggered major efforts to sustain global Jewish solidarity, as well as a spike in global antisemitism and some increasingly tense dynamics between Zionists and others across liberal institutions.

We now need a complex way of thinking about the diverse and intersecting set of issues raised by the war, and a heuristic that enables us to make sense of what it means to be a Jew right now. We need a "*torah*," a teaching, for this war. I offer the following as a "moral map": a framework for ethical thinking that consists of a set of concrete moral commitments that can define the uncertain terrain of issues raised by the war. I am thinking more prescriptively than descriptively and so, for this exercise, I am interested in commitments to concrete Jewish ideas and values. I hope that we as Jews can confront what is before us more comprehensively, and that the language of our tradition can help us hold ourselves accountable.

The metaphor of a map helps us to see that having core commitments means that though the war in Israel could last for longer than we think, and though its consequences and ramifications are still unknown, we will be able to find our way forward. It also recognizes that we will be pulled in different directions, and that our moral voice will be needed on multiple fronts at the same time. By placing our commitments on a map, we know that they are shared and interconnected commitments, even if we find ourselves at different locations on the map at different times.

The moral map I am offering consists of four overarching commitments: peoplehood, or solidarity, and what it demands from us; sovereignty, and the responsibility of the State of Israel for what transpires in and at its borders; democracy, as an operating system, as the aspiration of the state, and as the essential infrastructure for the safety and security of Diaspora Jews; and power, for both the dignity it offers and the restraint that it demands.

The First Stop on the Map: Peoplehood & Solidarity

The response of most American Jews to the October 7 attacks was an overwhelming outburst of solidarity and the expression of a commitment to Jewish peoplehood. In retrospect, this was not a given. Many of us have argued for decades, with concern and urgency, that the sense of Jewish peoplehood—and with it, the experience of shared fate, or a sense of having a shared destiny—that characterized American Jewish attitudes after the Holocaust and during the birth of the State of Israel was eroding as a result of geographic difference, ideological difference, and the

passage of time.^[3] I was energized by the massive visceral response of American Jews to the tragedy in Israel, almost like a muscle memory of shared suffering; and I worried, almost simultaneously, whether it would fade as the narrative shifted from “pogrom,” with Jews as victims, to war, with Jews having agency. Would the moral impulses of American Jews be able to sustain a commitment to Jewish solidarity even as we would surely be stretched into assuming a more critical posture as the war continued? Would liberal American Jews resume their distance?

I have been pleasantly surprised, and relieved, to see that the culture of solidarity has been sustained. Attendance at Jewish communal gatherings, whether at rallies supporting Israel or regular synagogue services and Hillel Friday night dinners has been massive and unprecedented, signaling that Jews still possess an instinct to seek community in times of crisis. Together with approximately 289,999 others, I attended the March for Israel rally in Washington on November 14, which appears to have exceeded the high-water mark of the 1987 rally in Washington on behalf of Soviet Jewry, long understood by Jewish communal leaders as the last great time when American Jews were capable of uniting, mostly, with one voice. The rally managed to attract a wider tent on Israel than I would have thought possible, incorporating both evangelical Christians and the “peace bloc” of the Zionist left; and it proceeded without inflammatory rhetoric and without incident. Fundraising campaigns for war relief in Israel undertaken by legacy American Jewish organizations have been staggeringly successful, even reaching levels last seen in 1947. These demonstrate that our ability to organize the Jewish community in a time of crisis remains intact, despite mounting threats to “the establishment” that we have seen and heard over the past few decades. The Jewish community has also shown its strength politically, as public officials have overwhelmingly expressed support for Israel and the Jewish community and provided funding for Israel’s war effort and for the Jewish community’s fight against antisemitism.

This surprising demonstration of solidarity among American Jews mirrored the surprising solidarity of Israeli society in response to October 7. Immediately before the war, Israelis were as divided politically as they have ever been after 40 consecutive weeks of massive protests against the government’s efforts at radical judicial reform. The October 7 attacks reawakened a shared concern about the urgency of self-defense that runs from left to right in Israel. This did not end the political divides, though in some ways it forced them to the side (probably only temporarily). When some of the organizations that had been at the head of the protest movements in Israel now lent their frameworks to relief efforts, they were not conceding their claims against a government they oppose; rather, they were expressing the patriotic claim that citizens must take responsibility for their society’s most urgent needs in a new way. At a moment when they are particularly angry at their government’s failure to protect them, Israelis seem to understand intuitively that solidarity is more than an ideal. It is an essential commitment to help a society navigate through a difficult time, especially when external threats are more dangerous than internal ones.

Still, I remain concerned about the Jewish community's capacity to maintain a solidarity ethic. Solidarity is often misunderstood as homogeneity, and bad actors exploit calls for solidarity to litigate old grievances, to narrow the tent of Jewish communal belonging, and to suppress dissent. If the point of solidarity is that it offers the safety of others and the comfort of belonging, we must strive to make the circles of inclusion *wider* in these moments, not narrower.

At the same time, there are Jewish, anti-Zionist organizations and individuals using this moment to stand in clearer opposition to the mainstream Jewish community and to the State of Israel even more than they have before. They too are appealing to solidarity, in this case with their allies on the left and with the Palestinian people, as a means of movement-building. As both camps deepen their solidarity ethic with their stakeholders, it is reasonable to expect that the divide between the Zionist and anti-Zionist segments of the Jewish community are going to reach real and irreversible breaking points because of this war.

Many Zionist Jews, even on the liberal left, have discovered that their ties with allies in other faiths and ethnic groups were weaker than they had thought, another casualty of the way that war polarizes us and forces the redrawing of group lines into oppositional camps rather than complex networks. It is a reasonable response to both trends for American Jewish groups and institutions to redraw their own alliances in turn—to renegotiate the rules of belonging in Jewish life and to rethink what we want and need out of allies even after decades of hard-won accomplishments. One clear takeaway already is that liberal Zionists will have to be much more explicit about our commitments rather than assuming that our allies will respect our ambivalence on Israel and still know exactly how to support us when we need them.

Finally, at the time of this writing, some 240 hostages sit in Gaza, their whereabouts and condition entirely unknown. Over the last several weeks, scholars of different political persuasions have unearthed millenia worth of different prayers and laws showing that communal responsibility for freeing our abducted brothers and sisters is one of the oldest and greatest commitments of Jewish peoplehood. Helping to free hostages is exactly the kind of Jewish activity that proves the idea of peoplehood: in moments of crisis, we do not care about your politics; we are bidden to seek your safe return at whatever cost. There are some who are trying to argue that advocating for the hostages and supporting Israel's war efforts are mutually incompatible, a position that the IDF contests; the instinct towards solidarity pulls us in different directions, and it would be a tragic irony if the same instinct succeeded at dividing us.

Solidarity, then, is our first moral commitment: we need to solidify Jewish community in this moment, no doubt with a new set of rules and a bit of a reckoning, without shrinking its bounds. This means maintaining a sufficiently united public presence that will help alleviate the essential loneliness Israelis are experiencing, continuing support of Israel through this war and paying attention to the ramifications of a solidarity ethic here for the boundaries of our community and for the future of allyship. We will need to do this even as a brutal war will become more brutal

and even as we find ways to tolerate and promote diverse opinions about war tactics and Israeli democracy in ways that echo the conversations that Israelis themselves will be having.

Love Jewish Ideas?

Subscribe to the print edition of *Sources* today.

Subscribe

The Second Stop: Sovereignty

Zionism's most significant transformation of the Jewish condition was not the migration of Jews from one part of the world to another, but that the establishment of the State of Israel gave Jews control of the tools of statecraft and membership in the family of nations. Diaspora existence had been rooted in ambiguous otherness: at times Jews could be proximate to the halls of power and could benefit from its privileges, and at other times not. Sovereignty reversed the dynamic. To be sovereign is to be in charge, and thus to be responsible for whatever transpires within one's borders. The reality of the Jewish state demands a shift in mindset.

Tal Becker often describes this as the challenge for Israel to operate with “a sovereign state of mind.” It is easy, when you face existential threats and when you are the bearer of a traumatic memory of past existential threats, to relinquish responsibility and to capitulate to fear. The harder challenge for Zionism, and a pre-condition for its fulfillment, is accepting that every single aspect of what takes place in Israel's sovereign borders takes place under the auspices of the state. Jews must accept that as a normative reality, and Israel must govern accordingly.

It has been astonishing and horrifying, as Israel fights an essential war on its southern border and fortifies its northern border, to see the collapse of Israeli police and military responsibility in the West Bank and the rise of settler vigilantism against Palestinians, as well as the relentless fearmongering and seeding of suspicion—not to mention violence, either with state sanction or in the state's absence—against Palestinian citizens of Israel. There can be no rationalization of the state's failure to protect its citizens or the people it is responsible for under occupation. I personally support pursuing an end to occupation in the West Bank. A commitment to peace and justice for both Israelis and Palestinians, who I see as interdependent, is essential to my Zionism, but even for those who are willing to abide the status quo in the West Bank, the failure to protect its inhabitants must be understood as a source of shame. What is the point of leading a

state if you are willing to abdicate the core responsibility of protecting the people under your watch?

Deuteronomy 21 imagines a legal scenario ensuing from the discovery of a dead body in the open land between two towns in the land of Israel. In this case, as explained by the Talmud^[4] and later applied metaphorically to indict Israeli actions in southern Lebanon by the Israeli Supreme Court's Kahan Commission in 1982, the leaders of the nearest town must perform a ritual that exonerates them of responsibility for a senseless death that took place under their auspices and that they failed to prevent. More than absolution, the ritual attests to the truth of the matter: they *are* responsible, because whoever is in charge of the public square has to be responsible for whatever transpires in its midst. Sovereignty entails the acceptance, on a national level, that you are not allowed to remain indifferent.

Hamas' act of war violated Israeli sovereignty, and Israel's response is consistent with the rights granted internationally to sovereign countries. No country in the world could abide Hamas' invasion and maintain credibility as a protector of its citizens. By the same token, no country can tolerate vigilantism and structural racism within its borders and maintain credibility that it understands the responsibilities of sovereignty. Israel's campaign against Hamas in Gaza is intertwined with its responsibilities for Palestinians within its borders.

Zionists must not look away from the ways in which Israel's extreme right is leveraging the Hamas invasion to change the status quo for Palestinians in Israel and in the West Bank. Israel's just cause for war around the world is compromised when extremists turn an Israel-Hamas war into a war between Israelis and Palestinians or, even worse, between Jews and Muslims. An overreach by Israel's extremists will, in the long run, compromise the moral credibility of Israel's claims to sovereignty as recognized in the international community. And we must not look away because an Israeli failure to govern morally becomes a referendum on our Zionist aspirations to be in charge of our own destiny.

One important concrete ramification of this moral commitment is that whatever challenges we American Jews face domestically around interfaith and intergroup allyship, the agenda of building a stronger culture of such cooperation in Israel in the form of shared society work and other efforts at peacebuilding is more urgent than ever. Even if a commitment to solidarity leads many North American Jews to turn inward, we must also be allies to Israelis in building an inclusive culture of solidarity that incorporates both Jews and Palestinians.

The Third Stop: Democracy

Israeli democracy was vulnerable before October 7, and it remains vulnerable. Over the last few months, the Netanyahu administration sought to limit the power of the judiciary as a means of entrenching the ideological positions of its coalition members for years to come, and a wide majority of Israelis were regularly taking to the streets to try to prevent that plan. Netanyahu

entered the war not only unpopular for these shenanigans, but with wide resentment about the military and intelligence failures exposed on October 7.

A serious commitment to democracy does not take a break during a war, and a decision to give Israel's military the benefit of the doubt is not code for supporting the government without judgment or criticism. Striving towards better leadership in Israel which respects the structure and values of liberal democracy is an essential means to fighting the war. A free press, a robust public square, government accountability, and a balanced chain of command are tools in service of a just war fought justly.

In fact, Aharon Barak—the very same Supreme Court justice whose transformation of the Supreme Court in Israel prompted the government's recent judicial reform efforts—wrote with great sensitivity during the Second Intifada that:

The power of the state is essential to the existence of the state and the existence of human rights themselves. Therefore, limitations on human rights reflect a national compromise between the needs of the state and the rights of the individual. This compromise is a product of the recognition that human rights should be upheld without disabling the political infrastructure.... A constitution is not a prescription for suicide, and civil rights are not an altar for national destruction.... The laws of a people should be interpreted on the basis of the assumption that it wants to continue to exist. Civil rights derive from the existence of the State, and they should not be made into a spade with which to bury it.[5]

In responding to the dangers of terrorism in this way, Barak helped shape a language that licenses the state to fight these dangers even by periodically limiting rights as long as it remains committed to liberal democracy.

Israel's liberal democratic character must remain front and center even, or especially, in wartime. As we think about “the next day” in Gaza, we must also ask what it will take for Israel to guarantee its security while also ensuring democratic governance. It is not a coincidence that Israeli security establishment tends to believe that until and unless Palestinian national claims are reconciled with Israeli claims to sovereignty, Israel's safety will never be ensured.[6] There is no such thing as democracy for some within a shared polity.

As Israel acts on its commitment to democracy, American Jews must stay committed to the tools and values of liberal democracy to fight the aftershock battles that the war in Gaza has catalyzed here: erosion of the line between anti-Zionism and antisemitism, clashes between concerns for the safety of American Jews and protection of First Amendment rights to speech and assembly; the deterioration of pluralism in liberal institutions; and the collapse of an independent press in the face of global campaigns of disinformation aided by algorithms that incentivize and reward falsehood.

Wars incentivize anti-democratic behavior because we are inclined to grab onto measures that temporarily limit our liberty in pursuit of safety. Israel will be tested on this front, and increasingly North American Jews are similarly tested as we confront the problem of antisemitism. We will also be challenged because Israel and the North American Jewish community may determine the best balance between security and liberty in different ways, even though our fates are intertwined and even though the spike in antisemitism is a direct result of the war. I have argued before and continue to insist now that the strategies for us to best combat antisemitism are unsexy: they require us to invest in the institutions and infrastructure of democratic culture, including the elite university systems that once served as the liberal ladder for Jewish social and political mobility and now appear to be an obstacle.^[7] Disproportionate fear, brought on by a sense of vulnerability and an instinct towards solidarity, could make the situation here much worse.

The Fourth Stop: Power

Our final moral obligation is to reckon with the power that the Jewish people, through the State of Israel, now possesses.

North American Judaism has rightly placed concerns for justice and compassion at the heart of our religious vocabulary. We seek to be known as *bnei rachmanim*, a people characterized by compassion. This suggests that we lack the stomach for the fog, complexity, and violence that this war will entail. But we cannot afford to be squeamish when it comes to military agency and the impossible and tragic but necessary choices that an army has to make in wartime.

As Americans, we have the luxury of having only experienced wars from a distance. Intellectually and spiritually, we American Jews are products of a hybrid environment of American exceptionalism and optimism; of Christian hegemony, with its skepticism of empire, its embrace of martyrdom, and its message of “turning the other cheek”; and of Jewish Diasporism, heirs to a rabbinic tradition that was so skeptical of the violent overreaches of the Hasmonean kingdoms that it pivoted our destiny away from sovereignty over land and people into the intimacy of the synagogue and study hall, what the British anti-Zionist literary critic George Steiner called “our homeland, the text.”

The understanding of power, militarism, and self-preservation as moral goods is an essential piece of Zionism, and it too can be supported by the Jewish textual and moral tradition. In the spring of 1967, the philosopher Emil Fackenheim tried to make this case, arguing that “in this present unbelievable age, even a mere collective commitment to Jewish group survival for its own sake is a momentous response.”^[8] This idea is the basic precondition for a *torah* of the legitimacy and dignity of Jewish power. But in recent years that argument has eroded; it is more common to hear people argue against the very legitimacy of the idea of “survival for its own sake.”

Today, however, questions about the ethical use of power and survival are not theoretical. Israel's war against Hamas is a just war. This is the normative position among Israeli Jews, and the principled position for American Jews is to support them in that fight. The legitimacy of the fight brings with it a set of expectations related to the ethics of war. For Diaspora Jews to be good allies, we must concentrate our attention, and if necessary, our criticism, on the question of whether Israel is fighting this just war justly. This may also require us to be "character witnesses" for the State of Israel rather than standing dispassionately to the side, knowing that the ethics of war tradition is built into the chain of command of the IDF and trusting that it constantly factors into Israeli military decision-making. But we can only do that if we come to terms with the reality of Jewish power, which is a massive generational and educational challenge.

We must also be cautious about assuming that power is always a moral good. Our tradition and our recent history offer many cases of how a fixation with power can be weaponized by immoral actors in the name of Judaism and the Jewish people. Since power can be intoxicating and overly self-affirming, we need guardrails to ensure that it is always an instrument rather than an end. This is the crux of David Hartman's argument in his essay "Auschwitz or Sinai," as he lays out his fear that a culture of victimhood will define the character of modern Israel instead of the more aspirational culture of covenantal responsibility.

A commitment to compassion as an essential feature of maintaining our humanity can serve as a necessary constraint on power without constraining our capacity to fight a war. At key points in the biblical story, from the story of the flood to Moses' intervention at Sinai begging God not to destroy the Israelites, we see God learn that compassion should override the just impulse to kill the sinners. From this, we learn that as human beings created in the image of God, we must also balance justice and compassion at every turn. By sustaining an overflowing and indiscriminating reservoir of compassion for the victims of the power at our disposal—even in a war that we support—we prevent that power from becoming an end-in-itself.

Compassion means that people matter. When the IDF is slandered, and even in moments when I wonder from afar about its strategy, I personalize the IDF by visualizing the faces of my nephews and cousins and friends and colleagues who make up its ranks. This helps me remember that wars are fought by people doing their best, people to whom I ordinarily grant the benefit of the doubt and must continue to do so.

Rhetoric matters too. When Israeli ministers and public officials are reckless or racist with the language they use to describe the enemy or the mission, it undermines the moral legitimacy of the war, and we are right to protest. We dare not look away from the faces of the innocent victims in Gaza, and especially the children. Compassion makes us—and keeps us—human.

As the war drags on, with casualty numbers mounting, a morally serious commitment to power and to compassion creates needed guidance: in the form of support for the tragic necessity of

Israel to wage a war that protects its citizens, and in the form of unending mourning for the innocents caught in its grip.

★

Peoplehood, Sovereignty, Democracy, and Power are the core locations on our moral map, but the moral end in war, the only possible moral end, is peace.

Peace is an anchoring aspiration of the Jewish tradition. Our tradition demands of us that we be both lovers of peace and pursuers of peace.^[9] The image of a pious and well-ordered Jewish household is one that is characterized by *shalom bayit*, a peaceful home. Peace—*shalom*—is the final request we make in all of our prayers; the rabbis praise its characteristics for pages and pages in the Talmud; it is a trait we attribute to God, who can make peace more easily in the heavens than we can seem to muster down here on earth. Most of all, peace is our most profound aspiration for the future, in those conditions that we call “the messianic age.” We pray for peace for ourselves, for all of Israel, and for all the inhabitants of the earth, equally.

And at the same time, the pursuit of peace is full of paradoxes. One rabbinic midrash captures some of the pathos of peacemaking: here, the rabbis begin by noting that Moses disobeys God’s orders in the book of Numbers when he seeks peace with the Emorites before battling them. And yet, when the story is retold in the book of Deuteronomy, the order is reversed as God *instructs* Moses to petition the Emorites for peace before declaring war. The rabbis argue that this was one of the few times where Moses acted on his own, following his own instinct, and God learned a lesson and changed as a result. This homily illustrates the power of peacemaking: when humans pursue peace, we can override even God’s instinct to militancy.^[10]

And yet, in both tellings of the story, despite attempts at peacemaking, there winds up being war with the Emorites. Peacemaking is an essential and absolute commitment, and sometimes war is a necessity. Sometimes, a war to eradicate an evil opponent— particularly an opponent that will not accede to peaceful terms, who will not abide by the rules of war, who can only engage in a language of violence and force—is a precondition to making peace. Elsewhere in the Talmud the rabbis offer the image of a great educator challenged to handle a combative student, and they admire the ability to draw close with one hand while pushing back with the other. Maybe this too is a language of peacemaking: that we must learn how to always pursue peace even throughout the tragic inevitability of waging war.

I do not intend the moral commitments I’ve outlined above to provide an immediate solution to the current conflict in the same way that some Jewish groups are unyielding in their calls for a ceasefire. A moral map is a case for slower and more serious deliberation because it is a heuristic for moral thinking. It does not offer reflexive responses for all situations. Such partisanship, and the mapping of moral language directly onto clear policy positions, is not credible in this

moment.

All of us are experiencing this crisis in real time. We cannot be certain whether what we are seeing from either media or from Israeli government and Hamas channels is fully accurate. We cannot be certain about the deliberations behind Israel's impossible choices and actions. Rather, we Diaspora Jews are going to have to approach all of this tentatively. Equipped with our moral commitments and maintaining something of a humble and supportive posture towards Israelis as they navigate the realities of this war, we should continue to speak the language of peace; we must always pray for peace, but we dare not make it an unyielding demand. We do not want to live in peace as imposed by an imperial power that suppresses our national aspirations, and we should not seek to impose peace on others by suppressing their national aspirations.

One moral frame is not enough for a war like this; the gift of a complex, multivocal tradition, and of minds and hearts capable of holding multiple commitments at the same time, is rewarded in the promise of some coherence, and perhaps a community of fellow interpreters, as we muddle through the impossible.

Endnotes

[1] Mishnah Berachot 3:1.

[2] Yehuda Kurtzer, "The Hamas attack wasn't the Holocaust. But it must be understood in terms of Jewish trauma," *Jewish Telegraphic Agency*, October 13, 2023, <https://www.jta.org/2023/10/13/ideas/the-hamas-attack-wasnt-the-holocaust-but-it-must-be-understood-in-terms-of-jewish-trauma>.

[3] Yehuda Kurtzer, "The Deep Sources of a Great Divide," *The New Republic*, September 16, 2018, <https://newrepublic.com/article/151057/deep-sources-great-divide>.

[4] Sotah 38b.

[5] Aharon Barak, The Supreme Court 2001 Term, Foreword: A Judge on Judging: The Role of a Supreme Court in a Democracy, *Harvard Law Review* 19 (2002-2003).

[6] Michael Koplow, "Are Israeli Generals More Left-Wing Than Their Own Government?" *Forward*, March 24, 2023, <https://forward.com/opinion/541005/are-israeli-generals-more-left-wing/?amp=1>.

[7] Yehuda Kurtzer, "Invest in Democracy," Sapir 4 (Winter 2022), <https://sapirjournal.org>

[/aspiration/2022/01/invest-in-democracy/](#).

[8] Emil Fackenheim, in “Jewish Values In the Post-Holocaust Future: A Symposium,” *Judaism* 16, no. 3 (Summer 1967).

[9] Mishnah Avot 1:12.

[10] Midrash Bamidbar Rabbah 19:27, 33.