

Chapter 6



CONFRONTATION OF HALAKHAH AND RELIGIOUS VIOLENCE

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When I was a young graduate student at the Hebrew University in Jerusalem, the only orthodox religious disturbance that I encountered were occasional shouts of "Shabbas!" when a vehicle would pass infrequently through a religious neighborhood on Shabbat. This was the extent of religious violence that I experienced in Israel during my student days. As the years went by, these occasional shouts turned into verbal violence, eventually leading to violent demonstrations, with stone throwing and attacks on individuals suspected of having violated the Sabbath or other commandments of the Torah.

Most distressing is the fact that precisely those who claim to be the guardian of the fortress of halakhah are those who desecrate the Torah, both its letter and its spirit, through their violent demonstrations. We should make plain that not only do their actions violate the laws of the state and undermine the foundations of democracy, they also contravene halakhah, in whose name they are ostensibly acting.

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Desecrating the Shabbat in Order to Sanctify it

Ultra-Orthodox demonstrations in Jerusalem fit into a larger picture of violence by members of that community. Although such violent demonstrations are evidently in pursuit of political and material gains, leaders of the Ultra-Orthodox community always adduce the halakhic concepts of preserving the Sabbath and observing the Torah to explain them.

Does halakhah really sanction such violent demonstrations? To answer this question we must clarify whether demonstrations by the ultra-Orthodox themselves constitute desecration of the Sabbath. If they do, we must determine whether it is permitted to desecrate the Sabbath in order to preserve its sanctity and whether these demonstrations expand the circle of Sabbath observance among non-Orthodox Jews.

Unfortunately, there is no escaping the conclusion that the ultra-Orthodox campaign to defend the Sabbath in Jerusalem and elsewhere in Israel involves public desecration of the Sabbath. The battle to increase Sabbath observance has actually increased Sabbath desecration. Violence has become an inseparable part of the Sabbath demonstrations and a normal method of applying massive pressure to achieve the objectives of the ultra-Orthodox leadership with regard to many other issues. On weekdays, too, there have been violent disturbances over archaeological excavations or "pornographic" pictures on bus shelters, assaults on peaceful citizens who were minding their own business, and even the desecration of graves.

A survey of the media indicates how deeply rooted in these circles is the use of violence as a means of persuasion. Bottles and rocks have been hurled at policemen in downtown Jerusalem from time to time; the "sport" of stoning traffic on the suburban Ramot road went on for four full years. Nor has this Sabbath violence been limited to the capital. On the mall in Haifa, too, a large group of ultra-Orthodox ruffians beat up three journalists who had come to observe a mass prayer rally.

In the spring of 1984, the chief rabbi of Petah Tikvah, speaking at the end of a mass rally on behalf of Sabbath observance, called for action against the public desecration of the Sabbath by a local coffee house. The result, according to media reports, was that ultra-Orthodox demonstrators, led by their rabbi, "ripped off the metal door and forced their way inside. Fistfights quickly devel-

oped and blows were exchanged During the disturbances, windows were broken, tables overturned, and bottles smashed."¹

In addition to contravening the laws of the state, these and similar acts also involved forbidden labor on the Sabbath. According to halakhah, if there were two witnesses present who warned that they were about to desecrate the Sabbath, the perpetrators were liable to the death penalty by stoning (Maimonides, *Laws of the Sabbath* 1:2).

The years of Sabbath riots on the Ramot road in suburban Jerusalem gave rise to sad thoughts concerning our ability to live as equal citizens in a free Jewish state, despite our differences. In any case, the Chief Rabbinate and official religious establishment stood aside and generally maintained perfect silence on this matter. Do they realize that "silence is tacit acknowledgment" (BT *Yevamot* 87b)?

Particularly worrisome is the attitude of one of the leaders of Neturei Karta, Rabbi Moshe Hirsch, as reported on Israel Radio in September 1979. Rabbi Hirsch offered halakhic arguments that ostensibly justify the use of force to preserve the nature of the Sabbath as he understands it. He also offered a "halakhic solution" to the crisis. Let us investigate the halakhic basis of this rabbi's arguments.

Zealots Attack Him

Rabbi Hirsch found support for the violence on the Ramot road in a well-known Mishnah: "If a man stole a sacred vessel or cursed by means of witchcraft or had sexual relations with a [gentile] woman—zealots may attack him" (Mishnah *Sanhedrin* 9:6). The Sages held that even though the Torah does not stipulate the death penalty for those guilty of such misdeeds, those who are zealous for the Lord have permission to assault and kill them.

Throwing stones at passing cars on the Ramot road is quite remote from the cases mentioned in the Talmud and by later codifiers. What is more, Rabbi Hirsch seems to have forgotten or purposely suppressed an important element in the license granted to zealots. According to the Gemara, this justifiable zealousness must be a spontaneous and unplanned act: "Rabbi Hisda said: If a person comes to ask [whether he may assault someone who has profaned the sacred] we do not instruct him to do so" (BT *Sanhedrin* 82a).

Therefore, there is no permission to harm or attack a Sabbath-desecrator if the zealousness is not a spontaneous emotional outburst. The carefully planned activity organized in the ultra-Orthodox neighborhoods, such as Me'ah She'arim, far from the Ramot road, were not spontaneous by any standard and could hardly satisfy the halakhic criterion that licenses those zealous for the Lord to give vent to their pent-up feelings.

Rabbi Hirsch, other ultra-Orthodox leaders, and their followers who hurled stones and bottles at vehicles clearly believe that they may desecrate the Sabbath in order to keep others from desecrating it. No one has ever stated the source of this permission, probably for the simple reason that it is not to be found anywhere in the codified halakhah. Not only are these actions by the ultra-Orthodox crimes against the laws of the state, they are also severe violations of the Sabbath.

It is permitted to desecrate the Sabbath for only one reason—to save lives; that is, saving human life (*pikkuah nefesh*) takes precedence over observance of the Sabbath. The underlying principle is based on the Biblical verse: "And the Children of Israel shall keep the Shabbat" (Exodus 31:16) which is interpreted by the Talmud to mean "The Torah tells us: desecrate one Sabbath for his sake so that he may observe many Sabbaths" (BT Yoma 85b).

Desecrating the holy Sabbath to save a human life aims in fact at augmenting its holiness through the observance of the Sabbath and other precepts in the future. The desecration of the Sabbath by the ultra-Orthodox in Jerusalem does not and cannot increase the prospects of Sabbath observance in the future or augment its sanctity. In fact it has quite the opposite effect, because it leads to further radicalization of the nonreligious population as well.

Instead of educating nonreligious people and helping them experience the wonderful value of Sabbath observance, ultra-Orthodox zealousness and extremism repulse them and push them further away from Jewish tradition.

The periodical of the religious kibbutz movement (*Hakibbutz Hadati*) published the following evaluation of the results of the zealots' approach: "Seclusive ultra-Orthodoxy as the option of escape, weakness, and abandoning the majority of the people is ... a prescription for failure. It is a fact that the vast majority of the secular and even antireligious adult population was a product of the ultra-Orthodox path but fell away from it in the recent generations of secularism."²

Two Who Laid Hold of a Tallit

Rabbi Hirsch and the ultra-Orthodox Council in Jerusalem offered a miracle solution to the quarrel over the Ramot road. The solution was based on seeing the road as falling into the category of the disputed mishnaic *tallit*: "If two people laid hold of a *tallit* and one says ... 'it's all mine,' and the other says, 'it's all mine'" (Mishnah Bava Metzia 1:1). In such a case, the Sages ruled, the *tallit* was to be torn in half and divided fifty-fifty. The Ultra-Orthodox rabbis wanted to apply this halakhic principle as follows: For two weeks the residents of Ramot would be allowed to travel on the new road that passes by the ultra-Orthodox neighborhood of Kiryat Sanz; for the next two weeks, they would travel by the old road, which passes by the Orthodox neighborhood of Sanhedrin. In this way they would split the experience of Sabbath desecration with a religious neighborhood that had so far remained aloof from the violence. If the road is the *tallit*, who were the two claimants holding on to it? The ultra-Orthodox from Kiryat Sanz, the residents of Ramot, or the religious residents of Sanhedrin? What sort of partition is being proposed? Is it not rather more like the solution proposed by King Solomon to the two harlots who asserted maternity of a single child—namely, that the child be cut in two? The implementation of such a division is so absurd that it was not given any serious consideration.

All of these attempted justifications are in reality only pseudo-halakhic arguments without any basis in Jewish law. This same sort of reasoning was used to justify vicious attacks on pathologists for performing autopsies and on archaeologists for desecrating grave sites.

Some would have us ignore the facts and blindly accept the ultra-Orthodox contention that the violence is an anomaly in their struggle, that their demonstrations are usually calm and orderly. Even if this were so, we must ask whether halakhah permits demonstrating and waging furious campaigns, as the ultra-Orthodox have repeatedly done on the Sabbath. Many of the actions associated with the demonstrations are themselves forbidden by halakhah. For example, one of the rabbinic dicta that might impinge on the Sabbath demonstrations is that one may not run or jump on the Sabbath. Maimonides phrased this as "you should not walk on the Sabbath as you do on weekdays." (*Laws of*

Sabbath 24:4; compare the ruling by Rabbi Moses Isserles that it is forbidden to take a step on the Shabbat of more than a cubit's length (56 centimeters or 22 inches) (*Shulhan Arukh O.H.* 301:1).

Even when they are not running, the way in which the ultra-Orthodox speak is a violation of the Sabbath. According to Maimonides, "you should not speak on the Sabbath in the fashion you speak on weekdays" (*ibid.*). According to the press, these demonstrations are regularly accompanied by shouts of "Shabbes! Shabbes!" and curses against the municipality, the police, and cinema-goers. Such loud and uncouth speech is utterly forbidden on the Sabbath.

In fact, and as a general rule, all disputes are forbidden on the Sabbath. According to the prominent twentieth-century decisor Rabbi Israel Meir Kagan of Radun, known as the Hafetz Hayyim (1838-1933), "the Zohar and the kabbalists warned strictly against any dispute on the Sabbath, Heaven forbid."³ Yet the rabbis of the ultra-Orthodox community, who should have expert knowledge of the Sabbath halakhot, provoked a severe quarrel almost every Sabbath. By so doing, they violated the ruling of Rabbi Hayyim Joseph David Azulai (1724-1806): "On the Sabbath it is strictly forbidden to stir up quarrels or to get angry and it is twice as severe as when done on a weekday."⁴

These rabbinic prohibitions stand in utter contrast to the nature of protests in which demonstrators push against police barricades and chase nonreligious youth on the Sabbath. Such behavior is forbidden even during the week; how much the more so on the holy Sabbath! It is hard to understand why the chief rabbis and the Chief Rabbinate Council, an official state body, never issued a pronouncement calling on the observant to refrain from demonstrations that profane the Sabbath.

It is equally hard to understand how a pious Jew, who maintains that Torah is his profession, can fail to understand that he must distance himself from every form of Sabbath desecration. Apparently the ultra-Orthodox rabbis, eminent Torah scholars, do not teach their students that such is their obligation.

Have the ultra-Orthodox nevertheless found a halakhic precedent that gives them a license to desecrate the Sabbath or to prevent Sabbath desecration by others? If they have such permission, they should publish it for all to read. Both their silence and intensive halakhic research indicate, however, that there is no such ruling anywhere in the rabbinic literature.

It is an iron-clad rule that extremism on one side leads to radicalization on the other. We must take sorrowful note of an intensification of antireligious violence, such as the vandalizing of a synagogue in South Tel Aviv and the cutting off of the side curls of a boy in Jerusalem. These and similar incidents are a reaction to the protracted violence of the ultra-Orthodox. If the acts of religious coercion and violence continue, the extremely religious are liable to antagonize the younger generation, which has not yet rebelled against the Jewish religion.

Particularly astonishing and disappointing is the fact that the ultra-Orthodox approach utterly ignores the supreme precept to love one's fellow Jews, as stated by Maimonides: "Every man is commanded to love each and every Jew as himself, as it is stated, 'Love your neighbor as yourself'" (*Laws of Beliefs*, 6:3).

We sorely miss the perspective of Rabbi Abraham Isaac Kook, the first Ashkenazi chief rabbi of Eretz Israel, who discerned sparks of holiness in the secular Zionist enterprise and endeavored to draw all the non-observant toward the Jewish religion with "golden cords."⁵ His approach was based on a profound faith in the value of each and every Jew as such, even if he or she does not observe the *mitzvot*. His words are important to the ultra-Orthodox in Me'ah She'arim and to all of us, whenever we are embroiled in potentially catastrophic quarrels like that on the Ramot road: "Even from the profane, the sacred may be revealed, and even from libertine freedom the cherished yoke." This approach, which finds something positive in every Jew and attempts to bring them closer, rather than repel them, is what we need if we are to survive the worsening crisis between the religious and nonreligious sectors in Israel.

Halakhic Apologia for Murder

We have seen the attempts to justify religious violence from sources of the halakhah, which indeed prohibits such acts. Since those earlier days of squabbles, stoning vehicles, and beating individuals in enraged political protests, we have witnessed an escalation to bloodshed. This problem has reached a point which is no longer concerned with minor political gains of closing a road or an archaeological site. Here there is an attempt to eliminate physically the enemy, whether it be a peaceful congregation of worshipers or the duly elected Head of State.

On Friday morning, February 25, 1994, Dr. Baruch Goldstein, a resident of the Jewish town of Kiryat Arba on the outskirts of Hebron, entered the Isaac Hall in the Tomb of the Patriarchs (known as the Ibrahimi Mosque), where the Muslim Ramadan service was taking place. Wearing his army reservist's uniform with its captain's bars, he was neither stopped nor suspected, even by the Arabs at prayer. Positioning himself behind the congregation, he raised his Galil assault rifle and emptied four magazines into the backs of the worshipers, killing twenty-nine and wounding perhaps twice as many before he was overpowered and killed by some of the Arabs.

Only at first sight was this appalling massacre the act of a single person. It is true that Baruch Goldstein carried out his murderous rampage alone, but he would not have committed twenty-nine murders without ideological and social backing. Goldstein, a physician who violated the Hippocratic Oath and shot down defenseless worshipers in a holy shrine, was nurtured by a warped and distorted faith that many shared with him.

We all think we know where this poison came from. Goldstein was a fervent supporter of the late Meir Kahane. He absorbed his mentor's racist doctrines, which pretend to be derived from halakhic sources, and put them into practice.

In Kahane's book, *Know Your Judaism (in Truth)*, he could find the following rabbinic aphorisms: "Only non-Jews are cruel" (Maimonides, *Mishneh Torah*, Laws of Gifts to the Poor 10:2); "You [Israel] are called 'human'; but non-Jews are not called 'human'" (BT Bava Metzia 104); and "'You shall not take vengeance or bear a grudge against your countrymen' (Lev. 19:18)—but you may take vengeance or bear a grudge against a non-Jew" (Sifra ad loc.). Kahane's book presents these and other passages, twisted out of context, as God-given imperatives. It is no wonder that the disciple carried out his master's dictates.

Nevertheless, the massacre would not have taken place had Goldstein not been able to rely on the support of the milieu in which he lived—sympathy manifested by the way in which many residents of Kiryat Arba, including well-known rabbis, reacted to the massacre. Not only did they refuse to condemn the murderer's actions; some lauded him and called him a "martyr" and a "righteous man."

The reactions of these residents of the Jewish suburb of the City of the Patriarchs, most of whom are not shackled by

Kahane's simplistic and satanic doctrines, were based on a halakhic and ideological infrastructure built up over the decades by leading rabbis. This platform continues to provide the settlers with theological backing in their confrontations with Arabs and with successive Israeli governments.

As long ago as 1953, when a retaliatory raid on the village of Kibya⁶ resulted in the deaths of some fifty Arab civilians — men, women, and children—Rabbi Shaul Yisraeli, a member of the Chief Rabbinate council, justified the deed: "'The children's death' is considered to be a punishment from Heaven, a situation in which children are certainly punished for the sins of their parents." Some twenty years later this view was seconded by Rabbi Shimon Weiser, who proclaimed: "although in peacetime it is forbidden to kill non-Jews, ... *in wartime it is a mitzvah to kill them.*" The chief chaplain of the Central Command of the Israel Defense Forces, Rabbi Lt. Col. Avraham Avidan published a pamphlet that declared: "In wartime, when Israeli forces are attacking the enemy, they may and in fact are required by halakhah to kill even good civilians, that is, civilians who seem to be good. This was the case about which the Sages said, 'the best among non-Jews—kill!'"

Around the same time Rabbi Yaakov Ariel, today the chief rabbi of Ramat Gan, published an article that enumerated the options he would allow the Arabs of the Land of Israel: they could convert, accept the status of resident aliens, or decide "of their own free will" to emigrate to another country.

Rabbi Zvi Yehuda Kook, the spiritual mentor of Gush Emunim, the movement of right-wing settlers maintained that today the commandment to occupy and settle the Land of the Israel has the same status as the most serious of the negative prohibitions, namely, those against bloodshed, idolatry, and incest: one must allow oneself to be killed rather than transgress them.

Exhortations of this sort by eminent rabbis, expounded in the ostensible name of halakhah and Torah, constitute the ideological basis of Gush Emunim. They are liable to have an influence on every right-wing Torah-observant Jew, as we saw in the settlers' reactions to the Hebron massacre.

But halakhah is pluralistic and provides the settlers with every possibility to turn their backs on those who preach hatred. For example, they might heed Rabbi Abraham Isaac Kook's humane ruling concerning Arabs: "We should say that the Mus-

lims are not idolaters and fall into the category of resident aliens and may be settled in the Land of Israel."

Similarly, the late chief rabbi Yitzhak Isaac Herzog ruled that non-Jews who are not idolaters should not be prevented from settling in the Land of Israel, even though they have not stood before a Jewish religious court and formally accepted the seven Noahide commandments.

In contrast, Rabbi Shlomo Goren, the former chief rabbi, claimed that it is forbidden to evacuate any of the territories, because the Torah commanded us "*lo tahananem*—you shall not let them settle in the Land" and the Sages interpreted this to mean: "*lo titen lanem nanaya bakarka* — you shall not allow the goyim to settle in the Land." Rabbi Goren pronounced: "Evacuating settlements in Judea and Samaria in order to deliver them to the Arabs is a grievous sin against the Torah."

We have seen that halakhic verdicts can have great influence on acts of violence. Yigal Amir, the convicted murderer of Prime Minister Yitzhak Rabin, was apparently influenced by these teachings. The following is a dialogue between Amir and the remanding judge in the magistrates court at the time of his arraignment:

AMIR: There is a *p'sak halakhah* (halakhic verdict) which establishes that it is permitted to kill someone who gives away part of the Eretz Israel. According to the *halakhah*, the moment that a Jew delivers up (*moser*) his people and land into the hand of a gentile, we are obligated to kill him.

JUDGE: What rabbi taught you this halakhah?

AMIR: No one taught this to me. I have studied Talmud all my life ... There are *taryag mitzvot* (613 commandments) in the Torah

JUDGE: Have the Ten Commandments been nullified?

AMIR: The Ten Commandments have not been eliminated, but there is a divine command that is higher than thou shalt not murder. That is saving life. It is the same as when you kill the enemy in war there is a higher purpose and therefore it is permitted. If the prime minister declares that he is not responsible for the security of 2 percent of the population (the settlers in the territories) and shakes the hand of the master murder (Arafat) and frees terrorists from prison ... he is not my prime minister.⁷

We note that there are two halakhic accusations against the prime minister, which in the eyes of the murderer and those who are like minded, justify his execution. The two capital charges, in their view, are those of *moser* and *rodef*.

The *moser* is one who informs on a Jew or hands him over to Gentiles. Maimonides states that the prohibition of informing or delivering up a Jew to the enemy applies to both the person and his possessions (*Laws of Damage and Destruction* 8; 9-10).

What kind of mind is it that would interpret these *halakhot* as applicable to the duly elected head of a sovereign state? Is there any geographical location in the Land of Israel inhabited by any group of individuals, who may decide by fiat that a government treaty with another sovereign party or state is a transgression of *din moser*—the law against handing over a Jew to the enemy.

Is the city of Hebron considered to be a Jewish individual that is in danger of being delivered up to the enemy (as was suggested by Rabbi Goren?) Where in Jewish Law can an individual or even 2 percent of the population claiming to represent the settlers of the territories) decide who is the enemy and who is the *moser*? Is this not the exclusive prerogative a democratically elected government? In such a government is not justice to be dispensed through the duly appointed courts? There is not only a misinterpretation of halakhah, but a distortion of the process of justice where an individual or group unduly take upon themselves to be the prosecutor, judge and executioner.

The late prime minister was accused of being not only a *moser*, but a *rodef* as well. Maimonides defines this criminal as follows: "One who is pursuing after another to kill him, all Jews are obligated to save the pursued individual, even at the cost of the life of the pursuer." Furthermore, the Rambam adds: "If they can save the pursued by wounding one of the limbs of the pursuer, they should do so and not kill the latter." (*Laws of Murder and Preservation of Life* 1:7). One of Amir's fellow students testified that he had asked the head of the yeshiva whether this law of *rodef* is applicable today.

The rabbi did not answer, but pointed instead to the open Talmud volume on his study stand and left the room. The student approached the stand and saw that the *gemara* was open to Tractate Sanhedrin 49a. Here he read the following:

Then Joab [the late King David's general] was brought before the court and King Solomon cross-examined him. "Why did you kill Abner [King Saul's cousin and commander-in-chief]? [Joab replied: "I was the avenger of the blood of Asahel (Joab's brother, who was killed by Abner)."] Solomon interrogated him further: "But Asahel was a pursuer [rodef]! Joab: "Even so, Abner should have saved

himself at the cost of one of this [Asahel's] limbs. Solomon: "Yet perhaps he could not do so." [Rashi Abner was unable to aim precisely to hit one of his limbs]. Joab retorted: "If Abner could aim exactly at the fifth rib [where the gallbladder and liver are located], could he not have aimed at one of his limbs? Thereupon Solomon concluded: "Let's drop the incident of Abner"

Thus the Yeshivah students learned the fate of a *rodef* from this Talmudic anecdote.

We have heard that when the accused killer addressed the court trying him for murder, Yigal Amir expounded not only his political motives but also the theological impetus for the crime. "According to halakhah," he intoned, "when a Jew hands over his people and land to the enemy, we must kill him."

Where did the murderer learn this distorted "halakhah"? The rabbis of the various Orthodox educational institutions in which Yigal Amir studied over the years all disavowed responsibility for his views. Rabbi Mordechai Greenberg of the Kerem Be-Yavne yeshiva was quoted to the effect that "I do not believe that he absorbed the ideology behind his act in our yeshiva." Rabbi Moshe Razel, the head of the Higher Institute for Torah at Bar-Ilan University, maintained that Amir and other right-wing students of this institution did not receive any Torah-based guidance that might be interpreted as justifying murder.

Where, then, did Amir derive the loathsome view that a "lofty goal" that is "a Heavenly injunction" may justify violation of the commandment "Thou shalt not murder"? We do know about one particular document that was distributed in some synagogues on the Day of Atonement in 1995 and gleefully read out on television by a member of the extreme right-wing Kahane Chai group. Its heading is *Pulsa Derura* (an Aramaic expression that Rashi glosses as "lashes of fire"). The term appears in several Talmudic legends—for instance, the description of the punishment of the angel Gabriel (BT Yoma 77a—and, in more moderate form, in the responsa literature of the sixteenth through twentieth centuries.⁸

The document in question, however, is neither folktale nor prayer (as it was sometimes described by the media). Rather, influenced by "practical kabbalah" or witchcraft, it is a test of black magic and excommunication, a death-curse directed at a particular person, in this case the late prime minister, as we learn from the text:

With regard to Yitzhak son of Rosa, known as Rabin, permission is given by the destroying angels to send a sword against that wicked man. The angels of destruction, who are the emissaries from below, have no permission to be merciful to him and forgive him for his sins. For this reason, let any good he may have done in this world be forgotten ... so he may be killed because he misleads the holy nation and hands over the Land of Israel to our enemies ...

There is no escaping the echo of this monstrous death sentence in the assassin's declaration that it is an obligation to kill a Jew who hands over his people and land to the enemy. Is this similarity merely happenstance? Or is this one small tile from the mosaic of distorted halakhah that underlay this atrocious crime?

We may therefore conclude that the questionable attempts to give halakhic support to relatively "minor" acts of violence such as stoning vehicles, wild demonstrations against archaeologists, and damaging the shops and homes of those who peacefully carry on their own way of life, can and have escalated into acts which have catastrophic results.

Israelis have been told to respect the feelings of pious Orthodox Jews. Indeed there is much beauty and wisdom in our halakhic tradition, which has guided the people of Israel and kept them alive through the millennia. But when these words are twisted and distorted and lead to impious violent action, they can be very dangerous. All teachers of Torah should remember the stern warning of Abtalion, the teacher of Hillel and Shammai: "Sages, give heed to your words, lest you incur the penalty of exile to a place of evil waters, and the disciples that come after you drink thereof and die, and the name of Heaven will be profaned" (Mishnah Avot 1:11).⁹

Notes

1. See *Yedioth Ahronoth*, March 11, 1974.
2. *Amudim, The Journal of the Religious Kibbutz Movement* (Elul, 5739) (1979): 417; emphasis in the original.
3. See Israel Meir Kagan, *Mishnah Berurah* 262:9.
4. See Hayyim Joseph David Axulai, *Sefer Avodat Hakodesh*, Chapter 4, 152, p. 30b.
5. See Abraham Isaac Hakohen Kook, *Lights of Repentance*, Chapter 17, 3, pp. 159-60.
6. "At 9:30 p.m. on 14 October (1953), soldiers from Unit 101 and an IDF para-troop unit crossed the border and attacked the village of Kibya ... Houses were blown up during the operation and dozens of people were killed or wounded. Reports on the number of slain ranged from 43 to 56 persons The raid was conducted after several incidents in which infiltrators from Jordan had attacked Israeli citizens, culminating in the murders in Yahud, in which Arab infiltrators threw a grenade through an open window into a house, killing a mother and her two children, aged 1 and 3." (*Documents on the Foreign Policy of Israel*, Vol. 8 (Jerusalem, 1995), p. 357).
7. *Ha'aretz*, November 6, 1995. Shimon Weiser, "Purity of Arms: An Exchange of Letters," *Niv Hamidrashiyah* 11: 29-30 (emphasis in the original).
8. For example, *Responsa Be'er Sheva* 48 (sixteenth century); Moses Sofer, *Responsa hatam Sofer* 5, 124 and 7, 35 (nineteenth century). See also my article "Reshut mi'malakhei Ha'habalah" *Ha'aretz*, November 14, 1995.
9. This essay is based in part on the author's book *Evolving Halakhah* (Vermont, 1999).

