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War and terrorism in Jewish law

Jacob, Walter

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PREFACE

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War and warfare remain little explored regions of the halakhah. After defeat by the Romans in 70 C.E. Jews had no army nor were we permitted to serve in the armed forces of others till the Emancipation. There were no issues to debate. An occasional responsum dealt with peripheral issues. There was no sustained discussion. Most of the great codes of Jewish law do not even mention the topic.

Despite these realities or because of them, the topic needs to be discussed. The lands in which we live and the State of Israel are very much involved in warfare. Terrorism has become a major issue around the world. We may wish for a more peaceful and secure world, but must deal with the realities which face us.

The essays and responsa in this volume begin with a general overview of war as understood by Judaism, Christianity and Islam, the three major religions which concern us. This brief summary is intended to provide some background for the remainder of the book. As terrorism concerns us most, the book then continues with Mark Washovsky's essay on a halakhic view of the human rights and civil liberties issues which confront us as we deal with terrorists. He focuses on the balance which we try to maintain as we seek security.

Michael Stroh turns to suicide bombers and looks at them through the eyes of martyrdom and religious fanaticism. As western religions are so far removed from this phenomenon, it remains puzzling as well as frightening to us. Moshe Zemer's brief thoughts along with several thorough responsa view the hard choices to be made when dealing with the captives of terrorists. Families and governments are faced with this dilemma. Some additional topics akin to this theme were to be treated by two Israeli authors, but they were unable to produce those essays.

Pacifism may seem far removed from our realities, but precisely for that reason deserves a thorough examination which has been provided by Arnold Wolf ז"ל, who unfortunately died a year ago. A responsum looks at this possibility further

War and military service have become part of our lives, but for Judaism this is a new phenomenon. Emancipation and the

manpower needs of modern armies meant that we were suddenly faced with military service in all the lands where Jews resided. We faced the obligation willingly, but with no doctrine of warfare in contrast to Christianity and Islam. The State of Israel had to face these issues while conducting a series of wars. These are the topic of two further essays.

The responsa published here deal with specific problems which needed answers from a Jewish perspective. As virtually nothing on this topic existed in the traditional literature, they reflect new beginnings. Several in this selection are taken from two small, collections of responsa issued during World War II in a joint effort of Reform, Conservative, and Orthodox authorities. They represent rare cooperation among the three American religious groups with their divergent approaches to the halakhah.

As with the previous eighteen volumes in this series, we invite further discussion through the medium of our journal, *HalakhaH*. We also hope to return to this topic with further research and analysis.

Walter Jacob
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