YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Halakha and Israeli History**

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***Shelom Ha-Galil,* First Lebanon War**

**Part II**

In the summer of 1982, during the First Lebanon War, a group of Lebanese [Christians](https://en.wikipedia.org/wiki/Christianity_in_Lebanon) known as the Phalangists entered the refugee camps of Sabra and Shatila and murdered between 460 and 3,500 civilians, mostly [Palestinians](https://en.wikipedia.org/wiki/Palestinian_people).

The Phalangists, allies of Israel, were ordered by the IDF to clear out PLO fighters from the villages. It was during this raid that the Lebanese soldiers committed their killings.

Although it was clear from the very beginning that Israeli soldiers were not involved directly in the killings, questions regarding indirect responsibility were raised. When the scale of the massacre became public, the Israeli public was outraged and demanded that the government investigate the IDF’s role in the massacre. As a result of tremendous pressure, the government appointed the Kahan Commission to inquire into the events at the refugee camps.

Following a four-month investigation, the Kahan Commission concluded that "direct responsibility" rested with the Phalangists and that no Israelis were deemed "directly responsible," although Israel was held to be "indirectly responsible.”

Defense Minister Ariel Sharon was found to bear "personal responsibility" "for ignoring the danger of bloodshed and revenge" and "not taking appropriate measures to prevent bloodshed." It was recommended that he be forced to resign.

Anticipating world reaction, the committee added to the end of the report[[1]](#footnote-1) the following paragraph:

We do not deceive ourselves that the results of this inquiry will convince or satisfy those who have prejudices or selective consciences, but this inquiry was not intended for such people. We have striven and have spared no effort to arrive at the truth, and we hope that all persons of good will who will examine the issue without prejudice will be convinced that the inquiry was conducted without any bias.

**Rabbis’ Response to the Massacre**

The rabbinical world, both in Israel and abroad, voiced its opinion. Rav Yosef Dov Soloveitchik, in a personal phone call to Prime Minister Menachem Begin, demanded a commission of inquiry to investigate Israel’s failure to prevent the massacres.[[2]](#footnote-2)

Rav Yehuda Gershuni, a prominent Torah scholar, compared the events to the story of the king of Moab who sacrifices a human in the midst of battle:[[3]](#footnote-3)

And the king of Moab saw that the men of war were stronger than he and he took with him seven hundred men who drew their swords, to break a way to the king of Edom, yet they were unable. And he took his firstborn who would reign after him, and brought him up for a burnt-offering on the wall. And there was great wrath upon Israel.[[4]](#footnote-4)

This verse seems to indicate that although Moab and Edom are fighting amongst themselves, the wrath is on the Jewish people. Could this story illuminate our discussion?

Rav Gershuni quotes the biblical commentator Rav David Kimchi (Radak, 1160–1235), who explains, unlike the common understanding, that it is actually the son of the king of Edom who is sacrificed by the king of Moab, rather than the prince of Moab. It is the king of Edom who is upset at the Jewish people for not saving his son.

This explanation is backed up by *Amos* 2:1, which explicitly lays the blame of the human sacrifice on the people of Moab and not on the Jewish people:

So says the Lord: For three transgressions of Moab, even for four I will not relent; for he burnt the bones of the king of Edom to lime.

Based on this last verse, Rav Gershuni argues that the anger of God for the killing of non-Jews by non-Jews isn’t on the Jewish people. He also points out how ironic it is that although it is the king of Moab who kills the prince of Edom, his father the king of Edom is angry at the Jews and not at the real killers.

In Yeshivat Mercaz HaRav, Rav Shaul Yisraeli delivered a speech condemning those who called for an inquiry into the massacre.[[5]](#footnote-5) He argued that Israel should not be blamed for acts of murder by others.

The debate in Hesder Yeshivot (Religious Zionist yeshivot which combine Torah learning and military service) was sensitive. Soldiers from Hesder Yeshivot served in the war, and many were among the killed. In fact, Zachary Baumel of Yeshivat Har Etzion and Yehuda Katz of Yeshivat Kerem Be-Yavneh are still considered missing in action today, almost forty years later.

Both Rav Yehuda Amital and Rav Aharon Lichtenstein, the heads of Yeshivat Har Etzion, supported the call for an official inquiry into the massacre. In an open letter to Prime Minister Menachem Begin which was published in *HaTzofe,*[[6]](#footnote-6) Rav Lichtenstein expressed his shock and bewilderment. He argued that although he believed Israel’s involvement was accidental and unintentional, it was still considered a terrible sin.

In the letter, he quotes numerous sources regarding the morality and ethics of warfare and murder. He focuses on the need for atonement even when blood is shed accidentally. He quotes the Rambam’s explanation of the rabbinical saying that “an accidental sinner is called a sinner”:

For with regard to an inadvertent transgression, the transgressor carries a certain amount of culpability, for he should have checked and been careful. Had he examined the matter thoroughly and been careful in asking questions, he would not have transgressed. Since he did not take the trouble to examine and research the matter before acting, he requires atonement.[[7]](#footnote-7)

Rav Lichtenstein mentions *mitzvot* which teach us the sensitivity to human life the Torah expects of us. He refers to the *ir miklat* (city of refuge) system. The Torah teaches us that a person who accidently kills another must move to a city of refuge. What is the purpose of this mitzva? It seems that the city acts as both a protection from the murderer’s family as well as an act of atonement, repentance for the act of bloodshed:[[8]](#footnote-8)

The chapters of the Torah which discuss cities of refuge are designated specifically for one who committed inadvertent murder, and for whom exile is punishment and atonement wrapped up together; they testify to the moral and religious alarm associated with inadvertent murder. All the more so if we are dealing with murder, this is applicable as regards any minor element of causality.

Another biblical mitzva which raises moral responsibility in cases of murder is *egla arufa*. Here again, Rav Lichtenstein explains the meaning of this mitzva and its message in our days:

“If someone slain is found lying in the open… and the identity of the slayer not known” (and it makes no difference if the victim is a Jew or not), the Torah obligates the elders of the court, the representatives of the community and nation, whose responsibility can only be indirect, to break the neck of a heifer as an atonement, and for the priests to call out: “Atone for Your people Israel.” The Mishna asks: “Do we think that the court elders shed that blood?” It answers: “Rather, that no person came into town whom we let leave without food, that no person came into town whom we abandoned without escort.”

Rav Lichtenstein mentions the element of *chillul ha-shem* involved and why this reason itself should justify establishing an official investigation:

Alongside that event, undoubtably the bizarre initial refusal to establish a state commission of inquiry to properly investigate the matter has cast a heavy shadow over us all, has lowered Israel’s honor and caused a desecration of Heaven internationally; while domestically, it has aroused doubts and divisions. The need for such an inquiry is pressing, whether for national reasons — to clear our name in the international arena — or to remove the embarrassment shared by Jewish communities globally.

In an article dealing with morality and religion, Rav Lichtenstein discusses the story of Shaul’s sin of not killing Agag, king of Amalek.[[9]](#footnote-9) He mentions that this question was previously discussed in his open letter:

Why was it that King Shaul was punished for not killing Agag, king of Amalek? Was it simply for not having killed the last remaining Amalekite? I suggested that he was punished not just for sparing Agag, but because the fact that he refused to kill Agag placed in a totally different light his killing of all the other Amalekites beforehand.

His answer touches upon the justification to shed blood in war. In his explanation, he points out the crucial difference between immoral murder and legitimate war.

Shaul had been commanded to take a whole people and kill them — and this is, morally, a frightful thing. The only justification lies in it being a response to an unequivocal divine command. Therefore, if Shaul had been motivated in his actions purely by fear of God, by obedience to the *tzav*, then he should have followed the command to the letter. God didn’t say, “Kill Amalek but spare Agag.” Now, if he didn’t kill Agag but killed everybody else, what does that indicate? It indicates that what motivated him in killing the others was not the *tzav*of God, but rather some baser impulse, some instinctive violence. And the proof is that he killed everyone, but spared his peer, his royal comrade. If that is the case, then Shaul was not punished for sparing Agag: rather, he had to be punished because of the Amalekites he did kill! Why? Because he killed them not purely due to a divine command (which is the only thing that can overcome the moral consideration), but rather out of military, diplomatic or political considerations.

Rav Lichtenstein explains that this idea is a fundamental principle of the philosophy of the Hesder Yeshiva, which combines Torah and military service. He points out to the prime minister of Israel that the moral right of his students to fight in a war stems from the complete certainty that the leaders of our country are acting out of pure motivations.

I believe with all my might, otherwise I would not be in a Hesder Yeshiva which combines Torah and military service — that when the moment comes, we need to serve God through aggression. But the need and the means need to be carefully weighed.

My students are invested in the Rambam’s attitude that a soldier who enters war does so with the awareness and feeling that he does so for the sake of God, and as for our struggle for Eretz Yisrael, this is most certainly the case. But the details need a fundamental examination. When I look into the faces of the young men, I am overwhelmed by the sense of mission that fills and animates them. I feel a sacred obligation, personally and nationally, not only to encourage and strengthen them but to assure them, as much as is possible that they put their lives on the line for the sake of God — objectively and subjectively — and this, each and every day, in every waking hour, in each and every battle, when they are prepared to give everything.

Dare we offer them less?

***Chillul Ha-shem***

As mentioned, Rav Yehuda Amital came out publicly with his demand for a full investigation of the massacre. In a statement he published to his students, he wrote:[[10]](#footnote-10)

The Beirut massacre, which took place under the occupation of the Israeli military, has caused — beyond the ethical aspects, which cry out to the very heart of the heavens — a great *chillul ha-shem* in Israel and the other nations. We now stand four days before Yom Kippur, and my entire being quakes and trembles out of fear for the Day of Judgment, for as is known, Yom Kippur does not atone for the sin of *chillul ha-shem*.

In an address weeks later in Yeshivat Har Etzion, Rav Amital explained that his protest was not only against those who opposed an investigation but also against the opinions of rabbis who had spoken in favor of continuing the war for the sake of liberating parts of *Eretz Yisrael*.[[11]](#footnote-11)

He quoted one rabbi who argued that even if peace exists, we must declare a war for the purpose of liberating these parts of land which are part of *Eretz Yisrael,* for without these parts we are not a complete nation.

In his talk in front of his students, he explained his concern about the militant voices coming from within the Religious Zionist community:

These words (of this rabbi) were spoken in the practical debate about invading Beirut, which according to IDF estimates would have entailed the risk of hundreds of losses on our side and terrible damage to the civilian population. Doubts regarding a military mission were raised by many, and yet the voice that was so certainly and decisively in favor of military action came from the representatives of Religious Zionism.

What’s the connection between the struggle for Yehuda and Shomron and the invasion of Beirut?...

The fact that these ideas are peppered with verses, statements of *Chazal* and expressions borrowed from Rav Kook makes me shudder.

Many students of Rav Amital were confused by his response. Some saw his approach as an attack undermining the entire legitimacy of the war; some wrote him letters questioning his positions.

It seems that one in particular challenged the severity of the prohibition of killing non-Jews.[[12]](#footnote-12) In his response, Rav Amital quotes source after source proving that Jewish law prohibits the murder of any human being. He then mentions the terrible additional *chillul ha-shem* inherent in killing of non-Jews. This idea is found in the writings[[13]](#footnote-13) of Rav Meir Simcha Cohen of Dvinsk (1843-1926). He explains why we find that the Torah does not demand the death penalty for the murder of non-Jews as it does for the murder of Jews. Rav Meir Simcha lays out the reasoning for this law:

Perhaps it is because that when a Jew kills a Noahide, aside from the sin of murdering, he is also guilty of an additional sin, which is the desecration of God's name. His sin is so severe that even death by the hands of man cannot atone for his sins; therefore he can be judged by God alone.

1. The entire report can be found at: https://mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook6/pages/104%20report%20of%20the%20commission%20of%20inquiry%20into%20the%20e.aspx. [↑](#footnote-ref-1)
2. See Shalom Carmy’s article at: <https://www.firstthings.com/article/2018/05/soloveitchik-the-zionist>. [↑](#footnote-ref-2)
3. His article appears in *Arakhim Be-mivchan Milchama,* pp.149-151. [↑](#footnote-ref-3)
4. *II Melakhim* 3:26-27. [↑](#footnote-ref-4)
5. This is quoted by Rav Eliezer Melamed. See his article at: https://www.inn.co.il/Besheva/Article.aspx/1222. [↑](#footnote-ref-5)
6. The letter was published in *HaTzofe* on 15.10.1982. [↑](#footnote-ref-6)
7. Rambam, *Hilkhot Shegagot* 5:6. [↑](#footnote-ref-7)
8. For a detailed explanation of the reasons of this mitzva, see Rav Yonatan Grossman’s article, available at: https://www.etzion.org.il/heפרשת-מסעי-רוצח-בשגגה-ועיר-המקלט [↑](#footnote-ref-8)
9. The article “Being Frum and Being Good: On the Relationship between Religion and Morality” appears in *By His Light*, pp. 126-127. [↑](#footnote-ref-9)
10. The statement and the response to it appears in Elyashiv Reichner’s biography of Rav Amital*, By Faith Alone,* pp. 185-195 [↑](#footnote-ref-10)
11. The address was printed in the yeshiva’s Torah journal, *Alon Shevut*, Vol. 100, pp.34-54. [↑](#footnote-ref-11)
12. *Alon Shevut,* Vol. 100 pp. 55-62. [↑](#footnote-ref-12)
13. *Meshekh Chokhma, Shemot* 21:14. [↑](#footnote-ref-13)