YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**PIKUACH NEFESH**

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**Shiur 32: The Case of a Border Town in the Rulings of Rav Shlomo Goren *zt"l***

**Introduction**

In the previous two *shiurim*, we discussed basic principles underlying the case of a "border town." As mentioned, contemporary *poskim* who dealt with laws relating to military and security issues gave this case considerable weight.

In this *shiur*, I wish to examine the significance of the border town in the rulings of the founder of the military rabbinate, Major General Rabbi Shlomo Goren *zt"l*. As we will see, Rabbi Goren based many of his responsa and halakhic rulings on the law governing a border town, and saw it as a solid foundation for halakhic rulings in the Israel Defense Forces.

We will open our discussion with two basic principles that Rabbi Goren presents in his explanation of the issue, and will then review his rulings that stem from it.

**Defining the Entire Country as "A Border Town"**

We saw in the previous *shiur* that the Gemara (*Eruvin* 45a) defines the city of Nehardea as a border town. Rabbi Avraham Chaim Hirsch, one of the greatest rabbis of Galicia in the first half of the 17th century, writes as follows:

It seems, therefore, that Nehardea was not close to the border, and this is what it means: Babylon, because gentile towns are nearby… **Therefore, even a town that is located in the middle of the country, and the gentiles come only for matters of hay and straw, it is considered like a border town, and Shabbat may be desecrated on their account**,for if they do not stand up against them, there is reason to be concerned that they will suddenly come and fight over it and conquer it and kill them…

This is also implied by the *Hagahot Oshri*,who writes: "And at this time, if gentiles come regarding monetary matters, we go out against them with weapons and desecrate Shabbat because of them… For we live among *Yishmaelim* who plunder and kill… and it is no less [of a concern] than a border town.” (*Torat Chaim*, *Eruvin* 45a, s.v. *u-be-Bavel*)

Rabbi Goren does not cite the words of the *Torat Chaim*, but in his responsa, he consistently assumes that the term "border town" should not be understood literally, for at times even locations in the heart of the country are defined as "border towns" due to the concern that any harm caused to them would negatively affect national security. Below are three examples of this.

**1. Securing the National Water Carrier on Shabbat**

Rabbi Goren permitted Shabbat to be desecrated, even with the violation of Torah prohibitions, in order to secure the water lines of the National Water Carrier. He explains:

It is clear that protecting the national water facilities against acts of sabotage and terrorism, as well as against the possibility of poisoning the water and the like, is a security operation of the first order that sets aside the prohibitions of Shabbat. For if Nehardea was considered a border town because it was close to gentiles on one side, as is explained in *Eruvin* 45, **the same applies to all of the Land of Israel in our time**,when our enemies try to send groups of terrorists to terrorize anywhere and everywhere. Surely, the protection of our water is more important than matters of hay and straw in a border town. (*Responsa Meishiv Milchama*, vol. I, no. 6)

Towards the end of the responsum, Rabbi Goren establishes that if it is possible to secure the National Water Carrier and check the quality of its water without traveling, that is how it should be done. However, the allowance itself is clear and simple in his eyes.

**2. Securing Sports Events Held on Shabbat**

Rabbi Goren was asked whether it is permissible to desecrate Shabbat for the purpose of providing security for mass events, such as sports events, held on Shabbat. Rabbi Goren of course notes the "conscientious difficulty" that he has with securing events that involve mass Shabbat desecration, but in practice, in his opinion, it is permissible:[[1]](#footnote-1)

As long as terrorists operate against the Jews and their country, **the entire country is treated as a border town,** as explained in *Eruvin* 45. Therefore, when Shabbat arrives and we know that a large gathering of Jews will occur in a particular place, and there is a fear of terrorism or any other hostile actions, it is a mitzvato do everything in order to thwart the possibility of damage to human life or property caused by the enemy. (*Responsa Meishiv Milchama*, vol. I, no. 7)

**3. Routine Patrols to Secure Military Camps and Facilities on Shabbat**

One of the important principles established by Rabbi Goren in regard to the observance of Shabbat in the IDF is that activities that are permitted on Shabbat are permitted for all IDF soldiers, and a Shabbat-observant soldier is not required to change shifts with a non-Shabbat-observant soldier. Therefore, when Rabbi Goren was asked about a routine patrol, whose purpose is "to secure people, territory, or military and civilian facilities, as well as to secure military and civilian property from the enemy," he replies emphatically:

It is absolutely permitted on Shabbat to take all possible steps to achieve the perfect execution of this security mission, since the principle that we apply in relation to such defensive operations is based on the Talmudic passage in tractate *Eruvin* 45… And it is clear that in our security situation today, any infiltration from across the border falls into the category of gentiles coming with regard to lives, **and all of the Land of Israel is considered for this purpose like a border town,** where even if they came only to steal hay and straw, they may go out against them with their weapons, and desecrate Shabbat on their account. (*Responsa Meishiv Milchama*, vol. I, no. 9)

It seems that the reality described by Rabbi Goren remains to this very day. Even today, the fear of hostile elements infiltrating IDF bases exists all over the country. This is why the defense of military camps is carried out in routine manner even on Shabbat and holidays. Its purpose is to prevent not only harm to lives, but also harm to military property, which is no less than matters of "hay and straw."

**"If An Announcement is Made" – The Fear of a Future Attack**

However, even if the entire country is considered like a "border town," if we return to the Talmudic source, this allowance applies only when the gentiles laid an actual siege on the town in order to steal its hay and straw. Can we derive from this an allowance to desecrate Shabbat when the fear of an attack pertains not to the present, but to the future? Do the considerations of communal *pikuach nefesh*, which underlie the novel *halakha* regarding a border town, apply in practice even when the fear of harm to Israel's hold on its land relates to the future?

Here too, Rabbi Goren's position regarding the allowance is resolute. His words are based primarily on a novel definition proposed by the *Or Zarua*:

There is no distinction between where [the gentiles] already laid a siege and where they say that they want to come to plunder. Rather, if an announcement is made that they want to come to plunder, then even if they have not yet come, they are permitted to wear their weapons to defend themselves and to make noise in the town so that they should not come, for we are not meticulous in matters of *pikuach nefesh*. (*Or Zarua*, II, *Shabbat* 84, 13)

The Rema rules in accordance with the *Or Zarua*:

In a border town, even if they come only for matters of hay and straw, we desecrate Shabbat on account of them.

Rema: Even if they did not come yet, but they want to come. (*Shulchan Arukh* OC329:6)

Rabbi Goren begins with the assumption that the security situation in our time is treated as if "an announcement was made"[[2]](#footnote-2) that our enemies "want to come" and attack all the cities of Israel. Therefore, even when the enemy is not visible, the danger still exists, and we permit desecration of Shabbat in accordance with the law governing a border town.

Here, I will mention two examples of the application of the principle:

**1. The National Water Carrier and Perpetual Danger**

We saw Rabbi Goren's words about securing the National Water Carrier on Shabbat. He comments there that it would seem that the allowance exists even without "reliance on the position of the *Or Zarua* and the Rema… because in our current situation, if we do not stand guard day and night to maintain a security perimeter and guard against poisoning, this could lead to a large-scale danger to life." However, towards the end of the responsum, Rabbi Goren emphasizes that great weight should indeed be given to the position of the *Or Zarua*:

I have already clarified this issue of "a danger before us"… and we reached the conclusion that when it comes to the entire country or to a large community of Jews who may be in danger, then all actions to prevent the danger from coming are permitted, **as was established by the *Or Zarua* and the Rema, that even if the gentiles have not yet come, but they want to come**, that is, an announcement was made that they want to come, then even if they have not yet come, they are permitted to wear their weapons and defend themselves…

And in our case, they themselves boast of their malicious intentions, and therefore **it is clear that the question must be discussed as if the danger is before us**. (*Responsa Meishiv Milchama*, vol. I, no. 6)

As has already been emphasized, the passage dealing with a border town is indeed a solid foundation for the perspective that a future danger can be treated as a tangible danger that permits the desecration of Shabbat.

**2. A Reasonable Fear that They Will Come**

Rabbi Goren ruled that it is permissible to desecrate Shabbat in order to deal with enemy corpses left on the battlefield. Beyond the moral obligation involved, Rabbi Goren notes that we are dealing with a security consideration; if the IDF does not act to collect the corpses, there is a concern that the enemy will try to do it themselves:

**If there exists a reasonable fear** that the enemy may enter our territory in order to take their dead with them… we can relate to such a case as if they were gentiles besieging Jewish towns, regarding which, in a border town, even if they came only for hay and straw, we desecrate Shabbat on their account… **And the *Or Zarua* adds**: "If an announcement was made that they want to come, then even if they have not yet come, they are permitted to wear their weapons." The same applies in our case, if there exists a fear that the corpses will cause a renewed infiltration of our territory in order to retrieve the corpses, this is stronger than matters of hay and straw…. (*Responsa Meishiv Milchama*, vol. II, no. 160)

Here too, without a doubt we are talking about a future and distant concern, and yet, according to Rabbi Goren, we learn from the case of a border town to regard even such a fear as a situation of *pikuach nefesh* that permits desecration of Shabbat.

**Additional Examples**

Rabbi Goren applies the two principles that we have presented in many of his responsa. Even though my usual practice in these *shiurim* is not to conduct bibliographic reviews, I find it appropriate to collect the additional rulings that Rabbi Goren connects to the case of a border town. Since there are many examples, I will limit myself to giving a reference and mentioning the main points, and will leave it to readers to broaden and deepen their study.

1. An allowance to evacuate the corpses of fallen soldiers from the battlefield on Shabbat, lest the corpses be captured by the enemy. Rabbi Goren explains that preventing our soldiers from falling into the hands of the enemy "is more vital and important than defending ourselves regarding matters of hay and straw in a border town" (*Responsa Meishit Milchama,* vol. I, no. 2)*.*

2. The allowance to desecrate Shabbat in order to maintain the condition of the navy's ships on Shabbat even during routine times, and not only during a time of war or a military operation. Rabbi Goren suggests comparing the ships to "a border town" (*Responsa Meishiv Milchama*, vol. I, no. 11).[[3]](#footnote-3) He takes pains to emphasize that when it comes to maintenance services that are not performed every day, it is absolutely necessary to plan for them to be performed on weekdays and not on Shabbat. But those services that are carried out every day may be carried out even on Shabbat, as part of protecting the ship as "property" in a border town.

In this context, it should be noted that many of the maintenance services required for a ship are not related to an enemy attack, but to the natural forces at sea that can harm the ship. Rabbi Goren issues the novel ruling that in a border town, they are permitted to defend themselves even against natural forces, because ultimately, if Israel's hold on the place weakens, the fear exists that "from there it will be easier for them to conquer the land before them."

3. The allowance to secure Nachal settlements on Shabbat, whether they are settlements along the borders of the country or isolated settlements in the interior of the country. This allowance is an explicit application of the law of a border town, and indeed, Rabbi Goren cites the issue at length and even mentions and discusses the words of the Gemara in tractate *Bava Batra* (7b), which we have already mentioned in previous *shiurim*, regarding the special guard requirements in a border town (*Responsa Meishiv Milchama*, vol. I, no. 13).

4. The allowance granted to IDF soldiers to engage in routine security operations and set out on ambush missions on Shabbat against property offenders (*Responsa Meishiv Milchama*, vol. I, no. 14).

5. During the short period that the IDF forces controlled the Sinai Peninsula in the aftermath of the Sinai campaign, outposts were established near Rafah and in Sharm-el-Sheikh (Mifratz Shlomo, in Hebrew). In the wake of the government's decision to evacuate the region, one of the last soldiers in Sharm asked Rabbi Goren whether it was permitted to desecrate Shabbat in order to complete the evacuation and to ensure that no military equipment fall into enemy hands. Rabbi Goren answered that ideally the evacuation should not be planned for Shabbat, but if in fact the situation developed such that the evacuation was not completed, it may be completed on Shabbat in order to make sure that military equipment will not fall into the hands of the enemy. Rabbi Goren emphasized that the allowance relates not only to weapons and ammunition, which certainly must not fall into enemy hands, but to all military equipment, whatever it is, as it is no different from "hay and straw" (*Responsa Meishiv Milchama*, vol. I, no. 16).

6. The allowance granted to the military police to take part in the dispersal of an illegal demonstration held by a minority group on Shabbat. Here too Rabbi Goren maintained that enforcing the law in such a situation is like ensuring the peace and security of a border town (*Responsa Meishiv Milchama*, vol. I, no. 17).

7. The allowance for Gadna members in an isolated outpost in the Arava to operate a generator on Friday night for the purpose of lighting and guarding, in order to ensure the existence of responsible guarding of border regions (*Responsa Meishiv Milchama*, vol. I, no. 49).

8. An allowance to graze animals on Shabbat in border settlements, even though this requires carrying a weapon outside the *eruv.* Rabbi Goren explains that protecting the fields by means of grazing animals is considered like securing a border town, and therefore it is permitted even though it involves Shabbat desecration (*Responsa Meishiv Milchama*, vol. II, no. 57).

9. In an important article that examined "The First Lebanon War According to *Halakha*," Rabbi Goren emphasizes that that war was certainly defined as a *milchemet mitzva*, a war by commandment. He further emphasizes that the Gemara in *Eruvin* not only permits the defense of border settlements, but defines this defense as "war," and this war can only be seen as a *milchemet mitzva* for all purposes (*Responsa Meishiv Milchama*, vol. III, *sha'ar* 5).

**Conclusion**

The case of a "border town" is a recurring refrain in Rabbi Goren's responsa. He repeatedly returns to this issue in order to clarify that protective actions are permitted on Shabbat in a very broad way. In his opinion, as far as communal and national *pikuach nefesh* are concerned, even future concerns are considered situations of *pikuach nefesh*, and they allow for desecrating Shabbat and ensuring the safety and security of the State of Israel.

(Translated by David Strauss)

1. For an extensive discussion of this allowance, see "*Ha-Tzava ka-Halakha*," chap. 21. The entire chapter is devoted to the issue of security for trips and activities that take place on Shabbat, while desecrating Shabbat. It should be noted that it is also sometimes necessary to secure events that do not involve Shabbat desecration in themselves, but that require extensive Shabbat desecration in the security envelope. For example, Rabbi Dov Lior was asked about the celebration of "Shabbat Chevron" on *Parashat Chayei Sara*, when large crowds visit the City of the Patriarchs, thus obliging the IDF to prepare for a particularly large-scale security event. Rabbi Lior (*Responsa Devar Chevron*, no. 104) rules emphatically that it is permissible, and adduces proof from the law governing a border town: Just as they permitted the desecration of Shabbat to defend the town, and did not demand of its inhabitants to evacuate the place and thus spare the desecration of Shabbat, so too it is permitted to hold mass events in a place like Chevron and secure them as necessary. [↑](#footnote-ref-1)
2. See *Ha-Tzava ka-Halakha*, chap. 16, note 34. [↑](#footnote-ref-2)
3. It is interesting to compare his words in section 19 there, regarding a similar question about maintaining fighter planes on Shabbat. There, Rabbi Goren adopted a more restrictive position, and permitted routine maintenance only in times of war or a special state of alert. [↑](#footnote-ref-3)