YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**PIKUACH NEFESH**

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**Shiur 35: Eating Forbidden Foods During a War**

**Introduction – The Source of the Law**

In the previous *shiur* (*#*34), we dealt with the broad significance of the law of "until it falls," which allows doing whatever is necessary for the war effort – even in situations that do not involve clear *pikuach nefesh*. As we saw, the source of this law is in a responsum of the Rivash (no. 101), and Rabbi Goren (in the articles mentioned there) saw it as a firm foundation for the *halakhot* governing the army.

This *shiur* will address another issue where we find a similar principle: eating forbidden foods during a war.

The Gemara in the first chapter of tractate *Chullin* discusses the question of whether the laws of *shechita* (kosher slaughter) were practiced already during the forty years of the Israelites' wandering in the wilderness, or whether simply "stabbing" the animal was still permitted in the wilderness, while the laws of *shechita* came into effect only after the Israelites entered the Land of Israel.

In the framework of this discussion, the Gemara establishes that even after the Israelites entered the land, over the course of the seven years during which the wars of Yehoshua were being fought, it was permissible to eat non-kosher food:

…During the seven years of conquest…they were permitted to eat impure things, as it is written: "[And it will be, when the Lord your God brings you into the land…] houses full of all good things [and you will eat and be satisfied]" (*Devarim* 6:10-11), and Rabbi Yirmeya bar Abba said in the name of Rav: [Even] pigs' necks[[1]](#footnote-1) [were permitted]… (*Chullin* 17a)

The Rambam and the Ramban disagree about how to understand this allowance; as we will see below, their disagreement is largely related to the question of whether the allowance is based on the laws of *pikuach nefesh* and the need to protect the health and well-being of the combatants, or whether it is a matter of the laws of war, such that we are not particular about *kashrut* on the battlefield even in situations that do not involve *pikuach nefesh*.[[2]](#footnote-2)

**The Position of the Rambam – Communal *Pikuach Nefesh***

The Rambam writes:

When the army's troops enter the territory of gentiles, conquering them and taking captives of them, they are permitted to eat meat from animals that died without being ritually slaughtered, or that were *treif*, and the flesh of pigs and similar animals, if they become hungry and can find nothing other than these forbidden foods. Similarly, they may drink wine used in the worship of idols. This is derived by the oral tradition, which interprets "and houses filled with all good things" as referring to pigs' necks and the like. (*Hilkhot Melakhim u-Milchamoteihem* 8:1)

The Rambam explicitly states that the allowance to eat forbidden foods applies only in situations where the soldiers are hungry and have no other food to eat.

Commentators on the Rambam[[3]](#footnote-3) emphasize that we are not dealing with a situation of actual *pikuach nefesh*, where the soldiers are liable to starve to death; in such a situation, any person, not only a soldier, is permitted to eat forbidden foods and save his life. The allowance, then, is connected to an expansive conception of *pikuach nefesh*, as explained by the Radbaz:

We are not dealing with a case where the soldiers are in danger of starving, but rather they are not required to exert themselves and seek permitted food. Since they entered the territory of the gentiles, if they go to seek permitted food, the nations will rise up against them. This is similar to what they said: One may lay siege to gentile cities, and even on Shabbat. (Radbaz, ad loc.)

The Radbaz explicitly mentions the allowance to besiege the enemy's cities even on Shabbat, which we learn from the passage of "until it falls." In his opinion, the two allowances are similar: from the moment a battle begins, the parameters of *pikuach nefesh* expand greatly, and we are concerned even about more remote dangers. Therefore, it is permissible to continue fighting even over the course of Shabbat, and similarly, when food is needed, the soldiers need not be particular; they may eat whatever is available, in order not to impair their readiness and vigilance while looking for food.

The Netziv gave a similar interpretation:

It is clear that it is because of *pikuach nefesh*, for any strictness regarding food in a time of war leads to mortal danger… But here, even to satiety, without calculation and knowledge, for in such a situation there is no time to think about this, lest one endanger himself. Satiety also leads to enhanced health, which is required in a time of war. (*Ha'amek Davar*, *Devarim* 6:11)

The Netziv emphasizes that it is not always possible to determine exactly how much food is necessary for soldiers to be able to fight in the best and most professional manner. Therefore, the Torah categorically permitted eating forbidden foods, since the health and strength of the soldiers is a clear necessity for *pikuach nefesh*.

In the previous *shiur*, we discussed the disagreement between Rabbi Shlomo Goren and Rabbi Moshe Tzvi Neriya regarding how to understand the foundation of the law of "until it falls." Rabbi Neriya asked – as did other *Rishonim* and *Acharonim* – what is novel about the law of "until it falls," for if it is a matter of *pikuach nefesh*, certainly everything is permitted. To this he answered:

We learn the answer to this question from the Radbaz… His lips spoke clearly, that in a time of war, the parameters of assessing *pikuach nefesh* are extremely broad… He equated the allowance of eating forbidden foods to the allowance of fighting on Shabbat. It was brought to shed light, but instead it was [itself] clarified – that according to the Radbaz, the foundation of the allowance to continue fighting on Shabbat is because of *pikuach nefesh*, only that in ordinary times and regarding the life of the individual, the parameters are clearer and thus more limited, which is not the case in a time of emergency of war: since the parameters cannot be sufficiently clarified and it concerns the lives of the many, it is forbidden to make exacting calculations to prevent the desecration of Shabbat, because communal *pikuach nefesh* is more stringent for us. (*Milchamot Shabbat*, *Bei'ur Halakhot*, “*Derashat Ad Rideta ve-Ta'ama*,” p. 12)

We have here a clear example of the concept of "communal *pikuach nefesh*": Public guidelines for the army as a whole will necessarily be expansive with regard to the parameters of *pikuach nefesh.* In principle, however, the entire allowance is based on the concern of danger to life, not on a sweeping allowance of forbidden foods during a time of war.

Rabbi Asher Weiss also understands the Radbaz in this manner, and concludes that there is a disagreement between the Rivash and the Radbaz:

Regarding the *halakha* itself, that if they started, they do not stop, and that which they expounded "until if falls," that it is permitted to wage war on Shabbat, I have clarified that the two pillars of the world, the Rivash and the Radbaz, disagree about the matter…

It seems that the meaning of the words of the Radbaz is that a *halakha* was innovated in the laws of war – that we are concerned about every possibility of *pikuach nefesh*, even the most remote. Even if there is no immediate danger in the natural course of things, because they are not in danger of starving, nevertheless, the Torah permitted them to eat forbidden foods because of the concern that if they exert themselves to look for food, their enemies will rise up against them. In the same manner, the Radbaz also explained that it is permitted to wage war on Shabbat if they started…

But in *Responsa ha-Rivash*, no. 101, he wrote… “There is a special allowance in this”… Thus, you see that according to him, the allowance to desecrate Shabbat is not because of the danger, but rather a *halakha* [taught] to Moshe at Sinai that one may desecrate Shabbat for all the needs of the siege. (Rabbi Asher Weiss, *Dinei Milchama be-Shabbat* [*shiur* for *Parashat Matot* 5774, available on the *Minchat Asher* website [here](https://minchasasher.com/he/shiur/%D7%A4%D7%A8%D7%A9%D7%94-%D7%A9%D7%99%D7%A2%D7%95%D7%A8%D7%99%D7%9D/%D7%93%D7%99%D7%A0%D7%99-%D7%9E%D7%9C%D7%97%D7%9E%D7%94-%D7%91%D7%A9%D7%91%D7%AA-%D7%AA%D7%A9%D7%A2%D7%93/)])

Further on, Rabbi Weiss likens their disagreement to the disagreement regarding the allowance to perform for a dangerously ill person "all his needs": Does the allowance apply only to matters that indirectly contribute to his recovery, or is every action performed on behalf of the sick person "permitted" (we dealt with this matter at length in *shiur #*8).

To conclude this issue, it should be noted that beyond considerations of *pikuach nefesh*, the Rambam also sees another dimension to the allowance to eat forbidden foods in a war, related to the fact that the soldier must concentrate on the war and not on "the war against his evil inclination." In the next *halakha* there (*Hilkhot Melakhim u-Milchamoteihem* 8:2), the Rambam cites the law regarding a gentile woman taken captive in war, and explicitly connects the two *halakhot* to each other. He also relates to this connection in his responsa (*Responsa ha-Rambam*, no. 211),[[4]](#footnote-4) where he explains that in both cases, the allowance is because "the Torah spoke in response to man's evil inclination" (see *Kiddushin* 21b).

Indeed, it is possible that the two foundations of the allowance are connected to each other: the search for kosher food is liable to lead to a lack of concentration, which is dangerous. In order to make sure that the soldiers concentrate exclusively on the battle, and not turn their attention to anything else, it is necessary to remove their lusts from their hearts, and therefore "the Torah spoke in response to man's evil inclination," and permitted things that are forbidden.

Rabbi Prof. Neria Gutel comments that the very allowance to eat forbidden food during a war is connected to the soldier's peace of mind, and in the framework of his article, "*Mishkalo ha-Hilkhati shel ha-Meimad ha-Nafshi be-Milchama*, he explains:

The main goal is not the physical-material state of the soldier, which could have been dealt with, but rather his mental condition. The importance of the mental dimension is so great that they went far and permitted with ease, and from the outset [*lekhatchila*], that which in truth the soldier would not have been forced to do. This decision, which is not individual and specific, but general and sweeping, would certainly not have been issued in a "time of peace," and thus it well expresses the abnormality of the laws of a "time of war."[[5]](#footnote-5)

To summarize, the Rambam's position is that eating forbidden foods during a war is permitted because of *pikuach nefesh*, but the parameters of *pikuach nefesh* in war are very broad, and they follow from the obligation to concentrate entirely on the war.

**The Position of the Ramban – A Special Allowance for War**

The Ramban, in his commentary to the Torah, understood the allowance to eat forbidden foods in war differently from the Rambam:

And in the opinion of our Rabbis, the verse further alludes [to the law] that anything found in the “full houses” [that were occupied in the conquest of Canaan] may be used, even if they contained things forbidden by the Torah, such as pigs' necks, or the produce of a vineyard sown with diverse seeds, or fruits of the first three years of a tree. Even regarding cisterns, it is possible that in their construction, forbidden materials were used in their coat of pitch… They were given mastery over all that was found in the Land, both permissible and impermissible. Thus, all prohibitions were permitted to them **except** [those that were forbidden as a result of] the prohibition of idols… This allowance lasted until they consumed the spoil of their enemies. And some say this allowance applied [only] during the seven years of [the] conquest [of the Land], and so it appears in the Gemara, in the first chapter of tractate *Chullin*.

Now, the Rambam wrote in *Hilkhot Melakhim u-Milchamteihem…* "if they become hungry and can find nothing other than these forbidden foods"… But this is not correct. For it is not because of *pikuach nefesh* or hunger alone that [forbidden foods] were made permissible in time of war; rather, after they captured the large, high-quality cities and settled in them, the spoil of their enemies was permitted to them. And not to all armed soldiers [in any war], but only to [those who conquered] the Land which He promised to [give to] our fathers, as is explained in the matter. [The Rambam's ruling regarding] wine used in the worship of idols is also incorrect, for all forbidden articles pertaining to idolatry – the idols themselves, their appurtenances, and their offerings – are all forbidden. (Ramban, *Devarim* 6:10)[[6]](#footnote-6)

According to the Ramban, the allowance to eat forbidden foods during war is a sweeping allowance. Even if the soldiers have more than enough kosher and satisfying food, the Torah completely permitted the forbidden foods in war. It is true that the Ramban limits is allowance to the war of the conquest of the land, and commentators disagree about how to understand this: The *Turei Even* (*Rosh ha-Shana* 13a, s.v. *ve-ra'iti*) maintains that this was an "emergency ruling" for the generation of the initial conquest; the *Minchat Chinukh* (mitzva 527, s.v. *shuv ra'iti be-Ramban*), on the other hand, writes explicitly that according to the Ramban, the allowance applies during any war fought for the conquest of the land – though he also ponders the question of whether it relates specifically to a war whose purpose is to bring about the sanctification of the land, in which case the allowance depends on the question of whether the first (or the second) sanctification of the land consecrated it for the future as well (see, for example, *Arakhin* 32b and *Yevamot* 82b).[[7]](#footnote-7)

The Griz of Brisk explained the dispute between the Rambam and the Ramban with a classical "Brisker" distinction, and also suggested a practical halakhic difference between the two positions:

According to the Ramban, that the allowance applied only during the conquest of the land and not in every war, it turns out that it is not the act [*ma'aseh*]of war that permits the prohibitions, but rather the allowance pertains to the object [*cheftza*]of the prohibitions. That is to say, that the "houses full of all good things" that they found when they conquered the land were permitted, and even the forbidden things in them were permitted. Since the allowance relates to the object of the prohibition, there is no need for hunger to permit it. And so too, it is relevant to distinguish between a[n object of] prohibition that was permitted and one that was not permitted, and therefore he maintains that objects connected to idol worship were not permitted.

However, according to the Rambam, that the allowance applies in every war and not only in a war of conquest, we must say that he maintains that the act of war is what permits these prohibitions, and not that the allowance relates to the object of the prohibition in a time of war. Therefore, he writes that only if they become hungry, and can find nothing other than these forbidden foods, are the prohibitions permitted. Similarly, it would not be relevant to say that one prohibition was permitted, but not another; rather, if something is fit for eating or drinking, and they have nothing [else] to eat, the very act of war is what permits the prohibitions, even those things from which it is forbidden to derive any benefit, and therefore he rules that even wine used in the worship of idols is permitted. (Published in *Chiddushei ha-Grach al ha-Shas*, *Chullin* 17a)

The Ramban speaks of a broad allowance of the "object," which is essentially not forbidden at all, since it is "spoils of war," which were permitted in sweeping fashion. The Rambam, in contrast, introduces a new *halakha* in the laws of wars and in the concern of *pikuach nefesh*, and this law, which relates to the "person" (rather than the “object”), is connected to the broad parameters of *pikuach nefesh* in a time of war. Of course, according to the Ramban, we must examine each forbidden food to see whether it is included in the allowance, whereas according to the Rambam, they were all sweepingly permitted,[[8]](#footnote-8) and there is no concern at all about forbidden foods in a war, because of *pikuach nefesh.*

**The Allowance of Forbidden Foods – In Practice**

As we know, the *Shulchan* *Arukh* did not deal with laws governing the army and war, and therefore we do not have a clear decision regarding the dispute between the Rambam and the Ramban, and the different understandings of each view. Rabbi Yechiel Michel Epstein, in his *Arukh ha-Shulchan he-Atid* (*Hilkhot Melakhim* 77:1-3), leans toward the position of the Ramban, but even this should not be seen as a clear and unequivocal decision. Rabbi Waldenberg (*Responsa Tzitz Eliezer*, vol. XVIII, no. 70) also implies that, owing to the uncertainty, we should be stringent – though it should be noted that this responsum discusses the issue in principle, not to answer a concrete question.

During World War II, Jews enlisted in the Jewish Brigade that was established in the framework of the Royal British Army, which fought the Nazis. Some of the soldiers asked Rabbi Herzog whether they were permitted to eat forbidden foods in the war. In a responsum dedicated to the issue, entitled "*Ma'akhalei Issur le-Chayalei ha-Brigada ha-Yehudit*," Rabbi Herzog firmly responded that this is forbidden, and he explained that according to the Ramban, the allowance applies only in a war of conquest of the Land of Israel, not in other places in the world. In addition to this reason for prohibition, Rabbi Herzog writes that that even according to the Rambam, there is no allowance in this case:

Even according to the opinion of the Rambam, I do not see a basis for an allowance, for it is clear that this allowance is a novelty that *Chazal* derived from an exposition of the unnecessary words in the verse, "houses filled with all good things," as referring to pigs' necks and the like (*Chullin* 17), and the rule regarding any novelty is that it is limited in its application – and regarding what was it said? Regarding a war of Israel, in the strict sense of the term.

May blessing rest on our brothers who join this war against the terrible enemy who has arisen to enslave the entire world and destroy the people of Israel. This is a war that involves the rescue of Israel, but it is a war of the nations to which members of Israel have joined as their soldiers, and not a war of Israel in the sense of the passage in which this allowance is stated. And nowhere do we find that those who go out to save lives are permitted to eat forbidden foods, when there is no concern of *pikuach nefesh* involved. Therefore, in my opinion, there is no basis for an allowance in accordance with the questioner's opinion. (*Responsa Heikhal Yitzchak*, *Orach Chaim*, no. 42)

It would be possible to disagree with Rabbi Herzog's claim, and to determine that if there is any possible *pikuach nefesh* involved, it should be permitted in any war. But, as stated, his position regarding the soldiers of the Jewish Brigade was to prohibit the eating of forbidden foods. At the same time, his words imply that if we were dealing with an independent Jewish army, there might have been room for leniency.

In fact, in his autobiographical work, *Be-Oz ve-Ta'atzumot*, Rabbi Shlomo Goren relates that during the War of Independence, he permitted in pressing circumstances to eat canned meat, called “bully beef,” that was left behind by the British army, based on the Rambam's opinion. However, he describes his many doubts about whether or not to rely on this allowance, and his conclusion was:

Therefore, I ruled that there is no allowance yet for healthy and functioning soldiers to eat bully beef, because we are not in a situation that allows that, but in the hospitals, convalescent homes, and old people's homes, we permitted using such meat… I did not know how much longer the siege would last. It was clear to me that if it would last much longer, we would have to permit all the soldiers to eat the bully beef. But this we would do only when the water would come up to our necks, when the situation would become very dire and we would not be able to provide even the minimum. (*Be-Oz ve-Ta'atzumot*, chapter: "*Leil ha-Seder ha-Rishon be-Tzahal* – *Pesach 5708*," "*Ha-Kashrut*," p. 129)

There is no doubt that Rabbi Goren's allowance stemmed primarily from the terrible plight in the besieged and starving city of Jerusalem during the War of Independence, and not only from "general" considerations of war. Indeed, leniency was never practiced in actuality in Israel's wars, as explained by Rabbi Mordechai Halperin:

Regarding soldiers of a commando unit who are on a raid deep beyond the enemy lines, if during the raid, rich food stores fell into their hands, while the battle rations that they had were enough to keep them alive but not to satisfy their palates – are they permitted to eat the plundered food even though it is not kosher?

If so… what we have before us is a dispute among the *Rishonim*, and even those who permit the matter permitted it only because the Torah spoke in response to man's evil inclination, and this is not the way. Therefore, we should not be lenient, God forbid, with regard to Torah prohibitions. Thus, the soldiers of a commando unit are prohibited from eating forbidden foods even when they are beyond enemy lines, as long as there is no concern of *pikuach nefesh*. (Rabbi Mordechai Halperin, *Refu'a*, *Metzi'ut ve-Halakha*, no. 12 [available at the website of the Schlessinger Institute for the Study of Medicine According to the Torah, [here](https://www.medethics.org.il/wp-content/uploads/2020/04/113%D7%9E%D7%90%D7%9B%D7%9C%D7%95%D7%AA-%D7%90%D7%A1%D7%95%D7%A8%D7%95%D7%AA-%D7%91%D7%9E%D7%9C%D7%97%D7%9E%D7%94.pdf)])

However, at the end of that chapter, he added the following note:

Note: In light of the experience of the Second Lebanon War, I added in 5666: It must be emphasized that what has been said is true when the war is already over, but when the fighting is still going on, one should act in accordance with the words of the Netziv, that "any strictness regarding food in a time of war leads to mortal danger," for the reality as was clarified during the war proves what he said. (Ibid.)

Indeed, during the Second Lebanon War, there were significant logistical gaps across South Lebanon, and the soldiers who stayed in houses in the various sectors wanted to eat from whatever was available. In general, we are not talking about clearly forbidden foods, such as pigs' necks, but rather other foods which raised various concerns, such as legumes that were not checked for bugs or flour that was not sifted. The allowances regarded the spoils of war certainly did not apply there (both because of the IDF's orders concerning the matter, and because the soldiers sometimes took up residence in the homes of those who cooperated with the IDF), but there were certainly needs of *pikuach nefesh* for soldiers engaged in complex combat, and as stated, in Rabbi Halperin's opinion, the focus should be on the war, and not on procuring kosher food.

As mentioned, throughout the years of the IDF, they did not rely on the aforementioned allowance to eat forbidden foods. However, this allowance served as "inspiration" for other rulings. Thus, for example, when we were asked during Operation Protective Edge in the summer of 5774 whether Ashkenazi soldiers are permitted to eat meat during the Nine Days, we determined that this was permitted. Since the issue of eating meat during this period is subject to a dispute, and it is certainly only a Rabbinic prohibition, there is room to say that for those who are engaged in actual fighting, strengthening their bodies and eating the best possible food is an essential necessity for the success of the campaign; there is room to be lenient about this during the Nine Days, and if necessary, even at the meal before the fast, and perhaps even on Tisha be-Av itself.

I would like to conclude with an even more far-reaching allowance, which was also issued in our *beit midrash* during Operation Protective Edge. In the middle of the operation, we were asked whether soldiers staying in a protected compound inside the Gaza Strip are permitted to boil water on Shabbat for coffee. In the rear camps, it is possible to arrange appropriate hot water urns before Shabbat, but for the soldiers across the border, this is not possible.

At first glance, it is difficult to permit the transgression of Torah prohibitions for this purpose; however, we determined that if the soldiers need hot coffee in order to maintain maximum vigilance, there is room to permit it. We relied for this on the tradition of the military rabbinate from the days of the Six-Day War, as recounted by Rabbi Avraham Avidan in his book, *Shabbat u-Mo'ed be-Tzahal*:

On the last Shabbat before the Six Day War, in the wee hours of Shabbat morning, the battalion moved from the camp in the center of the city and took control of the mountainous area opposite Nebi Samuel… In the wake of the move, it was impossible to organize hot food and drinks for the battalion's soldiers, and indeed the soldiers of the battalion ate cold food on Shabbat. However, in the early hours of the morning, when they had finished organizing themselves in the field, it was bitterly cold in the mountains of Jerusalem, and the soldiers claimed that hot drinks would help them stay alert. The sergeant in charge of religious matters, realizing that he would not be able to stop them, did not protest, and after the fact, knowing that in the *beit midrash* of the military rabbinate, cooking had been declared absolutely forbidden, he turned to me with the question of whether he had acted correctly.

In this case, I assessed that there would be no real danger if the soldiers did not have the hot drinks, but if they did, the hot drinks would be a helpful factor in maintaining the fitness of the soldiers. This, then, is similar in principle to the basis of the allowance to fight on Shabbat, as well as what we explained above regarding the opinion of the Radbaz regarding the allowance granted to soldiers to eat forbidden foods. (*Shabbat u-Mo'ed be-Tzahal*, in the section "*Lechima u-Bitachon Shotef be-Shabbat*," in the chapter *"Milchama be-Shabbat u-be-Yom ha-Kippurim*, "*Ha-Hashlachot ha-Aktualiyot mei-ha-Gisha ha-Mutza'at*, par. 1, p. 16)

These words were written in the framework of a comprehensive investigation of the issue of "until it falls," and an emphatic assertion that in today's military reality, that passage should be applied in an expansive, rather than a restrictive, manner.[[9]](#footnote-9)

Thus, what we have here is a principled combination of the allowance of "until it falls" and the vital need for quality and satisfying food for soldiers on the battlefield, as discussed above.

(Translated by David Strauss)

1. Editor’s note: This translation follows the version of the Gemara that reads *ka****d****lei de-chaziri*, which Rambam explains as “pigs’ necks,” as below. Rashi, on the other hand, wrote: "*Ka****t****lei de-chaziri* – dried pig, which is called bacon." [↑](#footnote-ref-1)
2. For an extensive discussion of the dispute between the Rambam and the Ramban, and the relationship between their words and the course of the discussion in *Chullin*, see Rabbi Matan Glidai, "*Heter Ma'akhalot Asurot be-Milchama*," in *Techumin* vol. 27. The first footnote in that article contains a bibliographical list of about ten different articles dealing with the issue of eating forbidden foods in a war. [↑](#footnote-ref-2)
3. See *Kesef Mishneh*, ad loc. This also follows already from the words of the Meiri (*Beit ha-Bechira*, *Chullin* 17a, s.v. *kol zeman*), who explains the passage in accordance with the Rambam's understanding and emphasizes that the allowance to eat forbidden foods applies "in a pressing situation and at a time of the troubles of war." [↑](#footnote-ref-3)
4. The *Chatam Sofer* also expanded on this matter in his novellae to tractate *Chullin* (17a, s.v. *ve-ha-me'ayen bi-fenim*). [↑](#footnote-ref-4)
5. Rabbi Prof. Neria Gutel, "*Mishkalo ha-Hilkhati shel ha-Meimad ha-Nafshi be-Milchama*," *Sinai* 138 (Nissan-Sivan 5666), pp. 98-110. The article is also available on the *Merkaz Torah u-Medina* website, [here](https://www.toramedina.org.il/media/1521/%D7%9E%D7%A9%D7%A7%D7%9C%D7%95-%D7%94%D7%94%D7%9C%D7%9B%D7%AA%D7%99-%D7%A9%D7%9C-%D7%94%D7%9E%D7%99%D7%9E%D7%93-%D7%94%D7%A0%D7%A4%D7%A9%D7%99-%D7%91%D7%9E%D7%9C%D7%97%D7%9E%D7%94.pdf). [↑](#footnote-ref-5)
6. The Ramban wrote the same in his novellae to tractate *Chullin* (17a, s.v. *eivrei basar*). [↑](#footnote-ref-6)
7. The Ramban himself writes explicitly (*Bamidbar* 31:23) that during the war against Sichon and Og on the east bank of the Jordan, it was permitted to eat forbidden foods without restriction, because this was a war that was waged for the conquest of the land. In the war against Midyan, regarding which he says that "they killed them only to take their vengeance," forbidden foods were not permitted, which is why the laws of kashering utensils were taught specifically in the context of the war against Midyan (*Bamidbar* 31:21-24). [↑](#footnote-ref-7)
8. See the article of Rabbi Matan Glidai (above, note 2), who noted other ways to distinguish between different types of forbidden foods. [↑](#footnote-ref-8)
9. In his comments there, he tries to equate the words of Rabbi Goren with the words of Rabbi Neriya, and to propose "that there is no contradiction at all between them, for the foundation of the allowance is certainly the law of *pikuach nefesh*, but nevertheless it is permissible to do things even if not doing them would not pose a danger" (ibid., in the section entitled, "*Hatza'ateinu le-Bei'ur Geder Din* "*Ad Rideta*"; p. 13). [↑](#footnote-ref-9)