YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**PIKUACH NEFESH**

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**Shiur 40: Morale of the soldiers as a Halakhic consideration (3) –
Traveling on Shabbat in Order to Strengthen Soldiers’ Spirits**

**Introduction**

In the two previous *shiurim*, we discussed the need to maintain soldiers’ morale, and the allowance to evacuate casualties from the battlefield in order to spare the fighters from disturbing sights. Unfortunately, soldiers are nonetheless exposed at times to difficult and painful scenes and shocking experiences in the heat of battle. Even before that, while still in the assembly and preparation areas, they can be very anxious and stressed about what is to come.

The responsibility to strengthen soldiers' spirits rests first and foremost on their commanding officers. A commander is supposed to lead, and an essential part of his role and responsibility is to instill in his soldiers the courage and bravery to charge forward. However, it has often happened that some other figure, such as a military rabbi, a psychologist, or a former commander, was the one to find the right words to strengthen the spirits of the soldiers before or during battle.

Therefore, the question arises whether such people are permitted to desecrate Shabbat in order to reach the soldiers at the front and talk with them. When a military rabbi is able to join the fighters on their way to the assembly point, it stands to reason that this is permitted; riding with them on a heavy vehicle (bus, armored combat vehicle, or the like) that is traveling in a permitted matter for the sake of *pikuach nefesh* does not involve violation of a Torah prohibition, and sometimes not even of a Rabbinic prohibition.[[1]](#footnote-1) Even if the vehicle goes beyond the Shabbat boundary (*techum Shabbat*), there are grounds for leniency based on the idea that restrictions of *techum Shabbat*  do not apply to driving, or that they do not apply in a military camp.[[2]](#footnote-2)

However, sometimes a special trip is required, and then the question returns: is it permitted to make such a trip in order to strengthen the spirits of the soldiers? This question has arisen in practice in various wars and operations. In several incidents, sharp criticism was leveled at military rabbis who maintained that it was permissible and in fact traveled on Shabbat to join the forces, as will be discussed below.

This is the issue that we will try to clarify in this *shiur.*

**The Prohibition of Fear in War, and the Role of the Priest Anointed for War**

Fear on the battlefield is natural and understandable. It is precisely for this reason that the Torah commands again and again not to be afraid of our enemies, and the Rambam counted this among the 613 Torah commandments:

The 58th commandment, that He prohibited us from being afraid of the heretics during a time of war, and from being in terror of them. Rather, there is an obligation to strengthen our hearts and stand firm in the military campaigns. Anyone who turns around and retreats has transgressed a negative commandment, which is what it says, "You shall not be in terror before them" (*Devarim* 7:21). He repeated the prohibition and said: "You shall not fear them" (*Devarim* 20:1). The command regarding this matter was repeated frequently – not to be terrified and not to run away during a time of war, for in this way it is possible to uphold the true faith. The regulations regarding this mitzvahave been explained in the eighth chapter of *Sota* (Rambam, *Sefer Ha-Mitzvot*, negative commandment 58)[[3]](#footnote-3)

Of course, fear cannot always be controlled, and therefore the Torah further commands that a priest be anointed for war who will strengthen the hearts of the people. The *Sefer ha-Chinukh* explains the matter as follows:

The root of this commandment is well-known: since soldiers need strengthening in a time of war, and since a distinguished person is more likely to be heeded, the Torah commanded that the one appointed to strengthen [the troops] be from the priests, who are the select of the people. (*Sefer Ha-Chinukh*, mitzva 526)

This is not the place to expand on the laws of the priest who is appointed for war, including the question of whether he has an operational role as part of the fighting force[[4]](#footnote-4) or whether he has only a religious-spiritual role. In any case, the *Sefer ha-Chinukh* emphasizes that the commandment is to engage in strengthening the spirit of the fighters and raising their morale.

Of course, neither the Rambam nor the *Sefer Ha-Chinukh* discuss any allowance to desecrate Shabbat in the case of a person who is not actually a priest anointed for war. However, they certainly point to the importance attached to the soldiers' mental state and their morale in the Torah's attitude toward war.

**A Military Rabbi Driving on Shabbat to Strengthen the Spirits of the Soldiers**

Rabbi Yaakov Ariel was explicitly asked about the permissibility of a military rabbi joining the fighting forces on Shabbat. As he ponders the matter, he writes:

However, it is still uncertain whether the spiritual influence that is so necessary justifies desecration of Shabbat. For perhaps the benefit is outweighed by the cost – for, on the one hand, Shabbat was desecrated by them, and therefore their spiritual contribution will be compromised by that. The matter requires further examination. (*Responsa Be-Ohalo shel Torah*, II, no. 47)[[5]](#footnote-5)

Although he writes that the matter requires further examination, at the end of the responsum, he summarizes and writes:

Since the rabbi's joining the bus that collects the soldiers is not prohibited by Torah law, but only by Rabbinic law, we should practice leniency. But even if the matter involved the violation of a Torah prohibition, if the rabbi thinks that he can contribute to the war effort, by his very presence or through other things that he will do, he is permitted to join the soldiers who are traveling on Shabbat. (Ibid.)

As was already stated above, it is stands to reason that we may be lenient about a rabbi boarding a vehicle that is setting out anyway for the sake of *pikuach nefesh*, but it seems that Rabbi Ariel is ultimately ready to permit even the violation of a Torah prohibition when it is clear that this will have real benefit and strengthen the spirits of the soldiers.

Rabbi Yitzhak Kofman issued a similar ruling, with a call for caution, in his book, *Ha-Tzava ka-Halakha*. He devotes an entire chapter to the issue of "Peace of Mind as a Factor in *Pikuach Nefesh,*" but the main part of his discussion relates to the needs of a soldier who was injured and falls into the category of a dangerously ill person. As for a healthy soldier found on the battlefield, he clarifies that:

It is not common for peace of mind to be a factor in *pikuach nefesh*, such thatprohibitions would be permitted because of it. (*Ha-Tzava ka-Halakha*, 19, 9)

However, he later adds:

There are exceptional situations, in which a healthy person's peace of mind is liable to be a factor in *pikuach nefesh*… A unit in which many of its soldiers were injured in the course of the fighting, and the others suffer from battle shock, and there is a reasonable chance that it will be necessary to continue the fighting during Shabbat or immediately afterwards – if the assessment is that it will be possible to return the unit to the desired level of functioning with the help of a particular treatment, such as a conversation with a senior officer or a conversation with a psychologist, and in special cases, a conversation with the rabbi, and it is impossible to do this without traveling, then the aforementioned people are permitted to travel to them immediately for the purpose of talking with them. (Ibid. sec. 10)

In a footnote there, he speaks of an incident that took place during Operation Peace for Galilee, when one of the units suffered many casualties and the commander thought that owing to their low morale, the unit was no longer fit to fight. The commander invited a military rabbi to talk to the fighters, and only thanks to that conversation did the unit return to operational capability. But despite this incident, he adds the reservation:

It is clear that the circumstances must be carefully weighed on Shabbat, who is the rabbi and who are the soldiers… As a rule, the peace of mind of a healthy person causes a good feeling or prevents excessive discomfort, but it does not constitute a factor in *pikuach nefesh*, such that prohibitions should be permitted because of it, and we cannot learn anything [general] from a unique case. The decision should be made on a case-by-case basis and with great consideration. (Ibid., sec. 12, and note 11)

Thus, on the one hand, Rabbi Kofman explains that there are situations in which it is permitted to travel for the sake of raising morale, while on the other hand, he imposes many conditions, and insists that each case be examined on its own merits.

In contrast, the late Brigadier General Rabbi Avi Rontsky, who served as the chief rabbi of the IDF, was decisive in his allowance of the matter. On one occasion, Rabbi Rontsky himself joined a combat unit that was sent into action on Shabbat, for which he was sharply criticized. In a letter published by Rabbi Rontsky to the members of the military rabbinate, he explained his actions as follows:

Already in ancient times, we meet the military rabbi in the person of the priest anointed for war. That rabbi, the priest, stood before the soldiers before they went into battle and instilled in them a fighting spirit, and eventually, he even went out with them to the battlefield… The main task of the rabbi of the unit is to strengthen the fighters. This reinforcement is exceedingly necessary for victory in battle, because as we know, attacking the enemy and risking one's life are not natural to a person, and certainly not for our young soldiers. Thus, a rabbi who is deeply involved in his units, who participates with them in training and operational activities, can be of great help in overcoming the mental difficulties and crises that are characteristic of such a time… We can liken this to a dangerously ill patient, about whom we know with certainty that bringing his relatives can help improve his condition.[[6]](#footnote-6)

Several rabbis came out against Rabbi Rontsky's position, including Rabbi Yehoshua Ben Meir, who himself served as a military rabbi during the Yom Kippur War. In last week’s *shiur* regarding removal of the bodies of fallen soldiers from the battlefield on Shabbat (*shiur* no. 38), I cited what Rabbi Sh. Z. Auerbach said to Rabbi Ben Meir: On the one hand, Rabbi Auerbach agreed with the allowance to evacuate bodies from the battlefield in order to maintain the morale of the combatants, but on the other hand, he warned Rabbi Ben Meir "that they should not learn by analogy from what was stated above and say in his name that eating cold food on Shabbat also involves a problem for morale and *pikuach nefesh*… true fear of God is necessary to understand the difference between the issues."

Indeed, when an article was published in *Techumin* explaining the arguments in favor of allowing a military rabbi to travel to the forces on Shabbat, and emphasizing Rabbi Rontsky's position on the matter,[[7]](#footnote-7) Rabbi Ben Meir wrote a sharp article in response, in which he explained:

An unusual phenomenon occurred during the Yom Kippur War (1974), when due to the sight of the casualties that might affect the fighting forces, the order was given to evacuate the casualties even by way of a vehicle on Shabbat. But this is still an exceptional phenomenon, while as a rule, the evacuation of the bodies of fallen soldiers does not set aside Shabbat. The "morale of the soldiers" permits Shabbat desecration only in extreme and exceptional cases where there is a reasonable fear that damage to the morale of the fighters could seriously damage their fighting ability. Care must be taken that "morale of the soldiers" does not become a "code word" for mass and unnecessary desecration of Shabbat. Already in the year 5734, my revered teacher, Rabbi Sh. Z. Auerbach, warned me that one must not learn from the allowance to evacuate the bodies of soldiers to permit also to prepare hot food on Shabbat for soldiers at war. He said to me "that true fear of God is necessary to understand the difference between the issues." And now I am clearly convinced of the truth of the statement of *Chazal*: "A sage is preferable to a prophet"… Since the military rabbinate was established, none of its members ever thought of traveling on Shabbat to visit fighting forces, not even during wartime." (Rabbi Yehoshua Ben Meir, "*Chilul Shabbat le-Tzorekh Moral ha-Lochamim*," in *Techumin* 30)[[8]](#footnote-8)

Rabbi Ben Meir was so disturbed by Rabbi Rontsky's ruling that later in his article, he conducted a halakhic discussion as to whether a rabbi who traveled to soldiers on Shabbat is liable for a sin-offering, or whether he is perhaps considered "one who erred with regard to a mitzva" (see, for example, *Pesachim* 73a).

Admittedly, toward the end of his comments there, even he concedes that if the unit is suffering from clear and diagnosed battle shock, and in the opinion of the officers, a talk by the military rabbi may restore the unit's fighting ability, this is permitted even if it involves Shabbat desecration.

Furthermore, Rabbi Ben Meir himself, when quoting the ruling of Rabbi Sh. Z. Auerbach regarding evacuation of the bodies of fallen soldiers from the battlefield on Shabbat, added:

He [=Rabbi Auerbach] said that he heard that during the War of Attrition, Rabbi Goren permitted military rabbinate soldiers to be sent to *kasher* the outposts for Pesach, even though this involved a danger and there were soldiers who were killed, and even though some of the soldiers in the outposts had no interest and perhaps did not even want them to *kasher* [them] for Pesach, and it was a nuisance for them. But according to him, Rabbi Goren was right, because the fact that the military rabbinate exercises its authority and forbids them from using *chametz* on Pesach gives them the feeling that they are part of the system, of the State of Israel, and they share even in the restrictions of the rabbinate, and in the end this influences and strengthens their morale.[[9]](#footnote-9)

Indeed, anyone familiar with the history of the War of Attrition surely remembers the words of the poet Haim Gouri, "Tel Aviv is lit up, the canal is burning." The soldiers manning the line of outposts along the Suez Canal felt disconnected and forgotten, and in such a situation, strengthening their spirits could surely be defined as *pikuach nefesh*, for the purpose of permitting the soldiers of the military rabbinate to risk their lives and *kasher* the outposts for Pesach, as Rabbi Goren ruled and as Rabbi Auerbach approved as well.

We have seen therefore that in principle, it is certainly possible for soldiers in the heat of battle to reach a state of distress or anxiety that would justify desecration of Shabbat for the purpose of "settling their minds" (*Shabbat* 128b) and strengthening their spirits. At the same time, the allowance could be interpreted as overly broad, thus it must be applied with appropriate caution and after careful examination of the particulars of each case. As we have seen, disputes have arisen not infrequently in the Torah world, and even within the military rabbinate, about the limits of what is permitted and what is forbidden in this context.

**Travel of a Public Leader or Social Worker in Response to a Terrorist Attack**

It is appropriate here to mention a similar allowance that was issued by certain contemporary *poskim* to leaders, public figures, social workers, and other therapists who were asked to come to a community in which a terrorist attack had taken place on Shabbat.

The late Rabbi Israel Rosen, the founder of the Tzomet Institute in Alon Shevut, addressed a question on this topic to the late Rabbi Menashe Klein, author of *Responsa Mishneh Halakhot*. Rabbi Klein (*Mishneh Halakhot*, vol. 19, no. 41) opens with an apology for the fact that he "avoids answering questions that concern the community, and in particular regarding matters of *pikuach nefesh*." However, he discusses Rabbi Rosen's argument that a public leader or a social worker would be permitted to travel in this case. Without issuing a decisive ruling, Rabbi Klein leans toward prohibiting such travel, and refrains from considering the anxious reaction of the community's residents as a situation of *pikuach nefesh.*

Despite Rabbi Klein’s reservations, Rabbi Rosen himself ruled that it is permitted:

It is permitted for a social worker, an official public leader (council head, his deputy, the military security coordinator, the head of emergency services), to make a telephone call to receive information about the event, since the action is prohibited only by Rabbinic law. If there was an authorized appeal "from the scene" to come, it is permitted even if it involves a Torah prohibition. Even a hesitant request permits traveling (based on the rules of an uncertain case). Even when there is no explicit appeal, if the official's assessment is that his presence is important for the [community's] peace of mind and to prevent confusion, he is permitted to travel by car. There is no need to collect detailed information; rather, if the initial reports sound serious, travel is permitted based on the possibility. (Rabbi Israel Rosen, "*Yishuv be-Eiru'a Pigu'a be-Shabbat*, *Nesi'at Ovedet Sotzialit u-Manhig Tzibbur be-Shabbat*," in *Techumin* 23 [5763])

In comments to the article, Rabbi Nachum Eliezer Rabinovitz and Rabbi Dov Lior expressed their agreement in principle to this ruling, that situations of significant stress and anxiety permit Shabbat desecration based on the law of "peace of mind."[[10]](#footnote-10)

**Conclusion – A Commander's "Peace of Mind" in an Operational Event**

In conclusion, I would like to mention a responsum that I wrote a few years ago, which includes another allowance based on the law of "peace of mind" during an operational event.

In recent years, we have repeatedly been witness to a reality in which every action of the security forces in the day-to-day security sectors is photographed and documented. More often than not, this photography is carried out by hostile elements and is distributed to the entire world in an edited and prejudicial manner.

This reality has led to the fact that many IDF officers in these sectors insist that every operational activity on Shabbat be accompanied by an authorized military photographer. From a purely operational and halakhic point of view, the photographer is not part of the fighting force, and it is difficult to define his role as involving *pikuach nefesh.*[[11]](#footnote-11)Nevertheless, many officers find it difficult to carry out their mission when they are constantly worried that someone will photograph them, and distribute the pictures in an edited and prejudicial manner.

Accordingly, there is room to say that the officer's "peace of mind," his knowing that his actions and the actions of his forces are being filmed on Shabbat by the IDF, will allow him to carry out his mission to the best of his ability. In such a case it cannot be argued that the officer is suffering from anxiety or distress that qualify as a situation of *pikuach nefesh*, but, as stated, the very fact that one who is engaged in *pikuach nefesh* has to conduct himself with peace of mind and maximum concentration on the operational task, in my humble opinion, should also be considered as something that is needed for *pikuach nefesh,* and permit desecration of Shabbat.

(Translated by David Strauss)

Ed. note: This past year, our shiurim have dealt with fundamental issues concerning military and security law. Beginning next semester, we will discuss more focused military questions, which require renewed halakhic decision-making on what is permitted and prohibited on Shabbat - and all this, in light of the principles we have clarified so far. We wish our readers a pleasant summer, and of course, we join in hoping for *besorot tovot*. May HaKadosh Barukh Hu continue to have mercy upon His people and upon His land.

1. Regarding this, see *Torat Ha-Machaneh*, vol. II, 36, 6. [↑](#footnote-ref-1)
2. Regarding this, see *Torat Ha-Machaneh*, vol. II, 46, 3. [↑](#footnote-ref-2)
3. This is also the Rambam's ruling in *Hilkhot Melakhim* 7:15. [↑](#footnote-ref-3)
4. In the book, *Mishpat ha-Tzava be-Yisrael* (p. 104), it is cited in the name of Rabbi A. Y. Kook that the priest anointed for war is "the head of the war organizers," that is, the chief commander.

It should be noted that, as with other issues regarding the history of the army of Israel, the book of Maccabees is the most important source for the unique speeches of Yehuda the Maccabee, who instilled his warriors with a fighting spirit and bravery – as a commander, as an officer, and perhaps even as a religious leader. For the main sources regarding this matter, see Rabbi Prof. Nerya Gutel, "*Mishkal ha-Hilkhati shel Meimad ha-Nafshi be-Milchama*, in *Zion* 138, note 33. 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-4)
5. A central part of the discussion there relates to the question of the extent to which a military rabbi should be seen as an inseparable part of the fighting unit, and whether he should be compared to a priest anointed for war. [↑](#footnote-ref-5)
6. The citation is from the publication of the letter in the media; see, for example, [here](https://www.ynet.co.il/articles/0%2C7340%2CL-3545773%2C00.html). Later in his remarks, Rabbi Rontsky emphasizes the military rabbi's being an inseparable part of his unit in routine and emergency situations, and his commitment to join in all the unit's actions both during the week and on Shabbat. [↑](#footnote-ref-6)
7. Rabbi Yitzhak Avi Roness, "*Idud Chayalim ha-Yotz'im li-Kerav tokh Chilul Shabbat*," in: *Techumin* 29. In this article, the author seeks to base the allowance to visit soldiers on Shabbat both on factors of morale and spirit, and also on the law of "until it falls," as he defines the rabbi's visit as necessary for the war effort. The author also deals there at length with the special status of a priest anointed for war. [↑](#footnote-ref-7)
8. My friend Rabbi Dr. Aviad Hollander published a comprehensive article that deals with this issue, and emphasizes the concern of the "slippery slope" – as he put it – when the allowances intended to ensure the high morale of the soldiers are overly extended: "*Sakana, Midron Chalaklak: Ha-Da'aga le-Moral ha-Chayalim ke-Mikreh Bochan le-Si'ach ha-Hilkhati ba-asher le-Shimush be-Shikulim Matiranim*," in: *Safra ve-Saifa – Sefer ha-Yovel le-Rav Mordechai Peron*, pp. 201ff. [↑](#footnote-ref-8)
9. Rabbi Yehoshua Ben Meir's letter to Rabbi Mordechai Halperin, printed as an appendix to chap. 11 in the book *Refu'a, Metzi'ut ve-Halakha.* [↑](#footnote-ref-9)
10. For further discussion of this matter of civilian administration during a terrorist attack, see Rabbi Mordechai Goodman, "*Hebetim Ezrachiyim shel Eiru'a Cheirum be-Shabbat*, in *Tzohar*, vol. 13. The appendices there record practical instructions written by community rabbis in Judea, Samaria, and the Gaza strip, in light of their bitter experience with terrorist attacks on Shabbat. [↑](#footnote-ref-10)
11. At times, photography and documentation are an integral part of the operational activity. I will expand on this later in the series, in a *shiur* dealing with "media *pikuach nefesh*" and the functioning of the IDF spokesperson on Shabbat. [↑](#footnote-ref-11)