YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**PIKUACH NEFESH**

**Rav Avihud Schwartz**

**Shiur #42: Media-related Pikuach Nefesh (1) – The Halakhic Questions**

**I. Preface**

The previous *shiur* discussed the significance of national resilience, noting, among other things, that "public opinion" is an important component of victory in war. This *shiur* and the next will address a related issue, namely, the parameters of what is permitted and what is prohibited on Shabbat with respect to media-related and other informational activities carried out by the IDF Spokesperson's Unit and the other national informational units. Here too, the questions largely concern the place and significance of "public opinion" in Israel and in the world.

It goes without saying that this topic as well is a new halakhic issue, for which there are no clear precedents in earlier halakhic literature, because our modern reality is so exceedingly different from life in the past. Therefore, we will again have to rely on comparing different topics in order to determine whether there are situations in which it is permitted to violate prohibitions of Shabbat in order to engage in the task of disseminating information.

At the outset, I would like to note that in order to get to the roots of the issue, we must understand the operational reality and the nature of the activity of the IDF Spokesperson's Unit. Therefore, the current *shiur* will focus primarily on presenting the halakhic questions, and in the next *shiur*, with God's help, we will turn to answers as well.

**II. The Shabbat Protocol in the IDF Spokesperson's Unit**

In Adar 5779, a Shabbat protocol for the IDF Spokesperson's Unit was published for the first time. I wrote that protocol together with the IDF spokesperson at the time, Brigadier General (res.) Ronen Manelis, in cooperation with Shabbat-observant officers in the unit. This set of guidelines, consisting of only a few pages, was written over the course of almost twelve (!) years. I began to deal with this subject, for which I chose the title "Media-Related *Pikuach Nefesh*," when I served as a soldier in the Beit Midrash le-Halakha of the Military Rabbinate in 5767. The Military Rabbinate was already beginning at that point to examine the halakhic significance of media-related activity and to meet with officers in the IDF Spokesperson's Unit, as well as with halakhic authorities, in order to try and reach a conclusion on the matter. In the year 5770, I even had the privilege to publish an article under that title (in the journal *Techumin,* vol. 30), discussing the main points of the halakhic discussion.

But as I have mentioned in previous *shiurim*, the professional halakhic guidelines for IDF units are published by the Military Rabbinate in cooperation with the commanding officers in those units. For that reason, we had to come up with guidelines that would be both halakhically acceptable to us and professionally acceptable to the officers in the IDF Spokesperson's Unit. Numerous attempts over the years failed to achieve common ground and reach shared conclusions.

Thus, a dispute arose regarding an event that took place on Shabbat *Parashat Vayetze* 5775. The Minister of Defense at that time, Moshe (Bogi) Yaalon, chose the then Deputy Chief of Staff, Gadi Eisenkot, to serve as the twenty-first Chief of Staff of the IDF. The office of the Minister of Defense publicized the appointment very close to the beginning of Shabbat, which obligated those serving in the IDF Spokesperson's Unit to spend the entire Shabbat disseminating information and answering the many queries received about Gadi Eisenkot's work over the years. In professional eyes, the appointment of a Chief of Staff is a special event that requires full media coverage. From a halakhic perspective, it is very difficult to define this type of activity as an operational necessity involving an aspect of *pikuach nefesh* that could permit desecration of Shabbat. As mentioned, it was fact that the announcement came out of the Defense Minister's office so close to Shabbat that created the complexity of the issue, and we were unable to come up with joint halakhic and professional guidelines.

Several years later, thanks to hard work by staff members in 5779, the agreed-upon principles were formulated and became the mandatory Shabbat protocol for the IDF Spokesperson's Unit. These principles were revalidated in 5782, and Shabbat-observant soldiers and officers in the IDF Spokesperson's Unit conduct themselves in accordance with it.

**III. The Halakhic questions**

**1. Introduction**

In the modern world, the media occupies an exceedingly important place. Professionals refer to the media as a "power" in its own right;[[1]](#footnote-1) it is capable of exerting critical influence on decisions in all areas of our lives. Already in the eighteenth century, the British thinker Edmund Burke noted that the journalists sitting in the Reporters' Gallery in the British Parliament were the strongest element in society.[[2]](#footnote-2) There is no doubt that in the hundreds of years that have passed since then, their power has only grown stronger.

Naturally, such a central area of life raises various halakhic questions. The fundamental questions concern issues that clearly relate to media, such as: Can we find allowances in the laws of slander and gossip to permit the dissemination of various news items in the media? Does Halakha recognize the values of freedom of expression and "the public's right to know"? Is it permissible to spread news that is not true, just to create a media buzz that will lead to a clarification of the truth? And other such questions.

But as mentioned, in this *shiur* we will focus on a different kind of question, one that stems from the fact that the media is an important factor and has a decisive influence in the modern world. Our question is whether media activity can be seen in certain situations as involving an essential operational dimension, which would permit such activity on Shabbat.

**2. Lifesaving dissemination of news**

From the outset, it should be noted that in some cases, the media is indeed a security and safety tool that saves human lives. Thus, if shots were fired at vehicles on a particular route, the IDF spokesperson must report this to the media in order to keep civilians and other vehicles away from the scene until the incident is deemed over. However, this is not a media-related allowance; in this context, the media is nothing but a means for alerting and safeguarding. Just as it is permissible to activate an alarm in the event of a missile attack, so it is permissible to inform people about a terrorist incident by way of the media.

Another example of a situation in which the IDF spokesperson protects the fighting forces relates to coordination between those forces and what is broadcast in the media. In the Second Lebanon War, an armored battalion advanced deep into Lebanon, and a reporter from one of the main television channels accompanied it and broadcast live images. There are soldiers in the IDF Spokesperson's Unit whose job is to monitor media broadcasts, and in a case like this, to immediately report to the fighting forces about the broadcast, which could reveal the location of the force and endanger the soldiers.

However, these examples are not common; the main activities of the IDF Spokesperson's Unit relate to disseminating information and protecting the IDF's image. To better clarify these issues, I will mention questions that have been raised in actual practice in four areas.

**a. Maintaining the image of the IDF in Israel and around the world**

The first type of question relates to the issue of maintaining the image of the IDF. One of the national security challenges in the State of Israel concerns asylum seekers from various African countries who infiltrate the State of Israel. More than once it has happened that IDF soldiers have had to violate Shabbat in order to locate such infiltrators and bring them to a detention facility.[[3]](#footnote-3) One Shabbat, a journalist contacted the IDF spokesperson, claiming that on Friday night, IDF soldiers behaved unethically towards the infiltrators, and that it was his intention to report about this in the news broadcast after Shabbat. There is no doubt that the publication of such news could greatly damage the image of the IDF in Israel and in the world. Is this reason to permit the Shabbat desecration that would be necessary for the purpose of clarifying or denying the news item?

Similarly, an Israeli citizen who went for a hike on Shabbat in the Judea and Samaria region claimed to have witnessed inappropriate behavior towards Palestinian women who sought to pass through an IDF checkpoint. He contacted a senior official in the IDF Spokesperson's Unit and warned that if the issue was not immediately addressed, and he was not told what exactly happened there, he would turn to one of the media networks, which would be happy to publicize the matter. Is it permissible to respond to such a request on Shabbat?

During an IDF operation in the Gaza Strip, the Palestinian media reported that the IDF deliberately destroyed a mosque in Beit Hanun. According to the forces that operated in the field, the claim was false, and nothing like that ever happened. Is it permissible to report about this on Shabbat, to counter the information published in the Palestinian media?

By the way, within the issue of maintaining the image of the IDF, the image of the IDF spokesperson himself is a significant value. If it turns out that information published by the IDF was inaccurate, a quick correction and clarification is necessary, because if the IDF were to lose credibility in its media reports, its whole ability to inform and speak out would be significantly impaired. In this area, as well, halakhic questions have often been asked about the permissibility of violating Shabbat in order to present matters in an accurate way, and to issue clarifications about matters that were already widely disseminated.

**b. "Legitimizing" operational activity**

Another type of question deals with legitimizing concrete operational activities. Terrorists in the Gaza Strip and other places often shoot at IDF forces from within highly populated areas. In one such case, the terrorists fired rockets at Israel from a building that the IDF knew housed children, and the IDF spokesperson spread the news in various media networks, with an emphasis on the international media. The purpose of disseminating this information was to allow the IDF to return fire to the sources of the shooting, knowing that civilians may also be harmed. If the media knows in advance that the terrorists are the ones who shot from within population concentrations, it will respond relatively leniently to the harm done to civilians. If the news about harming civilians is disseminated before the world knows about the shooting from the population centers, the global reaction will be much more severe. In extreme cases, such a response would require a complete halt to the activity of the fighting forces in the field. Is there room to permit disseminating such information on Shabbat?

Similarly, in light of the great importance attached to media exposure, the IDF is careful to document the activities of its fighting forces. During one operation in one of the largest cities in Samaria, the IDF located a large explosives laboratory and many weapons. Distributing photographs of the laboratory would make it clear to Israeli citizens and to the entire world that the IDF’s activity there was justified, and that it had to continue. But of course, in order to distribute the photographs, various actions of editing and processing the material were necessary. Are such actions permitted on Shabbat?

**c. The "war" of public opinion**

A third type of question relates to the general struggle over public opinion. Thus, an IDF aircraft photographed a terrorist squad loading a stretcher carrying an explosive device into a Red Cross ambulance. The IDF stopped the ambulance and neutralized the device. The IDF spokesperson wanted to publish the photos on all the media networks, to present the terrorists in a negative light and harness public opinion in Israel's favor. Is such an influence on public opinion a necessary contribution, to the extent that can be defined as a war-related need that permits violating Shabbat?

In another instance, a query was submitted to the Israeli military attaché in Washington regarding a certain IDF activity in Gaza. He was asked to respond to the query immediately, and he asked the IDF spokesperson to collect and compile the relevant material for him. It is clear that an orderly and well-reasoned answer of the attaché, which would be broadcast in the United States and around the world, would greatly contribute to Israel's image. But is it possible to permit such activity on Shabbat?

**d. Reassurance and the strengthening of national resilience**

A fourth type of question concerns activities intended to strengthen national resilience. For example, in one Shabbat attack, terrorists from the Gaza Strip infiltrated into the State of Israel. An alarm system was activated in the settlements near the border fence, and word quickly spread on the Internet about a "terrorist infiltration in the south." In the end, the terrorists were caught, and the order was given to return to normal. But information was still being spread on the Internet about the infiltration and the warning. Was it now permitted to publish another item about the return to normalcy? On the one hand, the localities where the warning had been received already knew they could return to normal. On the other hand, people elsewhere in the country, who had heard about what was happening from the media and social networks, were surely very anxious about the results: Were there any casualties? Were the terrorists caught? and so on. An official announcement by the IDF spokesperson about the end of the incident would surely bring calm, but was it permissible to desecrate Shabbat for the sake of that calm?

Along these lines, in times of war, senior officials in the defense establishment (the IDF spokesperson, the head of the command, the Chief of Staff, and the Minister of Defense) publish current information to the public, often in recorded videos. Is it permissible to desecrate Shabbat in order to produce such videos and ensure that the most accurate and reliable information is disseminated to the citizens of the country, thus strengthening national resilience (whose significance we discussed in the previous *shiur*)?

To summarize, we have seen various different areas in which media activity affects, directly or indirectly, both military activity on the battlefield and the standing of the IDF and the State of Israel in Israel and around the world. However, media activity is essentially a cognitive activity, not a lifesaving one, and thus it is difficult to define it as matter of *pikuach nefesh* that allows for violation of Shabbat.

**IV. "The Day is Short"**

If the complexity that we have described thus far is not enough, then to all of this we must add another consideration, namely, the timing. As we have already discussed at length in the past (*shiur* no. 9), one may not desecrate Shabbat for the purpose of *pikuach nefesh* with actions that can easily be postponed until after Shabbat. Hence, even if disseminating information is essential, why must it be carried out specifically on Shabbat? Is it not possible to deny false information, publish operational documentation, or give reports to the public over the course of the week? What is the value of publishing the information "in real time" and specifically on Shabbat?

In answering these questions, we must recognize that matters of *pikuach nefesh* are determined based on the judgment of experts and professionals (as we saw in *shiur* no. 16). Regarding the matter at hand, experts say the media world has its own rules, and a central one of these is that "the day is short." Thus, for example, a forty-eight-hour-old piece of information is old news and has likely lost its relevance. The life span of a media story is extremely short, especially on the Internet and on social networks, where the "flood of information" is non-stop. As for the print press, and to a certain extent radio or television broadcasts as well, there is a deadline for the publication of each news item; this creates a time frame that demands a great deal of speed in order to report "live" and in "real time." But on social networks and in general on the Internet, the pace is even faster, since any news item can be published at any time, and a delay in responding to this or that report may be of great significance.

For example, a journalist from the international media turned to the IDF spokesperson for a response to information he received from the Palestinian media – within an hour. If he does not receive a response, then from his perspective, "silence constitutes an admission," and he will publish the story as he received it. This struggle against media outlets hostile to the State of Israel falls into the category of a real war, and in order to win it, the IDF must respond accurately, reliably, and quickly.

Another example: At the end of IDF activity in a refugee camp in the Gaza Strip, suspicion arose that the soldiers had harmed an innocent family. The IDF investigated and concluded that the suspicion was unfounded; no such harm was inflicted. A few months later, a reporter on one of the main channels claimed to have obtained new data on the incident that cast doubt on the reliability of the IDF investigation's conclusions. The reporter contacted the IDF spokesperson on a Friday afternoon, and requested that a response be given by the time of the Friday night news broadcast.

Refraining from an immediate response would lead to a situation in which, for the duration of Shabbat, all media outlets in Israel and the world[[4]](#footnote-4) would discuss the IDF's conducting of investigations aimed at covering up the facts and presenting the IDF in a positive light. This, when a sharp and precise response from the IDF spokesperson could silence the affair from the outset and prevent any media reverberations it might provoke.

A second point connected to the speed of the response relates to public opinion, already mentioned above. The problem is that in the modern world, public opinion is not determined after a thorough and in-depth discussion, but in a few minutes. A single picture, a short video, or an article of a few words on the Internet – all of these may be instantly distributed to hundreds of millions of people, who then establish their positions immediately. Therefore, if the terrorist organizations distribute a film they edited, in which IDF soldiers are seen harming a civilian population, and the IDF spokesperson's response is aired only twenty-four hours later, then the first video will be fixed in the global public consciousness, and it is highly unlikely that it will be possible to change anything afterwards.

A third point relating to the same issue has arisen in recent years. In the past, it was customary to impose complete secrecy on information concerning state security, until the IDF spokesperson permitted its publication. Today, every person, everywhere, has a smartphone that allows him to spread anything on social networks. An IDF spokesperson can impose secrecy on official communications, but will never be able to silence social networks. Therefore, even if in the past it was possible to postpone the handling of various matters for a few hours, today, the response of the IDF spokesperson must be given immediately in order to win the publicity race. Furthermore, the benefit of a certain item being published by the IDF spokesperson, and not by other parties, is very significant.

Even if we define media activity as an essential operational activity, does Halakha also recognize the dizzying pace of the media world, and allow media issues to be addressed in an urgent manner and on Shabbat itself?[[5]](#footnote-5)

**V. Conclusion – "Until it Falls"**

As stated at the beginning of the discussion, we are faced with a large number and variety of questions for which it is difficult to find precedents in halakhic literature. On the one hand, it is difficult to define media activity as *pikuach nefesh*. On the other hand, in the modern era, these are essential actions of supreme importance, which undoubtedly constitute an integral part of the military effort. The IDF invests many resources in media matters, and dissemination of information is a significant component in the pursuit of victory in a military campaign.

Furthermore, the IDF's operational activities in Judea and Samaria are regularly joined by representatives of the IDF spokesperson. It has happened in the past that an activity was postponed or even cancelled due to a lack of appropriate media representation! This shows that the commanders at the operational end recognize that in the modern reality, victory on the battlefield that is not documented and photographed is not enough. Only a practical victory, which also translates into a media victory, is a complete victory.

Ostensibly, the simplest way to make determinations on these issues would be to include them in the category of "the needs of war," in which it is permissible to engage based on the law of "until it falls" (see earlier *shiurim*, especially no. 34). While there is definitely a place for this, it is not clear that this will solve all the questions. As we have already learned (in *shiur* no. 36), according to many *poskim*, "until it falls" is a principle that pertains specifically to an all-out war – not to ongoing security activities, and certainly not to preventive actions related to strengthening the IDF's image in the world. It is quite possible that the argument of "until it falls" can be used in conjunction with other arguments, but it will be difficult to rely on it alone.

Therefore, we must expand the discussion, and in the next *shiur*, with God's help, we will try to offer answers and provide a systematic halakhic approach in relation to the various questions regarding media-related *pikuach nefesh.*

(Translated by David Strauss; edited by Sarah Rudolph)

1. Some refer to media as the "seventh power"; see the website of the Academy of the Hebrew Language, "*Al ha-Mila ha-Ma'atzama ha-Shevi'it*" ([here](https://hebrew-academy.org.il/keyword/%D7%94%D6%B7%D7%9E%D6%BC%D6%B7%D7%A2%D6%B2%D7%A6%D6%B8%D7%9E%D6%B8%D7%94-%D7%94%D6%B7%D7%A9%D6%BC%D7%81%D6%B0%D7%91%D6%B4%D7%99%D7%A2%D6%B4%D7%99%D7%AA)). [Editor’s note: Alternatively, “the fourth power” or “fourth estate”; see reference in the following footnote.] [↑](#footnote-ref-1)
2. Some attribute this statement to other thinkers of the period, but the point is clear. See about this in the encyclopedia of Ynet, "*Mi Hi ha-Ma'atzama ha-Shevi'it*" ([here](https://www.ynet.co.il/articles/0%2C7340%2CL-3372713%2C00.html)). [↑](#footnote-ref-2)
3. We will not enter here into the question of whether it is permissible to desecrate Shabbat for this purpose, and we will only note that it stands to reason that it is permitted as part of defense of the country's borders, in light of the law of a border city (see *shiur* no. 33 in the section dealing with infiltrators and asylum seekers). [↑](#footnote-ref-3)
4. In the end, the article in question was also published on *The* *New York Times* website. [↑](#footnote-ref-4)
5. In one of my meetings with officers in the IDF Spokesperson's Unit, an officer told me that her soldiers are available for a quick and immediate response at any time, and that they even shower with their cell phones. I responded to her that as an IDF officer, it seems to me that she has gone overboard, and that despite the great importance of a speedy response, she and her soldiers should maintain a certain routine of life, and not get caught in too extreme a whirlwind regarding the speed of their responses. [↑](#footnote-ref-5)