

Small Tastings of Torah, Judaism and Spirituality

From Rav Binny

(Portion of Vayishlach)

A small mutzav (fortified position) on the Qasmsiyeh Bridge deep in the IDF security zone in Lebanon and far from the border and Hezbollah, until the IDF, as part of a gradual withdrawal, pulled back below the Awali River.

Overnight, this unit of Hesdernikim (boys who combine their army service with yeshiva study committing to five years of service rather than the normal three years) found themselves on the front lines and things started heating up. Firefights, midnight ambushes, and roadside bombs became the norm, and morning roll calls and pre-mission briefings took on a whole new meaning. On March 19, 1985, Hezbollah terrorists opened up on one of the patrols as they crossed the Qasmsiyeh Bridge and Dani Moshitz and David Cohen ob”m, were both killed.

Just a few days earlier, as part of their efforts to stay one step ahead of the enemy who clearly had a ‘home court’ advantage, they tried to change up their patrol routes and avoid any planned ambushes. Their new patrol route took them through a melon field. Dani was determined to make sure the soldiers all took care not to step on the melons. “When all this is over” he said, “Some poor Arab farmer will have to harvest his melons; he is not our enemy, and there is no justification for destroying his crops...”

Incredible; in the midst of a war zone, an Israeli soldier, whose every moment might be his last, is worried about Arab melons?

Flash forward almost five years: 1990, and I am on a reserve duty patrol attempting to catch Palestinians who are heaving heavy rocks, bottles and even metal bars onto an IDF lookout in Hebron. Coming down a path the spotter on the radio alerts me to a masked terrorist and coming around a corner I see him quite clearly, holding a Palestinian flag in one hand and swinging a mace (spiked iron ball on a chain; a vicious and life threatening weapon) around in the air. Upon hearing me shout “wakif” (“stop”) he turns, sees me aiming my rifle, throws down his weapon and takes off like an Olympic runner. The simplest solution would be to shoot him, but as my life was no longer in imminent danger and he had thrown down his weapon, that was obviously against regulations.

Just last year I heard from a soldier who had participated in Operation Tzuk Eitan (Strong Cliff) in the Gaza Strip in the summer of 2014, that in civilian areas (which is pretty much everywhere Hamas fights) it is now illegal for IDF forces to spray machine gun fire unless they can actually see the enemy they are firing at, even if trying to hold Hamas forces at bay, and feeling endangered. (Note that this regulation is unique to the IDF; no other army in the world has this regulation....)

How far does ethics in warfare take us? And where did this concept start?

This week's portion *Vayishlach*, contains a fascinating detail, hidden in the larger than life story of Yaakov's encounter with Esau.

Yaakov is finally returning home to Israel and he is about to meet up with Esau, the brother who swore to kill him 22 years earlier after Yaakov tricked him out of the blessings. The messengers Yaakov sends to greet Esau (and gauge his mood?) return saying Esau is coming their way with 400 fighting men; an enormous army in those days. (Avraham conquered an entire empire, in the battle of the Kings, with only three hundred men....).

And the Torah tells us:

"Va'Yira Yaakov me'od, vayetzer lo'."

"...Yaakov was very afraid and he was distressed." (Bereishit (Genesis) 32:8)

The Torah does not waste words, so the obvious question is: what is the difference between fear and distress? What does it mean that not only was Yaakov afraid, he was also distressed?

Rashi (quoting the *Midrash Tanhuma*) suggests that he was afraid he might be killed, and he was distressed lest he be forced to kill others. One might think this is the Yaakov who was the 'dweller of tents' and as a more passive individual, afraid of violence. But as the story unfolds it becomes clear, as Yaakov does battle into the night, that he is not averse to violence if need be.

The **Siftei Chachamim** (Rav Shabsai Bass; Amsterdam 1680) posits that Yaakov was actually afraid he or his men might accidentally kill innocent bystanders, or Esau's men who might not need to be killed. Referencing the Talmud (*Tractate Sanhedrin* 74a; and see *Shulkhan Arukh, Hoshen Mishpat*, 421:13) he points out that even when saving the life of someone being pursued by a *Rodef* (someone intent on taking revenge for his accidentally killed relative), if one can stop the pursuer by simply maiming him, one is actually not allowed to kill him and would be liable to capital punishment in the event! (Interestingly, the *Siftei Chachamim* suffered the death of his own parents, who were victims of the persecutions at Kalisz in 1655....)

What is fascinating about this entire question, is that technically, since Yaakov was afraid Esau was coming to kill him, Judaism is quite clear (*Sanhedrin* 72a) that "*When someone is coming to kill you, you can kill him first*", and yet Yaakov is still trying to avoid unnecessary force!

It follows that the dilemma here is not strategic, nor is it merely fear and anxiety; rather, Yaakov is struggling with an ethical dilemma. And even if legally (halachically) one might be 'covered' in killing the enemy (or even the enemy civilian), Yaakov is looking for the moral high ground.

There are essentially two principals at play here. Self-defense on the one hand, meaning one actually has a responsibility to protect oneself (and in this case, one's loved ones), which might mean killing someone (Esau, and perhaps some or all of his men...). And 'Thou shalt not murder' on the other, expressing the inviolate sanctity of human life and the imperative not to take another human being's life. But to uphold this principle and as a pacifist refuse to kill would mean violating the principle of the sanctity of one's own life.

And while Judaism and the Torah will tell us what *choice* to make in such circumstances, perhaps Yaakov is teaching us that we should *struggle* with the resulting decision. I have vivid memories of the hours we spent in officer's course considering the dilemma of facing 'RPG kids' and the like (seven and eight year old kids trained by the PLO to fire anti-tank missiles...). And I recall the base commander himself (Shaul Mofaz, who would later become the IDF Chief of staff) sitting with us late into the night until every last cadet agreed in principle that, faced with such a horrible scenario, and assuming no other choice, the correct thing to do was to fire on the child to protect and save one's men. And intellectually, until this day I have no problem justifying such actions. But that does not mean it should come easy. In fact, if a soldier forced to act in such circumstances does *not* struggle, something is seriously wrong.

Perhaps this is why Yaakov, specifically in the course of this narrative, finally assumes the name *Yisrael*; because even when doing something entirely correct, he still struggled with the results. The name Yisrael, after all, means to struggle (ibid. 32:29):

".. For you have struggled with ... men and overcome..."

And we are, as Jews, meant to struggle, not only with what is right, but every bit as much, with the impact of what that right course of action might mean.

One of the most difficult battles of the Yom Kippur war took place in the valley just East of Kibbutz El Rom, in the Golan Heights. That valley has become known as '*Emek Habacha*': the Valley of Tears. Incredibly, it is so named specifically for the cries of anguish of the Syrian tank crews abandoned on the battlefield wounded and dying all night long.

Incredibly we were so moved... *by the pain of our enemies*. Perhaps this struggle will one day lead us to build a world where such struggles are no longer necessary. And in the meantime, blessed are we who feel that pain; that is truly what a Jewish army, and the Jewish people is meant to be.

Shabbat Shalom from Jerusalem,

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