

RECENT RELIGIOUS THOUGHT IN ISRAEL

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PUBLIC SERVICES ON THE SABBATH

In the gray area of church-and-state relationships in Israel that have received close attention lately, one aspect that needs further illumination is public and official observance of the Sabbath. On the face of it, anomalous and contradictory practices seem to pervade. For example, offices of the electrical company are closed, but the power stations operate as usual; post offices are shut down, but telephone exchanges are in operation; the Ministry of Foreign Affairs is closed, but the coded messages come in ceaselessly; police, water pumping stations, and so on are all caught up in routine work.

On the other hand, the Sabbath remains the official day of rest and every Jew who wants to observe the Sabbath usually has no difficulty in doing so. The religious Jew is not obligated to join the

police or another government service, or work in a power station. At the same time, religious Jews are part of a Jewish State that is kept going by public services and utilities which are run on the Sabbath. They make use on the Sabbath of running water and electric light, while being aware that both water and electric light are supplied by the Sabbath work of Jews. And religious Jews who reside in Israel are affected by the work of the police and the up-to-date alertness of the army and the diplomatic service. Were it not for the many non-religious Jews who are willing to work on the Sabbath, the problem of State services would be far more acute. Indeed, it is the non-observant majority which is enabling the observant minority to benefit from the State services on the Sabbath. The depth

of the issue would become apparent if we were to imagine what would occur when the population of Israel will one day become overwhelmingly religious.

Soon after the establishment of the State of Israel the late Chief Rabbi I. H. Herzog wrote: "Even if the Jewish State had been established fifty years ago or earlier, when the majority of the Jewish people was observant of Torah and *mitzvot*, there would have arisen those problems which confront us now as a result of the establishment of the State, although perhaps they would have not have assumed the contemporary dimensions." Actually, the late Chief Rabbi foresaw this problem some years before the establishment of the State. Rabbi Jacob Goldman, secretary to Rabbi Herzog for many years, told me that before the outbreak of the Second World War, Rabbi Herzog set up a secret committee which dealt with halakhic problems arising out of the work of the Haganah, the secret Jewish defense force operating in Palestine. Rabbi Meir Berlin (Bar-Ilan) acted as a liaison with the Haganah, and he brought the questions to the rabbinical committee which consisted of the two Chief Rabbis, Herzog and Uziel, Rabbi Pesach Frank, and, occasionally, Rabbi Issar Zalman Meltzer. Later this committee broadened its scope to include activities other than Haganah.

The way the committee worked set a pattern for similar methods of arriving at contemporary responsa. When a technical problem

confronted the rabbis, they appointed as a consultant a rabbi who was an expert in the special field of the Halakhah in question. The job of the expert was not only to advise the rabbinical committee, but also to search for technical ways and means to avoid a violation of the Sabbath. One incident that occurred during the war will illustrate: When the Nazi general Rommel reached El-Alamein, there was serious danger that he would succeed in overrunning the whole of the Middle East. The British army was laboring under a shortage of tires, a situation that threatened to paralyze military communications. An Australian Jew had set up in Palestine a factory for repairing tires, and the question then arose whether it was permissible to keep this factory at work on the Sabbath during the military crisis. The rabbinical committee asked Rabbi Meir Karelitz, a brother of the famed *Chazon Ish*, to deal with this halakhic question. With the advice of technicians Rabbi Karelitz found a method of doing the essential work on Sabbath, without infringing upon a prohibition of Biblical authority (*melakhah deoraita*).

When in 1948 the national leaders were preparing for the establishment of the Jewish State, Rabbi Herzog took the initiative and set up a *Vaad Torani* as the successor to the pre-war committee. It consisted of Rabbis Shelomoh Zalman Auerbach, Joseph Shalom Elyashiv, Mordechai Leib Sachs, Shelomoh Goren, Aharon Bilistotzky, Ephraim Gerboz, Gershon Lapi-

Recent Religious Thought in Israel

doth, Joseph Babliki, Shlomo Katzin and Ezra Hadya. The first meeting took place on the 29th of Adar I, 5708 (1948), and Rabbi Herzog defined the tasks of the committee thus: "The men of the Torah have to deal with various topical problems. There have arisen a series of important and momentous questions with which we have not grappled, except in theory, for almost two thousand years. Now we have to deal with them in actual practice. One of the main and most important questions is the Sabbath in the State. There exists many difficulties, and we introduce great Torah scholars into this work, and with the help of God we shall succeed..."

The areas of concern were four: 1) Government services (administration, police, post, ports). 2) Public utilities (water, electricity). 3) Defense (army). 4) Industry (oil refineries, cement, glass).

At first the committee met three times a week, and its members visited factories to familiarize themselves at first-hand with the technical problems. At some meetings experts were on hand to impart technical information. Thus a large amount of source material was collected by the committee, including both technical information and halakhic material. On the 10th of Teveth, 5709 (1949), a report was presented to the Chief Rabbinate, which included recommendations on questions of telephone, radio, and electricity. This is the last date on which the committee still functioned officially. It appears that the committee

was never formally dissolved, but in the winter of 1949 it simply ceased to exist.

To this day no attempt has been made to re-establish such a committee, and there exists in Israel neither an institution nor even a rabbinical department to deal systematically with the problems of Halakhah and State. But life has an impetus of its own, and its problems cannot be ignored. Religious Jews keep thinking and inquiring about these questions, rabbis publish halakhic dissertations in rabbinical journals, public lectures are held on these topics, and in recent years a few Israeli rabbis have published halakhic responsa on these problems. But except for halakhic directives issued by the Chaplaincy of the Israeli army, we have not had any authoritative discussions and decisions on the Halakhah of State services on the Sabbath.

It is obvious, therefore, that it is not yet possible to summarize halakhic decisions dealing with the problems of a modern State. What can be done usefully at this time is to single out some of the underlying problems and to analyze the various tentative solutions which have been suggested. Such an analysis may help to clarify the basic issues involved.

ELECTRIC POWER

What lies at the heart of the contemporary problem of Sabbath observance is the production of electricity. The use of electricity cuts across all lines: it is used by official bodies, institutions, indivi-

TRADITION: *A Journal of Orthodox Thought*

duals; it is used by the religious and non-religious. It is true that Rabbi Avraham Isaiah Karelitz, the *Chazon Ish*, did not use electricity in his home in Bnei-Brak on the Sabbath and he also published his view as a halakhic decision. Yet, although the *Chazon Ish* was venerated as an authority on Halakhah, this decision was not accepted in practice. There are not many people in Israel who abstain on the Sabbath from using electricity or water from the tap. Among public institutions only the Shaarei Zedek Hospital in Jerusalem has a special electric generator for use on the Sabbath, which works automatically throughout the Sabbath.

Why do most religious Jews use electricity on the Sabbath? It cannot be argued that the reason is that the electric power stations are working on the Sabbath regardless of whether religious Jews are making use of the electricity produced. The Halakhah does not acknowledge this justification, for the rule is that if a Jew works knowingly on the Sabbath it is forbidden to benefit from his work during the Sabbath. It is possible to rely on the automation of the power stations, but automation is not yet complete and in Israel the power stations still require a certain amount of manual interference. So far the engineers have not found a method of running a power station automatically for twenty four hours.

What then, should be the view of the Halakhah on the question of operating electric power stations

on the Sabbath? No one has suggested that the power stations should be closed on the Sabbath. But opinions differ with regard to the necessity for generating electricity on the Sabbath. Some rabbis explain that the decisive argument is *Pikuach Nefesh* (saving of human life), for electricity is needed in hospitals. Others point to the example of the Shaarei Zedek Hospital with its own generating plant, and argue that the need of a number of hospitals cannot justify the *Chillul Shabbat* (desecration of the Sabbath) for the whole country. They go on to explain that electricity is needed not only for hospitals but for the very existence and security of the modern State. Left without electricity for a whole day the machinery of the State cannot function.

HALAKHAH AND THE STATE

Can this argument justify the desecration of the Sabbath in the power stations? The only observant Jew in Israel to answer this question in the affirmative is Professor Isaiah Leibowitz, who maintains that a State requires its own Halakhah, or does not need any Halakhah of Sabbath observance, because it cannot exist at all if the Halakhah were applied to it. He suggests that religious Jews who want a Jewish State must *ipso facto* accept the elimination of Sabbath observance from the public utilities and the State services. Leibowitz is not interested to find any support in the traditional Halakhah, because in his view the State should be exempted

Recent Religious Thought in Israel

from the Halakhah.

This view has not been accepted by the religious community. On the contrary, in the debate about the role of the Halakhah in the State, all emphasize that the problems must be solved within the framework of the Halakhah. One of the most discussed suggestions is the argument that "vital services" fall under the exception to Shabbat prohibitions, *Pikuach Nefesh* (saving of human life).

PIKUACH NEFESH

The rule of *Pikuach Nefesh* is usually applied to the case of dangerously ill persons. This means that as an argument for permitting work on the Sabbath it is limited to exceptional circumstances. Moreover, it is used in relation to an individual person or to many persons when *each one of them* is in a state of danger. But does the argument of *Pikuach Nefesh* have any validity in connection with the needs of a State?

The nature of this question may be clarified if we take up the one example in which *Pikuach Nefesh* may concern a whole nation: fighting a war, which is permissible on the Sabbath. In the discussion in Tractate *Yoma* (85) references are made to various Biblical sources, the most famous of which is the verse in Leviticus 18:5: "Ye shall therefore keep My statutes, and Mine ordinances, which if a man do, he shall live by them; I am the Lord." The Talmudic interpretation emphasizes the phrase "he shall live by them" — an individual shall live by keep-

ing the *mitzvot* and not endanger his life through them. On the other hand, in the tractate *Shabbat* (19a), an exception for waging war is based on Deuteronomy 20:19-20: "When thou shalt besiege a city . . . until it fall." The last phrase is interpreted to mean that it is permissible to wage war even on the Sabbath until the enemy is entirely conquered.

The fact that the Talmud has separate Biblical sources for the two types of *Pikuach Nefesh* suggests the possibility that the Halakhah treats the law of war as an independent law which is not related to the law of *Pikuach Nefesh*. Consequently, it might mean that war on the Sabbath is not a matter of *Pikuach Nefesh* at all, but a separate Halakhah dealing only with the needs of security and defence of the Jewish nation.

This implication has been dealt with in recent years by three Israeli rabbis of the younger generation. Rabbi Mosheh Neriah, in *Milchamat Shabbat* (5719), takes the extreme position that there exists only one halakhic principle, the one of *Pikuach Nefesh*. When a person is in physical danger the threat to his life is fairly clear, but in a war it is not clear at any given moment whether there is a real danger. It is therefore necessary to add a corollary that in time of war there exists *Pikuach Nefesh* for the whole community; hence there is no need to discover in each person's case to what extent he is directly involved in the national danger. Thus, *Pikuach Nefesh*, applies both to individuals

TRADITION: *A Journal of Orthodox Thought*

in time of peace and to a whole community in time of war.

Rabbi Saul Yisraeli approaches the question in an entirely different manner. In his book *Eretz Chemdah — Halakhoth of Eretz Yisrael* (5717) he points out a contradiction between *Pikuach Nefesh* and the duty to wage war. If it is a duty to preserve life, how can there be an obligation to endanger life (of the Jewish soldier) by waging war? The answer is, concludes Rabbi Yisraeli, that when the nation is involved, the national interest overrides the needs of the individuals. He interprets the duty to fight a war as a national task, and this task is carried out not by a multitude of individuals but by a nation *per se*. The implication is that the Halakhah recognizes two distinct categories: 1), the individual; 2), the nation as an entity.

The Chief Chaplain of the Israeli Army, Rabbi Shelomoh Goren is of the opinion (see *Sinai*, 5718) that matters of war and security stand in no relationship to the Halakhah of *Pikuach Nefesh*. Unlike Rabbi Yisraeli, who differentiates between the individual and the nation, Rabbi Goren distinguishes between civil and military needs. Though military precautions do not always correspond to an immediate threat to the lives of the population, the Halakhah allows any work on the Sabbath which is necessary for the security of the State even if there is no clear and present danger of life.

Both Rabbi Goren and Rabbi

Yisraeli interpret the law of *ad ri-detah* ("until it fall") as a Halakhah of the nation and the State, differentiating from the law of *Pikuach Nefesh*. This introduces a separate category in the Halakhah, but it still remains a law affecting military matters alone. Neither of the two rabbis, however, finds a basis in Halakhah for applying the principle of "security" (according to Rabbi Goren) or "nation" (Rabbi Yisraeli) to the problem of public utilities.

STATISTICAL PROBABILITY

Eliezer Goldman, a graduate of Yeshiva University and one of the leading thinkers in the religious *kibbutz* movement, suggests an entirely different approach in his booklet entitled *Halakhah ve-hamedinah* (1954). He proposes that the principle of *Pikuach Nefesh* be used for the administration of all vital services of the State. Any work which will prevent danger to life should be permitted even if this danger is not clear and present, but only statistically probable. The normal running of a modern State includes many activities which prevent such dangers from materializing. Goldman suggests that this principle should serve as the basis for an overall Halakhah of the State.

Goldman's approach has met with approval neither in rabbinic circles nor among the religious intelligentsia. The feeling generally persists that *Pikuach Nefesh* is intended for exceptional and personal cases, that it is an emergency law and is not meant to cover the

Recent Religious Thought in Israel

ramified routine of running a modern State. The doctrine is not acceptable as a rationale for normal, routine behavior and activities on each and every Sabbath.

II

VITAL SERVICES

But the term "vital services" *Sherutim Chiyuniim* covers a good deal more than State services. To the Israeli, little is being done in his nascent state that is not "vital" to its existence and development. Indeed, there is on record an instance of a glue factory that considered itself vital to the State and therefore found nothing wrong in maintaining a seven-day operation. In the early years of this industry's growth in the new nation, the Israeli Ministry of Trade and Industry invited a British expert, Mr. Israel Chait, to advise the new Israeli glue industry. He spent some time investigating productivity and the general running of one of the most important factories, and his conclusions were rather critical of both management and methods of work. A meeting was called during which the expert presented his findings to the managers of the factory. At this point, one of the managers solicited the expert's help in trying to convince the Rabbis that operation on the Sabbath was vital. Mr. Chait pointed out that no glue factory in the world operated seven days a week, that is was unnecessary and unprofitable.

A similar case involved the papermill of Haderah, which did

no actual manufacturing on the Sabbath, but used the off-day for overhauling machinery. The Chief Rabbinate interfered and threatened to ban the use of Haderah paper for sacred books if the papermill continued its policy. A compromise eventually was worked out and the Chief Rabbinate granted special permission to employ non-Jews on the Sabbath. However, the implications of this decision were disturbing. The papermill was not a "vital service" to the public or the State; on the contrary it kept losing money and was a burden to the State's balance of payments. There was absolutely no economic need to increase its unprofitable production by adding another working day, and to look for a halakhic *hetter* to permit operation on the Sabbath. It was further argued that such special halakhic treatment, though conforming with the provisions of the Sabbath Halakhah, posed a serious threat to Sabbath observance in industry. The conclusion of the matter may be described in terms of divine humor. A change of management took place in an attempt to eliminate financial losses, and the new manager immediately suspended Sabbath operations.

One of the avenues of serious investigation for the solution of the Sabbath problem is the extent to which automation can be used. There are, however, lamentably few cases where pre-planning took into account a pause in operation every seventh day. But what a few

TRADITION: *A Journal of Orthodox Thought*

have done may be predictive of what can be done.

SHIPS

Yet automation cannot solve all Sabbath problems. A well-known example is the running of ships on the Sabbath. When the Chief Rabbinate dealt with this problem, the Israeli shipping company officially announced that the ships were running automatically on the Sabbath. But automation means one thing to an engineer and quite another to the rabbinate. From the point of view of the Halakhah the question is whether human beings have to interfere with the engines and thus perform work which is considered a *Chillul Shabbat*. Besides, the work on a ship involves far more than running engines. There are international laws and insurance company requirements which necessitate writing in the ship's log. The ship must also maintain continuous radio communications. These questions were dealt with in great detail by Rabbi Menahem Mendel Schneirsohn, the Lubavitcher Rebbe, in several responsa which revealed both halakhic erudition and an astonishing grasp of ship engineering.

The Lubavitcher Rebbe decided that according to the Halakhah Jewish ships are not allowed to run on the Sabbath. Hence observant

Jews may not travel on a Jewish ship which desecrates the Sabbath. The Chief Rabbinate did not agree with the Lubavitcher Rebbe's view, and tried instead to find ways and means to overcome the problem of *Chillul Shabbat* (one suggestion was to employ non-Jews for the work on the Sabbath). Here, too, there is general agreement that the Jewish State cannot exist securely without its own merchant navy. At the same time, it is held that this necessity in itself does not justify *Chillul Shabbat*. As in the case of electricity, the tendency is to search for technical solutions.

There is no dearth of scientific and rabbinic talent in the United States and Israel that could conceivably solve many of the Sabbath problems, but there is no coordination of this talent. Only one institution devotes itself to these problems, and then only to agronomy, "The Institute of Agricultural Research According to the Torah."* Whatever improvements the future may hold, the present-day problems re-occur with the regularity of the arrival of Shabbath. In the absence of technical solutions, Rabbis have turned to other means of dealing with the difficulties. One of the suggestions is the use of the non-Jew, "*the Shabbos Goy*," and to the controversy on this concept we now turn.

* Planning for Sabbath observance was initiated by the members of Kibbutz Chafetz Chayyim of Poalei Agudath Israel some twenty years ago when they developed a milking machine in accordance with halakhic specifications, and thus solved the problem of milking cows on the Sabbath. A few years ago they enlarged this idea of technical planning for requirements of the

Recent Religious Thought in Israel

THE "SHABBOS GOY"

The idea of using non-Jewish labor on the Sabbath has evoked a different kind of discussion from that on the concept of *Pikuach Nefesh*. That legal exception could be argued purely on quasi-legalistic grounds entirely; the proposition of the *Shabbos Goy* has a wider context that deals not only with Halakhah, but with the recent history and sociology of the Jewish community.

Halakhically, the *Shabbos Goy* is first mentioned as a prohibition. It is usually called *amirah lenakh-ri* (requesting a non-Jew to perform work for a Jew on the Sabbath), and it is laid down in principle as a prohibition. It is not a biblical prohibition but the rabbinical injunction is based on a biblical verse (Exodus 12:16). *Mishnah Berurah* (*Shabbat* 243) summarizes briefly the variant readings in the *Mekhilta* and *Yalkut Shimoni* on this verse, and concludes that most authorities regard it as a rabbinical prohibition.

But while halakhic literature permits in certain instances work by the *Shabbos Goy*, these cases

are exceptions to the rule. When Jews lived in exile, these exceptional circumstances were considered "normal," because Jews were not in a position to change the conditions of life and work. Now that we have an independent Jewish State, the argument concludes, we must observe the Sabbath without recourse to "exceptional circumstances," because a truly normal life demands the application of a normal Halakhah. The guiding rule of Halakhah in Israel, then, ought to be the observance of the Sabbath without help of the *Shabbos Goy*.

The halakhic argument against the *Shabbos Goy* is supplemented with a theological proposition that rests on the assumption that Zionism and the Jewish State are pregnant with religious significance. By normalizing the Jewish pattern of living, Zionism widens the scope of Jewish work and life. Jews are entering occupations from which they were hitherto excluded. The inevitable corollary is that the normalization of Jewish life leads to a normalization of halakhic problems. In terms of Sabbath legislation the change can be expressed in the following manner.

Halakhah, and established an "Institute for Agricultural Research According to the Torah." This Institute employs agronomists who work closely with the Government Agricultural Research Station, and at the same time receive their directives from a panel of rabbis who reside in agricultural settlements.

This Institute has worked out a detailed schedule of agricultural work for the year of the *Shemittah*. Experimental work is now being carried out on hydroponics, growing plants without soil in a manner which is permissible in the *Shemittah* year. Perhaps the most interesting experiment is the attempt to grow some plants in a two-year cycle, with the view of sowing in the year preceding the *Shemittah* and harvesting two years running.

TRADITION: *A Journal of Orthodox Thought*

In the Diaspora we asked: "How can we *use* certain services on the Sabbath?" In Israel we must ask: "How can we *produce and use* these services on the Sabbath?" Now that the Jew can again lead an independent Jewish life, he must strive for independence also in religious life. The *Shabbos Goy* is not an essential part of Judaism. Surely it could not be the intention of the Torah that we should be able to observe the *mitzvot* only with the aid of people who deny the truth of the Torah. In the State of Israel there are unfortunately many non-religious Jews, but, the argument continues, the Halakhah must be predicated on the assumption that a whole nation is involved. Both questions and answers have to be formulated from the point of view, not of the individual religious Jew, but of the State. The question is no longer, "How can I observe the Sabbath in a non-Jewish society?" but "How can the Jewish nation and State observe the Sabbath." Once the question is put in this manner, concludes the argument, there can remain little doubt that there is no room for the *Shabbos Goy* as a solution to the running of public services on the Sabbath.

Both the halakhic and theological arguments have met with considerable opposition. One serious objection is based on the fundamental premise that the objections to the *Shabbos Goy* are not really halakhic, that they represent an attempt to introduce extraneous considerations into a discussion which should be con-

cerned purely with Halakhah. The Torah itself is addressed to a society which includes non-Israelite elements and there are consequently, in the Bible, many laws dealing with the strangers dwelling amongst the people of Israel. The Halakhah also alludes to various types of strangers who lived amongst Jews. It is further suggested that even the Messianic vision includes a description of non-Jews working for a Jewish society. This idea derived from a verse in Isaiah (61:5): "And strangers shall stand and feed your flocks, and aliens shall be your plowmen and your vinedressers."

In Israel, the opposition to the *Shabbos Goy* concept is usually associated with the "Kibbutz Dati," the organization of the religious Kibbutzim. The Kibbutz Dati is supported in these views by a large number of people who may be loosely described as the Israeli "religious intelligentsia." This is a social stratum which is an outgrowth of the rabbinical situation in Israel. In a country where the average religious intelligent young man attends university, only a handful of rabbis, however, are university graduates. The result is that the type of *Torah-im-Derekh-Eretz rabbi* (as he is known in the Western World) and Yeshiva University graduate has not made its mark in the Israeli rabbinate. But this does not mean that this kind of religious intellectual Jew does not exist in Israel. In fact he is to be found in large — and growing — numbers in the professions, at the uni-

Recent Religious Thought in Israel

versities, and in the civil service. Many of them have acquired *semichah* after having studied at one of the Israeli yeshivot; most of them were members of a religious Zionist youth movement and have served in the Israeli army.

Although this religious intelligentsia is largely unorganized and has not even a publication to voice its views, it has found an able spokesman on the issue of the *Shabbos Goy* in the person of Rabbi Goren. "The utilization of the non-Jew for doing work (on the Sabbath)", he wrote, "is a dangerous development, which occurred in the conditions of the Jews in exile, and this utilization is explicitly opposed to what is laid down in the Talmud. On the contrary, our sages have decreed against the utilization of non-Jews on the Sabbath and putting them to work for the purpose of achieving things that cannot be done by Jews. The purpose of those decrees was: a) complete elimination of any dependence upon non-Jews in our country and our environment; b) opposition to the possibility of evading the laws of the Torah with the aid of non-Jews; c) faith and confidence in the possibility of basing the independent life of the nation upon the laws of the Torah."

ARMY AND POLICE

So far we have discussed problems of the Sabbath in industry and the production of vital means of communications. These facets of life in Israel do not include,

however, work done in the army and police force on Sabbath.

Since the establishment of the State the old secret Haganah became the official Israeli army, and the halakhic problems could no longer be tackled sporadically. There was need for continuous and systematic halakhic decisions, not only in cases that come up occasionally but for the purpose of planning the routine work of the army. This task fell to the Chief Chaplain, Rabbi Goren, who has worked out a kind of *Shulchan Arukh* for the individual soldier as well as for the army. His halakhic rulings have in most cases been incorporated in the official army regulations, and are therefore binding upon all soldiers. Other rulings have provided halakhic responsa for religious Israelis serving in the army.

The rabbinical authorities base their new Halakhah for the Israeli army upon the traditional laws of warfare on the Sabbath. The concept of national security is interpreted as defense against an enemy, and it is further enlarged to take into account the need of having the Israeli army in a permanent state of alertness against a potential attack. In the Israeli army the Chaplaincy ruled that what is prohibited to a religious soldier is prohibited also to the non-religious soldier and what is permissible, is similarly permissible to all. All Jews are equal before the Halakhah, whether they accept its discipline or not. If there is a job essential for security, then there is no *Chillul Shabbat*

TRADITION: *A Journal of Orthodox Thought*

and the religious soldier should do it himself and not attempt to find a non-religious comrade who "does not mind" working on the Sabbath.

On the other hand, the Sabbath work of the police is predicated on the willingness of the majority of policemen to work on the Sabbath. Needless to say that from the point of view of the Halakhah this is an intolerable situation. The solution of the problem must be a solution in principle, and it must be applicable to all policemen. However, there is nothing in the halakhic sources about police activity that involves work on the Sabbath. Although we do find a rule for special police work on the festivals, it is clearly not the kind of work that is carried out by modern police, and it certainly does not involve work which is otherwise prohibited on a *Yom-Tov*. This ruling is laid down by Maimonides (*Hilkhos Yom Tov* 6:21) and is based on the Talmud in *Kiddushin* (81a.) Its purpose is to send out police to prevent immoral behavior that may result from the levity induced by the festival; the task of this special "morals squad" was mainly to see to it that men and women should not celebrate in mixed company.

This Halakhah provides no precedent for the kind of work that modern police carry out. In the police station there is the uninterrupted work of the telephone and radio, and a police officer on duty writes notations for all incoming reports. Patrol cars are continually cruising over the town

and countryside. All this involves work which is forbidden on the Sabbath.

Only a few isolated dissertations have been published on the subject, but the Chief Rabbinate has issued no authoritative decision, and there exists no Chaplaincy for the police force other than a rabbi to supervise Kashruth of police canteens and prison kitchens.

Religious policemen avoid these duties on the Sabbath because they enjoy special dispensation which enables them to observe the Sabbath. Paragraph 21 (b) of the Standing Orders of the Israeli Police Headquarters reads as follows: "On the Sabbaths and the festivals everything possible is to be done to put observant policemen on such tasks as will not compel them to desecrate the Sabbath, on the distinct condition that this arrangement will not interfere with the work of the police and its efficiency." This is the only instance in the State of Israel in which there is an official ruling with special provisions for religious Jews. The Sabbath ruling is generally adhered to in the police force, and observant policemen are given every opportunity on the Sabbath either to be free from duty or to carry out duties which do not involve them in prohibited work.

This special dispensation has an inherent weakness: it can work only so long as there are few religious policemen. There are no official statistics, but highranking officers estimate that *less than two percent* of the Israeli police are

Recent Religious Thought in Israel

observant. The implication is that religious Jews do not join the Israeli police force, and the few that have joined are given "tolerant consideration." But there is a serious halakhic corollary to this method, for it means that religious policemen can observe the Sabbath because there are plenty of non-religious policemen who are prepared to work on the Sabbath. There may be an argument about the *Shabbos Goy*, but there can be no argument about Jews acting as *Shabbos Goyim*.

To begin with, the Halakhah would question whether all the police activities are really necessary on the Sabbath. This question was taken up in the Israeli journal *Ha-Torah Ve-ha-Medinah*. The late Chief Rabbi Herzog wrote a dissertation on the subject in which he proposed that *Pikuach Nefesh* be the criterion for the permissibility of police work on the Sabbath. Accordingly, he analyzed the various activities of the police to ascertain which of them could be classified as preventing a threat to life. Though it may be argued that dealing with a thief is a matter of *Pikuach Nefesh*, what reason can there be for permitting routine patrolling in police cars, and why should it be necessary to write out reports? Rabbi Herzog questioned the necessity of all these routine police activities, and therefore would not invoke the principle of *Pikuach Nefesh* to permit them. Instead, he suggested that ways be found to carry out police work in a manner that would not involve a biblical pro-

hibition (e.g., writing in an unconventional manner, or that some of the work should be done by two persons together).

Police experts have an entirely different view. They argue that the importance of police work cannot be appreciated if each activity is looked at separately. It is police work in its totality which forestalls dangerous situations. Patrol cars must cruise in the streets, even before they have an inkling where — and if at all — they will be needed. Each report must be written because one never knows what may turn out to be important. Police work is necessary not only after the event or when the danger is obvious, but also for instilling into the population the knowledge and the feeling that the police are ever-ready. The very existence of an active police is a guarantee of internal security, and this security is really a matter of life and death.

The argument of the police experts is supported by Rabbi Saul Yisraeli (in *Ha-Torah ve-ha-Medinah*) from the point of view of the Halakhah. Rabbi Yisraeli does not accept Goldman's statistical concept of *Pikuach Nefesh*, but he contends that without the police there would be real danger to lives. Each time a patrol car goes out on a routine tour it may be a matter of *Pikuach Nefesh*. Hence the Halakhah should permit all routine patrols. Rabbi Yisraeli brings further evidence for permitting police work on the Sabbath. He quotes the Talmud (*Shabbat* 42a) that one may extinguish a

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burning coal which is lying in a public place in order to prevent the public from getting hurt. True, there is a difference of opinion whether this exception applies even to cases when the act of extinguishing involves a biblical prohibition. But Rabbi Yisraeli contends that even those rabbinic authorities who refuse to sanction it when the violation of a Biblical law is involved do so only because, in their opinion, burning coal does not really represent a danger to the public, since people can notice and avoid it. All authorities would agree that in the case of unquestionable public danger, the Halakhah would look upon such a situation like a regular case of *Pikuach Nefesh* of an individual. Where the public is involved it is not necessary to show that *Pikuach Nefesh* is imminent. It is sufficient to show that the case involves damage to the public, even if this damage will not necessarily

cause danger to life, as in the case of the burning coal in a public place which may be extinguished although there is only a danger of damage, not death. According to Rabbi Yisraeli, the general danger of damage to the public inevitably includes a certain amount of *Pikuach Nefesh* to some persons. The Halakhah decrees, therefore, that a danger of damage to the public equals a *Pikuach Nefesh* of an individual. Accordingly, the principle of "public danger" can be used to permit the essential routine work of the police on the Sabbath.

The problems of work on Sabbath in the State of Israel are certainly not exhausted by this survey. The intentions of this paper were not to set down major responsa, but to outline the questions, explore the implications, delineate the lines of solutions, and, mainly, to encourage further discussion.