

## REJOINDERS

*Immanuel Jakobovits*

The hesitation of the leading spokesmen of religion to pronounce on the "Red or Dead" issue, regrettable as it may be, is understandable enough. On the one hand, the alternatives to be weighed are of such cataclysmic proportions — affecting, as they do, every human life on earth — that a feeling of personal inadequacy and lack of qualification to express an opinion on this supremely fateful question may be a mark of one's realistic sense of responsibility rather than an abdication of one's duty. For such a super-decision the world really requires super-saints and super-scholars, equipped with a wisdom far exceeding even Solomon's. On the other hand, the problem itself is so completely unique and without parallel that even the most learned master of religious knowledge may be excused if he finds his search for reliable guidance in the literary storehouse of his faith unavailing. How can there be precedents for a situation which is so unprecedented?

This perplexity is particularly acute for the teachers of authentic Judaism. Unlike many other moralists or religious thinkers, they cannot resort to some vague and loosely defined system of ethics or to the dictates of their conscience for authoritative answers to any moral questions, let alone to a question of such fearful dimensions. The Judaism of the Torah can determine ethical conduct only in terms of exact and compelling laws, and these in turn can enjoy the sanction of classic Jewish teachings only if they are conclusively founded on principles and practices enshrined in the established corpus of Jewish religious legislation.

Granted these premises, then, the problem would appear wellnigh insoluble.

Yet the challenge must be met, however unequal to the task both the judges and the laws they administer may seem to be: for the "Red or Dead" issue is clearly of a purely moral nature. True, before judgment can be pronounced, a great

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many political, military, psychological and other factors have to be most carefully ascertained and analyzed. The decision first requires an accurate expert assessment, for instance, of the political development likely to ensue from either verdict, of the feasibility to deter an atomic aggressor by the threat of atomic retaliation or defense, of the chances of human survival after an atomic holocaust, of the ability of one country (however unassailable militarily) to subjugate a hostile world for long, and of a host of other questions on which presumably no one but the nation's top political and military leaders has any reliable information. Such data are indispensable in considering and adjudging the issue before us, and this information (however strictly classified for security reasons) should be made available (confidentially if necessary) to those charged with helping to reach a decision and to guide public opinion. But whatever the part played by expert evidence in providing the facts on which the decision must be based, the decision itself is the prerogative of the most competent moral authorities. And since we believe the revealed will of God to be the only absolute arbiter of moral values, we must needs look to the spokesmen of religion for the ultimate judgment and for securing its public acceptance by recourse to every publicity device at their disposal. In this grave challenge Jewish spiritual leaders, as the heirs of the original moral law revealed to man, face a special responsibility which they cannot ignore or delegate to others.

Of the two problems mentioned in the first paragraph that of our competence is the more simple to resolve. According to the Torah, no judicial perplexity is so great that it is beyond the adequacy or authority of the spiritual guides of any age. "Jephtah in his generation is as [authentic as] Samuel in his generation" (*Rosh Hashanah* 25b), for jurisdiction is always conferred on "the judge *that shall be in those days*" (Deut. 17:9). Those charged with religious leadership must never claim that their relative insufficiency renders them unequal to a contemporary challenge. They have no right to shirk the responsibility of making even the most fateful decisions required in their time, for their authority is a great and absolute

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as that of the most outstanding visionaries in any other age. Our leading rabbis today are the Moses, or Isaiah, or Hillel, or Maimonides of our time.

More formidable is the question of how to find any instructive precedents to guide us in our present dilemma. The talmudic parallels adduced by Rabbi Lamm — on the religious classification of wars, on the limit of voluntary martyrdom, on the superiority of life over law, etc. — are all relevant and valid as far as they go. Yet they all touch only on more or less insignificant aspects of the problem, for none of these parallels envisage the enslavement or annihilation of the entire human race! The difference between the “Red or Dead” issue and the rabbinic precedents cited is not just in degree but in kind; the difference is the same as between amputating a limb or an organ of a person and killing him altogether. The fact that both acts have the destruction of living tissues in common is, of course, quite immaterial to the principal distinction between the acts. Similarly, the rulings on wars or martyrdom — dealing merely with the sacrifice of a *part* of humanity or a people — may be quite inconclusive as a guide to decisions involving all members of the human or national society.

On the other hand, Jewish law itself does equate the life of a single individual with that of all mankind. “Whoever destroys a single life is regarded as if he destroyed the entire world, and whoever preserves a single life is regarded as if he preserved the whole world” (*Sanhedrin* 4:5). This is not a merely homiletical or aggadic statement; it is of equal significance as a practical ruling of the Halakhah. Equating the worth of one with any number of human beings as identical, it postulates that every individual is of *infinite* value and infinity multiplied or divided by any number still remains the same infinity. Accordingly, it is forbidden deliberately to sacrifice one human being even in order to save thereby a hundred or a million others (*Yoreh De'ah*, 157:1, gloss), just as a person who has only a few more moments to live (i.e. a tiny fraction of life) enjoys precisely the same infinite worth as another who can still look forward to seventy years of life (*ib.*, 339:1; and Maimonides, *Hil. Rotze'ach*, 2:7).

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We are therefore halakhically justified in drawing some analogy between the fate of one or more individuals whose life is at stake and that of the whole of humanity, however unprecedented the latter contingency may be. To that extent Rabbi Lamm's inferences from the teachings on limited threats to human life he quotes are valid in the strictly legal sense or at least in theory. But in practice it may well be that, just as the law distinguishes between an individual and the public in regard to martyrdom and certain moral values (as recognized in Rabbi Lamm's article), it also evaluates the rights and duties of the entire human society differently from those of a more confined public. In other words, the applicability of rules affecting individuals or the public to the conduct of humanity at large must still be proved.

Turning now to the essence of the problem at issue, I think an analysis of the most fundamental question involved should yield a somewhat different approach from Rabbi Lamm's in our search for halakhic guide-lines. The underlying question in the "Red or Dead" issue, as it confronts us at the moment, is not whether we choose the one or the other. Naturally we prefer neither. The actual question *now* is whether (a) the free world should continue its atomic build-up — both as a deterrent to prevent an attack and as a means to "massive retaliation" in the event of an attack — even at the risk of universal destruction ("Dead") or (b) it should disarm unilaterally to avoid the alternative of global annihilation even at the risk of eventual enslavement ("Red"). In moral terms the problem is reduced primarily, I believe, to the question of whether the unquestioned right of self-defense (surely the only justification for war or its preparation) includes the threat (deterrent) or act (retaliation) of destroying one's own life together with that of the aggressor. So long as wars were limited and it was likely that the belligerents would survive and one would emerge victorious, the basic right to arm and to wage war was clearly asserted by the law of self-defense, whether what was to be defended were lives or moral values. But if both the lives and the values to be defended may, as now appears possible, themselves be destroyed together with the ag-

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gressor in the exercise of self-defense, the right to resort to it is questionable.

Halakhically this question may be defined in relatively simple terms. A major source in the Torah for the law of self-defense is the provision exonerating from guilt a potential victim of robbery with possible violence if in self-defense he struck down and, if necessary, even killed the attacker *before he committed any crime* (Ex. 22:1). Hence, in the words of the rabbis, "if a man comes to slay you, forestall by slaying him!" (Rashi; *Sanhedrin* 72a). Now this law confers the right of self-defense only if the victim will thereby *forestall* the anticipated attack and save his own life at the expense of the aggressor's. But the defender would certainly not be entitled to frustrate the attack if this could be done only at the cost of both lives; for instance, by blowing up the house in which he and the robber encounter each other. Presumably the victim would then have to submit to the robbery and even to death by violence at the hands of the attacker rather than take "preventive" action which would be sure to cause two deaths.

In view of this vital limitation of the law of self-defense, it would appear that a defensive war likely to endanger the survival of the attacking and the defending nations alike, if not indeed of the entire human race, can never be justified. *On the assumption, then, that the choice posed by a threatened nuclear attack would be either complete mutual destruction or surrender, only the second alternative may be morally vindicated.*

Once the recourse to atomic warfare even in self-defense (retaliation) is eliminated, the *threat* to resort to it when attacked (deterrent) also would naturally have to be abandoned. A threat is effective, and can be justified, only as long as the possibility to carry it out exists. It would be futile, in order to scare off robbers, to equip one's home with a powerful bomb if one has no intention, or right, to explode it when actually challenged by a robber.

The law of self-defense (i.e., the right to kill an attacker in anticipation of an act of violence on his part) does, of course, also extend to preventing (though not to retaliating) a moral assault, but the exercise of this right is restricted to preventing

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rape constituting adultery or incest (Maimonides, *Hil. Rotze-ach*, 1:10-12); this is therefore inapplicable to our problem.

With the exclusion of self-defense as a valid argument in favor of the "Dead" plank, the only major consideration that remains is the martyrdom theme (developed at length by Rabbi Lamm), i.e., whether the moral values to be preserved transcend the worth of life itself, so that we are required to defend them to death. I cannot altogether agree with Rabbi Lamm's reasoning on this matter. Dealing with the individual's choice between "Red or Dead," he rightly concludes that the suppression of moral values resulting from the "Red" alternative would not be such as to justify or demand their defense at the cost of life. If he nevertheless finally opts in favor of "Dead" in the light of Jewish teachings it is because he regards the defense of Judaism and of the Land of Israel as a *casus belli* for an Obligatory War (*Milchemet Mitzvah*) to be fought even at the risk of total annihilation.

This argument seems completely irrelevant to me. Surely we are not asked or meant to express an opinion on whether Jews or Israel should choose "Red or Dead," but on what we, as Jewish citizens, would urge the free world to decide on the basis of our religious teachings. We could scarcely determine such a choice by the obligation which *we*, as Jews, owe to our own faith or to the national interest of Israel.

Nor are the principles governing Obligatory Wars necessarily applicable to the nations of the world. The *religious duty* to defend Israel's borders and Judaism, imposed on us by Divine law, is obviously limited to the people of Israel. Moreover, even for Jews I doubt if the laws relating to the Obligatory Wars, or to collective martyrdom, can be applied in the present circumstances. According to Maimonides, the duty to surrender to death rather than to the cardinal sins of idolatry, incest, and bloodshed (i.e., the three supreme offenses against God, oneself and one's neighbor) stems itself from the concept of the "sanctification of the Name" (*Hil. Yesodei Hatorah*, 5:1-2) on the basis of the verse "And I shall be sanctified in the midst of the children of Israel" (*ib.*, and Lev. 22:32). This implies that martyrs will be survived by other Jews who will be inspired to

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similar heroism by such a test of faith, or who will at least continue to uphold the sanctity of the Name. But if the alternative to surrender is the destruction of the whole Jewish people, the sacrifice lacks all meaning, since God can no longer “be sanctified in the midst of the children of Israel.”

This explains, no doubt, why — the regulations on Obligatory Wars notwithstanding — Rabbi Johanan ben Zakkai and his party opposed the Zealots’ plan to fight the Roman aggressors to the finish, choosing instead to surrender to their godless conquerors rather than to risk the extinction of the Jewish people. And the Romans, after all, were at least as “Red” — in terms of the enslavement and moral degradation inflicted by their conquest — as the Communists are ever likely to be. Yet Rabbinic Judaism never censured Rabbi Johanan ben Zakkai for his fateful decision against “Dead.” It is absurd to defend Judaism by risking the liquidation of the last Jew to uphold it. History has triumphantly vindicated the profound wisdom and justice of this historic decision. It would likewise be utter folly to fight for the preservation of our Western ideas at the expense of the human element able to transmit them to future generations.

No human group has been confronted more often by the tragic choice between the loss of freedom and the loss of existence than the Jewish people. Its attitude, in broad principle, has always been exemplified by the Psalmist jubilant cry of thanksgiving: “The Lord hath chastened me sore; but He hath not given me over unto death” (Ps. 118:18). The Jew has ever preferred life with indignity and servitude to death with glory. With every fibre of his being he clung to life even under the most miserable conditions, holding out, in patient submission to suffering, for the dawn of freedom to break, if not on himself, then at least on his descendants.

We believe that, in the final analysis, the only really effective protection of mankind, as of the Jewish people, from the calamitous peril of both “Red” and “Dead” lies in strengthening our moral and religious defenses.

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**“Oh that My people would hearken unto Me,  
That Israel would walk in My ways!  
I would soon subdue their enemies,  
And turn My hand against their adversaries.  
The haters of the Lord should dwindle away before Him;  
And their punishment should endure forever” (Ps. 81:14-16).**

I cannot exaggerate the interest with which I read Rabbi Lamm's article. The issue he discusses is clearly of the deepest concern to anyone aware of the state of international relations and the magnitude that weapons of destruction have reached in recent years. Furthermore, the article attempts to formulate a Jewish view of a question that, for once, is not in the class of kashruth or mixed seating. That is not to say, of course, that such specifically "ritual" questions are of lesser concern to a Judaism that looks to the Will of God rather than the judgment of man for its criterion of relevance. Nevertheless, it is good to be reminded that God is at least as much concerned with the issue of war or peace as he is with what we eat or how we pray. Rabbi Lamm has brought this home with great clarity and erudition, a task for which the readers of TRADITION owe him a debt of gratitude.

Having said this, I must admit to a number of questions that come to my mind upon reading the article, some of them more in the form of requests for clarification rather than criticisms.

1) Rabbi Lamm seems to be quite aware that the "Red or Dead" dilemma is more of a state problem than an individual one. The question at this point concerns what the policy of this or that government ought to be rather than how any given individual ought to act *vis a vis* the Soviet Union. This being the case, it is not clear to me whether Rabbi Lamm is primarily discussing what attitude American Jews ought to have to the policy of the government of the United States on this matter or whether the issue concerns the attitude all Jews ought to have regarding the policy of the state of Israel on this matter. This distinction seems to me important because if, to take the first alternative first, the question concerns the Jewish attitude toward the policy of the United States, then certain of the categories Rabbi Lamm employs do not seem to me too easily applicable. Specifically, can one speak of "Obligatory Wars" and "Optional Wars" as applying to any state other than the one instituted by the Torah and ruling the people of Israel in the land of Israel? It is hard to see, in terms of the undoubtedly ac-

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curate criteria given in the article for obligatory wars, how these could apply to a state whose Jewish population is a small minority, even if this minority is fully privileged in the political sense.

If, on the other hand, it is the policy of the state of Israel that concerns us, other questions come to mind. First, there is the question of the chance of success in such an uneven conflict. More about this soon. Secondly, Rabbi Lamm, by applying the categories of obligatory and optional wars to the State of Israel, implies that the State of Israel has the halakhic status of the biblically ordained state with all the rights and privileges that go with that status. All this is far from self-evident to me. The State of Israel is a democratic state which vests all sovereignty in the people and its duly elected representatives. It is the will of the people, as expressed, by the Knesset, that is the source of all law in Israel. It is quite clear that this is a diametrically opposed view to that of the Torah for which the source of all law is the will of God, with the people having the choice of obeying or disobeying the law but never making it. If this is so, then the State of Israel is no more a biblically ordained state than any other modern democracy, which would in turn imply that categories such as obligatory and optional war would no more apply to it than they do to the United States or France. This, of course, leaves open the question as to what halakhic criteria, if any, apply to secular states in the matter of making war, a question which I, for one, am not prepared to answer at short notice.

2) There is another problem that I have with Rabbi Lamm's article that is equally serious. While at the outset of his article he emphasizes his realization that nuclear war is something new because it raises the distinct possibility of eliminating human life on this planet, he seems to lose sight of this as he gets into the body of the article. Both optional and obligatory wars are predicated on the chance of winning and thereby of achieving the ends sought. Whether the goal is to destroy the Amalekites or to defend the Jewish people against an aggressor, all of this makes sense only if the Jewish people, or at least a segment of it, can be conceived of as surviving the

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war and enjoying its fruits. Should it be the case that modern warfare demands as the price for the total destruction of the enemy the total destruction of the Jewish people, then clearly a new situation has arisen to which the old principles of warfare no longer apply. Whether this is technologically so or not is, of course, another matter. But it is precisely this eventuality that people have in mind when they debate the "Red or Dead" problem and it is to this possibility that we must address ourselves. Even if this situation has not yet been fully reached, we must ask ourselves how close things must come before, to all intents and purposes, it is such an agonizing choice we face.

Rabbi Lamm is perfectly right in his observation that classical Judaism does not teach the desirability of buying life at all costs. There are certain circumstances when, faced with the choice of death or the transgression of specific commandments, the choice must be death. But I must hasten to add two observations. In prescribing death rather than transgression, the Halakhah is operating on the level of individual morality. This is a commandment that binds every individual Jew every minute of the day or night, wherever he may be. Even where whole communities have made this choice, they have done so as individuals. Nowhere does the Halakhah speak of the desirability of conducting a war, which is an act of state, with the knowledge of certain defeat. On the individual level the Halakhah does ask the Jew to embark on a course of conduct that will lead to his certain death, if the alternative transgression is serious enough. But it never asks the nation to embark on a course of conduct that will certainly lead to its destruction. The reason for this leads me to my second point. The choice of death rather than transgression demands one necessary condition: that the danger of transgression be immediate and specific. This is the reason that it cannot apply to the state as such. Should a Jewish state ever be defeated by a foe bent on exterminating the faith of Israel, there is always time for martyrdom when this or that individual Jew is placed before the choice. It is, of course, otherwise when fighting a war might serve to obviate the necessity for many individual Jews to be

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placed before such a choice. But that in turn presupposes the possibility of victory, which is precisely the issue at stake here. Where war will lead to the certain annihilation of all mankind, it seems much more reasonable to wait and let the choice of martyrdom come up on the individual level, keeping in mind that no matter, how efficient a totalitarian system may be, there is always the hope that many individuals will save themselves without transgressing these crucial commandments and thereby insure the survival of the Jewish people.

While there are several other aspects of Rabbi Lamm's article I would like to comment on, I must close before the comment turns into a full length article. I will merely repeat my thanks to Rabbi Lamm for raising such a vital question on a level appropriate to it.