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THE DEFENDERS OF MASADA

TO THE EDITOR OF *TRADITION*:

In my differences with Rabbi Rabinowitz in the past (*TRADITION*, Fall 1965) he at least seemed to understand and accurately represent the position I had taken. In the last issue of *TRADITION* (Fall 1970), in his references to my article on the defenders of Masada, Rabbi Rabinowitz, rather disappointingly does neither. Perhaps אגב חורפיה לא עיין בה

1. Rabbi Rabinowitz begins by accusing me (together with Prof. Hoenig) of "Judiciously selecting quotations and references to bolster their case and consciously ignoring passages which contradict them" and promises to give some examples. While he is generous in offering passages when dealing with Prof. Hoenig, his promise remains empty and largely forgotten by the time he gets around to me. Instead of producing "passages and references" his criticism involves (a) an inference which I shall show is invalid and (b) a confusion as to what certain of my arguments were designed to prove.

2. Rabbi Rabinowitz describes my thesis thus: "His aim was to 'argue that the action of the defenders of Masada was not at variance with the teachings of the Talmud,' as though the 'teachings of the Talmud' were crystallized in 73 c.e. and the Torah attitude fixed." Neither my sentence as it stands nor my entire strategy in the article involves such an implication. My purpose was to show that the actions of the martyrs of Masada were not at variance with the principles of Judaism even if we judge them from the perspective of the *Halakhah* as we have it crystallized and codified today! My adoption of a more exacting criterion for judgment was precisely my awareness of the difficulty of trying to pinpoint a normative Halakhic position as of 73 c.e.!

3. In discussing the views of the Zealots, I distinguished between two separate problems and limited my comparisons to these two points: 1) the initial question of rising in armed resistance to Roman rule and 2) their self-immolation and the killing of their women and children rather than surrender

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to the Romans. Rabbi Rabinowitz confuses these two separate ideas when he writes: "Whatever motive there was in that act (of mass self-immolation) it was surely neither a fulfillment of the Torah which commands that the sovereignty of the Jewish people be defended at all cost," nor was it the resistance by force . . . when an invading army bent on plunder threatens a Nation." The entire first part of my article in which I deal with the concept of *milchemet mitzvah* and the views of Nachmanides, was not meant at all to apply to the action of mass suicide but only to the first problem of resistance to Rome. My point was that once you subscribe to the concept of *milchemet mitzvah* which seems to me to follow necessarily from the Torah itself, then you must seriously consider the obligation to throw off foreign rule in Israel once this becomes feasible. What theoretical distinction can be drawn between repelling an invading army and ousting a foreign occupation force except for practical considerations? If one sees the former as an obligation can one without self-contradiction refuse to support the latter?

Once the relevance of the principle of *milchemet mitzvah* to the problem of resistance to Rome is seen, it becomes clear that the issue cannot be limited to the question whether submission to foreign rule constitutes one of the cardinal sins of Judaism for which we may undergo martyrdom. If you acknowledge the principle of *milchemet mitzvah* then it implies that there is at least one other *mitzvah* (in addition to the cardinal three) for

those observance one must go forth even if it means death! It is for this reason that at least for a time, Pharisee and Zealot united to fight Rome.

Rabbi Rabinowitz states: "Having come so close to the core of the question, he [Rabbi Spero] slides away from it, using the quote as a proof of the *identity* of the love of liberty between the Fourth Philosophy and the Pharisees." Both the Pharisees and Sicarii shared the passion for liberty; they differed fundamentally in their application of it." I actually wrote, "If there was a significant distinction between the Zealots and the Pharisees it was in their behavior and not in policy . . . "This seems to me a rather clear expression of what Rabbi Rabinowitz was looking for: a difference in application of principle.

4. I attempted to justify halakhically the suicide of the defenders of Masada on the basis of considerations similar to those by which the Halakhah justifies the suicide of King Saul. Rabbi Rabinowitz ignores this completely and instead states that "we could well justify the actions of the defenders of Masada by maintaining and with justice, that it was a public demonstration of religious loyalty" which is his extension of the concept of *Gezeirat Malkhut* or *Shaat Hashmad*. But here Rabbi Rabinowitz runs afoul of his own distinction. If he is speaking on the basis of the Halakhah of the Pharisees then clearly this was no *Gezeirat Malkhut* as the Romans at this time were not concerned with the religious observances of

the Jew. On the other hand, if this justification is offered on the basis of the Halakhah of the Zealots then it is quite unnecessary since they believed that foreign servitude at any time justifies martyrdom.

5. Perhaps Rabbi Rabinowitz would agree that the distinction between the views of the Pharisees and Zealots can best be described as follows: While the Pharisees would have to acknowledge the obligation of *מלחמת מצוה* which is *דוחה פיקוח נפש* in its fulfillment, they would see it only as

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following a decision by the nation to rise in rebellion. The Zealots, however, considered it a

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to resist acts of fealty to Rome such as paying taxes even if it meant death, something the Pharisees could not agree to.

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RABBI RABINOWITZ REPLIES:

I am sorry to say that Rabbi Spero misses the essential point of the halakhic attitude to the self-immolation of the Masada defenders, with the result that his complete argument is vitiated.

That there is a *mitzvah* called *milchemet mitzvah* is, of course, not denied. This *mitzvah*, however, is on a par with all other *mitzvot* of the Torah, both in regard to its obligations and to its limitations. Its obligations are reflected in the *Mishnah Sotah* 8:8; "In a *milchemet mitzvah* all must go forth, even the bridegroom from his chamber and the bride from her

bridechamber." It is thus incumbent upon all, as for instance, are *Shabbat* and *Kashrut*. But it equally has the same limitations as those *mitzvot*, the limitation which, however incongruous its formulation may be when applied to war, is expressed in the words *ya'avov ve-al yehareg*. And the Halakhah lays down three and only three *mitzvot* to which this limitation does not apply. Incidentally, it is an interesting question into which I do not wish to enter here whether, even with regard to those three, the phrase means that one should allow oneself to suffer martyrdom, i.e., to be put to death by others, rather than transgress them, but not to take one's own life with one's own hands. (On this question see the remarkable passage in *Da'at Zekenim*, Ba'ale Tosafot, to Genesis 9:5, which also deals with the suicide of Saul.) But certainly and beyond any doubt the *milchemet mitzvah* involves only that the participant shall "fight to the death," but not that he shall take his own life. Rabbi Spero is therefore at fault when he states that "if you acknowledge the principle of *milchemet mitzvah*, then it implies that one must go forth even if it means death"—if "death" means at one's own hands.

It must clearly be realized that when one takes one's life for any reason other than those enjoined by the Halakhah (the three cardinal sins, ignoring the distinction I have made above), the act becomes one of reprehensible suicide instead of the supreme expression of religious loyalty for the Sanctification of the Divine Name. No-

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where does the normative accepted Halakhah find an authority who lays it down that rather than accept the yoke of servitude to a foreign power one should surrender one's life. This, I maintain, was the specific sectional Halakhah of the Zealots, in which, and alone in which, they differed from the Pharisees. This is surely a difference of "policy" and not of "behavior."

I cannot accept Rabbi Spero's last formulation as to the difference between the Pharisees and the Zealots. I do not agree that the Pharisees "acknowledged that the obligation of *milchemet mitzvah* is *docheh pikkuach nefesh* if that means that one has not the duty of doing everything possible to save one's life, or the life of one's comrade, in such a war. Finally may I say that it is true that I ignored what Rabbi Spero regards as a parallel, the suicide of Saul, since the considerations are quite different. As the above mentioned passage of the *Ba'alei Tosafot* emphasizes, the consideration there was whether he would be able to stand up to the tortures to which he might be subjected.

THE MITZVOT, THE MESSIAH AND THE TERRITORIES

TO THE EDITOR OF *TRADITION*:

I am afraid that Mr. Michael Rosenak, in his reply [Summer, 1970] to my comment on his "The Mitzvot, the Messiah and the Territories," again evades the issue of what authority the Jewish sources

provide for any particular position to be taken on Israel's situation today by a Jew such as Mr. Rosenak whose "religious sense of purpose" . . . derives from my free acceptance of the Torah. And once more he does so with selected quotations or tendentious paraphrases or interpretations of quotations from the sources.

First of all, the fact still remains—which Mr. Rosenak does not deny or explain or deal with at all in his reply—that in his original article he misquoted Zechariah 14, causing it to read: "and all the nations will ascend," where it actually reads: "... every one that is left of all the nations that came against Jerusalem will ascend." He might at least have inserted dots to indicate elision: "... all the nations . . . will ascend . . ."

What is more, Mr. Rosenak wants to have it both ways: first he bowdlerizes Zechariah to make the Prophet conform to his own colour-blind pacifism, and then he quotes the Radak's explication of the part which he deleted: "... every one that is left of all the nations that came against Jerusalem," and in view of the Radak's explanation that "those who are left are those who reflected on the war and returned to God with all their hearts," by what authority does Mr. Rosenak now write: "But many, or all the nations, will ascend . . .?" On what does he base his addition: "... or all . . .?"

And on what grounds does Mr. Rosenak interpret the *Metzudat David's* statement, "The great ones of the idolators" (which Mr. Ro-

senak again sees fit to "improve" by rendering it "the (former) idolators") will volunteer to be hewers of wood and drawers of water in God's House," to mean that "they will rejoice to perform even the most menial of tasks in the service of the Almighty?" How does he know that the *Metzudat David* did not mean, for example: "Dismayed by God's vengeance, they will seek to save themselves by volunteering?" Mr. Rosenak's interpretation appeals more to my Anglo-Saxon liberal sensibilities — acquired by having lived the first 34 years of my life in the U.S. — but how does he know that Zechariah and the *Metzudat David* were liberals after our own hearts.

As to the Messianic nature of the Feast of Sukkot—which I like very much—let me, in this game of pick-a-quotation, refer Mr. Rosenak to Tractate *Avodah Zarah* 3a (as Rashi does in his comment, mentioned by Mr. Rosenak, on Zechariah 14:15, concerning Israel's offer of 70 bullocks on behalf of the 70 nations), where we find the theme of Sukkot used in a less liberal way: "God says (to the nations of the world): '... I have an easy Commandment called Sukkah—go and perform it. Thereupon each of them goes and builds a Sukkah on his rooftop. So God causes the (seasonal) sun to shine hotly down on them, and each of them kicks at his Sukkah and leaves it.'"

And I repeat my question: What does Mr. Rosenak, who describes himself as one with a "religious sense of purpose that derives from (his) free acceptance of the To-

rah," mean when he says: "the 'fate' of our proximity to nations which hate us and primarily for reasons which (certainly in their underlying causes) do not deal directly with us . . .?" I do not understand the plain common-sense meaning of this statement any more than I understood Mr. Rosenak's statement in his original article, to the effect that the Jewish People's presence in *Eretz Yisrael* is a "fated proximity to a people that bitterly hates us mainly for historical and social reasons that have nothing to do with us, and for resentments for which we are merely a convenient focus . . ." The Torah education I received taught me something quite different about our "fated" presence in *Eretz Yisrael* and about our role as a "convenient focus" of the divers resentments of various nations of the world. I could quote and quote and quote—and still, in the end, prove nothing about Israel's situation today and what we ought to do about it. I will content myself with one quotation and ask Mr. Rosenak or anyone else to tell me how this is supposed to serve me or the Jewish People or the State of Israel as a practical guide. In Genesis 33:4, Rashi, commenting on the kissing encounter between Jacob and Esau, brings the following quotation from *Sifre Beha'alotecha*: "Rabbi Shimon bar Yohai said: It is a known law that Esau hates Jacob" (*Halakhah hee beyadua she-Esav soneh le-Yaakov*).

Finally, I did not mean to suggest that the verse in Zechariah was "unclean." What I suggested, and still suggest, is that Mr. Rosen-

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ak (like many generations of ardent religious liberals) considered it to be unclear for his purpose as it stood, and that he therefore quoted only those parts of it that suited his purpose, and without indicating that he was quoting selectively. There is hardly a position on anything (even "Sex-Lib," I am interested to discover) that cannot be supported by quotations from the Torah or the Sages. It is interesting but not always useful. But to do so by means of truncated quotations or quotations taken out of context is outrageous.

So, in discussing "The Mitzvot, the Messiah and the Territories," let us not do so in terms of doctored quotations—doctored to suit our "dovish" or "hawkish" pathos. Let us do so in terms of our self-awareness as Jews who crossed the Red Sea and who stood at Mount Sinai when God held the mountain menacingly over our heads and who (the Book of Esther tells us) in Ahasuerus' empire some 26 centuries ago "*kiyemu vekiblu*."

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