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Yeshivat Ateret Yerushalayim

IN THE HEART OF THE OLD CITY OF JERUSALEM

Ha-Rav Shlomo Aviner on...

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The Land of Israel and Safeguarding One's Life

Question: A certain Rabbi said that traveling or gathering in places like Sederot (on the border with the Gaza Strip) is not forbidden based on the commandment of "You shall surely safeguard your soul" (Devarim 4:15, 23:11). Is this correct according to the Halachah?

Answer: This subject is divided into three parts.

1. Low-Probability Danger

This Rabbi is certainly correct that the mitzvah of "You shall surely safeguard your soul" is a firmly established law. At the same time, there is a clear distinction in Halachah between a high-probability danger and a low-probability danger. If this were not the case, we would not be able to travel in a car since every year, to our great distress, six hundred people are killed in car accidents in Israel. Many more people have been killed in car accidents since the establishment of the State of Israel than all of the Kassam rockets and all of the terrorist attacks and all of the wars, even when they are added together. We nonetheless travel in cars, obviously with the required cautions, since this is called "a non-frequent damage" in Halachah (Pesachim 8b). In our time there are statistical tools to verify the frequency of a danger. This idea is also brought in the book "Mesillat Yescharim" (end of chapter 9) that there is appropriate fear and inappropriate fear. There is appropriate fear from actual danger and there is inappropriate fear from illusions. There is a halachic responsum on this subject by Ha-Gaon Ha-Rav Yitzchak Zilberstein, Rabbi of "Ramat Elchanan" (neighborhood in Bnei Brak). A student was learning in a yeshiva in "Yesha" (Yehudah, Shomron or Gush Katif) and his parents were concerned about the danger. Rav Zilberstein proves that "a frequent damage" is five percent. This means that if – G-d forbid – five percent of the students of the yeshiva were murdered, it would be forbidden to learn in that yeshiva. This

is obviously far from reality – Baruch Hashem – since the Kassam rockets do not kill five percent of the population. In fact, Ha-Gaon Ha-Rav Yitzchak Isaac Herzog in Shut Heichal Yitzchak proves based on Shut Rabbi Akiva Eiger (#60) that a frequent danger is not five percent, but one in a thousand, but – Baruch Hashem – Kassam rockets do not kill one in a thousand people either.

2. Small risk for a Mitzvah

It is permissible to take a "small risk" for the sake of a mitzvah. The Tiferet Yisrael discusses this principle on the Mishnah in Massechet Berachot at the end of chapter one. There is a story about Rabbi Tarfon who said the Shema at night while reclining according to the view of Beit Shammai. He endangered himself while doing so and the Sages admonished him for following the view of Beit Shammai instead of Beit Hillel. But the question remains. Why did Rabbi Tarfon endanger himself, since reciting the Shema is not in the category of "Be killed and do not transgress," i.e. requiring one to sacrifice his life for its fulfillment? The Tiferet Yisrael explains that it was permissible since there was only a small risk of danger. There is an additional proof from when Rabbi Akiva was in jail, and he used the water he received for "netilat yadayim" (ritually washing his hands) instead of for drinking. The halachic authorities ask: How could Rabbi Akiva endanger his life for this practice? The answer is that Rabbi Akiva understood that he would obtain more water, the danger he was taking was extremely minute and for a mitzvah it is permissible to take a small risk. We also find this idea in "Pitchei Teshuvah" (Shulchan Aruch, Yoreh De'ah 157). By the way, there is something else for which it is permissible to take a small risk – a livelihood. And, in truth, a livelihood is also a mitzvah. We find teachings that it is permissible to take a small risk for a livelihood and a mitzvah, and it is the law for the mitzvah of settling the Land of Israel.

3. Settling the Land of Israel

It is obvious that settling the Land of Israel towers above every mitzvah. It is thus written in Shut Ha-Rashbash (#1) of Rabbi Shlomo Shimon, the son of the Rashbatz (Rabbi Shimon ben Tzemach Duran), that one who desires to make aliyah while it is dangerous. Ascend! But one who does not want to need not go. This means that he permits ascending to the Land of Israel under danger, but one is not forced to do so. But how is it permissible to endanger oneself for the sake of ascending to the Land of Israel? This question was already asked by the King of Kuzar to the Rabbi at the end of the book "The Kuzari," and Rabbi Yehudah Ha-Levi responds that the danger in ascending to the Land is certainly less dangerous than a

soldier in an obligation war. Just as a soldier endangers himself in an obligatory war, so too does one who makes aliyah to a certain extent.

Throughout the generations, Jews displayed self-sacrifice for the Land of Israel, whether making aliyah, establishing settlements or serving in the army. This includes Religious-Zionists and secular Jews and the Charedim (Ultra-Orthodox). Charedim – whether the students of the Vilna Gaon or the students of the Baal Shem Tov – made aliyah and established settlements with great self-sacrifice. For example, Charedim established Me'ah She'arim within an Arab settlement with self-sacrifice, and the city of Petach Tikvah despite the Malaria in which many paid with their lives and the neighborhood of Nachalat Shiva in Jerusalem, which was an extremely dangerous place. Even Ha-Gaon Ha-Rav Yosef Chaim Sonnenfeld ztz"l, one of the harshest opponents of Zionism, said that we cannot abandon even one place in the Land of Israel – even if there is danger involved. The story is told in the book "Ha-Ish Al Ha-Chomah" that during the Arab Pogrom of 5689 a multitude of Arabs descended on Me'ah Shearim, the leader had his sword drawn and they screamed, "Slaughter the Jews!" When they passed the flour mill, two Charedi Jews came out, one wielding a pistol and shot and killed the leader of the gang. The second one threw a hand grenade and the entire gang fled while the two of them pursued them – one with a pistol and the other with a hand grenade. The Arabs killed many of their own in their panicked flight, trampling one another. The next day, Ha-Rav Sonnenfeld, who lived within the walls of the Old City, had to go to Me'ah Shearim for a brit milah. He left through "Sha'ar Shechem" (the Damascus Gate), and in front of their eyes lay the dead Arabs. His students said to him: "Rav, what about safeguarding one's life?" He answered them: "If we surrender walking through 'Sha'ar Shechem,' there will be no Jews." By the way, the Charedi Jew who fired the pistol was Ha-Rav Aharon Fischer, the father of Ha-Gaon Ha-Ra Yisrael Yaakov Fischer, who was the Av Beit Din (head of the rabbinic court) of the Ultra-Orthodox community until a few years ago. We therefore see that the Charedim did not fear anything – not diseases and not Arabs, and they even used a weapon when necessary.

In conclusion:

- a. A non-frequent danger is not considered a danger according to Halachah.
- b. It is permissible to take a minimal risk for a mitzvah or for a livelihood.
- c. One needs self-sacrifice for the sake of settling the Land of Israel. This is how we have acted throughout the generations and in its merits we are here today.