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Traveling on the Roads of Yesha [Judea and Samaria]

Question: Is it permissible to travel on the roads of Yesha in our day? I am asking about people who live there, people who work there and people who wish to visit. Doesn't the Torah say, "Watch yourselves very carefully?" (Devarim 4:15). Sure, it's a Mitzvah to be in Judea and Samaria, but doesn't regard for life override Mitzvot?

Answer: This is imprecise. Rabbi Moshe Chaim Luzatto writes (Mesilat Yesharim, Ch. 9), that there are psychological factors that diminish our yearning to do Mitzvot, and one of them is the fear of danger. He explains that we mustn't go too far. Not every fear must prevent our doing a Mitzvah. We must distinguish between justified fear and exaggerated fear, otherwise we are liable to sit in fear day and night doing nothing. Mesilat Yesharim further states: "It says, 'A prudent man foresees evil and hides himself' (Mislei 22:3). For example, when he sees a lion along the way, he takes cover. The point of the verse, however, is that one should hide from 'the evil that one SEES,' and not from the evil that is possible."

When it comes to such fears, there is no end to them. They are just our imagination, as Maran Ha-Rav Avraham Yitzchak Kook explained in his article

“Ha-Pachad” [The Fear] from the book “Ikvei Ha-Tzon.” People understand that they are obligated to do something important, but their imagined fears prevent them from doing so.

We must distinguish between cases of “harm being common” (Pesachim 8b), where we have to be cautious, and cases of “harm not being common,” where we need not be cautious. The Rabbis also said, “Those on their way to do a Mitzvah do not come to harm” (Ibid.). Unless harm is common, these people have nothing to fear. G-d will protect them. The Talmud teaches (Bava Metzia 24:15): “His life depends on it’ (Devarim 24:15): Why is the [fruit picker] willing to climb up a ladder and hang out of a tree and risk his life? Is it not for his livelihood?”

In fruit picking, a laborer is liable to fall out of the tree, but the need to earn a living compels him to do so anyway. But is one allowed to endanger oneself and violate “Watch yourself very carefully” for the sake of earning a living? The answer is yes, if the danger is uncommon (Rabbi Kook, Mitzvat Re’eyah 3:17). That is, it is rare for fruit pickers to fall out of a tree, and since what they are doing is for their livelihood, they are allowed to undertake a certain level of risk. (see Shut Noda Bi’Yehudah 2, Yoreh Deah, end of Siman #10). Certainly no one should endanger himself for no reason (see Igrot HaRe’eyah 3:132). Here, however, it is not for no reason, but to earn a living.

The same applies for the sake of a Mitzvah. Rabbi Tarfon once recited the evening Shema on the road, and followed the stricter approach of Bet Shamai, lying on his side to recite it. Because he lay down in this way, he did not see that bandits were approaching, and they almost killed him. The sages therefore castigated him for not conducting himself like Bet Hillel [who allowed the Shema to be recited even standing] (Mishnah Berachot 1:3). Still, why did he risk this? Surely reciting the Shema is not among the three Mitzvot which must be fulfilled even at the cost of one’s life. The answer is that the risk he

faced, that bandits would attack, was not a common one (Pitchei Teshuvah, Yoreh Deah 157:3).

Another example involves Rabbi Akiva: when he was in prison, he used his drinking water to wash his hands ritually, even though he knew that the chance of obtaining more water was near zero.

In our own case, the danger involved on the roads of Yesha is classed as “uncommon” thanks to the Israeli army. It is certainly much less common than traffic accidents, in which an average of 1.5 people are killed, and fifty are severely injured every day. Even in Yesha itself, more people are hurt in traffic accidents than by terrorists -- may their name be blotted out! Even so, people continue to drive -- taking the necessary precautions of course.

The level of risk permitted for the sake of a Mitzvah is like the level of risk that people take for the sake of earning a living. At the end of the Kuzari, the King of the Khazars asks the scholar: “Why are you going to Eretz Yisrael? Surely the trip there, involving travel over land and by sea, is fraught with danger?” The scholar responds, “It is no different from the merchant who travels far in hope of earning a profit.”

There were once three friends who decided to move to Eretz Yisrael with their families. The local Jewish court, however, wished to detain them out of fear of the dangers involved in travel by sea. Perplexed over what to do, they asked the author of the book “Me’il Tzedakah” his opinion. He responded that there was no danger. He said, “Don’t ask rabbis who live in-land. Ask rabbis who live by the sea. I live in a port city and every day I see merchants setting out to sea” (Shut Me’il Tzedakah #26, quoted in Pitchei Teshuvah, Even HaEzer 75:6).

Thus, it is permissible to travel the roads of Yesha, for those who live there, those who work there, and those who are just visiting. Obviously, we must follow the instructions of the army.

Until now our discussion has applied to all Mitzvot, such as reciting the Shema and ritual hand washing. Yet the Mitzvah of settling the Land takes priority. In response to the king of the Khazars, the scholar pointed out that traveling to Eretz Yisrael was not dangerous, but he added that even if it were dangerous, still “it is even less of a problem to endanger oneself in order to settle Eretz Yisrael than it is to endanger oneself for the sake of participating in a compulsory war.”

Just as the army endangers itself in compulsory wars defending Eretz Yisrael, so may we undertake a certain degree of risk for the sake of moving to Eretz Yisrael and settling it. This is the only Mitzvah in the whole Torah in which we may knowingly place ourselves at risk. Regarding other Mitzvot it says, “Watch yourselves very carefully.” Once someone has already been caught by non-Jews, and, for example, Christians say to him, “If you do not kiss the cross, we will throw you into the fire”, he must give up his life. Yet no one should knowingly get himself entangled in such a situation. Rather, one should flee.

From Eretz Yisrael, however, one does not flee! Quite the contrary, we move there and settle there of our own accord. The Mitzvah of settling the Land is not only fulfilled through participation in a compulsory war, but also by moving to Eretz Yisrael and settling it, including strengthening our hold on main roads. “Whoever walks four cubits in Eretz Yisrael is guaranteed a place in the World-to-Come” (Ketubot 111a). This applies not only to the center of Tel Aviv, but especially to a place where our enemies desire to do us harm. For the sake of this we may place ourselves in a life-threatening situation, not actually on the level of a soldier, but similarly. Obviously, we have to take all the precautions that the army dictates or recommends.

If the army opens a road, that signifies that it is classed as “danger being uncommon.” Obviously, the army cannot maintain 100% security, and even in the heart of Tel Aviv a murderer can strike. Such was the practice throughout

the generations that Jews settled the Land, whether danger was common or not common, whether they were religious or irreligious, Zionists or Charedim. If not for self-sacrifice, we would not be here today. On the Northern border as well, Jews live in the shadow of danger.

A Jew once asked the Chazon Ish, who was not a “Zionist” in the accepted sense of the word: “I live on the border. Perhaps I can move further in?” The Chazon Ish replied, “If everyone does that, the inner section will become the border.”

Thus, let us be strong and not fear.



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