

# Meorot

A Forum of Modern Orthodox Discourse

(formerly *The Edah Journal*)

**Shevat 5767**

## CONTENTS

### Introducing *Meorot*

Dov Linzer

Eugene Korn

### Editor's Introduction to the *Shevat 5767* Edition

## ARTICLES

### ***War and Jewish Tradition***

"Prohibited Wars" In Jewish Religious Law

Aviezer Ravitzky

Confronting Evil: Terrorists, Torture, the Military and  
*Halakhah*

Dov S. Zakheim

Conversation: Ethics and Warfare

Aryeh Klapper

Benjamin Ish-Shalom

Michael J. Broyde

### ***Other***

On Divine Command Morality

Michael J. Harris

Eugene Korn

Aggadic Man: The Poetry and Rabbinic Judaism of  
Abraham Joshua Heschel

Alan Brill

## REVIEW ESSAYS

*Mi-Yosef Ad Yosef Lo Kam Ke-Yosef*

Marc B. Shapiro

*A Lifetime Companion to the Laws of Jewish Family*

*Life* by Deena Zimmerman

Aviad Stollman



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# Meorot

A Forum of Modern Orthodox Discourse

## STATEMENT OF PURPOSE

### ***Meorot: A Forum of Modern Orthodox Discourse*** (formerly *The Edah Journal*)

#### **Statement of Purpose**

*Meorot* is a forum for discussion of Orthodox Judaism's engagement with modernity, published by Yeshivat Chovevei Torah Rabbinical School. It is the conviction of *Meorot* that this discourse is vital to nurturing the spiritual and religious experiences of Modern Orthodox Jews. Committed to the norms of *halakhab* and Torah, *Meorot* is dedicated to free inquiry and will be ever mindful that "Truth is the seal of the Holy One, Blessed be He."

#### **Editors**

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Joel Linsider, Text Editor

#### **Editorial Board**

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*Meorot* will publish two online editions per year, and will be available periodically in hard-copy editions. Opinions expressed in the articles are those of the authors only and do not necessarily represent the views of YCT or the editorial board. YCT retains copyrights to all material published in the journal.

#### **Directions for Submissions**

*Meorot* invites submissions of original scholarly and popular essays, as well as new English translations of Hebrew works. Popular essays should be between 800-2000 words. The journal particularly welcomes halakhic, philosophic, and literary studies relating to *qedushah* in modern experience, the religious significance of the State of Israel, Jewish ethics, emerging Torah conceptions of and opportunities for women, *Talmud Torah* as an intellectual and spiritual discipline, pluralism, and Judaism's relation to gentiles and contemporary culture.

Submissions to *Meorot* should be sent online to [meorotjournal@yct Torah.org](mailto:meorotjournal@yct Torah.org), or mailed in duplicate to Editor, *Meorot*, c/o YCT Rabbinical School, 475 Riverside Drive, Suite 244, New York, N.Y. 10015. Submissions should include a one paragraph abstract and one line biography of the author. Paper submissions should be accompanied by a diskette with essay in RTF, TXT or MSWORD format. Notes should appear as footnotes. Communications should be directed to the above email address.

Reader responses should be sent to the editor at [meorotjournal@yct Torah.org](mailto:meorotjournal@yct Torah.org) for possible electronic publication at the journal's website.

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# Introducing *Meorot*

Welcome to the inaugural issue of *Meorot: A Forum of Modern Orthodox Discourse*. When Edah closed last summer, Yeshivat Chovevei Torah Rabbinical School was offered the unique opportunity to sponsor the publication of Edah's journal. *The Edah Journal* began publication in *Marbeshvan* 5761 (November, 2000), and since then it has become one of the most widely-read and highly-regarded English-language journals devoted to issues of Orthodoxy and modern religious life.

Under the leadership of its editor, Dr. Eugene Korn, the journal has addressed some of the most important and sensitive issues facing our community in an honest, thoughtful and balanced manner. The articles published are always intellectually rigorous and thought provoking. The journal's most outstanding characteristic, however, has been its commitment to create a forum for the many voices in the spectrum of Modern Orthodoxy. Indeed, many believe that its most successful issues have been those that, like the current issue of *Meorot*, present divergent perspectives on a single issue. In the words of *Tosafot* (*Niddah* 20b, *s.v. Agmirei*): דמתוך כך ידקדקו בדבר — ופעמים שהראשון טועה ויצא הדבר לאורה — “Through such repeated asking [of the same halakhic question to multiple authorities] the two sides pay scrupulous attention to the matter and when there are times where the first one has made an error this process will allow the matter to come to light.” The guiding principle of this journal has been and will continue to be that only through open and honest discourse will the greatest truth emerge.

We have chosen the name *Meorot* as the new name for the journal to reflect this principle. The Torah teaches us that on the fourth day of creation, God created not just the sun, a single, large luminary, but *meorot*—many luminaries, each one an object of beauty, each one shedding its own distinctive light. The light of the sun is strong, but it can also be glaring, and there are times when we must see a certain object by moonlight or by starlight to fully appreciate its subtleties and its hidden beauties. And then there are times when none of these luminaries will do, times when we have to look into the hidden recesses of a matter and only the more focused light of the candle, the אור הנר that is יפה לבדיקה, can provide the necessary illumination.

With the continued publication of *Meorot*, we are committed to continuing to provide a forum where each of the luminaries in our community can shed his or her distinctive light, bringing beauty and illumination to our religious and intellectual world, and ensuring that through this process the greatest truth will come to light.

Rabbi Dov Linzer, Yeshivat Chovevei Torah Rabbinical School  
Chair, Editorial Board



*Meorot* represents a partnership between what was previously *The Edah Journal* and its new sponsor, Yeshivat Chovevei Torah Rabbinical School. YCT is the perfect partner for the journal, since YCT is committed to the very values that have guided *The Edah Journal* during its six years of publication: a thriving interpretation of Orthodoxy open to all *kehal yisrael*, the religious ideal of Orthodox Jews participating in modern pluralistic society, an uncompromising dedication to truth, and a reflective Orthodoxy that grapples with modernity's challenges.

Since *The Edah Journal* began publication, its website has attracted more than 10,000 readers each month from the academic and Jewish communities. Although we have changed name, *Meorot* will hew closely to the same philosophy and editorial policy that made *The Edah Journal* so successful.

I am pleased to welcome new members to the *Meorot* editorial board. R. Dov Linzer will chair the board and R. Nathaniel Helfgot of YCT has assumed the role of Associate Editor, taking over from R. Naftali Harsztark, who continues to serve on the board. Dr. Michael Berger of Emory University, and R. Adam Mintz of Queens College, CUNY have also joined our editorial team.

Eugene Korn  
Editor, *Meorot*



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### Editor's Introduction to the Shevat 5767 Edition

Eugene Korn

Welcome to the *Shevat* 5767 edition of *Meorot*! As both R. Dov Linzer's and my prior statements indicate, *Meorot* is proud to continue the editorial philosophy of its predecessor, *The Edah Journal*. To emphasize this continuity, we have designated this edition as Volume 6, Number 1, positioning it as the successor to the last edition of *The Edah Journal* (5:2).

The renowned political theorist Michael Walzer has observed that "Jewish war, for the last two thousand years, is a mythical beast. None of the rabbis after Akiva had any experience of war making. This is one of the meanings of exile: Jews were the victims, not the agents, of war." At the dawn of the twenty first century, however, Jews willy-nilly find themselves in a different historical and moral position. The State of Israel has been tragically trapped by her hostile neighbors in a brutal and unrelenting condition of war. And in the participatory democracy of America, Jews are called upon to fight, command soldiers, vote for officials and even help decide policy of when and how Americans fight her enemies. This new historical reality has forced moral and religious questions onto the Jewish agenda: Is there a Jewish theory of war, and if not, can Jews forge a coherent theory today? When is it *Jewishly* permitted to take up arms against another? Do the normal moral and halakhic constraints of civilian life apply in any way to the warfare? Is intentional warfare against non-combatants every justified? Is there any behavior towards enemy combatants that is "out of bounds" according to Jewish values and law? No longer can serious Jews ignore these questions. Much of this edition of *Meorot* is devoted to exploring these urgent issues.

Catholics, Protestants, Moslems and secular democrats have all experienced the reality of war as agents, and each of their traditions has developed theories (e.g. just and unjust war)

and guidelines of warfare. Jewish tradition has but the rudiments of such a philosophy (i.e., chapter 20 of Deuteronomy, commanded war ("*milhemet mitsvah*") and permitted war ("*milhemet reshut*"), but a robust theory and normative guidelines await development out of these sources. Perhaps the essays contained in this edition will contribute toward that contemporary enterprise.

Just war theory distinguishes between *ius ad bellum*—justificatory conditions for going to war—and *ius in bellum*—guidelines for conduct in war that render the fighting morally acceptable. *Meorot* is proud to publish Aviezer Ravitsky's critical study, "Prohibited Wars in Jewish Religious Law," which takes up Jewish considerations of *ius ad bellum*. One of the finest minds of our generations, Professor Ravitsky is now recuperating from severe head wounds sustained in a recent traffic accident. We at *Meorot*—indeed the entire Jewish world—pray fervently for his complete and speedy recovery, and that he is able to continue his prodigious contributions to Jewish culture and spiritual life. Ravitsky attempts to rebut Walzer's claim that there is no category of forbidden war in Jewish tradition. He argues that prohibited war is the default, and therefore the prevalent, category. Commanded and permitted wars constitute exceptions, and today only defensive wars could be properly authorized by Jewish tradition.

Dov S. Zakheim analyzes major questions of *ius in bellum*, whether the torture and abuse of prisoners is efficacious and permitted according to Jewish authorities, as well as how Israeli and Jewish soldiers in other armies should comport themselves. What are the Jewish legal and value guidelines for treatment of POW's? Implicit is the question of to what degree the Geneva Conventions and internationally accepted norms bear on determining proper Jewish behavior in war today. Zakheim traces the attitudes toward determining proper Jewish behavior in war today, outlines the attitudes in *Tanakh* and Talmud toward prisoner abuse, and considers the dilemmas of risking ones life to save



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1. <sup>1</sup> "War and Peace in Jewish Tradition" in *The Ethics of War and Peace: Religious and Secular Perspectives*, T. Nardin, ed. (Princeton: Princeton Univ. Press, 1996), p. 96.

another and the risks associated with redeeming hostages. Fundamental to this inquiry is the Torah axiom that all humans are created in the Image of God and therefore each person possess intrinsic sanctity and dignity.

He analyzes contemporary halakhic positions on torturing terrorists in the hope of preventing future terrorism and the efficacy of physical abuse to obtain military intelligence. Perhaps unique is the seemingly insoluble dilemma of “the ticking bomb” and Zakheim explores whether that case requires a different set of norms. Lastly, the author asks whether Jewish wartime standards reflect a higher universal ideal that the Jewish people, as a covenantal nation charged to be an *Or la-Goyim* (a light unto the nations) should teach all humanity.

Continuing the theme of war in Jewish tradition, Aryeh Klapper, Benjamin Ish-Shalom and Michael J. Broyde discuss how *halakhab*, ethical values and subjective factors operate in a Jewish conception of war. R. Klapper argues passionately for the maintenance of the prohibition of murdering innocents in the war theatre, while attempting to rebut his perception of R. Broyde’s conception of war as an “anethical” zone. Prof. Ish-Shalom insists that the immediacy and fog of war require that subjective factors be taken into account in assessing battlefield conduct. No one confined to the *beit midrash*—or any other arena far removed from actual fighting—can properly decide correct wartime behavior. Neither halakhic directives nor ethical rules are determinative. R. Broyde clarifies his position in arguing that war is not an anethical zone, but one with halakhic standards different from those of civilian life. Ish-Shalom and Broyde approach the discussion from different perspectives, yet both curiously agree that for understanding the Jewish guidelines for war, *halakhab* must be supplemented by extra-halakhic considerations, both empirical and normative.

R. Michael J. Harris has written a thoughtful response to my article that appeared in the last edition of *The Edeb Journal* (5:2), where I argued that *Hazal* and later rabbinic authorities understood the moral problematics of the divine commandments to exterminate Amalek and the Canaanite nations, and were moved by moral considerations to render those *mitsvot* inoperative on a literal level. Harris argues for the legitimacy of a limited “divine command morality”

in Jewish tradition, and I respond to his arguments. As much of our discussion concerns the wartime killing of innocent women, children and non-combatants of those nations, our interchange is directly relevant to the earlier essays on war in Jewish tradition.

January 2007 marks the 100<sup>th</sup> anniversary of the birth of Abraham Joshua Heschel, arguably the most influential Jewish theologian of the twentieth century. Prof. Alan Brill analyzes R. Heschel’s poetry and rabbinic thought, recently made more accessible to English readers by translations from Heschel’s original Yiddish and Hebrew works. Brill illuminates Heschel’s “Torah of the heart,” his mastery of rabbinic sources and his understanding of *Torah min ha-shamayyim* (the divine Torah) that is ever open to pluralistic interpretations, personal creativity and human innovation. Ultimately Brill critiques Heschel’s conception of Torah, finding it oblivious to historical forces and largely deficient in elements of authority, obedience and crystallized divine commandments.

Prof. Marc B. Shapiro offers a review essay covering three recent books about R. Ovadiah Yosef’s singular impact on both Torah observance and Israeli politics. Shapiro finds R. Ovadiah’s charisma unparalleled amongst contemporary rabbinic authorities and his encyclopedic knowledge of Torah texts near superhuman, yet he finds R. Ovadiah lacking in consistency and creative thinking. Shapiro also limns R. Ovadiah’s history of, and tensions with, the *Ashkenazi baredi* worlds.

R. Aviad Stollman reviews *A Lifetime Companion to the Laws of Jewish Family Life* by Deena R. Zimmerman, one book of a growing public library of volumes devoted to women’s halakhic issues in sexual and family life. Stollman probes the limits of the book as well as the reluctance to advocate autonomous decision-making that frequently pervades this genre of literature.

I trust you will enjoy the variety and depth of the articles in this edition of *Meorot*, and I invite you to join the *Meorot* community by sending your responses to [meorotjournal@yctorah.org](mailto:meorotjournal@yctorah.org).

*B’verakhab,*

