

JUDAISM AND WORLD PEACE:

Focus Viet Nam



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Judaism and the Dilemmas of War

- by Irving Greenberg

I rise to speak with diffidence - indeed, with fear and trembling. Seldom has an issue appeared to me so shot through with moral ambiguity; where moral judgment is so necessary, yet is so utterly dependent on hazardous and tentative political evaluations of fact and value; where the pretensions and hopes of man are so ironically contradicted by his circumstances - so that a man convinced that he is fighting for human dignity may have to order napalming of children, and a man convinced he is fighting the immorality of war may be paving the way for the repression and death - physically or spiritually - of millions.

It is precisely the complexity of the issue that bids religious men avoid claiming for themselves an omniscience which they do not have. This is particularly true in the current situation where regrettably there has not been a full public airing of the facts and issues. Even those whose witness may well be the truth should identify their limitations of knowledge and of representative status publicly. Let the modicum of truth--or of error--in their words derive its authority from their personal stands and not from a presumed monopoly on divine truth or from the impression that it speaks for a community.

It is my impression, based on observation and sounding, that the bulk of the Orthodox Jewish community backs President Johnson's policy. While it is concerned at the possible escalation of the war, it has not abandoned this support. I fear that this support may well reflect its relative lack of cultural and political sophistication or its tendency to render unto Caesar that which is Caesar's, rather than an analysis of the situation - but this does not change the fact of its attitude. I do not claim, therefore, to speak as a representative of Orthodoxy, but rather as one who speaks from within the framework of the classic Jewish position. In other words, as one voice within a group deriving its values from the classic halachic tradition, approaching the sources in the hope that they may point rather than be manipulated to its will - but not claiming to be an authoritative or delegated spokesman of this group.

Let it also be stated that Judaism longs desperately for

peace. The prophetic vision sees peace as the only basis of any perfected world order or mankind redeemed. Says the Sifri (Parshat Naso): "Even idolatry, the ultimate sin of man, may be forgiven for the sake of peace." But this is a truism - for we are all in favor of peace - and motherhood, too. The real issue is how to achieve peace and how to wage peace.

Here, it seems to me that he who seeks to be faithful to the record of Jewish historical experience and to the structure of its Halacha - that is to say, its religious value system and way of life - must recognize that Judaism seeks peace but does not exclude the possibility of war. War is a possible or even necessary instrument of policy under certain circumstances. Judaism seeks utopian goals - such as peace - but its method is Halacha. It is the essence of Halacha that it seeks to realize broad absolutes - even divine ones - only in the concrete specificity of human situations. Here is where sin and virtue are so inextricably mixed. Every step toward the Kingdom of God may involve trodding down some ideals and postponing others - even as one gets closer to the ultimate ideal. It is this anti-utopian quality that enabled the Torah not to abandon this secular realm to Satan or Caesar on the grounds that it refuses to sully its hand. In other words, it refused to abandon the secular by setting forth absolute claims or policy statements which are so above the operating standards of the world that responsible and irresponsible statesmen alike can ignore them as out of the realm of plausibility. By so doing, Halacha was able to change society - not denounce it.

To take the Halachic stance, to make a Halachic judgment, is to stand *under judgement* - for in perfecting the real world one inevitably collaborates with the evil in reality, even if only for a limited moment and in a limited way. But this very sense of standing under judgement prevented claims to omnipotence or absolute purity and gave the courage to labor in this world of reality until evil is overcome. This same lack of illusion made possible participation without embracing the usual complete acceptance of the world as it is. We have seen in our own time that absolute pacifism would have paved the way for the triumph of evil incarnate. At the same time, the hard-headed quality of Halacha may make possible embracing a necessary even if morally ambiguous policy without convincing ourselves it is totally pure. It stops us from allowing ourselves the right to demand complete triumph or total victory for one side, so that the error and evil mixed into even the side of good

will not be triumphant with the good. Finally, Halacha can make us see that even a necessary and legitimate policy may inescapably have negative side effects so that we do not blind ourselves to them, and so that we strive to reduce or minimize them. Thus in the laws of homicide, the Halacha at once states capital punishment as a valid judgement on murder, yet restricts the possibility of capital punishment almost to the point of non-existence. It does not blink the fact that execution may have to be carried out - yet it defines it as an evil.

Acharei rabim leraot -- follow a majority for evil (Deut.). What is a legitimate case in which we follow the majority's decision, yet it is *leraot* -- evil? *Dinei nefashot* -- capital punishment, which may be legitimate, yet it is *davar shehu rah lakol* -- it is bad for all, including society.

(Cf. *Tosafos, Sanhedrin 3b*)

It seems, therefore, that we cannot a priori exclude war as a policy - but we must judge its validity in specific cases. At its best, war is a dreadful evil - killing and oppressing humans. To engage in it is to reduce God's presence in the world (*Kol hashofech damim harei zeh mema'et had'mut* (Cf. *Genesis Rabba, ch. 34, sec. 14*). If mankind suffers, then God suffers. Yet - it may be the appropriate response - even as it is evil.

What then are the criteria of wars that may be either possible or necessary alternatives?

The category of war as a possible response is known as *milchemet reshut* in Halachic terminology. The category of war as an appropriate or necessary response is called *milchemet mitzvah* or *milchemet chovah* in Halachic terminology. For the duration of this paper I will use the term *milchemet chovah* for this category, because the word *mitzvah* in conjunction with war invokes images of a holy war - where men, convinced they are doing God's command, will stop at nothing. (Cf. also *Talmud Sotah 44b ft.*). I do not have such a war in mind. Halacha does not exclude the possibility of even such a war a priori but in its human context states that the kind of divine mandate needed to justify such a war no longer exists. This means also that total nuclear war would also, *ipso facto*, lack sufficient justification in our time.

Maimonides defines *milchemet chovah* as including a) *ezrat yisrael myiad tzar* -- wars of defense where the enemy invades and seeks to annihilate me - and b) war against Amalek - the

nation of evil physically incarnate (Cf. Yad Hachazaka, Hilchot Melachim ch.5, h.1). Talmudic and post-Talmudic literature interpret Amalek to include not only a specific people - Amalek - and not only those forces which seek to destroy men physically but those forces which in every generation may seek to annihilate human dignity, or which utterly deny man's relatedness to spiritual transcendental needs. (I am indebted to Rabbi J. B. Soloveitchick for this insight.) Laws which apply to situations of mortal physical danger may be equally applicable to situations where man's ground of being as a creature with intrinsic dignity or spiritual sources is denied. Thus, R. Chayim Brysker and the sainted Chofetz Chayim both ruled that all laws of Sabbath, Yom Kippur, and other restrictions which are waived to save a life in danger - or even possibly in danger - are waived to save a man from spiritual death as well. To qualify for the category of milchemet chovah, however, the war must be directly related to such a danger. By contrast, where the war may be at best pre-emptive of future danger (such as may be involved in expanding the boundary to move away a possible onslaught); or when prestige considerations are involved (even though these in turn affect the possibility of physical or spiritual destruction) then such a war is at best a milchemet reshut (Maimonides, Yad, Hilchot Melachim, ch. 1, h. 1). Nor are these simple legal definitional approaches; judgements as to the type of war also suggest the limits of tactics and even the extent of the right to dissent. Thus Maimonides - in conjunction with Ramban and Radvaz and contra Rashi and others - allows those who morally object to war to be excused from war in both types, although a whole host of other exemptions available in milchemet reshut are not available in milchemet chovah.

It is also obvious from this that moral or spiritual judgements on a war cannot be made abstractly. The halachist must know the political-military situation insofar as is possible, and the political judgements involved. For example: is there a direct possibility of physical or spiritual annihilation if I do not fight? Is the enemy system bent on my destruction? From these judgements flow the moral judgement, if any is possible.

How then can these guide-lines of Halacha suggest possible approaches to our existential situation today?

For one, it would appear to rule out the absolute pacifist approach. This may be a valid minority or prophetic view, but, at best, it can serve as a conscience prick or as a limit case by which to weigh the central alternatives.

Then too, it follows that religious judgements in Vietnam can only be derived from hard political judgements. In their search for the relevance of god's word - a search which bespeaks a new vitality and earnestness in those who witness to God's address to man - clergymen (as other groups) are not exempt from making the necessary political judgements. And they should be informed judgements. Clergymen should eschew sweeping moralisms. For that matter, because the liberal protest on civil rights was correct, it does not automatically follow that it is right - or has the whole truth - in Vietnam.

It should be recognized that some of the political judgements are so balanced or imprecise that men may come down on both sides of the question. Therefore, the other side may not necessarily be guilty of callousness, or misguided prestige considerations or moral blindness. In some of its aggressive forms, Communism is not just another political or social order, but a basic denial of human dignity which seeks to cut men off from the ground of their spiritual source. The crucial judgement is whether the National Liberation Front or Ho Chi Minh is such a form, and whether their triumph means the automatic extension of such a form, or whether there is a possibility of a nationalist or Titoist solution here. Fuzzy, moralistic thinking has only delayed a constructive role for religious groups.

What, then, can be done? Religious groups should bend all their efforts to a full airing of these issues. The Fulbright inspired Senate hearings were belated and limited. I say this not to postpone or procrastinate. Without a full exploration all spiritual decisions are abstract, could be mistaken and will likely be disregarded by policy makers who, after all, must deal with realities. It may be less heroic but more important in the immediate moment to demand such a national clarification. Nor need this be a case of passing the buck to a study committee. Once the study is made - and quickly - the political decisions should be the basis of a full and concerted religious drive to fulfill the policy implications of the study. Clergy concerned about Vietnam should be less coy in demanding this review and, at the same time, should be less fellow traveling with secular liberals, and should present at their meetings, in all their force, *both* opposing political viewpoints. Religious groups should make it clear to the Administration that they are prepared to be mature - not to demand a purist, flag-waving justification. Even if only by a

a hair's breadth the good outweighs the evil, they will give the right policy their backing, but the validity of the policy must be established first.

Following halachic principles, even if the war is found to be justified, we must be open to the elements of evil in such a necessary judgement and seek to minimize them. In these goals those who support the war can agree on specific policies with those who oppose the war. Thus limited alliances may result in positive steps to reduce the evil effects of the war - or even lead to its de-escalation. Of course, such pragmatic alliances will be possible only when both sides yield their stance of moral purity. For example, all deaths, and certainly innocent civilian deaths and suffering must be limited as far as humanly possible. (Cf. Maimonides, Yad, Hilchos Rotzeach V'nirtzach, ch. 9, h. 7, 13). After all, the agony of Vietnamese peasantry calls to us. And who more than Jews should be shattered by the sight of burnt children.

It is a well-known fact that carte blanche to "win the war" frequently leads to unlimited excesses. Since the religious viewpoint has been frequently swallowed up in the pacifist one, the military leaders to all practical purposes have been free of any restriction in the actual prosecution of the war. Those who accept the necessity of this war, however, should not yield the moral demand to end or restrict civilian bombing or the ineffective sweeps that cruelly destroy civilian population even as they fail to win military victories. In fact, they may be best able to present this demand. There is a great resistance to getting involved in operational details of a situation - yet it may be here that the greatest saving of human lives can be achieved and the greatest religious contributions can be made.

A demand for reduction of loss of life may ultimately suggest an enclave strategy, a de-escalation policy, or at least a prevention of further escalation. If this is achieved, religious leaders may be denied the satisfaction of a loftier moral stance of the generalities - even offensive ones - which our society does allow its clergymen (even if reluctantly). But a substantial contribution will have been made. This will also lead to greater impact of religious values as it forces clergymen to witness their views in the marketplace where all other men's views are judged for their adequacy.

There are three other aspects I should like to mention briefly.

- (1) Halacha requires serious peace attempts before any war

is prosecuted. "The first step in any war situation - whether the war is permissible or even necessary - is to offer and seek peace." (Maimonides, Yad, Hilchos Melachim, ch. 6). Admittedly, the terms of the peace effort do vary depending on the political judgement of the type of war it is. Here, religious groups - even those who support the necessity of holding in Vietnam - may properly evaluate whether the Administration's peace efforts have been adequate. Some of the earlier peace efforts were valid only from an American point of view and should therefore have been exposed as inadequate by religious groups. It may be questioned whether in the most recent efforts sufficient assurance was given - at least privately - that the Viet Cong would be represented. And if not, were these restrictions based on strategy considerations - or in fear of domestic political reprisals? Religious groups should enter into the political market place by solemnly pledging to the Administration that they will campaign not on generalities but in the political arena to insure that it will not suffer political losses if it seriously explores the chance of peace with the National Liberation Front, even if such exploration falls through.

(2) There is a real eventuality in Vietnam of possible escalation, all the way to nuclear war. This possibility should be weighed. It must be stated first that Halacha asks one to *risk* the possibility of losing one's life to save another's - and this responsibility would apply to saving another's spiritual ground of being (Cf. Kessef Mishneh, in Yad, Hilchos Rotzeach, ch.); see also, Hagaos Maymounios, *ibid.* h. 14). However, here we would distinguish between possibility and probability. I am not *required* to give my life for another whose death is a certainty. (But see the disagreement on this point of R. Meir Simcha of Dvinsk in the Ohr Sameach on Maimonides, Yad, Hilchos Rotzeach, ch. 7, h. 8 and Rabbi A. I. Kook in Mareh Cohen, sections 142-144.) However, the experience of Cuba is also relevant. Facing nuclear showdown may prevent it from happening. Therefore, this evaluation should go on continually, and each stage of development may change the valid religious response. At this point, my own judgement would be that the risk is sufficiently indefinite not to rule out current policy.

(3) Perhaps a word is in order about the right of dissent. Maimonides rules that the chaplain priest's office is available in permissible war and in necessary war. (See Deuteronomy ch. 20, verse 2). For milchemes reshus (permissible war) he opposes even

conscription, and a fortiori, allows exemptions for various reasons - including moral objections to a *specific war*.

For milchemes chovah - necessary war - conscription - society's demand for full sharing of responsibility - is recognized. However, even in necessary wars, although other exemptions are waived, that of the moral objector is not waived by Maimonides or the major Maimonidean commentators, the Lechem Mishneh or the Radvaz. This is a precious right which should be protected.

It is a mark of the security of the state and the commitment of its people that it can afford to allow such dissent. For we know that only a democratic nation could afford to allow such a great loophole - and know that it will not be taken advantage of, for the most part, except by the sincere. We should welcome the rebuke and challenge of these moral objectors precisely because we are so aware of the tentative reeds on which we build our judgement and of the ambiguity of our stands and the inescapable, evil side effects which may flow from them. Such humility does not prevent us from pushing as hard as we can for our policy. Such restraint only keeps us from falsely making absolute claims. Hopefully, it may lead to the reduction of evil and another tentative step to a better world order.