YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**PIKUACH NEFESH**

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**Shiur #51:
Returning from Operational and Rescue Activities on Shabbat (2):
The Views Among *Acharonim* Regarding Practical *Halakha***

**Introduction**

In the previous *shiur*,we surveyed the halakhic sources regarding returning from rescue and operational activities on Shabbat. In practice, the *Acharonim* differ on the issue; scores of responsa have been written on the subject, by almost all of the great *poskim* of our generation.

In this *shiur*, we will briefly survey the various opinions and the main arguments for and against leniency.

**The Dispute Among *Acharonim***

Rabbi Yaakov Emden asserted that in practice, based on the conclusions in both *Rosh Hashana* and *Eiruvin*, even Torah prohibitions may be permitted where there is a concern that ruling otherwise may cause people to err in the future:

Even with regard to a prohibition punishable by stoning, Shabbat may be set aside because of the fear of stumbling [in the future]. This is like what is established for us that they may return with their weapons in all cases, even if they are not needed now but only for a potential future contingency. And it cannot be argued that a case of danger to life is different, for establishing the dates of the festivals is also a great matter; it sets aside Shabbat and may be violated in every way, even in a case of uncertainty. For it is entrusted to the Sages to make a fence and a safeguard for the Torah, and all the measures of the Sages are thus, that they permitted a number of things, “their completion for the sake of their beginning.”[[1]](#footnote-1) And do not say that the Rabbis were dealing with a Rabbinic matter; rather, it is a Torah matter, and Shabbat may be set aside for it “according to the Torah they will teach”[[2]](#footnote-2) and decree as they see fit, to be a strengthening and upholding of the Torah – in such a case, the authority of the court is valid everywhere. And the Sages may decree to annul a Torah law even in an active way for the sake of erecting a fence. (*Responsa She'eilat Ya'avetz*, vol. 1, no. 132)

As mentioned in the previous *shiur*, this is also indicated in the *Chatam Sofer*'s responsa (*Orach Chaim*, vol. 1, no. 203), where he emphasized that Torah prohibitions were permitted, whether for the purpose of sanctifying the month or for the sake of *pikuach nefesh*, in order to prevent a future danger. In our generation, Rabbi Moshe Feinstein (*Iggerot* *Moshe*, *Orach Chaim*, vol. 4, no. 80) held firmly to this position; he permitted Hatzala ambulance attendants who were summoned on Shabbat to return home on their motorcycles, so they would not drop out of the organization but would continue to volunteer and thereby save lives.

In the wake of the *Chatam Sofer*’s responsum, Rabbi Shlomo Wosner ruled in similar fashion, although he insisted that every effort should be made to enable medical personnel to be taken home by a gentile driver (*Responsa Shevet ha-Levi*, vol. 6, no. 26; vol. 8, no. 87). The book *Orchot Rabbeinu* (vol. 1, p. 155) cites in the name of Rabbi Yaakov Yisrael Kanievsky (the Steipler) that the *Chazon Ish* permitted a doctor to return home by car on Shabbat, to prevent future issues. Rabbi Asher Weiss (*Responsa Minchat Asher,* vol. 2, no. 40) relates the same testimony in the name of the Brisker Rav; this will be discussed at greater length below. Rabbi Shlomo Yisraeli (*Amud ha-Yemini*, no. 17) gave the same ruling regarding policemen who were called to the site of an emergency. In his opinion, they may return to their base when the emergency is over even if that involves driving in a vehicle and thereby transgressing Torah prohibitions.

In contrast to all of the above, Rabbi Shlomo Kluger (who was slightly younger than the *Chatam Sofer*) took it for granted that "God forbid we should permit him to return to his place and desecrate Shabbat" (*Responsa u-Bacharta be-Chaim*, no. 99). In our generation, this view was held by Rabbi Tzvi Pesach Frank (*Responsa Har Tzvi*, *Orach Chaim*, vol. 2, no. 10), and it was the unequivocal position of Rabbi Shlomo Zalman Auerbach (*Responsa Minchat* Shlomo, vol. 1, no. 8), who even wrote a lengthy responsum in which he refuted the allowance of Rabbi Moshe Feinstein*.*[[3]](#footnote-3) Rabbi Y. Y. Neubert (*Shemirat Shabbat ke-Hilkhetah*, *Hilkhot Rofei*, pars. 79 and 81) followed the path of his teacher, Rabbi Auerbach, as did Rabbis Nechemya Goldberg and Avigdor Nebenzahl (as I heard from both of them on many occasions).

Rabbi Ovadya Yosef (*Chazon Ovadya – Shabbat*, vol. 3, *Hilkhot Choleh She-yesh Bo Sakana*, par. 19) also wrote categorically that there is no allowance for desecrating Shabbat by violating a Torah prohibition in order to enable a doctor to return to his home. Moreover, there are those who are stringent even with a gentile driver, though in that case, someone who wishes to be lenient has authorities to rely on. As was his wont, Rabbi Ovadya cited a great many sources that support limiting the rule that "they permitted their completion for the sake of their beginning" to Rabbinic prohibitions, as explained in the previous *shiur* (*shiur* no. 50).

Rabbi Shlomo Goren (*Responsa Meishiv Milchama*, vol. 1, nos. 14-15) also held that there is no room to allow returning from operational activity on Shabbat when that involves transgressing a Torah prohibition; leniency may be practiced only with regard to Rabbinic prohibitions. However, Rabbi Goren clarified that when the soldiers must return to combat readiness, i.e., to a place where they will be in a state of alert, or to refresh themselves for further operational activity, they are permitted to return to their base. Likewise, they are permitted to drive to get to a place where they will definitely be out of danger, security-wise and safety-wise. Nevertheless, in situations where the soldiers are located near a safe and convenient settled area, and they will not be required to engage in further activity, Rabbi Goren unequivocally ruled that there is no warrant for transgressing Torah prohibitions in order to return to their base by vehicle.

It is interesting to note the position of Rabbi Eliezer Yehuda Waldenberg, whose basic position was to permit only Rabbinic prohibitions (*Responsa Tzitz Eliezer*, vol. 4, no. 15, chap. 7), but who later wrote that one who is lenient regarding Torah prohibitions in accordance with the position of Rabbi Moshe Feinstein – "we do not make him give up his position, and he has a great pillar to rely on" (*Responsa Tzitz Eliezer*, vol. 21, no. 59; vol. 22, no. 95).

Rabbi Asher Weiss concluded his discussion of the subject by saying:

And it stands to reason that the matter depends on the reality of each generation, and that in our time it is clear that if volunteer rescue workers would have to spend many hours far from their home, without proper conditions, and leave their families to fend for themselves on Shabbat and festivals, they would certainly not volunteer, and you will cause them to stumble in the future (*Responsa Minchat Asher*, vol. 2, no. 40)

Now that we have surveyed some of the rulings of contemporary *poskim*, some favoring allowance and others prohibition,[[4]](#footnote-4) I will try to explain the fundamental principle underlying the dispute, which touches on the foundations of the *halakhot* regarding *pikuach nefesh.*

**Uncertain *Pikuach Nefesh* in the Present and in the Future**

Rabbi Tzvi Pesach Frank, who, as noted, belonged to the stringent camp, asserted categorically that "we do not find" that the allowance to return applies even in a situation where one will have to transgress Torah prohibitions. That is to say, in the halakhic sources dealing with the idea of "they permitted their completion for the sake of their beginning," we can identify a consistent line of permitting only Rabbinic prohibitions. Hence, in his opinion, there is no possibility of leniency regarding returning from rescue activity when that involves violating Torah prohibitions.

However, the more lenient *poskim* set forth a simple consideration against this contention: uncertain (*safek*) *pikuach nefesh*. At its foundation, this argument is realistic, not necessarily halakhic. The idea is that if there is any concern, even a remote one, that forbidding a security or medical worker to return home will detract from his willingness to render aid and save lives in the future – then the prohibition creates a life-threatening situation, and someone is liable to pay for it with his life. Thus explains Rabbi Moshe Feinstein:

The concern that perhaps they will be negligent in going out to rescue a life, even though it is a small concern, deserves more attention, for we violate Shabbat for the sake of *pikuach nefesh* even for a much smaller concern, as we find in *Yoma* 83. (*Responsa Iggerot Moshe*, *Orach Chaim*, vol. 4, no. 80)

Rabbi Feinstein cites the *mishna* in Yoma (8:7; 83a), which we discussed at length in the past (*shiur* no. 19) and which states that in the case of a collapsed building, one may violate Shabbat even for a remote possibility.

However, there is a counterargument to this line of reasoning, for in the present case, the concern is not merely in the realm of a possibility but also of a future eventuality – that maybe, at some other time and place, the person may fail to come to the rescue and thus someone may come to harm. On the other hand, while the *mishna* in *Yoma* is indeed dealing with a case of uncertainty, it is a present and concrete one. Rabbi Wosner relates to this point in his *Shevet ha-Levi*, and explains:

And in a situation of *pikuach nefesh*, where one is permitted to transgress a Torah prohibition with certainty for the sake of possible *pikuach nefesh*, even if it is a remote possibility, and even against [the general rules of] double uncertainty and majority… And here too, since by not permitting the person to return or to carry after the act of *pikuach nefesh*, it will happen that when he will have to go out again to save, he will not go, and therefore, this uncertainty obligates us to permit him by Torah law to return home as well, for we must follow every avenue and possibility to save lives. And the return is not similar to a case where “there is no sick person *before us*,” where we do not violate Shabbat, as stated above, for we are concerned that he will come to neglect saving a life when the sick person is “before us,” and he will come to refrain from the essence of the commandment of "You shall not stand idly by the blood of your fellow" (*Vayikra* 19:16). (*Responsa Shevet ha-Levi*, vol. 6, no. 26)

What we have here is a complex and novel argument: At the present time, there is indeed no danger before us, but we are concerned about neglect in a future situation of *pikuach nefesh* (which will certainly happen)*.* Ultimately, when we encounter such a case, it will be a situation of *pikuach nefesh*, and we must be concerned about it even now.

**Rabbi Shaul Yisraeli – "Preparatory measures of *pikuach nefesh*"**

Rabbi Shaul Yisraeli also followed this path of reliance on considerations of possible *pikuach nefesh* and concern about the future, and in the course of his discussion of the subject – in response to Rabbi Yitzchak Aizik Ha-Levi Herzog's[[5]](#footnote-5) ruling on police activity on Shabbat – he established a new parameter in the laws of *pikuach nefesh*: *makhshirei pikuach nefesh*, "preparatory measures of *pikuach nefesh*." Despite the length of his discourse, I find it appropriate to quote an extensive passage from it:

And it seems to me that the allowance falls into the category of "preparatory measures," as they too are permitted in the context of *pikuach nefesh…* and there is no need for a special inclusion, for even Rabbi Akiva, who disagrees with Rabbi Eliezer regarding preparatory measures for circumcision and the sacrificial service, only disagrees about preparatory measures that can be done before Shabbat – and here, of course, they could not have been done earlier, for they did not know what would happen later. And this is the explanation: at this time, you will cause them to stumble in the future – for if we do not permit this act, which involves violating Shabbat at this time, it will lead to the loss of life tomorrow or at some future time. It turns out that this act of Shabbat desecration *now* is necessary so that the subsequent life-saving action may be carried out. And if it is not done now, it is clear that it will eventually result in a loss of life, and therefore it is in the category of preparatory measures for *pikuach nefesh*, which are also permitted…

We have thus learned a general rule, that even a situation of *pikuach nefesh* that is not yet before us, neither at this moment nor later, *but it is clear to us that it will come at some time in the future* – we see it as if it is already before us, because this obligation of "and you shall live by them" is not only upheld with regard to life at this moment; rather, we are commanded to worry about lifesaving that will be needed at some future time, even if we do not know when or how…

And now it seems that there is also no room to distinguish based on the likelihood of the thing to come. Even if the likelihood of its happening is only one in a thousand, one saving of one life at some time in the future suffices to permit and oblige the performance of those actions of Shabbat desecration which are in the category of preparatory measures for rescue, for if we do not perform them, the rescue as well will not be carried out. (*Amud ha-Yemini*, no. 17)

Based on this novel perspective, Rabbi Yisraeli also deals with matters of communal *pikuach nefesh* and public welfare. He clarifies that in these matters, even a remote concern for future *pikuach nefes*h is defined as *pikuach nefesh* (we discussed his views in *shiur* no. 23, regarding the matter of domestic security on Shabbat). He concludes and explains:

Therefore, even if the situation of "you will cause them to stumble in the future" is only a remote possibility, nevertheless, as long as it is clear that this will come to pass at some time, all the actions we perform fall into the category of preparatory measures for an act of rescue, and we are permitted and even obligated to perform them now. (Ibid.)

In Rabbi Yisraeli’s view, if we would be stringent with policemen and not allow them to go home after going out to save lives, this would definitely result in tragedy, and any ruling on this matter is in fact a ruling affecting the community. In such cases, even a future danger is considered a matter of *pikuach nefesh*, and permits return from a rescue operation even if that involves transgression of a Torah prohibition.[[6]](#footnote-6)

**"Permitted" vs. "Set aside"**

In the course of his responsum, Rabbi Yisraeli also suggests connecting the entire discussion to the well-known question in the laws of *pikuach nefesh* – whether the prohibitions or Shabbat are "permitted" (*hutra*) for the sake of saving lives, or only "put aside" (*dechuya*). According to Rabbi Yisraeli, the fundamental *halakha* (found in the Tosefta, *Shabbat* 15:15, which is cited in the Gemara in *Yoma* 84b and was discussed in *shiur* no. 10) that in situations of *pikuach nefesh* we do not violate Shabbat by the hands of gentiles or minors, but by the hands of "the great men of Israel and their sages" (as formulated by the Rambam, *Hilkhot Shabbat* 2:3), also relates to a concern about future mishaps – so we will not come to a situation where there will be a delay in saving a life because we do not find an available gentile. According to Rabbi Yisraeli, this very concern – explicitly expressed by the *Rishonim* – is in fact the concern about causing people to stumble in the future, and even Torah prohibitions are permitted for this reason.

Rabbi Yisraeli bases this position on the words of the *Taz*, who disagreed with the Rema and ruled in accordance with the *Shulchan Arukh* that in a situation of *pikuach nefesh*, Shabbat is violated by a Jew and not via a gentile.

Just as it is forbidden to do it by the hands of a gentile if there is cause for concern that he will be negligent, so too there is concern that you will cause them to stumble in the future, in that if they see now that it is done only by a gentile, they will think there is a prohibition to do it by the hands of a Jew, and sometimes a gentile will not be available, and thus the sick person will be put in danger by waiting for a gentile. And we often find in the Gemara that "it turns out that you cause them to stumble in the future." (*Taz*, *Orach Chaim* 328, no. 5)

It is clear in the words of the *Taz* that the concern of "you will cause them to stumble in the future" permits even the transgression of Torah prohibitions, and Rabbi Yisraeli concludes from this that with regard to returning from a rescue mission as well, where there is concern that "you will cause them to stumble in the future," the transgression of Torah prohibitions is permitted.

As we learned earlier in this series (*shiur* no. 10), the dispute among *poskim* regarding a labor performed by a gentile can be tied to the question of whether the Shabbat prohibitions were "permitted" or "set aside" for the sake of *pikuach nefesh*: if the prohibitions of Shabbat become fully permitted in a situation of *pikuach nefesh*, then there is no need to seek out ways to save the life in a permitted manner; on the other hand, if the Shabbat prohibitions are only “set aside” in a situation of *pikuach nefesh*, then it would be preferable to avail oneself of the assistance of a gentile.

The argument that the question of returning from rescue activity depends on the matter of "permitted" and "set aside" can be found already in the words of earlier *poskim*. However, as we learned in our earlier discussions on the subject of "permitted" and "set aside," the dispute is usually a conceptual one, and not necessarily one of practical *halakha*. This is because even if the Shabbat prohibitions are only "set aside," nevertheless, in any case where there is even a suspicion of danger, it is permitted to violate Shabbat.

Thus, Rabbi Yaakov Emden, cited above, dealt with the question of whether the Shabbat prohibitions are "permitted" or "set aside" ­in a situation of *pikuach nefesh*. But he maintains that even if they are only set aside, the concern about a future danger is real, and therefore one is permitted to return from rescue activity so as not to cause people to stumble in the future. Similarly, the *Chatam Sofer* adopted the view, in his above-cited responsum, that the prohibitions are set aside in a situation of *pikuach nefesh*, yet he permitted returning from rescue activity.

In contrast, Rabbi Shlomo Kluger, in another responsum that was mentioned above, rules that there is no allowance to return from rescue activity if it would involve transgressing Torah prohibitions, and his main reason is that the prohibitions of Shabbat are only "set aside" for the sake of *pikuach nefesh.* Rabbi Herzog wrote in similar fashion in his responsum concerning police activity (*Responsa Heikhal Yitzchak*, *Orach Chaim*, no. 32), to which Rabbi Yisraeli responded, as we saw above.

Thus, some *Acharonim* hinged the question of returning from rescue activity on the issue of "permitted" vs. "set aside," but as noted, many rejected this – and in general, even within the perspective of "set aside," there is ample room to permit returning from rescue activity so as not to create a future danger of neglecting such activities.

**"Light-mindedness" and "A test of piety"**

As stated above, the argument presented by those who permit returning from rescue activity even if it involves transgressing Torah prohibitions seems to be utterly straightforward, and is based on a practical concern about life-threatening danger in the future.

In his explanation of the view of those who forbid returning, Rabbi Waldenberg writes in the name of Rabbi Shlomo Kluger:

He first writes a rationale to say that in a case of *pikuach nefesh*, which is a very great mitzva, there is no need for concern that one will be deterred in the future because of this. (*Responsa Tzitz Eliezer*, vol. 8, no. 15, chap. 7, no 12).

That is to say, there is no concern about danger, because we can rely on security and medical personnel to not refrain from engaging in rescue activity. Even if we forbid them to return home after completing their mission, they will surely not be negligent in the future regarding the mitzvaof *pikuach nefesh*, which is a great and important *mitzva*.

Rabbi Shlomo Zalman Auerbach – who, as noted above, was also a member of the camp that prohibited returning from rescue activity – formulated this argument differently. According to him, it is difficult to say that there is no concern whatsoever about future laxity, since reality proves that the concern does exist. Nevertheless, Rabbi Auerbach maintains that there is no room for leniency, and on the contrary, the fact that there could be security or medical personnel who would refrain from future rescue missions if we do not permit returning from the present mission, is itself a serious and problematic fact:

Even though, to our distress, there are many light-minded physicians regarding whom the concern is real, that it is suspected that they would refrain from going out to save a sick person if they will not be permitted to drive home afterwards – nevertheless, we are unable to permit Torah prohibitions on that account. (*Responsa Minchat Shlomo*, vol. 1, no. 8)

I am dust under the feet of the Rabbi Sh. Z. Auerbach, whose rulings on matters of *pikuach nefesh* are a crown to our heads. Nevertheless, in my humble opinion, his words here are very difficult for two reasons. First, where do we find that conduct involving "light-mindedness" negates allowances for the sake of *pikuach nefesh*?! The *poskim[[7]](#footnote-7)* have ruled that it is permissible to violate Shabbat to provide security for events involving Shabbat desecration, such as sporting events held on Shabbat and attended by large crowds. There is no doubt that such mass desecration of Shabbat involves "light-mindedness," and even more than that, yet since it involves potential danger to many, it is permitted to violate Shabbat to secure the event. Therefore, even if Rabbi Auerbach sees "light-mindedness," from a moral perspective, in future evasion of a call to save life, there is indeed a danger from a realistic standpoint, as he himself writes – and we determine whether or not there is an allowance for the sake of *pikuach nefesh* based on whether or not a danger exists, regardless of the source of the danger.

Second, and most important, the very claim of "light-mindedness" turns the whole issue into a kind of "piety test." That is to say, according to Rabbi Auerbach, a Torah-observant doctor or a Torah-observant military commander who is not "light-minded" will not hesitate for a moment when summoned for a matter of *pikuach nefesh*, even if he will never be permitted to return home. Indeed, over the years I have met commanders who have declared: "I immediately reported to my unit whenever I was called up on Shabbat, and I never returned home when the operation was over"; there is no doubt that the phenomenon does exist, and that there are commanders and doctors who have the moral fortitude to act in this manner. But it is a very big leap from here to the characterization of anyone who does not behave in this manner as "light-minded."

Consider the following: Even according to Rabbi Auerbach, Rabbinic prohibitions and walking two thousand cubits in every direction were permitted to all, and this is apparently due to the concern about "causing them to stumble in the future." I have neither heard nor seen, in the Talmudic discussion or in the words of the *Rishonim*, that this allowance is limited to the "light-minded." I am forced to conclude that *Chazal* understood the innermost workings of the mind of the person engaged in *pikuach nefesh*, and knew full well that the concern about future issues is a real concern.

Moreover, it is not infrequently a concern that is found on the borderline of the subconscious. Thus, Rabbi Asher Weiss related in the name of the Brisker Rav:

And I know an incident that I heard from a trustworthy Torah scholar, who heard from the person himself, that a certain woman, a Torah-observant physician, who would drive her car on Shabbat to attend to patients who were dangerously ill, and return home on foot, was vehemently ordered by the Brisker Rav to return home in her car, and forbidden by him to return on foot. His reasoning was that there is no escaping that her decision whether or not it was necessary to travel to tend to a patient would be subconsciously influenced by the difficulty and toil of returning on foot from a distant place, and therefore she must return by car for the sake of *pikuach nefesh*, and the matter is extraordinary. (*Responsa Minchat Asher*, vol. 2, no. 40)

I can attest that God-fearing army commanders and security personnel, whom I know are not "light-minded" in the least, have indeed expressed the concern that if they could not return home at the end of an operation, they might think twice about going out on the operation in the first place. Of course, in a clear-cut emergency situation, they will show up in their respective sectors. But there are borderline cases in which, from a purely operational standpoint, it would be of great benefit if the commander were to reach the sector, but on the other hand he is not obligated to do so, and he may ask a junior officer to take his place so that he will not be cut off from his family for the entire Shabbat.

Recently, I was asked the following question by the commander of a brigade training base: Soldiers from his unit had been called up on Friday for a reinforcement mission in Judea and Samaria. From an operational point of view, they were under the command of the brigade that they were reinforcing, and not under his direct command. Nevertheless, as the unit commander, he is the one who knows them personally, and so he requested to go on an inspection tour among them, which would also be on Shabbat, in order to ascertain their fitness and readiness. He explained that such a tour could be of great benefit to the success of the operational mission, even though he was not personally obligated to do it. But he said that if he could complete the tour and then return home, he would do so, while if he could not return home at the end of the tour, he would forgo it.

According to Rabbi Auerbach, this argument is tantamount to "light-mindedness": If the tour of the troops is necessary, how could we imagine that it would be dispensed with merely because it would be impossible to return home afterwards?! But in the realities of our lives, and with all due respect to Rabbi Auerbach, the argument is understandable: the commander is already away from home for long periods of time, and therefore in a situation like this, it is impossible to command him to perform a tour that he is not obligated to perform. But if that tour could make a significant lifesaving contribution, then the tour is indispensable, and in order not to cause him to stumble by neglecting the tour, I responded that he is permitted to do it and to return home at its conclusion.

Indeed, when Rabbi Chaim David Ha-Levi summarized the dispute concerning returning from a rescue mission when it involves transgressing Torah prohibitions, he concluded:

In my humble opinion, with forgiveness, in theory but not as a practical ruling, it seems that this is a well-founded concern, that if an observant doctor would be required to stay at the patient's home every time he is called to treat his illness on Shabbat, and especially if he is called at the beginning of Shabbat… certainly there is a concern that the doctor will avoid it and find excuses… But there certainly exists a well-founded concern that physicians would avoid coming on Shabbat. (*Mekor Chaim*, vol. 3, chapter 173, note 62)

In practice, Rabbi Chaim David Ha-Levi is very much torn, and tends to permit returning home only with a non-Jewish driver. However, it is clear that he considers the realistic concern for future *pikuach nefesh* to be quite valid, and this is the basis of his discussion of the issue.

**Summary**

We dealt above with the words of Rabbi Yisraeli concerning "preparatory measures of *pikuach nefesh*." Rabbi Yisraeli was aware of the novelty of his approach, and therefore concluded as follows:

Therefore, in my humble opinion, there is room to use this allowance of "you will cause them to stumble in the future" more than *Chazal* did in their generation, according to the needs and circumstances of their generation. Of course, this requires the great responsibility of accepting a decision of a great court of the generation, and I do not mention this matter except as an added argument and reference for consideration. (*Amud ha-Yemini*, no. 17)

Unfortunately, we have not been blessed with “a great court of the generation” that would convene and deliberate on these questions that are so real and frequent for those engaged in rescue and security. Nevertheless, in my view, Rabbi Yisraeli himself, who wrote these words in his younger years but later served as a member of the Supreme Rabbinical Court and as the senior member of the Chief Rabbinate's Council, is himself the very "great court of the generation" upon whom one may rely in various exigencies. It is true that there were also divergent opinions among rabbis no less great and important, and yet in reference to such a matter, our Sages said: "Worthy is [Rabbi Yisraeli (and with him the *Chazon Ish*, Rabbi Moshe Feinstein, and others)] to rely upon him in pressing circumstances."

In the previous *shiur*, I related how troubling the issue of returning from operational activity was to Rabbi Avichai Rontzki, who raised it repeatedly with the *poskim*. Indeed, in his book of responsa, *Ke-Chitzim be-Yad Gibbor*, he seeks to make a far-reaching argument:

In order to enable our sons, our students, to choose a life of career military service, it is incumbent upon us, the halakhic authorities who engage in clarification of the *halakhot* pertaining to the army, to try and establish broad enough halakhic foundations upon which it will be possible to walk with confidence… For example, regarding the halakhic principle of "all who go out to rescue return to their place," which has been much discussed – in my humble opinion, this halakhic principle should be applied in the army – again, without fear – even relying on the lenient opinion, and this based on the understanding that the mitzva of war requires a halakhic arrangement that is in keeping with the lives of the commanders and the soldiers, and allows them to live army life in a natural way. (*Responsa Ke-Chitzim be-Yad Gibbor*, vol. 2, Afterword)

In my humble opinion, these remarks correspond with Rabbi Auerbach's argument and respond to it: Religious commanders are marked not by "light-mindedness," but by a desire to maintain the integrity of the family unit in the face of grinding and exhausting military service, all without compromising their spiritual and Torah world. Rabbi Rontzki believes that it is incumbent upon us to assume the best of them, and to make clear that there is no "light-mindedness" in their conduct, God forbid, but rather they have a firm footing to walk upon, and great *poskim*, upon whom they can rely.

(Translated by David Strauss; edited by Sarah Rudolph)

1. *Beitza* 11b; see previous *shiur*. [↑](#footnote-ref-1)
2. [*Devarim* 17:11.] [↑](#footnote-ref-2)
3. In his special humility, Rabbi Auerbach relates that before the publication of the responsum he approached "the renowned righteous *gaon*," Rabbi Moshe Feinstein, and asked his permission to publish a dissenting opinion on the leniency in question. [↑](#footnote-ref-3)
4. For a comprehensive survey of the various opinions, see *Piskei Teshuvot* (329, 10), which concludes that "the dispute is undecided." [↑](#footnote-ref-4)
5. This ruling was published, among other places, in *Responsa Heikhal Yitzchak*, *Orach Chaim*, no. 32. [↑](#footnote-ref-5)
6. In the course of his remarks, Rabbi Yisraeli also mentions the Gemara’s discussion of "a piece of fiery metal," and the allowance derived from it regarding communal *pikuach nefesh*. Interestingly, Rabbi Shlomo Zalman Auerbach also noted that the discussion of returning from rescue activity could relate to the ruling regarding a piece of fiery metal, but he rejects such a linkage in his responsum, explaining that while there is indeed a danger in the case of fiery metal, the prohibition of returning from rescue activity would not result in any real danger, as will be explained below. [↑](#footnote-ref-6)
7. See, for example, *Responsa Meishiv Milchama*, vol. 1, no. 7. [↑](#footnote-ref-7)