WAR IS NOT THE ANSWER
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When I was a kid, and I realize that to many of you I still am, I dreamed of being two things, before I settled on a third which was a Rabbi. In my youth I wanted desperately to be a professional baseball player, preferably for my home team the San Francisco Giants, and in my imagination it was always an and issue, I wanted to become President of the United States. Where I reasoned as President of the United States my first law would be to declare myself a professional baseball player. Which was the only way I figured I would every actually become one. For my second law I was going to bring about world peace. My mother said she was sure I could do it.

I wonder, if in these most harrowing of times if kids still dream of becoming President. As adults I think many of us still do, at least on Wednesday nights between 9 and 10p. We watch the West Wing and imagine the alternative universe where our president is the winner of a Nobel Prize for economics, surrounds himself with the best and brightest young minds of the generation, acts decisively and with moral certitude, and solves the greatest challenges facing humanity in 45 minutes between commercials.

To watch the West Wing in a post 9/11 world is to truly see the distinction between reality and reality TV. You couldn't pay me to be President of the United States right now, though I am still more than happy to take the field for the Giants. But President, as my mom often said, that is no job for a nice Jewish boy, at least not this one. The bevy of democratic hopefuls aside, I can't believe anyone in there right mind would want that job at this moment.

And though I would not consider myself a particular fan of President Bush, he does indeed have by sympathy. We think what we do for a living is hard, put yourself in his Floresheims, he stands now, by his own choosing or by circumstance on the precipice of one of the most important and far reaching decisions of our generation. Whether or not to send our troops into battle and engage in a war that could quite possibly lead to region if not global conflict, that could embroil our nation in a fight with a fundamentalist Islamic nation possessing at least chemical and biological weapons, and that most experts agree will necessitate future fights with nations of similar orientation, and will in all likely hood be a rallying cry for terrorists to strike our homeland and Americans every where for generations to come. No I wouldn't want his job, no thank you.

I'm glad it is not my decision, to be honest I am not thrilled that it falls on the shoulders of this particular President, but there is no denying that it does, and every reason to believe that some day soon in these next days or weeks, he will decide, if he hasn't already, to go to war.

Our President is a man of great religious faith, I have read and I believe that he is consulting his heart, his conscience and his God as he grapples with this incredible burden. I can't really comment on what those sources of insight might be telling or teaching him in these days of decision, but were he to come to my office and ask my advice, and that of the Jewish tradition on the dilemma facing our nation, first of all my mother would be incredibly proud, but secondly I would welcome the opportunity, because Judaism has a lot to say about war, I mean when you think of it some many of them have been directed at us over the years we have time to do a lot of thinking.

To be honest I can't really imagine being a professional baseball player anymore, nor being elected President, but I do from time to time think what it would be like to be the President's Rabbi. What if he asked me for the Jewish position on this fateful decision, how would our tradition respond?

War is something the Rabbis of the Talmud and later rabbinic texts considered in great detail. As a people we were seldom in the position to declare war, or invade another country, far more often we were on the receiving end of whatever campaign was being waged. But even still Jewish tradition is rife with great rabbinic debates about when and under what circumstances one nation can declare war on another nation. The Talmud breaks the types of wars that might be waged into 3 categories.

1. Milchemet Mitzvah or Mandatory Wars
2. Milchemet R'shut, Discretionary Wars

And a third category, Preventative Wars, which some consider a sub category of the above.

Of the first type of war, Milchemet Mitzvah, Jewish tradition is quite clear. A Mandatory War is a war fought against one of the 7 nations that occupied the land of Israel and practiced idolatry. Or against the Amalakites who attacked us from the rear and with no apparent reason as we left Egypt or to defend the land of Israel whenever it is under attack. In the first two of these instances, the rabbis reason that we must blot out the memory of those 7 nations and the Amalakites from the face of the earth. For if we don't it may be that future generations will happen upon there destructive teachings and be led away from Torah, away from true faith in God. Moreover, it is to send a message

to those who might take up idolatry in the future that such pursuits will only bring about their own destruction.

In all of these instances Jewish tradition teaches that one can even act preemptively against these nations or if forces are massing on Israel's borders, we do not need to wait for them to strike the first blow, for our cause is sanctioned by God and commanded upon the Jewish people. The Torah further instructs that any campaign against them must be total and complete. We are to give them no terms of surrender, provide them no safe refuge.

Were the President to ask me, if war with Iraq falls within the category of a Milchemet Mitzvah, I believe that our tradition would respond that it DOES NOT. Iraq is not one of the 7 nations, nor are they direct descendants of the Amalakites. And even in the most far reaching of scenarios, it is an impossibility that Iraq is massing its forces for an invasion of the United States. Were the Israeli Prime Minister to ask me for advice, a strong case could be made that Israel faces imminent danger of invasion or attack from Iraq and were Israel to declare war, it could indeed be considered a Milchemet Mitzvah, a mandatory war, but for the US, not so much.

Of the second category, Milchemet R'shut, or optional wars the Talmud is just as emphatic about how it is waged, though in the opposite direction. Discretionary wars are waged for one of the following reasons, and only these.

1. To enlarge a nation's territorial boundaries
2. To subjugate the neighboring nations
3. To resolve conflicts between neighboring nations

Furthermore, a Discretionary War requires the prior permission of the Sanhedrin, the great rabbinic court of 71 rabbis.

What was the composition of this rabbinic court? After the destruction of the second temple and the dispersion of the Jewish people all over the world, the Sanhedrin, was viewed even by Roman authorities as being the legislative body of the Jewish people, it was our Congress, and perhaps in our new global economy and world view it was indeed the United Nations.

Without its expressed permission a Milchemet R'shut could not be waged, the Talmud is explicit in this requirement. Even a king, who is known for his great military prowess and acumen, may not send people out to an optional war unless the rabbinic court gives him permission.

And so were the President to ask me, on what basis can he wage war with Iraq, Jewish tradition would respond, that ONLY with the consent of the United Nations or at the very least the United States Congress can he attack Iraq.

But even still a war with Iraq is not really about expanding our territorial boundaries, at least that is not the publicly stated reason, perhaps it is to subjugate that nation and its people, but one could certainly argue that we have found ways of doing that through economic sanctions, and unlike 1991 when Kuwait was invaded by Iraq. With the exception of Israel and maybe Turkey, Iraq is not in direct conflict with any of its neighbors. In fact, when you think about it the only people that get along with Iraq <u>are its neighbors</u>, and I guess France and Germany.

And so we come to that last and rather tricky category of wars, wars of self defense, or Preventative Wars. The phrase alone does not lend itself easily to Hebrew which should make us suspicious of its use at the outset. It is almost an oxymoron.

The Jewish justification for a preventative war, is that we are commanded to save a person whose life is being pursued and endangered, even if it means killing the pursuer. This rabbinic reasoning, which must be very carefully applied, has been used and abused by nations and people for centuries. In fact it is this very definition that Yigal Amir used as his justification for the assassination of Yitzak Rabbin.

But what makes its application so complicated and the reason we have not thrown it out all together, is that we can well imagine when we just such a proclamation was the salvation of the Jewish people.

The Torah declares, "Do not stand idly by the blood of your fellow" And the Talmud concurs:

"Whoever can stop a member of his household from doing wrong, and does not, is accountable. Whoever can stop a fellow citizen from doing wrong, and does not, is accountable. Whoever can stop the whole world from doing wrong, and does not, is accountable."

Did we not shout the same thing when the trains were steaming toward the death camps, have we as Jews not relied upon the compassion and willingness of this nation and others to come to our aid when Israel was besieged from all sides with its back to the sea in '48, '67 and '73, and all the conflicts in between. In modern times when Israel and the Jewish have called out for help, this nation and its allies to varying degrees have come to our aid. They have not stood idly by.

But something is terribly missing in our crisis today. The Iraqi people and those neighboring nations, save Israel are not asking for our help at all. In fact they are explicitly stating that don't want it. The world is about to got to war, and I find it difficult to determine who the enemy isn't. Maybe that means we need to attack everybody, but rather I think it means that we need to clarify what it is that we are going to war to prevent.

Of all of the categories of war that Judaism has considered this third seems the most compelling and appropriate to the situation at hand. And so were the President to ask, or if perhaps he is listening now, I would tell him. That Jewish tradition seems to support taking preventative action against Iraq, but only if we are indeed sure that Iraq is a rodef and pursuer, and even then Judaism clearly states that it is far preferable to wound or disable the pursuer than to kill him all together. Deadly force is only permitted if all other avenues have been exhausted.

And so Mr. President, as we march head first off to war, as our ships and troops and tanks are massing on the sees and in those nations that will give them bases, we must all ask the question, have we really tried everything, are we truly at the point where our only option is war. I have no doubt that Saddam Hussein is a *Rodef* a pursuer, and the nations of the world would agree that he must be stopped, but is this the only way, must we use a sledge hammer to kill a bug. If your answer is yes, then in this rabbi's opinion Judaism supports you, but personally I doubt we have tried everything, and I'm really glad I don't have your job.