

To Kill Or Not To Kill

by: Rabbi Jeremy Rosen

The painful scenes from Israel of young Arab men and women killing civilian men, women, and children randomly is all the more depressing because most of them are not the products of poverty or unemployment but, on the contrary, what we might call "middle class". They have all been given an education that has conditioned them to hate. I accept that anyone suffering from "occupation" will feel profound animosity, and I blame the political leadership on both sides for perpetuating a situation where neither side has the leader willing to do what it takes to really strive for a solution. It is equally clear that no matter what the rest of the world might say or do, no one will succeed in imposing a solution from outside.

Jews are subjected to constant internet reminders of Muslim hate preachers inciting violence and murder in Israel and encouraging their followers to attack Jews wherever they are. And Arab audiences can see the smaller number of Israeli extremists calling for crude retaliation. I have no doubt that the majority on both sides detest violence and want to find a way of living in peace and dignity.

I am not concerned here with the morality of the Palestinian position. That is their problem. They need to wake up to the fact that they have a sick preoccupation with martyrdom and death. Neither do I give a fig for biased opinions that cannot tolerate the very idea of a Jewish state capable of defending itself and report the situation in Gaza as if Egypt did not have a common border too.

As a rule Israelis, police and soldiers are constrained by moral laws even if there are some who ignore them. Failing an agreed peace treaty, conflict is inevitable. The Judicial system allows attackers their day in court. Earlier this week, the three terrorists who pelted the car of Alexander Levlovitz with rocks on the eve of Rosh Hashanah, leading to his death, were found guilty of manslaughter, not murder. Israel even takes its attackers into its hospitals. It is not uncommon for Palestinian bombers, fighters or assailants shot mid stabbing spree, to lie just a few beds down from the civilians they've just tried to butcher.

I believe it is right that there is a debate on the moral issues amongst Israeli Jews. What do you do when an Arab knifeman has severely injured Israeli civilians (or soldiers for that matter), is then shot and disabled and needs treatment to survive? First medical responders either come from Magen David Adom (MaDA), which is predominantly secular, and ZAKA, which is Charedi, very Orthodox. MaDA policy is to decide who is most severely injured and gives that person priority regardless of whether it is the aggressor or the victim. ZAKA says Jewish lives come first. On this issue I side with ZAKA. Victims should always be given priority over attackers.

But there's another debate, this time between two rabbis. One, Rav David

Stav, represents the middle, moderate ground of religious opinion. The other, Rav Shmuel Eliyahu, is typical of right-wing ultra-nationalists. The question was asked of Rav Eliyahu, "What if a terrorist has attacked and injured an Israeli and is disabled? Should he then be shot dead or not?" Rav Eliyahu argues that he or she should be shot dead on the grounds that, as we have seen on YouTube, even shooting a terrorist several times did not stop him continuing to attack victims. Rav Eliyahu uses Jewish law to argue that self-defense requires us to remove any threat to life, even by killing. So when in doubt, kill him (or her). The trouble is that Rav Eliyahu has been guilty of the most dangerous, provocative statements in the past that frankly do stand comparison with Palestinian hate preachers.

In 2007, according to report in The Jerusalem Post, and not denied, Rav Eliyahu advocated "carpet bombing the general area from which the Kassams were launched, regardless of the price in Palestinian life." [Eliyahu is quoted saying](#), "If they don't stop after we kill 100, then we must kill a thousand. And if they do not stop after 1,000 then we must kill 10,000. If they still don't stop we must kill 100,000, even a million. Whatever it takes to make them stop." In March 2008, he called for "state-sanctioned revenge" against Arabs. [According to Haaretz](#), in an article for the newsletter Eretz Yisrael Shelanu ("Our Land of Israel"), Eliyahu proposed "hanging the children of the terrorist who carried out the attack in the Mercaz Harav yeshiva from a tree". Such language, even if one sympathizes with the pain, is unforgivable.

Compare his words with [those of Rav Stav](#), who argues equally from a Jewish legal position that we only have an obligation to disable a terrorist, if we can, and an injured terrorist can easily be restrained or incapacitated.

“. . .people who are not involved in murderous activities and those who no longer pose a danger must not be harmed. The blood boils when you see Israeli Arabs, young and old, who have been making their livelihood from Jews, murdering children, soldiers, women and men indiscriminately, without any gratitude. It is precisely on such days that the strength and uniqueness of the Israeli society is put to the test.

"These days, when the boiling blood is mixed with civilian willingness and resourcefulness, it's important to maintain our moral superiority: To avoid harming a person who is uninvolved in murderous activity, and to avoid harming those who have already been neutralized and no longer pose a danger. Harming a terrorist who has been neutralized causes double damage: The collateral damage is when these images are distributed, and the main damage is harming our moral norms. We will not stoop down to our enemies' despicableness, and we will not contaminate ourselves with a moral breakdown."

Some may not feel comfortable with Rav Stav's idea of Jewish exceptionalism, but at least he cares about morality and public perception rather than crude

physical aggression.

Rabbi Stav has a record of speaking out against religious narrow-mindedness, shortsightedness, and primitiveness. In the past, speaking out against the refusal of the Chief Rabbinate to help facilitate conversions of non-Jewish Russians living in Israel and serving in the army, he needed police protection from right-wingers. Such is the nature of "civilized" debate in Israel. Rav Eliyahu, on the other hand, represents everything I cannot stand about extreme right-wing attitudes. They produce the vigilantism that saw groups of Israeli youths with sticks trying to get at disabled terrorists. Thankfully the police were able to prevent them. But they couldn't prevent an innocent Eritrean being bludgeoned to death after being mistaken for a terrorist and other cases of mistaken identity. Once the dogs of terror are unloosed, reactions are inevitably raw, and one needs voices of calm, not provocation.

I know there is a strong argument to treat aggression with force, particularly where that is clearly the currency of the prevailing culture in the Middle East. But talk that dehumanizes, that encourages violence, whichever side it come from, is what makes matters worse. Because once you get used to the language and actions of aggression, it is very difficult to return to normality. Rav Eliyahu is the type of example I reject. Rav Stav's is the one I admire. Rav Eliyahu's diminishes; Rav Stav's elevates.