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ליובאוויטש

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ברוקלין, נ. י.

By the Grace of G-d
13th of Shevat, 5741
Brooklyn, N. Y.

Mr. Pinchas Meir Kalms
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London N. 6, England

Greeting and Blessing:

I am in receipt of your correspondence, enclosing copy of the letter of January 5th, pursuant to my letter of the 3rd of Chanuka.

I must confess that after reading ~~x~~ the letter carefully, I still have to reiterate what I wrote in the beginning of my previous letter, namely, that I find it difficult to understand how my position can be misunderstood.

So

Before responding to the comments made in the January 5th letter, I must again emphasize the basic premise on which my stand rests, which is the only subject matter for discussion. Unless this basic premise and frame of reference is clearly understood and adhered to, a debate could go on indefinitely - at cross purposes. Any extraneous issue that does not bear directly on the basic premise, is irrelevant and confusing.

The only subject matter under discussion - at any rate, from my treatment of it - is the purely Halachic subject of Pikuach Nefesh as it affects the question of returning any part of the liberated areas. Be it also remembered that we are not dealing with an academic question, but one of actuality and urgency, since definite action has been taken in regard to some areas (in Sinai), and as regards others (Yehuda, Shomron, Golan, etc.), commitments have been made, and some of them would have probably been surrendered long ago, but for the fact that the other side refused to take them, demanding more.

Since the subject matter, as noted, is purely Halachic, namely the question of Pikuach Nefesh, the sanctity of the territories is irrelevant; so is irrelevant one's political affiliation or philosophy, or one's personal attitude to the Government, and the like. A Rabbi has to rule on the matter purely from the objective viewpoint of the Halacha, without allowing any other considerations or opinions, however strongly he may feel about them, to *change God's* cloud his Halachic judgment.

With the above in mind, I will now respond to the comments point

Mr. Pinchas Meir Kalms

by point:

1. The reference to my stand on Zionism and the Jewish State as a factor in the Psak Din is, of course, quite irrelevant, as noted above, for, as has been emphatically emphasized also in my previous letter, ^{also} the Halacha applies equally to Eretz Yisroel and everywhere else.

It is curious that I have been placed, in the same breath, ^{also} in the category of Gush Emunim and Kahana, whose stand on Zionism and the Jewish State as such, is not questioned, though in actual facts their position on the return of the territories is not based on Zionism and the Jewish State, but on Bris-bein-ha'Bsorim. This only goes to show how, by bringing in extraneous issues, the central and real issue could be side-tracked and confused.

I have stated repeatedly, also in my previous letter, that my unequivocal stand against returning any part of Yehuda and Shomron, etc., is the same as on returning the Sinai oil wells, and any part of Sinai. Even those Rabbis who "reached the same conclusion on the territories precisely because of the sanctity of Eretz Yisroel" will admit that there is no question of sanctity involved in regard to Sinai and Sinai oil, but it is only a question of Pikuach Nefesh, plain and simple.

2. The contention that "the agreement among Rabbis... is not about (the rule of Pikuach Nefesh), but on what constitutes Pikuach Nefesh in the present situation," is true, of course. I already addressed that point in my previous letter, though I did not wish to overemphasize it, for obvious reasons. I pointed out that the other Rabbis based their evaluation of the present situation on misinformation presented to them together with the Shaala. I cited one glaring example of the misinformation in that the Rabbis were told that the Government had ample oil reserves to last for months. Another item of misinformation was that the situation in Eretz Yisroel was described to them as not being comparable with the situation that the Gemoro in Eiruvim speaks of, where the enemy is actually besieging the Jews, and there is the danger of further penetration. This is obviously a misrepresentation, for everybody knows that the Golan, Shomron and Yehuda are the very borders with Syria and Jordan, which are under strong influence of the PLO, etc. These avowed enemies are not only besieging Eretz Yisroel, but have actually carried out bloody attacks, and openly declared their determined intention to take everything back by force. A further "distinction" between the existing situation and that of the Gemoro on which the opinion of those Rabbis was partially formulated was that in the case of the Gemoro situation the enemy came to take "hay and straw" that belonged to Jews, whereas in the present situation, the enemy is demanding the return of territories that had been taken from them. This argument, too, has been published, and not anonymously.

^{am} ^{the}
[Of course, I can have no debate with those that believe that the Arabs have a legitimate claim for the return of territories that belong to them, because there is no common ground on which to debate. But, they should surely

Torah

Mr. Pinchas Meir Kalms

keep in mind that if the Arabs have a legitimate claim to the pre-'67 territories, they have an equally legitimate claim to the Old City, ~~XXXXXXXXXXXXXXXXXXXX~~
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To be sure, "a Dayan must rule on the basis of testimony before his eyes"; but the public is entitled to know precisely on what arguments and reasons he arrived at his decision, and this is something one is entitled to know even if the Psak-Din concerns one Pruta, not to mention the Pikuach Nefesh of three million Jews, and if there has been an error of facts, a Dayan should readily retract.

3. The Rabbis who declared that territories may be surrendered "for peace," based their opinion, among other things, on the information supplied to them (not by military experts) that territorial concessions would advance the cause of peace with the Arabs. Hence, they argued that the principle of Pikuach Nefesh that is at the root of the "straw and hay" rule is not relevant to the situation at hand, but to the contrary.

Actually, it is clear from the said Halacha that the deciding factor is not what the enemy demands or promises, but whether it is a case of חפץ לפני האויב - opening the land before the enemy; in other words, giving them an opportunity to breach the defenses. Whether or not the return of territories would indeed be such a case is, of course, for the military experts to decide, and not for politicians.

To argue that the fate of the country and the lives of the people depend also on factors beyond the competence of military experts, and that if political and economic factors will be ignored, it would lead to Pikuach Nefesh later on - does not affect the immediate decision relating to the return of territories. All the more so since it is certain that returning further territories will immediately weaken security, and would be an irreversible act, whereas the political and economic climate is unpredictable. So are, by and large, the other arguments that "territorial concessions under certain conditions might reduce the threat of war, or enhance Israel's ability to defend itself," etc. These are highly speculative conjectures, and I am certain that no military commander would bet on such chances. I repeat, the Halacha is clear - and it is, after all, the viewpoint of Halacha that is at the heart of the debate.

4. With regard to the "misinformation," it is surely astounding, and I regret it very much, that I am accused of charging "men like Dayan, Weizman, and countless other knowledgeable Israelis" with being "misinformed." I could not have been more explicit and specific in my letter of the 3rd of Chanuka that I was speaking of the misinformation supplied to the Rabbis by interested parties. persons (known)

It is true, of course, that all Rabbis have access to the same informa-

Mr. Pinchas Meir Kalms

tion on what the situation is, but unfortunately they did not make use of this access, and didn't bother to check it out, as in the case of the Sinai oil, etc.

5. I welcome the comment "I entirely agree on the Sinai oil," etc. It, of course, bears out my position, except that I see no difference between surrendering the Sinai oil or an inch of Sinai and surrendering an inch of Yehuda, Shomron, and Golan, and I cannot envision "a prolonged period of absolutely normal relations with all Arab neighbors," except in the Messianic Era when the wolf and the lamb will dwell together in peace.

6. With regard to the "Chilul HaShem" argument that I referred to, I clearly explained in my previous letter, and suggest a further perusal.

7. I do not understand what is so completely puzzling about this point. Of course, every G-d-fearing Jew must affirm that the security of Jews anywhere in the world, particularly in the Holy Land, lies with the study of the Torah and the practice of Mitzvoth. But, when it comes to a question of Pikuach Nefesh, as indeed in any situation, be it a matter of health or Parnosso, G-d Himself ordained that in addition to the strict observance of Torah and Mitzvoth an absolute Bitochon in Him, a Jew is required to do what is necessary in the natural order of things. This, too, is part of the teachings of Rabbis.

8. The "strange charge against the Israel Government of complicity (my emphasis) with terrorists," would indeed be puzzling, nay shocking, if any Jew made such a charge against any other Jew, let alone against the Government. I must admit, however, that though I have been accused of various strange things, this is the first time that such an accusation has been imputed to me. I stand by my statement that there is a school of thought in the Government that holds that "it would be expedient not to press the hunt for the killers on the ground that to find and put them on trial, etc., would exacerbate tensions; therefore, it would be better to put the matter at rest by procrastination," (point 8, letter of the 3rd of Chanuka). But this is a far cry from complicity (!) with the terrorists, not to mention all the other epithets attributed to the said school by the writer, which cannot be repeated, especially as the whole matter is irrelevant to the central issue.

I also stand by my charge of playing down terrorist attacks, etc., as stated in my previous letter. As for the question "would Israel's public opinion... really have tolerated such a policy?" - anyone who has been following the press in Eretz Yisroel over the past years knows that the subject has cropped up from time to time in various newspapers, from various directions and viewpoints, in articles and editorials. Be it remembered that it is not a case of "indifference" or negligence, for no one questions the deep concern of any Jew about the terrorist attacks. It is a question of well-intentioned, though in my opinion, ill-conceived

Mr. Pinchas Meir Kalms

policy. As a matter of fact (though I did not want to mention it in my previous letter), there are also Rabbis who agree with the said school, on the basis of the Maamar Chazal גוי קטן, אל תתגרה בגוי קטן, especially when it is not "גוי קטן" אלא גויים וגדולים.

9. With reference to the policies pursued by Gush Emunim - I do not know what this has to do with the debate. I only responded to the charge against me of being "more political than Rabbinic" - with the obvious reply that in a matter of Pikuach Nefesh, every Jew, Rabbi or not, is obligated by Halacha to use every possible means to prevent it, including personal relationships and influence with any personage that can be helpful in the situation.

10. With regard to the matter of demonstrations, etc., I regret to note that it is again expressly implied in the letter that these were "Lubavitch inspired." It is clearly implied and taken for granted that I had been either consulted about it, or that I had foreknowledge that "Rabbis and men loyal to Lubavitch" are planning such action, and that a simple hint from me would have stopped it. I fail to understand, a priori, how a Rabbi can make such a categorical accusation on the basis of inference or assumption, and repeat it after I had emphatically denied any prior knowledge of the whole incident, and first became aware of it from the press. Whether some people involved in it were "Lubavitcher," and acting as such, as is alleged - I do not know to this day. I am inclined to think that the allegation is based on a misinformation. Especially that according to reliable information I received after learning of the demonstrations from the press and subsequently inquiring about them, these were organized by two groups (neither of them Lubavitch), with headquarters in Eretz Yisroel. I am therefore entitled to know, and would be obliged for, the names of the alleged Rabbis and men loyal to Lubavitch who participated in the incident. Besides, the term "loyal" to Lubavitch is rather vague, since "loyalty" is a term that can be stretched indefinitely. Also, the matter of the alleged "summons" is something that I first learned from this letter of January 5th. And since I have been dragged into this, I am surely entitled to specific information, including the names of the alleged perpetrators who are Lubavitcher or Lubavitch loyalists, so that I can investigate the matter further.

→ Lubavitch Beth-Din knows nothing about all this.

With the exception of the last paragraph, I think we can now put the whole debate at rest.

With esteem and
blessing,

M. Schreiber

Mr. Pinchas Meir Kalms

P.S. What follows here pertains to your accompanying correspondence, and it is therefore written on a separate page, so that you have the option of passing it on along with the rest of the letter, or not.

1. With regard to the opinion of Dgyan, Weizman and Rabin, I know that they stated clearly that from the viewpoint of military expertise, they would not advocate surrender of territory, but from the political viewpoint some territorial concessions may be justified.

2. The people who misinformed the Rabbis on the matter of the Sinai oil are known by name in Eretz Yisroel. As you know, it is not my custom to mention names.

3. With regard to the argument concerning the Old City to the effect that "one must draw the line somewhere" - the Halacha of Pikuach Nefesh does not recognize such an argument, which, in fact, would be a misinterpretation of the Halacha and in complete contradiction to it. This has also been clearly indicated in my previous letter.

Incidentally, the said argument also contradicts the opinion quoted in the letter of January 5th in the name of Rabbi Soloveichik that he would readily give up the Kotel Hamaaravi to save a Jewish life. This is also my opinion, with this qualification, that the Old City as it was after the Six Day War, was not in dispute and had no bearing then on the question of "opening the land before the enemy." But the position of the Old City now is in the same category as Golan, Yehuda and Shomron. In other words, and I believe Rabbi Soloveichik would agree, the sanctity of the Old City, including the sanctity of the Kotel, would not justify sacrificing a single Jewish soldier. But, when it is a case of "opening the land," as it is in the present situation, in relation to Jerusalem Beyond the Walls - the Old City (as any other place) falls under the rule of Pikuach Nefesh that mandates the taking up of arms on Shabbos to defend it (and not because "one must draw the line somewhere").

Mr. P. Kalms

ADDENDUM

I see from the correspondence that certain points which I had taken for granted as self-evident, have not been given sufficient consideration. Hence this addendum, at the risk of some redundancy.

1. The subject matter of the controversy centers on a Shaalah in Halachah, namely Pikuach Nefesh. Therefore, the position of both the Rabbis whose opinion differs from mine, as well as my position, must rest exclusively on the Halachah and treated purely as a Halachah-Shaalah.

2. The Shaalah is not a theoretical one, but a practical one that is high on the actual agenda, namely, whether - from the Halachah view - it is permitted, mandatory, or forbidden to return liberated areas in the so-called West Bank and Gaza, as well as in Sinai, including oil wells, military installations, etc. The Psak-Din on this Shaalah must, of course, be based on the actual and factual circumstances of the situation as they affect the security of Eretz Yisroel and of our brethren living there.

3. Both sides in the controversy, namely, the Rabbis who ruled that it is Halachically permissible to make territorial concessions and those (myself included) who oppose this view, based their decisions on the principle of Pikuach Nefesh; the difference being that the former concluded that territorial concessions would avert or minimize Pikuach Nefesh, while the latter hold that any territorial concessions would create or aggravate Pikuach Nefesh.

4. There can be no difference of opinion among Rabbis that in a case of Pikuach Nefesh it is the duty of a Rabbi not to remain silent and wait until approached to express his opinion. A rabbi who waits to be approached in such a situation is termed meguneh (reproachable, blameworthy). Similarly there can be no difference of opinion about the duty of every Jew, without exception, to do everything possible (consistent with the Shulchan Aruch) to avert the danger of Pikuach Nefesh. The Rabbi himself may not consider his duty done simply by pronouncing his Psak-Din, but must take every possible action in this direction. Indeed, there are many precedents of Gedolei Yisroel actually doing things on Shabbos and Yom Kippur which but for the fact of Pikuach Nefesh would be most serious transgressions.

5. Since, as noted, the sole deciding factor is Pikuach Nefesh, it is quite irrelevant what political orientation or party the Rabbi issuing the Psak-Din subscribes to, for his Psak-Din must not be influenced in the slightest by anything except the Halachah alone.

6. The evidence on which a Rabbi or Beth Din bases the Psak-Din must strictly conform to the principle of דין דין אמת לאמתו - that is to say, the judgment must be based on true facts and on objective truth. If there is any doubt about the veracity of the presented evidence, it is the