

JUDAISM AND CONSCIENTIOUS OBJECTION: AN INTERVIEW WITH EVERETT GENDLER

Q: There are a number of options open to young men called in the draft—induction, conscientious objection, non-cooperation. In the context of the current war, what is the Jewish view—or your understanding of it—of each option?

*A: My own understanding is that a serious Jew could not in good conscience submit himself for induction. This doesn't answer the question of whether he should be a conscientious objector or a non-cooperator. I don't have an easy answer to that. One thing is clear to me—a functioning conscience which takes into account Jewish ethical teachings and *halacha* has got to be a selective conscience. In other words, it will evaluate particular situations and judge some possible to participate in and some beyond the bounds of possible cooperation.*

Q: Can a Jew be a conscientious objector as a Jew?

*A: Yes, I think so. Since there is a tradition of *halacha*, and since there are passages both in *D'varim* and in the Talmud, and further codifications in Rambam, for example, relating to killing, and waging of war, self-defense, limitations on means of self-defense—since all of these exist, it seems to me obvious that the Jew must at least struggle with these questions, if he takes his religious tradition seriously.*

*Now, if he discovers on the basis of weighing all the various elements within Judaism—if he discovers that there are certain criteria which would define conflicts in which he could participate—written criteria by which he could exclude other conflicts—then it's almost questionable if you would call it selective conscientious objection. It really is a moral position which applies to any situation. Given a different situation, the answer may be different. But it is a definitive code and certainly of universal applicability for a Jew who takes seriously the *halacha* or the intention of the tradition.*

Q: Is there any clear presentation of the traditional material you speak of? Is there current literature which summarizes it?

A: As for literature, one apologetic following this point of view is put out by the Jewish Peace Fellowship called "Can A Jew Be a Con-

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*scientious Objector?" Another piece of material, which served somewhat as the basis for the JPF pamphlet is the piece I did for the Fund for the Republic volume about the *Pacem in Terris* papers. That has some good source material. If you want a great statement of the Jewish absolute position, the Winter or Autumn 1966 issue of JUDAISM has an article by Stephen Schwarzschild on the religious demand for peace. It is brilliant and sharply stated, and a wonderful presentation of a kind of absolute demand for absolute pacifism. It's not that thoroughly worked out. I think Stephen may try and bolster it along the way with additional sources. And I think he can. It's not convincing unless you're predisposed to it, but it's certainly supportive if you are. At the very least, it's suggestive. I'm convinced by his article, but that doesn't prove much.*

Q: How about general material for the general reader who can't go out and do the research?

*A: One of the classic cases is in *Deuteronomy*, Chapter 20, which obviously includes the demand to wage war, but also includes limitations with respect to destruction. It has some stipulations about offers of peace. Maimonides extends them. Is this what you're interested in?*

Q: I'm concerned about what use the sources are put to; is it to trace a development or to support something which is new?

A: I would say two things. First of all, the sources will not, in this particular instance, yield anything anyone wants. What you have are rather severe limitations to the use of violence even where it's permitted. You have statements of ultimate limits.

*I think they are very sharply indicated in *Baba M'tsia* where the man is ordered by the governor of his town to kill somebody at the risk of losing his own life if he refuses. This is the situation in which they formulate those three principles which may not be transgressed even at the cost of one's life. It seems to me that what you have here is not just another statement from Scripture or tradition but a limiting case. So I don't think sources in these areas will yield everything to everybody. I think you can even play the kind of game that Samson Raphael Hirsch does where he talks about what good citizens we are—*dina d'malchuta dina*, the law of the land is the law. The Talmud says it four times; I checked. And every one of the four cases has to do either with money or property or civil status.*

It's perfectly clear that it's only in situations where no life is at stake.

*So it's my opinion that you can't make the sources yield everything. And even on the question of *milchemet mitzva*—the war which is commanded and is obligatory—sure, a direct command from God will nullify any particular command from other sources. But I don't know anyone*

who claims that we have the word that X is the *milchemet mitzva*. And once you're beyond that category, it seems to me very clear that some of these restraints would hold.

The pity of it is that rank amateurs spend time on these issues, and our results are necessarily suspect. One of the things that disappoints me is that institutes of ethics and centers of learning within the Jewish Establishment don't focus seriously on these things. There was one article by Emanuel Jacobowitz, who is now Chief Rabbi of the British Empire, written when he used to be at Fifth Avenue Synagogue. He had an article in *TRADITION* three or four years ago in which, making some use of *halachic* sources, he suggested that the idea of "better dead than red" was contrary to the Jewish tradition.

So as for this being a prevailing Jewish attitude through centuries, or a recent invention in conformity with certain modern currents, I think it has strong antecedents within Judaism. Jacob Neusner, in his biography of Jochanan ben Zakkai, alludes to some of this in Jochanan's ducking out. The new nationalist school says he didn't escape, he was sent to Yavneh which was a concentration camp. Neusner sharply challenges that view. I don't know who's right and who's wrong, but the nationalist currents don't necessarily represent normative Judaism, if you believe in that sort of thing.

But I would say that there is still more to it. And one of the people whom I think is really important is *achad harabonim hamargishim*—and again I'm prejudiced. But four years ago Stephen Schwartzschild published in *Judaism* some excerpts from a *rebbe* who lived in Eastern Europe during the first world war and in the earlier 1900's. His name was Aaron Samuel Tamarit. I translated some of this material for *Judaism*. Here is a man who in 1905—which is long before the establishment of the American Friends Service Committee, and before Gandhi came to public attention. Here's *achad harabonim hamargishim* who formulates what is in effect a doctrine of non-violent resistance.

He was somebody who was schooled enough in rabbinic and kabbalistic literature to make use of the "exile of the *shechina*—*galut hashechina*" and of "*shechinat hagalat*"—that presence which lives in exile. He uses this to formulate a theory of Jewish existence which is non-nationalist in the sense of territory and power politics and which is, by any meaningful use of the term, pacifist.

I don't know how many others there were like him, but it seems to me that the messianic opposition to political Zionism—which was very strong for a time during the Zionist movement—is actually an indication that there was a strong pacifist trend within Judaism. You may ascribe it to conditions under which Jews lived or to other things, but it seems to

me that there really was a distinctive Jewish thrust in this direction. I don't think it's a recent characterization; I think it was strongly there before. I think it's now in decline under the impact of a lot of modern developments.

You have the caricature—and maybe it's only a characterization—of the *shtetl* type, the very gentle man, very non-destructive, very careful of not injuring or harming people; it seems to me this is not a very recent invention. Or is this beside the point?

Q: *It's not beside the point, but in reading over the traditional material it becomes clear that there was a movement which eventually became dominant when it was thrown in contact with modern national statism and which produced Israel—which is perhaps the dominant fact in Judaism in our age. There's a whole history of war and conflict and domination which you just can't ignore. When you balance one against the other you may very well come up with a confusion and not a surety about how Judaism has viewed this problem.*

A: By the same token, any tradition will yield this same appearance. Look at Christendom and Christianity and you'll see tensions and conflicts. The result is not that you don't know whether you can take it seriously, but a challenge to you, individually, for a commitment in one direction or another. It's an adjudication of the dispute—which is essentially decisional.

Q: *Then it doesn't sound as though I have anything more extensive than a guide. Right?*

A: You may be right. But there's at least another possibility. Just as Christendom has singularly failed to represent the religious teachings of Christianity, especially since Constantine, in the same way modern nationalist developments in Judaism have failed to represent Judaism as a prescriptive guide. Let me give you an example.

In *The Zionist Idea* there's a little essay by Magnus, "Like All the Nations." He says that all means should be used for the establishment of a Jewish homeland in Palestine, by which he did not mean a partitioned and purely Jewish state. But he says if we rely on the sword as one of the means of establishing this, then we'll be dependent on it throughout the existence of the nation-state. And he was not willing to see that dependence because it seemed to him that the dynamic of the sword would defeat many of the very values which the establishment of this Jewish homeland should fulfill.

Now, I think Magnus, for all his special characteristics, was a representative of an authentic strain in Judaism and is of some importance. He did not represent a great majority of popular feeling. That's obvious. But it's not certain at all that the Prophets did either. What we may have

is a conflict between the bulk of a movement and those ideals or principles which could make of the movement a real *kli kodesh*, a real sacred vessel.

And I would even think that the critical function of religion is to illuminate these great possibilities, to encourage them, to challenge people by them—and perhaps each time to fail.

Q: Assuming that you do feel, in an amateur way, that you do have an idea of what the thrust of the tradition is, how would it apply to the second world war and the war in Vietnam? Particularly as regards the participation of the Jew in those wars.

A: I can't give you a complete answer to World War II right now, but let me mention several elements which should be considered. First of all, if the second world war was fought partly to save Jewish lives or to save human lives, it was not a rousing success. Let me focus on the question of Jewish lives for a moment. You know the reluctance of nations to rescue Jews when they could, and you know what planes could be spared to demolish tracks leading to concentration camps.

What's more agonizing is that World War II seems to have provided a kind of precedent for almost unlimited destruction. In fighting against the Nazis—and it's clear that the Nazis ought to have been resisted and had to be resisted—in fighting against them by adopting their own techniques (and this is essentially what we did), I think we compounded the Nazi threat to civilization.

For example, the Nazis bombed Coventry and other British cities, and there was revulsion and criticism. By 1943 the British were conducting fire raids on Dresden. In one night these raids killed more people than did the first nuclear weapon against Hiroshima and Nagasaki. If what revolted us about Nazism was this utter barbarism, this utter destructiveness, this devaluation of human life, and if, in seeking ways to contain it we responded, then the agonizing question is: Recognizing the necessity for resisting Nazism, did we resist the manifestation of a demonic destructive, or in fact increase the power of the demonic destructive?

When you look at the Korean conflict and discover that whereas in World War I only 5% of the casualties were civilian and in World War II 48% of the casualties were civilians but in Korea 84% of the casualties were civilians. . . .

The question you ask about World War II is one that not only Jews but all human beings have to take seriously. What do we do about this kind of threat to the values of civilization? I can see that the attitude of a Jew guided by *halacha* during World War II would have been that he had to participate in resisting the threat from this source. Against

this, however, he would have to weigh the appropriateness of the response to the Nazi threat, the kind of destruction which simply has increased the devaluation of human life.

I think he would also have to consider alternate possibilities. Certainly he would have to try to evaluate the kind of materials in the book, *The Quiet Battle*, about the Norwegian resistance to the Nazis, or the strikes in Germany itself in the 20's when the whole problem was brewing.

Part of the problem with the pacifist position, or any position of dissent, is that the problem has been developing for quite some time and any response has its own built-in inadequacies. For example, the inadequacy of the violent response is that it very often adds to the roots of the problem—misery, poverty, loss of values. The violent response in the long run simply aggravates the essential problem.

On the other hand, the non-violent response—which should have anticipated the situation—in the long run is not seen as immediately relevant to the immediate difficulty. The result is, in a sense, that either way we lose. And the agony that overwhelms me sometimes when I look at the situation (I don't mean to frighten you) is in Kenneth Patchen's little statement: "They're going to kill us all," which is not pure fantasy but pure prose.

So about World War II it seems to me that there is such confusion of motive, of aim, and such ambiguity of techniques and means used against Nazism, that, while a person may decide one way or the other, the possible ambiguity of the situation should at least make comprehensible the possible refusal of the Jew to have resisted Nazism through the application of destructive violence.

The whole question of effective non-violent resistance is a very important issue in all of this. I think nobody will do the hard work on non-violent resistance to make it effective unless he is by his whole personal or religious constraint prevented from resorting to violence. It's easier to spend 70 billion dollars more on violent defense next year than it is to get 70 thousand for a serious investigation of the non-violent program. The momentum is in the direction of violence.

In the case of Vietnam, it seems to me that one has a sharply different case at a number of levels. I don't think that we should go into the specifics of the Vietnam conflict; there's a mass of literature on it. Let me just mention the legal problems of intervention in civil strife. This is beautifully raised in the Richard Fall's volume on Vietnam and international law. The fact is that by no stretch of the imagination can one equate the destructive demonism of Nazism with Communism, however

dark may be some of the elements expressed in the Communist position—and it's not all dark.

Even assuming that the issue in Vietnam is Communism—and I don't think that's the whole issue at all—you still don't have anything like the threat to human lives and human values that we had in the case of Nazism. There is tremendous evidence that the struggle in Vietnam is the revolutionary struggle on the part of people to free themselves from oppression. U Thant says it bears resemblance to the U.S. revolutionary war.

But there's another issue in Vietnam which is not even comparable to the struggle against Nazism. This relates to the means employed and the targets attacked. In the case of the struggle against Nazism, there was still some kind of division between the military and civilians. You could at least argue that your destruction was aimed at the military expression rather than the civilian population. In Vietnam, this is not the way the struggle is being conducted.

The destruction of entire areas, the forcible removal of populations, the destructive weapons launched from distances—all of this makes it so different that I think there is no comparison. It seems to me that in the case of Vietnam there is such a repeated, consistent *sh'fichat damim*, the shedding of innocent blood, that it is morally reprehensible by almost any standards.

Q: Many of us feel that the Six Day War as a fight for national survival, was a fully justifiable war. Do you agree?

A: My own feeling about the Six Day War in June is this. There were certainly some issues in dispute between Israel and Syria. And I think Israel is not non-belligerent in relation to Syria. I don't say there weren't serious provocations. There certainly were. Even so, I have the sense that the Six Day War was partly humanly defensive and partly power-politically and strategically desirable for power in the situation.

It was partly a defense of human beings but on the other hand, and perhaps even more so, it was a brilliantly executed nation-building maneuver. All of which is to say that—let me put it very painfully for me: it seems to me that given the circumstances of the founding of Israel, Israel has now inherited the blessing of "you shall live by the sword."

This is a long way of saying that the war in June was a war with many facets but even so, I would not have been able to participate in it.

CAN THE STUDY OF JEWISH TEXTS BE RELEVANT TODAY

Neil Kaunfer

The age-old value of studying Jewish texts for their own sake has been lost to most of the American Jewish community. This pursuit has become irrelevant for most American Jews since the textual content has no realizable practical application to the new complex of present-day post-industrial society. Interest in the study of Jewish texts presupposes a strong feeling of identification with the Jewish community as a separate religio-national group—a feeling shared by few Jews today.

They feel little need for advanced Jewish knowledge which has become reserved for the Jewish leadership; and since Judaism makes no distinction between general Jewish education for the layman and Jewish scholarship, the concept of the former does not exist. The fact that there is no vibrant American Jewish community today means that much of the knowledge related to Jewish belief and practice has little or no means of application. As the Jewish legal system, which is the concern of much Jewish knowledge, has been long outmoded, should we expect those who lack any strong feeling of identification with the Jewish people and their history to be seriously interested in studying it?

The claim is often made that Jewish law is based on certain universal ethical precepts which are applicable to all ages. However, these principles do not often constitute the major emphasis either of the rabbinic dialectics or the codified laws, while extracting them from the unsystematic sources of the tradition would be a full-time scholarly task. On the other hand, many of the general moral principles of the Jewish legal tradition have already been absorbed into western society. In a world so conscious of the necessity for progress few have time to *learn* what they already "know." Many of the Rabbinic insights can be considered as mere platitudes today.

I do not mean to imply that the knowledge contained in Jewish texts is obvious and not in need of serious devoted study. On the contrary, Jewish knowledge being primarily legalistically-oriented, is very specific and detailed, and requires that broad generalizations and prin-

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