

The Rabbis look askance at Pinchas' act of zealotry. Yet Moshe gives him the covenant of peace. The Rabbis looked askance at Pinchas because he defied legal authority and acted alone. For the greater good, however necessary he violated his victims' rights. What types of boundaries must be in place to control our inclination to violate human rights in the name of just causes? My aim is not a polished argument that answers this question but a series of impressions occasioned by the parsha and my return from teaching in Israel. My point is to share with you how some of the Israelis I taught struggled with this issue.

Moshe too was zealous, as a youth especially intemperate, indeed a murderer for a just cause like Pinchas. Even in his old age he had trouble controlling his passions, striking the rock, rather than talking to it, thus losing his claim to enter the promised land. We are supposed to achieve greater control of our passions as we age, the psychologist Kohlberg argued, and be governed by reason. A student of mine in Israel quipped, the 18 year old soldier when asked to carry out a combat mission, says "when?", the 30 year old reserve asks, "how?", and the 40 year old reserve, demands to know "why?"

When I taught the Milgram experiments about obedience to authority the students chimed in. One related a well-known incident from the 1950s when soldiers killed over 40 Arab villagers who violated a curfew. The soldiers, who claimed that they were just obeying orders, were prosecuted for murder. A student said that in combat, when an officer gives a command it must be obeyed. Another student said that in the intelligence service, if your superior fails to listen to you, you are obligated to go up the chain of command until you get a hearing. In an email, a student wrote that soldiers must comply with all orders, including illegal ones. Only after complying should they go and report what happened to higher ranks. Only and only if the order is manifestly illegal ("with a black flag over it") should they refuse to obey.

During the break this student took Tzahal's ethics code out of his wallet where, he said, all soldiers are required to carry it and gave me a copy. The first principles -- Defense of the State, its Citizens and its Residents and Love of the Homeland and Loyalty to the Country -- establish that there is a higher cause for which you are fighting. But not all means in the pursuit of this cause are legitimate. The next principle in the code deals with human rights and says that: "The IDF and its soldiers are obligated to protect human dignity. Every human being is of value

regardless of his or her origin, religion, nationality, gender, status or position." Important values in the code are "tenacity of purpose in performing missions and the drive to victory." Soldiers are supposed to "persevere in their missions...even to the point of endangering their lives." The cause for which they are fighting is of utmost importance. Yet, "Neshek tahor," the purity of arms, also is important.

"The soldier shall make use of his weaponry and power only for the fulfillment of the mission and solely to the extent required; he will maintain his humanity even in combat. The soldier shall not employ his weaponry and power in order to harm non-combatants or prisoners of war, and shall do all he can to avoid harming their lives, body, honor and property."

Tzahal, according to the student who emailed me, emphasizes these limits on the pursuit of victory:

- Military action can be taken only against military targets.
- The use of force must be proportional.
- Anyone who surrenders cannot be attacked.
- Only those who are properly trained can interrogate prisoners.
- Soldiers must accord dignity and respect to the Palestinian population and those arrested.
- Soldiers must give appropriate medical care, when conditions allow, to themselves and to enemies.
- Pillaging is absolutely and totally illegal.
- Soldiers must show proper respect for religious and cultural sites and artifacts.
- Soldiers must protect international aid workers, including their property and vehicles.
- Soldiers must report all violations of this code.

In its code of ethics, Tzahal puts boundaries on pursuing a just cause. During the war in Gaza, Israel did what other civilized nations are supposed to do, warning non-combatants to leave via bullhorns, pamphlets, and phone calls. This is what the U.S. called on its soldiers to do in Vietnam. Nonetheless, some have argued that soldiers should have entered areas where non-combatants were hiding and risked their lives to clear these areas.

The student that emailed me wrote that Asa Kascher, a philosopher at Tel Aviv University, who was instrumental in writing the military ethics' code, wants it amended to say that in areas, where Israel does not have sovereignty, like Gaza, the rights of soldiers should take precedence over the rights of non-combatants. Kascher is supported by Israel's vice premier, Boogie Ya'alon, but his point of view has not been accepted as official doctrine. Voices on the Left like Shlomo Avineri condemn Kascher, while the Shalem Institute has honored him.

I do not have a simple answer to the question of how far an army must go to protect the rights of non-combatants. That Israelis struggle with the issue I find significant. At the Mintz wedding, Rabbi Beasley's son, who is preparing to be an officer, said that the code of ethics is taken seriously, that he and his fellow soldiers in training have spent from 20-30 hours so far discussing it. However, Shai Mintz, Marshall's cousin, who served in combat in the Suez Campaign, said that when the bullets fly, the code is largely forgotten. In the heat of the battle fear takes over.

The only previous time that these matters arose in my class was a few years back when I was explaining how Paul O'Neill, as CEO of Alcoa, made human safety the company's highest priority. A student raised his hand and said that as an officer in the Israeli army for 7 years, this was how Tzahal was run. Another student, Russian in origin, challenged him, "That is the problem with this country." Afterward this student related how the willingness to take casualties, as many as 25 million, was what allowed the Russians to defeat Nazism in the Second World War. His point is that against an enemy like the Nazis zeal has no limits. Keeness in defeating the enemy cannot and should not be contained.

Today, the dilemma Israel faces is how many casualties it might have to take to reduce the Iranian threat? Assuming that analysts can predict what will happen, some say that setting back Iran's nuclear arms program a few years is worth an estimated 1000 casualties and even the outbreak of a larger war. Others say no. Opinion polls show that the country is fairly divided. Such issues are not easy to resolve. And we in the Diaspora are not on the front lines.

Yet it is still worth it to ponder. What is zealotry? What type should be permitted? What type should be forbidden? And what is the relationship

between zealotry and the covenant of peace? Is zealotry necessary to establish a covenant of peace or does it destroy the chances of peace from ever coming into existence? That there must be limits on zealotry is obvious, but where we must draw this line is far from obvious.

As for me, I believe that this line must be drawn fairly tightly and we must proceed extremely cautiously.

Shabbat shalom