Practicing Jews Serving in the National Security Community, by Dr. Dov Zakheim

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Writing in the 5761 (2001) issue of the journal Techumin, Rabbi Yehuda Zoldan addressed a question that confronted the increasing number of Orthodox Jews who had entered the Israeli Foreign Service: Were there any ways in which some of the halakhic strictures normally imposed on those having contacts with non-Jews could be mitigated in the interests of service to the State?

Since the article's appearance, the issue has become a salient one for American Orthodox Jews as well. Practicing Jews can now be found in the uppermost levels of the U.S. Government, including the national security departments—State, Defense, Treasury—as well as the National Security Council and the Intelligence Community, not to mention Senator Joseph Lieberman, whose tenure included membership in both the Armed Services and Homeland Security Committees, serving as chairman of the latter.

For many, if not all of these Jewish national security officials, questions arise beyond those confronting their Israeli counterparts, for whom allowances are made by foreign countries precisely because they are not citizens of those countries. To what extent does halakha permit a Jewish official to sidestep normative rabbinic law and tradition? Is there any latitude with respect to biblical laws (d'Oraita)? Moreover, there is, in fact, a prior set of questions that must be examined: Who exactly qualifies as a government official? After all, not all

officials are Secretaries or serve as sub-cabinet officers. Indeed, some private citizens serve as Special Government Employees, whereby they receive no salary but are considered subject to certain government rules and regulations. Should halakha treat SGE's, as they are called, as it would full-time officials? Yet another question arises from the intersection of policy and halakha. Specifically, what, if anything, does halakha say about Jewish officials participating in formulation of American policy toward the State of Israel, especially if that policy is opposed by that country's government? Does halakha prescribe that a Jew "recuse" him or herself from policy issues affecting Israel's national security? If so, which issues? And, again, which officials should be so disqualified? "Action officers" who essentially carry out others' orders? Mid-level officials? Senior officials? Finally, for officials serving in the national security community, there is the additional question of pikuah nefesh, protection of life. Leading halakhic decisors grant greater halakhic flexibility in matters of pikuah nefesh, whether the lives at stake are Jewish or non-Jewish. The question, though, is what exactly determines the boundaries of pikuah nefesh? As Donald Rumsfeld once said to me, "Life is always in danger in the Department of Defense," meaning that America has troops in harm's way somewhere, all the time. Does Rumsfeld's definition of life in danger apply to attendance at Pentagon meetings on Shabbat?

I found myself confronting most, if not all, of these questions during my two periods of service as a senior official in the Pentagon, and during both the intervening years and subsequent to my full-time service as a Special Government Employee. I have also been consulted on the question of an official's halakhic status by others entering government service at various levels in various Administrations. What follows are some personal observations, hopefully consistent with both halakha and the sworn duty of all American officials to serve the Nation without qualification, proviso, or reservation of any kind. Exemptions from Rabbinic Law for Karov Lemalkhut The first recorded Jewish official in a non-Jewish government was, of course, Joseph.

The Torah described Joseph as the shalit in Egypt, that is, the ruler. Pharaoh tells him that apart from himself, Joseph was that country's most powerful individual. His position appears to have been greater than that of a chief minister or a grand vizier. Rather, it might be described as akin to that of Marcus Vipsanius Agrippa, the right-hand man of Augustus Caesar, who for all practical purposes ruled Rome's eastern provinces, which comprised virtually half the Empire. Joseph clearly took on many of the characteristics of the ruling elite. He had a "secular" name, tzafenat panei'ah. He married an Egyptian woman.[1] His appearance was that of an Egyptian, to the degree that his brothers did not recognize who he

actually was. Perhaps because his activities pre-dated the giving of the Torah, however, Joseph does not serve as a prototype for the rabbinically sanctioned behavior of later Jewish officials serving non-Jewish masters. That role has fallen to Esther, who her eponymous book tells us was elevated to Queen of the Persian Empire; Mordecai, who served as Grand Vizier during Esther's reign; and especially Nehemiah, cupbearer to the Emperor Artaxerxes Longimanus of Persia. There are few explicit textual details about Esther's role as queen, other than the parties she hosted,[2] her revelation of Haman's plot to murder the Jews,[3] and the indirect references to her sharing a bed with King Ahasueros.[4] (The Talmud and the Midrash are full of speculation about Esther's activities in particular.[5]) Similarly, the Book of Esther says little about Mordecai's activities as chief minister, other than the letters and instructions that he and Esther jointly sent to the Jewish community.[6] On the other hand, the Book of Nehemiah is a memoir that details Nehemiah's proximity to the Persian king in his role as cupbearer, which made him one of the most powerful officials in the Empire. Indeed, what we know of other similar officials is that they acted as a sort of senior court advisor. [7] Nehemiah's formal role was to taste wine before the king did, so as to ensure that it was not poisoned.[8] The rabbis prohibited the tasting of all wine produced by non-Jews even if not for sacramental purposes (setam yeinam). They considered Nehemiah to be a member of the Great Assembly, to which they attributed a significant role in the formulation of rabbinic law. How then could Nehemiah have tasted forbidden wine? The rabbis therefore concluded that he was permitted to do so not only because of his need to taste the wine first, but because his official position within the Persian Government would enable him to lobby on behalf of the Jewish people (which in fact he did); thus, he was exempt from this rabbinic law. [9]

Nehemiah's position could be considered to be one related to national security—what office could be more important than that involving the direct preservation of the health, and indeed the life, of the ruling monarch? It is arguable, however, whether any exemption from rabbinic laws applies to levels of government below that of the ruler's immediate retinue. The Talmud is replete with accounts of Roman provincial officials whose role as surrogates for the Roman Emperor qualified them as the governmental authority of the day; and in almost all cases, that authority was directly linked to the security of the Roman Empire as well as the security of the Jewish people. Such Jews as might have been in the service of Roman officials could therefore have been expected to benefit from the same exemption as that granted to Nehemiah. Indeed, Rav Zoldan initially describes a karov lemalkhut as a government official: "a Jew who reached a senior post in a non-Jewish government administration of the nations of the

world."[10]

But the Talmud and subsequent rabbinic decisors expanded the breadth of exemptions from rabbinic law, and expanded the definition of who might benefit from those exemptions. The Talmud does not address the status of a Jewish government official per se. Rather, it speaks of a karov lemalkhut, which strictly speaking means anyone close to the government but not necessarily part of it. The Talmud notes that certain individuals, Avtulmus bar Reuven [11] and Rabbi Reuven bar Istrobili [12] were exempted from the ban on wearing their hair in the Roman style because they interacted with Roman officialdom. The latter actually passed himself off as a Roman Senator in order to prevent the Senate from passing legislation to exterminate the Jews. [13]

Significantly, the Talmud does not assert that either Avtulmus bar Reuven or Rabbi Reuven bar Istrobili actually were government officials. Additional exemptions were granted to the princely descendants of Hillel who circulated among the Roman elites. The family of Rabban Gamaliel was permitted to use a mirror (which until the early years of the Enlightenment was forbidden to men), and to study Greek texts.[14] Members of the family of Rabbi Judah the Prince were likewise permitted to cut their hair in the Roman style and use a mirror. In addition, they were exempted from the ban on the study of Greek texts. It is noteworthy that Maimonides considers the use of a mirror for a male to be a biblical prohibition; similarly, he considers wearing hair in a notably non-Jewish style as a biblical violation. Nevertheless, both Avtulmus and Rabbi Reuven, and well as the family of Rabbi Judah the Prince were considered exempt because of their unique circumstances. As is the case with respect to Avtulmus bar Reuven and Rabbi Reuven bar Istrobili, the Talmud does not assert that the families of Rabban Gamaliel and Rabbi Judah the Prince, as opposed to the two Rabbis themselves, held official Roman positions.

It appears, therefore, that a Jew need not actually be in government service to qualify as a karov lemalkhut, though all of the aforementioned cases involve persons who were in frequent, if not constant, contact with the governing authorities. Indeed, when Maimonides expands the exemption to include shaving, presumably with a razor, he explains that for "a Jew who is karov lemalkhut and must sit before their kings [my emphasis], [and] it would be an embarrassment for him if he does not appear like them," clearly implying that the Jew mixes regularly with officialdom.[15]

It would appear, however, that a person who is a karov lemalkhut cannot claim any exemptions from rabbinic, much less biblical, laws at all times. Generalizing

from the experiences recounted both in Scripture and Talmud, and pointing to the need for honoring malkhut—literally ‘royalty” but in practice “the government”—later decisors further expanded the exemptions available to those who could be considered karov lemalkhut. Rabbi Isaac ben Shmuel Hazaken (known as Ri) asserted that an “important woman close to the government” (isha hashuva krova lemalkhut) was exempted from the prohibition of yihud and could spend time behind closed doors with a government official; his is a minority opinion, however.[16] Rabbeinu Yaakov ben Asher (popularly known as the Tur, after his code, the Arba Turim) and Rabbi Yosef Caro in the Shulhan Arukh appear to permit any activity that would enable a karov lemalkhut to appear no different from others at a royal court. [17] Rabbi Yechezkel Landau, popularly known as the Noda Biyehuda, ruled that one who appeared before “ministers and dukes” could shave on Hol Hamoed if he normally shaved at other times.[18] Rabbi Moshe Sofer, known as Hatam Sofer , permitted those meeting “a minister and an important person” (sar vegadol) to cut their hair, clean themselves, and wear freshly laundered or pressed clothes even during the seven days of mourning for one’s father. [19]

More recently, Rabbi Yitzhak Nissim, the Rishon Letzion/Sephardi Chief Rabbi, citing the case of his predecessor Rabbi Yaakov Meir, permitted one to receive and to wear (when at an official function) a medallion in the shape of a cross, since it represented an honor bestowed by a senior personage.[20] Rabbi Ovadia Yosef also cited the case of Rabbi Meir, together with many other rulings permitting one to wear such a medallion.[21] Rabbi Zoldan, drawing upon a ruling of Rabbi Yaakov Reischer, known by his work Shevut Yaakov, [22] rules that one does not have to wear a head covering when in the presence of officialdom. [23] Rabbi Yitzhak Yaakov Weiss offered a more nuanced approach: vehakol lefi hamakom vehazeman, “all depends on the place and time,” and on the attitude of the government regarding these matters.[24]

Rabbi David Zvi Hoffmann recounted that at the school that Rabbi Hirsch founded in Frankfurt, as well as at the Orthodox school in Hamburg, the students were bareheaded when they studied secular subjects. He ruled that one could stand bareheaded while taking an oath in a courtroom. And he recalled that when he first entered Rabbi Hirsch’s home while wearing a hat, Rabbi Hirsch, acting in his capacity as director of a school in which there were non-Jewish as well as Jewish instructors, told him to remove his hat. Rabbi Hirsch explained that “here it is derekh erets (good manners) to remove one’s hat when meeting with an important person.” If Rabbi Hoffmann did not remove his hat before Rabbi Hirsch in his capacity as director, it would seem to the non-Jewish instructors as if he

were insulting him.[25]

What applied to senior school administrators and judges in court would certainly apply to government officials. In that regard, my late father, haRav Zvi Zakheim, told me that he once had accompanied haRav Shmuel Walkin to a meeting with a Japanese official in occupied Shanghai. Upon entering the presence of the official, Rabbi Walkin removed his hat; he gave a one-word explanation to my father: malkhus. Finally, Rabbi Haskel Lookstein provoked a storm of controversy when he attended a service at the Washington National Cathedral at the invitation of the President Obama. Rabbi Lookstein argued that the invitation put him in a position of being a karov lemalkhut and as such he had to attend.[26] His opinion actually reflected the practices of Chief Rabbis of England and rulings such as that of Rabbi Moshe Sitrug.[27]

Neverthless, decisors ranging from Rabbi Yosef to Rabbi J. David Bleich took the opposite view, though Rabbi Yosef had written that it was permitted to enter a mosque. [28] Who Qualifies as a Government Official? The Noda Biyehuda wrote of “dukes” and the Hatam Sofer spoke of “ministers” and “important persons.” In an age of great bureaucracies, malkhut may encompass far more people than in the past; then again, it may not.

The answer to the question of who qualifies as a government official with respect to halakhic considerations has two sets of ramifications. First, it will determine which posts held by a Jewish official generate the exemption from certain halakhic mandates. Second, it will determine which posts held by non-Jewish officials qualify those who interact with them as exempt from those mandates. In ancient times, malkhut often meant the power of life and death; even petty officials tended to have that power. Whether the status of malkhut applies across the board to all American officials of our day, so as to exempt Jews who hold any official position or Jews interacting with any office holder, is highly problematical, however. To begin with, it is not at all clear that any exemptions apply to positions that do not affect national security; not all officials have a national security role.

State and local officials certainly do not have such a role, except in an emergency situation such as 9/11, when the rule of pikuah nefesh, preservation of life, clearly takes precedence over all else. For example, Jewish officials on the staff of Mayor Rudolph Giuliani would have been exempted from various rabbinic laws in the immediate aftermath of the 9/11 attacks if those laws prevented them from carrying out their emergency responsibilities. In the natural course of events, however, the question of exemptions to rabbinic requirements would only apply

at the Federal level (or at the central government level in other countries), with the exception of special state and local anti-terrorist units, which, like New York's counter-terrorist unit, are part of the police department.[29] Even at the U.S. Federal level, however, not every official, indeed, not every national security official, qualifies as malkhut for the purposes of halakhic exemption. The U.S. Government has a dizzying array of officials, grouped in different classes, and with varying degrees of power within each class.

Many top officials generally fall within what is called the Executive Schedule, and are presidential appointees, usually, but not always, requiring confirmation by the Senate. Senate confirmed positions in what is called "the national security community" include the Secretaries of State, Defense, Homeland Security, their Deputy Secretaries, Under Secretaries and Assistant Secretaries, as well as the Directors, Deputy Directors and Assistant Directors of the numerous agencies (including the FBI) that comprise "the intelligence community." The "national security community" also includes General and Flag (i.e., Navy Admirals) Officers as well as Ambassadors, all of whom require Senate approval. Some of the most powerful Federal officials having an impact on national security do not require confirmation, however. These include numerous senior officials within the Executive Office of the President. Foremost among them are the White House Chief of Staff and his/her Deputy; the Director of the Office of Management and Budget—which is a Cabinet level position—and his/her deputy; the Assistant to the President for National Security, popularly called the National Security Advisor, and his/her deputy and senior staff; the Domestic Policy Advisor, and the Counselor to the President. Presidentially-appointed Special Representatives for particular missions such as the Special Representative for Afghanistan and Pakistan, as well as Special Negotiators, such as those who have attempted to broker an agreement between Israel and the Palestinians, also fall into this category. All of the aforementioned officials have staffs of various sizes; some staff officials are more powerful than others.

Deputy Under Secretaries are sometimes confirmed by the Senate and sometimes not; virtually all wield considerable decision-making authority. So too, do a significant number of Deputy Assistant Secretaries within the cabinet-level departments. In fact, even lower-level "desk officers" often affect national security decisions, since it is they who normally draft the policy memoranda that ultimately are signed by top level officials. Cabinet-level departments often also incorporate numerous semi-autonomous agencies. The leaders of these agencies, for example, the Secretaries of the Army, Navy and Air Force, within the Defense Department, and the Director of the Agency for International Development, the

senior State Department official responsible for managing foreign aid, all require Senate confirmation and wield considerable power. But so too do non-confirmed deputy assistant secretaries (or their equivalents) within each of these subordinate departments; again, these officials tend to work from drafts produced by their “desk officers.”

The Status of Special Government Employees (SGEs) It appears that officials who are in a position to decide on matters that will affect the physical or even, according to Rabbi Menachem HaMe’iri, the spiritual security of the Jewish people,[30] certainly would qualify as malkhut. If those officials are Jewish, they naturally would benefit from the exemptions from some rabbinic laws. Jews who interact regularly with such officials, whether they are Jewish or not, would also benefit from these exemptions. Special Government Employees (SGE), who serve the government on a part-time basis would receive these exemptions, but only during those actual times when they are serving in their official capacities, and only if their duties involve interactions with national security or intelligence officials. When they do not serve the government, for example when they conduct private business, SGEs lose their status as government officials, and, naturally, would forego any exemptions. In this regard they would differ both from senior Jewish national security officials, who are effectively on 24 hour, seven-days a week notice, and even non-governmental kerovim lemalkhut, since almost invariably SGEs carry on their duties at regularly scheduled predictable times.

Whether Jews who interacted with SGEs in the latter’s official capacities should be exempted at all is somewhat more problematical. SGEs invariably serve in an advisory capacity, though at times they can have significant influence over government policy (an example would be the role of the Defense Policy Board, which consists of SGEs, in advocating for the attack on Iraq in 2003). Since Jews meeting with SGEs would be once removed from decision makers of any kind, it is difficult to argue that they truly qualify under the rubric of karov lemalkhut. Some decisors are of the opinion that the exemptions from rabbinic laws need not be based solely on considerations of national security. They argue that the exemptions would go into effect even in circumstances where it is simply a matter of respect for authority.[31] Those holding this view might therefore also apply exemptions to Jews meeting with cabinet and sub-cabinet secretaries who have no impact on national security, for example, the Secretary of Housing and Urban Development. In this view, perhaps Jews who meet with lower level officials could also be exempted. In any event, all appear to agree that the exemptions apply with respect to those officials who can truly affect national security decision-making, be they Jews holding these positions, or Jews seeking to

influence those holding these positions. Government Officials and the Security of Israel If ever there was a sensitive matter affecting Jewish officials in the United States Government, it is that relating to activities that might affect the security of the State of Israel. Little, if anything, appears in the halakhic literature regarding this subject; the closest analog relates to the more general concern that Jewish officials must show for the welfare of their fellow Jews. Indeed, as noted above, the exemptions to those who are karov lemalkhut derive directly from the need for them to be in the best position possible to plead for the welfare of their brethren. As Mordecai told Esther, umi yodeah im le'et kazot higa'at l'malkhut, "And who knows, perhaps you have attained to royal position for just such a crisis."[32] Or, as the final words of the book of Esther recount regarding Mordechai—he was doresh tov le'amo ve'dover shalom lekhol zar'o—he sought the good of his people and interceded for the welfare of all his kindred . [33]

There would appear to be limits to the extent that Jews in the U.S. Government should act in support of the State of Israel. The American commitment to Israel's security is both bipartisan and long-standing. How that security is defined, however, can, has been, and will be the subject of occasional disagreements between the two countries. Such disagreements tend to be operational rather than strategic; that is to say, they center on questions of approach rather than fundamental principles, which over the long term will remain as aligned as they have been for decades. Jews serving in the Executive Branch will be expected to recommend positions regarding Israel that are fully consistent with American national interests. Once decisions are made as to American policy, which invariably will account for Israel's needs but first and foremost will address American interests, they must "salute smartly" and implement those decisions. If they feel that cannot agree with those decisions, they can resign from their posts. They should not attempt to undermine such decisions, for example, by leaking information to the press. Nor, of course, should they seek to emulate Jonathan Pollard, whose treason still rankles within the national security and intelligence communities. Government Officials and Pikuah Nefesh Exemptions from both biblical as well as rabbinic laws are not limited to government officials when danger to life is concerned.

Pikuah nefesh doheh Shabbat—the saving of life trumps even Sabbath prohibitions—is a well-known principle in halakha. How one defines pikuah nefesh is, however, the subject of considerable discussion among halakhic decisors. Rabbi Shaul Yisraeli interprets pikuah nefesh in very broad terms. He argues that one may violate a given Shabbat in order to save lives that may be lost at some time in the future. As he puts it "we here derive a major halakha that also [the

requirement for] saving life in the future, that we know will materialize at some time, is considered as if it is already present now, and it is incumbent upon us to do everything as if we were confronted with the need to save lives now." [34] Rabbi Yisraeli also rules that "everything that affects the peace of the community, or the prevention of any loss it might sustain, all is considered pikuah nefesh." He therefore also includes within the rubric of pikuah nefesh not only loss of life, but economic loss as well. And while it is well known that Jews are permitted to mobilize on Sabbath to prevent a possible attack, even over a nominally trivial issue, 35]

Rabbi Yisraeli goes further and permits any operation that is undertaken to improve the nation's economic well-being, its deterrent, or the prospect that its enemies might agree to sue for peace.[36] Rabbi Yisraeli's ruling, based on considerations of Israeli security and well being, would apply equally in the American context as well, and most particularly with respect to national security.[37] Nevertheless, a clear distinction must be made between routine activities, such as staff meetings, that are scheduled on Shabbat on a regular basis, and extraordinary circumstances, such as those following the aftermath of 9/11 and the launching of Operating Enduring Freedom, that is, the war in Afghanistan. In the latter case, and, until the end of 2010 in Iraq as well, danger to life was, and continues to be, an ongoing concern. America has lost thousands of its sons and daughters in these wars, and those forces serving in Afghanistan and the adjacent theatre continue to operate in harm's way. Activities specifically geared to the protection and support of our forces in Afghanistan, and in other less well-known operations that are part of the ongoing War on Terror, would appear to fall squarely into the category of pikuah nefesh. It is arguable, therefore, that Jewish officials who are required on a time-urgent basis to work on Shabbat to facilitate the safety and security of those forces can rely upon the various exemptions from both Biblical and Rabbinic law that are available to a karov lemalkhut.

Similarly, should a Special Government Employee, or even a contractor, be required to contribute to such time- urgent activities, a case can be made that they too are covered by the exemptions generated by the principles of karov lemalkhut. Jews serving in the Legislative Branch are in a different position. In most cases, they are hired with the understanding that they will not work on Shabbat except in the direst of emergencies, usually when there is a crisis that calls for Executive Branch consultation with the Congress. On occasion, when critical national security budgets are being finalized for Congressional approval, Jewish Members and staff attend those meetings, but the need actually to

undertake one of the 39 melakhot—forbidden activities—and their subsidiary actions, can usually be avoided. That this is the case has been demonstrated for many years by Senator Joseph Lieberman, whose ability to balance national needs with his religious obligations is a model for all whose serve in government at any level. Thus, for Legislative Branch officials, as for those of the Executive Branch, the context determines the exemptions, or, to repeat Rabbi Weiss' formula, as noted above, "all depends on the place and time."

In sum, pikuah nefesh is not a blank check. It is not a license for violating Shabbat or other laws when there are alternatives available to carry out one's mission or duties. For example, government officials living in nearby Georgetown have walked, rather than ridden, on Shabbat to their offices in downtown D.C. or on Capitol Hill. And they have relied on others to take notes, unless the need for their written signature or urgent email message was unavoidable. When, therefore, in January 2001, before either of us had been confirmed for our respective positions, Donald Rumsfeld told me that life was always in danger somewhere within the realm that is covered by the Department of Defense, I told him that I could certainly work on my Sabbath when life was truly in danger. On the other hand, I added, if it was merely a matter of attending an ordinary meeting of some kind, such as a staff meeting, that was an entirely different matter. Rumsfeld accepted this explanation without hesitation. As things transpired, I indeed often had to work late on Fridays in the immediate aftermath of 9/11, as our troops desperately needed supplies that my office had to fund. On the other hand, I never attended a routine meeting on Shabbat during my entire period of service at the Department of Defense. And Rumsfeld was as good as his word; not once did I ever have to explain my absence from a Pentagon meeting that was held on the Jewish day of rest.

[1] TB Kallah Rabbathi, 53a provides a fascinating commentary that seeks to legitimate Joseph's marriage, based on his telling Jacob that he had been granted children "with this" (bazeh) meaning a ketubah. Midrash Hagadol adds that he also showed evidence of kiddushin (marriage). Rabbi David ben Amram Ha'edni, Midrash Hagadolvol 2, ed. Mordechai Margoliot, 2nd ed. (Jerusalem: Mossad Harav Kook, 1997), p. 821. Rabbi Shlomo ben Yitzchak—Rashi—offers a variant of these two midrashim by saying that Joseph showed the engagement agreement (shtar eirusin) and the ketubah (Genesis 48:9, i.v. Bazeh). [2]Esther 5:4–9. [3]Ibid.,7:3–6, 9:25. [4]Ibid., 2:14–18. [5] See, for example, Talmud Bavli (TB), Megilla 13a, Sanhedrin 74b; see also Zohar Vol. 3 276a. [6] See Esther 9:20, 29–32. [7] The apocryphal book of Tobit describes the Persian cupbearer Ahiqar—whom Tobit describes as "keeper of the royal seal, calculator of the accounts." Cf. Tobit 1:22. Tobit claimed that Ahiqar was his nephew, and that "Essar Hadon had established

him as second in command." Fifth century C.E. Assyrian papyri confirm the existence and role of this powerful figure. [8] See Rashi, TB, Kiddushin 69b, i.v. Hatirshata. [9] Talmud Yerushalmi (TJ) Kiddushin 84: Halakha 1; and the comments of Alei Tamar ad. loc. [10] Rabbi Yehuda Zoldan, "Heteirei Halakha She'nitnu L'krovim L'malchut," Techumin 21 (5761/2001), p. 171.The phrase cited in the text is a free translation of Yehudi she'higi'a le'tafkid bachir b'ma'arechet shilton lo-Yehudit b'umot ha'olam. [11] TB Baba Kamma 83a. [12] TB Me'ila 17a. [13] Ibid. [14] TJ Avoda Zara, 82: Halakha 2. [15] Maimonides, Yad haHazaka, Hilkhot Avoda Zara 11:3. [16] Rabbi Isaac ben Shmuel Hazaken (Ri), b.v. Aycha, TB Avoda Zara, 25b. Rashi, Rabbi Isaac Alfasi (Rif), and Rabbi Joel Sirkis (Bach), all reject this opinion. [17] Tur, Yoreh Deah, 178:2. [18] Rabbi Yechezkel Landau, Noda Biyehuda, Mahdura Kamma (1st ed.): Orach Chaim: Responsum 13 (Ashkelon and Natanya (Machon Yerushalayim, 5754/1994), p. 18. [19] Rabbi Moshe Sofer, Chatam Sofer, Vol. 1, Orach Chaim: Responsum 158 (Bnei Beraq: Sifrei Kodesh Mishor, 5753/1993), p. 136. Rabbi Sofer notes that Radba"z considers cutting one's hair during the first thirty days of mourning to be a violation of Biblical law, but that most decisors do not agree with this view. [20] Rabbi Yitzchak Nissim, Yain Hatov: Yoreh De'ah: Responsum 11 (Jerusalem 5739/1979), see especially p. 193. [21] Rabbi Ovadia Yosef, Yechave Da'at, Vol 3, Section 65 (Jerusalem: 5740/1980), pp. 205–207. [22] Rabbi Yaakov Reischer , Shvut Ya'akov, Vol. 3: Responsum 5 (Metz: J. B. Collignon, 1789), p. 10. http://hebrewbooks.org/pdfpager.aspx?req=19545&st=&pgnum=10&hilite= Rabbi Reischer begins his responsum by noting that the Talmud provides no clear guidance regarding the need to cover one's head, and that the author of the Kol Bo rules that there is no prohibition against being bareheaded, and that decisors such as the Rif rule only that one must cover one's head when entering a synagogue. [23] Zoldan, Heteirei Halakha, p. 179. [24] Rabbi Yitzchak Yaakov Weiss, Minchat Yitzchak, Vol. 3: Responsum 33 (New York: 5750/1990), p. 64. Rabbi Weiss also cites Shvut Yaakov. [25] Rabbi Dovid Zvi Hoffmann, Melamed Leho'il: Responsum 56 (Jerusalem, 5770/2010), pp. 235–236. It is clear from the responsum that when Rabbi Hirsch spoke of removing one's hat, he meant that a person should be bareheaded. [26] Jacob Berkman, "Lookstein: Why I participated in National Prayer Service," The Telegraph (January 23, 2009) http://blogs.jta.org/telegraph/article/2009/01/23/1002480/after-rankling-the-rca-looksteins-letter-eplains-his-move [27] Rabbi Moshe Sitrug, Yashiv Moshe Vol.1: 235, cited in Rabbi Ovadia Yosef, Yabia Omer Vol. , Yoreh De'ah 7: Responsum 12 (Jerusalem: 5753/1993), p. 226. [28] Ibid., pp. 227–228; Rabbi Bleich's comments appear in J. David Bleich, "Survey of recent halakhic periodical literature: entering a non-Jewish house of worship," Tradition 44 (Summer 2011). [29] For a discussion of police and crime prevention relating to pikuah nefesh see Rabbi

Shaul Yisraeli, Amud Hayemini, Jerusalem: Machon HaTorah VehHamedina), pp. 144–146 passim. [30] Rabbi Menachem ben Rav Shlomo Lebeit Meir (HaMeiri), Beit Hebechira with notes and commentary by Rabbi Abraham Schreiber, 3rd ed., vol. 11 Bava Kama 83a (Jerusalem: Kedem, 1964), p. 239. [31] See citations of Nachmanides and others in Zoldan, Heteirei Halakha, p. 174. [32] Esther 4:14. The translation is from The Jewish Publication Society of America, The Writings: Kethubim: A new translation of THE HOLY SCRIPTURES according to the Masoretic text, Third Section (Philadelphia 1982). [33] Esther 10:3, translated ibid. [34] Yisraeli, Amud Hayemini ,p. 144 [35] The issue can be as trivial as a quarrel over teven vekash—straw. Shulhan Arukh: Orah Hayyim, 329:6, and Or Zarua, as cited there. [36] Ibid., p. 146. [37] Leading decisors, both past and present, notably the Hatam Sofer, and more recently, Rabbi Eliezer Yehuda Waldenberg and Chief Rabbi Yisrael Meir Lau, have ruled that pikuah nefesh applies equally both to Jews and non-Jews. See Chatam Sofer: Vol. 1, Yoreh De’ah:Responsum 131, p. 296; Rabbi Eliezer Yehuda Waldenberg, Sefer Meshivat Nefesh, reprinted as Tzitz Eliezer, Vol. 8:15 (Jerusalem: 5745/1985), esp. pp. 86–88; Rabbi Yisrael Meir Lau, Yachel Yisrael Vol. 2: Responsum 69 (Jerusalem 5752/1992), p. 378.