

Nuking Gaza and Interrogation Torture

To keep the source sheet short and navigable, I just included links to most of the sources.

Nuking Gaza

1. לב שומע לשלמה כרך ב סימן לט – קדמיות ועדיפויות בהצלת נפשות
<https://www.gov.il/BlobFolder/legalinfo/levshomea2/he/LevShomea2.pdf>
2. בעקבי הצאן עמ' שע
3. Gray Matter III ,Israel, Halachic Perspectives on Civilian Casualties
https://www.sefaria.org/Gray_Matter_III%2C_Israel%2C_Halachic_Perspectives_on_Civilian_Casualties.1?lang=bi&with=About&lang2=en
4. Contemporary Halakhic Problems, Vol III, Part II, Chapter XI Preemptive War in Jewish Law
https://www.sefaria.org/Contemporary_Halakhic_Problems%2C_Vol_III%2C_Part_II%2C_Chapter_XI_Primitive_War_in_Jewish_Law.56-57?lang=bi

Perhaps of even greater significance is the fact that war almost inevitably results in civilian casualties as well as the loss of combatants. The taking of innocent lives certainly cannot be justified on the basis of the law of pursuit. The life of the pursuer is forfeit in order that the life of the intended victim be preserved. However, should it be impossible to eliminate the pursuer other than by also causing the death of an innocent bystander, the law of pursuit could not be invoked even by the intended victim, much less so by a third party who is himself not personally endangered. Since the law of pursuit is designed to preserve the life of the innocent victim, it is only logical that it is forbidden to cause the death of a bystander in the process since to do so would only entail the loss of another innocent life. In such situations the talmudic principle "How do you know that your blood is sweeter than the blood of your fellow?" (*Sanhedrin* 74a) is fully applicable.

Were war to be sanctioned solely on the basis of the law of pursuit, military action would perforce be restricted to situations in which loss of life is inflicted only upon armed aggressors or upon active participants in the war effort; military action resulting in casualties among the civilian populace would constitute homicide, pure and simple. However, not only does one search in vain for a ruling prohibiting military activity likely to result in the death of civilians, but, to this writer's knowledge, there exists no discussion in classical rabbinic sources that takes cognizance of the likelihood of causing civilian casualties in the course of hostilities legitimately undertaken as posing a halakhic or moral problem.

Torturing Terrorists During Interrogations

5. חקירות השב"כ לאור ההלכה - הרב ד"ר איתמר ורהפטיג – תחומין
<https://www.zomet.org.il/?CategoryID=266&ArticleID=268>

6. לב שומע לשלמה כרך ג סימן א – הכטחון שירותי בחקירות פיזי לחץ הפעלת
<https://hebrewbooks.org/pdfpager.aspx?req=66621&st=&pgnum=19>

7. Contemporary Halakhic Problems, Vol VI, Chapter I Torture and the Ticking Bomb
https://www.sefaria.org/Contemporary_Halakhic_Problems%2C_Vol_VI%2C_Chapter_I_Torture_and_the_Ticking_Bomb