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Yeshivat Ateret Yerushalayim

IN THE HEART OF THE OLD CITY OF JERUSALEM

On the Air with Ha-Rav Shlomo Aviner

Rav Aviner answers questions of Jewish Law and faith on the radio in Israel on Tuesday & Thursday nights (To listen: www.kimizion.org/shiur/shut.html). On the Air presents a sample each week.

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Killing a terrorist when he has stopped murdering

Q: Is it ethical to kill a terrorist when it is logical to assume that he will no longer murder?

A: This question can be divided into two parts. 1. From the perspective of reality, how is it possible to be certain that he has stopped murdering? It is impossible to know. 2. Even if we know that he will no longer murder, we must still kill him. But why – isn't this the law of a "rodef" (literally "pursuer" – a case in which one is permitted to kill a pursuer so that the pursued person is saved from harm)? If he is in pursuit, we kill him and if he is not in pursuit, we do not kill him. There are three answers given by halachic authorities. a. The terrorist is not finished being a "rodef". He is not an "individual rodef" who is angry with a particular person and wants to kill him, he is a "communal rodef" who wants to kill Jews and he does not care which Jews they are. If we capture him, put him in jail and he is later release as is the custom – to our great distress – he will continue to murder. The organization of parents of those murdered by terrorists has exact records which state that more than 180 Jews have been murdered by released terrorists who have murdered again. This means that when you free a terrorist with the proper goal of helping Jews, you endanger more Jews. This person is therefore not a one-time "rodef," but a perpetual "rodef." b. The halachic authorities also say that you should kill him in order that others will see and be frightened. This "rodef" is teaching other "rodefim" through his action. If he kills Jews and when the police approach, he gives up and we have mercy on him, we encourage

others to act like him, thus endangering other Jews. Therefore, in situations like these, we must be extremely ethical. The question is, ethical to whom – the "rodef" or others Jews? Answer: to both of them. We must be ethical to the Jews who have done nothing wrong and to him, since if we kill him, we stop him from killing others and lessen his "Gehinom" (punishment in the World to Come). The Mishnah in Sanhedrin (71b) says that the "ben sorer u-moreh" (the rebellious son – see Devarim 21:18–21) is killed over his future. While he has done many things wrong, he has not committed a sin for which he is liable for capital punishment, but he is killed so that he will die innocent and not guilty. In our case the terrorist is already liable, but he should die liable and not even more liable. We do not use the concept "he should die innocent and not die guilty" to create new laws, but to explain them. C. These are halachot of war, and in war, we do not lock up an enemy who is shooting at us, but we fire back at him. This is similar to what King Shaul said to the "Keni" (Shmuel 1 15:6): "Go, depart, go down from among Amalek, let I destroy you with them." This means, even though you are my friend, if you are there, you could get hurt or killed. In the halachot of war, we do not make such calculations as it says, "The best of the non-Jews should be killed." The Tosafot raise a major difficulty with this statement: how can we say such a thing when according to Halachah it is forbidden to kill a non-Jew and all the more so the best of the non-Jews (Tosafot to Avodah Zarah 26b and see Beit Yosef Yoreh Deah 158)? Tosafot explains that this statement refers to a time of war. This non-Jew seems pleasant or, in our case, he killed but he will be pleasant. No, we did not make such calculations in a time of war; even a pleasant-seeming non-Jew is killed.

In sum: we therefore see that killing a terrorist is ethical.

Messiah arriving when we are not thinking about him

Q: How is it possible that the Messiah will arrive when we are not thinking about him when the Rambam says that we are required to wait for him to come every day?

A: The Gemara in Sanhedrin (97a) says that three things come when people are not thinking about them – the Messiah, a found object, and a scorpion. The meaning of "when people are not thinking about the Messiah" is that he will come in unexpected ways. Redemption sometimes seems messy and confusing, but do not despair. The Messiah can arrive in ways that we do not know. The Netziv – Rav Naftali Tzvi Yehudah Berlin – comments on the words of Moshe Rabbenu: "But they will not believe me, and they will not listen to my voice, for they will say, Hashem did not appear to you" (Shemot 4:1). He explains that it is clear that Moshe did not say that they will not believe in the Redemption at all, since this is what they were requesting. Rather Moshe said that they will not believe him that Hashem appeared to him. This is because they did not know that Moshe grew up with the Torah which was passed down from their forefathers. His holiness and righteousness were not known, since he grew up in Pharaoh's palace in his youth, and he dressed and spoke like an Egyptian. From human perspective, it was more appropriate that Hashem would appear to Aharon, the holy one of Hashem, who prophesized while still in Egypt. This was Moshe Rabbenu's claim that they will not believe me since I look like an Egyptian. The Netziv

explains that when the Redemption arrives it will come in ways which you did not imagine, so do not reject it. Hashem can bring the Redemption in ways that you did not think about (Igeret Acharit Ke-Bereshit, Kovetz Shivat Tzion vol. 1, pp. 17-18 and in a shortened form in Ha-Emek Davar – Shemot 4.1).

The Meharsha in his commentary on the Gemara (ibid.) raises a difficulty: we explained that "the Messiah will arrive when we are not thinking about him" means that he will come in unexpected ways, but what does it have to do with a found object and scorpion which also arrive when we are not thinking about them? This is obvious – we do not need our Sages to tell us this?! The Meharsha explains that this statement is all one subject. The Messiah arriving in unexpected ways is a found object for one person and a scorpion for another. Hashem is bringing the Redemption and if one has already figured out how the Redemption should occur and it is suddenly different, he will be disappointed and angry. For him, the Messiah is a scorpion. But if someone has not decided how the Redemption will occur and he will be happy in any event and the Messiah will be like a found object.

We therefore wait for the Messiah every day. The Gemara in Eruvin (43b) says that if someone says: "I will be a nazir on the day that the son of David (i.e. the Messiah) arrives" – he is immediately a nazir, since the Messiah may come today. If night falls and the Messiah has not arrived, he is a nazir the next day. This means that we must wait for the Messiah each day and it is forbidden to be distracted from this thought. The sixth Lubavticher Rebbe – Rabbi Yitzchak Yosef – said three things regarding this issue: 1. We must wait for the Messiah each day. 2. We must act like a people who are waiting for the Messiah to arrive on that day in holiness and purity, learning Torah, and performing mitzvot and good deeds. 3. If everyone is waiting for the Messiah each day and acting like people who are waiting for the Messiah to arrive on that day, the Messiah will certainly arrive on that day.

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