



Parashat Vayechi 5769

Prepared by Rabbi Mordechai Friedfertig

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Would you like to ask Rav Aviner a question? E-mail [mororly@bezeqint.net](mailto:mororly@bezeqint.net).

## Bombing Civilians During War

[Q&A from Rav Aviner's radio show]

Q: Is it permissible to bomb civilians when terrorists are hiding among them and attacking us?

A: It is clear that it is permissible according to Halachah and is acceptable by international law. It is permissible according to the Halachah based on the law of "rodef" (literally "pursuer" - a case in which one is permitted to kill a pursuer so that the pursued person is saved from harm). Civilians who potentially prevent us from bombing and then the enemy fires on us, those civilians have the law of "rodef." The law of "rodef" applies even when the pursuer does not want to be a "rodef." This is called a "pursuer without intention." You grab a person and shoot from behind him - this person is considered a "rodef." The classic example of a "pursuer without intention" is a fetus in the mother's womb who endangers the mother's life. If it is not possible to save both of them, we save the mother and kill the fetus since it has the status of a "rodef" (Rambam, Hilchot Rotzeach U-Shemirat Ha-Nefesh 1:9 based on the Jerusalem Talmud). This is true even not only during a war, and it applies all the more so when they are waging war against everyone. The Mechilta (halachic midrash) says "The best of the non-Jews should be killed." The Tosafot raised 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 (Sanhedrin 53) 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 does not appear to be hostile or, in our case, he killed but then reacquired an innocent demeanor. No, we did not make such calculations in a time of war; even a "pleasant"-seeming non-Jew is killed. A war is between two peoples. This is similar to what King Shaul said to the "Keni" (Shmuel 1 15:6): "Go, depart, go down from among Amalek, lest I destroy you with them." This means, even though you are my friend, if you are there, you could get hurt or killed. Therefore, it is permissible according to the regular Halachah based on the law of "rodef" and the laws of wars, and it is also acceptable among the non-Jews. During the Second World War, the Allied Forces bombed Berlin and destroyed neighborhood after neighborhood, until they reached the bunker of Hitler, may his name be blotted out, and he then committed suicide. The Allied Forces killed two million people during the conquest of Berlin and no one said a word because they understood that there was no choice. This is what Carl von Clausewitz, a military theorist, refers to as "Absolute War," i.e. we prefer not to wage war but if we are forced to go to battle, we are obligated to do so in the most cost effective way in which we save the most lives and equipment. We are all for "Purity of Arms" and for saving citizen lives. But which civilians? Our civilians who are

being attacked. The political philosopher, Michael Walser, once wrote that when armed Palestians shoot rockets from civilian populations, they themselves – and no one else – are responsible for civilian deaths which are caused by the Israeli response. They are guilty, we are not (This is also the ruling of Ha-Rav Shaul Yisraeli in the book "Amud Ha-Yemini" at the end of chap. 16 and Ha-Rav Yona Metzger in the book "Sofa Be-Midbar" #35 printed in vol. 3 of Shut Mi-Yam Ha-Halachah).



Ha-Rav answers hundreds of text message questions a week. Some appear in the parashah sheets "Ma'ayanei Ha-Yeshu'ah" and "Olam Ha-Katan." Here's a sample:

Q: Is it permissible to lie to my parents that I am not entering Gaza to fight so they will not worry?

A: Yes. It is lying for their sake.

Q: According to the opinion of Ha-Rav Shlomo Zalman Auerbach that it is permissible to give food to a non-observant Jew who will not recite a blessing, is it permissible to give dairy food to a non-observant Jew after he has eaten meat?

A: Yes, because waiting between meat and dairy is "only" a rabbinic obligation, and especially since according to the Tosafot if one eats a meat meal, he can eat dairy at the next meal (without waiting).

Q: Is it a transgression to burden a non-Jewish cleaner by not being concerned about cleanliness at all and making the floor dirty?

A: One should certainly not burden him or her. Proper manners precede Torah.

Q: Which is preferable – davening minchah with a minyan after sundown or davening alone before sundown?

A: Even if there is only one opinion that it is still an appropriate time, then it is still permissible to daven at that time. However, the Mishnah Berurah does not agree and says that it is preferable to daven alone at the appropriate time.

Q: Is it permissible to daven with a Chasidic tune in the background?

A: No. One must pray with a trembling of fear, as if standing before a king.

Q: Scientists claim that the world has existed for billions of years. How then can Judaism say that it is approximately 6,000 years old?

A: Hashem created worlds before our world. Bereshit Rabbah.

Q: I returned to traditional observance twenty years ago, and it was told that someone sins are forgiven, but now I am very sick? How can this be?

A: It is not written that a righteous person will not be distressed. There are many righteous people in the world who suffer. May Hashem bless you.

Q: When I was angry, I swore not to have anything to do with my friend. Is there a way for me to be released from the oath?

A: You must go before three Rabbis.

Q: Is it permissible to work out in a co-ed gym?

A: No. It is immodest. One should stay far away from things like this.

# Stories of Rabbenu – Our Rabbi

## Ha-Rav Tzvi Yehudah Ha-Cohain Kook

Tzahal - Israel Defense Force – Part 3

After the Six Day War, there was a meeting between government officials and the head of Yeshivot. Representing the government and army was Moshe Dayan, and representing the yeshivot were our Rabbi, Ha-Rav Yechezkel Abramsky and Ha-Rav Chaim Yaakov Goldvicht. When Moshe Dayan asked why yeshiva students are exempt from the army while other youths fight and die to protect the country, our Rabbi responded that he rejects the term "exempt." His students are not exempt from the army but delay their entry for a few years to solidify their Torah education before going out to defend their country. Our Rabbi advocated juggling these two imperatives -- Torah study and army service -- by first solidifying one's Torah accomplishments and only then serving in the army. (Sidrei Tzava Vi-Yeshiva #4, Sefer Am Ve-Artzo vol. 2 pp. 523-531)

It once happened that Jews went to pray at the Cave of Machpelah and waved the Israeli flag there in defiance of the orders of the Army and the Border Police. An argument broke out between them, and one side pulled the flag in one direction and the other side pulled in the other direction, until it ripped. When the matter was brought to the attention of our Rabbi, he said that placing the Army and the Police, who are our friends, in such an incredibly unpleasant situation of having to take the flag from Jews is more treif than pig.

When Tzahal blew up the Nuclear Reactor in Iraq in the year 5741, our Rabbi said in a voice trembling from excitement: "Did you hear! All of the non-Jews are shaking and scared from what the Jews did. Did you hear! Did you hear!" And he could not calm down. At that moment, a pregnant woman came in and requested a blessing for an easy pregnancy. Our Rabbi warmly blessed her, and then returned to saying: "Did you hear! Did you hear!" Klal u-ferat u-klal – the community, the individual, the community. (from Efrat Bedichi)



## **Shut She'eilat Shlomo - Questions of Jewish Law**

### X-mass cookies

Question: Is one allowed to buy and eat x-mass cookies (in the shape of the tree, etc.) if they are kosher?

Answer: Yes, it has no connection to idol worship.

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**Yeshivat Ateret Yerushalayim** P.O.B. 1076 Jerusalem 91009 Tel.02-6284101 Fax.02-6261528  
[www.ateret.org.il](http://www.ateret.org.il) To subscribe, send e-mail to: [mororly@bezeqint.net](mailto:mororly@bezeqint.net)

