



On the Air with Rav Aviner - #96

From Ha-Rav's weekly radio program in Israel

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The State of Israel & rebelling against the nations

Q: How was it possible to establish the State of Israel when the Gemara (Ketubot 111a) says that it is forbidden to rebel against the nations of the world?

A: While the Gemara in Ketubot does mention the prohibition of rebelling against the nations of the world, it is not found in the law codes – not in the Rambam or the Shulchan Aruch. There are two possibilities why this is so. 1. It is a dispute and we did not hold this way (Our Rabbi, Ha-Rav Tzvi Yehudah, Le-Netivot Yisrael, vol. 2, p. 217). 2. This is not a legal (halachic) issue but a homilectic (aggadic issue) (see Shut Avnei Nezer, Yoreh Deah #454 and Ha-Rav Menachem Kasher's "Ha-Tekufah Ha-Gedolah," p. 187).

There is a commentary to the Rambam's Sefer Ha-Mitzvot called "Megillat Ester" by Ha-Rav Yitzchak Leon and he did in fact write that it is forbidden to conquer Eretz Yisrael since it is forbidden to rebel against the nations of the world. He argued with the Ramban who said that it is a mitzvah to conquer the Land of Israel throughout all generations (Additions to the Sefer Ha-Mitzvot, positive mitzvah #4). It is thus a dispute between the Ramban and the author of "Megillat Ester." According to the general rules of deciding Halachah, we must follow one of them. The Ramban is well-known to all and there are many of his rulings in the Shulchan Aruch, while there is not even one law from the "Megillat Esther." Furthermore, the Rambam did not cite the Gemara that it is forbidden to rebel against the nations of the world.

Ha-Rav Meir Simchah – the Or Sameach – wrote in a letter of support for "Keren Ha-Yesod" ("The Foundation Fund" established to raise money and invest in the Jewish Homeland) that

even according to one who claims that there is a prohibition to rebel against the nations of the world, we did not rebel or take the Land by force since the British gave us the Land. And after the British gave us the Land, the Arabs attacked us. We did not rebel against them, they came and attacked us. By permission of the nations of the world in the Balfour Declaration, San Remo and the UN vote, the prohibition fell even according to those who claim that such a prohibition existed.

Q: But the Satmar Rebbe said it is forbidden to establish the State?

A: This is correct, but the Satmar Rebbe's opinion is more-or-less a lone opinion. I have a relative who is a Satmar Chasid. I once visited him when I was on "shelichut" in America and he told me. The Satmar Rebbe once showed his book to a Dayan (Judge) on the Beit Din of Satmar. After some time, he asked: "Did his honor look in my book?" He did not and he said: "It is not enough to just look in his honor's book, it requires study." The Satmar Rebbe waited some time. He then asks: "Did his honor study my book?" The Dayan saw that he could not avoid the question so he said: "If this book is based on sources from the Gemara, I do not understand what is written there. If it is based on the 'Ruach Ha-Kodesh – Divine Spirit' of his honor the Rebbe – then what can I say?" This it is how a Dayan on the Beit Din of Satmar responded. This means that the Satmar Rebbe's opinion is a lone one and almost every authority disagrees with him. If you are a Satmar chasid that is something else, each person should follow his Rav. But if you are not a Satmar chasid, you should follow the majority of the Sages of Israel (See the book "Keraina De-Igarta" (#205), where the Steipler Gaon – Ha-Rav Yaakov Yisrael Kanievski – wrote that it is incomprehensible that after the establishment of the State, how the Satmar Rebbe could still hold his position).

A Sefardic Jew with an Ashekenazic Rabbi and an Ashenazic Jew with a Sefardic Rabbi

Q: Can a Sefardic Jew have an Askenazic Rabbi or an Ashkenazic Jew a Sefardic Rabbi?

A: It does not matter. The person certainly has to tell the Rabbi that he is Ashkenazic if the Rabbi is Sefardic, and the Rabbi will answer him according to what an Ashkenazic Jew is should do. A Rabbi knows the halachah for everyone, and if he does not he will ask, except is the case of "pikuach nefesh" – a life threatening situation, since "piku'ach nefesh" is the same for a Sefardic and an Ashkenazic Jew.

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