



Parashat Ki Tzetzei 5771 - #202

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### From the Archives



Ha-Rav Aviner with Ha-Rav Aharon Soloveitchik  
on the way to the Yeshiva

### On the Parashah...

#### Accepting Converts from Amalek

[Iturei Cohanim #155]

Question: In the Mechilta (on Shemot 17:16), our Rabbis prohibit accepting converts from Amalek, but the Gemara (Gittin 57a) mentions that the descendants of Haman learned Torah in Bnei Brak. Don't these two sources contradict one another?

Answer: Quite simply, it is a dispute. According to the Mechilta, we do not accept converts from Amalek, but the Babylonian Talmud does not forbid it. It is clear that the Rambam ruled like the Gemara, since he did not mention in the "Laws of

Converts" that it is forbidden to accept converts from Amalek. He must therefore explain the problem of how King David killed the Amalekite convert who claimed he killed King Shaul, even though there were no witnesses (Shmuel 2 1). According to the Mechilta, we do not accept converts from Amalek and a non-Jew can receive capital punishment based on self-incrimination. But the Rambam followed the Gemara that we can accept converts from Amalek and it is forbidden to kill a Jew based on his own testimony. The Rambam thus explained that King David's action was an exceptional ruling, or an example of the unique powers given to a king (Rambam, Hilchot Sanhedrim 18:6). According to this explanation, there is a dispute between the two sources. It is possible, however, to resolve this contradiction in various ways:

1. There is a different version of the Gemara which reads: "The descendants of Na'aman" instead of "The descendants of Haman" (see, for example, Ba'al Ha-Turim on Shemot 28:2).
2. It is forbidden to convert an Amalekite, but if they converted on their own, they are considered converts (Megillat Sefer, Lo Ta'aseh 115). This resolution is difficult since the Mechilta seems to hold that we do not accept converts from Amalek at all.
3. It is permissible for them to convert and to be Jewish for all purposes but we do not marry them (Megillat Sefer *ibid.*). This is also difficult since the Mechilta is discussing conversion and not marriage.
4. We do not convert them from the outset, but if they convert they are considered converts after the fact (Shut Beit Yehudah. Resisei Lailah of Rabbi Tzadok Ha-Cohain Mi-Lublin #32 and 58). This is also difficult since the Mechilta implies that they are not considered converts even after the fact.
5. While Haman was from Amalek, he was a slave to Mordechai and slaves do not have "yichus" (i.e. are not related to anyone). Thus, Haman's descendants are not related to him and are not considered Amalek (Kli Chemdah on the Torah).
6. If a woman marries a non-Amalekite, the offspring are not considered Amalek, since the genealogy of non-Jews is patrilineal (Yevamot 78b). According to this explanation, the "descendants of Haman" is not to be taken literally but rather, means that they were descendants of women in the Amalekite line (Gilyon Ha-Shas, Gittin 57a and Chazon Ish, Yoreh Deah Gerim 157). This explanation follows the opinion of the Rambam in Moreh Nevuchim (3, 50) that the obligation to destroy Amalek does not apply to women.

This is still difficult, however, since the Mechilta there writes that Hashem swore not to leave a grandchild or a great-grandchild of Amalek, and this potential convert is a great-grandchild of Amalek! Some explain that even though this potential convert is not an Amalekite, since he is from the offspring of "Amalekite women," we should still reject him since he is connected to Amalek in some manner.

7. According to the Rambam, if Amalek makes peace, there is no longer a mitzvah to eradicate them (Hilchot Melachim, chap. 6); i.e., he is no longer an Amalekite and it is thus permissible to convert him (Mishpat Ha-Meluchah of Rav Gershuni, Hilchot Melachim, chap. 5). While it is forbidden to convert directly from Amalek, it is possible for one to convert in another manner.

Additional sources: Shut Maharsham 3:272, "Sefer Michlol Ha-Ma'amarim" erech mi-bnei, Shut Mishneh Halachit 6:220, Sefer Hasidim 1019, Kedushat Levi – Kedushat Revi'it p. 124b (Sefer Haichei David 560), Seridei Eish 2:104 (ibid. 564).

## Rav Aviner on... Social Protest or Money Struggle?

[Be-Ahavah U-Be-Emunah – Shoftim 5771 – translated by R. Blumberg]

Does the protest against the high price of housing that has ballooned into a wider protest about the cost of living have any connection to the Torah? Certainly G-d enlightens our path in every matter affecting national affairs or social welfare, and all G-d has told us we must do and obey. The question is whether we have here a social protest or a money quarrel, a protest over life or a sectarian protest over luxuries.

Obviously, struggling for one's interests is legitimate and permissible according to the Torah. One is allowed to fight to be rich. The Torah allows it, but doesn't require it. What we are required to do is to prevent poverty, and what we're allowed to do is to raise the standard of living. Preventing poverty is a duty that falls within the framework of charity. According to Jewish law, the individual must give charity and the public must mandate that. In other words, the community must provide for its poor. And all the more so the Jewish State. As is well-known, one's life takes precedence over someone else's life (Baba Metzia 62b), but one's luxuries do not take precedence over one's neighbor's life.

For example, it cannot be that you will take a bath or water your garden if your neighbor has no water to drink (Nedarim 80b). And what is a poor person? It is someone who is lacking the bare minimum. As noted, raising the living standard is permissible, but one has no Torah obligation to join and abet such a struggle.

The protest in question has been defined by its leadership: The middle-class is collapsing, and is demanding of the government a larger piece of the pie, at the expense of other national needs (like security). Thus, we're not talking about a real struggle on behalf of the poor.

True, some genuine poor have joined the protest, but they are a negligible minority. In fact, all sorts of other groups have joined, each with its own agenda: Some are fighting to stop the destruction of illegal Arab homes, others on behalf of illegal Bedouin towns, still others on behalf of immigrants and refugees, including some who are genuinely poor and homeless. Yet the main struggle is over the status of the middle class.

**If we're going to struggle over something, it should be over the abject state of the real poor. That is a Torah mitzvah.** Yet the problem of genuine poverty isn't so easy to solve either, because there is a limit on how much taxation you can legislate. In the economic reforms enacted by Prime Minister Netanyahu in his last term of office (ten years ago), he limited how much welfare money the government could allocate. The situation at the time was that ten percent of the nation was supporting the other ninety percent. There was a danger that the ten percent would get sick of this, and would move themselves or their factories abroad, or engage in a battle of wits, seeking legal loopholes around taxes.

The solution has to be a fight not against the rich, but on behalf of the genuine poor.

There are several practical solutions regarding housing costs. For example, an average apartment costs about 1,550,000 NIS (443,000 U.S. dollars). Out of that, 400,000 goes for construction, 150,000 to the contractor, 150,000 for development. So far, a total of 700,000. The land costs 500,000, and various taxes cost 350,000. Thus, 850,000 shekels goes to the State. Such a sum can be collected from the rich, but it isn't right to collect it from the poor. Yet truth be said, our Prime Minister has now suggested several solutions to solving the housing crunch, with most of them not new, but rather previous initiatives. Such things take time. That's the rule. There are no miracle solutions.

It's no secret that a lot of the power behind the protest saw a chance to attack the Prime Minister. One is allowed to fight to unseat the prime minister, but one must be honest and not hide a political war under the veil of a social struggle. In any event, the whole thing is moving farther and farther away from a Torah struggle. There is a lack of honesty here, as well, because the prime minister is precisely the one who has worked and toiled over these issues.

As stated, you can't carry out economic revolutions overnight. Suppose the government stopped charging for land and construction taxes. Prices would, indeed, plummet, but those who bought before at the expensive rate would lose out unfairly.

Economic laws are complicated. Our sages say that G-d preferred to let a man, whose wife had died, sprout mammary glands so he could feed his infant milk, rather than produce money for him. Paternal milk is a private miracle, without ramifications on all of society, but introducing new money into the economy can have a pervasive effect. Maran Ha-Rav Kook explains in Ein Aya that G-d does not wish to hurt the laws of economics, even though they are harsh and cruel, because they keep the world going (Shabbat 53:5).

Let it be said to Israel's credit that its economy is very stable, and that the harsh economic crisis that plagued America and Europe has spared us. Our Prime Minister's profound reforms are slowly making our economic lives healthier. Sudden changes could cause economic crises, and those who will pay for it will be the poor, who depend on every penny. The various anarchists who sprout like crabgrass at those protests want to change everything, and they naively think that "we will destroy this old world, down to its foundations" (the Internationale), and out of the smoking embers of the old, rotten world will sprout the flowers of the future.

The presence of the Extreme Left at the protests is no blessing either. We're not talking about a Social Left but about a Political Left, and in our case, we should be crying that nowadays there is no Social Left with proper party representation. Here it is noteworthy that the party that passed the most legislation to help the poor and the needy was the National Religious Party.

As far as the costliness of construction, the Political Left does not represent the Social Left, because in Judea and Samaria there is endless cheap land. When the views of the extreme, anti-security, political left find expression at a demonstration, our suspicions are aroused. Likewise, the funding of the protest by the New Israel Fund should also raise a lot of questions.

Let's get back to the topic of construction being expensive. Another direction for a solution would be to speed up the construction process and simplify the process of attaining construction permits, which is painfully slow. After all, every year there are 50,000 more families, and the government permits the construction of only 40,000 housing units. Since demand surpasses supply, prices naturally rise.

In any event, the Jewish masses have not been present at these tent protests, and the numbers reported were blown out of proportion by four or five hundred percent. Only one sector of the nation was there, and as noted above, their struggle is legitimate, but it is not a struggle of Torah and justice, but a struggle over money. It's an individualistic struggle rather than an idealistic struggle.

Let us be strong and courageous, and let us increase our genuine struggles on behalf of the poor and the weak.

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

### Adam Ha-Rishon's Joy

Question: We recite in the Sheva Berachot: "Let the loving couple be very happy, just as You made Your creation happy in the Garden of Eden." Where is it written in the Torah that Adam Ha-Rishon was happy?

Answer: They explain in Yeshivot that there is no need for a verse, since it is logical. Why do I need a verse? It is a logical deduction! There was only one woman in the world, so there was no possibility of comparing her to another. Adam Ha-Rishon was therefore extremely happy. And the same was true for Chavah. From the moment that a man is married, he should not look at another woman, think about another woman, compare his spouse to another woman. He will then be joyous with his wife.

**Family Matters** - Ha-Rav writes weekly for

*the parashah sheet "Rosh Yehudi" on family relationships*

### Love Heals

*An orphanage once conducted an experiment: The female teacher gave five kisses to each girl every day. They saw that the rate of the girls getting sick decreased by 20%. Then they gave an additional 10 kisses a day and the rate dropped by 40%. 20 kisses a day and... until they almost stopped getting sick more than the average rate. Wonder of wonders! These were poor orphans – but when they were hugged with all of one's heart, they could overcome, be healthy and live!*

*Similar research was done in elderly homes. When an elderly person is lonely, he deteriorates quickly. But an elderly person who has frequent family visits and feels loved – lives much longer. It is simple. Some elderly people have a dog or cat and this also strengthens their health and gives them longevity. It is not because the cat feeds them, but because there is love. This is what sustains the elderly.*

*The same is true for someone who is alone – a widow or widower – a pet can be life-saving. And all of this applies all the more so for a baby, a young child – in fact every person: love is life-saving.*

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