



---

Parashat Matot-Masa'ei - #289

Ask Rav Aviner: [toratravaviner@yahoo.com](mailto:toratravaviner@yahoo.com)

Prepared by Rabbi Mordechai Tzion

Visit our blog: [www.ravaviner.com](http://www.ravaviner.com)

---

## On the Parashah... Retaliation or Revenge

Halachically, there are three types of war: 1. "Israel's war against its enemy" (Rambam, Hilchot Melachim, 5:1) - i.e. a defensive war 2. "The war to conquer Eretz Israel" (Ramban, commentary to Sefer Ha-Mitzvot, 4) - i.e. a war of independence. 3. "The war against Amalek" (Rambam, ibid.) - a unique Mitzvah to completely eradicate every member of this wicked nation. The war against the Seven Nations of Canaan, which the Rambam defines as a "Milchemet Mitzvah," does not necessarily aim to wipe out those nations, but to conquer the Land. It is a territorial conflict which may also be solved without bloodshed if the Seven Nations make peace or leave the country. In that case then would be no reason at all to make war (Rambam, ibid. 6:1. Ramban ibid.).

The war against Midian, however, does not fit into any of the above categories. It is a war of retaliation. An exception to the rule (see Rambam, Sefer Ha-Mitzvot, Klal 3 and Mitzvat Asei 1#87). The difference between a war of self defense and one of retaliation is that one defends himself when attacked, but retaliates or takes revenge only afterwards.

Self defense is the right of every nation as well as the right of every individual: "He who comes to kill you - Arise first and kill him." Likewise, one may respond to an insult with a similar insult and counter a physical attack (see Sefer Ha-Chinuch #338), as long as the reaction is immediate. The right to retaliation after the act is less clear, as it may be considered revenge, which is forbidden by the Torah.

That the concept of revenge as forbidden by the Torah is illustrated by the following example: A asks B for his hammer, and B refuses. The next day B asks A for a rake,

and A replies, "Since you wouldn't lend me your hammer, I won't lend you my rake." (Vayikra 19:18. Sifra, Kedoshim 2). This is the halachic definition of revenge. It is permitted, however, to make an agreement conditional on reciprocity: "I won't lend you my hammer unless you agree to lend me your rake." This is "measure for measure." It is the way the "Am Ha-Aretz" behaves; it is not the behavior of a "Chasid" (righteous person - see Avot 5:14), who is willing to share all of his possessions with others, but neither is it considered negative behavior. This is the level upon which most people function. The concept of reciprocity is the basis for much social behavior.

Reciprocity is out of place, however, after the fact. It turns into revenge, which the Torah prohibits. It is not clear whether this prohibition refers only to monetary or property damage, or whether also it applies in cases of physical or emotional damage (see Yoma 22b. Rambam, Hilchot De'ot 7:7-8. Sefer Ha-Chinuch #247. Sefer Yere'im. Semag). The Chafetz Chaim rules that since this is a Torah prohibition, one must take the more stringent view (see introduction to Chafetz Chaim).

There is however one case in which revenge is certainly permitted: that of accidental murder through negligence. In this case, once it has been proven in court, the next of kin is allowed to avenge the death (unless the killer has fled to one of the "Arei Miklat" - the cities of refuge. Bemidbar 32:9-34). The question remains whether such revenge is a Mitzvah or is merely permitted (Makkot 11b). In any case it clearly must be supervised by the courts. When carried out properly, it is a legitimate method of dealing with the problem and keeping society healthy.

These regulations regarding vengeance relate exclusively to the individual. When it comes to national considerations, the law is completely different. A nation may not set its own needs after those of other nations. We may not, for example, surrender sources of raw materials that we ourselves need to another country. It is immoral and masochistic to do such a thing. The Torah treats revenge on a national level as a healthy phenomenon (see for example, Shmuel 2 10). In response to the destruction caused by Babylon, it is written in Tehilim: "Happy is he who shall pay you in kind for what you have done to us. Happy is he who shall seize and dash your babies against the rock" (Tehillim 137: 8-9). This need not be taken literally, but it is certainly an indication of the appropriate response. Whoever does not understand why revenge on a national level is justified, does not fully understand the needs of a nation.

The Torah considers Midian a national enemy. They did not threaten us physically, but they did undermine the national morality. "It is worse to cause one to sin than to kill him" (Bemidbar Rabbah 21:4), as is written, "Oppose the Midianites, and crush them, for they oppose you, deceitfully, as they used cunning devices against you at Pe'or" (where they made their daughters prostitutes in order to cause the Israelites to sin; see Bemidbar 25:17-18 and Rashi there). The Torah's reaction to this is the

command for national revenge: "Execute the vengeance of the Children of Israel upon Midian" (ibid. 31:2). We are commanded to avenge any physical or spiritual harm done to our Nation.

This positive type of vengeance is by no means an expression of anger, nor is it an impulsive, spur-of-the-moment response. This is clearly seen in the case of Midian. When the army returns from battle, Moshe, Elazar, and the heads of the tribes go out to greet them. Upon discovering that the females had not been killed, "Moshe was angered with the officers...and Moshe said to them, 'Have you allowed all the females to live?...Now, kill...every female'" (ibid. 31: 14-17). Suddenly, Elazar interrupts Moshe's speech to teach the people the laws concerning purification of the spoils of war (ibid., 21-24). Why did Moshe stop speaking? Our Sages teach, "Anyone who allows himself to become angry - if he is wise, he loses all his wisdom" (Pesachim 66b). These verses prove it. Immediately after we read that "Moshe was angered," we read that it was Elazar who taught the people the laws of purity. In other words, it was because of Moshe's anger that he forgot the laws, and Elazar was forced to fill in for him. This is true, in spite of the fact that Moshe's anger was wholly justified and "for the sake of Heaven", on account of what they had done to the Nation. Nevertheless, Moshe was punished.

One may however, behave AS IF he is angry, in order to make an impression and to educate, as long as he remains inwardly in control of himself (Shabbat 105b; Rambam, Hilchot De'ot 2:3. Hilchot Nedarim 22:15. Zohar 3,131, Idra 2. Mesilat Yesharim Chapter 11. Musar Ha-Kodesh 244). Here, too, the Nation's retaliation against Midian was not an impulsive act of anger, but a calculated action to preserve and defend ourselves as a Nation by eradication of the wickedness personified by Midian – a wickedness that threatened our national well-being.

Rav Aviner on...

### Short Questions on Conversion

[Be-Ahavah U-Be-Emunah – Pinchas 5773 – translated by R. Blumberg]

Question: There are hundreds of thousands of non-Jews in Israel. Shouldn't it be a national mission to convert them in any way possible?

Answer: There is only possible way: through a consensus of the great Torah luminaries. And even they do not have the ability to alter the definition of the Jewish People.

Question: Why not accept a lenient ruling regarding conversion, even if it derives from a small minority of Rabbis? Surely we are in a state of emergency.

Answer: This is not a private matter involving one individual, but a national matter involving how we define the Jewish People, and a small minority cannot force their view on the majority, as though it has a monopoly on the definition of what the Jewish People is.

Question: With conversion, must we apply every possible leniency?

Answer: That notion has no source in the Talmud or the Halachic authorities. Quite the contrary, a person's being or not being a Jew is the gravest and most critical matter there is.

Question: In light of the proliferation of non-Jews in Israel, shouldn't our Halachic authorities be following the brave rulings we have heard from several Rabbis? 1. Converting candidates to a state of being "traditional". 2. Converting candidates to becoming "part of the Jewish People". 3. Mass conversions without examining every convert individually. 4. Number 2, coupled with faith in G-d and several other principles. 5. Ruling that after the fact, undertaking the yoke of Mitzvot is not a prerequisite. 6. Ruling that it is enough for the candidate to state, orally, that he undertakes Mitzvah observance, even if he does not mean it.

Answer: No, because these rulings go against Jewish law as it has come down to us. If a Rabbi has said these things either he is not one of the halachic luminaries of the generation, or his is a solitary opinion, and we do not render rulings on such matters affecting the Jewish People according to a solitary opinion.

Question: Is it possible to prepare for conversion in an institute in which Reform and Conservative Rabbis are amongst the teachers?

Answer: There is no question here. This goes against the Torah. Already in 5758 the Chief Rabbis of Israel protested against this.

Question: Is it possible to rely on a conversion institute when in practical terms, more than 90% of its converts do not keep Torah and Mitzvot?

Answer: Impossible.

Question: Why is it not possible to convert to the Jewish People without converting to the Torah?

Answer: Rabbi Saadya Gaon said, "Our Nation is a Nation only through its Torah."

Question: I underwent a conversion course and now I keep Torah and Mitzvot strictly. But there are only two others like me in the class. All the others put on an act about how they would be observant, but immediately after their conversions I saw them violating the Sabbath and eating non-Kosher food. I am almost certain that all this is known, as well, to the teaching staff. Under these conditions, are these candidates truly converts?

Answer: Whoever deceived is not a convert.

Question: What about a convert who openly admits that he never intended to be observant, and indeed he is not? Many are like that.

Answer: If during the conversion a candidate honestly undertook to keep Mitzvot, but later on he faltered and ceased, his conversion is valid. But if he is not now observant and during the conversion process did not intend to be observant, his conversion is invalid (Shut Achiezer 3:28. Shut Da'at Cohain #154. Ha-Gaon Ha-Rav Yitzchak Isaac Herzog: Rulings on Even Ha-Ezer #28. Shut Yabia Omer, Vol. 10, Yoreh Deah #26).

Question: Is a convert who violates the Sabbath a real convert?

Answer: If after the conversion he kept the Sabbath, and only later on ceased, his conversion is valid. If immediately after the conversion he did not keep the Sabbath, then his conversion is not valid, but only a ruse.

Question: The legal advisor of the Rabbinical courts published a release stating that 97.2% of those who converted do not keep Torah and Mitzvot. That's terrible! What are we to make of this?

Answer: Those statistics are only about people getting divorced, and it is not certain that the same percentages will apply to other segments of the population. But it certainly is terrible and demands examination and change.

Question: Rambam writes that if a convert was not informed of the Mitzvot before his conversion, his conversion is still valid (Hilchot Isurei Biah 13:17). So does that prove that after the fact, undertaking Mitzvah observance is not a prerequisite?

Answer: Our halachic authorities have explained this Rambam as meaning that the candidate undertook Mitzvah observance without anyone explaining to him the details. Presumably he undertakes even what he was not told about. If, however, they told him, and he rejected even one mitzvah, he is no convert. The main point is that undertaking Mitzvah observance is a prerequisite even after the fact. And even if he uttered with his lips that he undertakes mitzvah observance, and we know that it is not true, he is not a convert (Shut Igrot Moshe, Yoreh Deah 1:157. Shut Seridei Eish 2:75).

Question: If the candidate declares that he undertakes Torah and Mitzvot, is that enough, considering that halachically, unexpressed stipulations are invalid (Nedarim 28a), or must we be certain that he is not lying?

Answer: If we have a clear assessment that he is lying, his conversion is invalid, "...for it is obvious that he will violate the Torah later on, break the Sabbath and eat non-kosher food. We know clearly that he is only converting for appearances, and his heart is not sincere. Thus, when he said that he undertakes observance, it is meaningless" (Responsa Achiezer 3:26, letter 4, and also 28). The same applies if immediately after the conversion he does not keep Torah and Mitzvot.

Question: I heard that Ha-Gaon Ha-Rav Ovadia Yosef permits conversion without undertaking Mitzvah observance.

Answer: That is not so. See Responsa Yabia Omer quoted above.

Question: I heard that according to Rav Kook, conversion is valid even if there was no undertaking of Mitzvah observance.

Answer: That is not so. "As long as the convert does not keep Mitzvot, and his intent at the time of conversion was also improper, that is no conversion at all" (Shut Da'at Kohen 154).

Question: Where is it written that undertaking mitzvot is a prerequisite to conversion?

Answer: Rambam, Isurei Biah 10:13. Shulchan Aruch, Yoreh Deah 268:3 and Shach ibid. Taz ibid. Shut Achiezer quoted above. Ha-Rav Herzog quoted above. Shut Igrot Moshe on Yoreh Deah 192 and quoted above. Chazon Ish, Yoreh Deah 119:2.

Question: If converts converted in order to wed, are they considered real converts?

Answer: On condition that as a result they undertook steadfast observance of Torah and Mitzvot. Then they are legitimate converts. Otherwise, they are false converts.

Question: What if someone wishes to convert not to live as a religious person, but to be traditional: for example, to light Shabbat candles and to go to services, but not to keep Shabbat?

Answer: That is not sufficient. That constitutes a different definition of Torah and of the Jewish People.

Question: If a convert undertakes Mitzvah observance but does not believe that G-d commanded those Mitzvot, instead just thinking that they enrich one's life, is that called conversion?

Answer: No. Chazon Ish on Yoreh Deah 119:2. And see Rambam, Hilchot Melachim 8:11.

Question: To convert, does it suffice to undertake Mitzvah observance or does one also have to accept the tenets of faith?

Answer: Certainly one must also accept the tenets of faith: Faith in G-d, Torah's heavenly source, prophecy, divine providence. All thirteen main principles of faith.

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

### **Har Ha-Bayit - Temple Mount**

How the Beit Ha-Mikdash will Appear

Q: Is there a Mitzvah nowadays to build the Temple or will it descend from the Heavens?

A: It is a Mitzvah to build it after appointing a King and eradicating Amalek (Rambam, Hilchot Melachim 1:1-2).

Circling Temple Mount

Q: Is it a good thing to circle the gates of the Old City of Yerushalayim on Erev Rosh Chodesh?

A: Yes. It expresses a yearning for the Temple which awakens us to repent.

Special thank you to Orly Tzion for editing the Ateret Yerushalayim Parashah Sheet



**Yeshivat Ateret Yerushalayim** P.O.B. 1076 Jerusalem 91009 Tel.02-6284101 Fax.02-6261528

**www.ateret.org.il** To subscribe, send e-mail to: [mororly@bezeqint.net](mailto:mororly@bezeqint.net)

