Vayaitzai 5775

BS”D Parashat Vayaitzai 5775

Rabbi Nachman Kahana

MISSOURI vs. MISERY

The Torah establishes the rules of behavior when a Jew inadvertently kills another (Devarim 19,4-6)

ד) זֶה, דְּבַר הָרֹצֵחַ אֲשֶׁר יָנוּס שָׁמָּה וְחָיָה: אֲשֶׁר יַכֶּה אֶת-רֵעֵהוּ בְּלֹא-דַעַת וְהוּא לֹא שֹׂנֵא לוֹ מִתְּמוֹל שִׁלְשֹׁם:

ה) כַּאֲשֶׁר יָבֹא אֶל-יַעַר עִם-רֵעֵהוּ בַּחֹרֶשֶׁת וְיָדוֹ מֻשֵּׁךְ בַּגַּרְזֶן לִכְרֹת עֵצִים וְנָדַף הַבַּרְזֶל מִן-הָעֵץ וּמָצָא אֶת-רֵעֵהוּ וָמֵת הוּא יָנוּס אֶל-אַחַת מִן-הָעָרִים הָאֵלֶּה וָחָי:

ו) פֶּן-יִרְדֹּף גֹּאֵל הַדָּם אַחַר הָרֹצֵחַ כִּי יַחֲם לְבָבוֹ וְהִשִּׂגוּ כִּי-אָרַךְ הַדֶּרֶךְ וְהִכָּהוּ נֶפֶשׁ וְלוֹ אֵין מִשְׁפַּט מָוֶת כִּי שֹׂנֵא הוּא לוֹ מִתְּמוֹל שִׁלְשֹׁם:

> *4 Concerning a murderer who flees there (to a city of refuge) for safety—one who killed a fellow Jew unintentionally without malice aforethought. 5 As one who entered into a forest with a friend to cut wood, and as he swung his ax to fell a tree, the metal head disengaged from the handle and killed his friend. He shall escape to one of these cities (of refuge) to save his life. 6 Lest the **avenger of blood** pursue him **in a rage**, overtake him if the distance is too great, and kill him even though he is not deserving of death, since he did it to his neighbor without malice.*

The Mishna in Makot 2,7 quotes the opinions regarding the status of a “revenger of blood” in the case of an unintentional homicide, when the avenger is a blood relative or anyone else who is abhorred at what had occurred.

All agree that the instinctive, natural reaction of a relative or any man who seeks to create a more perfect Jewish society is to avenge the homicide by killing the perpetrator who should have been more careful. However, Rabbi Yose HaGlili states that it is a Torah mitzva for a relative to kill the murderer if found outside a city of refuge. But one who is not a blood relative is permitted although not a required mitzva to kill the perpetrator when found outside a city of refuge.

Rabbi Akiva believes that it is never a mitzva to kill the murderer. However if a blood relative avenges the death, he has done a permitted act, whereas a non-relative should refrain from doing so, but if he should kill the murderer he would not be punished.

When describing the instinctive reaction of an avenger the Torah uses the term

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Pursue him in a rage

Rage is the reaction of **normal** people. It is sanctioned by the Creator but channeled by Halacha to be implemented only when the murderer is outside a city of refuge.

Twenty-four years ago, at 5:00 AM on Tuesday the 18th of Mar Cheshvan (5750-1990) while learning with HaRav Moshe Zaltzberg z”l in the bet knesset Ramban in the Old City, my wife Feige entered and stood by the door. I approached and asked one word, “Who?” “Meir was just shot to death in New York by an Arab,” she said.

The immediate feeling that gripped every bone in my body was revenge in the most extreme way. Had the murderer been in front of me, I would have ripped him apart limb by limb. I was experiencing what the Torah calls □□□□ □□□ □□ – pursue him **in a rage.**

If one needs an example of rage, look no further than what is now transpiring in the city of Ferguson, Missouri and in other cities from California to New York. I cannot condone the reflection of that rage into acts of violent mass destruction, however, I totally understand their feelings. That's the way human beings are wired when a loved one is murdered.

Last week we were traumatized by a terror act of unadulterated hate by two Arabs who went on a pre-planned rampage of wanton murder in a bet knesset in the Har Nof neighborhood of Yerushalayim. They murdered four Jews in the middle of their prayers and wounded 7 more. The Arabs used guns and hatchets to tear into the flesh of those holy men, and when it was over 4 women were widowed and 24 children orphaned from their fathers.

However, as gruesome as these murders were, there was no white rage. No passionate calls to make the other side suffer for what two of theirs had done and for commending their savage acts of "heroism" and martyrdom.

It was not Missouri, but just plain misery.

Pouring Money into the Enemy's Pockets

Tonight a memorial gathering will be held in the bet knesset where the murders occurred. I will not be there, but I could write the speeches of the distinguished rabbis who will stand before the people. The speeches will take two forms: one will emphasize the need to accept what was decreed by HaShem without question, and look into ourselves with self-blame with the resolution to learn more and do more acts of kindness. The other form will seek to lay blame for the deaths of these holy men. Some will blame those who ascend the Temple Mount. Some

will place the blame on those who would like to see the drafting of yeshiva men into the army. And others will search out the myriad sins of the secular and of the religious Zionists. But they will have thing in common – they will all fall short of taking any meaningful action.

I call upon the people of Har Nof and the Chareidi community at large to at least do the basic minimum.

We are now in the year of Shevi'it (Shemitta). It is the accepted view that the laws of Shemitta are now in affect by rabbinic decree not from the Torah law. There is an additional rabbinic decree that prohibits eating vegetables grown in Jewish owned fields during the Shemitta year. That is a two layer rabbinic prohibition – the Shemitta year itself and the prohibition of eating "Jewish" vegetables and legumes grown in Jewish owned fields in Eretz Yisrael.

There are several ways of purchasing and eating Shemitta vegetables. Vegetables imported from abroad; those which are grown in the deep south of the country near Eilat; those grown on soil platforms which are detached from the ground; hydroponics (on water) and the sale of Jewish lands to a gentile for the year (heter mechira). And the last method, which is utilized by the Chareidi community, of purchasing vegetables grown on land owned by Arabs.

The last method pours millions of shekels into the pockets of our Arab "cousins" every week. This money is then used to oil the hate machinery of the PLO and to purchase land from Jewish farmers who cannot make a living from agriculture.

Let the Chareidi leaders decree that their communities utilize one of the other methods of purchasing and eating vegetables. It is the barest minimum that they can do to give expression to their anguish for what the two Arabs have done and for the hundreds of thousands of Arabs (probably millions in the land) who identify with, and encourage, these murderous activities.

It is a small but necessary step in the internalization of the Chareidi community to the reality that they are targeted for death no less than any soldier of Tzahal, or any settler in Yehuda and Shomrom. **It is not the Zionist who is being targeted, it is the Jew.**

If the Chareidi community chooses to continue pouring their money into the pockets of our enemies, they should be very meticulous in washing the produce; not just for bugs but to wash off the Jewish blood which is on every leaf.

We are not like the people in Missouri, but on the other hand misery need not be our fate.

We must resist the enemies of our people in all ways. Those who are young and physically capable must serve in Tzahal. Those who cannot must serve through prayer and Torah study, and those who can do both are the best we have.

May HaShem give us the will and ability to bring about the final redemption of our people in our time.

Shabbat Shalom,

Nachman Kahana

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