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AVRAHAM'S BIG IDEAS: A LOOK BACK ON THE LIFE OF OUR FATHER by Rabbi Chaim Poupko

The story of Avraham's upbringing and how he came to believe in Hashem is one of the most famous omissions from the Torah. As strange as that omission is, equally as strange is where the story actually appears. While we might expect the Midrash to fill in the details, we would not expect to find that the Rambam includes this story in the Mishneh Torah, a predominantly Halachic work, where stories and homiletics are rare. In the first chapter of Hilchot Avodah Zarah, the Rambam describes in detail how idolatry developed during the generations following Adam and Chavah, and how Avraham, in his early years, began to question prevailing attitudes and find Hashem despite the dominance of idolatry.

Understanding why Avraham's upbringing is included in the Rambam's Halachic work can help us understand why the story is absent from the Torah and can ultimately provide a deeper understanding of Avraham's character.

Arguably, the two most formative personalities in the Torah are Avraham and Moshe. However, the differences in their character and what they represent must be considered. While Avraham is known as Avraham Avinu, our father, Moshe is known as Moshe Rabbeinu, our teacher. While Avraham finds God, Moshe delivers God. Avraham is a man who searches and questions, while Moshe is a man who transmits Halachah, decisions, and answers.

Furthermore, although Avraham is "our father" and is considered by many opinions to be the first Jew, we find no practices of Avraham recorded in the Torah that match what we observe today on a daily basis other than Brit Milah. Wouldn't we at least expect to find Avraham and the other Avot recognizing Shabbat, which had already been given to the world during the days of Creation!? Even further, Avraham teaches us no direct lessons. He transmits no commandments nor states directly any principles or ideas.

Altogether, Moshe and Avraham represent two very different paradigms. Moshe Rabbeinu represents fidelity to the Torah and its observance, something which is required to fully understand our responsibilities. Avraham Avinu, however, represents an entirely different paradigm and a whole different series of expectations.

Avraham represents our responsibility as Jews to search, to inquire, to be engaged, and at the same time, to be unsatisfied and restless. The story of his youth and how he went against the culture of idolatry and corruption is meant to teach us how to be restless and inquisitive within the framework of the Torah in order to deepen our faith and commitment to its ideals. Avraham does not convey these expectations directly or didactically. Rather, Avraham is a role model

whose actions and words form a comprehensive paradigm for how to search restlessly and how to do so in a way that cultivates a belief in God and commitment to the core principles of the Torah. In this light, one of the most crucial verses in the life of Avraham becomes clearer. When the Torah reveals Hashem's thinking before divulging to Avraham what will be done to Sedom and Amarah, Hashem says, "*Ki Yedativ Lema'an Asher Yetzaveh Et Banav VeEt Beito Acharav VeShameru Derech Hashem LaAsot Tzeddakah UMishpat*," "For I have known him, to the end that he may command his children and his household after him, that they may keep the way of Hashem, to do righteousness and justice" (BeReishit 18:19). Here is the one and only thing that Avraham is expected to "command"—that his children promote righteousness and justice. While Moshe is responsible to fill in the details, Avraham's role in the history of the Jewish people is to be an active paradigm in the pursuit of our loftiest principles. Our responsibility is to adhere to this model of Avraham. The fact that he is referred to as "Avinu" is instructive. The difference between Moshe Rabbeinu, Moshe our teacher, and Avraham Avinu, Avraham our father, is like the difference between our communal institutions on the one hand and our homes on the other hand. Our schools and our Shuls are there to fill in all of the details contained in the Torah that Moshe teaches us. It is in our homes, though, that we are instilled with our belief in God and our commitment to the Torah's ideals. We are taught this by the example set by our parents and grandparents—the example set in the home. Our homes are the primary spheres of the paradigm of Avraham Avinu while our schools and Shuls are the primary spheres of the paradigm of Moshe Rabbeinu.

Each individual's search, each individual's approach to cultivating Emunah and a commitment to righteousness and justice, will be personal and different from the next person's. The written Torah is rigid and set in stone and contains the very same words each time it is opened. The oral Torah, though immutable in its content, is conveyed differently depending upon the teacher and the student and the era in which it's being taught. This is why it makes sense that Avraham's search should be in the oral Torah, the place that reflects the notion that everyone's modeling of Avraham's paradigm will be different.

DON'T WALK BEHIND ME, I MAY NOT LEAD by David Berger ('15)

At the end of our Parashah, Avraham Avinu passes away and is buried by his two sons, Yitzchak and Yishmael (BeReishit 25:9). Although Yishmael was exiled to Midbar Paran in Parashat VaYeira (21:20), he returns to Eretz Yisrael for Avraham's burial. According to the syntax of the Pasuk (25:9), it seems that Yitzchak, not Yishmael, is given the main role in burying Avraham. Chezuni (ad loc. s.v. Yitzchak VeYishmael) comments that the Torah makes mention of Yitzchak before Yishmael because Yitzchak is the son of Sarah, whereas Yishmael is the son of Hagar, a maidservant. However,

Rashi (ad loc. s.v. Yitzchak VeYishmael) cites a Midrash (quoted in Bava Batra 16b) which states that Yishmael did Teshuvah prior to Avraham's death, and he assumes that the Teshuvah that the Midrash is speaking about is Yishmael allowing Yitzchak to walk before him. Why does the Midrash assume that Yishmael's Teshuvah is effected by Yishmael letting Yitzchak walk first? This question becomes even stronger if one considers other meritorious deeds Yishmael did. For example, in reference to Yishmael's marriage to an Egyptian (Breishit 21:21), Chezkuni (ad loc.) quotes a Midrash (Pirkei DeRebbe Eliezer 29) which records the following incident: Yishmael had originally married a woman from Mo'av. Three years after their parting, Avraham traveled to Yishmael's residence to see how he was doing. Only Yishmael's wife was home at the time, and when Avraham asked for some bread and water, she said that they had none, thus showing her lack of care for others. Consequently, Avraham told her to tell Yishmael that the "threshold of his house is not good for him," a reference about his wife that only Yishmael would understand. Upon hearing the message from his wife when he returned home later that day, Yishmael divorced his wife without hesitation. Three years later, after Yishmael had remarried, Avraham visited once again and repeated the same test, but this time, Yishmael's wife provides bread and water for him. Subsequently, Avraham blessed Yishmael and his household. From this story, it is clear that despite being sent into the desert by Avraham, Yishmael's respect, fear, and trust in Avraham were indeed extraordinary. So why was this action not chosen to show Yishmael's Teshuvah? In what way was letting Yitzchak go in front of him, a seemingly minor deed, more significant than changing his entire family based on Avraham's perception?

Rabbeinu Bachya (25:9 s.v. VaYikberu Oto Yitzchak VeYishmael Banav) develops a thought that teaches us the meaning of authentic Teshuvah. He explains that Yishmael's act of allowing his younger brother to go first was special because he was not accustomed to doing this; all of his life, Yishmael had put Yitzchak under him and acted as though he himself was the Bechor and Yitzchak was not. This is apparent in his original sin to Yitzchak. The Pasuk states that after Yitzchak was born, Sarah saw that Yishmael, the son of Hagar the Mitzrit, was mocking Yitzchak (21:9). According to Rashi (ad loc. s.v. Metzacheik), this means that Yishmael, angry at the attention Yitzchak was receiving as the "chosen one," would jokingly shoot arrows at Yitzchak, secretly intending to kill him. Thus, when Yishmael humbled himself to allow Yitzchak to pass before him, he recognized Yitzchak's right as the Bechor and corrected his original sin. This shows us that to be considered a proper Ba'al Teshuvah, one must change himself particularly in those challenging areas with which he struggles and not merely perform Mitzvot that are easy for him. At the end of the day, the Torah attests to Yishmael's Teshuvah by describing his death with the same word it uses for Tzaddikim (see Rashi 25:17).

However, this leads us to another question: if the honor of going first to bury Avraham was so treasured by Yishmael, why did Yitzchak accept Yishmael's honor? In a similar story where Yitzchak passes away and his two sons, Ya'akov and Esav, who disagree over the birthright, carry him to be buried (35:29), Ya'akov permits Esav to go ahead in carrying Yitzchak, despite

Ya'akov being the rightful Bechor. Why does Yitzchak not do same?

Yitzchak's reaction, if understood correctly, teaches us a clear insight into Mitzvot Ben Adam LeChaveiro. If Yitzchak had refused to accept Yishmael's offer, then Yishmael, after mustering up the courage to finally lower himself for his brother's honor, would have been left heartbroken and dejected. Even though Yishmael would have received the honor he deeply desired, he would have been robbed of the chance to make up for his previous shortcomings. By accepting his act of kindness and Teshuvah, Yitzchak was enabling Yishmael to grow as a person. Had he not allowed Yishmael to give him the honor of going first, Yitzchak may have stunted the growth and Teshuvah of Yishmael.

A PROPER MINDSET

by Aaron Fishkind ('16)

In Parashat Chayei Sarah, we read about the death of Sarah (BeReishit 23:1), the negotiations between Avraham and Efron HaChitti (23:13-17), and the marriage of Yitzchak to Rivkah (25:20). Because this Parashah is filled with so many interesting narratives, many people tend to miss the Pesukim in between the narrative of Avraham negotiating with Efron and Avraham finding a wife for Yitzchak. In between these two narratives, we are told, "*VeAvraham Zakein Ba BaYamim, VaHashem Beirach Et Avraham BaKol*" "And Avraham was old, well stricken with age, and Hashem had blessed Avraham in all things" (24:1). This Pasuk seems like a mere bridge between the two narratives. However, Rashi (24:1 s.v. BaKol) makes the observation that the word "BaKol" has a Gematria of fifty-two, which coincides with the Gematria of the word "Ben," a son. The Ramban (ad loc. s.v. Beirach Et Avraham BaKol) explains that Avraham had a multitude of material property such as gold, silver, and cattle, but he did not have a wife for his son. Without a wife, Yitzchak would not be able to pass on the torch of Torah and Middot to the next generation.

Both Rashi and the Ramban are picking up on the necessity of an inheritor. One may enjoy all of the physical pleasures in the world such as money and power and also have the spiritual values of the Torah, yet without a progenitor to pass on his inheritance and knowledge, all of the material and spiritual success is for naught. The Torah is teaching that in order for somebody's life to be complete, he needs an inheritor to pass on his values and ideals to the next generation.

The Torah communicates this message immediately before Avraham tells Eliezer about the qualities that he should look for in a wife for Yitzchak (24:2). The Torah is teaching that one must always look for a proper spouse in order to create a house where his values can be exemplified. The proper values cannot be instilled in a child by an improper set of parents who will give the child a negative set of values and ideals. It is extremely important in today's society that we marry people that have a proper mindset and values that are essential for the development and passing on of positive Torah qualities. Therefore, we should learn from this week's Parashah that a proper house with positive ideals and encouraging parents are essential for the development of the next generation who will be able to pass the torch of Torah and Mitzvot to them.

HALACHIC PERSPECTIVES ON CIVILIAN CASUALTIES IN

GAZA—PART TWO

by Rabbi Chaim Jachter

Last week we began to discuss why it is morally repugnant to cast blame on Israel for civilian casualties inadvertently caused by its defending itself from a ruthless terrorist organization determined to eliminate every Jew in Israel. We presented one Halachic justification from the Rambam for nations engaged in a legitimate war to conduct military operations that place civilians at risk and began to present a second justification from the Maharal. The Rambam focuses on the guilt of the adult members of a society led by an evil government and the Maharal focuses on the need of a nation under attack to wage war properly. For the Maharal, this includes permission, if necessary, for the victim to attack any and all members of the aggressor nation in order to properly wage war.

Support for the Maharal

We noted last week that some dismissed the Maharal as support for Israeli actions since he constitutes a lone voice (Da'at Yachid). However, it may be argued that the Maharal constitutes a viable and relevant source. The Maharal is not a lone voice as his approach to the Shechem incident is endorsed by Rav Zalman Sorotzkin (Oznayim LaTorah, BeReishit 34:25) and Rav Herschel Schachter (BeIkvei HaTzon p. 207) argues that the Netziv advances a similar principle (Meromei Sadeh, Kiddushin 43a s.v. Mah and Eiruvin 45a s.v. Peirush Rashi).

Even if the various commentators do not share the Maharal's defense of Shimon and Levi, they do not necessarily imply a rejection of his principle. They could simply believe that killing Shechem and Chamor alone would have sufficed to rescue Dinah, and that waging war against the entire town of Shechem was thus unjustified. In other words, the attack against Shechem was uncalled for,¹ but in a justified war, all would agree that one may attack without distinguishing between the innocent and guilty members of a nation if it is impossible to effectively wage war in another manner.

Furthermore, Rav Asher Weiss points out that the Radak (Divrei HaYamim I 22:8) also seems to subscribe to the Maharal's principle. In his explanation of why David was disqualified from building the Beit HaMikdash due to the "blood that he had shed," he writes that David had killed non-combatants in the course of battle but was not

held accountable for their deaths, "since his intention was to prevent evildoers from harming our nation."²

In addition, Rav Schachter argues that a principle presented by the Minchat Chinuch (425:1) also accords with the Maharal's approach. The Minchat Chinuch argues that the rules forbidding endangering oneself do not apply in a situation of war. If a war is mandated by the Torah, then by definition, explains the Minchat Chinuch, it demands that soldiers endanger their lives since, unfortunately, this is the normal course of war. Similarly, asserts Rav Schachter, the Torah expects that civilians will be killed during a war if this is necessary to achieve success. Rav Schachter notes that Rav Yitzchak Zev Soloveitchik (in his commentary to the Haftarah of Parashat BeShalach) and the Teshuvot Devar Yehoshua (2:48) concur with the assertion of the Minchat Chinuch. Rav Schachter cogently argues that if the Torah permits a government to risk the lives of its citizens by sending them to a legitimate war, then it is certainly acceptable to risk the lives of members of the aggressor nation in order to win a justified war.

Rav Shaul Yisraeli (Teshuvot Amud HaYemini 16 and

INVOLUNTARY MARRIAGE

by Gavriel Epstein (15)

Before handing Rivkah over to Eliezer, Rivkah's relatives decide, "*Nikra LaNa'ara VeNishalah Et Pihah*," "to call the maiden [Rivkah] and ask her decision" (Bereishit 24:57). Rashi (ad loc. s.v. VeNishalah Et Pihah) notes that this is the source for requiring the consent of a girl before marrying her off. This seems to be an inappropriate example, however, as Rashi himself is of the opinion that Rivkah was three years old when she married (25:20 s.v. Ben Arba'im Shanah). A three year old, or any minor, is subject to her father's digression regarding her marriage (Kiddushin 3b). Rivkah should therefore be subject to Betuel's decision and should not have a say in the matter. Why, then, does Rashi cite this as the source for marrying under consent, and why, according to his understanding, must Betuel ask Rivkah for consent in the first place?

BeTzomet HaTorah VeHaMedinah 3:253-289) notes that, "We do not find the obligation in war to distinguish between blood and blood (combatants and non-combatants). In the course of war, when laying siege to a city and the like, there is no obligation to make such distinctions." Rav J. David Bleich (Contemporary Halakhic Problems III:277) echoes this observation:

Not only does one search in vain for a ruling prohibiting military activity likely to result in the death of civilians, but to this writer's knowledge, there exists no discussion in classical rabbinic sources that takes

cognizance of the likelihood of causing civilian casualties in the course of hostilities legitimately undertaken as posing a Halachic or moral problem.

Indeed, the Gemara (Bava Kama 92a) articulates this principle when it presents a basis in the Tanach for the folk saying, "The carob tree is struck together with its thorn." Rashi (ad loc. s.v. BeHadei Hutza) explains that when one removes a thorn that grows by a carob tree, sometimes the carob tree is uprooted together with the thorn. The idea behind this folk saying, Rashi explains, is that, "the neighbors of evildoers are punished along with the evildoers."

¹These authorities would reject Shimon and Levi's concern for a retributive attack as unlikely and thus insufficient justification to attack all the adult male population of Shechem.

²One might wonder, then, why David HaMelech was disqualified from building the Beit HaMikdash. Rav Elchanan Samet's *Iyunim BeParshiot HaShavu'a* (1:68-69) explains that even for an "Aveirah Lishmah," a sin committed with a noble objective, there are consequences. Thus, although David acted properly, he still was disqualified from building the Beit HaMikdash. Rav Weiss cites this consequence as evidence that civilian casualties are tolerated only if there are no alternatives.



Accordingly, we see that far from being a “decidedly minority viewpoint,” the Maharal’s principle constitutes a mainstream and normative concept that is appropriately applied by leading Posekim such as Rav Ariel, Rav Schachter, and Rav Weiss. This is hardly surprising in light of King Shaul’s warning to the Keini to evacuate their homes lest they be harmed in the course of his war with Amaleik. We see that Shaul was prepared to endanger civilians in the course of war, and he is not censured for this willingness by either the Tanach or Chazal. Both Rav Ariel (Techumin 4:190) and Rav Bleich (ad loc.) cite this as strong support for the principle articulated by the Maharal.³

The Maharal and the Geneva Convention

Rav Yisraeli and Rav Gutel (Techumin 23:32) note that Halachah requires conforming to the Fourth Geneva Convention⁴ and the norms of civilized countries regarding the ethical manner in which to treat non-combatants during war. This seems to apply even if the Convention contradicts Halachah, just as we were required to honor the treaty we signed with the Giv’onim (Yehoshua 9) despite the fact that it violated Halachah (see Rambam Hilchot Melachim 6:5). Rav Yisraeli notes, however, that this applies not to the theory or rhetoric, but rather to the manner in which the Geneva Convention is practiced by civilized countries.⁵

Regarding warfare, Harvard Law School Professor Alan Dershowitz writes (The Case for Israel p. 167):

Although collective punishment is prohibited by international law, it is widely practiced throughout the world, including the most democratic and liberty-minded countries. Indeed, no system of international deterrence can be effective without some reliance on collective punishment. Every time one nation retaliates against another, it collectively punishes citizens of that country. The American and British bombings of German cities punished the residents of those cities. The atomic bombings of Hiroshima and Nagasaki killed thousands of innocent Japanese for the crimes of their leaders. The bombing of military targets inevitably kills civilians.

We may add the to Professor Dershowitz’s list the Allied blockade of the Central Powers during World War I to force them

³Rav Weiss (ad loc. p. 219) defends the use of the Tanach and its commentaries to decide this issue:

Since the time of the destruction of the Beit HaMikdash and the loss of Jewish sovereignty, these types of questions were not relevant in practice and little attention was devoted [in the Talmud and its commentaries] to the issue of wars and how to wage them. We have no choice other than to base our discussion on the wars waged by Jews as recorded in the Tanach and its commentaries throughout the generations when we come to render a decision in these matters.

⁴The Fourth Geneva Convention forbids harming non-combatants and engaging in collective punishment of non-combatants during war. It was ratified by the State of Israel in 1949.

⁵This is similar to the idea I heard Rav Mordechai Willig cited in the name of Rav Aharon Kotler and Rav Moshe Feinstein that the rule of Dina DeMalchuta Dina (the obligation to honor the laws of land in which we reside) applies to the law as it is applied, not as it is written. For example, Rav Kotler permitted driving sixty-two miles-per-hour in a fifty-five mile-per-hour zone, since police did not issue a ticket for traveling at less than sixty-three miles-per-hour.

into submission via starvation and the doctrine of Mutually Assured Destruction, which prevented Soviet attack during the Cold War based on the threat of collective punishment on a massive scale. The practice of Allied forces during the two World Wars established the norm for how civilized nations practice the Geneva Convention when fighting an evil and tenacious enemy that is bent on annihilating its opponents, a norm very much in harmony with the Maharal’s principle of conduct during warfare.

Rav Ariel, Rav Schachter, and Rav Weiss are justified in following the principle articulated by the Maharal, which has a solid basis in the Tanach, Chazal, Rishonim, and Acharonim. Thus, Halachah permits waging war without excessive regard for civilian casualties if the war is justified and no viable alternative exists through which to wage a successful battle.

We should stress that the Israel Defense Forces do not deliberately target civilians in order to weaken the enemy, as the Allies did during World War II⁶. Israel certainly is justified in attacking Hamas terrorists who use civilians as human shields, despite the risk of collateral damage. The Fourth Geneva Convention applies, at most, only to specifically targeting civilians.

Conclusion

Thus far we have presented two justifications for Israel attacking Hamas while risking collateral damage—the guilt of the population for failing to overthrow an evil government (Rambam) and license to wage a legitimate war against an entire aggressor nation if necessary (Maharal). Next week we, IY”H and B”N, shall develop a third approach and then discuss the vitally important question of Israel risking the lives of its soldiers in an attempt to reduce Arab civilian casualties.

⁶Deliberately targeting civilians constitutes a criminal offense in the State of Israel which is tried in a civilian court such as Israel’s Supreme Court, which does rule against the Israel Defense Forces when appropriate.

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Questions, comments? Contact us at:

Kol Torah

c/o Torah Academy of Bergen County

1600 Queen Anne Road

Teaneck, NJ 07666

Phone: (201) 837-7696

koltorah@koltorah.org

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