Volume 3, Issue 29

Bet Horaah
בית הוראה
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שערי עזרא

Parshat Mishpatim

Zmanim for New York:

Candle Lighting: 5:05pm

Shabbat ends: 6:11pm

R"T 6:37pm

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The Significance of Obtaining a Firearm License

written by Rabbi Shay Tahan

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In today's climate, people are grappling with uncertainty about how to respond to the increasing incidents of anti-Semitism worldwide. The dilemma arises: should we flee or stay and confront the challenges? Even if the option to run is considered, recent events demonstrate that no corner of the world seems entirely safe for us. Another quandary facing the Jewish community is whether to apply for a gun permit. Raised and educated to respect and love others, and not to inflict harm in any way, the notion of wielding arms for potential self-defense goes against these values, presenting a moral conundrum for many.

In this article, we will explore the Torah's perspective on navigating the challenges posed by contemporary dangers and assess whether seeking a gun permit is aligned with its recommendations.

Let's begin with the core principle that Jewish people typically avoid targeting others unless it is necessary for establishing deterrence in self-defense. In contrast to nations that have historically targeted Jews based on religious persecution, jealousy, or animosity, Jews, as a generalization, do not harbor an inherent desire to inflict harm on others. Instead, the primary objective is to coexist peacefully, guided by the principle of "live and let live." Therefore our emphasis in this article is specifically on the aspect of self-defense.

Thus, it's important to note that our discussion goes beyond the old American debate on whether guns themselves are responsible for mass school shootings or if it is the evil individuals behind the guns who commit such acts. We are specifically addressing the importance of Jews holding guns as a means to protect ourselves from potential harm.

Halachic Perspectives on Obtaining a Firearm License.

It is an undisputed halachic principle universally accepted that individuals are obligated to protect themselves from harm. The concept dictates that one should not passively allow others to inflict harm upon them. The Gemara (סנהדרין סב)states that if someone attempts to take your life, there is a moral obligation to preemptively defend yourself by taking their life first הבא להרגך השכם להורגו- . The Gemara derives this principle from a case where a robber breaks into a house בא במחתרת- , and the Torah permits the homeowner to kill the intruder. The reasoning explained in the Gemara to justify this permission is that the intruder is presumed to use lethal force if confronted by the homeowner, and therefore, the homeowner is justified in taking action to protect themselves before being subjected to harm.

Example to this we find in the incident involving Gedaliah (Yirmiah 40-41). After the destruction of the First Temple in Jerusalem, the Babylonians appointed Gedaliah as governor over the remaining Jewish population in the land. However, Gedaliah's lenient and trusting approach toward his political opponents led to a tragic outcome.

Ishmael, a member of the royal family, plotted against Gedaliah and eventually assassinated him. Despite warnings from Yohanan about the threat to his life, Gedaliah did not take decisive action to protect himself. Chazal (נדה סא,א) criticized Gedaliah for not being more vigilant and for not taking the necessary precautions to ensure his safety in a politically volatile environment.

This story is often cited as a cautionary tale, emphasizing the importance of self-preservation and the duty to take reasonable steps to protect one's life, even in times of apparent peace. The broader lesson is about balancing trust and caution, understanding the potential risks, and acting responsibly to safeguard oneself and the community.

As we journey through the Torah's parashot, a

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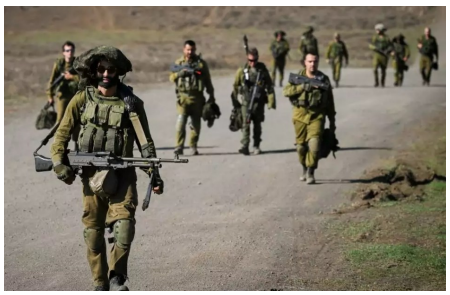
recurring theme emerges – our forefathers were frequently engaged in battles and wars. Those wars were either fought in self-defense or to rescue hostages. Later, Hashem commands the conquest of the Land of Israel.

Warfare for the Liberation of Hostages.

Avraham Avinu, for instance, undertook a war to rescue his kidnapped nephew Lot, highlighting the prevalence of conflict in their narratives. The concept of engaging in warfare to rescue captives is evident in the Torah narrative when Shimon and Levi took action against the city of Shechem for violating and kidnapping their sister, Dinah. Additionally, the Israelites waged war when a female slave was taken hostage במדבר (בא,א). The Torah narrative illustrates a justification for employing all means necessary in situations where a Jewish woman is violated or someone is held hostage.



Afterward, Yaakok Avinu had to defend himself from the surrounding nations who came to attack him following the incident with the city of Shechem .(רש"י בראשית מח, כב)Yaakov emerged victorious in the war, declaring, "The land that I conquered with my sword and arrow."

In fact, Yaakov had to arm himself before meeting Esav. He prepared for the encounter with prayer, ready to engage in a potential fight if necessary. Yaakov dressed his people in white clothing, symbolizing goodwill as they greeted Esav. However, beneath the exterior of peaceful attire, they were armed and prepared to defend themselves if the need arose. (רמב"ן לב, ט)

The Wars of the Nation in the Desert

Not only did the Avot need to engage in wars for self-defense, but throughout the journey of Am Israel, they were also required to fight battles. This is exemplified by the fact that the nation emerged from Egypt armed, as the pasuk states ,(שמות יג, יח) "Israel were armed when they went up from Mitsrayim." The Ramban asserts that the nation was armed to instill in them the confidence that they could defend themselves in the desert if necessary. The Gemara (שבת ו, ד ירושלמי) further elaborates on this verse, noting that they were armed with 15 different types of ammunition. This emphasizes the importance of having a variety of means to defend ourselves, as in a war, a diverse range of techniques is essential to overcome the enemy.

The Purpose of Being Armed for Confidence and Significance.

One might question the above, considering the preceding pasuk explained that Hashem made the nation take a detour to avoid coming near another nation and experiencing war. Why, then, were they armed if they were intentionally kept away from potential areas of conflict?

The Ohr Hachaim explains that even though, in reality, they may not encounter any wars, the mere feeling of being unable to engage in battle would be sufficient for the nation to feel lost. This sentiment could potentially lead them to retract and consider returning to Egypt.

We glean from his words that being armed contributes to a person feeling secure and reassured, even though they may not actually need it. The very sense of being armed already builds confidence. The Ramban adds another layer, suggesting that Hashem armed them not only for a sense of security but also to instill pride and honor within the nation. This was done to ensure that they did not emerge from Egypt with the mindset of former slaves escaping their master but rather with a newfound dignity. Once again, we can infer from this that being armed not only instills confidence but also bestows dignity.

Additional verses from Tanach underscore the significance of being armed.

Various psukim in Tanach emphasize the significance of being armed for protection from potential harm. For instance, concerning King Shlomo, it is written: "Here is Shlomo's couch, surrounded by sixty mighty men from the mighty men of Israel. All of them are skilled in warfare, trained for battle, each with his sword on his thigh, guarding against the terror of the night." (שיר השירים פ"ג)

Another pasuk from King David, explaining about the righteous:

יעלזו חסידים בכבוד ירננו על־משכבותיהם .רוממות אל בגרונם וחרב פיפיות בידם." (תהלים קמט)

"Let the faithful exult in glory; let them shout for joy upon their couches, with paeans to Hashem in their throats and two-edged swords in their hands."

Certainly, there are spiritual meanings to all these verses, but Chazal emphasize the principle that the simple, literal meaning of the pasuk must also be studied (שבת סג,א).

Guided and Guarded: Protection by Heavenly Providence.

Some may argue that since the Jewish nation is guided by heavenly providence, there might be no need for them to take active measures to ensure their safety. However, Rabbeinu Bechayey offers an insightful perspective. He suggests that the (שמות יג, יח) reason the nation was armed when leaving Egypt was not to undermine the divine protection, symbolized by the glory clouds and the pillar of fire. Rather, it was to encourage the people to behave naturally.

Rabbeinu Bechayey's point is that while Hashem provides supernatural protection, there is an inherent value in people behaving in accordance with nature. Even in times of divine protection, Hashem encourages individuals to take practical steps for their well-being. This harmonizes the divine guidance with the natural order, emphasizing the importance of both heavenly support and responsible human action in ensuring safety.

Even the righteous Torah scholars, who the Gemara (בבא בתרא ח,א) suggests do not require protection as the Torah protects them, as Chazal explained on the pasuk - "I am a wall," referring to the Torah, and "And my breasts are like towers"; those are Torah scholars. Still, the Chazon Ish (ס"ה ס"ק יח) and Rav Moshe Feinstein

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(דברות משה)explain that they must behave according to nature and seek protection.

Summary:
This was a brief overview among various sources that highlight the importance of every responsible Jewish person exercising their Second Amendment right. It serves as a reminder that predators target the defenseless, and if the majority of Jews are armed, potential attackers may think twice before initiating an assault.

Dining in the Divine Presence: Reading Between the Bites.

Body language- Parashat Mishpatim.

ואל אצילי בני ישראל לא שלח ידו ויחזו את האלק-ים ויאכלו וישתו (שמות דכ, יא)
ר ש " י - **לא שָׁלַח יָדוֹ** – מִכְלָל שֶׁהָיוּ רְאוּיִים לְהִשְׁתַּלֵּחַ בָּהֶם יָד .
וַיֶּחֱזוּ אֶת הָאֱלֹקִים – הָיוּ מִסְתַּכְּלִין בּוֹ בְּלֵב גַּס מִתּוֹךְ אֲכִילָה וּשְׁתִיָה

The Torah recounts the leaders of israel who were present at the meeting when Hashem appeared to them. Rashi suggests that they were looking at Hashem (so to speak) disrespectfully. One might wonder where Rashi derived this interpretation, as the verse only states: "Yet He did not raise a hand against the leaders of the Israelites; they beheld Hashem, and they ate and drank. And they saw the God of Israel—under whose feet was the likeness of a pavement of sapphire, like the very sky for purity."

The answer lies in their behavior while in the presence of the Holy Shechinah. Observing how a person behaves during a meeting, particularly one that involves a meal can provide valuable insights into their feelings and comfort level.

Discerning someone's comfort during a meal involves observing their relaxed posture and evident enjoyment of the food, as well as their active engagement in conversation. A person at ease typically eats at a natural pace, smiling and expressing contentment. They may show openness to trying new foods, exhibit casual gestures, and share positive feedback about the meal. In contrast, someone feeling intimidated may display tense body language, limited conversation, and avoidance of eye contact. Comfortable individuals often demonstrate unhurried behavior, taking the time to enjoy both the food and the company. They may even share their dish or offer tastes to others, contributing to a sense of generosity and ease, which stands in stark contrast to the behaviors exhibited by someone feeling intimidated.

When meeting someone of high stature, such as a prominent rabbi, it is customary to feel a sense of awe and respect. If invited to a meal, one should either refrain from eating altogether or, if expected to partake, approach the meal with restraint and respect. During such a meeting, it is generally assumed that one wouldn't casually take out a snack bar, munch on potato chips, or engage in any behavior that could be perceived as showing utmost disrespect.

When the leaders of Israel were in the presence of Hashem, it was considered inappropriate for them to eat, as it would show disrespect. Consequently, they faced severe punishment. However, Hashem chose to delay the punishment to avoid dampening the high spirits of the day. This notion of refraining from eating in the presence of the Shechinah is reflected in the halacha governing behavior in a synagogue. Shulchan Aruch (בסי' קנא סעיף א) emphasizes that one should not behave in a lightheaded manner in a synagogue. An example of such behavior is eating and drinking, though there are exceptions mentioned in the halacha and poskim, where eating in a shul is permitted under specific circumstances.

Faith under fire; concealing identity. Part 2

Last week, we discussed how to behave when faced with individuals who pose a threat due to our religious beliefs. We covered topics such as handling the mezuzah in dangerous areas and the permissibility of removing our kippah in potentially risky situations. Today, we'd like to explore the question of whether we are obligated to disclose our Jewish identity if directly asked by someone. For example, if an Arab asks him whether he is Arab like him, can he disguise his origin in front of someone who appears to intend harm based on our religion?

This question appears to be explicitly addressed in the Shulchan Aruch (יו"ד סימן קנז ס"א): " It is forbidden for a man to say that he is a non-Jew so that they will not kill him." We learn from this that one must be willing to give up their life rather than deny their Jewish religion.

The crucial question that needs clarification here is that the principle is when one is placed in a scenario of violating the Torah or giving up their life, they should violate the Torah as life is considered more precious. The Rosh and the Tur provide an answer: By claiming to be a gentile, one is considered as if he denies his faith, which falls under the prohibition of believing in idol worship. The obligation, in this case, is to give one's life rather than violate this prohibition.

Rabbeinu Yona (ספר היראה) also ruled that if someone falsely claims that you are a gentile, it is incumbent upon you to correct them and affirm that you are Jewish.

Still, in our specific scenario, where someone asks if he is an Arab, he may answer affirmatively to avoid harm based on a couple of leniencies. Firstly, halacha permits providing an unclear reply that can have multiple meanings. For example, the Gemara (נדרים סב,ב וכן ברמ"א סימן קנז) states that a Torah scholar may say, "עבדא דנורא אנן- I worship the fire," although that might sound as if he intends to

Faith under fire; concealing identity. Part 2

worship the fire idol, his real intention is to convey worship of Hashem, who is metaphorically referred to as fire in a pasuk.

"כי ה' אלקיך אש אוכלה הוא"-.

Accordingly, one may say that he is Arab, as Arab identity is not strictly tied to a religious belief but often associated with a place of origin. Arab identity can be interpreted through national, regional, or local lenses rather than exclusively tied to the Muslim religion. Therefore, claiming to be an Arab could be understood as identifying as a Jew from an Arab country. Even if one does not have Arab origins, lying to preserve oneself is permitted in dangerous circumstances.

The late Rabbi Ephraim Oshry, who served as a rabbi in the Kovno Ghetto during the Holocaust, recounts a poignant story in the "Valley of Weeping" section of his responsa "M'Ma'amakim" (Volume 10, Question 4). He shares the following: "I heard about a great sage who, during a decree, was asked if he was Jewish. He replied, 'Kein Yid,' which, in the German language, signifies a negative response, but in Hebrew, it means 'Yes, I am.' The evildoers, unaware of the dual meaning, thought he was answering in a non-Jewish language and spared him. However, his true intention was in the holy language, 'Kein Yehudi,' [meaning: 'Yes, Jewish'], sincerely and unequivocally declaring his Jewish identity."

A similar account is found in the writings of Rabbi Menashe Klein, who recounts in his responsa "Mishne Halachot" that a week after being liberated from the Buchenwald camp, where he had hidden during the Holocaust, there was a selection by the Nazis. When asked if he was Jewish, having concealed himself among the patients, he invoked this halacha and replied, "Kein Yid," using language with a double meaning, and thus he was saved.

Another leniency can be found in the insight of Rav Elyashiv (אשרי האיש יו"ד ח"א עמוד צב), as he offered a different perspective on this halacha. He wrote that the prohibition to falsely claim to be a gentile applies only when there is an attempt to convert the individual to another religion. However, in a situation where there is no such attempt, one may claim to be a gentile. Therefore, if someone finds themselves in a hostile environment, they may choose to save themselves by falsely claiming to be Arab, according to this interpretation.

Conclusion: Considering both the allowance for ambiguous responses in halacha and the perspective of Rav Elyashiv, one may choose to identify as Arab to avoid potential harm.

Modifying Attire to Blend In: Is it Acceptable to Change Clothing to Appear Non-Jewish?

In another scenario, an individual may find themselves on vacation surrounded by people who harbor hostility towards Jews, and there might not be an immediate option to relocate. Even if the person can conceal their head with a hat, their distinct Jewish appearance may still be noticeable due to their clothing and tzitzit. In such a situation, is it permissible for them to remove the tzitzit and their 'Jewish' attire and wear regular clothing, like jeans and colored garments?

Regarding tzitzit, if one can conceal the strings under their clothing, it is advisable to do so. However, if there is still concern about wearing tzitzit even underneath the clothing, it is permissible to remove them entirely. This is because the obligation to wear tzitzit arises only when one dons a garment with four corners. Wearing such a garment, though, is not obligatory. The practice of wearing tzitzit is primarily to fulfill additional mitzvot, but in situations of potential danger, it is acceptable to remove them.

Regarding the rest of the clothing, the halacha (סימן קנז) is more lenient since one does not verbally declare their non-Jewish identity; therefore, it is permitted. An illustrative story is recorded in Sefer Chasidim, (Chapter 189) at a time of persecution, of a devout man who found himself wearing non-Jewish attire and fleeing, unintentionally conveying the impression that he was not Jewish. Filled with remorse, he sought guidance on whether he needed atonement. The rabbis advised him that he did not need atonement for dressing in such a manner (but directed him to ensure that, in the future, he avoids wearing clothing made of shaatnez).

Another story is recorded in the Midrash (מדרש רבה פרשת וישלח פרשה פב אות ח): two students of Rabbi Yehoshua changed their attire during a time of persecution. They were confronted by a renegade named Ishtartus, who said to them, "If you are Torah scholars, give up your lives for it. Why did you change your attire? If you are truly the sons of Torah, you should be willing to die for it."

They replied to him, "We are indeed the sons of Torah, and for its sake, we are prepared to be killed."

Their response was that while they were indeed willing to sacrifice their lives for the sake of the Torah, it is not obligatory or necessary to endanger oneself by appearing in clothing that specifically identifies one as a Torah Jew.

Conclusion: One who finds themselves in a dangerous environment may change their clothing to conceal their identity.

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