

Noach 5776

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I want to share with you a remarkable- and remarkably controversial- Halachic ruling rendered this week. It was issued by Rav David Stav, the prominent Dati Leumi Rabbi and president of the Tzohar Rabbinical association. According to Rav Stav, despite the difficult times the State of Israel is facing, the *halacha* is that a terrorist who has just committed an act of terror, and has been wounded or subdued such that he or she no longer represents a threat, may not be further. Rabbi Yaakov Ariel, the Chief Rabbi of Ramat Gan and one of the most senior Dati Leumi Rabbis, backed Rav Stav's initial remarks. When a terrorist represents a danger, it is permitted to do whatever it takes to neutralize him or her, but once that happens, ruled Rav Ariel, people must act wisely and judiciously. Can you imagine? Last Friday, in a sermon at a mosque in Rafah, Sheikh Mohammed Salah brandished a knife of his own and encouraged his followers to cut up Jews:

"We don't want just a single stabber. Oh young men of the West Bank: Attack in threes and fours. Some should restrain the victim, while others attack him with axes and butcher knives."

God forbid, someone listens to that message (and they have), and they attack you, attempting to pin you down so he can insert his knife into your jugular vein. You have an umbrella, a rolling pin or a selfie stick- just a few of the weapons of choice for Israelis- and

you hit your assailant render him incapacitated. According to Rav Stav and Rav Ariel, that's the end of it; you have no right to attack further. What in incredible statement! Now, some Rabbis felt that this is completely wrong. For example Rav Shmuel Eliyahu, the Chief Rabbi of Tzfat- who is know for inflammatory statements-feels that it is permitted, even obligatory, to kill the terrorist attacker, and he threw in a couple of disparaging remarks about Tzohar rabbis for good measure, accusing them of being ignorant of Jewish law and deciding matters in a way meant to please non-Jews. It's not Rav Eliyahu's position I want to analyze, though-it's Rav Stav's- and not on the level of *halacha* but on the level of philosophy. Where does such a *psak* come from?

This week's Parsha begins by introducing Noach.

בראשית פרק 1

(ט) אלה תולדת נח נח איש צדיק תמים היה בדרתיו את האלקים התהלך נח:

There are a few extra words in this verse, whose meaning is unclear- **היה בדרתיו** - he was pure *in his generation*. I've said in the past that whenever a Rabbi says something is famous, it means they have heard of it. However, Rashi's comment, paraphrasing the Medrash Tanchuma, qualifies, in my view, as legitimately famous.

רש"י בראשית פרק 1

בדורותיו - יש מרבתינו דורשים אותו לשבח, כל שכן שאלו היה בדור צדיקים היה צדיק יותר, ויש שדורשים אותו לגנאי, לפי דורו היה צדיק, ואלו היה בדורו של אברהם לא היה נחשב לכלום:

There are those who interpret this phrase as being complementary to Noach. Had he lived in a

generation of righteous people, he would *still* have been the most righteous person. Others, however, offer a less charitable interpretation. Had Noach lived in the generation of Avraham, he would have been an average citizen, unremarkable in his spiritual accomplishments. I ask you: *Who cares* what Noach would have been like in *other* generations? What right do we have to judge him, and what kind of theoretical exercise is that anyway? I'll give you the exact analogue: as I've described before, I get calls occasionally to serve as a Rabbinic reference for people- whether applicants to Yeshivot or seminaries, or as dating prospects, either from the potential dates themselves or from their families. Now, imagine that the head of a Yeshiva called me to ask about someone, and I said: "Josh is a wonderful person! He has great *middos*, he works hard on our youth programming, he is diligent in his studies and he is carefully observant of Jewish law." And then I say "But you shouldn't accept him. If he lived during the Spanish inquisition, he would definitely have been a *marrano!*" Or if a young man called me to ask me about a certain young woman, and I would say, "Rebecca is terrific. She is active in Bnei Akiva, loves Israel, does lots of Chessed and she davens a regular Tuesday Mincha like it's *Ne'ilah* on Yom Kippur. But I think you can do better, because if she had lived during the days of the Vilna Gaon, she would be a nobody." I think you can agree that that would be an unfair comparison. So why do we do it to Noach?

Rav Yerucham Levovitz, the great Mashgiach of the Mir Yeshiva in Poland, offers a profound explanation in his work *Daas Torah*, his commentary on the weekly Parsha. Rav Yerucham explains that Noach's goodness and morality are analyzed in regards to the way they would have expressed themselves in other generations because in life, we have to strive to be great, and not simply to suffice with being *better*. Certainly, rising above the morality of our surroundings is essential, but it is insufficient just to be *relatively* moral. Instead, we must

strive to maintain the highest standards and to be the most moral, most upright, most honorable people, full stop, and not just to more so than the people around us.

I think this is the philosophy behind the *psak* of Rav Ariel and Rav Stav; indeed, Rav Stav said so pretty much explicitly. We can't just be *better* than our enemies- we must be objectively good. Of course, we are allowed- no, we are obligated- to defend ourselves and do whatever it takes to ensure our safety and the safety of our families. That's why regular Israeli citizens are walking around with pepper spray, why young women in malls have lead in their backpacks, so that if, God forbid, they are attacked by a stabber he can't attack them from the back, and why videos on how to defend yourself from attacks have gone viral in Israel. And we must always be mindful of the adage of Chazal- "Whoever is merciful toward the brutal will end up brutalizing the merciful." But beyond that, our challenge is to maintain our humanity and integrity not just relative to our surroundings, but objectively, something that is especially difficult to do when we are being attacked by an enemy that reveres death, and seeks to invite it one by one in brutal personal encounters. There are so many shining examples of Israelis acting in ways that far exceed any normal expectations; one example is the surgeons at Hadassah who treated a young 13 year old Palestinian who was injured while he was trying to perpetrate a terrorist attack- even as that young man was being used as a pawn in the news media, as his overlords claimed he was an innocent, dead victim. Our challenge is to emulate these examples, and not suffice with being *better*. What does that mean? Of course, it means that we cannot be party to, supportive of or be anything less than wholeheartedly condemnatory of the criminal and even terrorist responses some of our co-religionists have perpetrated in response. No qualification, no explanations- just full throated condemnation, and not because it is good politics or because doing so makes us

better than our enemies who lionize their terrorists, but because this behavior is reprehensible and morally abhorrent. That is our job as Jews, wherever we are. But beyond that, what does this lesson mean for us? Living outside of Israel, under radically different conditions, we aren't faced with a daily test of safety and fortitude. Aside from condemnation of terrorist activity of any kind and vociferously advocating for Israel, speaking out against moral equivalency that is so pernicious in media accounts, we cannot offer advice to our Israeli brothers and sisters on how *they* should act; we must instead pray for them, and do so with great intensity, passion- and frequency. But there is something else. For those of us outside of Israel, our challenge is not to let our passion about the situation and compassion for the *real* victims rob us of our humanity and our basic decency. That means that we must be careful to preserve refinement of speech, even when speaking about those who disagree with us, and it means being very carefully of the way we choose to go about our Israel activism. This week, there was a video that went viral on Facebook and other media, in which a terrorist attack was caught on film. It was the one in which a car rammed into a bus stop on Malchei Yisrael street in Jerusalem, and the driver got out and attacked his victims with a hatchet; this attack was the one that claimed the life of Rav Shaya Krishevsky *hy"d*, one of the well known personalities of Torah and Chessed in Yerushalaim. I would not be surprised if many of you saw this video; I certainly did, and immediately regretted it. Many people posted it with the breathless headline "Warning: Graphic violence. Share so the world can see what is really happening in Israel." It is understandable that we want to publicize the horror of what is going on in Israel; it's the way we feel we can help when we are so far away geographically. But spreading this kind of film is the most egregious, horrific violation of privacy I can think of- not of the terrorist, of course, but of the *kedoshim* who perished in this attack. It is complete anathema to the way Chazal viewed the experience of death, both in

terms of the honor and sanctity due to a corpse and the sacredness of the moment of death. Even death *al kiddush hashem* is something Chazal were careful about, making sure that the garments of such a person was wearing at the time of martyrdom were buried with that person, to act as a merit but also to preserve that sanctity and privacy. That is why we cover the body of a dead person in a burial shroud, and why, as a matter of strict Jewish law, one who witnesses the death of a good, upstanding Jew- even if that Jew is not a relative- is obligated to tear *keri'ah*, the ritual rending of the garments, on the spot. Sending around these kinds of videos may or may not accomplish the goals it was set out to, but we lose something of our humanity and our respect for it when we make viral these videos, even as they catalogue the deaths of innocents. With God's help, this horrific period will be over soon, and we will have to return to regular life. May we be able to do so with our heads held high and humanity and self respect intact, so that we will experience true redemption from the lengthy and enveloping darkness.