

S·E·P·H·A·R·D·I·C HALACHA JOURNAL

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KILLER BE KILLED:

Should One Refuse To Save a Murderer?

Adapted from the writings of Rav Shmuel
Honigwachs

*The Pittsburgh nurse speaks.
I am The Jewish Nurse.*

Yes, that Jewish Nurse. The same one that people are talking about in the Pittsburgh shooting that left 11 dead. The trauma nurse in the ER that cared for Robert Bowers who yelled, "Death to all Jews," as he was wheeled into the hospital. The Jewish nurse who ran into a room to save his life.

So begins an online post from one Ari Mahler. Why did he do it?

Love. That's why I did it.

Bizarre motives aside, the question needs to be addressed: Should one save the life of a murderer?

This issue arose nearly a decade ago in northern Florida, where a Jew named Martin Grossman was facing execution for the 1984 murder of Peggy Park, a Florida wildlife officer who had caught Grossman violating his probation by possessing a gun.

Askanim interceded to save his life. One even got a letter written to the governor by a Catholic archbishop in the name of the Pope, attesting that Grossman was a true *ba'al teshuva*.

The activists' efforts, ultimately unsuccessful, were certainly well intentioned. Were they correct?

The Gemara (Nida 61a) records the following story:

There were certain Galileans about whom it was rumored that they had committed a murder. They came before Rabbi Tarfon and said, "Hide us, sir!" Rabbi Tarfon replied:

"What shall we do? If I don't hide you, they will see you. Shall I then hide you? But the Sages have said that although one may not accept lashon hara, one must fear that it may be true. (Rashi: And maybe you did kill and it is forbidden to save you.) So you go and hide yourselves."

Tosfos quotes the Sh'iltos D'Rav Achai Gaon, who explains, contra Rashi, that Rabbi Tarfon's concern was that by harboring a fugitive from the king's justice, he would be chancing his own execution.

From the Sh'iltos it would emerge that absent a risk to oneself, one should save a rumored murderer.

The Chafetz Chaim (Vol.1, *Klal* 6, *Mekor Mayim* Chayim 28) asks that Rashi here appears to contradict his own words in *Gittin* 47a, where he says that one would be permitted to save someone despite rumors afoot about him. He resolves the contradiction in two ways:

1. Rumors of murder must be heeded because of the potential harm that could result were a murderer to remain at large.
2. Rabbi Tarfon didn't need to involve himself because he judged that the fugitives were capable of hiding themselves. Had this not been an option, he would indeed have hidden them.

The Chafetz Chaim prefers his second answer, from which it emerges that one must indeed save a rumored murderer.

My friend and colleague Rav Moshe Yoselovsky adduced proof to the concept behind the Chafetz Chaim's first answer from a *Radbaz* in *Hilchos Sanhedrin* 14:8.

The Rambam there discusses the case of a defendant who was sentenced to death by Bais Din but absconded before the verdict could be implemented. He rules that if the charge was murder, any person may pursue the convict and kill

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Summary of Parasha & Halacha Shiur on P. Va'era, by
Rabbi Ariel Ovadia

One & Only: Praying to Hashem near Avoda Zara

The *Pasuk* says, that when the *Barad* (hailstones) hit *Mitzrayim*, *Paraoh* called *Moshe* and begged him to remove this harsh plague. *Moshe* answered that he will pray to *Hashem* when he leaves the city. *Rashi* explains that *Moshe* couldn't pray in the city because it was full of idols.

The *Terumat HaDeshen* discusses a traveler who is faced with a choice: either to pray *Minha* on the road where there are many distractions, or to pull over at an inn which is full of idols. He cites this *Midrash* and rules that should preferably not pray in a place with idolatry unless there are too many distractions on the road. *Maran* and the *Rama* cite this *L'Halacha*. (Many *Poskim* are lenient when it is just symbols and not idols.)

If it is an actual house of idol-worship, one can not only not pray in it, one may not enter it whatsoever (*Avoda Zara* 12).

Therefore, the *Poskim* forbid entering a church to look at its art and architecture.

Hacham Ovadia
Hedaya and
others also

f o r -
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on back)

spotlight
*Bais HaVaad and the
Credit Union Saga*
When *Poskim* published a *Kol Korei* regarding credit unions and ribbis, the *Bais HaVaad* was deluged with calls. There was much confusion and lack of clarity on the topic. In response, the *Bais HaVaad* published *State of the Union: May One Join PenFed or First Atlantic?*, an halachic analysis and background of the topic.

(continued from front pg.)

him by any means at his disposal.

Radbaz explains the reason that this law applies exclusively to murderers: A murderer on the lam is a threat to public safety.

According to this, one should not save a murderer, at least not a definite one.

If after we save him he will be imprisoned for life and no longer pose a threat to society, perhaps the Radbaz would agree that he be saved.

Sefer Chasidim (Ed. Margalios, 683), citing Mishlei 28:17, writes: "If a murderer runs to you, do not receive him, whether Jew or gentile, as in the incident of Rabbi Tarfon in Nida."

That the Sefer Chasidim doesn't qualify the ruling—for example, to apply only where one's own life is threatened by the king—makes it clear that he is in accord with Rashi, that it is forbidden to save even a rumored murderer.

The Chavos Ya'ir discusses the case of two teenage boys who got in a fight and one killed the

other. He fled the country, but a short time later he was sentenced to death in his new location for theft. *Askanim* intervened on his behalf, but others argued that a relative who is the *go'el hadam*, the redeemer of the blood, of the dead boy would be permitted to kill him, so why should anyone else seek to save him?

The Chavos Ya'ir rejects that argument, but he concludes that when we see someone who is liable to death facing an unnatural death, we should assume that this is Hashem's will and not try to stop it. He cites the Rashi in Nida, and he understands Tosfos not to disagree. (Maharik, quoted by Chafetz Chaim (ibid. 30), understands Tosfos as arguing with Rashi.)

It emerges from the Chavos Ya'ir that one should save even a known murderer from a natural death, but not even a rumored murderer from an unnatural one.

May Hashem protect Klal Yisrael from all who mean us ill.

(continued from front pg.)



bid entering a church to vote.

The *Poskim* debate whether a mosque is

also a *Bet Avoda Zara*. The *Ran* is strict and the *Rambam* is lenient. Based on the *Rambam*, Hacham Ovadia permitted praying in *Ma'arat HaMachpela*. The *Poskim* also forbid entering reform and conservative temples,

unless there is a social hall that serves for general functions.

The *Poskim* debate whether one can convert a house that used to serve as an idol house into a *Bet Keneset*. The *Magen Avraham* (O.H. 154) permits, while the *Mishna Berura* and others are strict. The *Igrot Moshe* is lenient if a large expense was incurred or if the building was altered significantly.

The Daf in Halacha

Bring the Daf to Life!

מסכת חולין

This Week's Topics

RAY YOSEF FUND

POSEK AT THE BAIS HAVAAD

RAY YEHOSHUA GRUNWALD

DAYAN, BAIS HAVAAD LAKEWOOD

RAY ELIEZER COHEN

ROV OF BAIS MEDRASH TIFERES ELIEZER

RAY YOSEF GREENWALD

DAYAN, BAIS HAVAAD YERUSHALAYIM

- דף ל"ח NEARLY DEAD
- דף ל"ט THINKING BACK
- דף מ' OFFERINGS TO TZADDIKIM
- דף מ"א DAILY KAPPAROS
- דף מ"ב TREIFOS BASICS: PART 1
- דף מ"ג DO SCABS HEAL TREIFUS?
- דף מ"ד I'LL TAKE IT: ACCEPTING GIFTS

EVENTS AT THE BET HAVAAD

Bais HaVaad Multiple Participation at The Business Halacha Summit in Chicago

Business leaders and Poskim gathered last week for the annual Business Halacha Summit in Chicago. This prestigious event leading into the Midwest Agudah Convention, addressed the most pressing challenges facing today's halachic business world with practical solutions and halachic perspectives.

The Bais HaVaad's Rabbi Dovid Grossman, shlit"a, was one of the featured speakers at the event, speaking multiple times over shabos, with presentations on Hilchos Shabbos: The Ins and Outs of Making Your Business 'Shabbos Compliant'; Hilchos Ribbis: Unraveling the Complexities; and then again on Shabos.



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