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Yeshivat Ateret Yerushalayim

IN THE HEART OF THE OLD CITY OF JERUSALEM

On the Air with Ha-Rav Shlomo Aviner

Every Tuesday and Thursday night Rav Aviner answers questions of Jewish Law and faith on the radio in Israel. On the Air presents a sample of these answers each week.

13 Marcheshvan 5768 – #5

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CLEMENCY FOR YIGAL AMIR

Q: What is Ha-Rav's opinion about granting clemency to Yigal Amir, since Arab terrorists are freed by the Government? Shouldn't they be merciful to a Jew like they are to the Arabs?

A: I am not an expert in the case, but I do not think he should be released. I do not know of a logic to free him. The issue of releasing the Arabs has nothing to do with this case. I understand that the reason that we free murderous Arabs, which we should not do it, is that there is international pressure or to free Jewish captives. I do not agree, and we can argue with those who are in favor, but at least they are saying something logical. I think this is a terrible mistake, but just because we make mistake "a" does not mean we should make mistake "b." To simply free someone who murdered, and who murdered the person who was the head of the State in particular, is something which is never done. If people start to murder Prime Ministers and ministers in the Government and we release them, we will not be able to do anything here.

Q: Should he be freed to attend his son's brit milah?

A: I also don't think so. These are details. He did something severe, if it is indeed him. Some claim it is not him. There are many questions about the whole assassination, and perhaps there is more than one person responsible. I have a list at

home with twenty strange occurrences connected to that night. Why did he confess? There are all sorts of theories. All of this is based on the assumption that he is the murderer. I do not know. There are two reasons for punishment in prison. a. To protect society from this person. B. To deter. If a person knows that he will sit in prison, he will think twice. The worse an act, the most sentence a person should receive. In the United States, prison is hell. In Israel, comparatively, prison is like summer camp. A person needs to know that if he commits a crime, he will regret it for the rest of his. Because of this, others will see and fear and will not act this way. Murder in general, and murdering the Prime Minister in particular, is not a light act, and he must be punished accordingly.

IF HASHEM IS BENEVOLENT WHY ARE PEOPLE STARVING?

Q: It says in the birkat ha-mazon (the blessing after eating) that Hashem "sustains the entire world with His goodness." How then are there so many people in the world who are starving?

A: Hashem truly sustains the entire world, and this is the theme of the entire first paragraph of the birkat ha-mazon. There is enough food in the world. The reason that there are starving people is improper distribution. For example, there are myriads of starving people in Africa, but Africa produces more food than it needs. What happens? Wealthy people withhold the food to raise the cost and they thereby make more money. They have enough money, but they pursue more. Hashem is benevolent but people have free choice and they waste.

VEGGIE DOG WITH CHEESE

Q: Is it permissible to eat a veggie hotdog with cheese or is it a problem of "ma'arit ayin" (the appearance of violating the prohibition) of eating meat and dairy together?

A: It is permissible for two reasons.

1. It is true that our Sages decreed that one may not eat almond milk with meat unless one leaves the almonds out for everyone to see (Rama, Yoreh Deah 87:3), but almond milk is a rarity. In my entire life, I have never seen almond milk. Everyone has seen and knows about veggie dogs. There is therefore no problem of "ma'arit ayin."

2. We do not make new decrees. That which our Sages decreed is decreed, and that which our Sages did not decree is not decreed. They did not make a decree against eating veggie dogs with cheese. Perhaps you will say, they did not make a decree because veggie dogs did not exist, but it is included in the original decrees of "ma'arit ayin." The halachic authorities explain that we do not make such an argument and it is not included.

I remember when I was a little kid and they invented parve margarine. People ate the margarine with meat and other people did not know what it was. Many people were strict and put the wrapper on the table. There is also non-dairy creamer which looks like milk. There is a responsum of Rav Ovadiah Yosef in Shut Yechaveh Da'at (3:59) which permits these items because they are well publicized and everyone knows about them.

A SINNING JEW IS STILL A JEW

Q: Is a Jew who denies the Torah still considered a Jew?

A: A denying Jew or a sinning Jew is still absolutely a Jew. The Gemara in Sanhedrin (54a) explicitly says, "A Jew, even though he sins, is a Jew." He is a sinning Jew, it is forbidden to sin, but he is a Jew. I was once speaking to a ba'al tehuva (a Jew who returned to observance), who seemingly was not taught correctly, and he said, "A Jew who does observance the mitzvot is not a Jew." I said: If that is so, do you know the kindness you just performed for the many women whose husbands, who are not observant, refuse to give them a "Get" (religious divorce)? He will not give a "Get" and they cannot remarry. If you are correct, he is a non-Jew, and if she is "married" to a non-Jew, she does not need a "Get." It is not considered a marriage. She is free! You see, however, that the Rabbinic courts arrange divorces for those who deny Torah and who do not perform mitzvot. It is therefore clear that they are Jewish.

CATHETER IN SHUL

Q: Can someone who has a catheter attend shul?

A: He is certainly permitted to attend shul, since a catheter is a closed you cannot smell it and it is covered. A person with a catheter may also pray. If the individual feels a flow from his body he should stop praying, and continue after he no longer feels it.