



PO Box 1076 Jerusalem 91009 * Tel. 972-2-628-4101

Yeshivat Ateret Yerushalayim

IN THE HEART OF THE OLD CITY OF JERUSALEM

On the Air with Ha-Rav Shlomo Aviner

Rav Aviner answers questions of Jewish Law and faith on the radio in Israel on Tuesday & Thursday nights (To listen: www.kimizion.org/shiur/shut.html). On the Air presents a sample each week.

18 Shevat – #18

Prepared by Rabbi Mordechai Friedfertig

RavAviner-subscribe@yahogroups.com

archived at www.ateret.org.il/new/home.php

Questions in this issue:

1. Live worms for fishing
2. Nursery school or playgroup
3. Makeup on Shabbat
4. Information from an agent before signing a contract
5. Bird droppings and blessings
6. Eating apples – the forbidden fruit?
7. Dancing on Shabbat

Live worms for fishing

Q: Is it permissible to use live worms for fishing or is it considered "tza'ar ba'alei chaim – cruelty to animals"?

A: We can divide this subject into two parts. 1. "Tza'ar ba'alei chaim" is when a person causes an animal distress for no reason. There is no prohibition, however, if there is a human need. For example, it is permissible to have a zoo, since there is a human need; not a physical need, but a cultural need. The Rama (Even Ha-Ezer 5:14) writes, however, that even though plucking a feather for a quill from a live goose is permissible, people refrain from doing so because it is cruel. If one is able, he should find a viable substitute. The basic Halachah is that it is permissible to pluck the feather, and it is certainly better to pluck a feather and cause the goose pain than to kill it for the feather, if there is no other option. Regarding the worm, it is preferable to find a viable substitute, but it is not obligatory. 2. Is it permissible to go fishing at all? This whole discussion is dependent on the reason one is going fishing. Is he going fishing in order to eat or for sport? Rav Yechezkel Landau in Shut Noda Biyehudah (Yoreh Deah 2:10) was asked: Is it permissible to hunt? He was asked in regard to the danger involved, since the animal could attack him. He says that it depends on

the reason he is hunting. Is he hunting for his livelihood or for fun? If it is his livelihood, it is permissible to take a limited risk. If it is for fun, however, it is a problem. He says that not only is the potential risk a problem, but it is also cruel. Hunting is the way of Nimrod and Esav. He does not rule that it is forbidden according to the basic Halachah, since it does have a human need, i.e. human enjoyment, but he should refrain from hunting on account of the cruelty involved. The same applies to fishing. Is he is going fishing to eat or for his livelihood, or he is going for fun? If he is going for fun, not only do the worms suffer, but the fish suffer as well. They are caught on the rod, a hook cuts their mouth, they are reeled in and later released, etc... This is not the type of pleasure which is appropriate for dear Jews.

Nursery school or playgroup

Q: Should a three year old be in a nursery school or a playgroup?

A: Some children require more social interaction and some require less. Even if we decide that your child requires more social interaction, a few other children will suffice. A child at this age does not really play with other children, but plays in the presence of other children, i.e. parallel play. He therefore does not need the presence of so many children. There is an advantage to a playgroup in that he will not drown in a sea of children. It is obvious that the best caregiver is the child's mother, but there are other circumstances that do not always allow her to be with the child all of the time. The caregiver must therefore be as motherly as possible. If there are fewer children, it is easier. There is, however, also confusion for a child in a playgroup, since the mothers often take turns in a playgroup and children love order and stability. There is therefore also a deficiency. In sum. Both options are good, and do what is best for you and your child.

Makeup on Shabbat

Q: Is makeup permissible on Shabbat?

A: Is it forbidden to apply many types of makeup on Shabbat. A powder which lacks any oily substance is permissible, since the oily substance is what colors the skin and "coloring" is forbidden on Shabbat. Without the oily substance, it is not considered "coloring." It is certainly permissible to apply makeup on Friday. There is long-lasting makeup which you can put on. You can purchase it a Charedei (Ultra Orthodox) cosmetic shop.

Q: Which cosmetics?

A: I remember that I once sat on a Beit Din for conversion and we asked which meat is kosher. The convert answered: The one with the seal of the Rabbis. Easy work. Go to the store and you can ask.

Information from an agent before signing a contract

Q: Does one have to pay an agent who you agreed to take on and he gives you information, but you have yet to sign a contract?

A: You certainly have to pay. One's word is one's word. Nevertheless, this is not a hard and fast rule. The Gemara in Baba Metzia (44, 47-49) mentions four different types of people who do not uphold an agreement. 1. Sometimes you can take him to court. 2. Sometimes you do not take him to court, but the One who punished the generation of the Flood and the generation of the Tower of Babel will punish him. 3. Sometimes "the One who punished him" does not apply, but the spirit of our Sages is not pleased with him. 4. And sometimes you do nothing to someone who does not uphold an agreement. For example, I say that I am giving you my car and I do not – this is nonsense. It is forbidden to say nonsense, but it does not obligate someone. In our case, he received the product. If I am selling you my bike for one hundred shekels and you take the bike, you obviously have to pay even though we did not sign anything. Here, the agent gave something and the person took it. He is therefore responsible to pay, even though he did not sign anything. Furthermore, even if no price was agreed upon, he has to pay, since the custom is that one pays the agent. How much to pay is a different question. We follow the accepted the norm, because the agent is obviously working in order to be paid.

Bird droppings and blessings

Q: Is it permissible to recite a blessing in front of bird droppings?

A: It depends. It is forbidden to recite a blessing or pray in the vicinity of feces which reek. You are obligated to cover them. This is based on: "You shall cover your excrement...for Hashem, your G-d, walks in the midst of your camp...He shall not see a shameful thing among you" (Devarim 23:14-15). In the case of bird droppings, they usually do not reek.

Eating apples - the forbidden fruit?

Q: Is it permissible to eat apples, since it was the forbidden fruit?

A: In the Gemara in Berachot (40a), there are three opinions as to the type of fruit on the Tree of Knowledge. Wheat, figs or grapes. The Christians say that it was an apple, we do not. Even regarding the opinion that the fruit of the Tree of Knowledge was wheat, it does not matter. We still eat wheat. It was only forbidden to eat from the Tree of Knowledge, but it is permissible to eat wheat, figs and grapes.

Dancing on Shabbat

Q: Is it permissible to dance on Shabbat?

A. The Mishnah and the Gemara in Beitzah (36b) say that it is forbidden to dance on Shabbat and holidays out of a concern that someone may play an instrument, something may happen to the instrument and then he may repair it which is a Torah prohibition. Today, it is permissible to dance for three reasons: 1. The Rama in the Shulchan Aruch (Orach Chaim 339:3) writes that we do not protest dancing on Shabbat, since people are already accustomed to this activity, and it is better for them to perform it unwittingly than doing so wittingly. He also writes that some explain that nowadays it is completely permissible since we are not experts in repairing instruments and there is no concern of violating a Torah mitzvah. This helps Ashkenazic Jews, but not Sefardic Jews, since they do not rely on the Rama. It is clear that based on the style of the Rama, he was not enthralled with this leniency. But many communities do dance on Shabbat, and not only Religious-Zionists. In Shut Minchat Eleazar (vol. 1), Ha-Admor of Munkatch, who was definitely not a Religious-Zionist, writes at length that it is certainly permissible to dance, as does Shut Devar Yehoshua. They permit dancing as is the custom of many communities. 2. In the book "Ha-Kuzari," Rabbi Yehudah Halevy, who was a Sefardic Jew, writes that there is a value to fasting and ascetic practices, but there is also a value to rejoicing, and our dancing on Shabbat and holidays is not less of divine worship than fasting and ascetic practices. This means that there is a Sefardic Rishon (Rabbi of the Middle Ages) who permits this activity. 3. The Aruch Hashulchan (ibid. #9) writes that the concern and the reason for the prohibition are only when people dance to a precise rhythm, but what people do today is not considered "dancing." People go around in a circle and jump up and down. People do not dance in a way that it must be accompanied by musical instruments and there is thus no fear that someone will repair a musical instrument. There is a story about Ha-Gaon Ha-Rav Moshe Feinstein that a student in his yeshiva finally got married after many, many years. At the Aufruf, they were so excited that they began to dance around the bima including Rav Feinstein. A student asked him: Isn't it forbidden to dance on Shabbat? Rav Feinstein responded: You call this dancing?! The permission to dance therefore applies to both Ashkenazic and Sefardic Jews. This is the reason that many communities for many generations dance on Shabbat and holidays.