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# 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](http://www.kimizion.org/shiur/shut.html)). On the Air presents a sample each week.

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2 Adar Rishon – #20

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### "May his name be blotted out" for a Jew

Q: I have heard that Ha-Rav said that it is forbidden to say "May his name be blotted out" for an evil Jew, even if he opposes the Nation and Land of Israel. Is this correct?

A: One must certainly fight against such ideas, but this does not mean that it is permissible to say "May his name and memory be blotted out." I did not invent this, it is said in the name of the Sochachover Rebbe, the author of "Avnei Nezer." The proof is quite simple. If a man dies childless, his wife must marry the brother of her deceased husband. This is called "Yibum." The Torah says that the reason for "Yibum" is so that "his name is not erased from Israel" (Devarim 25:6). But what should I care if his (the evil Jew's) name is erased? If I say "may his name and memory be blotted out," what is the problem if his name is erased from Israel? There is no halachah, however, that there is no need to perform "Yibum" for a sinning Jew (Shulchan Aruch, Even Ha-Ezer 157:3). This therefore means that I must be concerned that his name not be erased from Israel. It is true that he is a sinner, but there is a solution. He can repent. This is based on what Beruriah said to Rabbi Meir in the Gemara

in Berachot (10a). Rabbi Meir had evil neighbors who had caused him much distress, and he prayed that they should die. His wife said: "Doesn't it say in Tehillim (104:35), 'Let sins cease and let the wicked be no more.' It does not say 'Let sinner cease,' but 'Let sins cease.' You should pray that they repent, not that they die." In fact, he prayed for them to repent, and they did. Therefore, we should not say "may their names and memories be blotted out," but we should pray for them to repent.

#### Moving a tree during the Shemittah year

Q: Is it permissible to move a tree from one place to another during the Shemittah year?

A: This is a big problem (since planting is forbidden), but some permit it if you move the tree together with the clump on dirt which sustains it, which is not so simple from a technical point of view. In the book "Hilchot Mitzvot Ha-Teluyot Ba-Aretz" (Laws of mitzvot dependent of the Land) of Ha-Rav Yitzchak Yosef with the rulings of Ha-Rav Ovadiah Yosef, he permits this moving the tree in this fashion, since in truth one is not planting anything. The tree is already planted. What is the difference if the tree is planted here or there? One uproots the tree with the clump of dirt and it can live in the dirt. As a result, he is simply putting it somewhere else. This is a powerful explanation, but I am not sure if others agree. Therefore, if it is not a pressing situation, it is preferable to choose another year to do it.

#### Drinking from cups of the non-observant

Q: I work for non-religious Jews. Is it permissible for me to drink from their cups or do I have to refraining from drinking for eight hours until I return home?

A: There is a question whether the cups are kosher and whether they have been immersed in the mikveh. A person is sometimes invited by his parents or by relatives and he has to search for certain leniencies. These people, however, are not your relatives. I recommend that you do what I do. In order to drink during the broadcast, I have my own small bottle. I fill it and I do not need to worry at all.

#### Cutting down a tree on which a myriad of birds hang out

Q: Is it permissible to cut down a (non-fruit bearing) tree on which birds congregate and make a lot of noise and leave droppings?

A: It would even be permissible to cut down a fruit bearing tree if it causes damage. Therefore, it is certainly permissible to cut down a non-fruit bearing tree. We love trees very much and we also love birds very much, but we love people even more – as strange as we may be.

### Yahrzeit for someone who died during twilight

Q: When is the yahrzeit for someone who died during twilight?

A: There are two issues: The memorial and reciting kaddish. The memorial is visiting the grave, having a meal or learning Torah. It is possible to perform these acts another day. If the yahrzeit fell on Shabbat, these acts would be on a different day regardless. The memorials are based on the convenience of the family, and they are not even obligatory. Regarding kaddish, there is no need to be strict and recite it on two days. It can be recited the day before or after. It does not matter, either option is good.

### Cooking non-kosher food for a non-religious Jew

Q: Is it permissible to cook non-kosher food for a non-religious Jew if I am caring for him and he is unable to cook?

A: This is impossible. First of all, cooking meat and milk together is forbidden. It is forbidden to cook meat and milk even if one does not plan to eat it. It is forbidden to eat it, cook it and benefit from it. Secondly, even cooking other non-kosher foods is forbidden on account of the prohibition of "do not place a stumbling block before the blind," since I am preparing non-kosher food for a Jew. Even if one claims that if I do not cook the food someone else will, it is still forbidden on account of "aiding someone who is transgressing." It is therefore forbidden to cook non-kosher food. If the food is kosher, but the vessels are not, there is what to discuss, since we can argue that the vessels have not been used in the last twenty-four hours, which is a rabbinic prohibition, etc... There may therefore be something to discuss in this case, but cooking non-kosher food is certainly forbidden.

### Nursery school teacher reciting blessings for the children

Q: Can a nursery school recite a blessing with the children even though she is not obligated to say the blessing?

A: It is permissible to recite Hashem's Name in vain for the purpose of education, since if it is to educate, it is not in vain. A child at the age of two to four, however, has not yet reached the age of education. It is therefore difficult to recite Hashem's Name in vain for nursery school aged children. What you should do is to obligate yourself in the same blessing as the children and recite the blessing at the same time as they recite the blessing. If they want to drink, you should drink. If they need to do "netilat yadayim" (ritually washing hands), you should do "netilat yadayim." After all, part of education is that they see you reciting the blessings, and not just telling them to do so.