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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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### Same question to various Rabbis

Q: Is it permissible to ask the same question to more than one Rabbi?

A: It depends on what you are asking. The Gemara in Avodah Zarah (7a) says that one who asks a Rabbi a question and he declares it impure may not ask another Rabbi who will declare it pure, and one who asks a Rabbi a question and he declares it forbidden may not ask another Rabbi who will declare it permissible. This ruling is quoted in the Shulchan Aruch (Yoreh Deah 242:31). Why is it forbidden to ask the same question a second time to a different Rabbi? Some explain that it is because of the honor of the first Rabbi (Rashi to Niddah 20b): You asked a question and don't like the answer so you are going to a different Rabbi?! You are shaming the first Rabbi! Others explain that when the first Rabbi rules, the object on which he ruled now has the status which he placed upon it. This means that if I ask a Rabbi if something is kosher or not and he rules that it is not kosher, the ruling of another Rabbi cannot change it. The Halachah follows the second explanation (This is the opinion of most Rishonim – Rabbis of the Middle Ages – including Ra'avad, Ramban, Rashba quoted in the Ran Avodah Zarah ibid. and Rosh, ibid. 1:3). Therefore, when I ask a Rabbi a

question about a piece of meat, the meat has the status of his ruling, but if I have another piece of meat and I have the same question, I can ask a different Rabbi. There are also questions regarding a person's activities. How do I act in a given situation? A Rabbi's ruling fixes the status of an object, but not the status of a person's activities. Regarding an object, you can only ask one Rabbi, but regarding a person's conduct, you can ask various Rabbis. Even in the case of an object, if I really, really want to ask a second Rabbi, I can ask a second Rabbi if I tell him that I already asked the first Rabbi. If the second Rabbi so desires, he can talk to the first Rabbi and try to convince him to change his mind (Rama ibid.). I remember that someone once asked me a question regarding the laws of Family Purity and I answered: she is impure. The questioner went and asked Rav Mordechai Eliyahu. Rav Eliyahu called me and said: "Rav, look at it from this perspective and that perspective." I then understood that it was permissible to be lenient and I said: "I retract, she is pure." Furthermore, it is obvious that someone who asks a theoretical question may ask as many Rabbis as he wants. You may also ask questions to different Rabbis at different times, since all Rabbis are Torah.

#### Picking Fruit from a private tree in the public domain

Q: Is it permissible to pick fruit from a tree on private property which is protruding into the public domain?

A: The basic halachah is that it is forbidden. Although the tree is protruding into the public domain and this is wrong since it bothers people, the tree still belongs to the owner. He is not renting it to others and the fruit is not on the ground. This is similar to a case in which I leave my bike on the sidewalk every day. It is wrong to leave all sorts of equipment in the public domain, but I do not give up my ownership. It is therefore forbidden to take the fruit.

#### Photocopying sheet music

Q: Is it permissible to photocopy sheet music from my daughter's music teacher which she wants my daughter to learn?

A: There are two conditions which must be met in order for it to be permissible: it must be permissible according to the law and it must be permissible according to Halachah. According to the law, it is permissible to photocopy something if it is not for the purpose of selling it and in our case this is obviously not the intention. According to Halachah, it is permissible to photocopy it if you would not buy it regardless and therefore the publisher would not lose any money. Thus, you must decide: if you would buy it if it were not for the photocopy, it is forbidden to photocopy it, but if you would not buy it even if you did not photocopy it, it is permissible to do so.

### Traveling outside of Israel to visit shuls

Q: Is it permissible to travel to outside of Israel to see different shuls?

A: According to the Rambam, it is permissible to temporarily travel outside of Israel to learn Torah, get married or to be saved from non-Jews (Hilchot Melachim 5:9), and according to the Tosafot, it is permissible to travel for any mitzvah (Tosafot to Avodah Zarah 13a d.h. lilmod). There is no mitzvah, however, to visit shuls. There is a mitzvah to enter a shul to daven, but not to simply visit and this is no justification for leaving Israel. If you are interested in the history of the Jewish communities there, which is certainly important, there is no need to travel there. You can buy books with pictures and beautiful albums, and you can speak with people who came from there.

### "May their name be blotted out" for Arabs

Q: Is it permissible to say "May their name be blotted out" for Arabs?

A: Arabs are not all the same, just as – "le-havdil – to differentiate" – Jews are not all the same. There are Arabs who are murders. There are Arabs who are not murders, but who encourage murders and are happy when they do so. And there are Arabs who are not murders and do not support them. We obviously are unable to tell the difference between them and so we are cautious about all of them. We respect them and suspect them. We do not call all of them murders, since this is not true. Sometimes there is an Arab who seems pleasant and turns out to be a murder, and sometimes there is an Arab who appears not to be okay and is okay. Much information comes to the security forces in the war on Terror from Arabs. They do not necessarily pass it along because they love the Nation of Israel, but they do want the killing because they know it is not good for them and causes chaos. We would not called them the most righteous people in the world, but we also would not say "May their name be blotted out."

### Minimum wedding or bar mitzvah gift

Q: Is there a minimum amount one must give as a gift when invited to a "simcha"?

A: No, there is no specific ruling in this matter. Ha-Rav Chaim David Ha-Levi – former Chief Rabbi of Tel Aviv-Yafo – does write in Shut Aseh Lecha Rav (1:24) that the gift a person brings to a wedding should at least cover the cost of the meal he is served, since he is coming to make the groom and bride happy and not to eat on their bill. But this is necessarily the case. There are people who spend lots and lots of money on weddings and it is impossible to say to an invitee: "You must absorb the costs." He could respond: "I didn't ask for something so expensive. Why I am responsible?" There are also poor people who are unable to bring big gifts. It is therefore impossible to obligate a certain amount.