



On the Air with Rav Aviner - #73

From Ha-Rav's weekly radio programs in Israel

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Bar mitzvah money

Q: When a bar mitzvah receives money for a present to whom does the money belong – the bar mitzvah or his parents?

A: From a halachic perspective, since the child is already bar mitzvah, the parents cannot take his money. Theoretically, the parents could say: We are not taking your money but we are not obligated to feed you, give you lodging, etc... According to the Torah, a parent is only obligated to provide for the child until the age of six and then he can go work, and the Chief Rabbinate made a ruling that it is until the age of fifteen. But even until the age of fifteen, a parent could give bread and a place to sleep. They are not obligated to do and to go beyond the letter of the law until people ask whether they can use ma'aser money for their children's education. We say that if you use ma'aser money to raise your kids there will be nothing left to give to others. Based on ethics, fairness and truth, this money should go to the parents after all the money they have spent. Therefore, if the parents are not lacking for money, what does it matter to give the money to the bar mitzvah boy and put it in an account for him. But if the parents are not in a great financial state and they spent a lot of money on the bar mitzvah, they can certainly say to him: "Our dear child, it is true that you receive the money, but we need the money. Don't worry, if you need money, we will

give you as we have done up until now. We live together in this house and we work hard but we are lacking money. Therefore, you need to be a partner with us." This education not only pertains to the bar mitzvah money, but we must tell child that they are partners in the house. You are not the masters and we serve you. You need to help. This is the source of many arguments at home, but we should not give in on it. You must sit together when all is calm and tell them that they need to help. Give a list of household chores, and they can each choose a few. This should be the approach not only for the bar mitzvah presents but for all of their cooperation in caring for one another.

Mourning for a secular Israeli

Q: Does one sit shiva for a secular Israeli?

A: It is true that we do not sit shiva for one who separates himself from the ways of the community (Rambam, Hilchot Avel 1:10 and Shulchan Aruch, Yoreh Deah 345:5). The Rambam says (ibid.) that people who separate themselves from the community are "The people who cast off the yoke of the mitzvot from their necks and are not included among the community of Israel." And the Shulchan Aruch writes (ibid.): "They are like free people for themselves like the rest of the nations." This means that they are people who left the Nation of Israel and someone who leaves defines himself as an outsider. But Maran Ha-Rav Kook makes an important clarification in his article "Al Bamotenu Chalalim" (Ma'amrei Ha-Re'iyah, p. 89). He discusses the exact same question about shiva for two members of the secular movement "Ha-Shomer" who were killed in the Galil. Maran Ha-Rav Kook said that secular Jews are not defined as those who separate from the ways of the community. The separation which appears in the Rambam and the Shulchan Aruch is comprised of two parts: separation from Judaism and separation from the Nation of Israel. In the past, one went with the other, if one left the religion he left the Nation and he was outside. Maran Ha-Rav Kook says that today this is not so. Some people leave the religion but do not leave their connection to the Nation of Israel, and they display self-sacrifice for the Nation and are killed for the Nation as the members of the "Ha-Shomer" movement. Therefore, this law does not apply to them. As is known, in the language of Halachah, they are "Tinokot She-nishbu" (literally Jewish children captured and raise among non-Jews). The Rambam explains in Hilchot Mamrim (3:3) that a "tinok she-nishba" is a Jew who did not receive a proper Jewish upbringing and education. In simple words, they are confused. They do not separate themselves from the religion in order to destroy the Nation of Israel, they separate themselves because they do not know any better. The great authorities already ruled that these difficult halachot do not apply to secular Jews in our days, since they are "tinokot she-nishbu." This is also the opinion of the Chareidi authorities. For example, Nitei Gavriel

(Hilchot Aveilut) quotes the Charedi authorities who rule that we do sit shiva for a "tinok she-nishba" – which is a secular Israeli today.

Downloading from the internet

Q: Is it permissible to download things from the internet for free when they are sold?

A: It is forbidden because of copyright laws. This is a decree of our Sages. A person who invests time and money to create something – a book, a program, a game, a song, etc... – it is his. He sells it to you but he still maintains ownership and you are not allowed to do whatever you want with it. Therefore, it is forbidden to copy it. In order for it to be permissible to copy, there are two conditions which must be met: it is permissible according to Halachah and it is permissible according to the law. In these matters, what the law prohibits is also prohibited by the Halachah whether in Israel or outside of Israel. In order for it to be permissible according to the Halachah, it has to be that the person would not buy it in any event: he does not have money, it does not interest him enough, etc... If this is so, if he copies it, the creator does not lose money – he would not have bought it anyway. These are obviously things which are within a person's heart. They also must be used only for personal use and not commercial use. According to the law as it now stands in Israel, it is forbidden to copy any electronic products. It is thus prohibited to download from the internet whether you would have bought it or not. You have to buy it. After all, this is the reason it is there.

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