



On the Air with Rav Aviner - #120

From Ha-Rav's weekly radio program in Israel and more

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Aliyah against the will of parents

Q: It is permissible for children to make Aliyah against the will of their parents? And further, is it permissible for the Zionist youth movement to encourage Aliyah among young people, even against the wishes of their parents?

A: Many authorities rule that the mitzvah of Yishuv Eretz Yisrael (dwelling in the Land of Israel) outweighs the mitzvah of Kibud Av Ve-Em (Honoring Father and Mother). This position is based on the verse (Vayikra 19:3): "You shall revere your mother and father and you shall observe my Shabbatot - I am Hashem, your God." From the juxtaposition of these two mitzvot, our Sages (Yevamot 6a and see Baba Metzia 32a and Rashi on this verse in his Torah commentary), have derived that if a parent commands a child to desecrate the Shabbat or violate any other mitzvah, the order must not be obeyed. Thus, the verse means that a child is required to revere his

parents, but Hashem's mitzvot take precedence over the wishes of the parents, because "I am Hashem your God," and both the child and the parents are required to obey Hashem. This Halachah is quoted in the Rambam (Hilchot Mamrim 6:12) and Shulchan Aruch (Yoreh Deah 240:15).

Yishuv Eretz Yisrael is a Torah mitzvah – as we see in the Ramban (Bemidbar 35:53 and additions to the Sefer Ha-Mitzvot of the Rambam, Positive Mitzvah #4) and the Pitchei Teshuvah (Even Ha-Ezer 75:10): "The obligation to fulfill this mitzvah applies at all times, and this is explained by all of the halachic authorities, the Rishonim and Acharonim". Therefore, since dwelling in Israel is a mitzvah, a parent is not to be obeyed if they attempt to prevent the child from making Aliyah. This is the view of Rabbi Meir Mi-Rotenberg (Shut Maharam ben Baruch #79), Rav Moshe Mi-Trani (Shut Mabit 1:139 and quoted in Pitchei Teshuvah Even Ha-Ezer 75:6), Shut Me'il Tzedakah (#26) and Shut Beit Yehuda (vol. 1 Yoreh Deah #54).

We know of many cases where parents told a child, who wanted to stay in Israel after learning for a year or two, to return "home," finish their studies, and they would then help the child make aliyah. Often times, however, the plan never comes to fruition and the child gets stuck there.

When Avraham Avinu arrived in Eretz Yisrael and there was a famine, he went down to Egypt. The students of the Vilna Gaon asked: why did he go down to Egypt and endanger his life and Sarah's life instead of temporarily returning to Ur Chasdim, where he had family? They answer that Avraham Avinu feared that if he returned to Ur Chasdim, he would get stuck there and not return to Eretz Yisrael (Doresh Le-Tzion, p. 257-258). We have the same fear for someone who returns to Exile.

Therefore, a child does not have to listen to his parent to leave Israel, but we must explain our feelings to them in a sensitive way. Betuel and Lavan did not want Rivka to marry Yitzchak and move to Eretz Yisrael, but she said: "I will go" (Bereshit 24:58), which Rashi explained: "Even if you do not consent." She told them she was going. We must do the same, and with Hashem help, his/her parents will make aliyah along the rest of his family.

[Authorities who agree include: Our Rabbi, Ha-Rav Tzvi Yehudah Ha-Cohain Kook (Le-Netivot Yisrael vol. 2, #40), Former Sephardic Chief Rabbi of Israel, Ha-Rav

Yitzchak Nissim (Shut Yayin Ha-Tov vol. 2, Yoreh Deah #7), Ha-Rav Shaul Yisraeli (Sefer Amud Ha-Yemini #22), Ha-Rav Ovadiah Yosef (Shut Yehaveh Daat 3:69 and 4:49, Shut Yabia Omer vol. 6, Yoreh Deah #40 ot 5-6), Rav Chaim David Halevy (Shut Aseh Lekha Rav 1:17) and Rav Eliezer Melamed (Kuntres Penini Halakhah of Mitzvat Yishuv Eretz Yisrael, p. 16). And Rav Moshe Sternbuch (Shut Teshuvot Ve-Hanhagot 2:449) has written that if one wants to move to Eretz Yisrael as a means of strengthening his commitment to Torah and spiritual growth, or in order to provide his children with a more vibrant Torah education and atmosphere, he may do so against his parents' wishes. This is unlike the opinion of Shut Minchat Elazar (5:12) of Ha-Rav Chaim Elazar Shapira - the Munkatcher Rebbe, Shut Tzitz Eliezer (14:73) and Ha-Rav Shlomo Braun in She'arim Metzuyananim Be-Halakhah (Vol. 4, siman 143:9 in Kuntres Acharon).]

Shut She'eilat Shlomo - Questions of Jewish Law

A second earring

Question: My daughter wants to get one small, second pierce in one ear. It is very common with her high school friends and even among her female teachers. She studies in a very religious Torani school. Is this permissible?

Answer: There is no problem to have a second hole with the condition that the earring is modest. By the way, the first earring must be modest as well.

Text Message Responsa

Ha-Rav answers hundreds of text message questions a week. Some appear in the parashah sheets "Ma'ayanei Ha-Yeshu'ah" and "Olam Ha-Katan." Here's a sample:

Q: I found a cell phone and want to return it. Can I call the owner using his phone or is it stealing?

A: It is permissible. The cost of returning the object is incurred by the one who lost it.

Q: Is there a problem of using the "secular date"?

A: There is certainly a problem. It is connected to idol worship.

Q: It is proper to wear pants under my skirt if the skirt is halachicly long enough?

A: Yes, this is the custom of Yemenite Jews. Obviously, the pants must be modest and not eye-fetching and the skirt must be long enough even when sitting.

Q: What is the minimum size of a kippah?

A: Strict opinion: covers the majority of the head. Lenient opinion: Can be seen from all sides. Shut Yechaveh Da'at.

Q: How can I cleave to Hashem?

A: Cleaving to Hashem is following his traits, which are learned from Musar books like Mesillat Yesharim.

Q: When I wear clothing which is a little immodest I feel like it is pretty and I benefit from it.

A: One needs strength and courage to over the evil inclination which deceives us. When we give up on impure feelings of benefit, we merit true happiness.

Q: Is it permissible to erase Hashem's Name from a computer scene or a cell phone?

A: Yes, since it is not permanent and some say it is indirectly erasing. This is not the sort of writing forbidden by the Torah.

Q: Is it permissible to call a baby the same name which a wicked person had?

A: Ashkenazim and Sefardim do not do so. For example, they do not use the name "Avshalom" (King David's son). But Yemenite Jews do use this name since it is a beautiful name (Father of Peace). If this name is the name of a wicked person but also found in another context, it is permissible, since you are naming the baby after the other context.

Q: Is it permissible name a child after someone who died young?

A: We have the custom not to do so. But if someone died in a plague which took many people's lives, he is not the only one to have died young, and it is permissible to use that name. Similarly, for a soldier who fell fulfilling his duty or a Jew who was killed by a terrorist, it is also permissible, since – to our great distress – this is not a isolated incident.

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