



Parashat Ki Tavo 5771 - #203

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On the Rosh Hashanah...

Collection of Laws of Rosh Hashanah – Part 1

[Shut She'eilat Shlomo 1:235]

1. Lighting Candles

We recite the blessing of Shehechyanu on both nights of Rosh Hashanah, even if one does not have a new piece of clothing or a new fruit (which he did not yet eat this season) before

him. It is preferable, however, that there be a new piece of clothing or a new fruit (Shulchan Aruch, Orach Chaim 600:2).

Question: Is it permissible to attach the candles in the candlesticks on Rosh Hashanah?

Answer: Attaching the candles to candlesticks for the second night is forbidden on account of [the prohibition of] "leveling" (Shemirat Shabbat Ke-Hilchata p. 76 #18), and this prohibition is no less important than the actual commandment of lighting the candles. One should therefore prepare two additional candlesticks before Rosh Hashanah or to stick them into the candlesticks without attaching them on the holiday.

On the second day of Rosh Hashanah, one may not prepare the candlesticks before the stars come out (definite nightfall), since we may not prepare on the first day of Rosh Hashanah for the second day. But it is permissible to light the candles before sunset, since one benefits from their light on the first day itself.

Addition to the revised edition

Question: I saw in the book "Am Ke-Lavi" (the original name of this volume of She'eilat Shlomo) that it is permissible to light on the first day of Rosh Hashanah before sunset (for the second day) because this is not considered preparation for the next day, since we benefit from the lights on the first day as well. What is the source for this law, since it does not follow the opinion of the Mateh Ephraim (599:9-11)?

Answer: The Be'er Heitev writes: "The Levush (503:4) wrote: We customarily light the candles when it gets dark even before [reciting the prayer]"Barechu." And the Or Zarua wrote that there are women who recite the blessing before they go to shul (for Maariv of the second day). And it is also written in the Shelah that it is a greater mitzvah to do this than to light upon returning to their house since they would return to a dark house. And in shul it is customary to light even when it is still day time since in a shul it is always a mitzvah to light candles, even in the day." And this is the ruling in the Shulchan Aruch (Orach Chaim 514:5): "It is forbidden to light an idle light which one does not need, but [a light] of a shul is not considered idle. It is permissible to light one even on the second day after Minchah and this is not preparing for a weekday, since in lighting it there is a mitzvah for that time." And the Mishnah Berurah (#33) wrote: "There is a mitzvah...that is to say, even if one does not need the light while it is still day, even so there is a mitzvah to light it because of the honor of the shul, and if it is already close to dark it is even permissible in one's house since he needs it at that time."

2. Annulment of Vows

It is customary to release ones vows on Erev Rosh Hashanah or Erev Yom Kippur, but it is also possible to do this during the entire Ten Days of Repentance. One who is unable to do this should be released before three individuals when the opportunity arises (Kitzur Shulchan Aruch 128:10).

3. Eating before the Shofar Blasts

Question: Is our custom of eating before the Shofar blasts in consonance with Jewish Law?

Answer:

1) In general, when it is incumbent upon a Jew to fulfill a mitzvah he should first fulfill the mitzvah and then eat afterwards. Nevertheless the basic law is that only an actual meal is forbidden before the fulfillment of a mitzvah, and a small snack is permissible. But in the generations of the Achronim, they were very strict regarding eating a snack, and they only permitted it for someone who was extremely feeble (See Kitzur Shulchan Aruch 128:9. Sha'arei Teshuvah 584 #3).

2) It is now customary in all places, even amongst the pious, to permit eating a small amount. They support this on the basis of the law that a small snack is permissible. There is therefore no basis to prohibit it. See the comprehensive article of Rabbi Y. Segal in Noam vol. 14, which states that someone who has difficulty with not eating, and whose davening continues until after midday – is permitted to eat something small.

Summary: It is certainly preferable not to eat, in particular on the first day of Rosh Hashanah, since these Shofar blasts are a Torah Mitzvah, but for one who has difficulty waiting until the end, and whose ability to pray with proper concentration will be disturbed, it is permissible to eat something light. And one should obviously do so with awe and fear, and not for an inappropriate reason (In Shut Bnei Banim #14, Rav Yehudah Herzl Henkin disagrees with the above, but one can counter his argument).

4. Question: Is one required to recite another blessing over a Talit after the break between Shacharit and Musaf?

Answer: Yes, since this is a significant interruption and the person's mind will be distracted from the Mitzvah of Talit (Shulchan Aruch, Orach Chaim 8, Mishnah Berurah #37).

Rav Aviner on... To whom does Migron belong?

[Be-Ahavah U-Be-Emunah – Ki Tetzei 5771 – translated by R. Blumberg]

The HCJ (High Court of Justice) ruled that the residents of Migron must evacuate the town because they have taken over private Arab lands.

Sounds fair enough: "Don't steal."

All the same, perhaps someone would be willing to explain to me who exactly those Arab owners of those lands are? "No problem," the High Court will answer, "there's a precise list of the Arabs. You can look at it."

All the same, might I not be allowed to ask yet another question? How is it that those Arabs, themselves, did not know about their ownership, and when the people of Migron came to them to pay them, they were very surprised about this gift falling upon them from heaven? After all, they never lived on these lands and they never worked them. The builders of Migron were enormously careful to settle only in rocky fields. You can peruse dozens of years of aerial photos and you'll see that there wasn't even a single house there, and not a single tree. And indeed, during the nine years in which the town flourished, not one Arab said a word. So, if you wouldn't mind, I'd like to know how it suddenly became theirs? "Very simple," the HCJ explains. "Before the Six Day War, in about 5725, King Hussein carried out a fictitious registration and distribution of these lands to Mukhtars closely associated with him. It's elementary. These lands belong to those Mukhtars, and to their descendants, and to their descendants' descendants, till the end of time..."

It's very interesting to know that King Hussein is the owner of our Land. Yet first I'd like to ask a preliminary question of the HCJ which supports the legal foundations of the King of Jordan's decisions. Surely that same King Hussein, himself, made a condition that if those Mukhtars didn't work those lands and didn't pay taxes, at the end of a number of years the lands would return to the king. Now then, they did return to him, and they are therefore state lands. To this the HCJ responds, "It's true that according to the King of Jordan these lands returned to our country, but we are stricter than the King of Jordan, and whoever applies strictures is praiseworthy. Yet we rule like the King of Jordan and not like the King of Jordan. We rule like the King of Jordan that the lands will be transferred to those Arabs, but against the King of Jordan we say that the lands will remain theirs even if they don't actualize their ownership. We rule that it is theirs, and that is the law. The law is the law, and the law has to be preserved! 'The law of the kingdom is law!' (Baba Batra 54b)."

At this juncture, your honors, I shall stop asking innocent questions and say what is in my heart, my mind and my conscience.

First of all, the people of Migron are law-abiding citizens. They were in the past, they are now, and they will be in the future. They serve in the army, and some of them are officers. The women are mostly teachers, nurses and social workers.

Yes, “the law of the kingdom is law,” but the theft of the kingdom is not law. A discriminatory law is not a law. Even according to your approach, that these are Arab lands, it’s enough that the people of Migron should pay. There is a legal precedent regarding a settlement that was established on the private land of a Jew, and the court ruled: You cannot uproot families for whom this is the center of their lives. You cannot destroy homes. Rather, since the town was established innocently, it’s enough that the owners should be compensated.

Migron was established innocently. It was established by the State of Israel, with State planning and State funding. Nothing could be more innocent than that. The Jewish State was interested, for strategic reasons, in contiguous settlements.

So is that how things are, that a town built on Jewish land cannot be uprooted, but a town built on Arab lands can be uprooted? That’s a discriminatory law, and a discriminatory law is illegal. How righteous the people of Migron are, that they are fulfilling a law that is no law!

Yet we have to go back further still with the HCJ’s decision. As noted, the Government decided to be strict at our expense, more than King Hussein, and according to that, the court is acting legally in a formal sense. In other words, according to the Government’s decisions, we decide what is legal and what is illegal.

But first you have to ask a different question. Who says that these lands belonged to Jordan in the first place? Did we sell them to them? Did we give them the lands as a gift? In the past, did they have a country here or did we? “Now Shaul was staying on the outskirts of Gibeah, under the pomegranate tree at Migron” (Shmuel 1 14:2). Was it really the King of Jordan staying there?!

Did we conquer Migron from the King of Jordan, or did we return to our Land? Is it occupation or is it ours?!

For close to 2,000 years, conquerors came and went, and now we have returned. If thieves came in our absence, does the land suddenly become theirs?

We’ve come home! It’s ours and it’s not occupation. It’s our Land according to G-d, according to history, according to nature. G-d gave it to us and He promised us, through His prophets, that we would return to it, and now we have returned.

With all due respect to the Prime Minister and the HCJ, the statement that the lands belong to the King of Jordan is fantasy. How did Arab lands suddenly crop up here? They were ours and the Romans banished us from our land. For thousands of years we longed for our Land and prayed for it. Then, suddenly, due to Turkey’s collapse, it belongs to the King of Jordan?! That’s an outright lie! No! It’s been ours from time immemorial, as long as the heavens were over the earth.

It’s true that Maran Ha-Rav Avraham Yitzchak Ha-Cohain Kook wrote to the JNF that we are going beyond the letter of the law in paying Arabs for lands that are actually ours, because we want to fulfill “Love your neighbor as yourself” even vis-à-vis the non-Jews (Ma’amarei Re’iyah). And Rabbenu Ha-Rav Tzvi Yehuda Kook likewise said that we have no business troubling this individual Arab or that, and if a piece of land belongs privately to an Arab, we won’t settle there. Rather, the main thing is that from a national perspective, this is our Land. And indeed, even now we are ready to pay a private Arab for land that doesn’t belong to him, but we cannot agree under any circumstances to the pronouncement that this land belongs to the King of Jordan, and that he, of his own free will, can distribute it to whomever he wishes. That constitutes unconscionable weakness.

Already before the State was established, there was talk about conceding parts of our Land and cutting the Land into pieces, and Ha-Rav Tzvi Yehuda Kook wrote his article: “We Must Have Perfect Faith regarding the Torah and the Land”. This is not a new problem. This constitutes weakness and impotence. There is but one thing for us to do: to cry out in a loud voice: It’s ours! It’s ours legally! It’s all legal!

During the British Mandate, the British High Commissioner asked Rav Kook: “How can his honor support illegal Aliyah to Israel?” Rav Kook replied, “When there is a conflict between

national law and international law, international law holds sway.” The Commissioner expressed puzzlement: “I know of no international law that permits Jewish Aliya to Israel.” Rav Kook answered, “The Bible! The Bible is international!”

According to the international law of the Bible, Migron belongs to us and not to the King of Jordan. The nations agreed to this, as well, at the San Remo conference, ninety years ago.

The statement that the King of Jordan can decide is unparalleled nonsense, and it has no precedent in world history. Therefore, let us be strong and courageous for our Land and for the cities of our G-d.

*Family Matters - Ha-Rav writes weekly for
the parashah sheet "Rosh Yehudi" on family relationships*

"Even when I yell at you, I love you"

There was a mother who constantly berated and criticized her son. The father, who feared complicating his relationship with his wife, was careful not to interfere. A father like this is a sinner. How can he not protect his son?! If need be, he is obligated to argue with his wife over this issue. It is forbidden to abandon a child who lacks protection.

There was a father who was bothered by his two-year old son. His child cried all the time and the father could not take it. He brought him outside in the dark and yelled at him: Shut up! Finish crying outside! The mother bought the child back into the house. His wife said to him: "Have you gone crazy?! To put a child outside in the dark just because he is crying?!" A child like this feels the disappointment. He is sure that his parents want to be rid of him.

The love we have for our child must be unconditional. It is possible that we sometimes yell at him, but afterwards we must tell him: Know that even when I yell at you, I love you. I love you now. I will always love you.

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