

THE BAIS HAVAAD

HALACHA JOURNAL

Family, Business, and Jewish Life through the Prism of Halacha

A PUBLICATION OF THE
BAIS HAVAAD HALACHA CENTER
 105 River Ave. #301, Lakewood NJ 08701
 1.888.485.VAAD (8223)
 www.baishavaad.org
 info@baishavaad.org
 Lakewood • Midwest • Brooklyn • South Florida

VOLUME 5782 • ISSUE IX • PARSHAS VAYEISHEV



FEAR NO EVIL: MUST A CHILD REVERE AND RESPECT A WICKED PARENT?

Adapted from the writings of Dayan Yitzhak Grossman

Our previous article on the subject of parental alienation discussed the rule that the mitzvah to honor one's parents is generally limited to *mishel av* (from the father's assets), i.e., the child is not obligated to spend his own money. We considered the implications of this for the case where maintaining a relationship with a parent would entail significant psychological distress to the child. In this article, we consider the question of whether the mitzvah applies if the parents are sinners.

The Rambam rules:

Even when his father was a wicked person (*rasha*) who violated many transgressions, he must honor him and revere him.¹

Other *Rishonim* disagree and maintain that one is not obligated to honor a wicked parent unless he has done *teshuvah*.² The Shulchan Aruch rules like the Rambam, while the Rama cites the dissenting opinion as a *yeish omrim* ("some say").³ The Kitzur Shulchan Aruch rules that one should act stringently,⁴ while the Aruch Hashulchan apparently inclines to the lenient view.⁵

Both the Taz and the Shach qualify that even according to the view that one is not obligated to honor a wicked parent, he still may not cause

² Tur Y.D. *siman* 240; Smag *esin* #112, cited in Hagahos Maimoniyos *ibid.* os 7. Cf. Radvaz *ibid.*; Kesef Mishneh *ibid.* and Bais Yosef *ibid.*; Lechem Mishneh *ibid.*; R' Itamar Warhaftig, *Mitzvas Kibud Av B'av Rasha*.

³ Shulchan Aruch *ibid.* *se'if* 18.

⁴ Kitzur Shulchan Aruch *siman* 143 *se'if* 9.

⁵ Aruch Hashulchan *ibid.* *se'if* 33.

(continued on page 2)

לע"נ ר' חיים צבי בן ר' דוב בער ז"ל
 Kulakofsky

Co-sponsored by
 Andrew and Barrie Kulak and Family



PARSHAS VAYEISHEV ON THE ORIGIN OF SPECIES

Excerpted and adapted from a shiur by
 Rav Moshe Zev Granek

And Yosef brought a bad report about them to their father.

Bereishis 37:2

According to Rashi, among the things Yosef reported was that his brothers ate *eiver min hachai* (a part of a living animal). Why would the brothers have violated this prohibition, to which even *b'nei No'ach* are subject?

The Shelah suggests that the animals from which the meat was taken had been created by the brothers through Sefer Yetzirah (which can be used to create animals—see Sanhedrin 65b). The Shelah explains that such animals would not require *shechitah*, so the *issur* of *eiver min hachai* would not obtain.

Most *mefarshim* understand the Shelah to mean that any animal not born of another animal is not considered an animal. Some *Acharonim* challenge this from the Gemara (Yoma 75b) that says the *slav* (quail) that fell from heaven (Bemidbar 11:31) required *shechitah*. If we can assume those birds were created

(continued on page 2)

¹ Hilchos Mamrim 6:11.

Q&A from the
**BAIS HAVAAD
 HALACHA HOTLINE**
 1.888.485.VAAD(8223)
 ask@baishavaad.org

By a Hair

Q I took a haircut an hour before sunset and the barber told me what I owed, but I forgot to pay before leaving the shop and I'm now ten minutes away. There is only time before *shkiah* to either return and pay the barber or daven Mincha. What should I do?

A There are multiple mitzvos *de'Oreisa* that require that workers be paid on time. This means paying within the *onah* of the work's completion, meaning that work completed at night must be paid for before

(continued on page 2)

(continued from page 1)

him humiliation and distress.⁶ Additionally, the Atzei Levonah limits the exemption to one who violates a Biblical prohibition rather than a Rabbinic one.⁷

Further, the P'nei Yehoshua assumes that even according to the lenient view, one who sins occasionally (*be'akra'i*) is not considered a *rasha* in this context, and the exemption from the mitzvah applies only with respect to one who sins regularly.⁸ On the other hand, R' Chaim ibn Atar rules that even according to the stringent view, the obligation to honor a parent who is a *rasha* extends only to one who violates some (*ketzas*) prohibitions due to temptation (*leteiavon*), *be'akra'i*, and not to a *mumar* (one who rejects the Torah). Even if the parent is not a *mumar* with regard to the entire Torah, as long as he is considered a *mumar* (by which he apparently means a *mumar ledavar echad*, one who completely rejects a single mitzvah), he has left Klal Yisrael and is an absolute *rasha*, and there is no obligation to honor him.⁹ But the Chida and R' Shlomo Yosef Alfandari (the Saba Kadisha) challenge this position.¹⁰

R' Ovadia Yosef has a characteristically comprehensive responsum on the question of the obligation of *ba'alei teshuvah* to honor their nonobservant parents, in which he cites most of the above sources. He concludes with the important point that in addition to the Chida's argument that a child is indeed obligated to honor even a parent who is a *mumar* (particularly according to the view of the Rambam and the Shulchan Aruch, which R' Yosef considers normative, particularly for Sephardim), "many of those

who are called *chilonim* are like the child who was captured (and raised) among gentiles (*tinok shenishbah bein hagoyim*)." He proceeds to cite various sources for the principle that we do not generally treat contemporary nonreligious Jews as *resha'im*, and he accordingly concludes:

Therefore, even if the parents continue to desecrate the Shabbos and commit other sins, the children must act respectfully toward them, so that the Name of Heaven shall become beloved through them, and perhaps the parents will listen and do *teshuvah*. For the Torah's ways are ways of pleasantness, and all its pathways are peace.¹¹

But all this applies to parents who do not bother their children who have merited to recognize the truth and to return to the Rock from which they were hewn,¹² and respect them for the courage of their heart and the heroism of their spirit (or at least are indifferent toward them), but if they are hostile toward them over their having become *ba'alei teshuvah*, and oppress them due to their hatred of religion, then they are in the category of *minim* and *apikorsim*, who are certainly not to be honored...¹³

The Aruch Hashulchan recommends that if the parent is not actually a *rasha*, but merely exhibits poor character traits (*midos ra'os*) and is hated by people, or is a drunkard, then "it is good for the child to distance himself from him."¹⁴ R' Chaim Palagi, however, strongly rejects as "folly and emptiness" the argument that the mitzvah does not apply to parents who are very needy, troublesome, and quarrelsome, and even curse their

6 Taz ibid. s.k. 17; Shach ibid. s.k. 20. Cf. Chayei Adam klal 67 se'if 18.

7 Atzei Levonah ibid.

8 P'nei Yehoshua Bava Kama 94b to Tosafos s.v. Bimei, cited in Pis'chei Teshuvah ibid. s.k. 15.

9 Rishon LeTzion ibid.; Or Hachaim Vayikra 3:19 s.v. V'es Shabsosai tishmoru. Cf. here.

10 Birkei Yosef ibid. siman 241 os 4; Shu"t Hasaba Kadisha cheilek 2 Y.D. siman 10 (cited in Yabia Omer, below).

11 Mishlei 3:17.

12 From Yeshayah 51:1.

13 Shu"t Yabia Omer cheilek 8 Y.D. siman 21 os 9, and cf. cheilek 2 Y.D. siman 15 os 9. Cf. here.

14 Aruch Hashulchan ibid.

(continued from page 1)

morning (*alos hashachar*), and work completed by day must be paid for by nightfall. (The Chafetz Chaim writes in Ahavas Chessed that one must pay before *shkiah*, but if he missed it, to pay as early as possible during *bein hashmashos*.)



DAYAN YEHOSHUA GRUNWALD

Paying a worker on time is a Biblical obligation, while davening Mincha is Rabbinic, so the former takes precedence. Sdei Chemed (Vol. 1 p. 406) recounts that the Arizal, in just your predicament, paid his worker before *shkiah* and davened Mincha after it.

The Torah obligation to pay on time only applies if the worker asked for payment—or would have if not for his embarrassment. In your case, he did demand payment; but if he allows you to be late, you don't violate a prohibition, so ask him for permission. (You would still miss out on fulfilling the mitzvas *asei* of paying on time.) Even better, see if you can pay him on time by means of PayPal or the like and then daven Mincha on time too.

children. On the contrary, this is precisely the point of the Torah's mitzvah, since with regard to ordinary parents, the moral obligation to honor them is self-evident, but the Torah is commanding us that

Even if the father or mother have difficult *midos* and attitudes...and they cause him distress...it is nevertheless incumbent upon him to honor them, for the Torah did not place limits on its precepts, and one is obligated to honor and revere every father and mother...¹⁵

15 Tochachas Chaim Toldos pp. 43b-44a, cited by R' Eliezer Melamed, Kibud Horim Uchvod Shamayim.

(continued from page 1)



they require *shechitah*?

ad hoc by Hashem and not hatched from eggs, why would

The answer may be that the Shelah's principle doesn't apply to animals that come from eggs. The Yam Shel Shlomo (Chulin 9:9) says that since birds do not give birth to their offspring directly but lay eggs from which they hatch, there is no difference between birds that emerge from eggs and those

created unnaturally, like those that grow in trees (see Mordechai, Chulin 735); all require *shechitah*.

Scan here to receive the weekly email version of the Halacha Journal or sign up at www.baishavaad.org/subscribe

Elevate your Inbox.



BHHJ SPONSORS
Mr. Shmuel Caro

To become a corporate sponsor of the BHHJ or disseminate in memory/zechus of a loved one, email info@baishavaad.org