

THE BAIS HAVAAD

HALACHA JOURNAL

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



VOLUME 5782 • ISSUE VIII • PARSHAS VAYISHLACH



PARENTAL LEAVE: MAY CHILDREN ALIENATE THEIR PARENTS?

Adapted from the writings of Dayan Yitzhak Grossman

Broken Ties, an organization for parents alienated from their children, recently held its second meeting in Lakewood.¹ The topic of parental alienation is an extremely contentious one, with some blaming the parents, others blaming the children, and still others blaming therapists, *askanim*, and *rabanim*. This author has no familiarity with parental alienation, nor any particular expertise in family dynamics or mental health, and certainly does not wish to impute blame or to cause pain to anyone in this terrible situation. This article will be limited to the consideration of one particular set of claims that have been made in criticism of children's behavior in such cases, that no matter what a parent may have done to his child, the child must respect and honor the parent. Some examples:

Alienated...means that the child does not speak to his parents and does not allow his children to have a [relationship] with his parents. A child who does this [violates] the Torah, and that is true even if the parent is unwell. It is a mitzvas *asei*, and a person needs to spend a fifth of his possessions not to transgress a mitzvas *asei*.²

Sadly, many people have branded themselves *poskim* and therefore think they can ignore halacha. A father or mother who does something nasty to their child is still a father or mother. Just as if a lulav pokes you in the eye, it is still a lulav. The Torah taught us how to treat a father or mother, and that does not change if a parent does something that the child does not like.³

² Anonymous commenter. <https://hefkervelt.blogspot.com/2021/07/a-gass-root-organization-to-help.html?showComment=1626293368371#c6532153859103311683>.

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³ Anonymous commenter. <https://hefkervelt.blogspot.com/2021/07/a-gass-root-organization-to-help.html?showComment=1626212310883#c1302326427965934060>.

A PUBLICATION OF THE
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PARSHAS VAYISHLACH OATH KEEPERS

Excerpted and adapted from a shiur by
 Dayan Yitzhak Grossman

And he said, "If Eisav comes to one camp and strikes it down, the remaining camp will escape."

Bereishis 32:9

Yaakov's conduct during his confrontation with Eisav is viewed as a model for how we should interact with gentiles in *galus*. But Yaakov's preparation for war in this *pasuk* (see Rashi) is not usually viewed as part of this paradigm. In fact, Chazal state that Hashem bound the Jewish people and the other nations by oaths (the *shalosh shvuos*), one of which is that the Jews must not return to Eretz Yisrael from *galus* by force.

This passage was rarely discussed in a halachic context until recent times. After the Balfour Declaration in 1917, *poskim* began to debate whether mass *aliyah* to Eretz Yisrael was forbidden due to the *shalosh shvuos*.

R' Yoel Teitelbaum of Satmar took the strong stance that this was forbidden and we must wait for the advent of Mashiach before returning en masse to Eretz Yisrael. But R' Avraham Borenstein of Sochatchov (the Avnei Neizer) and R' Meir Simcha of Dvinsk (the Ohr Sameiach) argued that the *shvuah* only forbids returning to Eretz Yisrael against the will of the nations. But if they grant Klal Yisrael permission, it is certainly permissible, and perhaps

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Q&A from the
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A Tallis Tale

Q To avoid soiling my tallis, I remove it after davening on Shabbos morning before attending a kiddush. After eating, I put it back on for the walk home. Do I need to make another *bracha*?

A A *hefsek* (interruption) dissociates the original *bracha* from the mitzvah act that follows the *hefsek*, thus requiring a new *bracha*. But *poskim* differ regarding what constitutes a *hefsek*. According to the Shulchan Aruch (O.C. 8:14), taking off a tallis, even just for a moment, constitutes a *hefsek*. The Rama maintains

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[Respecting parents] is the same as any other mitzvas *asei*, a person must spend up to a fifth of his money to fulfill this mitzvah.⁴

The sweeping claim that the mitzvah of *kibud av va'eim* "is the same as any other mitzvas *asei*" and is governed by the general rule that one must spend up to a fifth of his possessions in order to fulfill a mitzvas *asei* is simply incorrect. The Gemara records a dispute about whether *kibud av va'eim* is performed with the son's money (*misheh bein*) or the father's (*misheh av*),⁵ and the halacha follows the latter view.⁶ There is an opinion that if the father does not have money and the son does, the mitzvah of *kibud av va'eim* does obligate the son to spend his own money on his father, but many authorities disagree. They maintain that a son's obligation to spend his own money on his father derives only from the mitzvah of *tzedakah* and is governed by the parameters of that mitzvah.⁷

The Maharik extends the rule of *misheh av* to non-financial costs as well, arguing that if Chazal exempted the son from spending his own money on his father, then a fortiori is he exempt from an obligation that would entail personal pain (such as giving up the woman he wishes to marry and marrying someone else because his father so demands).⁸

It would seem, then, that if the child will suffer significant psychological harm by maintaining a relationship with the parent, he is not obligated to do so. R' Moshe Sternbuch, however, introduces a novel doctrine that may refute this argument. A son had claimed that having his father live with him would hamper his ability to see to his wife's and children's happiness. He would have to spend all his time with his father, and this would cause him great and ongoing distress, which he considered to be of much greater magnitude than the expenditure of a fifth of his money. Rav Sternbuch counters that the dispensation of *misheh av* applies only to an individual situation of honoring a parent, whereas having one's father

live with him presents the opportunity to fulfill the mitzvah hundreds of times, and he therefore rules that one cannot exempt himself from the mitzvah with the claim that the cost is the equivalent of more than a fifth of his money.⁹

Based on this doctrine, it could perhaps be argued that alienating a parent cannot be justified even if it will result in significant psychic suffering, since by doing so the son will forfeit numerous opportunities to fulfill the mitzvah of *kibud av va'eim*.

Rav Sternbuch's doctrine is quite novel, however, and he offers little in the way of compelling precedent for or proof of it.

There is another possible argument against the application of the dispensation of *misheh av* to parental alienation. The Rambam, despite his codification of the principle of *misheh av*, nevertheless rules:

To what degree does the mitzvah of honoring one's father and mother extend? Even if his parent takes his purse of gold and throws it into the sea in his presence, he should not embarrass them, shout, or vent anger at them. Instead, he should accept the Torah's decree and remain silent.¹⁰

Various reconciliations of this ruling with the principle of *misheh av* are proposed:

- A child is not required to spend his own money to honor his parent, but to avoid humiliating him, "he must lose all the money in the world."¹¹
- A child is not obligated to lose money to honor his father, but doing so nevertheless fulfills the mitzvah.¹²
- A child is not obligated to actively spend his own money to honor his parent, but neither may he actively dishonor his parent to save his money; he must rather remain passive (*sheiv v'al ta'aseh*), even if this means losing his money.¹³

According to the first explanation, the dispensation of *misheh av* should not apply to parental alienation, because the parent will certainly be humiliated. According to the other explanations, however, the child may indeed be entitled to invoke the dispen-

4 Anonymous commenter. <https://hefkervelt.blogspot.com/2021/11/another-chizuk-meiring-for-parents-of.html?showComment=1636499868367#c881602231326239113>.

5 Kidushin 32a.

6 *Hilchos Mamrim* 6:3, Shulchan Aruch Y.D. 240:5.

7 See Bais Yosef and Darchei Moshe *ibid.* (os 1) and Rama *ibid.*; Taz s.k. 6; Shach s.k. 6.

Cf. *Marcheshes cheilek* 1 *siman* 43 os 11; *Yosher Horai siman* 1; *Kibud Av Va'eim* (Olamot); *Shu"t Teshuvos Vehanagos cheilek 2 siman* 444.

8 *Shu"t Maharik shores* 166 *anaf* 3. Maharik's ruling is codified by Rama *ibid.* se'if 25, although it is unclear which of the three separate rationales provided by Maharik for his ruling he is endorsing; see, e.g., *Shu"t Arugas Habosem O.C. siman* 19.

9 *Teshuvos Vehanagos* *ibid.* For a different analysis of the question of a son's obligation to have his father live with him, see *Yosher Horai* *ibid.* os 8, citing R' Chaim Kanievsky.

10 *Ibid.* halacha 7.

11 *Ran* *ibid.* 13a in Rif pagination; Bais Yosef *ibid.*; *Kesef Mishneh* *ibid.*

12 Bais Yosef and *Kesef Mishneh* *ibid.*

13 *Shu"t Maharam Lublin siman* 136.

14 See *Maharam Lublin* *ibid.*

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that removing it for a brief period is not a *hefsek*. The Mishnah Brurah rules in accordance with the Rama, so one who removes his tallis to eat briefly does not repeat the *bracha*. This holds true even if the kiddush is in a nearby building, as the Mishnah Brurah (*ibid.* 37) says that *shinui makom* (change of location) is not a *hefsek* for this *bracha*.

The Biur Halacha (*ibid.*, first) recommends that if one anticipates that he might remove his tallis for a short time, he should have that in mind when reciting the original *bracha*, in which case even the Shulchan Aruch agrees that he doesn't require a new one, because he intended for the original *bracha* to cover the second donning as well.

If he plans to stay at the kiddush for a while, which is surely a *hefsek*, a new *bracha* is required. The Biur Halacha (*ibid.*, second) is uncertain whether intending during the original *bracha* to take this break would help. Sheivet HaLevi (10:2), based on the suggestion of the Biur Halacha, advises that when reciting the original *bracha*, one should deliberately intend *not* to include a second wearing. He may then repeat the *bracha* later without hesitation.

sation of *misheh av*, at least with respect to passive behavior. Additionally, some *Rishonim* disagree with the Rambam and maintain that a child is allowed to embarrass a parent who is threatening him with the loss of his property.¹⁴

May we soon see, at last, the fulfillment of the last prophecy in the Nevi'im (Malachi 3:24), as explained, according to some, by the Chachamim in the last Mishnah in *Eiduyos*: *And he shall restore the heart of fathers to children and the heart of children to their fathers...*



RAV ARYEH FINKEL

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that this may be Hashem's way of initiating the *ge'ulah*.)

the mitzvah of *yishuv Eretz Yisrael* applies again in full force. (R' Meir Simcha adds

Other *poskim* offered another lenient approach—one already found in basic form in the hagadah of R' Shlomo Kluger—that the *shalosh shvuos* only remain in effect when the gentiles fulfill their own *shvuah*, which is not to cause the Jews excessive suffering. Since they have violated their oath, we are no longer bound by ours and may return to Eretz Yisrael.

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