

Part 6 – More Guidelines with Secular Jews

Kibud Av v'Eim (Honoring Parents)

Is a *ba'al teshuva*, or any religious child, obligated to honor his non-observant parents?

The *Shulchan Aruch*¹, based on the Rambam, writes — “A *mamzer* is *chayav* in *kavod* and *yirah* of his parent. Even if the parent is a *rasha* and a *ba'al aveirot*, give him *kavod* and have *yirah* from him.”

The *Tur*² and *Hagahot Maimoniot*³, however, argue on the Rambam —

The obligation on children to return a stolen animal that their deceased parent left to them, because of the *kavod* of the parent⁴, is only when the parent had done teshuva before he died. Therefore, we see that, as long as the parent has not done teshuva, the children are not obligated in his *kavod*.

The *Rema paskens* similarly —

There are those⁵ who say that there is no *chiyuv* to honor a parent who is a *rasha* unless he does teshuva.

Presumably, when the *Shulchan Aruch* requires a child to have both *kavod* and *yirah* for an evil parent, it is referring to a *mumar l'tei'avon*. However, all should agree that one is exempt from either honoring or revering a parent who is a *mumar l'hach'is*.

Independent of this, however, a critically important quality which is relevant to the relationship of every child to their parents is *hakarat hatov* (gratitude). This is mentioned by the *Sefer HaChinuch*⁶ when he discusses the mitzvah of *kibud av v'eim* —

It is fitting for a person to recognize and respond with kindness to anyone who gave him a benefit, and not to be despicable and ungrateful, by ignoring this benefit. This is a terrible quality and the most disgusting both to G-d and people. We need to remember that our parents are the reason we are in this world, and therefore it is truly fitting to give them all of the honor and help that we can.

Based on this *Sefer HaChinuch*, the *Yalkut Yosef*⁷ says that there is even an obligation to honor a parent that one never had a relationship with, since one should still recognize this benefit [of being in this world].

Many of the contemporary *poskim* say this as well⁸.

He concludes —

In any case, we accept the *p'sak* of the master (*Mechaber*). The child should certainly honor his parents even if they are not following Torah and *mitzvot*.

¹ *Yoreh De'ah* §240

² *Yoreh De'ah* §240

³ *Sefer HaMitzvot* — *Mitzvat Asei* §102

⁴ *Baba Kama* 94b

⁵ *Tur*, *Mordechai*, and *Hagahot Maimoniot*

⁶ §33

⁷ *Kibud Av v'Eim* — *chelek aleph*, pg. 525

⁸ *Chayei Adam* 7:18, *Kitzur Shulchan Aruch* 143:9, and Rav Ovadia Yosef – *Yabia Omer* — *chelek chet*, *Yoreh De'ah* §21

The *Ohr HaChaim*⁹, however, infers from the words of the Rambam that giving *kavod* and *yirah* to an evil parent is only if this evil is temporary. For example, he did an *aveirah* that would be called evil, but is not *continuing* to do so. But if he is a *rasha gamur* (totally evil person) and is completely corrupted, the child need not honor him.

Even according to the *Rema*, that one is not obligated in the *kavod* of these [secular] parents, at the same time, many *poskim* write that it is *assur* to directly cause them pain. In other words, they distinguish between the *chiyuv* of *kavod* and the *issur* of *tza'ar*.

The *Shulchan Aruch*¹⁰ states this very strongly —

[Even if] one's father and mother were *resha'im gemurim* (completely wicked) and transgressors, and even if they had been sentenced to death and were being taken out to be killed, it would still be *assur* for the child to hit or curse them.

The *Shach*¹¹ also says this —

Although we are not obligated to honor them, we are forbidden to afflict them.

The *Taz*¹² concurs —

The *Tur* differentiates between hitting and cursing [on the one side] and honoring [on the other]. Although it is forbidden to hit or curse them, even so, there is no obligation to honor them.

The *halacha*, according to most, is that it is difficult to exempt a child from the obligation of *Kibud Av v'Eim*. This is especially true today since most people who are not keeping the *mitzvot* are doing so not to rebel against Hashem, but rather because of the general situation of our generation. They are like *tinokot sh'nish'b'u bein ha'nachrim*. Therefore, it seems that *baalei teshuva* should be obligated to honor their parents despite them not keeping the *mitzvot*, even according to the *Rema*.

Rav Ovadia Yosef elaborates on this —

Since secular Jews today are [generally] *tinokot sh'nish'b'u bein hanachrim*, we should certainly honor them, as the *Chazon Ish*¹³ writes about the different perspective we need to have towards secular Jews today. Therefore, even when the parents continue to violate Shabbat and do other *aveirot*, their children need to relate to them with *kavod*... Perhaps they will [even] listen and return, since the Torah's ways are ways of pleasantness and all of her paths are peace.

Rav Ovadia Yosef, however, explains —

Everything we said is when the parents are not stopping the children who have merited to recognize and return to the truth... or are, at least, indifferent to them. If, however, the parents are tormenting them for having done teshuva, and afflicting them because they hate the religion, they are [then] in the category of *minim* and *apikorsim* whom we certainly don't honor, and Hashem actually prevents from [receiving] honor.

Wine

⁹ *Rishon l'Tziyon* 96b

¹⁰ *Yoreh De'ah* 241:4

¹¹ 240:20

¹² 240:17

¹³ *Yoreh Deah* 2:16

The Torah forbids benefiting from wine that was used for idolatry. *Chazal* extended this prohibition to include any wine of a non-Jew, as well as wine of a Jew that was handled by a non-Jew, called *stam yeinam*. One of the reasons for this is to limit social contact between Jews and non-Jews that could [possibly] lead to intermarriage.

Once *Chazal* viewed a *mumar l'hach'is* (or the other severe categories) like a non-Jew, it necessarily became forbidden to drink wine that was handled by a *mumar l'hach'is* as well. The *Chatam Sofer* writes that giving secular Jews the status of non-Jews in this context, and forbidding their wine, was a penalty. Therefore, if there is any doubt whether the wine was handled by the *mumar l'hach'is*, the wine may end up being permitted in certain pressed circumstances.

In addition, many authorities maintain that, if the secular Jew who handled the wine is a *tinok sh'nish'ba*, it does not become forbidden as *stam yeinam*. And even if we are not sure about the status of a particular Jew, we may not need to consider the wine he touched to be *stam yeinam*. This is because the majority of secular Jews in the world are considered to be *tinokot sh'nish'bu*, and the prohibition of *stam yeinam* is only a rabbinical enactment. Even so, the *Binyan Tzion* wrote — “One who is stringent to consider the wine of these transgressors as *stam yeinam* will receive a blessing, although those who are lenient have [substantial arguments] upon which to rely.”

Rav Moshe Feinstein held that it is forbidden to drink wine that was handled by contemporary Shabbat violators¹⁴. This was also the position of Rav Yaakov Kamenetsky¹⁵.

Kiddush Made by a Shabbat Violator

Rav Ovadia Yosef held that, under extenuating circumstances, a child may even rely upon the *Kiddush* made by his secular father. If possible, however, he should avoid drinking from the wine, as long as that will not cause resentment¹⁶.

Eidut – Testimony

Rav Asher Weiss writes —

There are those who want to permit the testimony of secular *mechalelei Shabbat b'farhesia*, based on the words of the Rambam, who views them as *tinokot sh'nish'b'u*. In my humble view, there is no basis to this at all. And even the words of Rav Shimon Gabizon, who permitted the testimony of the *Kara'im* in his time, were forcefully rejected. While both the *Beit Yosef* and the *Rema* followed the approach of Rav Shimon Gabizon, that was only in terms of what we found in the *Shulchan Aruch* explicitly. In other words, we won't punish them or lend to them with *ribit*, their *kiddushin* will be effective, and we don't view them as non-Jews or *mumarim*. But it is [also] very difficult to say that they are *tzadikim gemurim*, and to judge them as being completely coerced.

Furthermore, even Rav Shimon Gabizon permitted the *Kara'im* to testify only because he felt that they mistakenly saw themselves as being observant. He also wrote this about the *anusim* in Spain who were *mechalel Shabbat b'farhesia*, but were careful with the *mitzvot* which they performed in private. Since they saw

¹⁴ *Igrot Moshe, Yoreh Deah 4:58*

¹⁵ *Emmet l'Yaakov, Yoreh Deah 124:56*

¹⁶ *Yalkut Yosef, Kibud Av v'Eim 7:9*

themselves as behaving properly, and viewed themselves as being observant, and stayed in Spain only due to issues with their wives and children, they were kosher to testify.

Secular Jews today, however, have no interest in keeping the Torah, don't see themselves in any way as observant, and many of them have no belief in the Torah.

There is, therefore, no way to allow them to testify, even according to the approach of Rav Shimon Gabizon.

Tochacha

According to the *Bi'ur Halachah*, there is no obligation to give *tochacha* to *mechalelei Shabbat b'farhesia* or *mumarim l'hach'is*. Since the verse says — “*hoche'ach tochi'ach et amitecha*,” the *Tanna d'Vei Eliyahu* explains that the recipient must be “*amitecha b'mitzvot* — your friend in *mitzvot*.”

If, however, there was a chance that reproving *mechalelei Shabbat b'farhesia* or *mumarim l'hach'is* would be effective, the *Minchat Chinuch* writes that one would be obligated to do so. In this respect, *tochacha* differs from all other *mitzvot* where the terms *rei'echa*, *amitecha*, and *achicha* are mentioned, since the whole point is to transform the transgressor so that he will henceforth be included within *rei'acha*, *amitecha*, and *achicha*.

In addition, it seems reasonable to presume that this exclusion, to not consider *mechalelei Shabbat b'farhesia* or *mumarim l'hach'is* as *amitecha b'mitzvot* was referring to those who were brought up in an observant environment, and were given a proper education. Since today's secular Jews are generally not considered to be evildoers, but rather *mumarim l'tei'avon* and *tinokot shenish'b'u*, it is very possible that the *Chafetz Chaim* would agree that they would be included within the category of *amitecha b'mitzvot*, to require us to give them *tochacha*, in any case.

There should be no *mitzvah* to give *tochacha*, however, if the transgressor is considered unreachable to begin with. The *Gemara*¹⁷ says, just as it is a *mitzvah* for a person to say something which *will* be heard, it is also a *mitzvah not* to say something which will *not* be heard. The concern seems to be that this may lead to further alienation of the person. As the verse¹⁸ states, “Do not reprove the scoffer, lest he come to hate you.”

While the *Shelah*¹⁹ called *tochachah* “a very great *mitzvah*,” it is also a difficult one to do. In fact, the *Gemara*²⁰ actually tells us –

Rabbi Tarfon said: “I would be amazed if there is anyone in this generation who could *accept* reproof, for if one would say to another, ‘Take the splinter out from between your teeth’ (i.e., he would correct him about a small matter), the other would respond: ‘Remove the beam from between your eyes’ (i.e., he would accuse him of doing a worse transgression). And, the *Gemara* continues, on the other side, Rabbi Elazar ben Azariah said: “I would be astonished if there is anyone in this generation who knows how to *give tochacha*.”

The *Chafetz Chaim* and the *Chazon Ish* both apply this to our generation, i.e., that we do not know how to properly give *tochacha*. That does not, however, mean that we are exempt from

¹⁷ *Yevamot* 65b

¹⁸ *Mishlei* 9:8

¹⁹ Chapter 27

²⁰ *Arachin* 16b

doing this mitzvah. Even though the *Chafetz Chaim* and *Chazon Ish* cite this principle, they still clearly maintain that we are obligated in the mitzvah of *tochacha* in practice.

The real significance of our inability to properly give *tochacha* is the implication that this has for the secular Jews of our generation. Without proper reproof, they are never considered to be “after *tochacha*,” and truly cognizant of their transgressions. Virtually all of them should, therefore, retain their full status with respect to *mitzvot*, and we should be unable to apply any of the penalties today that would normally apply to transgressors.

The *Chafetz Chaim*²¹ says this explicitly —

It is *assur* to hate a *rasha gamur* until he has gotten *tochacha*, according to the *Maharam m'Lublin*. And there is no one in this generation who is able to give *tochacha* [properly], as we see in the *Gemara*²². Perhaps, if he had gotten *tochacha*, he would have accepted it. All the more so, it is forbidden to curse him. Rather, we should request *rachamim* for him and that Hashem should help him to achieve a complete teshuva.

The *Chazon Ish*²³ says similarly and remarkably —

According to the words of the Rabbis, all that we can do today is to love them (i.e., the secular Jews) and bring them close in order to [try to] bring them back to the good. As the Sages say²⁴ — There is no one in this generation who knows how to give *tochacha* [properly]. If that was in their generation, all the more so in ours. [We need to remember that] the requirement of *tochacha* precedes the obligation to hate. It is [therefore] forbidden for us to hate a *rasha* until he has received a proper *tochacha*.

The *Chazon Ish* also writes that those who are distant in our generation are in the category of *tinokot sh'nish'b'u*. They, therefore, never left the status of *amitecha* and *rei'acha*. As a result, we should behave towards them with *v'ahavta l'rei'acha kamocho*, they are included within the *issur* of *lo tisnah et achicha bilvavecha*, and we are obligated to judge them to the side of merit.

Therefore, he concludes — “We should simply steer them back with chains of love and sustain them with [spiritual] illumination to the best of our abilities.”

Conclusion

It is striking that our beliefs seem to be much more significant than our actions in terms of how the Torah views us in both this world and the World to Come. And even when one's actions are what cause a Jew to be categorized as a non-Jew, such as *mumar l'hach'is*, *mumar l'kol haTorah*, *meshumad*, and *mechalelei Shabbat b'farhesia*, that is simply because those actions are seen as expressing underlying negative beliefs.

This is also reflected in the term “orthodox” which we commonly use. Orthodox is Greek for “proper beliefs” — “ortho” meaning proper and “dox” meaning beliefs. That is an extremely accurate term. What defines a Jew as orthodox is that he or she has proper beliefs. The various behaviors we generally associate with being orthodox (i.e., in terms of keeping the *mitzvot*) are simply expressing those proper beliefs.

²¹ §17

²² *Arachin* 16a

²³ *Yoreh Deah* — *siman beit*

²⁴ *Arachin* 16b

The Rambam, at the end of his explanation of the thirteen foundations of Judaism²⁵ writes this very clearly —

From when a person believes in all of these foundations [of Judaism], and he has a clear belief in them, he [is considered to have] entered within *Klal Yisrael*. It is then a mitzvah to love him and have mercy upon him, and to behave towards him with all that Hashem commands towards a person and his friend, in terms of love and brotherhood. And even if he does whatever *aveirot* he wants because of his desires and being overpowered by his lowly physical nature, he will [of course] get the [appropriate] *onesh* (negative consequence) for his *aveirot*, but he will have a portion in *Olam Haba*, and [simply] be considered among the rebels of *Yisrael*.
If, however, a person corrupts any foundation among these foundations, behold he has left the *klal* and denied the essentials. He is called a *min* and an *apikores*..., and it is a mitzvah to hate him and to destroy him. And the verse²⁶ that applies to him is — “Behold, those that hate Hashem, I hate.”

The Rambam speaks here about two different extremes. Those who “believe in all of these foundations and have a clear belief in them” are what we call orthodox Jews. They have the proper beliefs even if their actions aren’t always so perfect. And then there are those who have “corrupted any foundation among these foundations.” That would seem to be someone who had a proper upbringing and education but then rebelled against Hashem. Where do the secular Jews in the last number of generations fit into this? We certainly can’t call them orthodox Jews who “believe in all of these foundations and have a clear belief in them.” But they also don’t seem to have *willfully* “corrupted any foundation among these foundations.”

These secular Jews are those we generally refer to as *tinokot sh’nish’b’u*. Their lack of observance and proper beliefs looks much more like ignorance than any type of a rebellion against Hashem and Torah. And while it may be impossible for us to know what happens to them in *Olam Haba*, the halacha is guiding how we should relate to them in this world. They are widely understood, in terms of the practical halacha, as being within *Klal Yisrael* and included in *amitecha*.

And that would explain why the *Chazon Ish* writes²⁷

A tinok sh’nish’ba has the status of a [regular] Jew...

Similarly, those whose parents separated from the ways of the community, and were raised without Torah, also have the *din* of a *Yisrael* in all matters...

We should [therefore] not act towards them with the severe *dinim* which *Chazal* speak about with the wicked whom we are supposed to hate...

It is our responsibility to [work to] return them with *avotot ahavah* (cords of love) and to help them to achieve a clarity as much as we possibly can.

The final sobering point, however, is that while Hashem is very forgiving, reality is very unforgiving. It is very possible that the liability of most secular Jews today is quite limited. But that certainly doesn’t mean they haven’t lost more than we can possibly imagine in both this world as well as the world to come. That is the true tragedy of all of the non-orthodox Jews. And that is also the massive responsibility which we all need to feel towards them, to try to alter their situation, in the words of the *Chazon Ish* — “as much as we possibly can.”

²⁵ At the conclusion to the *hakdamah* of his *Peirush l’Mishnayot* for *Perek Chelek*

²⁶ Tehillim 139:21

²⁷ *Chazon Ish* — *Yoreh De’ah* 1:6, *Yoreh De’ah* 2:28, *Yoreh Deah* — 2:16