



HEMDAT YAMIM

Parashat Hashavua

Vayeira, 17 Cheshvan 5782

Harav Shaul Israeli zt"l
Founder and President

What Are David and Shaul Doing in Sefer Bereshit – part III

Harav Yosef Carmel

Last time we saw how each day of creation added to the complexity of the world, in regard to dealing with evil. We bring that discussion to the creation of man and then return to Shaul and David.]

The second description of the creation of man tells how he was created from earth, which sounds less like being in Hashem's image (of course, these represent different elements of one creation, whose description is spread over more than one place). When he later sinned, Hashem connected his punishment of working hard until he died to "until you return to the ground from which you were taken, for you are earth and you will return to earth" (Bereishit 3:19). From that time, man has yearned to repent and return to his more ideal state.

The mixture of animal, vegetable, and mineral life, as found in the second presentation of creation, transpires in an ideal location called the Garden of Eden. There is no need to fix or improve it, just to "work it and preserve it" (ibid. 2:15). The source of evil in that setting is found in the snake or serpent, found in the first presentation under the name *tanin*. This evil had the potential to step forward as it does here.

We see that in the first presentation, creation screams out for fixing, and man is eminently capable of doing that. In the second presentation, creation is complete, and the one that needs fixing is man, as he is a mixture of a body of earth and a spirit of divine origin, and the question is constantly: which of these wildly different sources will prove dominant?

What happens if man sins? If a perfect man in an imperfect world sins, then he does not have what to rely on for help. Man of the second story has what to rely on even if he falls. His greatness is in his ability to fix himself through *teshuva*.

Mishlei also speaks about two such people who are called *tzaddikim*. About one, it says, "a *tzaddik* is the foundation of the world" (Mishlei 10:25). About the other, it says, "Seven times will a *tzaddik* fall and get up" (ibid. 24:16). One of them was created on the sixth day, in his natural juncture. The other has him appear after the description of Shabbat, which powered him.

The sons of Yaakov, Yosef and Yehuda, are the prototypes of these *tzaddikim*. The essence of Yosef is to remain spiritually unscathed despite the difficulties (see Bereishit Rabba 94). Yehuda, on the other hand, sinned, but earned a special place in history for his ability to repent, by admitting his sin, and return.

In kabalistic thought, Yosef represents *yesod* (foundation), the sixth *sefira*, putting him higher than the representative of the seventh *sefira* of *malchut*, David from the tribe of Yehuda. We will see next week how David relates to number 7.

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Those who fell in wars for our homeland. May Hashem avenge their blood!



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Ask the Rabbi

by Rav Daniel Mann

Is it Difficult to Remove Residue a *Chatzitza*?

Question: I learned that due to the way we use our oven rack, it requires *tevila* (beyond our scope), but by now, it has baked-on residue. With hard work and chemical cleaners, I removed most of the residue, but it is not fully clean. May I do *tevilat keilim* now?

Answer: The laws of *chatzitza* (impediments to the water reaching all of the object) come up in the Shulchan Aruch regarding different *tevilot* – a woman (Yoreh Deah 198), *netilat yadayim* (Orach Chayim 161), and *tevilat keilim* (YD 120 & 202). The main difference is that for a woman, it is a more acute need (to prevent a severe *aveira*) than the latter two (a lower level positive *mitzva* – for hands, it is Rabbinic; for utensils, it is a *machloket* whether it is from the Torah).

The main rule about *chatzitza* (Eiruvin 4b) is that the Torah-level disqualification is when something is both stuck on a majority of the object (*rov*) and in a manner that the pertinent person wants it removed (*makpid*). It is a *chatzitza* on a Rabbinic level if only one of the issues exists (*ibid.*). You and most people prefer to remove residue on their racks (thus, the chemicals products) – all of it, unless it is impossible or highly taxing. It is a good question – when one does not remove only because it is not so feasible, is it a *chatzitza*?

There are several discussions about *chatzitza* that are difficult to remove. One is about medically required *chatzitza*, e.g., stitches, casts, post-operative bandages. The *mishna* states that a bandage on a wound constitutes a *chatzitza* (Mikvaot 9:2). On the other hand, some explain that this is because people often remove the bandage temporarily (see Sidrei Tahara 198:23; Ktav Sofer, YD 91). Despite the similarities (staying on for a while, difficult to remove), the bandage is different in both directions: a bandage is more annoying than residue; there is a plan to remove it in the future (stringent); the bandage is desired now (lenient).

Two relevant sources are focal points of discussion and distinctions: 1. There is a *machloket* among *Tannaim* whether an arrow lodged in one's leg and is difficult to remove is a *chatzitza* (Tosefta, Mikvaot 7:9); 2. According to some *Rishonim* (see Beit Yosef, YD 198), one does not need to remove certain skin malformations, despite his desire to not have them, because removal is painful. To reconcile these sources, the Sidrei Tahara (198:26) distinguishes between foreign objects, which more naturally constitute *chatzitza*, and addendums of the body itself. Others distinguish based on how safe it is to remove it (Rash on Mikvaot 10:8; Shut R. Akiva Eiger I:60). Those sources do not provide clear guidance for our case because of differences – here, the residue is foreign and difficulty is the only reason not to remove the residue; we are dealing with a utensil rather than a person.

The closest cases are the following. A woman must try to remove lice from her hair before *tevila*, but irremovable lice are not a *chatzitza* (Shulchan Aruch, YD 198:47). Like our case, she would like to remove them and just did not succeed, and yet it is considered not *makpid*. The Gra (ad loc. 53) is confusing, as he points out two things: it is natural, and he is not *makpid*. Depending on how these reasons interact, it is unclear what he would say in our case. The Rama (Yoreh Deah 202:2) says that black stains on the outside of a pot are normal and therefore not a problem. However, not all agree (Gra ad loc. 3), although maybe the stains are not too difficult to remove. The strongest source seeming to indicate that residue that remains after removal efforts is not a *chatzitza* is the Shulchan Aruch, YD 120:13. One must remove rust before *tevilat keilim*, but if, after efforts to do so a little is left, one is not *makpid*, and it is okay. One could argue that residue in the age of oven cleaners is less acceptable than rust before the advent of stainless steel. However, regarding a case that you do not plan to clean anymore, we have seen enough justification to posit that normal modest residue is not a *chatzitza*.

Do not hesitate to ask any question about Jewish life, Jewish tradition or Jewish law.



Igrot HaRe'aya - Letters of Rav Kook

Starting a New Yeshiva in Yafo - #59 – part III

Date and Place: 17 Shevat 5667 (1907), Yafo

Recipient: Rabbi Yosef Rabi, Rav Kook's brother-in-law. As the letter indicates, he was living in poverty in *chutz la'aretz* and was interested in moving to *Eretz Yisrael* if he could find an appropriate position.

Body: [We have seen Rav Kook's interest and financial obstacles in starting a high-level yeshiva in Yafo. We conclude with his vision for the yeshiva.]

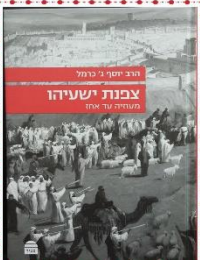
You, my dear friend, have not forgotten my long-standing desire, all the more so now that I am in the Holy Land, to encourage people to study matters of ethics and fear of Hashem in a serious manner, delving into it and reviewing it thoroughly, covering ground and going into depth. Only from an institution that teaches students in such a way can we hope for great answers to the myriad questions which have long been on the table, regarding the Jewish people and the Land of Israel and especially the matter of the fulfillment of the precepts of the Torah and its influence.

[Ed. note – It is unclear at what point Rav Kook seemingly returns to speaking about Sha'arei Torah, not the planned yeshiva.] It is possible that to my clear ideas [on topics of study] there will be added on matters that arise in practice, as matters are sharper when they are critical necessities, as we see them more clearly as divinely ordained. Then the institution, which has special value since it is in *Eretz Yisrael* and in its newly developed section of the Land, which needs to receive the influence of the sanctity of truth that is fit for it, can reach new spiritual heights. I have prepared notes for what we would like to accomplish, but they are minimal. We have planned a department for learning crafts, which I had the bravery to institute. With Hashem's help, it will bear fruit in the future, as it will give us a large number of craftsmen and merchants who will not look at Judaism like "full gentiles." This danger increases when there is no connection in the educational sphere between practical instruction and connection to Torah scholars.

I might in the future publish a brochure announcing to the world my educational aspirations. This may also have the benefit of motivating Jews of the Diaspora to donate. A spirit of support along with a flourishing of *Eretz Yisrael's* Jewish community will make it possible for you to find a position here, at least if the new *meshulachim* show signs of success. Then we would send for you to come to *Eretz Yisrael* yourself and, if things work out well, we could invite the rest of your household. My idea requires patience and constant attention; it will not happen quickly. May Hashem open up the gates of hope on behalf of His Land, and may the crown of the Torah of life and of truth be raised in the Land of Life. May we be so fortunate as to be among the builders and active participants in fulfilling what Hashem wants to do in this world.

(The next paragraphs deal with halachic discourse and discussion of Rav Kook's work and writings on the matter of avoiding grafted etrogim.)

My esteemed colleague can probably imagine how much my heart desires that you and all of your beloved family will be with us in the Holy Land. Hashem just has to arrange that the necessary provisions will be in place. I certainly would desire with all my heart that it could happen soon, so that we could be together with Hashem's grace, investigating together matters of Torah and planning great enterprises for Heaven's sake as they occur in the Desired Land. I rely on Hashem, Who has helped me in the past and has shown me kindness beyond my prayers. May He continue to allow me to continue my study of Torah and understanding the ways of Hashem and enable me to do great things for His nation and His Land for His great Name. I pray that my dear brother-in-law will not be depressed over his difficult situation now. We look to Hashem to open up doors of salvation and light; if it has been delayed a little, we will wait for it, because the salvation of those who fear Him is near.



Tzofnat Yeshayahu - Rabbi Yosef Carmel

The Prophet Yeshayahu performed in one of the most stormy and dramatic periods of the Israeli nation's life, a period of anticipation for the Messiah that was broken by a terrible earthquake, and also caused a spiritual and political upheaval. The light at the end of the tunnel shone again only in the days of Chizkiyah.

"Tzofnat Yeshayahu – from Uziya to Ahaz" introduces us to three kings who stood at this crossroad in our nation's history: Uziya, a king who sought God but was stricken with leprosy because of his sin; Yotam, the most righteous king in the history of our people; And Ahaz, the king who knew God but did not believe in His providence.

In his commentary on the prophecies of Yeshayahu, Rabbi Yosef Carmel, Head of the Eretz Hemdah-Gazit rabbinical court and a disciple of Rabbi Shaul Israeli zt"l, clings to the words of Hazal, our sages, and to the commentaries of the Rishonim, the great Jewish scholars of the middle ages, and offers a fascinating way to study Tanach. This reading attempts to explain the Divine Plan in this difficult period and to clarify fundamental issues in faith. Tzofnat Yeshayahu reveals to the reader the meaning of the prophecies in the context of the prophet's generation and their relevance to our generation.

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P'ninat Mishpat

A Worker Paying for a Stolen Car – part II

(based on ruling 80088 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) gave a leased car to the defendant (=def), its employee, to use for both work and personal purposes. In the midst of using the car for work, pl stopped off at a carpenter on a personal matter. The two spoke for 14 minutes several meters from the car, with def's back to the car, while the keys were in the ignition and the engine was running. According to security cameras, after 10 minutes, thieves drove off with the car, which also contained his work computer and smartphone. Pl came to an agreement with the leasing company (=lc) to pay them 20,000 NIS (less than the car's value), as the insurance does not cover theft under these circumstances. Pl is suing def for that as well as the price of a replacement computer and phone. [This week we will focus on the following of def's claim.] Def claims that it is accepted that a worker does not pay for damages that he is involved in at work.

Ruling: [We saw that the basis for obligation exists and that lack of awareness of his level of financial exposure does not affect it.]

There is a common practice, which is formalized in Israeli law, that damages that a worker does during his work, even if he acted not according to expectation, are the obligation of the employer. However, that law is limited to things that happened as part of his job. In this case, the theft occurred when def went to a carpenter on a private matter (albeit during the workday and in the midst of an errand for pl). The level of irresponsibility also exceeded that to which the law and practice refer to.

There is a concept of Talmudic origin to exempt workers who cause damage. The gemara (Bava Metzia 83a) tells of porters who broke the barrels they were transporting and were exempted beyond the letter of the law. There is a machloket whether this concept is only when they transport heavy, breakable objects or even those that are easy to protect (see Pitchei Choshen, Pikadon 8:(78)). Therefore, it is difficult to apply this halacha to our case, and it also does not apply because here there was negligence. Although the Aruch Hashulchan (CM 331:7) applies this halacha to all but the most egregious negligence, that is only in regard to small damages. While Rav Yaakov Ariel applied the exemption more broadly based on contemporary convention, he would probably not apply it to the level of negligence that exists here.

We will deal with def's final claims and the element of pricing next time.

We daven for a complete and speedy refuah for:

Nir Rephael ben Rachel Bracha
Yisrael ben Rivka
Rivka Reena bat Gruna Natna
Arye Yitzchak ben Geula Miriam
Neta bat Malka
Meira bat Esther

Together with all *cholei* Yisrael

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