



HEMDAT YAMIM

Parashat Hashavua

Vayigash, 11 Tevet 5784

Harav Shaul Israeli zt"l
Founder and President

Arvut and its Meaning

Harav Yosef Carmel

The root of *arvut* comes up first in the Torah in three consecutive *parshiyot*: Vayeishev, Miketz, and Vayigash. Each time, Yehuda is involved. What can this teach us?

In Vayeishev, Tamar demanded of Yehuda to give an *eiravon* (collateral), his staff and signet, to get what he asked her for (Bereishit 38:17-20). Tamar used these identifiers of Yehuda to make him confront the truth. She used the phrase "*haker na*" (recognize this), which the brothers had used when presenting Yosef's blood-stained cloak to Yaakov, and thereby facilitated Yehuda's *teshuva*. Through Yehuda's admission of responsibility, he merited to have Tamar's babies, including Peretz, father of David and *Mashiach*. The Torah writes about the promise of Yehuda's leadership, "Your brothers will admit (=cede leadership) to you" (see *ibid.* 49:8-9).

Yehuda continued to use the concept of *arvut* to further his leadership in Miketz and Vayigash. As the famine worsened and Yehuda tried to convince his father to send Binyamin with his brothers to Egypt, as the disguised Yosef had decreed, Yehuda said "*Anochi e'ervenu*" (I will be your guarantor) [for Binyamin's safety] (*ibid.* 43:9).

In this week's *parasha*, Yehuda used the account of his guaranteeing Binyamin's welfare in his attempt to convince Yosef to free Binyamin (*ibid.* 44:32). At that time, Yehuda let the whole family know that the building of *Klal Yisrael* requires mutual responsibility from one Jew to another. This signals an about-face from the path the brothers took by selling Yosef as a slave. Yehuda's full repentance ensured that there could be a unified leadership in the developing nation. The leadership must internalize that its task is to strengthen this mutual responsibility and avoid disunity. This entails Yehuda working in partnership with Yosef (see our last two articles).

If we are correct, we can uncover another related example of *arvut*. As David's father, Yishai, sent him to what turned out to be his encounter with Goliath, Yishai told him to inquire about his brothers' welfare and take "*aruvatam*" (Shmuel I, 17:17-18). In requesting this visit to the front, Yishai used the language Yaakov used to ask Yosef to visit his brothers and that his ancestor Yehuda used in showing his correct approach to his brothers. The *midrash* (Tanchuma, Vayigash 8) indeed says that Yishai told David that the time had come to use the guarantor status that Yehuda had adopted. The *midrash* continues that David took ultimate responsibility by challenging and killing Goliath. The *midrash* posits that since David did this to remove disgrace from the kingdom of Shaul, who came from the tribe of Binyamin, who Yehuda guaranteed and was willing to switch in Egyptian jail, David was given the *Beit Hamikdash* that was on the border of Yehuda and Binyamin. David, like his ancestor Yehuda, received the throne because he used Yehuda's affinity toward *arvut*.

For us, we must remember that mutual responsibility is the way forward to the days in which Yehuda will reclaim its days of glory as the "lion" within the nation (see Bereishit 49:8-11). Those who do so deserve to see the return of Hashem to Zion and the rebuilding of Jerusalem as in days of old.

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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

Getting a Sponge Wet on Shabbat

Question: I keep my sponge (the type one may not use on Shabbat) hanging from a hook near the sink; when the faucet is on, some water generally splashes onto the sponge. May I leave the sponge there for Shabbat?

Answer: We will focus on **halachic permissibility**. (Some might convince you to find another place due to Shabbat aesthetics and practicality or hygienic considerations.)

One issue to explore is the concern that one might come to squeeze it out, which is prohibited in several cases of things getting wet. One of the *gemarot* is Beitza 30a – one should not cover an open barrel of water with a cloth, lest it get wet and one might squeeze out the water. One prominent case in *poskim* is the Magen Avraham (326:8) who says that one of the reasons not to allow swimming/bathing even in cold water (when it is not for a *mitzva*) is the concern that one might squeeze out water.

However, this will not be a reason to disallow the sponge to be near water, for **at least** two reasons. 1) Extending the prohibition to cases not discussed in *Chazal* is a new *g'zeira* (a prohibition not to do A lest it lead to doing the forbidden B), which we do not create ourselves (see Igrot Moshe, Orach Chayim II:34). 2) The Shulchan Aruch (OC 320:15), in the context of the cloth/barrel prohibition (above), permits hanging a cloth normally used for that purpose because one is not perturbed if it gets wet and we are therefore not concerned he will squeeze it out. In our case, since the sponge is in its regular place and there is no reason to think he will have an urge to squeeze it out, it is permitted.

The other issue is that putting water on an absorbent material can be a form of laundering (Zevachim 94b; Shulchan Aruch, OC 302:9). *Rishonim* deal with the fact that a few *gemarot* (see Yoma 77b; Beitza 18b) allow going into bodies of water with clothes on. Tosafot (Shabbat 111b) presents two distinctions that may reconcile the sources: 1. The Ri – it is permitted to get fabrics wet when they are “clean.” 2. Rabbeinu Tam – it is permitted when the exposure to water is *derech lichluch* (in a manner of dirtying). Is *derech lichluch* limited to cases in which the garment becomes dirtier than it was before (e.g., using a rag to soak up water from the floor)? Although we cannot give the matter sufficient clarity in this forum, the stronger approach is that *derech lichluch* means that this is not the way anyone would want to launder, even if it does get more clean – see Harchev Da'at, Melaben 3). After all, one of the permitted cases is entering a body of water with clothes on, and the classic sources do not limit this to unclear water. In this case, water from the faucet is clean, but no one would wash a sponge by having sink water splash on it from time to time.

There are different opinions as to whether one can be lenient based on either distinction or perhaps only the two together (Rama, OC 302:9-10). Some of those who are stringent may have low standards of what is considered a clean fabric (Orchot Shabbat 13:(56)). If not, one would have to inspect a towel to make sure it is truly clean before drying his hands on it, against common practice. It might vary from kitchen to kitchen whether a used sponge would be clean enough, but hopefully one's sponge left out for Shabbat would at least look clean from the outside. One should be able to rely on the leniency of *derech lichluch* (Be'ur Halacha to 302:9), especially when there is no intent to clean it now (see Tosafot Yeshanim, Yoma 77b).

While the sponge and faucet's positions are not described exactly, it is unlikely that there is certainty that each time you use the sink, a noticeable amount of water will hit the sponge. If so, beyond the aforementioned reasons for leniency, this is a case of a *davar she'eino mitkaven* (one does a permitted action (opening a faucet), that may or may not inadvertently cause a *melacha* (rinsing the sponge)), which is certainly permitted.

In short, leaving the sponge near the sink is always permitted according to most *poskim*, and often is indisputably permitted.

“Behind the Scenes” Zoom shiur

Eretz Hemdah is offering the readership to join in [Rabbi Mann's weekly Zoom sessions](#), analyzing with him the sources and thought process behind past and future responses. Email us at info@erezhemdah.org to sign up (free) or for more information on joining the group.

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

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Igrot HaRe'aya - Letters of Rav Kook

Responding to Inquiries About Organizational Affairs – #180

Date and Place: 10 Tevet 5669 (1909), Yafo

Recipient: Rav Yonasan Binyamin Halevi Horowitz. Rav Horowitz was a Slovakian rabbi, who made *aliya* a few years prior to this letter. As a representative of Agudas Yisroel in Israel, which, among other things, had him supervise dispensing of funds for various projects, he had connection with Rav Kook and many other rabbis. Years later, he would take part and chronicle the famous tour of *moshavot* that Rav Kook and Rav Sonnenfeld led.

Body: I received your important letters. I am very happy about the good beginnings that have taken place in Petach Tikva (referring to the establishment of a certain religious school there, in which the two of them were involved, each in his own way). Even though there is still a need to strengthen the situation, we should have trust that Hashem will help and allow us to finish that which we began.

Regarding your brother-in-law, my opinion is that in any place that we find even an opening the width of a needle's eye, through which we can positively impact the belief and fear of Hashem in the hearts of our children, wherever they are, we cannot stand idly by. Therefore, I wholeheartedly agree that your brother-in-law accept the position. May we receive trustworthy young men even from that far-flung place, with Hashem's help.

Regarding the letter of the leading rabbis concerning [the appointment of] the Chacham Bashi (Chief Rabbi of the Turkish Empire, based in Constantinople), at this time I do not see myself having any role, because I am not an expert on the proper steps in this political matter. However, if you have a beneficial, special role you would like me to fill in the matter, I will try to be as helpful as I can be. [Certainly, we do not want anyone to] sit on the chair of the Chacham Bashi if he is not a Torah scholar and a fearer of Hashem.


Regarding the paper *Haniyar* (lit., The Paper), the first installment, in which I have an article, was already published. It is expected that next week the first full edition will come out. I believe that we will be able to secure *Haniyar* itself as time goes on (the various stages are unclear to me), so that it will be the monthly paper that we desire to have. I have already told you that I believe that we must go on the broad path of knowledge that gives strength to Hashem. Along with that, we need to include articles on practical matters as time goes on, which will strengthen our goal of establishing support for authentic Judaism with the strength of Torah and *mitzvot* on the holy soil.

Now it is necessary to obtain an official license, which is not particularly expensive, indeed not costing even ten Napoléon coins. I believe it is correct to acquire for ourselves this status. The Savior of Israel shall help us, to fortify the effort of the group of those to whose hearts Hashem is significant. May that which we work on be successfully established.

Perhaps you can inform me how much you will be able to allocate monthly toward the monthly publication, so that I will be able to know in the coming days to what extent we can work on glorifying it in quantity and quality. It is better not to be too thrifty regarding the cost of writers, when these are justified.

Please also tell me how the board of education in Petach Tikva is doing.

I sign my name as your reliable friend, who is connected to you with bonds of love for your delicate spirit. Please also send me, on a monthly basis, the students' grades on tests, as you send them to the board members in Jerusalem.



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

Fee for a Fired Toein Rabbani – part II

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

Case: The defendant (=def) hired the plaintiff (=pl), a *to'ein rabbani* (rabbinical court lawyer) to represent her, as she sought a *get* and favorable custody and financial arrangements. Def agreed orally to pay 35,000 NIS, with delayed payment, for pl's work until the end of the process. In the first court hearing, def's husband gave a *get*, and the foundations of custody and the financial matters were laid in the first two hearings. Def received all of the governmental child support (high due to special needs children), even though she worked and the two had joint custody. Child support was to be dealt with later. A few weeks after the second hearing, which included a tiny adjustment in custody, def, at the urging of her new boyfriend (=bf), fired pl (before being paid anything), replacing him with a lawyer (to receive 25,000 NIS plus VAT). Pl negotiated with bf, who eventually agreed to give pl 4,000 NIS in cash. Pl took the money, refused to sign a waiver of additional payment, and now demands 31,000 NIS plus VAT. Def counters that pl did very little, qualitatively and quantitatively, deserved to be fired, and also waived any right to additional pay, by accepting the 4,000 NIS payment.

Ruling: We saw last time that def was not justified in firing pl, and pl deserves to be paid for what he did.

It is difficult to determine the percentage of work pl did since the work is open-ended and the main attainments were reached in the beginning of the process. We estimate that pl did 75% of the job (worth 26,250 NIS).

Does pl get paid for what he did not do because he was improperly fired? The *gemara* (Bava Metzia 76b) says that when an employer fires someone who started working, he gets paid until the end of the job he was supposed to do. The *Perisha* (Choshen Mishpat 333:2) says it depends if he is able to replace the job after being fired. The *Netivot Hamishpat* (333:7) says that since a *kablan* (paid by the job, not by time) can do the job whenever he wants, he always gets paid for what he did not do. In this case, the *Perisha* should agree that pl deserves pay, since the work that was left to do was not time intensive.

However, the pay is adjusted down because of the advantage of not having to work (*po'el batel*). There is a *machloket* how much to take off for this. In this case, because the work was open-ended, we will take off on the higher end, 50% of the amount due. After all the calculations, pl deserves 26,625 NIS in addition to the 4,000 NIS he already received.

Pl's demand to add VAT is rejected. More frequently a quote includes VAT, and pl, who wants to extract money, needs to prove he deserves it.

Regarding def's claim that pl was *mochel* when receiving the 4,000 NIS, if the disagreement were factual, we would believe def based on a *migo* she could have denied promising 35,000 NIS. However, def agrees that pl planned to receive more than 4,000 NIS but tricked them into giving that amount. She thinks that, halachically, this means he cannot receive more. It turns out that the money pl received was a form of *tefisa* (grabbing, here with trickery rather than force), which is sometimes permitted, especially when the grabber can prove he deserves what he took (Shulchan Aruch, CM 4:1, and here, pl did enough publicly to deserve 4,000 NIS. Taking the money without an actual *mechila* did not preclude receiving the rest.

Comments or questions regarding articles can be sent to: info@erezhemdah.org

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Ori Leah bat Chaya Temima

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