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HEMDAT YAMIM

PARASHAT HASHAVUA

Lech Lecha, 8 Cheshvan 5775

From Destructive to *Mitzva*

Harav Shaul Yisraeli – based on Siach Shaul, p. 33

Hashem commanded Avraham: "Walk before Me and be complete, and I will place My covenant between Me and you ... Avram fell on his face and Hashem spoke to him" (Bereishit 17:1-3). Rashi explains that before Avraham had a *brit mila*, he did not have the power to accept the Divine Presence without falling down, as was the case for Bilam (see Bamidbar 24:4).

The idea behind the above phenomenon is that the nations of the world do not know the secret of turning bad into good; rather they know only the simple good and simple bad. Man and G-d are two opposites who seem contradictory, in which one is built only from the fall of the other. In order to receive a revelation from Hashem, man needs to fall on his face, i.e., to nullify his feelings and his self.

Brit mila comes to turn the bad into good. The seal of this holy covenant refines the flesh of the Jew and turns it into something that is connected to sanctity. It turns one of the destroyers of the world, desire, into such a holy matter that it is a means of bringing about fulfillment of the first *mitzva* in the Torah, *p'ru u'revu* (procreation).

The elements of self-control and refraining from over-indulgence that the covenant represents by the sacrifice and spilling of one's own blood, is that which carries out the miraculous transformation of the impure into the holy and lofty. We do not find in Judaism praise for actions of complete asceticism but for sanctifying that which is permitted and refining and elevating actions.

After Avraham performed the *brit mila*, there was no longer a contradiction between his essence and his desires. That which was permitted became equivalent for him with that which was a lofty *mitzva*. For that reason, as well, speaking with Hashem did not require Avraham to fall on his face.

Reaching this level does not occur by just speaking nice words. Rather it requires much toil and great self-sacrifice. These ideas are also part of the holiday of Sukkot. Sukkot does not exist because of a need for another holiday but to put the happiness of the process of harvest in proper focus. The goal of the holiday is to transform a personal joy into a situation of "You shall rejoice before Hashem" (Vayikra 23:40). Indeed there are significant preparations for Sukkot. The 40 days before Yom Kippur culminating in that holy day are intended to purify a person and return him to the holy place from which he comes. This prepares a person for the holiday of joy before Hashem.

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This edition of Hemdat Yamim is dedicated to the memory of **George Weinstein,**
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Ask the Rabbi

by Rav Daniel Mann

Diapers With Disappearing Ink

Question: Is it permitted to use on Shabbat a diaper with forms on the outside that disintegrate when the diaper is soaked, alerting parents to change the diaper?

Answer: There is a Torah-level violation to erase (*mochek*) writing or, according to many, a picture or figure (see Shulchan Aruch, Orach Chayim 340:3; Beur Halacha to 340:4). When the erasure does not serve a positive purpose such as enabling new writing, the violation is only Rabbinic (Mishna Berura 340:17). Thus, the diapers in question would seem to have no more than a Rabbinic prohibition. Another possible reason for no Torah prohibition is that the erasure's result may be "destructive" (*mekalkel*). It is debated whether considering the side benefit, that the disintegration provides desirable information, it is *mekalkel* (see Beur Halacha to 340:13).

The main cause for leniency relates to who and how the erasing is done. Directly, it is the baby who erases by urinating, but he is almost always too young to require training in Shabbat prohibitions. Although one must not "feed" children prohibited matters, he may allow a situation in which a baby might choose to do a forbidden action (see Yevamot 114a). Here it is even better, as the baby "violates" Shabbat without any knowledge of this consequence of his action, in which case it is not a fundamental Shabbat violation even for an adult (see Shut Rabbi Akiva Eiger 1:8).

Thus, the question is whether the adult violates Shabbat by creating a situation in which a future event will set off a *melacha*. Specifically, putting the diaper on the baby creates a situation where erasure will occur. When the direct cause (urination) of the erasure has yet to occur at the time of the adult's action (diapering), we say that the adult acted through *gerama* (indirect action). Violation of Shabbat through *gerama* is a very low level violation of Shabbat, to the extent that it is permitted in certain cases of need (Rama, OC 334:22).

In this case, there are often additional points of leniency. For parents who are not interested in the erasure, as they can easily determine the "old way" when the diaper is soaked, the erasure is permitted as a *davar she'eino mitkaven* (an unintentional forbidden result of one's action) of the diapering. It is true that when the forbidden result is a definite outcome (*psik reishet*), the action is forbidden by Torah law (Ketubot 6b). However, when the result is arrived at through *gerama*, many important *poskim* permit *psik reishet* (Shemirat Shabbat K'hilchata 12:18, based on Rav Auerbach; see discussion in Orchot Shabbat 29:(41)). Some say that *gerama* is permitted in cases where direct action is only Rabbinically forbidden. Other opinions disagree, and in any case the leniency likely does not apply to every Rabbinic prohibition (see Yabia Omer III, OC 17). Yet the above is probably not needed, as, in actuality, the erasure is **not** a *psik reishet*. For a variety of reasons, including the baby soiling with solids before the diaper is soaked, diapers do not always reach the point that forms are erased.

When there are not meaningful figures of letters but just a line or dots, there is even more room for leniency, as erasing such nondescript things is not a (full) violation of *mochek* unless the erasure uncovers or enables writing (see Shulchan Aruch, OC 340:3; Orchot Shabbat 15:59). We find this distinction in such cases as cutting cake with writing or clear figures vs. nondescript shapes (Rama, OC 340:3).

One may generally use diapers with disintegrating ink (Orchot Shabbat 15:52). However, note that many of the reasons for leniency are based on the assumption that one does not have **intention** when diapering for the erasure, which is a valid assumption when one did not intentionally buy diapers with this marginally useful feature. However, for one who values this function, use of such diapers on Shabbat may very well be forbidden and should be avoided. (Regarding a slightly stricter case of a color-changing strip, see the Star-K website, which has a similar ruling to the above.)



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Ein Ayah

(from the writings of Harav Avraham Yitzchak Hakohen Kook, z.t.l.)

Lech Lecha

Focused Intent Vs. Spread Out Intent

(condensed from Ein Ayah, Shabbat 1:40)

Gemara: One must touch his *tefillin* on a regular basis, as can be learned from a *kal vachomer* from the *tzitz* (head plate of the *kohen gadol*). If concerning the *tzitz*, which contains only one Name of Hashem, the Torah says, "It shall be on his forehead constantly" (Shemot 28:38), from which we learn that he should not take his mind off of it, regarding *tefillin*, which have many Names of Hashem in them, one should all the more certainly not take his mind off of them.

Ein Ayah: Life is made up of goals and means. One who follows the path of Hashem will not confuse the two, but one whose path is not straight is liable to be involved in the physical means of life without considering the goals.

The level of understanding of the purpose of life will be very different for different people. It is clear that "all your actions shall be for the sake of Heaven" (Avot 2:12). However, the central point that Hashem is interested that each person do is not always clear. Only one with great intellect and a straight heart will understand deeply what his goal is. In such cases there is a high goal which is connected to myriad detailed actions that mysteriously serve this purpose.

Average people cannot identify, even momentarily, a unified high goal, and therefore their conceptions of that which is good are "scattered" among many partial points of value within life. For them, Torah and prayer, kindness and compassion, wisdom and prophecy, all play their own important purpose, which is indeed true. Each realm deserves to have many detailed actions related to its significant element. It remains compartmentalized until one reaches a higher level and is able to see the unified connection between the central goal and the sub-goal in each area and each of its detailed *mitzvot*. It is a wonderful level to be able to see this unity of purpose, which follows from the fact that Hashem is one and His Name is one, so that His ultimate purpose in the world is one at its root. The level of connection to Hashem of a person who reaches this higher level is much greater than that of one who is still in the lower levels of the process of seeking out spiritual goals and has more compartmentalized conceptions of good.

A suitable *kohen gadol*, from the perspective of pedigree and behavior, should be on the level whereby he perceives the divine on a high level and grasps the unity discussed above. That is the reason that the *tzitz* has only one mention of Hashem's Name – "Holy to Hashem." In contrast a simple person needs many appearances of the Name, with each one connected to another element of sanctity. Indeed each *mitzva* and element of sanctity and Torah is good and holy and is connected to a single central goal, even if the person does not see how. In the meantime, though, the *mitzvot* remain as candles lighting the way on the path of Hashem (see Tehillim 119:105). That is why there are many Names of Hashem in *tefillin*.

Any person, including a *kohen gadol*, needs many actions to maintain the connection with the central goal. Despite the high level evident in his *tzitz*, the *kohen gadol* still has to take steps to make sure that he does not take his mind off the *tzitz*. It is all the more clear that a simple Jew, who needs many Names of Hashem in his *tefillin*, needs measures to ensure he remains connected to the sanctity engendered in them. When he touches his *tefillin*, he is reminded of the *mitzvot*.

It is clear that those who claim that one's mind can be focused on the light of the Torah, without practical *mitzva* actions that are hinted at by the touching, are wrong. It is Hashem, after all, who designated these *mitzvot* as necessary for each person to reach his spiritual destination. The *tefillin*, which signify the connection of our nation with Hashem for all the world to see (see Devarim 28:10), show that nationally this is needed as well.

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of all those that fell in the war for our homeland.



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P'ninat Mishpat

Return of the Profits of a Joint Investment to Recover Losses

(based around Shoel U'meishiv I:III:96)

[*Reuven and Shimon joined together in an investment for a certain amount of time, with Reuven giving 100 rubles and Shimon giving 200 rubles. Within that time, there were profits that were distributed among the partners. The subsequent reinvestment of the original principal was a total loss. The question is whether Reuven now has to return the profits he received so that they will have money to reinvest once again, based on the concept that "the profits are slated to support the principal."*]

There are two concepts regarding gains and losses of partners to investments which the *gemara* (Bava Metzia 105a) discusses. One is that if one partner wants to divide the preliminary profits while the other wants to reinvest them in the continuing investment, we side with the latter because the profits are slated to support the principal. Another is that if the one who is handling an investment lost money and continued to invest and eventually made up the losses, he cannot demand to split the initial losses but has to use the gains to fill the losses, as we say that he did so to protect his reputation as an investment partner. The Maharsha (ad loc.) says that we cannot apply the rule of being required to use the profits for the basic investment in the latter case because the rule is designed to cover his own losses with his gains, not to increase further profits.

The Shulchan Aruch and Rama (Yoreh Deah 177) disagree as to whether the idea that the handler of the investment uses the profits toward covering the losses is true only if he is silent on the matter or whether he can be forced to do so. The querying rabbi reasoned that the Shulchan Aruch does not believe that there is a broad concept that one has to keep the profits active in the investment and that actually they can be taken out. However, this is not so, as the Ran (3rd perek of Kiddushin) says that if a partner uses profits that he wants to extract during the operation of the partnership to marry a woman, the marriage is not valid because the profits must be kept in.

Nevertheless, in this case, Reuven does not have to give up the profits. This is because the *gemara* and *poskim* apply the concept only to cases where the money has not yet been given out. However, in a case like ours, where the two agreed to split the profits, one of them cannot demand to have it returned even when the situation arises whereby it is now needed to continue the operation of the investment.



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