



HaRav Shaul Israeli zt"l
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HEMDAT YAMIM

Parashat HaShavua

Bereishit, 26 Tishrei 5776

Fighting for Bread

Rav Daniel Mann

Hashem decreed upon man, as a result of Adam's sin: "... the ground will be cursed for you; with hardship shall you eat from it all the days of your life. Thorns and thistles will it grow for you, and you shall eat the grass (plants?) of the field. With the sweat of your brow shall you eat bread ..." (Bereishit 3:17-19).

These changes in nature, due to man, are not just a punishment but also a change in focus. The Netziv (ad loc.) says that given that man was distanced from Hashem, it is good for him to fill his life with hard work. Actually, earlier (ibid. 2:15) we see that Adam was originally placed in the Garden of Eden "to work it and guard it." So the need for work is nothing new. Apparently it was not the need for work which was the punishment or the *tikkun* (the means for rectifying his situation), but the strains it put on relationships.

Originally, there was to be a very harmonious relationship between Adam and the earth from which he was taken. He was to guard it and improve it, and by its nature it would provide all his needs in a pleasant manner. Adam caused the ground to be cursed, and it "responded" by making things difficult. The ground produces growths that make it difficult for man to cultivate it, and while it says three times that he will eat, each time it is with significant difficulty. The first time it is that he will have to work hard to get the ground to produce for him. The second time it says that he will eat the grass of the field, as opposed to the very appealing fruit of the Garden of Eden (see ibid. 2:9). The third time it says that he will need to sweat to eat his bread. The Netziv explains that from the time that the ground gives its raw product, man still needs to take many sweat-producing steps before he can eat his bread.

Another element of the lack of harmony between the ground and man arises in the realm of the production of bread, man's primary sustenance (see Bereishit 28:20). Grain is the seed of tall grasses that cover large patches of ground. As such, man takes from nature that which would allow it to reproduce and eats it for himself (of course, usually he leaves enough seeds to plant again). This is different from most fruit, where one can eat the flesh of the fruit and save the inedible seeds for replanting. The "strained relationship" between the earth and man ultimately ends with the land swallowing up the deceased man (ibid. 3:19).

Rav Hirsch points out another lack of harmony that arises from man's quest to eat bread according to his desires. The Hebrew word for bread (*lechem*) shares a root with the word for war (*milchama*). This, he says, hints at the constant struggle within society as to who will succeed in making his livelihood, represented by having food to eat, at the apparent expense of whom.

Indeed, man is able to eat, but everything is more complicated due to Adam's sin. The challenge for us, who strive to be godly individuals, is to go about having bread to take home in a way that is as harmonious as can be with those around us. When we will succeed in filling our daily life (whether in agriculture or any worthwhile pursuit) with a variety of *mitzvot*, we will merit living in an more ideal in history, when the Land of Israel will have trees that grow loaves of bread ready to be picked, literally and/or figuratively (see Ketubot 111b).

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Ask the Rabbi

by Rav Daniel Mann

Shabbat Cruises

Question: I signed up for an Israeli round-trip pleasure cruise to European destinations. The ship will be “covering ground” at sea on Shabbat? Is there a *heter* to be in such a situation?

Answer: We will all but ignore halachically complicated issues about pleasure cruises for which there are legitimate lenient opinions. One is setting sail within three days of Shabbat (see Shulchan Aruch, Orach Chayim 248:1-2; Shemirat Shabbat K'hilchata 30:66; Yalkut Yosef, Shabbat I, pp. 48-52). We will focus on seeing if there are cases where we cannot find any legitimate leniency.

Operating the motor is among full *melachot* that are done while sailing. If a Jew is performing these actions, it is forbidden to benefit from them, and so if that may be the case, one may not go on the cruise (see Yalkut Yosef *ibid.*). What if the relevant crew includes no Jews?


There are two issues with using a non-Jew's work on Shabbat. 1) Telling the non-Jew to do the work. 2) Receiving benefit from the work a non-Jew did on behalf of a Jew (Shabbat 122a). There are more possible ways around the former, and we will focus on the latter.

The *gemara* (*ibid.*) says that if a non-Jew does *melacha* on behalf of a group including Jews and non-Jews, we consider it as being performed on behalf of the majority. Thus, if the majority of a ship are Jews, it is forbidden to benefit from the sailing done on their behalf. Now, let us clarify two points. First, regarding each *melacha* done, we have to consider who the beneficiaries are. Some (e.g., putting on the cabin air-conditioning) are done for all aboard, including staff. However, the sailing, as opposed to docking or anchoring at sea, is done because the vacationers want to arrive at a good time at the next destination. The second point is that when the benefit comes, it is too late for the individual, who cannot change the itinerary mid-cruise or jump ship, to do anything. Therefore, if he knows he will get forbidden benefit, he must not get on the ship.

There is a legitimate albeit surprising leniency (depending on how far one takes it – see *Orchot Shabbat*, vol. II, p. 457). The Magen Avraham (276:6) has a stringency that even with a majority of non-Jews, if we know that the work was done also on behalf of the Jews, it is forbidden to benefit. The Tiferet Yisrael (*Kalkalat Hashabbat*, Melechet Shabbat 9) says that if this were so, any Jew who paid to be on a ship would be forbidden to be on it on Shabbat. He argues with the Magen Avraham and also says that the Magen Avraham would agree if the ship would proceed even without the passengers (e.g., they anyway must sail to transport cargo). It is unclear if the Tiferet Yisrael meant that in the latter case, it is permitted even if the Jews constitute a majority of the passengers (which was rare in his time). Nevertheless, the Shemirat Shabbat K'hilchata (30:66) says that if the ship sails on set schedules even without passengers, it is permitted even for a majority of Jews to go (see *Shevitat Hayam* (Waldenberg) 5). Similarly, Igrot Moshe (OC, IV:64) says that if an electric company is required to provide electricity even for a single customer, then it is permitted to benefit from their work even if a majority of the area's residents are Jews.

Presumably, a round-trip pleasure cruise from Israel would not set sail without passengers or plan to continue sailing on Shabbat if all prospective Jewish passengers objected to it. The problem comes up when many of the passengers are unaware of the halachic issues and others are not Shabbat observant and are thus unwilling to sacrifice “covering ground” to keep Shabbat. I heard a suggestion that, statistically, some of the Israelis must not be Jewish. However, it is hard to believe that there are enough non-Jews on a round-trip Israeli cruise to be able to implement the above leniency. (Also, who will check lineage or cancel the cruise if too many clearly Jewish people participate?).

Therefore, we do not see a legitimate *heter* for going on the standard cruise that fits your description.



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Ein Ayah

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

Beware of Foreign Fragrances

(condensed from Ein Ayah, Shabbat 2:74)

Gemara: A certain mother-in-law hated her daughter-in-law. The mother-in-law told her to adorn herself with *afarsamon* oil. She did so [apparently, excessively]. When the daughter-in-law came, the mother-in-law said: "Light a candle," which the daughter-in-law did. The mother-in-law blew on the fire [setting the oil on the daughter-in-law's body ablaze], and it consumed her.

Ein Ayah: That which exists on the individual level also applies on the broad level. There are enemies who outwardly interact as friends and give advice. There are also nations that give broad advice to the Jewish nation, when in fact that advice will lead to a great fire that can consume everything that is holy in the Nation of Israel.

Theoretically, using an exaggerated amount of perfume is not so bad. However, it can turn one's heart away from internal purity and from the sanctity of Torah and *mitzvot*, which is the stronghold of Israel. This outward adornment fits the mode of behavior of those who strive to live their external lives according to "*yafyuto shel Yefet*" [the focus on aesthetics of the non-Jews who are (biological or spiritual) descendants of Noah's son, Yefet]. When done in an exaggerated manner, it can be a step that leads to destructive situations.

We should look at the spiritual equivalent of overusing perfume. This is when the nations, who are far from our internal value system, try to entice us to make their literature and culture a major part of our thought process. When there is a confluence of the external behaviors (oil), which are antithetical to Israel's Torah with a foreign "flame," the resulting fire will consume all feelings of sanctity within us.

Therefore, we should be careful to incorporate what the nations have to offer externally only in small amounts of that which is compatible with the Torah. This too must be done carefully. We must not rely on their advice about how to use these external matters, because they are interested in burning our Jewish souls. While they sound as inviting as the mother-in-law from the *gemara's* story, the end result can be very bitter.

Appropriate Oil for Shabbat

(condensed from Ein Ayah, Shabbat 2:76)

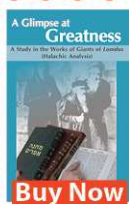
Gemara: Rabbi Tarfon says: We light [for Shabbat] only with olive oil.

Ein Ayah: The light of the Shabbat candles serves as a hint about the light of the intellect/spirituality that flows to the spirit that becomes sanctified in the day's rest and sanctity.

There are many types of oil, which are the causes for the ability to create light. Similarly there are many branches of wisdom that, when the spirit is involved in them, elevate the person in ethics and good characteristics and make him able to bring goodness to the world.

However, the highest level of light of wisdom is that of Torah, and it is this light that is uniquely appropriate for Shabbat. It is pure and is not polluted with elements of mistake or the darkness of the evil inclination, as other types of human wisdoms are. That is why the Torah is represented by olive oil, which is the most important oil, to show that Shabbat should be a day of total sanctity and study of Torah, as the Rambam (Shabbat 30:10) says. The teaching that we are to refrain from other oils which give off less clear light shows that we should concentrate on the hidden parts of the Torah, where the purest light is found.

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P'ninat Mishpat

Changing a Community Tax Assessment

(based on Shut Chatam Sofer, Choshen Mishpat 125)

Case: [There was common function of the Jewish community to collect "taxes" both for paying the government as a group and for the needs of the community, including supporting the poor. While there are some halachic guidelines, each community had its own ways of dealing with the task of assessing and collecting these dues.] When Reuven, who was known to be a rich man, died, 400 gold coins were taken for taxes from his estate, as per the last assessment when he was alive. Reuven's son-in-law claims that he left only 4,000 coins, so the assessment is too high. Should the assessment be lowered?

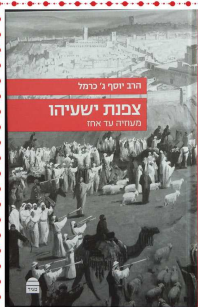
Ruling: There are two basic approaches to assessments. The early Sephardim allowed the people in charge to come up with an assessment, without trusting the citizens. Their reasoning was that the government bases their taxes on their assumption of Jewish wealth (they usually exaggerate). Therefore the Jewish collectors, who in effect carry out the king's word, can follow his system of assessment. The Rosh says that accordingly, the assessment is binding even if it is mistakenly low.

Most Ashkenazi communities follow the halacha that members of a community are considered partners regarding obligations of taxes to the king. Therefore, when there is a question as to how much one has and is capable of paying, he swears that his report of wealth is correct (see Terumat Hadeshen 343; Rama, CM 162:3).

The *minhag* of communities, accepted by *Acharonim*, is that if one's assessment is supposed to stand for a certain number of years, then the assessed tax does not change even if he became poorer or richer since his oath. (In a minority of communities, including Frankfurt, assessments change during their term in the case of a clear and very significant change in financial status.) If one swore that he has much less money than we now find in his possession, there is discussion whether we accept the possibility that he found a large sum of money or otherwise became suddenly enriched after the assessment (there is a slight contradiction within Chavot Yair (57-8)). In any case, after he has died, we do not extract money from the inheritors despite the likelihood that his reporting of his wealth was a lie.

In the case before us, the local practice was set that when one dies, the amount of four years' of taxes are taken from the estate, and one must not complain about this practice. Soon before his death, Reuven wrote a will that identified wealth of 12,000 coins, which is much more than he reported previously. We will make a claim on behalf of the inheritors that Reuven earned a lot of money between the assessment and the will and we will not penalize retroactively the estate for withholding tax. However, we will obligate the estate for the correct assessment from the time of the will. Although he could have sworn that he made the money after the assessment and the assessment does not change during its duration, since he did not swear, we assume, in regard to the future, what we know – that he did have more money. It would be a good idea to compromise on the matter. The inheritors claim that they found only 4,000 gold coins. They are required to swear about that, although a publicly accepted *cherem* should be enough.

Although some want to forgive the money, realize that that is at the expense of many impoverished people. Still, if a majority want to forgive some money, it is possible to do so. A minority who want to forgive certainly should not cast aspersions on the majority that want full payment.



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