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Sara Rivka bat Yaakov Tzvi

HaCohen z"l

as well as

R' Meir ben Yechezkel Shraga

Brachfeld

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This week.....

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What Type of Fear?

Paroh commanded the midwives of the Jews in Egypt to kill male newborns. Their fear of G-d kept them from carrying out the decree (Shemot 1: 15-21). There is much discussion as to who the midwives were. Rashi cites an approach in *Chazal* that they were Yocheved and Miriam, Moshe's mother and sister. This adds historical significance to the event, especially regarding the reward of "houses" they received (ibid.:21). However, it raises difficulties in understanding the story. Abarbanel asks how it is possible that Paroh would have entrusted this unparalleled anti-Jewish crime on righteous Jews. He, therefore, posits that the midwives were Egyptian in charge of the Jewish population. Instead of being Jews who risked their lives to avoid killing Jewish babies, as halacha requires, they were non-Jews who were willing to risk their lives to save Jews.

Professor Nechama Leibowitz builds on this position to describe what is meant by fearing G-d, which is mentioned both in the context of not murdering the babies and in the context of their reward. She cites other examples of fear of G-d regarding non-Jews. Avraham explained to Avimelech that he altered Sarah's identity because he was afraid that Avimelech's people lacked fear of G-d (Bereishit 20:11), something which apparently upright non-Jews have. The disguised Yosef told his brothers that he would be fair with them because "I fear G-d" (Bereishit 42:18) and did not think this would give away his identity. Furthermore, Amalek's hideous violence, for which they are eternally condemned is accompanied by the description, "and he did not fear G-d" (Devarim 25:18). This implies that a normal nation would have fear of G-d. In other words, fear of G-d just refers to a basic commitment to human morality that could be expected of moral non-Jews in addition to those who follow halacha meticulously.

These nice observations, though, steal much deserved "thunder" from Avraham. As he passed the test of *akeidat Yitzchak*, Avraham was told: "Now I know that you are a G-d fearer" (Bereishit 22:12). Does that mean that previously it was unclear if he was on the level of an average gentile?

A grammatical note seems to answer the question. The general fearing of G-d is described in the verb form or talks about the general existence of fear of G-d. A normal person displays, at least occasionally or under certain circumstances, a level of morality that can be called fear of G-d. However, Avraham was described as a person of fear of G-d. This implies the forging of a personality where in all of one's actions, he strives to do that which Hashem wants. This we find in *Tanach* only in a few places: i.e., a qualified judge (Shemot 18:21); Iyov (Iyov 2:3). This level of consistency and dedication is what we should strive for.

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Question: I put uncooked food on a non-adjustable hotplate (to avoid the concern of “stoking the coals”) before Shabbat, so that it would cook over Shabbat. I discovered during Shabbat that the hotplate was not plugged in. Was the food *muktzeh* as it would seem, or should we say the following? Since I thought that the food would be edible, Shabbat began with the food being on my mind, not removed from it, as the word *muktzeh* implies. When I discovered the mishap, Shabbat had begun, and I remember learning that there is no *muktzeh* for part of Shabbat. Is that correct?

Answer: First, we are assuming that the food, as you found it over Shabbat, was not only not cooked but not considered even marginally edible. If it was marginally edible, it would not be considered *muktzeh* (Mishna Berura 308:126). If it was fit for a dog’s consumption but it was (as in your case) made for human consumption, then most *poskim* consider it *muktzeh* (ibid.:27).

Almost all of the issues you raised are discussed in one *gemara* (Beitza 26b). The *gemara* tries to determine whether there is *muktzeh* for part of Shabbat. One of the proofs it brings is from the case of one who took some fruit and put them on the roof to turn into dried fruit. The *baraita* rules that they are *muktzeh* unless he designated them before Shabbat for use. The *gemara* tries to understand what the state of the fruit was when Shabbat started: “If it was fit, why does it need to be designated? If it was not fit, what does it help to do so? If you want to say that he did not know if it was fit or not, didn’t Rav Kahane say that *muktzeh* that dried up [before Shabbat] without the owner knowing is permitted? Therefore, it must be talking about a case where it had been fit, became unfit and then became fit again [on Shabbat]. If you say there is no *muktzeh* for part of Shabbat, why do you require designation? On the other hand, if there is *muktzeh* [for part of Shabbat], how does designation help? You must say that it is talking about a case where it was partially fit, as some people eat it and some do not. If he designated it, he revealed his thought process [that he will use it]. If he did not designate it, he did not reveal his thought process.”

This *gemara*, whose conclusions are brought as halacha in the Shulchan Aruch (Orach Chayim 310: 3-5), teaches the following things regarding your questions. Whether or not something is *muktzeh* does not depend on the owner’s perception of if it is useable but on whether it actually is (see ibid.:4 and Shemirat Shabbat K’hilchata 22:17). Even if something was not *muktzeh* when Shabbat started, if it became unfit during the course of the Shabbat in such a manner that it could not be permissibly and reliably assumed to be turned into being fit again, it would be *muktzeh* from the time the status began. That which the *gemara* says that an object does not become *muktzeh* for part of Shabbat is talking about a case where the object not only started Shabbat as fit but, after becoming not fit, subsequently became fit again. In that case, it reverts back to not being *muktzeh* anymore, according to the lenient opinion, which is accepted as halacha (ibid.:3). However, in your case, the uncooked food remained unfit and *muktzeh*.

Although the raw food in question was apparently *muktzeh*, you could have possibly moved it, not only to make room but even to refrigerate it, in the following manner. Moving *muktzeh* with parts of the body that are not usually used for moving (*tiltul b’gufo*), such as legs and elbows, is permitted (Shulchan Aruch, Orach Chayim 311:8). Moving the object by pushing, pulling, carrying it, etc. with the use of a non-*muktzeh* item that one is handling directly (*tiltul min hatzad*) is permitted for purposes other than the protection of the *muktzeh* item (ibid.). Most *poskim*, though, say that this it is forbidden to use this system to protect the *muktzeh* object.

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Ein Ayah

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

Holy Things That Bring Long Life

(based on Berachot 1:91)

Gemara: They told Rabbi Yochanan: there are old men in *Bavel*. He was surprised and said: "The *pasuk* says, '... so that your days and the days of your children shall be long in the Land,' implying that in *chutz la'aretz* (the Diaspora) there is not long life." Once they told him that they came early and stayed late in *batei k'neset* (synagogues), he said: "That is what did it for them."

Ein Ayah: The lengthening of lives comes from two factors: 1) from the arrangement of ethical life with good *middot* (personal qualities) and refraining from getting pulled in after desires and luxuries. This can be attained only by the good influence of ethics and fear of G-d. 2) Additionally, when the powers of the spirit increase they lengthen the days of one's life.

For this reason, Rabbi Yochanan wondered about long life in the Diaspora. Long life for Jews is suitable only in *Eretz Yisrael*, where the Land's sanctity and great ethical elements for the Nation of Israel that are inherent to it uplift the spirit and strengthen the spiritual powers. It also leads people in the straight path of an ethical life and good *middot*. However, in the Diaspora the land causes "torn-up wisdom" and a confusion of the *middot*. How can the spiritual powers be strengthened and the *middot* straightened there to arrange good ethical lives that lengthen days?

However, when people told Rabbi Yochanan that people came early and stayed late in *batei k'neset*, he said that this is what did it for them. This is because the elevating of the spirit, the influence of good *middot*, and arriving at abundant, pleasant ethical life come to the heart by one being in the house of Hashem daily, joining in to the communal ethical life. This helps by the *beit k'neset* serving as a mini-sanctuary in the lands of dispersion. The *gemara* brings a proof that wisdom can cause more complete *middot* and the justice of life, which increase the length of life from the following *pasuk*: "Fortunate is the person who listens to Me to frequent My doorways daily, to guard the doorposts of My openings" (Mishlei 8:34). This means that when entering the places where wisdom and completeness find a place, the spirit must be uplifted and the *middot* must be straightened. The *pasuk* continues to speak of one "who finds Me," in the manner of chancing upon something without giving the matter thought, but by frequenting good holy places where people sanctify His Blessed Name. This naturally causes the sanctification of one's spirit and completeness until he "finds life and extracts good will from Hashem." This occurs by going on a straight path and keeping statutes and proper justice to be good to Hashem and with people.

Fully Entering a Synagogue Before Prayer

(based on Berachot 1:92)

Gemara: A person should always enter the measure of two openings and afterward pray.

Ein Ayah: This comes to teach us that one who prays in a *beit k'neset* should be careful of two things. First he should remove the burden of his thoughts, which may be overloaded with fleeting needs and a life of physicality and interest in his desires. That is the point of the first door. The second is to positively elevate himself toward ethical needs, which are related to the needs of the entire community. This is because the needs of a community always overlap with the needs of morality because the life of the community cannot be good unless they follow justice and the fear of Hashem. Only after the measure of the two doorways (of leaving the physical and entering the moral) will one be able to leave behind his own personal, physical needs because the goal of prayer is to go beyond such concerns.

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P'ninat Mishpat

Severance Pay for One Who Was Fired for Not Working on Chol Hamoed

(based on Halacha Psuka, vol. 51- from Mahalchei Mishpat, vol. I, pp. 396-404)

Case: The plaintiff (=pl) worked for the defendant (=def). Due to pressure on the job, def demanded that his workers come to work on Chol Hamoed. Pl, a religious man, refused to work then, which prompted his firing. Pl claims that he was illegitimately fired and demands severance pay (two and a half months pay for two and a half years on the job).

Ruling: There is a binding local practice requiring severance pay. This is proper in that it is in the spirit of the halachic concept of *ha'anaka* (a gift to a departing Jewish servant). The Sefer Hachinuch (#482), in explaining that one should not have someone who worked for him leave empty-handed, says that one can extrapolate that it is also proper for the employer of a paid worker for various lengths of time to share with him when he leaves from the blessing that Hashem bestowed on the employer. Therefore, if the firing was improper, pl deserves severance pay.

It is generally forbidden to do work on Chol Hamoed, although *Rishonim* differ whether this prohibition is from the Torah or rabbinic. The Rambam (Yom Tov 7:1) says it is rabbinic, "so that it should not be like regular days that do not have any sanctity." Tosafot (Moed Katan 18a) and the Rosh say that it is from the Torah, while the Rabbis formulated the details.

The Shulchan Aruch (Orach Chayim 542:1) rules: "Even work that is permitted can only be done for oneself or for others for free. However, if it is done for a salary, it is forbidden." This includes cases where one may do work to avoid a loss of money, but the work may not be done for pay. The exception to the rule is that a poor worker who doesn't have what to eat can get paid. This exception is for the worker's benefit, and he cannot be forced to work because of the prospect of someone else's loss.

The Rama (ad loc.) says that for a loss, one can work even for a set price. *Beit din* explained the Rama's ruling according to the following Gra. Just like an employer can employ a worker with pay because of the latter's financial needs, so too a worker can work on behalf of an employer for the employer's financial need (the loss). The *poskim* argue whether a worker can work because of the threat of firing by his employer. The Chayei Adam (106:12) says that this is not considered a loss of money. However, the Shevet Halevi (OC 183) and Rav Ovadya Yosef (see Yalkut Yosef, Chol Hamoed 43) say that this is the type of loss that justifies working on Chol Hamoed.

However, as mentioned, these factors affect the worker's decision to work and do not justify def's decision to fire him for his refusal. Therefore, due to the firing, pl deserves severance pay. [The amount was reduced from the maximum because of a compromise that took the parties' relationship into account.]

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