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HEMDAT YAMIM

ח'מ'ת'מ'ח

Parashat HaShavua

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Passing through the Waters ... of the Jordan

Harav Yosef Carmel

The splitting of the *Yam Suf*, retold in our *parasha*, was one of the most important events in the story of our Exodus from Egypt. That Exodus, in turn, is compared by Yechezkel to the birth of a child (see Yechezkel 16:4-6). In some ways, then, we can say that the splitting of the sea, which was the end of our interaction at the time with Egypt, was like the cutting of the umbilical cord (see also Devarim 17:16). The idea of passing through a dried up body of water was repeated, at the Jordan, when Israel entered into the Land for the first time as a nation, at the time of Yehoshua Bin Nun. We would like to take a look at another, less famous passing of the Jordan, which is reported in Shmuel II.

During the rebellion of Avshalom, David Hamelech escaped over the Jordan. When danger passed, David was in the process of returning to his throne in Jerusalem. The *navi* says that the people of Yehuda approached the king to have him pass the Jordan and they were *tzoleach* the Jordan before the king. Then it says that they were *over* the *avara* before the king was *over* (Shmuel II, 19:16-19). What do these words mean in this context?

The Radak says that *tzoleach*, which the Targum translates as "*v'gazu*" simply means to pass, as is evident from the Targum of *mabarot* in Yehoshua (Yehoshua 2:7). In contrast, Rashi explains it as splitting the water, which was done by the warriors putting their shields in the water to act as dividers. In this way, David passed through the Jordan in relative dryness, although this time it was not by means of a miracle but of natural intervention with the flow of the water. According to the Radak, David and his men chose a place to pass through where there was relatively little water. The Ralbag takes matters in a different direction – so many people passed through the water along with David, that it was difficult to notice from a distance that there was water there. Abarbanel said that the water was not the issue but that the way so many people lined up turned the event into one that resembled a the leader walking before an honor guard. According to this, *tzoleach* refers to a ceremony in honor of the success (*hatzlacha*). (One can find further expansion on the topic in my upcoming book, *Tzofnat Shmuel* on the reign of David.)

Let us pray that we will have "*hatzlacha*" in the period ahead of us, and that we will prevent splits within the nation and not allow our enemies to stand up against us.

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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

Borer on Plates

Question: We set our Shabbat table with a larger "charger" plate under the main plate. At the end of the meal, we clear off the dirty dishes and leave the charger plates. Is there a problem with *borer* (selecting)?

Answer: Avoiding suspense – it is clearly permitted. One reason for our confidence is that while charger plates may be new, fish or appetizer plates sitting on top of main plates and are then removed, have been common, without *poskim* over the generations being bothered. We now set out to identify the precise reason(s).

Ostensible *borer* is permitted when three conditions are met: the desired is taken from the undesired; it is done soon before usage; it is done by hand. The classic usage of a plate is to serve on it; you are taking the plates right after their use, not soon before the next meal. Even if you were to wash them right away and use them later on Shabbat, selecting them specifically among other objects in a *taarovet* (mixture) of utensils would not be considered for immediate use (Orchot Shabbat 3:121).

Our rationale of permitting removing the dirty off the charger plate at meal's end will thus be based on the premise that there is no halachic *taarovet*. In Living the Halachic Process (vol. I, C-19), we dealt with sorting silverware after washing at night after they were joined together in a sink, well before their being placed on the table the next day. We presented the *machloket* among contemporary *poskim*, which we will review very briefly, on whether this may be done without special care.

The Terumat Hadeshen (57) suggests that there is no *borer* between relatively large foods in close proximity to but clearly discernable from each other. However, he stops short of permitting this in practice, and the Rama (Orach Chayim 319:3) concurs.

Yet, Rav Ovadia Yosef (V, OV 31) is lenient regarding silverware due to a combination of (weaker and stronger) possible leniencies. 1) According to the Aruch Hashulchan (OC 319:9) *borer* does not apply to big pieces that are clearly discernable; the Ohr Sameach (Shabbat 8:11) posits similarly that *borer* does not apply for almost all intents and purposes to utensils or clothes (even according to the Taz (OC 319:12) that it is not limited to food). 2) The Pri Megadim (319, MZ 2) says that if the various objects being sorted will all be used at the same time in the future, it is permitted. 3) Perhaps (it is a fringe opinion) *borer* only applies to things that "grow" from the ground. 4) Selecting for the next meal is considered short term no matter when that meal is. Leniencies 1 & 3 apply to this case, whereas #2 and #4 do not (at least at the last meal the plate will be used). Thus, one cannot prove from Rav Ovadia's responsum that he would be lenient here. While the Tzitz Eliezer (XII:35) also considers the Ohr Sameach's position a significant contributor towards leniency, the Mishna Berura (319:15) and Shemirat Shabbat K'hilchata (3:78) do not.

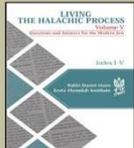
However, we are confident that all *poskim* would not consider the two plates sitting one on the other to be a *taarovet*, for the following reason. Everyone agrees with the Terumat Hadeshen's basis thesis that objects that are touching but absolutely separate are not a *taarovet*. His and the Rama's hesitation was because it is not always easy to know the level of ease of discerning. In our case, though, since the normal usage of these plates is to have a normal plate sitting on top of a charger plate, one can "separate" them with zero concentration and blindfolded with ease. This idea is at the heart of the aforementioned Yabia Omer and Tzitz Eliezer.

We find a close precedent in the distinction between books piled on a table and those in their place and/or labeled in a bookcase (Shemirat Shabbat K'hilchata 3:(179); Orchot Shabbat 3:23-4). While the Shemirat Shabbat K'hilchata is hesitant to use the leniency, taking off the right plate is far easier than grabbing for the right *sefer* (I not infrequently reach for one book and take its neighbor). The strong logic is only strengthened by the *minhag* regarding fish plates.

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Igrot HaRe'aya – Letters of Rav Kook

Advice from an Older Brother – Vol. I, #5

Date and Place: Tuesday night of Parashat Yitro 5657 (1897), Boisk

Recipient: Shaul Chona Kook, Rav Kook's younger brother (by approximately 14 years; he was 18 at the time). R. Shaul Chona made aliya as a young adult and was a scholarly (in Jewish studies) businessman who lived in Tel Aviv and was active in municipal affairs and in the Mizrahi religious Zionist movement.

Greeting: Peace and blessing, guarded and set out before my dear and beloved brother, the excellent young man, sharp, learned, and charming, Master Shaul Chona HaKohen *shlita*. May Hashem bless you and grant you success in all of your undertakings. May your heart be widened by His Torah. May you and those who assist you be blessed with abundant peace.

Body: My beloved brother, you have brought me joy with your words to me. For a while I have longed (from Yedid Nefesh) to speak with you through the written word, and my many preoccupations delayed me from day to day, and now you have beaten me to it. Dear brother, may blessings settle upon your head. You have quenched my thirst for *nachas* even with your short words, even though you shortened them too much. Why did you not tell me in detail what you are leaning now and what you have acquired for yourself (i.e., fully internalized) with Hashem's help in all the days you have dwelled in the place of increased knowledge (Shmuel II, 23:8), the dear city of Smorgon (presently in Belarus, in the Grodno region)?

The name and recollection of the city (a majority of whose population was Jewish in those days) is engraved in my heart in a loving manner from the fresh time of my childhood. It is the place in which I made my first steps with the comradery of holy people, as it is a place full of wise scholars, with sharp minds and extensive Torah knowledge, fearers of Hashem and those who respect His Name (Malachi 3:16). Being around such people widened my heart and also caused me to have a head start in developing the skills of my childhood, with Hashem's help.

You, my beloved brother, are living there. Certainly you are only making your company with those who are G-d-fearing and bring respect to His Name, who dedicate their lives to His Torah and awe of Him, the people who are great and dear, the gems of the wise men of the city, may Hashem protect them.

Learn to make many acquisitions in the realm of wisdom, to learn sources, understand them, and review what you have learned with desire and love. Acquire mastery of the *gemara* with Tosafot's commentary in order, treating the main thing as the main thing and the less important as less important. I have never seen a truly significant *talmid chacham* whose main focus was not on *gemara* and *Rishonim*, learning and reviewing literally according to the order of the *gemara*, especially at the earlier stages of life. Please forgive me, my beloved brother – it is possible that you do not need these urgings. It is just that I remember that I did need them when I was younger. My heart felt that I had to share these things as I was conversing with you.

Praises to Hashem, all is good with us. May Hashem allow to have blessings in the future as well, and even increase His kindness toward and mercy upon us. I am expecting that your letters will now come on a regular basis, so that you can share all that is good with you, and "there is nothing good but Torah" (Avot 6:3). Hashem should strengthen you to spend all your time by the doorways of His Torah, and you shall strengthen yourself and be a successful man with a good name and with a standing of glory. These are the prayers and hope of your brother, with a love of the spirit, who looks forward to your success. So shall it be His will.

The letter continues with a request to send regards to two friends of Rav Kook, apparently from his Smorgon days, and an intricate halachic discourse.



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

Who Caused the Renovations to Stop? – part II

(based on ruling 79110 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def) hired the plaintiff (=pl) to do renovations, based on general guidelines, in a house she wants to sell or rent out. They signed a contract for 115,000 NIS not including VAT. In a later addendum, there are itemized additions with line values adding up to another 39,600 NIS. After starting, def stopped the work for a couple of weeks so that an interior designer could draw up exact plans. Disagreements, mainly about finances, arose after a few weeks, and the work ended, close to complete, with 135,000 NIS paid. Pl is unwilling to finish the work because def has indicated she will not pay any more. Def is unwilling to pay because she denies the validity of the additional fees for various reasons. Pl is suing for the remainder promised to him, with some adjustments if he does not finish, plus 2,000 NIS a day for the work stoppage in the middle, with the claim that his workers could not be reassigned to other projects. Def demands a return of money because of a list of uncompleted elements, faulty construction, and damage from the delay in completion, and because def had agreed to forgo VAT.

Ruling: Last time we saw that the agreements, including of the additional elements, were binding. We now digress to an unexpected but important topic.

Beit din appointed an expert (=exp) to study the plans and inspect the house. He found that the great majority of the work was done acceptably and listed elements that needed to be completed (pl had agreed with most). Beit din had intended for pl to finish the job in a few days, as pl was willing and def had wanted, while beit din would determine how much pl would receive. Due to the tensions between the sides, it was necessary to bring in someone to oversee pl's work. However, def was unwilling to have a process in which she would have to pay pl or an overseer; she decided to have her father (=fath) slowly finish the work.

After exp completed his report, which sided with pl in 80-90% of the disputed matters, def demanded of beit din to disregard the report because exp had a prior relationship with pl. (Beit din, as always, questioned exp about previous relationships before hiring him.) She said that fath knew this based on a hug and "high-five" between exp and pl upon meeting, before the av beit din (=abd) arrived. Exp and pl denied any unusual greeting or prior relationship. Def was given the opportunity to confront exp before beit din but refused, saying that he is a liar. At a hearing, beit din enquired why fath had not said something to abd, and he said that he was too upset. Abd observed that the inspection was two hours long and fath did not seem upset. Def claimed that fath was in too much awe of abd to speak in his presence (a behavior not consistent with what abd observed). When asked why fath had not said anything to def until after the report was written, def said he had been too busy.

Beit din rejected the claims against an apparently impartial and respected expert based on claims by interested parties that were presented at a great delay with unconvincing excuses **after** he wrote an unfavorable report. Beit din pointed out that such behavior weakens the credibility of def's claims but that each claim will be viewed according to its merits.

We daven for a complete and speedy *refuah* for:

Nir Rephael ben Rachel Bracha
Yisrael ben Rivka
Rivka Reena bat Gruna Natna
Meira bat Esther

Together with all *cholei* Yisrael

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