



Harav Shaul Israeli zt"l
Founder and President

On Nazir, Sota, and True Union

Harav Yosef Carmel

The order of sections in our *parasha* enforces an important moral lesson. The proximity of the matter of *nazir* to *sota* (woman suspected of infidelity) teaches us that one who sees the plight of the *sota* should separate himself from wine (Berachot 63a). Indeed, alcohol is not only physically harmful, but it is spiritually destructive. *Chazal's* message does not single out women avoiding the path of the *sota*, which can be caused by intoxication, but also to a man who allows himself to be in surroundings of drunkenness. The advice to one in such surroundings is to accept the restrictions of a *nazir*, which forbids him to drink wine.

It appears that the Torah deals more strictly with an unfaithful wife than with an unfaithful husband. But the Torah teaches that in order to experience the Divine Presence, there should be a proper relationship between one man and one woman. The Torah calls couples, a man who "leaves his parents and clings to his wife and become one flesh" (Bereishit 2:23-24).

Admittedly, the Torah allows a man to marry more than one woman, which was a sociological need in yesteryear. However, the Torah consistently stressed the problematic nature of having multiple wives. Lemech lamented his lot to his two wives, and he turned into the second recorded murderer (ibid. 4:19-23). After Cain killed his brother, Lemech killed his son. *Chazal* lamented about such men and their two wives, one for childbearing, who was mistreated, while the other one for his enjoyment was rendered sterile with ancient drugs and occupied herself with beautification. Indeed, in polygamy, **at least** one wife would be treated improperly.

When the Torah discusses the laws of two wives (Devarim 21:15), one of them is described as "hated." The next section discusses the wayward son (ibid. 18), which is no coincidence. The *navi* (Shmuel I, 1:6) calls a co-wife a *tzara* (a cause of pain). In all of *Tanach*, there is no polygamous relationship which is presented as an ideal union.

So why is the unfaithful wife worse than the unfaithful husband? Until recent times, relations made it very likely that children would be born, and the prospect of a husband having to raise his wife's illegitimate child was unfair to the husband financially and emotionally. If a man took two wives, he would rightfully be responsible for the welfare of the children of both.

We will end off with another perspective. The waters that checked the *sota* to see if her denial of impropriety was correct only worked when the suspicious husband was free of any sexual impropriety himself (Yevamot 58a). The obligation of fidelity cuts two ways. No house can have the dwelling of the Divine Presence unless both he and she are worthy of it.

Reviewing the salient lessons: 1. Men and women must not become intoxicated, which opens the door to sin. 2. Ideally, a household has one husband and one wife. 3. The goal of a couple is to create a home for the Divine Presence, impacting both parents and children. 4. The obligation to be loyal is mutual in marriage, and it is the basis for peace and fraternity, within the family and in harmonious successful life.

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Ask the Rabbi

by Rav Daniel Mann

Different Standards of Shabbat Clothes Cleanliness

Question: On Shabbat, with our kids putting their shoes on my husband's pants, in an Israeli climate etc., my husband's clothes often get dusty/dirty to a degree that embarrasses me. The other week, I hit his suit firmly with my hand to remove **most** of a particularly bad patch of dirt. He said that was *assur*; I was taught otherwise. Who is right?

Answer: Each of you has a reasonable claim. We will explore different factors, approaches and gray areas.

Classical *libun* involves using an agent (usually, water) to remove a substance that is embedded in a fabric. Cleaning that lacks either water or absorbed substance is apt to either only violate a Rabbinic prohibition or, often, be permitted.

One of the test cases is found in Shabbat 147a. The *gemara* says that one who shakes out his garment on Shabbat violates a Torah prohibition. Rashi explains that this refers to shaking out dirt, and Tosafot says that this could not be *libun* (due to lack of water – Ritva) but rather it must be talking about shaking out dew. The Shulchan Aruch (Orach Chayim 302:1) rules like Tosafot, but the Rama cites Rashi's position, which includes dirt in the prohibition. Sephardi *poskim* disagree about which opinion to follow (Ohr L'Tzion II:24:1 – stringent; Yalkut Yosef (OC 302:9) – lenient), but the consensus among Ashkenazi *poskim* is that *libun* could apply to shaking off dirt (Mishna Berura 302:6).

However, the *gemara* sets conditions for violating *libun* in this case: the clothes are black and new, and one is *makpid* on their cleanliness. This is because a non-classic cleaning is forbidden only when these factors make the cleaning significant enough. The Be'ur Halacha (to 302:1) posits that there are not fully three separate conditions. Rather, when it is black and new, particularness is assumed until it is clearly missing, whereas without those objective factors, only when one is particularly *makpid* is it forbidden.

Each of the factors needs clarification. *Poskim* say that black includes other dark colors (see Shemirat Shabbat K'hilchata 15:28-29). New also likely includes something that "looks new" (*ibid.*). These qualities are hard to quantify, but note that, generally, most people save their best-looking clothing for Shabbat. The degree of *hakpada* is also elusive. Orchot Shabbat (13:25) describes it as whether one will go out with it without cleaning (what level of alternative existing is unclear.) Shemirat Shabbat K'hilchata (*ibid.*) differs slightly – he would not put it on dirty. Perhaps there is a *machloket* if he would not choose to wear it but he would not remove it once on. He adds that if one is *makpid* only because of Shabbat's honor, that is not called *makpid*.

Another factor relates to the modes of cleaning. Shemirat Shabbat K'hilchata (*ibid.*) says that even when it is permitted based on the above parameters, that is to bang it softly, not to shake vigorously or hit hard with a hand. In the context of removing a clump of mud (Shulchan Aruch, OC 302:7), the Be'ur Halacha (*ibid.*) says that it is permitted when a mark of dirt remains. He similarly argues (to 302:1) that the prohibition of shaking off dirt when one is *makpid* is only when it becomes totally clean. Some argue that in the standard case, a mark from dirt/dust will remain and yet it is still forbidden (see Dovev Meisharim I:61; Halichot Shabbat (Lintzer) VIII:11).

A factor that is difficult to decide is whether the threshold of *hakpada* is different for the clothes' owner and the person who is cleaning (i.e., your case). The Be'ur Halacha (*ibid.*) leaves it as an unanswered question whether that is considered *makpid*. It is also unclear if your husband is not personally *makpid* but defers to you – does that turn him into *makpid*?

In summary, there are many opinions and factors with gray areas, and so both your claim and your husband's claim each have a reasonable basis. If you do this often, it is even possible that sometimes it is permitted and sometimes not. What your policy should be in the future is a good question that we cannot solve unequivocally.

"Behind the Scenes" Zoom shiur

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Moreshet Shaul

(from the works of Hagaon Harav Shaul Yisraeli zt"l)

Two Elements to Work On – part III

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 332

[This piece is a preface to the rabbinic periodical *Barkai*, which Rav Yisraeli edited in the 1980s. Last time we ended with discussion of the fear of assimilation for Israeli Jews not attached to Torah observance.]

In light of the confusion among the public, especially regarding the youth in Israel, about how to view the non-Jewish population [in Israel], it is proper that rabbis should dedicate significant thought to clarifying the matter from the perspective of Jewish Philosophy. There is a need to set a “golden mean” on the matter. On the one hand, distance should be drawn between Israel, the chosen nation, who are “sons to Hashem,” which places upon them special obligations, which are at least as great as the privileges, [and the gentile communities]. On the other hand, there is a need to act with respect and appreciation toward [non-Jewish] neighbors, who, when they act properly toward us, have the right to be treated with the respect due to those who deserve it because they were created in the image of Hashem. This concept finds expression in the *halacha* of *ger toshav* (a non-Jew who does not convert to Judaism but formally accepts certain precepts and enjoys limited rights within the Jewish community; the halachic construct does not exist in our times); we are commanded to help them live and thrive.

The religious community in Israel was once again put to the test in the elections for the Knesset, which was forced upon us before its set time, and unfortunately, we did not succeed. Our public representatives appeared divided and lacking the proper standing, and they did not succeed in drawing all those who attend *batei kneset*. We are embarrassed and ashamed as a group, when the clear majority of our populace rallied around parties who do not include the “name of Heaven” on their banners. The religious parties are thus relegated to appearing as satellites, dependent on the good will of the big parties. It is particularly upsetting and tormenting that the stature of the Religious Zionist community has deteriorated. Why has it dropped drastically? After all, the idea that exists at the foundation of religious Zionism is the one that was triumphant in practice, and the infrastructure of all that exists from a religious perspective is the fruit of the investment and the toil of this group. So why has the circle of its adherents dwindled?

Also, what is the reason that some, including important people within our segment of society, have decided to appear politically separately from the rest? They did not succeed as they imagined they might, but did “succeed” in increasing the fragmentation of the “camp”? Why did we not come up with the internal strength to overcome this evil inclination to fragmentize at a time like this, when the holiest values of Judaism are in danger?

All of these are piercing questions. Perhaps these upcoming days of *teshuva* (the month of Elul and the High Holy Days), with their special prayers, and the dawning of a new year, will help us shake off all the dust and dirt that has clung to us. May we return to the “reliable approach” of adding to the honor of Hashem and returning the crown to its past glory. May we be written and inscribed all together for a good and successful year, a year in which the stature of Israel and the Torah will be raised in the Land that makes us special and is our glory.

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Together with all *cholei Yisrael*

P'ninat Mishpat

A Mess of Loans, Repayments and Grievances – part II

(based on ruling 83033 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl), a lawyer, worked for and had intricate financial connections with the defendant (=def). There are two loan contracts of pl lending 250,000 NIS to def, which seem basically confirmed by bank transfers. Def made several significant payments to pl, but the sides dispute the nature of several of them, with possibilities including payment of salary. Def also has claims on rental fees at his offices from which pl continued to work after his employment ended, as well as deductions for various grievances about pl's flawed work. [We will deal with different issues in installments.] There is a sum of money (10,400 NIS) which def claims he paid to someone according to pl's request, and pl denies that any such payment was related to him. Also, def claims that pl cannot get payment based on the first contract because it was due several years ago.

Ruling: Disputed repayment: This dispute needs to be decided by the halachic rules of conflicting claims. When one denies owing money, including due to repayment, but admits to part of the claim, he needs a Torah-level oath to be exempt. The *gemara* (Bava Metzia 4a) extends this denial to where witnesses attest to his owing part of the money. The *Terumot* (VII:3:2), accepted by the *Shulchan Aruch/Rama* (*Choshen Mishpat* 75:5), extends this to cases where the defendant claims his payments add up to an exemption, but *beit din* discovers a miscalculation, so that he is actually partially obligated.

Def claims that he owes no money to pl based on payment and counterclaims. However, he never demonstrated how the payments indicate full exemption. Although his counterclaims of damage payments cover the full amount, these claims are rejected by *beit din* (to be discussed), and since these counterclaims are unrelated to pl's claims, if they are not accepted, it follows that part of pl's claim remains owed and creates an oath obligation (see *Shach*, CM 75:19).

In our days, when *beit din* does not allow oaths, exemption with an oath is replaced by partial payment. Some speak of a set rate, whereby payment of half the claim replaces a Torah-level oath, but most *poskim* adjust the rate based on circumstantial evidence that makes one claim more believable than the other. Def was able to be very exact on the particulars of the payment. On the other hand, the obligation to swear would make oaths necessary on other parts of the claims. Therefore, we will assume payment of only 3,500 NIS out of 10,400 NIS regarding this payment.

Old Contract: Unlike in secular law, Halacha does not fundamentally accept statutes of limitation (*Shulchan Aruch*, CM 98:1). There are circumstances under which a woman who does not sue for her *ketuba* after 25 years of widowhood loses the ability to receive it (see *Ketubot* 104a). However, that is when there is special reason to expect that she was *mochelet* the right; it does not apply to a loan with a contract. There are times when delay in asking for money is suspicious, which causes *beit din* to be careful before honoring it (*Shulchan Aruch*, CM 98:2). In any case, here the sides have been arguing in courts about these loans for years, and therefore there is no reason to suspect *mechila* or for suspicion based on the passage of time.

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