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# HEMDAT YAMIM

## Parashat HaShavua

Vayeilech, 6 Tishrei 5776

### “On this Day He will Atone You”

Harav Yosef Carmel

The observance of Yom Kippur on the Torah level revolves around two focal points.

One is the individual's obligation to afflict himself (Vayikra 16:29), in addition to the regular refraining from forbidden work that is found on other holidays and Shabbat. In other words, a person's normal flow of life is stopped, and he is forced to think. The five prohibitions of affliction (some from the Torah, while others might be of Rabbinic origin) create a behavioral and thereby cognitive change. They cover different areas of basic human needs (in days past, anointing was important for hygiene).

The second element of Yom Kippur is the service carried out in the *Beit Hamikdash* by the *Kohen Gadol*, with the help of a few assistants. This very involved service was performed only once a year, and it was very different from daily sacrifices. The majority of the nation was uninvolved in the events in the *Beit Hamikdash* on Yom Kippur and certainly could not play an active role in them. The height of the service took place in a totally secluded place, the Holy of Holies, in which no one else was allowed to enter or see, and special precautions were taken to ensure maximum purity and sanctity.

So, on Yom Kippur, the average person dealt with refraining from lower things. As far as positive steps, it was the nation's highest spiritual representative who was active. The question then is: what positive activity was the average Jew involved in on this holy day? How did the unique spiritual atmosphere find expression?

In our days, the order of events that used to be followed in the *Beit Hamikdash* becomes a focal point of our *davening*, especially in the repetition of *Musaf*. Indeed, our prayers take up the majority of our day, but they are primarily post-*Beit Hamikdash* liturgy. What did our forefathers do?

Let me suggest an idea, which also has practical ramifications in our days. *Chazal* tell us that Tu B'Av and Yom Kippur were special days in Israel, in that the girls went out in borrowed white garments in order to not embarrass anyone (Taanit 26b). White garments, which we (including men) wear on Yom Kippur nowadays as well, hint at the involvement in societal matters, with a focus on not embarrassing others. In other words, people were called upon to put a strong focus on the *mitzvot* between man and his fellow man within the framework of this spiritual day. Yom Kippur is obviously not a holiday which includes the element of “there is no happiness without meat and wine” (see Pesachim 109a), but it is one which our forefathers used to improve society. Asking forgiveness and rectifying wrongdoings, not only physical ones but also oral and indirect ones, like the embarrassment of girls of lesser means, were the *mitzvot* of the day.

So, let me propose, ladies and gentlemen, that even though intense *davening* is a mainstay of our Yom Kippur, every community should dedicate a part of the day (including the break between *tefillot*) to activity to improve society. Let us remember that without individual and communal improvement of society, Yom Kippur cannot bring the desired atonement!

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by Rav Daniel Mann

## Washing Hands with Soap on Yom Kippur

**Question:** Is it permissible to wash one's hands with soap after leaving the toilet on Yom Kippur or only with water?

**Answer:** It is a matter of debate whether afflictions other than eating and drinking, such as *rechitza* (washing hands with water) and *sicha* (classically, smearing the skin with oil) are of Torah origin or are Rabbinic (see Beit Yosef, Orach Chayim 611). *Rechitza* is permitted when it is not for enjoyment but to remove dirt (Shulchan Aruch, OC 513:1). The hygienic need for washing hands after use of the toilet is no less significant than of dirt.

Your question is a good one because *sicha* is more stringent than washing. The Yerushalmi (Yoma 8:1) says that *sicha* is forbidden even when it is not for pleasure. The *gemara* (Yoma 77ab) does permit putting oil on *chatatim* (a type of skin disorder) or for the needs of the sick. Our questions are: 1. Is using soap *sicha*? 2. If so, does the need for soap justify its use?

The *gemara* (Yoma 76b) talks of *sicha* in reference to oil. Tosafot (ibid. 77a) assumes that it applies also to smearing animal fats on the skin. Apparently, the two main ingredients in solid soap are vegetable oils and animal fat (although liquid soaps, which we use because of *melacha*, are more diverse). Yet soaps seem to be fundamentally different, in that the point of *sicha* is usually to have the skin absorb the substance. This is also evident from the *gemara*'s (Yoma 76b) portrayal of *sicha* as being like drinking. In contrast, soap is intended to be applied and soon thereafter removed with only a tiny amount being absorbed. However, we do find very mainstream *Acharonim*, including the Mishna Berura (554:28) and the Aruch Hashulchan (YD 117:29), who assume that using soaps is *sicha*. The context of the latter is a discussion of whether it is permitted to use non-kosher soaps, which depends on how far we take the equation between *sicha* and drinking. On that topic, Rav Ovadia Yosef (Yechaveh Da'at IV:43) adds to other reasons for leniency, the idea that using soap is "less than regular *sicha*, as it is immediately washed away with water." I do not know that he meant that such "less than regular" *sicha* is permitted on Yom Kippur, but the statement corroborates the salience of our distinction and adds at least slightly to the grounds for leniency.

Why is *sicha* stricter than washing (i.e., it is forbidden even without intention for enjoyment)? The Magen Avraham (614:1) says that it is because *sicha* generally provides greater enjoyment. Rabbeinu Manoach (Shvitat Assor 3:9) says that since most people wash off dirt with water, using oil looks like it is being done for enjoyment. Similarly, Tosafot Yom Hakippurim (Yoma 77b) says that since one can use water, the higher level of *sicha* was not permitted without special need. Since soap is rarely used for enjoyment, people are unlikely to be confused of his intentions, and it has a function that water does not provide, logic would seem to allow its use for hygiene just like water. Nevertheless, it is quite possible that anything that is under the category of *sicha* is forbidden even when it does not share the reasons for stringency. The Mishna Berura (554:28) might imply this, as does the common ruling/practice to forbid roll-on deodorant on Yom Kippur.

Still, the above makes it easier to permit the use of soap based on need. The Shulchan Aruch (OC 614:1) says that it is permitted to do *sicha* for a sick person. It is logical (albeit, arguable) that it should be similarly permitted to take action to prevent disease, which health experts say soap does. Certainly, circumstances impact the degree of need to use soap. It also seems hypocritical for one whose use of soap is inconsistent to pick Yom Kippur to be careful about it. However, we believe that halacha permits use of soap on Yom Kippur in cases where a basic level of hygiene calls for it. One should use simple, not luxurious, soap, and it is even better to dilute it to the point that it has a water-like consistency (see Dirshu 614:1 in the name of Ohr L'tzion).



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# Ein Ayah

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

## Shabbat – Internal or External Change?

(condensed from Ein Ayah, Shabbat 2:69)

**Gemara:** Rav Yehuda said in the name of Rav: The following is the custom of Rabbi Yehuda bar Rabbi Ila'i: On Friday, they would bring him a trough full of hot water and he would wash his face, hands, and feet. He would cover himself and sit in a cloak made of linen with *tzitzit*, and he would resemble an angel of Hashem Tzevakot.

**Ein Ayah:** The sacred and the mundane are separated one from the other by their very nature. The mundane and all the actions that surround it are that which prepare life to be able to reach its goal. It gives the material world the strength and the preparation so that it can be raised to its real purpose – matters of sanctity.

Matters of sanctity are the goal of life. One reaches this goal when his godly soul is in a perfect state of tranquility. A person is in his greatest glory at the time when his spirituality is strongest. Then he is aware that he is living a life of truth, in which he is able to experience the pleasantness of Hashem and relish the aura of His glory.

For the great majority of people, the days of the week are dedicated to mundane needs, and thoughts of these needs along with physical desires take over their whole persona. Therefore, when the holy day of Shabbat arrives, they need to raise themselves up from the “valley of the lowly” mundane life and wash themselves from the swamp of materialism so that they will merit receiving spiritual enjoyment of the sacred. When successful, that which they will absorb on Shabbat will also give fruit during the coming week.

The situation is different for a person who is sacred to Hashem – a truly pious individual who makes his Maker proud, who is so holy that he is engulfed in sanctity throughout the week as well. Even those of his needs and activities that we would normally consider mundane are performed with total purity, with the internal side of the heart ablaze with an everlasting holy flame of love of Hashem and the light of His Torah. When Shabbat comes, there is a change toward additional sanctity, but it is for the most part just a more visible display of sanctity in the eyes of normal beholders. The contrast is that during the week the “cloak” of mundane activities and the external involvement in various needs covers the divine light that is the holy person’s spirit, so that it cannot be perceived in all its glow and splendor. [Internally, there is little change.]

Rabbi Yehuda bar Rabbi Ila'i was a pious man of historic proportions. Therefore, when washing himself [an act that characterizes purification and not just removing physical dirt], he washed only external parts of his body (face, hands, and feet), which can sometimes be seen. In other words, his cleansing was in relation to the external parts of his life, in which there could be a perception that there was a major distinction between his sacred and his mundane life. However, regarding his essence [represented by his body], there was no distinction between holy and mundane, as all his bones were always in a state of joy in their connection to the Holy of Israel.

He would have a trough filled to the top with hot water, so that it would be clear that there was enough water to clean his whole body, yet that he chose not to. This was to teach his associates with the potential to follow in his spiritual footsteps that they should get used to elevating themselves to the point that their internal elements would remain in a constant state of full Shabbat, tranquility, sanctity, and honor. The washing should remain active in regard to that which represents the external part of his being. In that realm there is still a difference between weekday and Shabbat to the extent that one has to raise himself to a higher level of purity so that even his external side will be prepared for Shabbat.

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# P'ninat Mishpat

## Buying Oneself Back from the Chevra Kaddisha

(based on Shut Chatam Sofer, Choshen Mishpat 111)

**Case:** Yaakov's children died, and when he subsequently had another son (Reuven), he "sold" his son to the *Chevra Kaddisha* for five gold coins. The condition was that if Reuven lived and merited to get married, Yaakov would give the *Chevra Kaddisha* ten gold coins to "buy him back." Yaakov also promised to give the *Chevra Kaddisha* a small amount of money on a weekly basis throughout his son's lifetime. Reuven is now twenty seven years old, Yaakov has been dead for some time, and nothing has been given to the *Chevra Kaddisha*. Reuven now wants to get married, but the *Chevra Kaddisha* is protesting his right to get married until he pays them. Reuven points out that Yaakov died without enough money to even pay Reuven's mother's *ketuba* so that he has not inherited any money from which to make payment for his father's promises.

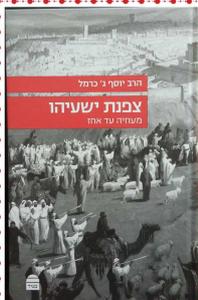
**Ruling:** If Yaakov had left an inheritance, then the matter would be the subject of a *machloket* between the Rambam, who rules that the sons must use it to pay their father's oaths, and the Mordechai who says that he does not have to. However, if he did not leave behind any real estate from which payment can be taken, it is clear that the sons are not obligated to pay their father's oaths. Therefore, the promise of weekly payments is certainly not Reuven's issue.

We must understand what it means to sell one's son. It is obvious that one cannot literally sell his son, nor can he set him aside for the use of *hekdesh*. The only vaguely similar type of sale of a person is the earning power of one's daughter or the ability to have her married by her master until she becomes a halachic adult. However, a person himself or herself cannot be sold or owned by someone else.

Even when a father "redeems" his son by payment to a *kohen*, he is not buying him back but fulfilling a *mitzva* to pay money in that setting. If no one redeems the boy, he is not owned by the *kohanim* and is not holy in any way. Although in the narrative of a *pidyon haben*, we ask the father if he would prefer to have his son or leave him as is, that is just to show love of the *mitzva*, as halachically there is no choice to make (see Rama, Yoreh Deah 305:10).

The *minhag* to sell the child in Yaakov's circumstances is a practice that emanates from the fear that there is a decree that his children will die. This "sale" is to make the children attributable to someone else to extricate them from the decree. We find people who were attributed to people who were not their parents (e.g., Serach bat Asher was Asher's step-daughter).

So, if Yaakov did not "buy back" Reuven, he can be "considered the child" of the *chevra kadisha*. However that does not mean that the *Chevra Kaddisha* can prevent Reuven from getting married, just as a father cannot prevent his son from doing so (see Rama. YD 240:25). It would be a sin for the *Chevra Kaddisha* to try to delay a marriage for even a short time. On the other hand, since the *Chevra Kaddisha* helped to protect Reuven and enable him to reach the time of his marriage, he should try to show his thanks with payment according to his capabilities after he marries.



### Tzofnat Yeshayahu- Rabbi Yosef Carmel

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