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# HEMDAT YAMIM

## Parashat HaShavua

Chukat, 5 Tamuz 5780

### War Ethics

Harav Yosef Carmel

In this week's *parasha*, we see a tense encounter between Bnei Yisrael and Edom, descendants of Yaakov's brother, Eisav. The relationship between these nations began with the progenitors' gestation and has continued to our day, given that *Chazal* identify Rome as stemming from Edom. In that way, *Chazal* saw the destruction of the Second Temple at the hands of the Romans and the long exile that ensued, as a major chapter in the history of the nations that related to these two famous brothers. We will try to connect their history to the destruction of the First Temple and the exile in Bavel as well.

From the time of King David until the days of King Yehoshafat, Moav and Edom were nations that were under the sovereignty of Bnei Yisrael. (After the latter's division into two kingdoms, Moav paid taxes to Israel, and Edom paid taxes to Judea). During the days of Yehoram ben Yehoshafat, Judea suffered a bad spiritual deterioration and the punishment came quickly: "In his days, Edom rebelled from under the hands of Judea, and they coroneted a king upon them" (Melachim II, 8:20).

Years later, after a severe spiritual fall, Judea was blessed with a righteous king named Amatzia. Amatzia was the brother of Amotz, the prophet who was the father of the famous prophet, Yeshayahu (Megilla 10b). Amatzia decided to return the state of affairs to its former situation and to attack Edom in perhaps an attempt to recapture Rivka's prophecy: "One nation will grow stronger from the other nation, and the older one will serve the younger one (Yaakov)" (Bereishit 25:23). Before battle, Amatzia listened to the prophetic guidance he received from Amotz (see Divrei Hayamim II, 25:7-10 with Radak).

Amatzia had great success in this battle, as the *pasuk* says: "Amatzyahu was strengthened, and he led his nation and went to Gei Hamelech and smote 10,000 of the sons of Se'ir, and 10,000 [of them] they captured alive and took captive to the Sons of Yehuda" (ibid. 11-12). To our great dismay, Amatzia's treatment of the captives was horrible: "They threw them off from the top of the rock, and they were all split open" (ibid. 12).

The deterioration that resulted from this action came quickly: 1. The Israelite kingdom defeated the Judean kingdom in battle (ibid. 13). 2. Amatzia worshipped an idol of Se'ir (ibid. 14). 3. Amatzia threatened to harm his brother the prophet. 4. Amatzia initiated a civil war against the Israelite kingdom (ibid. 17). 5. Jerusalem was defiled by Yoash, King of Israel (ibid. 23-24). (See more in Tzofnat Yeshayahu, pp. 12-13). In fact, *Chazal* attributed, in one place, the destruction of the First Temple and the exile to Bavel to the cruelty toward the Edomite captives. (Eicha Rabba 14).

The lesson for generations is that Hashem hates acts of cruelty. The lesson for our generation is that when an army fights its enemy, they must follow rules of morality. Then they will be granted Divine Assistance. Thousands of years before the Geneva Accords were written, the Torah forbade harming enemy POWs. We should be proud that the heritage of the Jewish people is alive and well in the world, as we are a light onto the nation, and the IDF is the most moral army in the world.

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Those who fell in wars for our homeland. May Hashem avenge their blood!



**Eretz Hemdah**  
Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich  
2 Bruriya St. corner of Rav Chiya St.  
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Tel: 972-2-5371485 Fax: 972-2-5379626.  
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# Ask the Rabbi

by Rav Daniel Mann

## Removing Hair from a Necklace

**Question:** Is it permitted to remove loose hair on Shabbat, which usually includes ripping it, that has gotten stuck in a necklace?

**Answer:** There are three potential Shabbat prohibitions that need to be addressed: *borer* (selecting), *muktzeh*, and *koreiah* (ripping).

We have discussed in the past (see Living the Halachic Process, vol. IV, C-5) a similar case – removing detached hair from one’s head of hair. We concluded, based on very strong indications but without an outright proof, that this action does not violate *borer* or *muktzeh*. We will summarize the main indications.

It is forbidden to comb one’s hair in a manner that it is certain (*p’sik reishet*) that hair will be uprooted from the scalp (*gozez*- shearing), and it is permitted if done in a way that this is not certain (Shulchan Aruch, OC 303:27). The *poskim* do not seem concerned with the prospect of removing the unwanted loose hairs from the attached hair (potentially, *borer*). The Shulchan Aruch (OC 316:9) permits removing insects and lice from clothing, and the Rama (OC 302:1) permits removing feathers; again, this is not viewed as *borer*. It is difficult to delineate which “combinations” are subject to *borer* and which are not, but it is quite clear by comparison that removing hairs wrapped around a necklace is not *borer*.

Regarding *muktzeh*, since a detached hair is useless, it is *muktzeh machamat gufo*. If one removes it with a utensil, then it would be permitted because it is indirect movement (*tiltul min hatzad*) for the purpose of a permitted item, i.e., the necklace (Shulchan Aruch, OC 311:8). Actually it is permitted to handle directly, as we pointed out that it is permitted to directly touch useless things in removing them from desired utensils, e.g., when cleaning dishes. The Chazon Ish (OC 47:15) explains that in such cases, the impurities being removed are considered subsumed under the non-*muktzeh* items. While some disagree, the consensus follows the Chazon Ish (see Shemirat Shabbat K’hilchata 14:(149); Orchot Shabbat 19:207). One might claim that if the hair protrudes from the necklace, it is separate and *muktzeh*, but this is likely incorrect, as comparison to feathers indicates.

Now we relate to ripping the hair to remove it. One might actually prefer to keep it intact to remove the hair in one shot, making ripping, even if forbidden, an example of *davar she’eino mitkaven*, an unintentional forbidden consequence of one’s actions, which is permitted (Shulchan Aruch, Orach Chayim 337:1). If removal without ripping is impossible, we would have to deal with the laws of *p’sik reishet* (the forbidden result will definitely occur), which is usually forbidden (*ibid.*). On the other hand, there are cases (*lo nicha lei, d’rabbanan*) where some permit even *p’sik reishet* (see Yabia Omer III, OC 20).

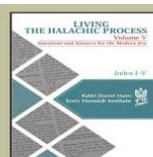
However, this discussion is unnecessary because it is actually permitted to cut a hair in the setting of our discussion. Cutting detached hair is not *gozez*. If one cuts a loose strand of hair to a purposeful size this would be a violation of *mechatech* (see Mishna Berura 340:41). (See *Be’ur Halacha* to OC 340:13 regarding when there would be a prohibition of *koreia al m’nat l’taken* and when there would be *metaken mana*). However, when one cuts a flimsy object because it is in the way and the ripped object will not be reused, it is permitted (Shulchan Aruch, OC 314:8 and *Be’ur Halacha ad loc.*). Admittedly, *poskim* rule that not only may one not undo a knot, but he may not cut the knot cord at any point (Mishna Berura 317:23). But as hopelessly tangled as a hair might become, that does not automatically make it a halachic knot, and even if it fit the description, it can still be undone or cut when the knot was formed accidentally (*ibid.*).

In summary, if one feels the need to remove hair(s) from her necklace specifically on Shabbat, it would be permitted to do so by pulling off, ripping off, or cutting the hairs. Once removed, the hair scraps would be *muktzeh*.

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# Ein Ayah

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

## Going toward or Away from Certainty

(condensed from Ein Ayah, Shabbat 12:9-10)

**Gemara:** [The *luchot* could be read from both sides, but the words were read differently in opposite directions, and the *gemara* looks at what some words would turn into.] “*Rahav*” (obvious confidence) and “*bahar*” (on the mountain) [are one set of inverted words]. *Saru* (they strayed) and *varas* (no obvious meaning) are another.

**Ein Ayah:** *Rahav* represents that a person at first is elevated in a manner that he recognizes his importance. It can be a confidence of sanctity, as the *pasuk* describes: “He raised his heart in the paths of Hashem” (Divrei Hayamim II, 17:6). But then he becomes even more elevated, and he reaches the level that is represented by “on the mountain,” referring to the mountain upon which “Hashem desired to dwell” (Sinai (see Tehillim 68:17)). Sinai was a low mountain, from which we learn that Hashem is with the downtrodden. This is the reading from the inside, which has precedence over that which is read from the outside.

We now analyze *saru* and *varas*. The intellectual information in all elements of conception that Hashem opened up for man begins with the tendency toward doubt. The next stage is to reach a supposition of truth, which is related to the idea of deciding something based on a majority, as the *pasuk* says: “Follow the majority in your decisions” (Shemot 23:2). While it does not create a certainty, it is a step in that direction, which the spirit can follow after leaning toward the holy content of truth which becomes ever brighter within him.

These progressions are hinted at by the acronyms of “*saru*” and “*varus*.” *Saru* stands for *safek* (doubt), *rov* (majority), *vaday* (certainty). However, that is only the order if you read it from the outside, in which a person thinks that he will progress to knowledge and remain at that point. However, the reading from the inside is based on the higher light of humility. A piece of knowledge, when it becomes more revealed, turns into something that one only knows in a means of supposition based on probability of truth. Then one gets to the highest level and realizes that the most important things in life are known only on the level of doubt. A person then decides with a light of “I am a silly person and do not know; I was like an animal in relation to You” (Tehillim 73:22).


## The Award for Originality

(condensed from Ein Ayah, Shabbat 12:11)

**Gemara:** The rabbis said to Reish Lakish: Youngsters came in now to the study hall and said things the likes of which were not even said in the times of Yehoshua bin Nun.

**Ein Ayah:** Displays of spirituality can come in different measures, both big and small. However, they can all be divided into the categories of original ideas and things that developed from a previous matter. It is possible that something that developed will have greater value than something that is original, but even in that case, the fact that it is original gives it a special importance.

Moshe’s face was like the face of the sun, from which light emanates, and Yehoshua’s face was like the face of the moon, which reflects the sun’s light (Bava Batra 75a). Therefore, all the great elements of sanctity at the time of Yehoshua were developments from a previous source. But the youths in the study hall, although they did not receive a full measure of wisdom from their teachers, had talent in originality. They were thereby able to arrive at ideas, which while not of great importance (word “games”) compared to that which Yehoshua taught, exceeded things in Yehoshua’s time in regard to originality.



**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

## Paying Community Taxes – part III

(based on ruling 76111 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiff (=pl) is an *aguda* (association) that developed in 2015 from a *kibbutz*, which expanded by building a section for non-*kibbutz* members. The defendants (=def) bought a home in the expansion and signed the standard forms obligating themselves to the rules, including paying *aguda* taxes. Pl's main claim is about outstanding payments that def is claimed to owe pl. Def's main responses are that he should not be bound by the agreement with pl because several of its provisions are *mekape'ach* (unfair or discriminatory), because he is not a member of pl, and because he paid in an alternative manner. Def also countersued for overcharging and for being turned down for benefits coming to him. [We will specify more specific claims as we deal with them.]

**Ruling:** Def has two complaints about the running of pl. One is that members of the *kibbutz* are exempt from paying some of the dues that members of the extension are obligated to pay. While pl explains that this is because *kibbutz* members established the infrastructure of the *kibbutz* from which all benefit, def claim that the fact that new members of the *kibbutz* are also exempt shows that this arrangement is discriminatory and therefore a portion of their payments are improper. *Beit din* accepts pl's explanation. It is standard practice for established communities that expand to exempt the founders of the community, who agreed to the expansion, from certain payments. The fact that they worked and paid for the *kibbutz* over the years makes it understandable and not discriminatory. New members of the *kibbutz* pay in their own way to receive the status that the founders have, and it is reasonable that members of the extension do not deserve such privileges.

Def is countersuing for 2,000 shekels, which as a member of pl, he deserves from the proceeds of five years of rental of a public building to a family. 2,000 shekels corresponds to the percentage coming to him (and likewise to others). *Beit din* rejects this claim. It is possible that the board of pl is not doing a good job of handling the joint funds and properties. However, such organs have a hierarchy through which it is possible to ask questions, complain, and even lodge formal complaints at meetings of pl. Only when all of the internal steps have been taken without a reasonable response is it appropriate to take the matter to an external judicial body such as a *beit din*. Since this was not done, *beit din* will not look into the merits of the specific claim of misuse of property [in a manner which affects every other member of the community as it does def].

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