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# HEMDAT YAMIM

## Parashat HaShavua

Eikev, 18 Av 5780

### Who Should We Console and Care for?

Harav Yosef Carmel

Our *haftara* ends with the *pasuk*: "For Hashem has consoled Zion (*nicham Zion*), consoled all of her ruins, and He made her deserts to Eden and its dry places like the garden of Hashem; rejoicing and happiness will be found there, thanksgiving and the sound of song" (Yeshayahu 51:3). We find similar language of *nichum* that Hashem does "for His nation, and on His poor He will have mercy" in the *pasuk* that precedes our *haftara* (ibid. 49:13). The *haftara* of Shoftim also prophesies: "Hashem consoled His nation, He liberated Jerusalem" (ibid. 52:9).

Let us try to figure out how we are able to strengthen the phenomenon of Hashem's consolation for us? The *p'sukim* we have mentioned tell how, at the time of the final redemption, *Eretz Yisrael* will be re-inhabited by her sons – *Am Yisrael*. Ibn Ezra explains that Zion is consoled "when the multitude of her sons are upon her." In addition to agricultural bounty, the nation will be happy with the Land and will thank Hashem for returning to it.

There is great spiritual flourishing and significantly increased opportunities to learn Torah in Israel in our days. This can definitely be included in what Hashem promises, "when Hashem returns to Zion." We pray and yearn for the return of the Divine Presence in its fullest sense, but how can we help realize this?

On the *pasuk* (above) "for Hashem will console His nation, and on His poor He will have mercy," the *midrash* (Shemot Rabba 31:13) speaks at length about the connection between consolation and concern for the poor. The *midrash* attacks the practice of taking interest on loans to the poor and points out that Hashem is different from people, in that He is proud of His association with the poor, while many rich people are embarrassed by it. This is parallel to Hashem's loving our nation despite and because we are a small nation. The *midrash* says that when Hashem will want to console Zion, He will start with the poor, based on our *pasuk*. It warns that a potential creditor should not see a poor person and lend him money so that he can seize his house and fields as payment for the interest accrued. That is part of the rationale for the Torah's view of a usurer as being like one who violated the whole Torah and is due to collapse (see Yechezkel 18:13).

The conclusion from the *midrash* is clear: we believe that we will see Hashem's return to Zion when we keep all of the *mitzvot* and we especially take the plight of the poor to heart and mind. It is important for us to not take interest, including with the use of *heter iska*. We need to encourage giving loans for free in the fullest sense and enable those who want to break out of poverty the opportunity to do it by, for example, starting a business that requires an infusion of money. That will help return the Divine Presence.

Our generation has seen *Eretz Yisrael* blossom, as we have seen the ingathering of exiles and the economy boom. During those times, it was crucial for the rich to feel the connection to the poor. At a time with severe financial challenges, it is all the more important to be concerned about the plight of the many people in need. May this encourage Hashem to console us in the most beautiful way!

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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

## Is Raw Spaghetti *Muktzeh*?

**Question:** An open package of spaghetti fell out of the closet, with its contents spilling on the counter and floor. I swept up what was on the floor but left the spaghetti on the counter, as I was unsure if it was *muktzeh*. One of my boys noshed on some of it. Was he allowed to eat it or was it *muktzeh*?

**Answer:** We will start with the simple answer before suggesting a bold position. Objects need to fit into a category of useful objects in order to not be *muktzeh*, and foods are such a category. The status of food that is not yet edible depends on whether one can permissibly make it edible. So a live chicken is not *muktzeh* on Yom Tov, because one may *shecht* and cook it (Beitza 2a). However, an inedible raw food on Shabbat that does not have a permissible way for its owner to make it edible is *muktzeh* (see Beitza 27a).

Therefore, the simple answer to your question is that the raw spaghetti that is not set up before Shabbat to finish cooking on Shabbat is indeed *muktzeh*, as it is written in Tiltulei Shabbat (Bodner, p. 102) and elsewhere. You could have removed it from the counter, as you did from the floor, by moving it by means of a permitted utensil, assuming that you had a need to remove it in order to properly use the counter (Shulchan Aruch, Orach Chayim 311:8; Shemirat Shabbat K'hilchata 22:36).

I am, though, inspired by your son's actions and my memory as a child and a father of young children, to consider that there are people, primarily children, who like to nosh/nibble on raw pasta. While that is certainly not the norm, might it be enough to make it considered edible?

The *gemara* (Shabbat 128a) states that raw meat is not *muktzeh*. Tosafot (ad loc.) explains that this is because the meat can be used to feed domesticated animals. However, the Rambam (Shabbat 26:16) says that the *gemara* is based on the presumption that raw meat is fit for human consumption, as the Shulchan Aruch (308:31) concludes. Although we talk about meat being nominally edible only at *ma'achal ben d'rusai* (a third or a half cooked – *machloket* between Rashi and the Rambam), this does not disprove the Rambam because that refers to nominally edible as cooked, as *ma'achal ben d'rusai* applies even to foods that are edible raw.

Several other *halachot* are based on the premise that food need not be commonly eaten raw to avoid *muktzeh*: A raw egg is not *muktzeh* (see Shulchan Aruch, OC 328:38). The Magen Avraham (517:2) posits that kernels of rye and barley are not considered *muktzeh*, even though their *beracha* is *Shehakol*, like foods that are generally considered edible only in a different form (see Rama, OC 208:4). We note that in our times, most *poskim* no longer consider raw meat edible, and therefore it is *muktzeh* (see Shemirat Shabbat K'hilchata 20:28; Tiltulei Shabbat's citation of Rav Moshe Feinstein #20). But that can be because it is rare to hear of anyone who eats it. So perhaps, a certain, albeit small, percentage of the population who nibbles on raw spaghetti counts like those who nibble on raw grain. (It does not seem pertinent that those who eat raw pasta would not eat a whole package, because any piece therein could be eaten.)

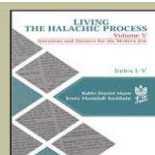
One could argue that spaghetti is worse than raw meat because the dehydrating of the dough in the factories is an act of pushing off their use, which can create *muktzeh* (see Shulchan Aruch 308:17). However, this is likely not applicable here for a couple of reasons. First, in the *gemara's* classic case of removing from use, sun-drying grapes and figs, it only becomes *muktzeh* because the process makes them inedible to eat (Mishna Berura 310:9). But if we assume that raw spaghetti is edible, then the drying did not remove it from use! Furthermore, the dehydrating did not take food that was ready to be eaten and make it unfit to eat, but took unfit dough, which anyway needed cooking, and made it stable so it could be marketed. (See more on this complicated point in Orchot Shabbat 19:(154).)

Therefore, while we cannot prove that raw spaghetti is edible enough to avoid *muktzeh*, it might just be so.

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# Ein Ayah

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

## Stable Truth, Volatile Falsehood

(condensed from Ein Ayah, Shabbat 12:31-33)

**Gemara:** The letter *shin* stands for **sheker** (falsehood), and the letter *tav* stands for **emet** (truth). Why are the letters of *sheker* close to each other (letters 19-21 of the alphabet) and the letters of *emet* are far from each other (letters 1, 13, 22)? Because *sheker* is common and truth is uncommon. And why do the letters of *sheker* have pointy bottoms, while the letters of *emet* are rectangular? Because truth stands, and falsehood does not stand.

**Ein Ayah:** It is a major principle that every *sheker* that does not have a spark of truth in its inception cannot raise its head with *chutzpa*. Therefore, all the beginnings of *sheker*, which are themselves truths, are included within the information that makes up the holy letters. *Emet* is different [in that the letter that represents it is not the first letter of the word, but the last]. It is only from the end of a matter that one can tell that its beginning is actually truth. It is that ending that leaves the good impression. That is why *shin* represents *sheker* because its positive part is in the beginning, whereas *tav* represents truth because the important part is at the end, as the letter *tav* is at the end of *emet*.

The difference between *emet* and *sheker* can be compared to the lower and higher “avenues” of the universe. Inanimate objects do not [naturally] have one part of them innately connected to another part of them. If parts are joined, it is by chance. If one separates granules from a stone, each one stands as an independent object. Even when the rock was “whole” and connected, it was no more than by mere chance that they were next to each other.

When we go up in the chain of objects, to the vegetable kingdom, there is a more fundamental connection. Nourishment already goes from one part to another, as the organic nature already starts showing its signs. The system of life encompasses it from its deepest roots to its uppermost foliage.

When we advance to the animal kingdom, the level of interdependence and unity becomes of an even higher level. There are different levels amongst animals, as one can cut off the tail of a lizard, and it will shutter. The higher the creature, the more centralized, and the top and the bottom are more connected. This is the secret of their higher completeness.

In the spiritual world, *sheker* is spread out everywhere, and every thought of falsehood is displayed independently in its deceitful character. Truth, the foundation of life, in contrast, is the ingredient of higher life, and therefore is more all-inclusive, as it flows from the light of the Creator, Who combines all. That is why *sheker* is made up of things that are close together in a shallow manner and is destroyed when it tries to spread out. *Emet* requires that there is a unity between the beginning and the end, for otherwise there can be no real connection, like the letters *aleph*, *mem*, and *tav*. In this world of darkness, it is more common to find *sheker*.

*Emet*, though, is able to stand independently, without help from things to lean on. Even if truth would not find a place by all people in the world, it would still survive and would ultimately overcome. However, *sheker* cannot stand, and the reason it lasts as long as it does is that there are people who connect themselves to it. Even something that has one leg can stand if it is nailed to the wall. So *sheker* is like something with one leg, which sways like a drunkard, whereas *emet* is like a stable rectangle and therefore stands in a way that falsehood is not.



### 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**

## **Payment for Not Clearing Warehouse On Time – part I**

(based on ruling 75076 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiff (=pl) owns warehouses; the subject of the dispute was rented to the previous renter (=pr) for years, was split into two, and then the defendant (=def) rented half of it for 3,300 NIS a month. Def negotiated with pl that he would vacate the warehouse on Feb. 28, 2015. Def stayed longer and paid rent for Feb. and March, despite the fact that pl demanded that he empty the warehouse so it could be rented to someone else. In May, def brought workers to take his possessions, and pl stopped him with the claim that def was going to leave garbage behind. When def later took his belongings, much of pr's belongings, which def allowed him to put there, remained and they were removed only on Aug. 10. Subsequently, pl did work costing 16,800 NIS to enable the warehouse to be rented out – starting from Sept. 1. Pl claims that he deserves to be paid rent for Apr. to Aug., and that it should be at the rate of 4,130 NIS a month, which is what he receives for the other half of the warehouse, as the prices have gone up since pr's and def's contract. He also demands to be reimbursed for fixing the warehouse after unauthorized changes def made to it. Def responds that after March, all that was left belonged to pr, so def wasn't using it. In any case, the rate should continue according to their contract. Finally, pr, not def, made the changes.

**Ruling:** Regarding def's status after he took out (almost all of) his property, the Maharam MiRutenberg (IV:833) says that even when someone rented a home to live in and moved out but left some belongings there, he is considered to be continuing the rental. This is even clearer in a case like this in which the main use of the warehouse was for storage. Regarding the idea that it was pr's property, pl held def responsible because he claimed that def and pr were some type of partners, so that def is responsible for pr. Such a connection was denied and not proven or substantiated by pl. However, def admits that he gave permission to pr to leave his belongings there and did not force him to remove them. The halacha is that when Reuven gives permission to Shimon to have him leave his animals in Reuven's care, Reuven is responsible for damages they cause (Shulchan Aruch, Choshen Mishpat 396:8). If we combine this with the Maharam above it comes out that def is responsible for the fact that pr's possessions are still there and are preventing pl from renting out the warehouse. It also does not matter that pl obstructed def, for a time, from moving his things because the rental went on in regard to pr's wares. Since pr's items were removed only on Aug. 10 and this was done without prior arrangement and pl did not rent it out until Sept. 1, def has to pay until Sept. 1. This is because one needs advanced warning to know when he can make a new rental arrangement. Therefore, def has to pay for 5 months rent.

*We will continue with other elements next time.*

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