



HEMDAT YAMIM

חמדת ימים

Parashat Hashavua

Vayeitzei, 9 Kislev 5783

Harav Shaul Israeli zt"l
Founder and President

The Connection between Divine Presence and a Straight Angle

Harav Yosef Carmel

The wonderful vision that Yaakov had in Beit El is introduced with "and behold Hashem was standing (*nitzav*) above him" (Bereishit 28:13). This root of *natzov* comes up in several places in *Tanach*, including Bereishit 18:1-2 (the angels with Avraham), *ibid.* 24:13 (Eliezer by the wellspring), Shemot 2:4 (Miriam looking at what happened to Moshe), Shmuel I, 19:20 (Shmuel with Shaul's messengers), and many others. We have demonstrated in the past that this word hints at the *Shechina* (Divine Presence). We have also discussed that unity is a condition for the presence of the *Shechina*.

By looking at other prophecies, we can uncover another condition for the *Shechina*. Amos tried to convince Hashem not to send the Ten Tribes into exile and destroy the Kingdom of Israel and its capital, Shomron. He succeeded twice (see Amos 7:6 and *ibid.* 3). However, his third prophecy contains a frightful message: "I will not continue to pass over [the deserved punishment] ... the temples of Israel will be destroyed and I will rise up against the House of Yerovam with the sword" (*ibid.* 8-9).

What caused the Attribute of Strict Judgment to take over? The hint is in the opening *pasuk* of the prophecy: "So I was shown, Hashem was *nitzav* on a wall checked with a plumb line and in His Hand was a plumb line." Here *nitzav* is related to the plumb line and hints at the mathematical meaning of a perpendicular line as well as the hint of the *Shechina*. The condition for *Shechina* is rectitude, i.e., honesty, as opposed to the crookedness that prevailed in the Kingdom of Israel. Amos is saturated with criticism of corruption and social dysfunction. Hashem revealed Himself to the forefathers because they were straight in their moral path. This is what made Yaakov fit to receive his prophetic dream. Hashem is found only in a place that is built straight, "with the help of a plumb line."

The political struggles that have been shaking Israeli society in the last few years are accompanied by a lack of rectitude and by complaints directed at rivals from other political parties. Falsifying facts and presenting fabrications have become commonplace. Due to this, the public loses faith in its politicians and in the "horns in the hands of the media," whose job it is to report objectively on the ideas and actions of those who take part in molding the actions of society. The resulting lack of faith, along with incessant incitement against those who are "different," are liable, Heaven forbid, to activate the Attribute of Strict Judgment. Then, the end can be scarily unpredictable.

If we care about our lives, we must unite and increase rectitude.

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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

Paying a Babysitter for Work on Shabbat

Question: We need a babysitter for a few hours on Shabbat. Is there a problem paying her for Shabbat work?

Answer: *S'char Shabbat* (pay for permitted services one provided on Shabbat) is forbidden Rabbinically like other commercial activity, lest one come to write (Shulchan Aruch, Orach Chayim 306:4; Mishna Berura ad loc. 16). The direct prohibition is on the worker receiving pay (therefore, a Jew may pay a non-Jew but may not be paid by a non-Jew), but it is forbidden to give money to one who may not receive it (Mishna Berura 306:21).

The most common way to allow receiving money for work done on Shabbat is through *havla'ah*. That means having the Shabbat-related money “swallowed up” by combining it with weekday pay, as pay for a period of work that includes Shabbat (Shulchan Aruch *ibid.*; Nedarim 37a-b).

Poskim point out that “*havla'ah* units” are determined not by payment installments but by the period of employment. The period of employment is the time during which there is a commitment to continue the employer-employee relationship. We have dealt in the past (see *Living the Halachic Process*, vol. V, C-19) with a youth leader, whose employment unit is a year, in which case it is not difficult to give the leader some responsibilities during the week, within the course of the year.

This does not naturally work for the average babysitter, who is hired for an individual time period, which in this case, is entirely on Shabbat (Shemirat Shabbat K'hilchata 28:58; Orchot Shabbat 22:94). However, *poskim* (*ibid.*; *ibid.* (146)) allow one to create a permitted merging of employment units in the following manner. When agreeing upon her working on Shabbat, commit to each other that she will also work in the future during the week. The Orchot Shabbat describes the commitment as being absolute, so that even if you would not want to use her again, you would still have to pay for the second time. The Shemirat Shabbat K'hilchata suffices with an expectation of continuing employment so that if one backs out, the other would have a grievance on the other. It is possible that the difference is that the former refers to artificially creating another, single babysitting session, which then must be binding. In contrast, the Shemirat Shabbat K'hilchata is referring to a naturally ongoing relationship over a period of time, which also may explain why he permits even calculating the pay based on the exact hours worked on Shabbat.

If you do not have a commitment to an ongoing employment relationship with the babysitter, the above approach can be somewhat complex. Therefore, we present a different form of *havla'ah*, which can be accomplished at one time. There is a famous *heter* to pay waiters for their work on Shabbat by requiring them to also work before and/or after Shabbat (see Mishna Berura 306:21). Some also use this system to pay a *chazan* for *Yamim Noraim*, by having him be *chazan* for *Selichot* as well (see Shemirat Shabbat K'hilchata 28:(144)). In this case, you can arrange it by having her prepare something, in a way that could only be done before Shabbat (e.g., a game, a picture), to be used along with the babysitting. It does not suffice for the preparation to be theoretical or possible, but obligatory work that is time-consuming enough to warrant pay (Orchot Shabbat 22:90). Another form is for her to bring food for the kids, so that payment due for its price creates *havla'ah* that covers the babysitting. This is learned from the Noda B'yehuda (II, OC 26) who justified a *mikveh* operator taking money for the service they provide on Shabbat, as the compensation they deserve for the wood fuel they provide creates a *havla'ah*.

There is a *machloket* whether one can take money for providing a *mitzva* service on Shabbat (Shulchan Aruch, OC 306:5). While babysitting in and of itself is not considered a *mitzva* (see Nedarim 37a), if she is hired to enable parents to do a *mitzva*, it would count as *mitzva* work (see Bemareh Habazak III:36). However, the *havla'ah* system, if done properly, is a broader and more clearly accepted leniency.

“Behind the Scenes” Zoom shiur

Eretz Hemdah is offering the readership to join in [Rabbi Mann's weekly Zoom sessions](#), analyzing with him the sources and thought process behind past and future responses. Email us at info@erezhemdah.org to sign up (free) or for more information on joining the group.

Do not hesitate to ask any question about Jewish life, Jewish tradition or Jewish law.



Igrot HaRe'aya - Letters of Rav Kook

How to React to Academia's Version of *Tanach* Events – #134

Date and Place: 5 Iyar 5668 (1908), Yafu

Recipient: Moshe Zeidel, a close disciple of Rav Kook from his time in Europe. In a postscript, Rav Kook's son apologizes in his father's name, that he had lacked the presence of mind to write clearly.

Body: I feel obligated to awaken your pure spirit regarding the opinions that abound in the new research, which often contradict the simple reading of matters in the Torah. My opinion is that anyone whose has a straight mindset should know that although this research's veracity is unclear, we still have no need to resolutely contradict and oppose them. That is because it is not a principle of the Torah that it needs to tell simple historical facts. The main thing is the essence and internal explanation of the matters. These actually are further elevated whenever something stands up against it, which we need to overcome.

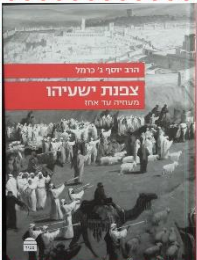
This basic idea appears in the Moreh Nevuchim (I:71), and now we are able to broaden what was written there. It makes no difference to us if there really was an ideal time and place in which Adam enjoyed great physicality and spirituality, or whether the world actually progressed from man being more lowly and developed toward an increasingly higher level.

What we need to know is that there is a real possibility that even if a person reaches a high level and is ready to receive great honor and pleasure, he could lose it all by destroying his path in life. He can ruin things for himself and his offspring for many generations. This lesson comes to us from the account of Adam in the Garden of Eden, his sin, and his banishment. The Master of All Souls knows the importance of a clear imprint on a person's heart to beware of sin. Because of the depth of this idea, the Torah of truth writes of it at great length. When we understand that, we no longer need to fight against the matters presented by new researchers. When we then do not have an interest in what is the true account, we can judge things honestly, and then we can dismiss their theses in tranquility if that is what the truth shows us.

The main grandeur of our lives is truth, which is the highest form of unity and eternal glory, along with inseparable eternal justice. This is the Torah's soul, through which we can gaze at the Torah and its cloaks. The theory of gradual evolution is in the beginning of its development. Certainly, the theories will change. They will find areas that can only be seen as jumps in the world's development, which help make the world what it is. Then the light of Israel will be clear and radiant.

This is opposite what the gentile researchers and their Jewish followers think, that *Tanach* is to be understood as Christians do – that the world is one great prison. In truth, the Torah is full of light and happiness, as the past indicates, that man was originally very happy until sin ruined things. Obviously, this stumbling block will be fixed, and man will return forever to his level. In contrast, the idea of development without help from the past is scary, as something can get in one's way or cause him to retreat. According to this approach, we have no reason to conclude that good things are the natural form. Therefore, specifically the fact that man was in the Garden of Eden keeps the light of the world going. Thus, it makes more sense to view it as a historical event, although it is not important to us that this is the case.

There is a major principle in the war of opinions. We do not need to immediately contradict every school of thought that comes to contradict the Torah. We can build the palace of the Torah above it. Then the idea can even be elevated and can help us reveal truths. When the idea does not pressure us, we can fight it later with full confidence. There are a few examples of this, but it is difficult for me to write at length. Brevity is enough for someone like you, and you will know how to prevail in Hashem's Name.



**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

Did the Realtor Help? – part II

(based on ruling 82097 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: A real-estate agent (=pl) publicized in a WhatsApp group an apartment for rent, with a video of the interior and basic details (with name of street but not building #). The defendants (=def) set up an appointment to see the apartment. While waiting for pl to finish with a previous client, def figured out that the apartment was owned by friends and that they had considered renting it months ago, but it had been too expensive (7,500 NIS a month). Def promptly called the owner, who said that it was not on the market but looked into it and found out that the present renter wanted to leave early and had asked pl to put it on the market. Def then told pl they knew the apartment and refused to sign the agent's contract and ended up renting it directly from the owners for 7,000 NIS. Pl demands a full realtor's fee because he gave def the information through which they were able to rent it. Def argue that they are exempt because they did not sign the contract and because the owners had promised to tell them if the price went down, which they would have done when they found out the renter was looking for a replacement.

Ruling: [We saw last time that we accept Israeli law, requiring a realtor's license, a signed contract, and being the effective factor, and that it is unclear if pl was the effective factor.]

Pl understands the requirement of a signed contract just as a proof that the agent was the effective factor and therefore claims that since here it is clear (which we disputed previously) that he was such, he deserves the fee. However, it is clear from the law and subsequent court decisions that these are two separate requirements.

Pl argued that if def knew the apartment, they should have recognized it from the video in the WhatsApp advertisement. This acknowledges that if def had recognized it and used the information that it was now on the market to contact the owners, pl would not deserve his fee. In other words, he admits that this information is not enough. Rather, the agent has to perform a sufficient act of "showing an apartment," which, according to the law, must begin with signing a contract that lists pertinent details, including the address. Here, the law did its job, as before that point, def figured out that they did not need the agent.

Admittedly, had def done what pl suspected them of – coming to the meeting place to determine the apartment's location and then refuse to sign – this would be an act of trickery. Then, def would not deserve the law's protection, which was intended for honest clients. However, during the hearing, def demonstrated to pl that they really did know the apartment. Therefore, there is no trickery, and pl did not get far enough into the process of agency to deserve their fee.

On the other hand, it is likely that pl's efforts assisted def. Therefore it is noble as a voluntary compromise (pl had asked *beit din* not to rule based on compromise) for def to give pl a modest sum of money to reward him for the help and lessen pl's resentment.

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Yisrael ben Rivka

Arye Yitzchak ben Geula Miriam
Yerachmiel ben Zlotta Rivka
Together with all *cholei* Yisrael

Neta bat Malka
Meira bat Esther

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