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Founder and President

HEMDAT YAMIM

ח'מ'ת'מ'ח

Parashat HaShavua

Bo, 10 Shevat 5781

Not Only the Egyptians Paid a Price

Harav Yosef Carmel

Although the main adversary the *parshiyot* focus on these weeks is Egypt, we will take a look at the Plishtim. The Plishtim, from whom our forefathers suffered for centuries, were descendants of Noach's son Yefet, originating in the islands around Greece, especially Crete. They came to *Eretz Yisrael* in a few waves, during the years that Yaakov's descendants were in Egypt. They are not related to the Plishtim who existed in the time of Avraham and Yitzchak (the new Plishtim conquered the old ones) or to those now called Palestinians. They settled in five coastal cities of Southern Israel, and functioned as an allegiance of city-states. They were a major adversary of Israel until almost the destruction of the First Commonwealth.

This week's *haftara* (Yirmiyahu 46:13-28) discusses a great defeat of the Egyptians at the hands of Nevuchadnetzar, who would later destroy the first *Beit Hamikdash*. This was also the time of the fall of the Plishtim, which, we will see, is related. The following prophecy starts with the dating that it occurred "before Paroh smote Aza" (ibid. 47:1). These Plishtim were defeated twice in close proximity. Before Nevuchadnetzar went down to fight Egypt, he passed through the coastal region of Plishti land and defeated them. The *navi* referred to this as "it is coming from the north" (ibid. 2). Paroh struck them on the way back from the Battle of Karkamish, after killing King Yoshiyahu in Megido (see Melachim II, 23:29). Thus, even though Egypt was to the south and west, they attacked the Plishtim from the north.

The defeat of the Plishtim is also documented in non-biblical accounts. It appears in the Writings of Herodotus and is found in a letter by the King of Israel, found in the archives of Memphis, Egypt. We will not get into a listing of the scholarly publications which deal with this.

It is impossible to understand the outlook of the prophets without studying the following passage in Tzefanya (2:4-7): "For Aza will be abandoned, and Ashkelon will be a wasteland; Ashdod will be kicked out in the afternoon, and Ekron will be uprooted. Oh, the inhabitants of the coastal strip, the nation of Crete, the word of Hashem will be on you in C'na'an, the Land of the Plishtim, and you will be lost, without anyone living there ..."

The cities of the Plishtim were destroyed some 2,600 years ago, and the Jewish Nation has returned to its Land in the past generations. We are not interested in the destruction of our adversaries' cities. We prefer the fulfillment of the prophecy of Yeshayahu (2:1-3) that the nations will come to the *Beit Hamikdash* in search of Torah and inspiration from Hashem and from us. On the other hand, if enemies try to destroy us, they must know that their end could come in unpleasant ways.

At this time of international transition, with potential consequences to Israel, we take the opportunity to thank outgoing President Donald Trump for his outstanding support of Israel and his large part in several political achievements. We wish well to incoming President Joe Biden, and wish him and us that the relationship between our countries will remain strong and fruitful.

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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

Behavior during *Kedusha* of Street *Minyanim*

Question: My neighborhood is filled with outdoor Covid 19 *minyanim*. I was walking down the street on Shabbat and a *minyan* across the street was in the middle of *Kedusha*. In such cases, do I need to stop, keep my feet together, and respond to *Kedusha* until they are done, or may I continue walking?

Answer: The Rashba (*Shut HaRashba* 1:249) was asked by someone who assumed that if after reciting *Kedusha*, one enters a *shul* reciting it, he would be forbidden to repeat it. The Rashba rejects this, arguing that there is no reason not to repeat *Kedusha* in this manner. The Rama (Orach Chayim 125:2) in *paskening* like the Rashba, rules that in this case one **should** do so. Some posit that not repeating *Kedusha* with the congregation would appear as if he did not agree with the concepts expressed, which is a disgrace (see Yabia Omer VI, OC 20). All agree to this concept regarding the first *pasuk* of *Kri'at Shema* (Shulchan Aruch, OC 65:2). Others explain that the opportunity to sanctify HaShem's Name obligates one to do so (Igrot Moshe, OC III:89). Both pieces of logic also apply to *Kaddish* and *Barchu*, where the congregation joins together to sanctify HaShem's Name (see *ibid.* and Mishna Berura 65:9). Answering *Kedusha* is important enough to allow one to recite its crucial sections during *P'sukei D'Zimra* and *Kri'at Shema* (Shulchan Aruch, OC 66:3 and Mishna Berura 51:8).

Yet, significant sources posit that there is just a preference rather than a full obligation to answer *Kedusha* outside one's own *minyan*. Rav SZ Auerbach (as cited by *Ishei Yisrael* 24:(62)) notes that the language of the Shulchan Aruch (OC 55:20) is that one who is adjacent to a *minyan* reciting *Kaddish* or *Kedusha* may answer with them; he does not say they are required to. Rav Elyashiv is similarly cited regarding someone walking outside a *shul* (Tefilla K'hilchata 13:(119)). Others (see *Ishei Yisrael* *ibid.*) argue that while the Shulchan Aruch is focused on the ability to connect to a *minyan* one hears, if they are able, it is obvious that they must.

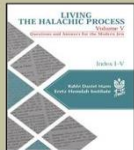
There is much discussion about the challenges of *davening* in a place like the *Kotel*. Many (including Rav Chaim Palachi in *Nishmat Kol Chai* I:4) assume that there is an obligation to answer other *minyanim* and recognize this can be uncondusive to focusing on one's own *davening/minyan*. That conflict between competing *mitzvot* allows some to raise concepts such as *osek b'mitzva patur min hamitzva* (see *Tzitz Eliezer* XI:3). Also, as part of a different *minyan*, continuing to *daven* with one's own *minyan* looks less like rejecting the words coming from an adjacent *minyan*.

Street *minyanim* may raise other factors. Sometimes one is very close and/or in the same domain even when not part of the *minyan*. On the other hand, sometimes there can be "dirty matters" (e.g., garbage bins, dog droppings) in between oneself and the *minyan*, which may preclude answering (Shulchan Aruch *ibid.*)

Generally, we would posit that walking down the street, there is usually no compelling reason not to answer, which is what we expect one to indeed do. One is permitted to continue walking during *Kaddish* as there is never an obligation to not move (it is less respectful if he looks like he is ignoring it). *Kedusha* it is more complicated. While the Shulchan Aruch (Orach Chayim 95:1) requires having one's feet together during *Shemoneh Esrei*, to "imitate" angels in service of Hashem, he writes regarding *Kedusha* that it is good to maintain that position, based on the same comparison (*ibid.* 4). There would still need to be a compelling reason not to do so. On a weekday, *Kedusha* takes less than a minute, even until the end of the *beracha* (there is some dispute as to when the status of *Kedusha* ends – *Ishei Yisrael* 24:26). On Shabbat, the additional liturgy within *Kedusha* not only takes longer but it is not considered a full-fledged part of *Kedusha* (see Mishna Berura 125:1 regarding learning quietly then). Therefore, one who has reason to make progress going down the street during the singing of those parts has what to rely upon.

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





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Igrot HaRe'aya – Letters of Rav Kook

The Aderet's Disputed Rabbinic Move – Vol. I, #4, p. 6-7

Date and Place: Sunday night of Parashat Chayei Sarah 5654 (1893), Zaumel

Recipient: Rav Shlomo Zalman HaKohen Kook, Rav Kook's father

Greeting: Shalom and Hashem's blessing [shall be] on the head of my honorable master, my father and the "crown of my head," the desire of my heart and my soul, the rabbi who is outstanding in Torah and fear of Hashem, a pleasant repository full of advice and wisdom, the name of his grandeur [being]: Our master, Rav Shlomo Zalman *shlita* HaKohen. Hashem should bless you (Ed. Note – it is actually written in third person) and from His place of holiness send His assistance, to bring you success everywhere you turn and to lead you to peaceful waters.

Body: The dear and pleasant work of the right [hand] of my master/father, the crown of my head, arrived on *Erev Shabbat*, which brought joy to my heart and soul. Thank God, we are fine, may Hashem continue to give life. My young son, may he live and be well, is doing fine and already knows some of the letters. We pray that he will develop wisdom and good sense and will be recognized for his deeds. May Hashem give us merit to raise him to Torah and service of Hashem as I desire with my heart and soul.

That which my master, my father, inquired about my illustrious father-in-law (Rav Eliyahu David Rabinowitz Teomim, "the Aderet"), the matter is hanging in the balance as it was before. He wants to keep his word, as he accepted the position to become the rabbi of Mir. However, the members of the community of Ponovitz (his, then, present rabbinat) object, as happens when no one has complaints about or hatred toward the rabbi. When they heard that he was leaving, the love strengthened, as is the nature of holy Jews, who love those who are learned in the way of Hashem.


Already on *Parashat Ki Tavo*, before Rosh Hashana, we had come, based on his letter which said that by Rosh Hashana he would be in Mir, at the opportune time. So I and my brother-in-law, may he live and be well (Rav Yaakov Rabinowitz, the rabbi of Ragola), and other of his relatives, came to bless and be blessed. He also gave a major address and parted with the town with words of blessing and rebuke, as is appropriate. However, the people of the city forcefully prevented him from leaving. He could not find anyone who would move his belongings to the train or find a wagon to take him, and he was forced to stay.

He did not promise them anything, but just kept to the policy that only if the people of Mir gave up their rights that he keep to his appointment, or there would be a *din Torah* that decided that the people of Ponovitz were right, would he stay in Ponovitz. But the people of Mir wrote enraged letters saying that he should come to Mir, and it appears that he will be going. However, the days are going by, and it is unclear when we will know what will happen. It should be at least a few months until something will be set.

My illustrious father-in-law went out on a limb with me, a mere youngster, because of his great love for me. When he was giving his farewell address on Shabbat and many people were there, actually almost the whole city (I was not there at the time), he presented to them as advice and an open request, that they should have me, the youngster of a low level, sit on his seat of dignity when he would soon leave. We will know how things will work out in the coming days, for this uncertainty cannot last forever, and Hashem will do what is good.

I beg of my master/my father to think of me with regular letters, bringing good tidings and blessings to make me happy. Please let me know how your trip (fundraising for the Volozhin yeshiva) is going and how things are in general. Please do me a kindness and include in your pure prayers that I should have strength in Torah. I do not have time to write at length, and therefore I will be brief.

Sign Off: I end with a blessing to the spirit of my exalted master/father from the kindred spirit of his son/servant who wishes him well, and sign with honor and awe while waiting for your next pleasant letter.



**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

Who Caused the Renovations to Stop? – part I

(based on ruling 79110 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def) hired the plaintiff (=pl) to do renovations, based on general guidelines, in a house she wants to sell or rent out. They signed a contract for 115,000 NIS not including VAT. In a notation on the contract and a later addendum there are itemized additions with line values adding up to another 39,600 NIS. After starting, def delayed stopped the work for a couple of weeks so that an interior designer could draw up exact plans. Disagreements, mainly about finances, arose after a few weeks, and the work ended, close to complete, with 135,000 NIS paid. Pl is unwilling to finish the work because def has indicated she will not pay any more. Def is unwilling to pay because she denies the validity of the additional fees for various reasons. Pl is suing for the remainder promised to him, with some adjustments if he does not finish, plus 2,000 NIS a day for the work stoppage in the middle, with the claim that his workers could not be reassigned to other projects. Def demands a return of money because of a list of uncompleted elements, faulty construction, damage from the delay in completion, and because def had agreed to forgo VAT.

Ruling: We will start with *beit din's* ruling on def's various claims that ostensible agreement to pay additional sums are not binding.

1. Due to financial, physical, and emotional pressure, def is not responsible for the decision – in order to not be bound by commitments, a person must be on the level of a *cheresh*, *shoteh*, or *katan* (Shulchan Aruch, Choshen Mishpat 235:20). Both in her appearances before *beit din* and in her recordings of her conversations with pl, def comes off as a fully capable adult who was aware of what she wanted and was willing to pay. As far as pressure regarding this deal, only when under special pressure (the *gemara* refers to a fugitive on the run) and an unfair price for the service, may one renege on the commitment (ibid. 264:7).

2. Pl was aware that def had a set budget she could not exceed – Originally def spoke of an amount she did not want to exceed. However, nothing was said in absolute terms, and when def decided she wanted things (which were not even necessities) that were not included in the original price, it was not pl's responsibility to ascertain if it is wise for her to extend the budget.

3. The page of additional charges was written when there was a relationship of trust – the fact that there had been a good relationship does not make an agreement optional or conditional on continued good relations, as long as there was informed consent. One who wants conditions must stipulate them.

4. The page of the additions was not signed – since def admits the page was composed together to serve as the basis for the continued work, it need not be signed to be a binding blueprint of employment (Beit Yosef, CM 331).

Therefore, def was obligated by her unsigned agreement to pay for additions. Comparing notations on various versions of the agreement raised doubts about agreement on certain elements. Based on that, a modest sum was reduced from the claim of 39,600 NIS.

We daven for a complete and speedy *refuah* for:

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Yisrael ben Rivka
Rivka Reena bat Gruna Natna
Meira bat Esther

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