



HEMDAT YAMIM

Parashat Hashavua

Vaeira, 28 Tevet 5782

Yesterday and the Day Before

Harav Yosef Carmel

Harav Shaul Israeli zt"l
Founder and President

The Exodus from Egypt was a complex and difficult operation, requiring two separate goals to be achieved: 1) Convincing Bnei Yisrael that it was going to occur and getting them to the level at which they would be worthy of it. 2) Convincing Paroh to set the people free or force him to do so.

Working on these tasks were not only Moshe, Aharon, and Miriam but also the elders and the Jewish taskmasters (*shotrim*), with each group having its role. The *shotrim* had to protect the nation from Paroh's decrees and his attempt to break the Jewish slaves' spirit. The *shotrim* paid a heavy price, as they were beaten violently when their brethren were unable to keep up with the escalating work demands (Shemot 5:14). They also received a great reward. They achieved prophecy (Shemot Rabba 5:20), became leaders (Bamidbar Rabba 12:16), and became members of *Sanhedrin* (Rashi, Shemot 5:14).

The elders were supposed to help convince the people of the upcoming liberation (Shemot 4:29). They were also supposed to take part in the negotiations with Paroh, but they were too afraid of him to make it all the way to the palace with Moshe (Rashi, Shemot 5:1). Their negative payback is that when Moshe approached the Divine Presence on Sinai to receive the Torah, the elders had to remain behind (ibid. 24:1-2).

Shemot, ch. 5 describes the meeting between Moshe and Aharon and Paroh, in which they demanded that Paroh allow the nation to go and serve Hashem. The results were extremely harsh. Not only did Paroh not agree to set the slaves free, but he doubled down on the slavery, with the following new directives: "You will no longer receive the straw to make the bricks like you did yesterday and the day before (*kit'mol shilshom*). Rather, they shall go and gather straw" (ibid. 5:7). "The amount of bricks that they made *t'mol shilshom* shall be placed upon them ..." (ibid. 8). Then the taskmasters were beaten because of the claim, "Why did you not complete the quota to make bricks *kit'mol shilshom*?" After the turn for the worse, Moshe and Aharon lost popularity with the people, who accused them of compromising their already tenuous position.

Clearly the key phrase to this section is *t'mol shilshom*. The phrase comes up in a slightly altered fashion at Moshe's "negotiations" with Hashem, recorded as part of the discussion at the burning bush. Moshe argued against his leadership by claiming that "I am not a man of words, neither *t'mol* nor *shilshom*" (Shemot 4:10). We have posited (see Tzofnat Yeshayahu, p. 198-209) that the instructions to Moshe of how to approach his mission found in ch. 5-6 actually preceded those found in the section on the burning bush. That is the reason that in expressing his lack of willingness to take up the task, he used the term of *t'mol shilshom*, claiming that his lack of ability to speak was part of what caused the fiasco of the increased work requirements highlighted with that phrase.

We do not believe that a process of liberation will come without difficulties, and it is necessary to follow a long road toward it. Belief and patience are the tools for dealing with these challenges.

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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.
POB 8178 Jerusalem 91080
Tel: 972-2-5371485 Fax: 972-2-5379626
amutah number 580120780

**American Friends
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www.erezhemdah.org info@erezhemdah.org

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Ask the Rabbi

by Rav Daniel Mann

Hagomel for One Who Became Bar Mitzva after Flight

Question: Our family will be going to Israel for our son's *bar mitzva*. We will arrive a few hours before he becomes halachically *bar mitzva*, and the next morning, he will get his *aliya*. Should he recite *Hagomel* after his *aliya*?

Answer: Although mature children generally recite *berachot*, the consensus of opinions is that a child does not recite *Birkat Hagomel* (Mishna Berura 219:3; Yalkut Yosef, Orach Chayim 219:3). The reason is not related to *Hagomel's minyan* requirement, as a woman can recite *Hagomel* (see Mishna Berura *ibid.*; Living the Halachic Process (=LTHP); V, B-8).

The source of this *halacha* is the Maharam Mintz (Shut, 14), who says that since the language of the *beracha* is that one thanks Hashem for doing kindness (saving his life from danger) for those who deserve punishment (*chayavim*), it does not apply to children who cannot deserve punishment. Although it is possible that a potential harsh decree could come from his parents demerits, to call them *chayavim* would be a disgrace of the parents. He is also not in favor of the father making the *beracha* on the child's account (see more in LTHP III, B-10).

Mahari Basan (Lachmei Todah 5), cited by many as a minority opinion (the Birkei Yosef 219:1 says that his local *minhag* did follow him), disagreed. He argues that if the capability of deserving death as divine punishment were a requirement, then adolescents until 20 would also not be able to recite *Hagomel*. He also points out that we are not supposed to say harsh things about our religious state (Berachot 19a). He claims that *chayavim* does not mean deserving of death but being in debt, i.e., we have received more from Hashem than we deserve. This can apply to children as well. As mentioned, we do not *pasken* like the Mahari Basan.

If the reason for children not making the *beracha* is that we cannot attribute the danger to them, then if one's danger was over when he was a child, the *beracha* should not apply, and therefore your son, who will *iy"H* land safely before his *bar mitzva* should not make the *beracha*. It is true that R. Akiva Eiger (to OC 186:2) considers it plausible that one who ate a meal right before he turned *bar mitzva* and remains satiated after he became *bar mitzva* might become obligated in *Birkat Hamazon* on the level of Torah law. We might argue then that since the time of your son's *aliya* would be the correct time to recite *Hagomel* and he should still be thankful, *Hagomel* should become an obligation. However, this is incorrect for two reasons. For one, R. Akiva Eiger is predicated on the possibility that *Birkat Hamazon* is fundamentally on the **state** of satiation, which remains in adulthood. In contrast, here the extrication from danger was over during childhood (Be'er Sarim V:2). Also, since the word *chayavim* relates to childhood, it is still problematic.

It is likely that the inability to say *chayavim* is not a mere technical impediment to the *beracha*. Consider that one can fulfill the *mitzva* without saying the word *chayavim* (see Shulchan Aruch, OC 219:4) which is not even in our text of the *gemara* (Berachot 60a). Rather, the Pri Megadim (Eshel Avraham, intro. to 219) implies that considering the language usually used, *Chazal* decided not to institute it regarding children, unlike other *berachot*, and therefore it cannot be created after the event that generates the *beracha* passes.

Rav S.Z. Auerbach (Minchat Shlomo II, 60) goes further, leaning toward saying that even if the child's recovery was completed after *bar mitzva*, he would not recite *Hagomel* if the time of danger was earlier. (Be'er Sarim (*ibid.*) goes even further, regarding sickness, but not regarding travel.

In conclusion, since there is solid logic for those who think children should recite *Hagomel*, plus the fact that he will be *bar mitzva* at the time one would normally make the *beracha*, **if your son wants**, the two of you can have in mind during your recitation of *Hagomel* that, if appropriate, it relate to him also (see LTHP, II, B-7).

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



Igrot HaRe'aya - Letters of Rav Kook

Course of Study in Contemporary Times - #89 – part I

Date and Place: 21 Menachem Av 5664 (1904), Rechovot

Recipient: R. Dr. Moshe Zeidel (a close disciple of Rav Kook, from their time in Boisk. Dr. Zeidel was a philologist and philosopher, who asked Rav Kook many philosophical questions.)

Body: Your valuable words, my dear friend, have made my heart happy, as I spend some time in the pleasant environment of the agricultural community, Rechovot. As I sit, I see the Judean hills, and my heart is full of excitement, as these are places that saw grand times in other eras and will still see glorious times in the future, as Hashem's word is always fulfilled. We indeed need to look toward our wonderful future, which will unite into a single force all of the fresh strengths that exist in our nation. Then we will be ready to live healthy, complete lives of the type that will be a source of inspiration for all the world, by combining vigor with the grandeur of sanctity and exaltedness. This will fulfill Israel's proper role for our national life in *Eretz Yisrael*.

All of the above can be accomplished only if all goodness that is found in the life of the fathers (i.e., traditional spiritual tools) and the life of the sons (i.e., modern spiritual tools) can be combined. Not only should these two approaches to life not contradict each other, but they should strengthen and elevate each other. This is the foundation of the idea of returning the heart of fathers onto sons and the heart of sons onto fathers (see Malachi 3:24).

These thoughts regularly occupy my mind. Thank G-d, everything I imagined when I lived in the Diaspora as to what we needed to do for our nation and Land as a whole, I see coming true before our eyes in the Holy Land. This includes the influence of a spirit of purity that gives special life to all of the actions, allowing us to say, "House of Jacob, let us proceed in the light of Hashem" (Yeshayahu 2:5).

I give a lot of thought to the thirst in the nation for the word of Hashem. In our generation, it has found expression as a disease that causes "losing consciousness due to thirst" (i.e., people are negatively affected by their unfulfilled need for connection to the word of Hashem). Only the successful few who have better access to sanctity are able to use the thirst properly, as the rest turn the yearning for sanctity into disgust with it. I know with certainty that the impact of the word of Hashem and the light of the Torah must be in a way that those who are thirsty can recognize. This will strengthen us and prepare us to wear our "clothes of strength and grandeur" and make us worthy of liberation and salvation, as we return to Hashem and His holy word with love that emerges from recognition and knowledge.

"You shall seek Hashem your G-d from there, and you shall find when you search for Him with all your heart and soul" (Devarim 4:29). In order to search for Hashem in this manner, it is absolutely necessary to remove all the darkness and complications that lock out the light of Israel and prevent its revelation in its full glory.

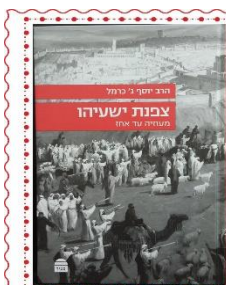
Only when we recognize our own value and the unique divine spirit that dwells with us will we regain our spiritual might. Then we will know how to live in our Holy Land and learn wisdom after all the many and difficult tribulations we have undergone. Therefore, any young person who comes to inquire and present his confusion is someone whom I see as a precious stone, like those that will be set in the gates of Jerusalem (see Bava Batra 75a). It is as Yeshayahu said: "I will make your battlements of rubies, your gates of precious stones, all of your walls of demarcation I will make of gems. All your children shall be disciples of Hashem, and great shall be the peace of your children" (Yeshayahu 54:12-13).

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

Nir Rephael ben Rachel Bracha
Yisrael ben Rivka

Rivka Reena bat Gruna Natna
Arye Yitzchak ben Geula Miriam
 Together with all *cholei* Yisrael

Neta bat Malka
Meira bat Esther



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

A Commercial Rental for a Closed Business – part I

(based on ruling 80047 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def), a money changing business, rented a unit from the plaintiff (=pl) on 1.2.17 for 2,900 NIS a month for 5 years, with exit points every six months with three months notification. In Dec. 2019, def closed the business and stopped paying rent. Pl demands rent until the next exit point along with *arnona* (30.6.20): 20,300 + 2,025 NIS, and that def leave the unit painted. Def responds that he stopped paying rent because pl did not provide a receipt valid for purposes of VAT, as required by their contract. For the 101,500 NIS of rent he paid, def lost 14,747 NIS of VAT exemptions, which pl should pay or should be subtracted from any rent due. Also, the contract allowed to bring a renter in his place, and another money changer had agreed to pay 5,500 NIS to buy def's furniture, take def's place (for which def had paid the previous tenant 20,000 NIS), and rent the unit, but pl scared him off. Pl responds that the rental was legally recognized, and he reported payments to the tax authority at year's end; he does not need to give a receipt. Pl said that he allowed the potential tenant, but only after def would pay the rent due.

Ruling: A contract for a set time is like a temporary sale, and neither side can back out earlier than the stated provisions allow (Shulchan Aruch, Choshen Mishpat 312:1; Shut Harashba I:1028). This is true even if the renter cannot continue due to extenuating circumstances (Shut Harama 20; Shach, 312:2). Therefore, the rental is intact until 30.6.20, and def must pay the full price.

Def said that he does not want to stop the rental but to have someone take his place. However, in our days, subletting is permitted only if the contract allows for it (Pitchei Choshen, Sechirut 4:(22)). This contract permits "bringing in an additional tenant according to these conditions." According to pl, that means that def would remain the renter, but that he could bring in someone to use one of the rooms in addition to him, under def's responsibility. *Beit din* accepts pl's reading of the contract. Since there is no contractual clause allowing def to find a replacement, pl was permitted to make his agreement to such an idea conditional on def fulfilling his financial obligations.

Pl had an obligation to accept a replacement tenant if it did not hurt him, including that the person must be fully acceptable as a tenant (Beit Yosef, CM 312). That potential tenant in this case did not want to get involved as long as there was conflict between pl and def. Upon questioning the litigants, it does not appear that pl put any undue pressure upon the prospective replacement. It was reasonable for pl to not let def off the hook when it looked like he wanted to avoid paying all that he owed.

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