



HaRav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat HaShavua

Shemot, 21 Tevet 5776

The Less Understandable Request

Harav Shaul Yisraeli – based on Siach Shaul, p. 176-7

It is hard to understand the way Moshe and Aharon presented their demands of Paroh, demands which resulted in the freeing of Bnei Yisrael from bondage and their exodus from Egypt. Hashem told them to tell Paroh that they want to travel for three days into the desert and bring sacrifices to Hashem (Shemot 5:3). Was there a need for Hashem to hide the fact that they were to be leaving permanently and not just bringing sacrifices and returning? Certainly Hashem was capable of getting Paroh to agree to anything. In fact, he even had to harden Paroh's heart so that he would not agree earlier.

Perhaps the idea was not to use this approach as a way to get Paroh to agree but to teach a lesson. It was important that Bnei Yisrael should be liberated not just as an ethnic group of slaves being freed but that they were being freed as the Nation of Hashem. They also needed to know that Hashem is the one who runs His world. The idea was to break the Egyptian conception of how things are supposed to work. The Egyptian standard of success and their confidence in their civilization had to be broken. Their deities had to be slaughtered as sacrifices to the true G-d. They had to recognize that Hashem's demands of them were just and that they were prepared to agree to His will. Even Paroh would have to acquiesce to the dictates of the King of kings.

Had Bnei Yisrael just asked for freedom from slavery, it is possible that Paroh would more easily have found the humanitarian appeal to have logic and merit. Maybe he would have found the moral basis to be gracious. Then there would not have been a theological element to the struggle between Bnei Yisrael and Egypt. It was specifically the theological basis of the conflict that needed to be the driving force in the emergence of the Nation of Israel. The world had to see that Paroh had given in to Hashem in this struggle.

Perhaps the above explains what Moshe meant when he said, amidst a bad start to his mission of freeing the nation: "From the time I came to speak in Your name, the situation for this nation has deteriorated" (Shemot 5:23). Moshe felt that the things he said, invoking Hashem, made things worse. Perhaps asking for freedom on humanitarian grounds would have been better. Paroh cannot accept, "Send My nation and they will serve Me," as this is a contradiction to what he presumed one would view as liberty.

Hashem answered Moshe: "With a strong hand, he will send them" (ibid. 6:1). It is not up to Paroh's desires; he will be forced. Thus, the less the process of liberation makes sense, the more desirable it is.

Refuah Sheleymah to Orit bat Miriam

Hemdat Yamim is dedicated to the memory of:

Shirley, Sara Rivka bat Yaakov Tzvi HaCohen z"l

Hemdat Yamim is
endowed by
Les & Ethel Sutker of
Chicago, Illinois. in loving
memory of **Max and
Mary Sutker & Louis
and Lillian Klein**, z"l

R' Meir
ben
**Yechezkel
Shraga
Brachfeld**
o.b.m

R' Yaakov
ben **Abraham
& Aisha**
and
Chana bat
**Yaish & Simcha
Sebbag**, z"l

Mrs.
Sara Wengrowsky
bat R' Moshe Zev a"h,
who passed away
on
10 Tamuz, 5774

Rabbi
Reuven Aberman z"l
Eretz Hemdah's beloved
friend and Member of
Eretz Hemdah's Amutah
who passed away
on 9 Tishrei, 5776



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

of Eretz Hemdah Institutions
c/o Olympian, 8 South Michigan Ave.,
Ste. 605, Chicago, IL 60603, USA
Our Taxpayer ID #: 36-4265359

www.erezhemdah.org info@erezhemdah.org

Donations are tax deductible according to section 46 of the Israeli tax code

Ask the Rabbi

by Rav Daniel Mann

Leaving *Eretz Yisrael* for a Trip

Question: May one leave Israel for a short trip to, for example, enjoy Hashem's creations that can be seen abroad?


Answer: (We will not distinguish between Biblical/historical *Eretz Yisrael* and the State of Israel's borders, although the matter deserves discussion). This issue of leaving *Eretz Yisrael* has been written about in many contemporary works, since we have been blessed with the ability to live *Eretz Yisrael* in our own state. We will go from an introduction, to classical sources, to halachic indications.

There are three possible halachic issues with leaving *Eretz Yisrael*, which themselves can be explained in different ways: 1) Uprooting oneself from fulfillment of the *mitzva* to live in *Eretz Yisrael*. 2) For a *kohen*, not being contaminated by the Rabbinic-level impurity of *chutz la'aretz*. 3. Violating an (apparently) lower-level prohibition of leaving. In some of the sources, it is not clear which issue is on the table.

The *gemara* in Ketubot (111a) both says that it is forbidden to "leave *Eretz Yisrael* for [even] Bavel" and tells of Rabbi Chanina telling someone not to leave to perform the *mitzva* of *yibbum*. However, these sources are likely referring to leaving permanently, which is worse not only cumulatively but because he uproots the *mitzva* of living in *Eretz Yisrael*, which by leaving for a short time likely one does not do. Rabbi Yochanan was reluctant to let Rav Assi go to greet his approaching mother (Kiddushin 32a). Eventually, he agreed, stressing that Rav Assi should return. It is possible that the issue was that Rav Assi was a *kohen* (see Mishpat Kohen 147). The *gemara* in Avoda Zara (13a), which explicitly addresses a *kohen*, says he may not go out without special justification. The examples given are to learn Torah in a qualitatively better way than in *Eretz Yisrael*, to get married, and to adjudicate with a non-Jew. Tosafot (ad loc.) says that only these *mitzvot* are important enough to justify leaving (the She'iltot disagrees) and that even so, the permission was only to leave temporarily. A final *gemara* (Moed Katan 14) we will cite is about permission to shave on *Chol Hamo'ed* after returning from a trip to *chutz la'aretz* (according to the Ra'avad, accepted by the Shulchan Aruch, Orach Chayim 531:4). Shaving is not permitted if the trip was improper. The guidelines are that it is permitted to go for livelihood and forbidden to go "*lashu*" (we translate as going for the sake of travel). There is a *machloket* if he went to make money that he did not need, and we rule leniently (ibid.). Apparently, a temporary trip (how long is unclear) can be wrong, but it is not very hard to justify it.

The most prominent post-Talmudic source is the Rambam (Melachim 5:9), who seems to take guidelines from several *gemarot*. He says that it is permitted to leave to marry, learn Torah, and adjudicate but he must return. Then he adds that one can also go temporarily to engage in commerce. While there are slight variations, the consensus among *poskim* of the contemporary era (including Rav Kook, Mishpat Kohen 147; Rav Yisraeli, Eretz Hemdah I:10; Yechaveh Da'at V:57; Shevel Halevi 5:173) is that it is permissible to go abroad for any significant reason (that is no less important than commerce). What this entails seems subjective and may depend on a *posek's* philosophy. The Magen Avraham (531:7) mentions to see a friend, and presumably taking part in his significant *simcha* is at least as important. The Shevet Halevi says there is room to be lenient to see the wonders of Hashem's work in nature, especially if one approaches that properly. Rav Lichtenstein (Har Etzion site) says that cultural enrichment is no less important than business opportunities. In Bemareh Habazak (IV:140, based on Rav Yisraeli), after stressing the feeling one should have for being in Israel, we gave, as examples of legitimate reasons, educational trips and family vacations that do not have a viable alternative in Israel.

While there are too many sources and scenarios to analyze exhaustively, we hope our survey is useful.



We are happy to present our third volume of "**Living the Halachic Process**". The book offers a compilation of questions and answers from our "Ask the Rabbi" project. A companion CD containing source sheets for the questions is also available. The volumes can be purchased through our office at the special rate of \$24. **Special offer: buy two out of three for \$37 or, buy all three volumes for \$54**

Have a question? -email us at info@eretzhemdah.org

Ein Ayah

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

Looking for the “Nearby” Answer for the Simple Person

(condensed from Ein Ayah, Shabbat 2:120)

Gemara: [We continue with the story of the person who tried to upset Hillel and disturbed him while he was bathing before Shabbat.] Hillel put on a cloak, went out to him, and said: “My son, what is that you desire?” He said: “I have a question to ask.” Hillel said to him: “Ask, my son, ask.” “Why is it that the heads of Babylonians are round?” Hillel responded: “My son, you have asked a great question. It is because they lack expert midwives [and babies with round heads come out more easily].”

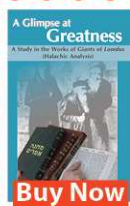
Ein Ayah: The person asking the question figured that after employing all the other matters of bad manners to upset Hillel, he would ask him about something that has no significance regarding practical value or ethics. He figured that it is impossible to find a reason to explain why a part of the body is different for some as opposed to others. In this case, there is reason to prefer to not have a round head, as aesthetically, something more chiseled is nicer (see Shir Hashirim 6:7, where a beautiful woman's forehead is compared to a section of a pomegranate). What value could Hillel find in a round head? (Additionally, since Hillel came from Babylonia (see Pesachim 66a), the question could also be viewed as a personal insult.)

Just as a humble person looks for something positive to think about every person, so does he look for something of practical and/or ethical value in every subject that arises. A humble person is also happy to find a very simple answer for a question for which others might look for a “distant” idea employing a fancy calculation. A humble person will not overlook the “nearby” answer in favor of the distant one unless there is no answer in the proximity. Thus, humility causes not overlooking even the simple answer, while leaving the lofty ideas for cases in which they are called for. A haughty person is always looking for and contemplating distant ideas, including those which he will not be able to use in any significant way.

A humble person will also not lower his spirit to view a simple subject as one about which there is no value to ask. Considering the respect that he wants to give to his fellow person, he reasons that there must be elements to even an ostensibly simple question from which one can learn, thus turning giving the question significance. That is why Hillel said to the man asking him questions that his question was a great one. Indeed Hillel found an answer that teaches an ethical idea, involving Divine Providence.

A round head helps a baby be born more safely. Thus, by saying simply that Babylonians have round heads because they have a shortage of qualified midwives, one is able to learn about Hashem's mercy and providence over mankind. Namely, for those societies that were too silly to ensure that they have proper medical care for their delivering mothers, Hashem provided help (i.e., round heads). Thus divine compassion compensates for medical laxness. The interesting ethical consequence is that if that society would be more careful to have better midwives, then Hashem could return their physical characteristic to that of having normally shaped heads, which is nicer aesthetically. There are many things one can learn from this approach from a perspective of belief, the importance of taking precautions, and the importance of having practical knowledge. It also shows how Hashem can solve problems that seem unmanageable.

Hemdat Yamim is dedicated in memory of
the fallen in the war, protecting our homeland.
May Hashem revenge their blood!



NEW BOOK!!

A Glimpse at Greatness

A Study in the Works of Giants of Lomdus (Halachic Analysis).
Including Short Biographies of the Featured Authors
and "An Introduction to Lomdus"

by Rabbi Daniel Mann, Dayan at Beit Din "Eretz Hemdah - Gazit"

P'ninat Mishpat

A Third *Dayan* Who Was a Relative

(based on Shut Noda B'Yehuda, Choshen Mishpat)

Case: Reuven and Shimon had a dispute, and they decided to adjudicate by each picking a judge (Levi and Yehuda), with the stipulation that they could rule based on *din* (strict law) or *peshara* (compromise). They agreed (in writing, with a *kinyan* for finalization) that if the two could not agree on a ruling/settlement, they could pick a third of their choice ("whoever it might be") to enable a decision. Levi and Yehuda indeed did not agree. They chose Dan according to the above instructions. After a ruling was rendered, Reuven objected, with the claim that he found out that Dan is Shimon's relative, to which he would not have agreed. Shimon claims that since Dan was accepted and since the instructions were that it could be anyone, this includes even relatives.

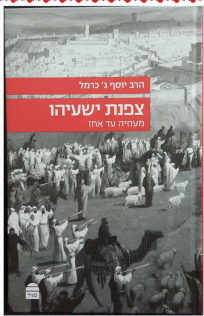
Ruling: The most likely reading of the instructions is that the extra language of "whoever it might be," in regard to choosing the third *dayan*, includes even relatives. However, it has become accepted that we make inferences from extra language only for language that is discussed in the Talmud (see Beit Yosef, CM 61), which is not true in our case. (There are some opinions that we can make our own inferences based on vague language in certain cases.)

There should be a distinction based on whether Levi and Yehuda agreed with Dan's settlement. This is because all that is needed to make the ruling permanent is Levi and Yehuda's agreement, even if they were prompted to agree by the opinion of a third person (see Beit Yosef, end of CM 14). If the ruling, though, was based on majority (i.e., Dan agreed with either Levi or Yehuda), then we have to consider Dan's ability to serve as an arbitrator.

It would seem that if Reuven and Shimon presented their claims before Dan and did not object at the time, then it shows that they intended to accept anyone chosen by Levi and Yehuda, including relatives (as the arbitration agreement's language implies). Furthermore, since Reuven did not object until after the ruling was given, it is too late.

If the litigants did not stand before Dan and make their claims but Levi and Yehuda relayed them, then anyway the ruling would be inappropriate (see Shulchan Aruch, CM 13:6). However, further investigation of the arbitration agreement shows that Reuven and Shimon authorized not presenting the matter themselves before the third arbitrator. The question of whether Dan being a relative is a problem thus remains. It seems that if the ruling was to extricate money, the ability to do so is not sufficiently clear, but it is strong enough to uphold a ruling to exempt the defendant.

Careful reading of the question shows that Levi and Yehuda did not themselves realize at the time that they chose Dan that he was a relative. Therefore his appointment by those who were authorized to choose him was based on a mistake and was invalid, and therefore the ruling is invalid.



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.

[Buy Now](#)

Eretz Hemdah is the premier institution for training young rabbis to take the Israeli Rabbinic's rigorous Yadin Yadin examinations. **Eretz Hemdah**, with its distinctive blend of Religious Zionist philosophy and scholarship combined with community service, ensures that its graduates emerge with the finest training, the noblest motivations resulting in an exceptionally strong connection to Jewish communities worldwide.