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HEMDAT YAMIM

המדה

Parashat HaShavua

Bo, 4 Shevat 5778

What's in a Number? – part I

Harav Yosef Carmel

As the Torah describes the preparations for the Exodus, the Torah writes that Bnei Yisrael lived in Egypt for 430 years (Shemot 12:40-41). *Chazal* ask that this seems to contradict the prophecy to Avraham that his descendants would be in a foreign land in which they would be enslaved and tortured for 400 years (Bereishit 15:13). They further contrasted it with a few hints that, from the time that Yaakov went down to Egypt, only 210 years passed until the Exodus, which is even less than half of the 430 that are mentioned.

Let us start by looking at the discrepancy between 400 and 430 years, both mentioned in explicit *p'sukim*. Mechilta D'Rashbi (Shemot 12:40) and Targum Yonatan (ad loc.), whose explanation is adopted by Rashi (Bereishit 15:13) and the Rashbam (Shemot, *ibid.*), explain that the 400 years are to be counted from the birth of Yitzchak, even though he personally did not go down to Egypt. The 430 years is from the time that the *Brit Bein Habetarim* was made with Avraham, when he was 70 years old. (That raises a question of timing, considering that *Parashat Lech Lecha* begins with Avraham being 75 years old (see Bereishit 12:4); we will discuss this in the soon-to-be-published *Tzafnat Shmuel*).

The Abarbanel cites an opinion that the exact number of years was that which is mentioned in Shemot – 430 years. The number 400 was an approximation. However, the Abarbanel continues with an explanation he prefers to the above. The decree was that which is found in *Bereishit* – 400 years. In practice, the exile was extended beyond its minimum because the Jewish People destroyed their proper path and allowed themselves to slip into acts of the abominations of the Land of Egypt. Therefore, 30 years were added on to their stay in Egypt. This is because all divine decrees are on the condition that they can be affected by the subsequent positive or negative behavior of the subject of the decree. Thus, 400 is what should have been under normal circumstances, and 430 was what was necessary as things transpired.

Based on this final approach, we can understand the Rabbinic tradition regarding the mistake of the Sons of Ephrayim. They tried to leave Egypt earlier than the rest of the nation and were killed on the "path of the Land of the Plishtim" (see Shemot 13:17 and Divrei Hayamim I,7:20-21). The *gemara* (Sanhedrin 92a) claims that the bones that Yechezkel brought back to life were those of the murdered Sons of Ephrayim, who left early. If the 400 years that Avraham was told had already passed, we can understand why they felt confident that they would be successful in leaving.

(According to the Psikta Zutrata, Shemot 12:40, that the actual time spent in Egypt was 210 years, neither 400 nor 430 years was meant in the literal manner we might expect, which lessens the apparent contradiction. We will continue with this next week.)

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Ask the Rabbi

by Rav Daniel Mann

Approach to Kidney Donation

Question: Is it a requirement, a proper thing, or an improperly exaggerated act of *chesed* to donate a kidney to someone with whom the only connection is that you both are Jews?

Answer: [People often ask whether our questions are sent in or whether I make them up. Actually, the great majority are sent in. However, this question is one I asked myself for myself. Also, I did not answer it in our usual style. A little background: after deciding I wanted to donate a kidney, I asked my *posek* this question. His conviction is that while one is not required to donate, it is a very big *mitzva* to exceed one's *chesed* obligation and do so. He also ruled that if I donate, I am obligated to share this fact with as many people as possible to encourage others (very healthy middle-aged men and women) to consider it. I have decided that after a very brief discussion of the halachic issues, I will share a unique Torah-based approach (not ruling) that motivated me (intellectually).]

The Radbaz (III:627) was asked whether one who can save a Jew's life by agreeing to sacrifice a limb should do so. He responded that one is not required to make such a life-altering sacrifice but that doing so would be an "act of *chasidut*." He continues that if giving the limb endangers his life (as he assumes), only a "*chasid shoteh* (crazy)" would agree. There seem to be differing opinions within *Chazal* about endangering oneself to save someone in great danger (see S'ma 426:2).

There are decades-old *teshuvot* (Minchat Yitzchak VI:103; Tzitz Eliezer IX:45) that discourage kidney donation due to perceived dangers. However, the present consensus encourages it, as Rav Yisraeli did decades ago (Chavot Binyamin 109). All surgery has some danger, but these days it is negligible for healthy people. There are slight disadvantages to having one kidney. It can be life-threatening, but uncommonly so for those who pass the rigorous pre-donation testing. However, it is unclear, based on what we have learned (so far) in the last few decades, whether the Radbaz would consider a donor a *chasid shoteh*. *Poskim* (see Pitchei Teshuva, CM 426:2; Mishna Berura 329:19) and the Radbaz elsewhere (see Chavot Binyamin *ibid.*) urge people not to exaggerate self-concern when others need saving.

When there is a communal danger from attackers, Jews are expected to come, even on Shabbat with weapons, to defend their counterparts (Eruvin 45a; Shulchan Aruch, OC 329:6-7). Considering that there must be some danger to the defenders, doesn't this contradict the Radbaz?

The following approach is based on the way I was taught at Eretz Hemdah and by Rav Yisraeli to view communal needs, especially in the State of Israel. Members of Israeli society face many dangers – hostile countries, criminals, national disasters, etc. People (soldiers, policeman, firefighters, etc.) risk their lives to protect society. Nationally, we are far better off with an apparatus of protection than to have everyone fend for themselves. But who should risk his life? We draft, appeal to, and/or provide incentives for people to take these positions. I believe that no *posek* would forbid being an Israeli soldier or policeman based on the Radbaz.

Similarly, if society, as guided by doctors, lawmakers, and *poskim*, has to decide whether to encourage healthy people to accept difficulties and minor risks to save recipients from extended dialysis and/or death, the logical answer is, "Yes!" It is just a matter of finding the right number and profiles of donors. The government provides incentives (including modest "financial gratitude"), the most important being that the donor's family goes to the top of the list of future recipients if needed. It also ensures careful screening. When organizations (e.g., Matnat Chaim), rabbis, and others (I am hereby trying) succeed in presenting the matter to the public eye, our philanthropically-minded nation will respond appropriately. We're getting closer to providing the desired number of donors but need more work. If Israel is not the world leader yet, let us be soon!

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

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Ein Ayah

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

Seeking Only the Great of the Great

(condensed from Ein Ayah, Shabbat 6:4)

Gemara: Rav was told: A great and tall man, who limps and teaches that it is permitted to wear a crown, has come. Rav said: Who is a great and tall man who limps? Levi. It is clear, then, that Rabbi Affes has died, Rav Chanina has taken on the role of the head of the central rabbinical academy, so that Levi had no one to study with and came here.

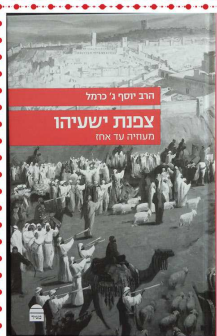
Ein Ayah: A person of unusually great intellect cannot be compared, in terms of his emotions and knowledge, to normal people. He cannot even be compared to special people with straight hearts, even if they are among the wisest people of their generation, if the person in question is a giant among giants in his spiritual stature.

Such a giant will not be able to interact regularly with normal people because the latter's average-level concepts pollute his spirit and lower its glow from its lofty level. Therefore, he is forced to choose a place for himself in which the average level of his counterparts will not be a burden to him. He also does not want his lofty and wondrous way of life to be mixed in among normal concepts even of those who are involved in Torah and in wisdom, but according to the levels that fit the generation and the times.

Such a great person cannot go along with set arrangements that are aligned with public leadership, amongst an assemblage of Torah scholars whose level is measured according to their influence on the people of their time. That is why Levi, the "great and tall man," stayed on the outside and only connected himself to another person of lofty intellect, with whom he was close enough to unite and develop great concepts together. This was Rav Chanina.

However, even Rav Chanina became inappropriate for Levi when he accepted upon himself the mantle of leadership of a broad group. He was forced, after all, to embrace a more normal level to which more people would be able to be drawn. The light from above which Rav Chanina was worthy of attaining had to give way to lesser levels in order to be able to improve the spiritual lot of the masses. Levi could then no longer join with him, as he did not fit in among such normal frameworks.

On the other hand, even someone as great as Levi needed to connect to other great spiritual powers and have his logic interact with that of another. Only when there is some level of contrast in thinking can someone like Levi increase the light and complete his wisdom in his understanding of godly matters. That is why, with no one to connect to in *Eretz Yisrael*, Levi came to Bavel. Such an elevated soul gives search for a place and a land in which the spiritual element that his soul needed was found. This internal recognition of a great person is inspired by a divine spirit to fulfill his great spiritual thirst. The greatest person who remained in that generation was Rav, who by this time had moved to Bavel. Indeed, Rav, who was close in spirit to Levi, was able to deduce what experiences Levi must have undergone in order to bring him to Rav's courtyard.



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

Unfulfilled Shidduch Expectations – part II

(based on ruling 73064 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiffs (=pl) hired a dating service (=def) to help find suitable matches for their son and daughter for 5,800 and 5,000 shekels, respectively, while hiding the source of the *shidduch* suggestions from the children. The contract stated that *def* would suggest potential matches and would give “advice” and that the fee was not refundable under any circumstances. *Def* suggested, through middlemen and through Facebook, several women for the son, and he dated one of them. *Def* suggested two men for the daughter, who refused to date either. She confronted her mother after sensing “collusion,” and after the mother admitted hiring *def*, the daughter refused to receive any more ideas. *Pl* demand a refund on several grounds: *def* tricked them, as they were too inexperienced to know that *def* was unlikely to get their children married; the impossibility of a refund is illegal and an unreasonable condition in a set contract; *pl* were unaware of this condition; *def* involved *pl* in the ideas, which was not supposed to happen; *def* did not do a good enough job; the fee was well beyond industry standards. *Def* responds that their conditions were fair and clear. They are more professional than other agencies. It is not their fault that the daughter decided not to cooperate. They did not promise a certain amount of dates but to work professionally.

Ruling: Last time we saw that *def* did a reasonable job in carrying out its obligations regarding the son but not fully so regarding the daughter. Now we respond to some of *pl*'s claims.

Pl claims that *def*'s fees were exaggerated, and therefore they should be able to say that their agreement to pay them is not binding. It is true that one who agreed to an exorbitant price to be saved can refuse afterward to pay more than the standard price (Shulchan Aruch, CM 264:7) and that the Rama (ad loc.) applies this to agreement to a *shadchan*'s fee. However, the Shulchan Aruch (ibid. 8) says that one cannot say he was not serious about the price after he already paid. Furthermore, the Shach (ad loc. 15) says that when *shadchanut* services are open-ended, one cannot make this claim, and here the amount of work needed was open-ended. Additionally, the Ktzot Hachoshen (ad loc. 3) says that when a *shadchan* has expenses (here, *def* has an office with 10 workers), the hirer has to pay that which was agreed. Finally, when a *kinyan* was made on the fee (here, with payment), the Netivot Hamishpat (ad loc. 8) says the fee is binding. Regarding the claim of *ona'ah* (the prohibition of overcharging), the Shulchan Aruch (CM 227:33) rules that there are no claims of *ona'ah* for a worker paid by time.

Regarding the inability to back out of the service, we divide the discussion into two. Regarding the law of exaggerated conditions of set contracts, since we applied the contract in a limited manner [see last week's article], the condition is not exaggerated. Regarding the law that a person must be able to back out of a service request, that is only for up to 14 days. *Pl* did not back out within this amount of time.

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

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Lillian bat Fortune
Yafa bat Rachel Yente
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