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HEMDAT YAMIM

Parashat HaShavua

Miketz, 30 Kislev 5780

Not Raising One's Hand or Leg?

Harav Yosef Carmel

After Paroh was overwhelmed by Yosef's abilities, he gave Yosef sweeping powers and honors in Egypt (see Bereishit 41:41-45). One of those distinctions contains a phrase that is difficult to understand: "Without you, no one will raise their hand or their leg in all of the Land of Egypt" (ibid. 44). Not allowing people to raise their hand or their leg is not a matter that we have seen elsewhere in *Tanach*. Therefore, many commentators were bothered by the *pasuk*.

We will begin with opinions in *Chazal* and commentators. Unkelus translates the *pasuk* as "no one will be allowed to raise his hands to take a weapon or his leg to ride on a horse." This is also the explanation of Midrash Sechel Tov (Miketz 41:44) and Rashi. Thus, according to them, it precluded actions that were military in nature.

The Rashbam (Rashi's grandson) widened the meaning of the phrase significantly. He says that in order for anyone to receive a position of power, he needed Yosef's approval, not only if it was in the realm of military. The Rashbam cited as a precedent for support of such a meaning of lifting of the hand, the *pasuk* about Yeravam ben Nevat: "This is the matter that Yeravam lifted his hand against the king" (i.e., he rebelled) (Melachim I, 11:26-28). The Ibn Ezra goes in the same direction and also connects it to the leg. He says that lifting the leg refers to freedom of travel. He also raises the possibility that the phrase is metaphorical.

After asking apologies, we want to suggest a different approach. We find, in several places in *Tanach*, that lifting the hand can be a reference to taking an oath. Avraham said to the king of Sodom: "I am raising my hand to Hashem, the elevated G-d, possessor of heaven and land" (Bereishit 14:22). Hashem also uses that terminology about Himself: "I shall bring you to the Land about which I raised My hand to give it to Avraham, Yitzchak, and Yaakov" (Shemot 6:8). We also find the lifting of the leg related to oaths, as Eliezer put his hand by Avram's crotch (Bereishit 24:2), which is possible only if one lifts his leg. Yaakov did the same in administering an oath to Yosef (Bereishit 47:29). According to this, no one was allowed to take an oath, i.e., accept a serious commercial obligation, without first receiving permission from Yosef. According to all explanations, the scope of Yosef's authority was overwhelming.

On these days of giving thanks to Hashem for his miracles, let us join our forefathers, who gave thanks for what happened "in those days at this time."

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Ask the Rabbi

by Rav Daniel Mann

Chanuka Candles Inside and Outside?

Question: I grew up lighting Chanuka candles inside the house. In my community, the uniform practice is to do so outside. I think that is great, but I miss seeing them inside my house. Is it permitted to light a second *chanukia* indoors (could it be *bal tosif*)? If permitted, what is the best way to do it?

Answer: Little is written about whether lighting halachically unneeded candles on Chanuka is *bal tosif*. We will start with general rules regarding *mitzvot*.

Rishonim ask why it is permitted to blow beyond the first set of *tekiot* on Rosh Hashana. Tosafot (Rosh Hashana 16b) answers that just repeating a *mitzva* is not *bal tosif*. The Rashba answers that it is permitted because it follows Rabbinic instruction. (There is a *machloket* whether the Rashba also accepts Tosafot's answer – see Minchat Chinuch #454 and Pri Megadim, Orach Chyaim, Intro. I:40.) There are also opinions (see Ra'avad, arguing on Rambam, Lulav 7:7) that using more of a correct *mitzva* object than required (e.g., two *etrogim*), is permitted. It is more lenient when the two objects are used in separate places (see Sukka 31b). On the other hand, maybe the fact that they are both on legitimate parts of one's house connects them (see later). According to Tosafot and the Ra'avad, then, there is no problem lighting extra *chanukiyot*, and the Pri Megadim (ibid.) suggests that *bal tosif* never applies to Rabbinic *mitzvot*.

There are more basic grounds to say that extra *chanukiyot* is fine. Even those who argue with Tosafot do not forbid *bal tosif* for doing more than required regarding every *mitzva*. Is it forbidden to say *Kri'at Shema* or mention the Exodus more than required?! Sometimes, more is a good thing. Classical sources and *minhagim* support the thesis that we look positively on more *pirsumei nisa* than required by strict Halacha. The Terumat Hadeshen (I:101) says that a man away from home who can fulfill the *mitzva* with his wife's lighting can prefer to light himself based on the concept of *mehadrin*. Also, when one has lit in the correct place but there is a side of the house where the candles cannot be seen, he should light there too (Shulchan Aruch, OC 671:8). We do this without a *beracha*, apparently because it is not a real *mitzva* (Rama ad loc. based on the Ran, Shabbat 10a of Rif's pages). There is a *minhag* to light candles in *shul* for Shacharit, without any halachic mandate. These are indications (not proofs) that strengthen the logic that *bal tosif* should simply not apply to Chanuka lightings, which would explain the near silence on the topic. Therefore, Rav Carmel (one of our *roshei kollel*) ruled that you need not be *machmir* and can light freely without a *beracha* to enhance your experience.

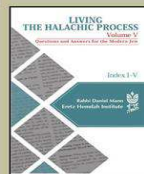
For one who is concerned, despite the above, that there could be a problem, we tersely present some practical ideas. Many posit that if one repeats a *mitzva* "with a twist" to remove a doubt, there is no *bal tosif*. (The Shulchan Aruch's (OC 34:2) idea of putting on Rashi and Rabbeinu Tam *tefillin* at the same time is different because they are mutually exclusive, whereas inside and outside lighting can both be fulfillments.) See (Bemareh Habazak IX:35.) a *machloket* about putting *mezuzot* on both doorposts when one is unsure of the correct side. **If** you have some doubt if your lighting outside is definitely done in the right place/way (see our discussion of the pros and cons on the inside-outside question in Living the Halachic Process, III, D-11) this might eliminate *bal tosif* questions (see Divrei Yatziv, OC 287). This works better if your wife hears your *beracha* outside and then lights inside, with the two of you having in mind to be *yotzei* with the better lighting.

If the lighting is as an extra, other "*machmir*" ideas include lighting without *kavana* for a *mitzva* before the *mitzva*'s time or after the real candles go out. We discourage putting the extra *chanukiya* in the window, as it goes against the local practice of one, outside lighting, and to use the type of artistic *chanukiya* (see LTHP, I, D-10) that people like you would use for atmosphere, not *mitzva*.

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.)

[We continue with more arguments of Moshe that the angels are not fit to receive the Torah.]

Rest Is for those who Work

(condensed from Ein Ayah, Shabbat 9:100)

Gemara: “What else is written in [the Torah]?” “Remember the day of Shabbat to sanctify it” (Shemot 20:7). “Do you do work at all that you would need to rest from work?”

Ein Ayah: The characteristic through which man completes and improves the world is revealed through his ability to work and thereby act within creation. He uses the G-d-given power to innovate and create in order to be His partner in creation.

Man’s unique quality, which finds expression through the divine spring of wisdom that enables his physical actions, is evidence of the quality of his spirit and his ethical actions. His ethical actions enable him to improve the natural world. This is the point of Shabbat, which is a cessation of work in the physical realm, which restores the practical powers and returns them to the soul. This allows his internal power of creativity to grow.

Menucha (rest) is a most powerful, lofty creation. It is much greater than the value of increasing and elevating, as a man may do when he is involved, with his wisdom, in the world of physical function. In order to complete the wonderful vision of eternal rest that is a secret of creation, Shabbat is the source of all blessing. It is the flow of innovation and the source of Israel’s unique, sacred life. This is as is written regarding Shabbat, “... to know that I am Hashem Who has sanctified you” (Shemot 31:13). This gives us the power to glorify the whole of existence and increase the power of the world and the light from the spring of life of the lofty blessing. The *menucha* of Shabbat engenders a special creation upon which the nucleus of Torah is based. It is one with man’s ability to work and produce, which in Israel includes the ability to do Hashem’s work, which continuously elevates the universe.

Angels, though, not only do not do mundane work but are also incapable of innovating and adding to the world. They can only carry out Hashem’s word and keep the world going according to its rules. They do not add glory to lofty elements of the universe that are above creation. Since they do not work, they do not have rest and cessation of work. Therefore, the central tenet of the Torah to refrain from work on Shabbat is inapplicable to them.

The Beauty of Dealing with Small Things

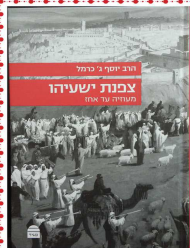
(condensed from Ein Ayah, Shabbat 9:101)

Gemara: What else is written in [the Torah]?” “Do not utter the name of Hashem in vain” (Shemot 20:7). “Do you engage in commerce?”

Ein Ayah: Lofty greatness gives light to all the small, dark, individual things in which man is involved during his life. The greatness takes the collection of individual life elements and activities and the speech that accompanies them and gives them spiritual significance and sanctity. When Hashem’s Torah is man’s beacon and Hashem’s name and fear of Him impact on his actions, then the person adorns the whole world.

Fear of oaths, which emanates from the commandments not to use Hashem’s name in vain, straightens out all a person’s path, in both the personal and communal realms. It enables social life to be played out honestly, so that people interact properly even on small matters. This brings a precious light to everything in the world.

This is so special that even angels, which have glorious, lofty lives, are missing the experience of turning little things into opportunities to turn Hashem’s holy name into an expression of truth. The angels, who are not involved in small things such as commerce, are not fit to receive the Torah, which is designed to elevate such things.



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

Delays of a Contractor – part II

(based on ruling 76045 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def), a company that bought a property, hired the plaintiff (=pl), a metal worker, to build there a light-material warehouse, which they rented out to a business (=re), which would start paying when the warehouse was ready. The work contract, for 260,000 shekels, was signed on July 8 and states that pl is to finish within a month and a half. Def gave pl a down payment check of 100,000 shekels, but it bounced and was replaced two weeks later. The work could not start until someone else built cement foundations, which occurred on Sept. 9. Pl finished the work only on Dec. 14. Pl demands that def finish the payments (76,361 shekels) and pay for improvements requested after the contract was made (4,000 shekels). Def is countersuing because pl finished the job late, which cost them lost rent (30,000 shekels). Also, pl refused to work when def's subcontractors had Arab workers at the site. This threat forced def to spend more money on workers. Pl says that this was necessary because of a recent spate of terrorist attacks.

Ruling: Regarding as of when pl should have finished the job, although the contract stated a month and a half from the time of the agreement, both agreed that they meant from the time it was possible to work. The pouring of cement was on Sept. 9, and pl claims that it requires two weeks to dry; def says it takes less time. There is no need to hire an expert to decide, because this juncture was anyway too early to start counting for a different reason. Since def's check for down payment bounced, he could not demand of pl to start working. Even if def's claim, that pl was busy with a different job, is correct, pl cannot be expected to not work elsewhere when def was effectively not paying him. Therefore we "start the clock" only from Sept. 21, when the payment finally went through.

Once this time of year came, pl is correct that days can be taken off for the *chagim* and then for rainy days. Since pl is a religious man, he is allowed to take off *erev Yom Tov* without consequence, even if most people in the market do work then. Pl claims additional days because of work that re asked him to do, which def agreed to. We reject accept def's claim that this should be on the time of pl because re's request that def approved is considered like def's request.

Therefore, the amount of time that pl was late according to the contract is 15 days, and they are required to compensate def 9,000 shekels for rent not received. There were further adjustments based on the fact that pl did not finish all the work required, based on which pl has only 40,515 shekels coming to him.

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

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