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# HEMDAT YAMIM

## Parashat HaShavua

Behar Bechukotai, 22 Iyar 5780

### Lag Ba'omer

Harav Yosef Carmel

Lag Ba'omer is connected by tradition to the awe-inspiring *Tanna*, R. Shimon Bar Yochai, (Rashbi), the pillar of the Torah of *sod* (secrets). Rashbi had an approach of rebellion against the Romans, even after previous ones failed. Lag Ba'omer is also connected to the plague of the disciples of R. Akiva, who supported Bar Kochva's rebellion.

All of the failed rebellions tried to restore Jewish independence and national prominence. They were not only concerned with the individual Jew's putting up with tyrants' decrees but saw independence as an important spiritual value, for which one can and should endanger his life despite the great weight Judaism puts on saving lives.

Let us look at it from a different angle. *Chazal* teach that one of the first "secrets" was the secret of liberation, which Yosef revealed to his brothers before his death. He told them that Hashem will "*pakod yifkod etchem*" (remember you) and take you from Egypt to Israel. He used the same double language of *pakod* as a reason to take his remains with them (Bereishit 50:24-25). The *midrash* (Sechel Tov, Vayechi 50:24) learns from here that Yosef's talk with his brothers was like a father's last will and testament. The fact that he said "*etchem*" in the plural showed that he made the "liberation connected to the masses (*rabbim*)" because he knew that the crying out of the masses would hasten the appointed time. The language of *pakod* was a sign to the people – only a savior who knew to use this word would be believed. Indeed, Moshe used this word (Shemot 3:16 & 4:31).

Was this a technical secret password? What if the secret leaked out to someone else? Also, how did the *midrash* learn from the plural "*etchem*," which is the normal word, considering he was addressing multiple people?

We propose that the whole idea of a double *pakod* teaches us that the purpose of the exile in Egypt and the eventual liberation was for it to be one of the *rabbim*. The Exodus could not be limited to ending slavery. It is a much more noble cause. The nation must be a community of independent people living in a fully independent state. There must be a government with an army and a variety of practical ministries. It is critical that it will not just be a group of individual *tzaddikim* serving Hashem, but to have an independent society which implements the legacy of the patriarchs of becoming a great nation and following the ways of Hashem by doing justice and charity, which will bring blessing to all the nations, who should be inspired to copy it (see Bereishit 18:18-19).

"*Pakod*" after all is used in connection with the joining together of the masses. Yosef thus taught that if the liberation would be just to solve the individuals' problems, it would not be a liberation. Yonatan would later use this word in reference to David (Shmuel I, 20:18) because David would be the first one to run an independent nation in *Eretz Yisrael*. This secret of Yosef and Moshe also motivated Rashbi to unite the people to rebel against the Romans, even if it was not the time for it to succeed.

Let us pray that we will be able to maintain our state, the State of Israel, our greatest present of the last thousands of years. Let us show that we know it belongs to the masses and not individuals and that it be guided by justice and charity in a way that brings blessing to all nations.

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by Rav Daniel Mann

## Washing Hands after Leaving a Hospital

**Question:** When visiting a hospital, I saw a *kohen* alert sign. Upon leaving, should I have done *netilat yadayim* due to exposure to *tumah*?

**Answer:** We will first survey the point of *netilat yadayim* in various cases including yours.

When one becomes *tameh* on the level of Torah law in a manner that he needs *rechitza* (washing) to remove the *tumah* (e.g., due to bodily emissions or contact with dead animals), this consists of immersing his whole body in a *mikveh* (see Eiruvin 4b). This does not suffice for one who came in contact with a dead human; a process that involves *para aduma* ashes is also needed. There are times that exposure to *tumah* does not make a person *tameh* according to Torah law, but *Chazal* decreed *tumah* on his hands, such that if they touch something holy (e.g., *teruma*), they render it *tameh* (see Rambam, Avot Hatumah 8:2). As an extension of the Rabbinic *tumah* for *teruma* foods, *Chazal* required *netilat yadayim* with a *beracha* before eating bread, irrespective of known contact with any *tumah*; it may also be connected to the need for cleanliness (see Beit Yosef, Orach Chayim 158).

There is another standard *netilat yadayim* with a *beracha* – in between when one wakes up in the morning and *davens*. There are different opinions among the *Rishonim* if this is because the hands became dirty during sleep or because one is like a new creature who needs sanctification (see Mishna Berura 4:1).

Another reason for washing hands is the prospect of *ruach ra'ah* (literally, a bad spirit) that cling to the hands in various situations. The Shulchan Aruch (OC 4:18) has a list of situations in which one should wash his hands (without a *beracha*), including, upon leaving a bathroom, after cutting nails, and after touching sweaty parts of the body. Some of them are because of cleanliness, especially if one is to partake in something holy, and others are because of *ruach ra'ah* (e.g., leaving the bathroom – Mishna Berura 4:40).

The Shulchan Aruch cites as “some say” (see Mordechai, Berachot 192) that one washes after being among the dead (i.e., in a cemetery – Mishna Berura ad loc. 42, based on Shut Maharil 42). In Yoreh Deah (376:4) he says unequivocally that one washes after a funeral. Actually, the Tur (YD 376) cites a Gaon who views such a *minhag* as baseless. The reason given for doing it is the *ruach ra'ah*, not the laws of *tumah*. The latter is not an issue because washing the hands (or even going to the *mikveh*) will not remove the *tumah*, but it helps (at least partially) regarding *ruach ra'ah*, as we saw above.

The question, then, is what type of setting of contact with to the dead warrants washing? The Shulchan Aruch (OC 4:18) mentions that after touching the dead, one should wash. The Magen Avraham (4:21) infers that if one is in the proximity of a single corpse without touching it, he does not need to wash. However, he continues that it is customary to wash even if he “comes into [the place of] one corpse, as well as one who escorts it.”

While I lack the understanding of how *ruach ra'ah* works, the sources seem to imply that the intricate laws of *tumah*, especially of *ohel* (roughly, being “under the same roof”) are not the factor, as they are for a *kohen* in a hospital. One can escort the deceased and not become *tameh*, and yet there is washing. (The Aruch Hashulchan (4:21) cites the *minhag* that it depends if he is within four *amot* of the deceased; while there is a Rabbinic concept of *tumah* within four *amot* of a corpse (Sota 44a), the problem might still be the proximity rather than the Rabbinic *tumah*.) In the other direction, if one is somewhere in a large hospital when a corpse is taken out through the basement, while this could be crucial for a *kohen*, who is bound by the Torah laws of *tumah*, it need not create a connection and corresponding *ruach ra'ah* that would require washing.

Since I have not found a source to say that there is a need to wash after leaving a hospital in which someone has died and the *minhag* is clearly to not do so, we can assume that this is correct. Our explanation is likely correct.

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

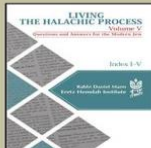
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# Ein Ayah

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

## Ostensibly Intellectual Mistakes that Come from Within

(condensed from Ein Ayah, Shabbat 11:11-12)

**Gemara:** Reish Lakish said: One who suspects those who are innocent suffers bodily afflictions, as it says: “[Moshe said of Bnei Yisrael:] They will not believe me” (Shemot 4:1), and it was clear before Hashem that Israel would believe.

**Ein Ayah:** It is true that sometimes the factors that cause one to make a cognitive mistake are only based on emotional/spiritual lackings, and these lackings bring on a less sensitive constitution in the physical realm. This in turn clouds matters to the point that one does not see things clearly from an intellectual perspective. Still, when these inaccuracies apply to how a physical person evaluates other physical people, they come from a tendency in the perceiver toward lack of purity, which he applies to others. It is his own lack of clarity and purity that is behind the negative perception.

It is not possible to remove this physically based characteristic by emotional/spiritual means alone, as the physical constitution must be scrubbed clean of this characteristic that caused false perceptions of others. When this is remedied, the intellect will be freed of its subservience to the person’s physical side, and he will be able to perceive others in a true manner, so that he will stop casting false aspersions. The way to fix the light of the soul is therefore by those who suspect others to be bodily afflicted.

Hashem, not Moshe, was aware of Bnei Yisrael’s ability to believe the tidings of liberation. The holy sense of belief in that which is holy in the purest way (i.e., Hashem) is the source of satisfaction and eternal life. It is a wonderful treasure house, hidden away and sealed. It is deeper than anything that the human spirit can recognize. A person cannot even appreciate the depths of his belief in Hashem within his own soul. It is even clearer that one cannot reveal this power as found in the soul of another person who possesses true belief. Only to the Divine Eye, which views all hidden things, is this secret clear.

This is true even in cases in which all indications are that the last spark of the light of life, i.e., the light of belief, has already been extinguished. This is the special internal characteristic of Israel, as it is an eternal heritage that never ceases – “Great waters are unable to extinguish [them]” (see Shir Hashirim 8:7). Moshe Rabbeinu’s eyes, which were able to penetrate to the depths of sanctity, were not able to discern this belief in the hearts of the people. After all, external indications were that this belief did not exist, as the people were in a lowly state during this time that they were a nation within another nation (see Devarim 4:34), like a fetus enveloped in its mother’s stomach. That is the reason that Moshe feared that the people would not believe him, but it was clear to Hashem that they would.



### 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

## Holding Guarantors to their Commitment? – part III

(based on ruling 71055 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiff (=pl) reached a settlement with his wife (=wi) over child support in a *beit din* as part of an agreement to give a *get*. *Wi's* uncle and aunt (=def) obligated themselves in *beit din* that if *wi* would successfully sue to raise the child support, *def* would pay back to *pl* the additional sum she was awarded. *Beit din* gave the obligation the status of a ruling. *Wi* did sue *pl* in court, and *pl* agreed to raise the child support, with the judge giving the agreement the status of a ruling. *Pl* is now suing *def* for 31,200 shekels for a few years of additional payments. *Def* argue that they are exempt for a few reasons: 1. No act of *kinyan* was made to obligate *def*, which is necessary because this is not a normal case of a guarantor (i.e., there is no borrower). 2. There was a lack of realization of the likelihood of obligation (*asmachta*), since *def* did not know that *wi* was not bound by the ruling. 3. Furthermore, according to the Rambam, one cannot obligate himself in an open-ended obligation, and one can claim *kim li* (I follow the minority opinion). 4. The obligation mentions payment in the case where the court rules in *wi's* favor, whereas here *pl* agreed himself to pay.

**Ruling:** [We have seen that the agreement is valid, and now we conclude with the question of whether it was activated.]

Generally, a guarantor is required to pay only after there has been an attempt to receive payment from the debtor. However, this is irrelevant here because the whole nature of the agreement was that the “guarantors” would be obligated to pay instead of *wi*.

Was the condition for obligation, that the courts obligate *pl*, fulfilled? The agreement speaks of a ruling by the courts, and in this case, there was an agreement that was recognized by the court as a ruling. In this we agree with *def* that since the courts would have approved even much higher sums than agreed by *pl* and *wi*, such an open-ended obligation was not what *def* agreed to.

However, the continuation of the agreement is that *def* are responsible for all of the expenses that come due to *wi's* suit. This should include the minimum plausible amount that the courts would have ruled had there not been compromise. To the extent that there is doubt, it is to the detriment of *pl*, according to the rule that the beneficiary of an agreement has the burden of proof. The smallest amount that the courts give in cases like this is 2,000 shekels a month for one child.

*Pl* claims that the costs of this litigation should be included in expenses. However, since we posit that this adjudication into the meaning of the agreement is a legitimate one we do not believe that the obligation relates to that type of expense. It only relates to the expenses of *wi* suing, which *wi* had said she was not going to do.

[We are not mentioning the final sum because it includes elements of future payments based on various price indexes.]

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