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# HEMDAT YAMIM

## ח'מ'ת'מ'ח

### Parashat HaShavua

Miketz, 4 Tevet 5781

## Two Years of Days and Miracles in Those Days

Harav Yosef Carmel

Time and its significance have always occupied the rabbis, and the inability to go back in time has always been a challenge. In the last decades, our ability to tell time accurately, with watches and other instruments, has made a major impact on our lives. However, one of the strong rules with which one is forced to learn much of *Tanach* is that "there is no early and late in the Torah" (Yerushalmi, Rosh Hashana 1:1), i.e., the Torah is not tied to a system of chronology. (Rashi and the Ramban differ as to how broadly that observation should be taken or whether chronology is the strong norm.)

During this holiday of Chanuka, we recite at least four times a day, "On the miracles ... in those days at this time." In this week's *parasha*, we also read about what happened "at the end of two years of days" (*shnatayim yamim* - Bereishit 41:1), which is the introduction to the time of Paroh's dreams and Yosef's ascension to power.

The Ibn Ezra (ad loc.) points out that we are not told exactly where the starting point of the two-year count is. He then brings several places in *Tanach* in which it similarly refers to a passing of time and it is unclear from when. He also raises the issue of what *yamim* (days of) means in the context of years. The Ibn Ezra suggests that the two years are from the time that the *sar hamashkim* left jail, in accordance with Yosef's interpretation of his dream. This fits well with an opinion in *Chazal* that Yosef was in jail for a total of twelve years (Seder Olam Rabba 2). We add to that the statement of *Chazal* that Yosef had to wait an extra two years to leave jail because he put his trust in the *sar hamashkim* (Bereishit Rabba 89:3). According to these accounts, taken together, Yosef had been in jail for ten years before his dealings with the *sar hamashkim*. Stressing the two years from the *sar hamashkim* story as opposed to the whole period in jail teaches a lesson in the need to trust in Hashem.

Another possibility raised by the Ibn Ezra is that the two years were his entire stay in prison. In that case, there is no indication that Yosef stayed there longer because of his interaction with the *sar hamashkim*.

According to both approaches, why did Divine Providence arrange that Yosef had to spend time in prison? According to Rashi (based on Sota 36b), Yosef had a thought of sinning with Potiphar's wife. With such a great *tzaddik* as Yosef, Hashem is apt to be demanding and hold him to shortcomings of the "width of a strand of hair." Thus, Yosef could have been punished for a mere thought, and this can be the lesson of the time behind bars.

We hope to develop this idea in the weeks to come. In the meantime we thank Hashem for the miracles that occurred in these time in those days.

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# Ask the Rabbi

## Davening Outside with Gloves

**Question:** I *daven* in an outdoor *minyan* due to Corona. Is it permitted to wear gloves while *davening* in cold temperatures?

**Answer:** First, I am proud to be in the same nation as a person as sincere as you. The *Bach* (on Orach Chayim 91), an early *Acharon*, is the first major source to raise a problem of wearing gloves during *davening*. The Magen Avraham (91:5) and Mishna Berura (91:12) cite the *Bach* without opposition, so your question has merit,

A look into the root of this ruling will help us apply it to your case. The *Bach's* statement is cryptic and he cites a harsh *pasuk* as applying to wearing gloves during *davening*. Most *tefilla*/clothing rules relate to the body being insufficiently covered (Shulchan Aruch, OC 91:1, 3-5). It is unusual that covering too much could be a problem.

Some understand (see Halichot Shlomo 2:18) that the *Bach* viewed wearing gloves during *davening* as haughty, which fits the cited *pasuk*. This is surprising, considering that "dressing up" is usually desired for *davening* (Mishna Berura 91:12). However, it is possible that some types of over-dressing go beyond nice and are haughty.

The Netah Sorek (OC 6) connects the *Bach* to a *gemara* (Pesachim 57a) that roundly criticized the *kohen gadol*, Yissachar Ish Kfar Barkai, for wearing gloves while working with *korbanot*. This was forbidden due to *chatzitza* (a disqualifying break) but also was a sign of haughtiness (Rashi ad loc.). There is clear room to distinguish between the contexts. A *kohen's mitzva* includes serving with his hands, and for it to be beneath his dignity to touch things is disgraceful. *Tefilla* is carried out with one's mind, heart, and mouth. Is it necessarily a disgrace if, at the same time, his "handwear" is haughty? His logic is apparently that since clothing for *tefilla* is important, just as insufficient is offensive, so too excessive fanciness can set the wrong balance when approaching Hashem.

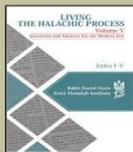
Several *Acharonim* make the simple argument that if one wears gloves because of the cold, there is no haughtiness (Be'er Moshe IV, 39; Halichot Shlomo *ibid.*). While the Neta Sorek (*ibid.*) agrees to the concept, he argues that it is only permitted regarding gloves that are clearly worn due to cold (which I have to believe is your case).

The Magen Avraham (*ibid.*) presents the *Bach's* problem with gloves as their being clothes that travelers wear, and Kochvei Yitzchak II, 20 attributes this idea to the author of the Terumat Hadeshen. While one may *daven* on the road when needed (Mishna Berura 90:11), it is best to *daven* indoors (Shulchan Aruch, OC 90:5) and well-settled there (see similar idea, *ibid.* 20). It is unclear if the Magen Avraham means that gloves are road-related because outside it is cold, and one should look different inside. If so, the Aruch Hashulchan (OC 91:6) allowing to wear an outer coat during *davening* when it is cold is instructive. If he means that travelers wear them as a type of work glove (which the Halichot Shlomo says is one of the things the *Bach* objects to), this should not apply to gloves made to protect from the cold.

In short, we believe, like Halichot Shlomo and Ishei Yisrael (10:4) that in the context of clear protection from the cold, it is **permitted** to wear gloves, even without extenuating circumstances (like Corona). If someone would want to be *machmir* (which, again, is not indicated from the sources) as a matter of valor, something would have to give. One of the hardest things in Halacha is, in a situation where something less than ideal is necessary, how does one decide which option is least objectionable. Halacha forbids self-inflicted suffering (see Bava Kama 91b), and it also detracts from *kavana*, a factor which is behind many *halachot* of *tefilla*. The option of *davening* indoors without a *minyan* is certainly far less desirable than an unnecessary stringency. Our biggest concern is that *chumra* could be a tipping point (for someone) toward *davening* in an indoor *minyan*. Currently in your location, that could be a deadly mistake. Therefore, one should not entertain stringency on the matter.

**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.)

## Keep it Simple!

(based on Ein Ayah, Shabbat 14:13)

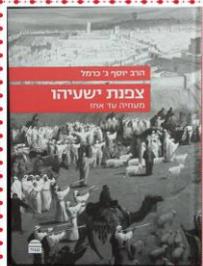
**Gemara:** Rabbi Yannai sent to Mar Ukva the following request: Please send me some of the eye salves that Shmuel (who was a doctor/scientist in addition to a great Talmudic scholar) made. Mar Ukva responded: I will send you so that you will not say that I am stingy, but this is what Shmuel said: A drop of cold water [in the eye] in the morning and washing your hands and feet in hot water in the evening are better than any eye salve in the world.

**Ein Ayah:** Wisdom always discovers new approaches and means of improving mankind's situation, such as to heal him from his illnesses and save him from all of the things that can harm him. However, as science progresses and as its discoveries become famous in the world, so does the world forget the efficacy of the simple natural matters. Natural matters often serves as a stronger base for one's salvation than all of the complicated and convoluted inventions of science.

This phenomenon is not only true regarding the physical world but even in matters of spirituality – in the levels of a person's spirit, his ability to perceive lofty ideas, and reach high levels of spiritual attainment. While there are many teachings of Torah wisdom and ethics, sometimes the simplest ideas are the best (see Rosh Hashana 26b). The simple ethical values and pure service of Hashem in simplicity lights the eyes much more than lofty but detached brilliant ideas. The latter only are used to strengthen and adorn one's approach to spirituality. The main idea, though, is to lead a religious life based on the precept of "Be simple/complete with Hashem, your G-d" (Devarim 18:13).

Obtaining high intellectual capacities and skills in a variety of walks of life should be within the grasp of everyone, even though there will be varying levels according to natural abilities. However, the most-travelled path should be the simple and healthy natural characteristic, which is of higher value than things that are more modern and sophisticated. That is why Mar Ukva had the correct answer to Rabbi Yannai's request for the eye salves of Shmuel, the scholar, doctor, astronomer, scientist, as well as outstanding *talmid chacham* and holy man. That is why Mar Ukva, the head of the time's highest rabbinical court said that he was indeed willing to give him the salve, but wanted him to know that he should not forsake that which is simple and straightforward, which gives good health and life to the body and soul. This is metaphorically represented by the bit of water in the morning and the washing of hands and feet at night.

With this we conclude the four volumes of Ein Ayah, which we started translating and sharing with you twelve and a half years ago (after eight years spent on the works of Rav Yisraeli, Rav Kook's student and our mentor). This column will next focus on the letters of Rav Kook, which were published decades ago by Mossad Harav Kook.



### 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

## The Mouse Guarding the Cheese? – part I

(based on ruling 77007 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The defendants (=def), the heads of an institution, hired the plaintiff (=pl), who works in the field of construction, to be in charge of building three halls in and around their building. His responsibilities included helping decide on a contractor, forging agreements with him, serving as the building inspector, and overseeing payments. Pl recommended a contracting company (=comp), said to be owned/operated by the contractor (=cont), whom he praised and reported to have given the best possible offer. Def hired comp, and they began working, receiving several payments for a subtotal of 1,016,000 NIS, but the work they did, which is now on hold, was estimated by an appraiser as being worth 230,000 NIS. Pl is suing for unpaid fees for his services of 126,000 NIS. Def claim that pl withheld the fact that pl actually had owned comp while he was supposed to be overseeing them. While he had said that he used to own comp and sold it to cont, it has only recently been transferred. Therefore, def are countersuing for the excess payment of 786,000 NIS, which to a great extent, went to pl, along with other damages he caused. Pl responded that he sold comp to cont before the work began and that he had not approved the early payment to comp (pl/def's contract said that def should wait for pl to instruct them to pay), and since cont now certainly owns comp, def should sue cont if they overpaid.

**Ruling:** Pl is correct that his sale of comp was not fictitious, and at the time of the agreement with def, he intended that cont would receive practical control quickly. However, the sale did not go through as planned, as transfer of shares from pl to cont and control of comp's bank account were delayed by a year because cont did not pay according to schedule. We do not accept pl's contention that this control, which included depositing and writing checks, was only a formality. Therefore, the problem of a conflict of interest, when one is, in effect, supervising his own company's work, is a serious one. Therefore, def's agreement to pl's role was based on misrepresentation, and pl does not deserve the balance of his salary that he has demanded, even though there is not proof that he did not visit the building site as much as he was required.

Regarding the choice of comp to do the work, it is clear that pl was significantly involved. However, it was not proved that the choice of comp was not a good one, as their price was lower than another estimate, and def did not prove that it was too high for the work involved. Only the price given for the anti-fire sprinkler system was excessive (400,000 NIS instead of 84,000 NIS offered by a different company). This is reason for pl to not receive his salary for organizing and supervising.

*We will discuss possible damages and other elements of these findings next time.*

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**Rivka Reena bat Gruna Natna**  
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