



HEMDAT YAMIM

חֵמְדַּת יָמִימִים

Parashat Hashavua

Bo, 6 Shevat 5782

Harav Shaul Israeli zt"l
Founder and President

Did Paroh and the Egyptians Do Teshuva?

Harav Yosef Carmel

After the plague of hail, there is a big surprise. Paroh exclaimed: "I have sinned this time. Hashem is righteous, and I and my nation are the wicked ones" (Shemot 9:27). That is quite a change from Paroh's normal approach, but is it what it seems to be?

Rashi does not comment on this *pasuk*, which might imply that he did not see it as a major divergence from the obstacles Paroh put before the wheels of liberation. According to Rashi, then, there is no trust put in Paroh or his kind, as we see from the continuation, that Paroh did not yet let the people go.

There are two ways to read the *pasuk* from a linguistic perspective: 1) Now I understand that I am the one who has been wrong; 2) Only this time was Hashem in the right. The *trop*, which puts the major pause after "*hapa'am*" (this time), implies that the second way is correct – it was a minor admission and not an act of repentance and reverence of His ways. What is it, if so, that Paroh was noting?

The Chizkuni explained that Paroh was impressed by the fact that Hashem did not try to surprise them but warned the Egyptians to bring their cattle in before the hail fell (ibid. 19). This was not a sweeping admission that Hashem's overall demands of him were proper or that his enslavement of the people had been immoral but a small nod to the fact that Hashem had "fought fairly." Ibn Ezra posited that there was somewhat of a fuller admission of guilt but that it was done only out of fear for his life and not out of remorse. The Ramban and the Bechor Shor explain the *pasuk* as a (temporary) sincere admission of wrongdoing over time.

This *machloket* also finds expression in the commentary on a surprising *pasuk* in Yeshayahu (19:25). The prophecy, which speaks harshly about the prospects of Egypt and relates to its struggles against Assyria, ends as follows: "Hashem blessed, saying, 'Blessed is My nation, Egypt, and the work of My hands, Assyria, and My inheritance, Israel.'" The Radak explains that Egypt became His nation again when they repented. Although it is difficult to fit into the words, Rashi explains that Hashem was blessing Israel who became Hashem's nation when they were in Egypt. In other words, Rashi did not believe that Egypt was capable of repenting to a significant degree.

Let us pray that just as we, who as a nation merited seeing the liberation from Egypt in the time of Moshe and the ingathering of the exiles in our generation, will likewise see the nations of the Arab world, especially Egypt, repent and recognize that Jerusalem is the capital of the Jewish nation, and thereby, the spiritual center of the whole monotheistic world.

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Ask the Rabbi

by Rav Daniel Mann

Bikur Cholim by Electronic Means

Question: Does one fulfill the *mitzva* of *bikur cholim* by “visiting” a sick person (*choleh*) by electronic means?

Answer: It is difficult to speak definitely about “fulfilling” *bikur cholim*, as it is regarding many *mitzvot bein adam lachaveiro*. There is a consensus among *poskim* (many of whom we will cite, discussing phone calls) that there is moral and *mitzva* value to “visit” not in person. On the other hand, they all say that if one can come in person, he should. In order to appreciate both the value of a visit by telecommunication and the preference of in-person, we need to see the goals of *bikur cholim* and some sources on them.

One of the main of many reasons for visiting the sick (featured in the Ramban’s *Torat Ha’adam* and the Tur, *Yoreh Deah* 335), is to be moved by his condition and inspired to *daven* powerfully for him (*Nedarim* 40a). This is important enough to give cause for a *halacha* that one should visit at times of the day when his situation looks more severe, thereby increasing the prayer’s likely intensity (*ibid.*; *Shulchan Aruch*, YD 335:4). The Rama (*ibid.*) says that one who visited but did not pray for the *choleh* did not fulfill the *mitzva*. Considering the importance of the *tefilla*’s quality, being there in person helps in two ways: 1. It helps one feel the *choleh*’s condition more acutely (*B’er Moshe* II:105). 2. The Divine Presence is found around the *choleh*’s bed (*Nedarim* 40a). For that reason, one who *davens* away from the *choleh* should *daven* in Hebrew, as the angels do not bring before Hashem *tefillot* from other languages (at least, Aramaic), whereas before the *choleh*, Hashem Himself accepts the *tefilla* in any language (*Shulchan Aruch* *ibid.* 5). Therefore, while we value *tefilla* for *cholim* at all times and places, when we aim for the best *tefillot* (i.e., while visiting), it is best in person (*Igrot Moshe*, YD I, 223; *Yechaveh Da’at* III:83).

Another major reason for visiting is seeing to his practical needs, including advice (*Nedarim* 40a). The *Minchat Yitzchak* (II:84) presumes that one can get a fuller assessment when being there. On the other hand, he posits that if one has visited in person once, he can subsequently fulfill this element of the *mitzva* by phone. *Tzitz Eliezer* (V, *Ramat Rachel* 3) suggests that this element is rarely necessary in our days when the *choleh* is getting good care and medical advice in a hospital. The *Minchat Yitzchak* (died, 1989) also foresaw that when “television technology” would develop to the point that one could speak and see the *choleh*, that would suffice.

There is a concept that someone born at the same time of year (*Bava Metzia* 30b) or perhaps anyone (see *Rambam*, *Avel* 14:4) may relieve some of the illness. If this is mystically based, it would presumably work only in person. Another element is psychological encouragement, which *Igrot Moshe* (*ibid.*) posits works better in person than by phone. It would seem that while audio-visual contact is stronger than telephone, it still does not compare to being in person, especially because part of the encouragement comes from knowing that the visitor made a real effort to come visit, which is obviously harder than reaching out by telecommunication.

The *gemara* discusses cases where there is more to lose than to gain from one coming in person to visit, and the *Shulchan Aruch* (*ibid.* 8) says that one can stay outside in such cases. So one who is unable to come should not use that as an excuse to do nothing. Rather, the consensus of *poskim* is that in addition to *davening* for the *choleh*, one should “visit” electronically when appreciated. On the other hand, while we can use modern technology to help significantly in many *mitzvot*, it should not turn into a replacement for the full-fledged personal fulfillment. The following is a scenario upon which I have not seen discussion and am unable to say anything conclusive: one (especially a rabbi) has only enough time to either visit many electronically or a few in person. Which is preferable? About such cases, *Kohelet* says: “The eyes of the wise are in his head” (2:14).

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



Igrot HaRe'aya - Letters of Rav Kook

Course of Study in Contemporary Times - #89 – part II

Date and Place: 21 Menachem Av 5664 (1904), Rechovot

Recipient: R. Dr. Moshe Zeidel. He was a close disciple of Rav Kook, from their time in Boisk. Dr. Zeidel was a philologist and philosopher, who asked Rav Kook many philosophical questions. His approach to Torah studies was more “academic” than Rav Kook’s, which is noteworthy in this section.

Body: Last time, Rav Kook wrote about the appropriateness of mixing new and old spiritual tools and about the nation’s broad thirst for spirituality, which caused a thirst that, at the time, was unhealthy for many. The last idea mentioned was that the people, especially those living in Eretz Yisrael, must realize their great value.

My greatest hope is that talented youngsters will become accustomed to studying the works of ethics/spirituality, first by covering ground in the classic works of matters of the heart, such as Chovot HaLevavot (of Rabbeinu Bachyei Ibn Pekuda), which summarizes what a person needs to think/feel. Afterwards they should delve into the matters in depth. The study should expand incrementally, starting with an hour or two a day, until the point that one develops a proper worldview and internal sensitivity for the Torah’s moral and philosophical elements. This will make the spirit fine and vigorous so that one will be able to investigate the depths of Torah without fear, which is unnecessary when one is connected to the light of Hashem.

Hopefully, involvement in these spiritual elements will become so successful that all young, talented students of Torah will be adept at various styles of analysis of these matters, just as the practical elements (Talmud and Halacha) are today. Indeed, spiritual study will elevate and broaden practical study. Therefore, when you share with me your scholarly investigations of matters of Torah and engage me with questions, it makes me happy. I thank Hashem that my voice is not like one shouting into the desert wind and hope that many will follow your example.

I need to point something out to you about the proper order of reaching mastery in these realms. I have claimed that one should begin with a serious amount of basic-level mastery of the classical sources of *mussar* (Jewish ethics). You can study them in any order because they all flow from the heart of the greatest thinkers and righteous people. Many of the in-depth analyses cannot be done properly before one has properly prepared his emotions. This is the reason that the Torah is called a song, in addition to a commandment, as one needs to use a special feeling of the Torah being the word of the living G-d, and this comes only with a pure heart. This is appropriate for the study of the Torah’s ethical elements, which do not fit well as subjects of academic-style research. Rather the idea is for the spirit to be set on its internal foundations, as opposed to trying to move to new places and pursue knowledge of Hashem.

Regarding the points you raised, although they were already addressed in the past, they need to be clarified in our times as well. This must be done by elevating the elements of wisdom to higher, wider concepts. In that way, the truth is revealed without special answers.

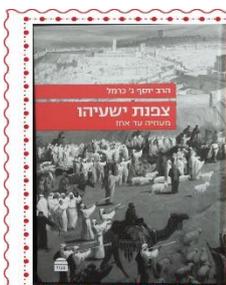
Whenever a person investigates an issue, he must prepare himself to be close to the matter that is being investigated. If he succeeds, he may sense the solution from his own spirit. If he does not prepare himself, he will lack something critical for uncovering the truth. To know matters of truth that are hidden in the light of the Torah, which is the image of existence in relation to practical ethics, individually and universally, first one must determine the truth and view the images as well as he can. This must be done not according to the level of a particular generation, but according to the way the ethical matter must ideally be even in other, future situations. It must always be fit to accomplish good, proper things.

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

Nir Rephael ben Rachel Bracha
Yisrael ben Rivka

Rivka Reena bat Gruna Natna
Arye Yitzchak ben Geula Miriam
 Together with all *cholei* Yisrael

Neta bat Malka
Meira bat Esther



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

A Commercial Rental for a Closed Business – part II

(based on ruling 80047 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def), a money changing business, rented a unit from the plaintiff (=pl) on 1.2.17 for 2,900 NIS a month for 5 years, with exit points every six months with three months notification. In Dec. 2019, def closed the business and stopped paying rent. Pl demands rent until the next exit point along with *arnona* (30.6.20): 20,300 + 2,025 NIS, and that def leave the unit painted. Def responds that he stopped paying rent because pl did not provide a receipt valid for purposes of VAT, as required by their contract. For the 101,500 NIS of rent he paid, def lost 14,747 NIS of VAT exemptions, which pl should pay or should be subtracted from any rent due. Also, the contract allowed to bring a renter in his place, and another money changer had agreed to pay 5,500 NIS to buy def's furniture, take def's place (for which def had paid the previous tenant 20,000 NIS), and rent the unit, but pl scared him off. Pl responds that the rental was legally recognized, and he reported payments to the tax authority at year's end; he does not need to give a receipt. Pl said that he allowed the potential tenant, but only after def would pay the rent due.

Ruling: *Last time we saw that in regards to the basic contractual obligations, pl was justified in his claims.*

Regarding the claim of not receiving a proper receipt, we note that during the three years of actual rental, def did not request such receipts. To introduce the complaint retroactively after closing the business is a disingenuous attempt to get out of paying, as it seems clear that def was *mochel* any such rights. On the other hand, the contract does say that pl should provide such receipts, and there is a *machloket* whether *mechila* works on an obligation written in a contract. However, the accepted opinion is that *mechila* does work (Rama, CM 241:2; Taz, CM 12:8; Aruch Hashulchan, CM 241:3). Furthermore, those with pl's business status (*osek patur*) do not produce VAT-related receipts, and therefore the request is moot. (*There is a discussion of whether if pl were to blame, def could seize payment due to indirect damage they caused.*) Although pl could have given some receipt, def could have arranged the tax exemption without them. Finally, since def closed the business without profits, there were no profits on which to pay taxes for which the receipts could have helped.

Regarding the painting of the unit, although it is common for tenants to have to do so, if the landlord demands that it should be done, it should be written in the contract. In this case, it was not, and so def is not obligated.

During the time under def's obligation, the Coronavirus pandemic broke out and caused businesses to be closed. In the final installment, we will see if that affects the obligations.

Comments or questions regarding articles can be sent to: info@erezhemdah.org

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