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HEMDAT YAMIM

Parashat HaShavua

Lech Lecha, 11 Cheshvan 5778

About a Refugee, Merits, Treatment of Women, and Covenants

Harav Yosef Carmel

After Avraham's nephew Lot was taken captive by the four Mesopotamian kings, the Torah relates: "The refugee (*palit*) came and told Avram the Hebrew, who was dwelling in the plot of Mamreh the Emorite, the brother of Eshkol and Aner, and they were members of a covenant with Avram" (Bereishit 14:13). Among the many things to ask about this *pasuk*: Who was the *palit* and from what did he escape? What is the connection between the *palit's* arrival and the friends in whose company Avraham was dwelling?

Chazal identify the *palit* as Og, King of the Bashan, with whom Moshe fought in the desert hundreds of years later (Nida 61a), and he had escaped from the mass death of the flood. The *midrash* (Bamidbar Rabba, Chukat 19) explains that he escaped being killed or captured by the Mesopotamian kings, which is what enabled him to make it to Avraham and update him about Lot.

Before Moshe fought Og, Hashem had to reassure Moshe that he need not fear, as Moshe would conquer him and his nation. The *gemara* (ibid.) explains that Moshe had been concerned about Og's merit for having helped Avraham. *Chazal* do not tell us in merit of what did he make it to that point in the first place, i.e., that he had not been killed in the flood or by Nimrod and friends. His merit in regard to Avraham is also hard to understand according to *Chazal*, who say that his plan was to draw Avraham into an unwinnable battle, so that after Avraham's death he could marry Sarah. Is that a good deed that deserves merit?!

Let us answer with a look back at the social norms in the time of *Sefer Bereishit*. We are told that the powerful people took beautiful women without so much as asking anyone's permission (Bereishit 6:2). Then the generation of the flood continued corruption in the field of adultery (Sanhedrin 57a). Avraham had reason to believe that Paroh and the Egyptians would kill him because of his wife and indeed they seized her without permission (see Bereishit 12:12-15). When these are the societal norms, Og's plan to entice Avraham to go out to battle, without Og trying to kill Avraham himself, makes him better than the other giants and other powerful men of his time.

How do we combat these sinful tendencies that people at the time had? We see the answer in our *parasha*. Beyond the covenant with mankind about not destroying mankind with another flood, Hashem made a covenant with Avraham using the foreskin at the place of a man's organ linked to sexual desires. It is not by coincidence that Avraham was told about this new covenant and about the coming birth of Yitzchak at the same place that he came in contact with Og. As it proved to be, in the merit of keeping to this covenant, Bnei Yisrael merited things such as conquering Og, who had much lower level accomplishments in these regards.

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Ask the Rabbi

by Rav Daniel Mann

Walking in Israel

Question: What are the parameters of the idea that every 4 *amot* one walks in *Eretz Yisrael* is a *mitzva*? Is it only to new places? Does one have to walk on foot?

Answer: We have good news and bad news. The bad news is that we were not able to find any classical or semi-classical sources that there is a *mitzva* for every 4 *amot* one walks in Israel. The good news is that there are bigger and better ways to get that effect, which those of us who live here do naturally. On to the sources!

The *gemara* (end of Ketubot) attributes many wonderful benefits to *Eretz Yisrael*. One who lives there “dwells without sin” (Ketubot 111a). Being buried there is like “being buried under the altar” (ibid.). Rabbi Yochanan adds: “Whoever walks 4 *amot* in *Eretz Yisrael* is assured to be one who receives the World to Come.” Thus, walking in *Eretz Yisrael* has a powerful spiritual merit!

The Rambam (Melachim 5:11) paraphrases this *gemara*. However, his language indicates that this source may not be relevant to your question. The Rambam starts with the great merit of living in *Eretz Yisrael* and then continues: “... even if one walked in it 4 *amot*, he will merit the World to Come.” Thus, someone who lived in *chutz la'aretz*, took one trip to Israel, landed at Ben Gurion, walked a few steps, and took the next plane out gets this merit. He presents it as (obviously) a (significantly) lower fulfillment of connection to the Land than living there. The question is: if one is living in Israel and meriting extreme spiritual benefits (and has already walked hundreds of thousands of *amot*), does he get an additional *mitzva* for walking another four?

HaRav Yehuda Shaviv (Techumin (XXIII, p.)) and HaRav Shlomo Aviner (cited in Shut Eretz Yisrael, 44) assume that a *tiyul* in *Eretz Yisrael* is a matter of *mitzva* and between them cite a few sources: the above *gemara*/Rambam; a letter by HaRav Tzvi Yehuda Kook; and Mishneh Halachot (III:189). The latter source is dealing with a different question. Is it a *mitzva* for a *ben chutz la'aretz* to visit Israel? Some prominent sources posit it is not. The Maharit (II:28) says that if one made a *neder* to visit *Eretz Yisrael*, it can be nullified according to the rules for a non-*mitzva* vow, for there is a *mitzva* to live in *Eretz Yisrael*, not to visit it. Also, one is allowed to embark on a voyage by sea on Friday only for a *mitzva*, and there is a difference of opinions if visiting *Eretz Yisrael* counts (see Magen Avraham 248:15; Mishna Berura 248:28). The mainstream opinion to reconcile the “non-*mitzva*” sources with the *gemara* granting importance to even a “4 *amot* visit” is that it is not a *mitzva* per se, but it is nonetheless very worthwhile.

So there is a great spiritual jump when one who had no physical connection came and walked in the Land. But there are two ways to learn the *gemara* regarding one who already has a great connection by living in Israel (or, to a lesser degree, being in the midst of an extended stay). It is possible that walking more furthers it (1000+1>1000). The other approach is that 0 to 1 is a great jump, but that for one who lives every (or most) breathing moment of his life in Israel (and hopefully contributes to its flourishing), caring about a few more steps is missing the point. (Compare to one who wins a huge lottery and cares about the cents at the end of the multi-digit number.) While one can argue that approach #1 is correct, it is hard to claim that the *gemara* proves it.

Even according to approach #2, traveling in the Land is significant. Appreciating *Eretz Yisrael* is important (see Ketubot 111a-b) and may even be connected to the *mitzva* to live in it (*Eretz Hemdah* I,1). Seeing sacred, beautiful, ... parts of the country promotes appreciation, and the more, the better. This is what Rav Tzvi Yehuda and others refer to. But it should make no difference if this enhanced connection/appreciation came on foot, by car, by going somewhere new, repeating an old visit, or thanking Hashem for Israel when you go to bed. The sources do not seem to indicate that walking per se is a *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.)

Philosophical Selection

(condensed from Ein Ayah, Shabbat 7:2)

Gemara: Rav Bibi was interacting with the *talmidim*. Rav Ami and Rav Asi came. Rav Bibi threw a basket of fruit before them. It was not clear if it was because he holds that it is forbidden to take the desired food from the undesired food [on Shabbat] or because [putting all before them] was a sign of generosity.

Ein Ayah: The *melacha* of *borer* (selecting), besides being a forbidden activity on Shabbat, also reminds us about the selecting one is supposed to do in the spiritual realm.

Sometimes someone has to separate the undesired from the desired, meaning that one throws away every destructive idea, every deceitful opinion, and every bad tendency. This is the more common way to go about selecting between good and bad.

However, there is another way – to take out that which is desired from among that which is not desired. From among all the many undesired things, one picks out and takes that which is good, and as a result it turns out that that which is bad is no longer among that which he wants. Great people are able to do this, and the spiritual tendencies are able to connect to practical life, and so this can be considered a form of selecting.

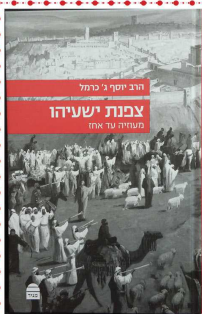
People with great ideas like to work more than they like to enjoy. What is considered a favorable situation is when a “field that needs to be worked lays before them,” so that they can “toil with their hands.” They would rather receive more in an unrefined form, and they will finish up that which needs to be done. It is indeed toil and work, but these are things they like, as overcoming the challenges is what gives them satisfaction. That is why, symbolically, it could be said that they received the whole pile as a sign of generosity.

Connecting to Set ideas

(condensed from Ein Ayah, Shabbat 7:3)

Gemara: Where was tying done in the *Mishkan*? Rava said: They would tie things to the stakes that held the tent in place.

Ein Ayah: Tying, in addition to being done in order to bring together different parts, also connects that which is movable with that which is set in place for the long term. This also has a parallel in the philosophical world. There are thoughts that are fleeting and do not have a firm status, and these [can be salvaged] by connecting them to ideas that are set and eternal. These greater ideas that are connected to all thoughts have divine thought at their basis. The place that secures all the ideas is spread out like a tent in the breadth of the soul and its deep ideas. This is hinted at by the *gemara's* observation that they would tie things to the stakes of the tent.



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.

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P'ninat Mishpat

Pay for the End of the Employment Period – Part II

(based on ruling 76090 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def) is a company that advises those seeking home mortgages; def employed the plaintiff (=pl) for several months as spelled out in a written contract. Hourly pay was minimum rate but there were bonuses per case handled. Def provided its workers with extensive training about real estate, which, def reasons, justifies their clause restricting employees from working elsewhere in the field for three years subsequent to employment at def. Shortly after pl started working, def stopped paying salaries on time, with the claim of extreme illiquidity. They met with all the workers and tried to arrange an installment pay plan. This did not sit well with pl, who shortly thereafter sought alternative employment. Pl is suing for his last two months of salary (April-5795 and May-5457 shekels), for overtime and bonuses not received, and for withholding of pay up to the time of the *beit din* ruling (34,151 shekels). Def responds that they do not give overtime because they grant breaks during the workday very liberally. The bonuses not given relate to cases which pl did not see through until receipt of mortgage. Def are countersuing for pl's refusal to follow def's instructions on helping the client, which they claim caused the loss of several clients. They also claim that pl gave a false report of hours for the last month. They also demand a return of the cost to def of the course pl took, especially since pl is working elsewhere within the field (pl denies this).

Ruling: *We continue with further elements of the dispute.*

Late pay – Israeli law calls for large penalties for late pay of workers, which can be reduced by the court in cases that: the lateness was due to an honest mistake; it was due to forces beyond the employer's control; the pay was the subject of a legitimate legal disagreement. Regarding April's salary, *beit din* was convinced by def's actions that they had a financial crunch which made paying workers very difficult, as the workers accepted. The *dayanim* disputed the ramification of this conclusion. According to one *dayan*, these are extenuating circumstances in which def should not have to pay any penalty, as the only reason that extra payment for lateness is not *ribbit* is that the one who owed is being charged for improper behavior (see *Minchat Shlomo* II, 68). According to two *dayanim*, the point of the law is to penalize an employer enough to deter him from being late. He should have impetus to find ways, e.g., outside financing, to enable payment of workers. Therefore, a penalty of 2,000 shekels is logical in this case. *Beit din* was convinced by communications between the sides that the reason for def's not paying in May was that they had counterclaims that they believed in; therefore, on that amount, there will not be a penalty.

Not following rules – A worker is required to follow the employer's rules. However, in this case, it is unclear that the rules were made clear to pl. In any case, there is no proof that def was damaged by pl's style of work, which was legitimate based on his experience.

Paying for course – The course in real estate was a "gift" to the workers and was not linked to a certain amount of time working for the company. Pl denies taking information to another firm and claims to be mainly working in a different field. In any case, since he left def because of withheld salary, he is not bound to the pledge to not work for competing companies.

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

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