



HEMDAT YAMIM

Parashat Hashavua

Vayishlach, 16 Kislev 5782

Harav Shaul Israeli zt"l
Founder and President

Camels and *Gamals* – For Better and for Worse

Harav Yosef Carmel

Through hard work, honesty, and Divine Assistance, Yaakov left Charan with great riches. In the last *parasha* (Bereishit 30:43), it lists his riches: flock, servants, maid servants, camels, and donkeys. From these, we find this week that Yaakov sent many animals as a present to his brother, Eisav, including camels (Bereishit 32:15-16). However, when Yaakov describes to Eisav his material good fortune, he mentions everything but camels (ibid. 6). Where did they disappear to?

Two of last century's great *kohanim* – Rav Meir Simcha of Dvinsk and Rav Avraham Yitzchak Kook – provided approaches. Rav Meir Simcha proposed that Yaakov left out camels to hint that his approach was different from Eisav's. Eisav, the son of two saintly parents, Yitzchak and Rivka, had redeeming qualities – he stayed in *Eretz Yisrael* for many years, where he tithed his earnings and honored his parents admirably. However, *Chazal* tell us that these good deeds were accompanied by the most serious sins, including murder and adultery (see Rashi, Bereishit 25:25-29). In that way, the camel represented his qualities, in that it has one of the kosher signs (chews its cud) and yet is non-kosher because of the other one (lack of split hooves). Yaakov, in not associating himself with camels, hinted he was *tam* (complete) unlike Eisav – his actions did not create any signs of impurity.

Rav Kook, in the section of his *siddur* that deals with Purim, shows many words/word sets made from the letters of the word *megilla*. One of the several is *gamal kah* (Hashem has granted), with the first word also spelling camel. The historical struggle against Amalek (Eisav's descendant) has an interesting connection to camels. David successfully fought Amalek and the only escapees were "400 youngsters who rode on camels" (Shmuel I, 30:17). *Chazal* (Midrash Rabba 78:15) connect this fact to the apparent disappearance of Eisav's 400 men, the original number of the militia Eisav took with him to "greet" Yaakov. However, when Eisav actually encountered Yaakov, the narrative does not mention them, prompting the *midrash* to posit that one by one, they backed out of the encounter. It goes on to say that these people were rewarded in the form of the 400 Amalekites who escaped David's battle. This shows us that Hashem grants reward (*gomeh*) to those whose actions warrant it. The *gemalim* were absent, says Rav Kook, on account of the reward (*gemul*) of the positive action (*gemul tov*) that those who did not harm Yaakov's family received.

This week's *haftara* also repeats this concept of *gemul* for *gemul* – in the negative. Eisav's descendants were informed that they will experience harsh *gemul* for the cruel actions (*gemul*) they did to Bnei Yisrael (Ovadia 1:10-15). The *navi* said that their *gemul* would return on their heads, an idea highlighted by the use of the root four times in one set of *p'sukim* in Yoel (4:4,7). In this case it was also a fulfillment of the prophecy to Rivka, that the older one would be subservient to the younger one.

May we see the fulfillment of the prophecy of Ovadia (1:21) about the recognition of the sons of Yishmael and Eisav at the time of our liberation. The blessings Yaakov received will show that there is an appropriate *gemul* for both the positive and negative actions of individuals and nations.

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Those who fell in wars for our homeland. May Hashem avenge their blood!



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Ask the Rabbi

by Rav Daniel Mann

Taking Medicine to Facilitate *Mitzvot*

Question: [*This is my question.*] Last Friday, I developed minor nasal issues, resembling my allergies, but uncommon for me in the fall. I woke up at night, sneezing. I reasoned that if I am not sure it is allergies, I should stay home until I can rule out Covid (even though I am fully vaccinated and was without other symptoms). I would miss shul and have a problem with scheduled guests (disinvite? stay in my room?). I figured that if I take my allergy medicine and wake up symptom-free, I can assume it was allergies. Was I permitted to take it (nasal spray) on Shabbat?

Answer: It is Rabbinically prohibited to have medical treatment (*refuah*) on Shabbat (Shabbat 111a; Shulchan Aruch, Orach Chayim 328:1) out of concern that this may lead him to violate Shabbat, e.g., by grinding herbs. However, just as there are dispensations for one who is truly sick, even if it is not life threatening (*choleh she'ein bo sakana = csebs*) to have things done that are usually forbidden on Shabbat (see Shulchan Aruch, Orach Chayim 328:17), so too the prohibition of *refuah* is waived (Rama ad loc. 37; see Orchos Shabbat 20:(149)).

There is also leniency in the other direction. Sometimes a health-minded action is not considered medicinal, either because there is no “halachic malady” or because the action is not similar enough to the prohibition. (Details/distinctions are complex – see Shulchan Aruch, OC 328 and Shemirat Shabbat K'hilchata 34.) However, nose drops/spray for nasal issues are halachically medicinal (Shemirat Shabbat K'hilchata 34:10).

Seasonal allergies do not usually rise to the level of *csebs*, which is described as someone who is forced into bed by the illness (Shulchan Aruch *ibid.*), but is called *meichush*. While literal time in bed may not be critical (see Shemirat Shabbat K'hilchata 33:1), it still conveys a level of severity well beyond what I experienced.

One can raise grounds for leniency. The goal was not to solve a problem of allergies but to rule out a concern for Corona and allow normalcy. In contrast, the logic of *issur refuah* is that one whose mind is focused on healing his malady may forget to not avoid violating Shabbat in the process (see Rif, Shabbat 24b; Eglei Tal, Tochen 16). Rav M. Feinstein (Igrot Moshe, Yoreh Deah IV, 13) allowed a “healthy asthmatic” to take medicine to prevent an attack while exerting himself walking to *shul*, because he was not suffering when he took the medicine, so it is dissimilar to the classic concern. This could apply to our case as well. However, while my main motivation was for something external, I also would have used the spray, during the week, to alleviate the likely allergies.

A better justification is to facilitate *mitzva/ot* (*minyan, kri'at hatorah*, guests – discussion of which need is a sufficient *mitzva* is beyond our scope). The Minchat Yitzchak (1:108) argues, in a parallel case, that since *mitzvot* are grounds to allow asking a non-Jew to violate a Rabbinic prohibition (Shulchan Aruch, OC 307:5), they can justify taking medicines (based on Radbaz III:640).

The Orchos Shabbat (20:(197)) strengthens this approach with the Magen Avraham's statement (338:1) that whatever is permitted for a *csebs* is permitted for a *mitzva*. He is slightly hesitant, perhaps primarily out of concern for a slippery slope (e.g., people will say “I cannot learn or enjoy my meal properly the way I feel”). I would distinguish between defined *mitzvot* one will miss and between enhancing *mitzvot*. *Chazal* were well aware that people with a *meichush* enjoy everything less, and still their concern about *chillul Shabbat* caused them to prohibit medicine. Similar concerns made them cancel the *mitzvot* of *shofar* and *lulav*!

Some claim that *issur refuah* is anachronistic, as people do not prepare their own medicines nowadays. The main refutation is that we do not undo Rabbinic laws even if their basis changes (Rambam, Mamrim 2:2). Actually, the claim is anachronistic - nowadays many people prepare home-made remedies (Google search “herbal remedies” – 141 mil. results).

I did use the medicine.

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



Igrot HaRe'aya - Letters of Rav Kook

Teach his Teachings, Do Not Copy Asceticism - #73 – part I

Date and Place: Iyar 5667, Yafo

Recipient: Rabbi Yaakov Moshe Charlop, the illustrious *talmid chacham* and a close confidante of Rav Kook, later to be rabbi of Sha'arei Chesed and Rosh Yeshiva of Merkaz Harav. Rav Charlop was one of the closest disciples of Rav Tzvi Michal Shapira, a saintly scholar and ascetic. Rav Charlop was involved in the posthumous publishing of letters and teachings of Rav Shapira.

Body: [The piece is written partially in the style of a letter and partially of an approbation. This week's section of the letter reads as an approbation.]

You have asked me to express my support for the good efforts upon which you have embarked to memorialize that man of rare and lofty light, which shone in our Holy City of Jerusalem, the brilliant, holy and pure one, our mentor Rav Tzvi Michal [Shapira] *zt"l*, who died last year, and whose light was buried with him, to the distress of all who merited to benefit from it. Indeed, this great *tzaddik* was a hidden light even during his lifetime, for all his days on earth were dedicated to being modest in an unparalleled manner. Therefore, his many teachings, in the depth of halachic topics and the “storehouse of life” of secret teachings in homiletics and fear of Hashem, are sealed and lie untouched in his holy manuscripts.

Since you have had the privilege to be one of his most trusted and enthusiastic disciples, you would know that this *tzaddik* greatly desired that his true teachings on Torah and fear of Hashem will be spread broadly. Therefore, you accepted upon yourself the holy task of arranging his holy, hidden manuscripts and trying to publish them in order to enrich the lives of the masses and memorialize the name of the “living lion,” the brilliant, pious author, *zt"l*. Everyone should be able to feel the great favor that you will be doing for the Jewish people, by adding new spiritual lights from this uniquely holy, pure, and modest individual. You are so fortunate that you merited being close to such a person and to receive a fragrance of his “holy incense” of true Torah, learned for Heaven’s sake, flowing from the holy genius’s wellspring.

You have begun the project with a small publication to create an opening in fear of Hashem and words of wisdom, in the form of selected letters that the deceased *tzaddik* wrote to his associates. From between the lines of these letters, deep spiritual ideas shine forth. It is also a valuable adornment that you keenly presented a short biographical profile, so that people of our time will have some concept of his value and his approach to service of Hashem. It is well-presented in a manner that invites the people of our time, especially young Torah scholars, to approach the sanctum and capture some of the holy glow which reaches great heights. For this too you will be thanked by G-d-fearers who are thirsty for holiness for providing a valuable treasure, which is embedded in this small pamphlet, which you have presented for the advancement of the merit of the masses.

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

P'ninat Mishpat

Did the Advisor Do Enough?

(based on ruling 81054 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiffs (=pl) hired the defendant (=def), a mortgage advisor, to help them obtain a mortgage with the best conditions. Def worked with pl to get a mortgage proposal with Bank 1, but the offer was rescinded when pl did not submit an appraiser's valuation of the apartment on time. Def started pl on the process with Bank 2, requiring a lot of work on pl's part. When it was time to sign, the wife gave birth and by the time they were able to sign, Corona broke out, Bank 2 raised the interest rates, and pl decided not to sign. When pl asked def for another offer, def refused unless pl would pay an additional fee. They stopped working together. Pl, who had already paid, wants to receive their money back since def did not see the process through to the goal and because def made pl do all of the legwork with Bank 2. Def argues that his job was completed when he produced Bank 1's mortgage proposal, and anything he did beyond that was voluntary.

Ruling: Looking at the contract, there is significant ambiguity in regard to some of the disputes. Par. 3.4 states that if the client stops the process after there is a mortgage proposal, he must pay in full. This identifies the mortgage proposal as a central element, although it does not address our exact case. In general, when there is doubt about what is included in a contract, the one who wants to receive money based on the contract is not able to do so (Shulchan Aruch, Choshen Mishpat 42). However, this is based on the rule of *hamotzi mechavero alav hareaya* (proof is needed to extract payment), so that in a case like this where the beneficiary of the contract already received payment, he does not have to return it out of doubt (Rama, CM 42:8).

Regarding whether def is required to go to the bank instead of the client, doing so is written as something that def may do but it is not written as a specific obligation. This can imply that the matter is somewhat at def's discretion.

If we consider both issues together, we see that def did the legwork with Bank 1, which fits with his understanding that before having done his job, he should be involved in an extensive manner. After the mortgage proposal was received, but it became unusable, def just helped beyond the letter of the law to enable pl to get a mortgage in any case. Although pl blamed def for not making them aware that there was a deadline for presenting the appraisal, the proposal has a date on it states for how long it is binding, and def presented two WhatsApp messages in which he urged pl to finish the paperwork before it was too late.

Therefore, it appears very likely that def did as much as was required of him, and pl is not entitled to get a refund.

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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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