



# HEMDAT YAMIM

**Parashat Hashavua** Matot Masei 26 Tamuz 5783

Harav Shaul Israeli zt"l  
Founder and President

**"L'tzivotam, B'yad Rama"**  
Harav Yosef Carmel

*Parashat Masei*, which completes *Sefer Bamidbar*, summarizes almost the entire period from the time of the Exodus until Bnei Yisrael's arrival on the banks of the Jordan River, opposite Yericho, on the way to establishing the "Jewish State." This also completed the first stage of the project that Avraham began, which is to form a nation that would run its national life, for individuals and the community, along the principles of "they shall observe the path of Hashem to do acts of righteousness and justice" (Bereishit 18:19).

When Bnei Yisrael were slaves to the Egyptians, Hashem promised Moshe and Aharon: "See that I have made you a master to Paroh, and your brother Aharon will be your spokesman ... and he will send Bnei Yisrael out from his land ... and I will act against Egypt, and I will extricate my *tzvaot* (we will now translate this as "mass of people"), my nation, Bnei Yisrael from the Land of Egypt with great plagues ... and Moshe was 80 and Aharon was 83 when they spoke before Paroh." (Shemot 7:1-7). At that time, it is also described that Hashem took Bnei Yisrael from Egypt "according to its *tzvaot*" (ibid. 12:51) and that they "left with a *yad rama*" (a powerful hand) (ibid. 14:8).

40 years later, Bamidbar finishes with the list of the sojourns that Bnei Yisrael took after leaving Egypt. The Torah again mentions that they left as *tzvaot* and that it happened with a *yad rama*. We will try to gain insight into these terms, with which *Chazal* and early commentators struggled.

We have discussed the description of the nation leaving Egypt: "a man according to his encampment and his flag upon their *tzvaot*" (Bamidbar 1:52). We pointed out that the stress is on the nation leaving Egypt for the purpose of leaving enslavement and forming an orderly society that functions according to law so that each citizen is equal. If there is not respect for law and justice, the society is worthless, as individuals can be trampled (see *Derashot Haran* 11; *Rambam, Gezeila* 5:18).

Therefore, after the Exodus, Moshe needed to organize the nation toward a framework of laws whose purpose was to ensure public order, so that people could make use of their rights "each man according to his flag." These laws change with the time and place, and therefore they are not included in the immutable Torah.

Yet, Halacha requires that we follow *dina d'malchuta* (the law of the land), and this is behind the phrases we have highlighted in the beginning of Shemot and at the summary of the time in the *midbar*. When following justice and kindness, the nation represents the principles of Hashem, which makes them fit for the phrases of *tzvaot*, which is used regarding the legions of angels, and *yad rama*, which indicates a transparency in the workings of society. Indeed, there must not be any false pretenses and activity under the table. Rather things should be fully visible and done with clean hands, with bodies to supervise and investigate wrongdoing.

We pray that we will continue to develop the State of Israel, which was founded by a nation that returned to its Land after 2,000 years that included many dark periods. Specifically in the Three Weeks, we should be extra careful to strengthen the national characteristics of *tzivotam* and *yad rama*.

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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

## Hagomel after Losing the Way

**Question:** My son and I went hiking in a quite isolated area (no cell phone service) and took a wrong turn and walked a couple hours without seeing signs of civilization. We were almost out of water and weak before finding someone who directed us to safety. How should we thank Hashem for getting us through the danger?

**Answer:** There are four main possible steps to thank Hashem for being saved from danger. 1) Reciting *Birkat Hagomel* in front of a *minyan* (Shulchan Aruch, Orach Chayim 219:1-3). 2) Making a *seudat hodaya* (thanksgiving meal to thank Hashem) (see Living the Halachic Process VI, G-8.) 3) Giving *tzedaka* (Mishna Berura 218:32). 4) Reciting the *beracha* of “*she’asa li nes bamakom hazeh*” when one comes to the place of his miraculous salvation (Shulchan Aruch, OC 218:4).

We will deal first with the easier questions. The Shulchan Aruch does not mention *seudot hodaya*, and it apparently is never an obligation. On the other hand, a few *gemarot* relate to such a practice, and it can be very positive (see Living the Halachic Process *ibid.*) and is essentially without “risk.” So, if you perceive you were in real danger, a *seudat hodaya* is a wonderful albeit optional expression of gratitude. The same is true of giving *tzedaka*.

The Shulchan Aruch (OC 218:9) cites two opinions whether the *beracha* upon coming to the place of his miracle is only for miracles that seem to defy nature or even for more commonplace salvations. He recommends making the *beracha* without Hashem’s Name. From your description, it sounds unlikely that the prospects for survival were low enough to qualify the salvation as a miracle on any level. Therefore, if you ever make it back to that place, no *beracha* seems warranted, certainly not with Hashem’s Name.

Is *Hagomel* called for? The *gemara* (Berachot 54b) prescribes reciting *Birkat Hagomel* for people who emerged safely from the following predicaments, which are referred to in Tehillim 107’s description of thanking Hashem: traveling by sea and through a *midbar*, disease, and prison. The Shulchan Aruch (219:9) brings two opinions as to whether the *beracha* is prescribed for any danger (e.g., a dangerous animal attacked him, a wall collapsed on him). While he recommends making the *beracha* without Hashem’s Name in such cases, the accepted *minhag*, based on multiple *Acharonim*, is to make the regular *beracha* for extrication from any danger (Mishna Berura *ad loc.* 32; Igrot Moshe, OC II;59). However, as above, it is difficult to ascertain whether the level and perhaps type of danger you were in qualifies as warranting a *beracha* that is not found in the “official list.”

Might this case fit into the category of those who travel in a *midbar*? The Rambam (Berachot 10:8) lists, as one of the four situations for *Hagomel*, walking on roads outside the city (without mentioning desert). The Shulchan Aruch (*ibid.* 7) cites the Sephardi *minhag* to recite *Hagomel* after traveling outside the city a *parsa* (app., 4 kilometers; Yabia Omer I, OC 13 says that it goes by the time it takes to walk a *parsa* = 72 minutes). (This is the criterion for *tefillat haderech* – *ibid.* 110:7). This is because of a general assumption of danger in inter-city roads. The Ashkenazi *minhag* is to make *Hagomel* only after a “*midbar*,” where there are bandits and wild animals, and not for uneventful land travel (regarding air, see Igrot Moshe *ibid.*).

The Mishna Berura (219:31) says that if a traveler on a normal road is attacked by robbers, all agree he recites *Hagomel*. The combination of factors (road plus danger) justifies the *beracha* (see Sha’ar Hatziyun *ad loc.* and Igrot Moshe *ibid.*), making it equivalent to a desert, and that applies to your case – lost with little water on path. Furthermore, walking lost in an isolated area is walking in a *midbar* (which includes wilderness) itself, one of the four definite *Hagomel* cases. While *poskim* mention animals and bandits, that is in addition to what the *p’sukim* (Tehillim 107:4-7) discuss – being lost in a wilderness with limited food and drink (see Ish Matzliach, II, OC 11; Imrei Shefer 29).

### “Behind the Scenes” Zoom shiur

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# Igrot HaRe'aya - Letters of Rav Kook

## Jewish Art – The Positive and Halachic Care – #158 – part IV

**Recipient:** The heads of the Betzalel organization for Jewish art. The head of Betzalel, Boris Shatz, had been a yeshiva student before studying sculpture, which puts the style of the letter in perspective.


**Body:** *This piece gets more specific about Rav Kook's requests of Betzalel to adopt.*

The broad realm of pleasantness, grandeur, beauty, and art is permissible for Jews. There is just one line (area of restriction), one etching, although it seems major, but it is actually only large qualitatively but not quantitatively. Spiritually, it is major, but it silences art only slightly, considering how broad that is: "All faces are permitted except for the face of a person" (Rosh Hashana 24b). In fact, it is only forbidden when the face protrudes and is complete. Even in those cases, there are ideas to employ – it is possible to use a non-Jewish assistant when one is up to the end of such a special piece of art, as this is when the prohibition comes into play. Only a simple "point" will remain forbidden along the "line" of matters in which one should be careful. In any case, there is a lot of philosophy behind this – it is only regarding the type of artwork that is connected to idolatry, whether in the pagan world of the past and present or whether in the Christian world. These are things that the Jewish People cannot tolerate.

Therefore, it is incumbent upon us, with a sacred obligation, that in our special national treasure, our holy city, there will not be any statues of this type. We would greatly appreciate if your respected organization will inform the whole world, Jewish and general, that all of its projects should be done based on the rulings of the Torah scholars, the spiritual giants of *Eretz Yisrael*, who are well-known within the nation. This is especially true regarding the narrow path where the feelings of the nation, its religion, and matters of art coincide and especially when the competing desires occur in the city that is the height of the nation's hopes and glory and its strength and source of sanctity.

My brothers, you can be sure that a small measure of care will pave the way to your goals, which we, those who love our nation and our Land and desire their honor and success, all hope for, with paths paved to the hearts of the people. The practical benefit and blessing that we will have from your distinguished institution should not find any stumbling block in its path. You should go hand-in-hand with all factions in our nation, both those spread around the world and those who are in the Desired Land. They should all support the spreading of the light of practical life with all of your fine aspirations.

When we come to the border of practical benefit, which you want to achieve for our brothers who live in the Holy Land, with your serious activity, it will be easy to understand that only [with your cooperation with Halacha] will you be able to establish this house so that it can bring the desired results. This is to bring a large number of our brethren who are involved in art or who have talent in it, to complete their talents and improve their work. It also will help draw many pupils from the "sons of Zion" from all facets of our nation who inhabit the Holy Land to these honorable crafts from among the many "branches" that spread out from the "tree of life" of the various forms of art. This can only be done if your institution does not get the reputation of one that contains things that our holy religion looks at with an eye of internal spiritual contempt. You honorable people, whose goal is a holy one, to fix and not to ruin, to build and not destroy, I have relied on the honor of your elevated spirits, that you will take notice of my words, which come from a heart full with love and respect for the foundations of your respectable desires.



**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

## Realty Fee Without a Contract – part II

(based on ruling 82137 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiff (=pl) is an agent who operated on behalf of the defendants (=def) in two acquisitions, six months apart. Def and pl are hard of hearing, which has a bearing on the case. Pl had def sign a standard agent's contract, but it was void of all the pertinent details, which pl filled in later. Def bought the second apartment for 2,425,000 NIS, and pl demands 2% on that. Def claim that they were not able to see what they were signing and that pl had said that it was a request of a discount for the purchase (pl denies that). Def had paid pl for the previous purchase and claimed that they thought there would be no further charge for the second apartment, which made sense considering they had told pl about the project. Def countersued for return of money from the first deal, in which they had signed two documents, one for assistance in the transaction process (10,000 NIS) and another, a standard 2% agent's fee to try to sell their previous apartment. Def claim they did not agree to the extra service charge and want the amount they paid returned.

**Ruling:** [Last time we saw that pl was an effective factor in the transactions and that while def are generally responsible for what they signed, their lack of full understanding will play a role.]

The Law of Real Estate Agents includes a requirement that the client sign a detailed agent's contract, including details on the property involved, which was missing here. Our *beit din* recognizes the validity of this law in regard to cases in which it might not have been clear to the client that he would have to pay for the service. This applies to this case, in which, with def's limitations, it is quite possible they did not understand. Therefore, pl is not entitled to an agent's fee.

On the other hand, while generally the full amount is due regardless of how much work was needed (a feature of a real estate agent), def should pay pl only for the amount of work he put into it. This is based on the concept of one who did work for someone else, without agreement that he would be doing so. This in turn is based on the Rashba (Shut IV:125), who talks about two reasons to obligate – local *minhag* and the benefit one provided with his work. He writes both because there are times when one of the factors is missing. In this case, the conditions of the law prevent the *minhag* from being able to obligate full payment, and therefore there is only room to obligate based on the work and its benefit. Based on the very significant amount of work that pl put into this acquisition, we obligate def 10,000 NIS. According to *beit din*'s minority opinion, pl should receive a 1% fee, as def should have understood what they were signing. Only because of the slight possibility that they did not, he reduced the fee from 2% to 1%.

We reject def's claim to have money returned from that which was paid on the first transaction. First, there were two different contracts that were signed, and def should have been aware of the contents of each one and what it obligated. The fact that they already paid strengthens the assumption that they had been aware that they were obligated.

Comments or questions regarding articles can be sent to: [info@erezhemdah.org](mailto:info@erezhemdah.org)

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Nir Rephael ben Rachel Bracha  
Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam  
Yerachmiel ben Zlotta Rivka

Neta bat Malka  
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