



HEMDAT YAMIM

חֵמְדַּת יָמִימִים

Parashat Hashavua

Vaeira, Tevet 25, 5785

Harav Shaul Israeli zt"l
Founder and President

“With a Strong Hand He Will Expel Them from His Land”

Harav Shaul Yisraeli – from Siach Shaul, p. 205-6

Last *parasha* ends with the words “... for with a strong hand he (Paroh) will send them, and with a strong hand he will expel them from his land” (Shemot 6:1). How does this answer Moshe’s standing question, “Why did You harm this nation?” (ibid. 5:22)? Rashi on the former *pasuk* says that Bnei Yisrael needed the strong hand to compel them to leave Egypt. After begging for liberation, how could Bnei Yisrael be in a state that they needed to be forced to leave?

We find in the beginning of our *parasha* (Shemot 6:6-7) “four languages of liberation.” They are not synonyms, as each relates to a different element and has its own importance. Hashem did not suffice with ceasing the abuses of the Egyptians as slave drivers, but promised to totally relieve them of work on behalf of the Egyptians. That was not enough, and therefore he promised them *geula* and becoming His nation.

Actually, not all of Bnei Yisrael clearly saw all of the Exodus as being crucial. Realize that the whole matter of enslavement became necessary because “the land was filled with them” (ibid. 1:7). This *pasuk* hints at the fact that Jews could be found everywhere in Egypt, including the theaters and all the public places of the land (Tanchuma, Shemot 6:6). They felt quite at home in what was supposed to be a foreign land. Although Yaakov worked hard to inculcate in the minds of his family that they were just guests there and Yosef worked to have them settle in an isolated location, Bnei Yisrael breached the boundaries.

They actually wanted to be like the Egyptians. The exile found favor in the eyes of quite a few, and they tried to be involved in Egyptian national life. Even after the painful period of enslavement, many would have been satisfied to be removed from the slavery but stay in Egypt. They would have passed on the plan to have independent national life. They would have stayed in Paroh’s land, even when the time of liberation came, if not for the strong hand expelling them from it.

Therefore, it was necessary to have an event to at least weaken Bnei Yisrael’s close connection to exile. It had to shake their confidence in what was actually a temporary period of quiet. They had to see what other nations were capable of doing to them.

It is also possible that all of this was necessary to actualize the giving of the Torah. Even after being removed from Egypt, Bnei Yisrael could have copied the characteristics of Egyptian society and implemented them for themselves. Therefore, it was necessary to show the people the true face of Egypt. If at one point, earlier in the family’s stay in Egypt, it was possible to excuse Paroh and explain that he just did not want these immigrants in his land, it became clear that this was not true, as he did not allow them to leave. The people learned what Egypt was really about, and that it was not smart to stay or to adopt Egyptian culture but rather to go to Sinai and accept the Torah.

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Ask the Rabbi

by Rav Daniel Mann

Bishul Akum on Food that Is Improved by Cooking

Question: I learned that there is no *bishul akum* (the Rabbinical prohibition on food cooked by a non-Jew) for foods that can be eaten raw (*ne'echal chai*) because it is considered *bishul* only if it accomplishes something truly significant. Does this exemption apply even when the food's improvement through cooking is significant enough to change the *beracha* to a "higher" one?

Answer: The most basic exemptions from the prohibition of *bishul akum* are when the cooked food is not fit for fancy settings and when the food was fit to be eaten before the cooking (Avoda Zara 38a). The general logic for both is likely, as you said, that the prohibition is only when the cooking reaches the bar in importance, thereby heightening the danger that the association between a Jew and non-Jew will go further than it should (see Tosafot ad loc.). While your understanding of the rationale of the *halacha* of *ne'echal chai* is correct, when looking for rulings on whether a food belongs to the prohibition or the exemption, that rationale is not nearly as important as the Talmudic parameters.

The *gemara's* language is: "All that is [fit to be] eaten the way it is, raw" is not included in *bishul akum*. There is an opinion that edibility is measured by the practices of the one who wants to eat, but the accepted approach is that it follows a cross-section of people of one's society (see Chelkat Binyamin 113:5). In any case, the *poskim* (see Ritva ad loc.; Shach, Yoreh Deah 113:19) agree that it does not have to be equally good or customary to eat the food raw; it just must be a viable option. Accordingly, even if the cooking is important, the prohibition of *bishul akum* may still not apply because the food **could have** been eaten beforehand.

The parameters are very different for *berachot* on such foods. For vegetables that are clearly preferred cooked or not cooked, respectively, the *beracha* for the preferred manner is *Borei Pri Ha'adama* and for the less preferred is *Shehakol* (Shulchan Aruch, Orach Chayim 205:1). This "favoritism" in *berachot* is even when either option is fully viable, just that the "demotion" comes when there is a "change for the worse" relative to the classic option (Rama ad loc.).

The comparison between *bishul akum* and *berachot* is apt not to a change of *beracha* but to the cancellation of a *beracha*. The Shulchan Aruch (OC 202:2) says that regarding a food that generally receives a *beracha*, if an individual piece of that food is "unfit to eat even *al y'dei hadechak* (if there is a need to eat it)," then there is no *beracha*. If such a food could be remedied by cooking and a non-Jew did so, it would indeed be forbidden as *bishul akum*.

It is unclear whether the cutoff point is the same in the two areas. The Shulchan Aruch (YD 113:12) cites two opinions as to whether a food that is "edible" raw only *al y'dei hadechak* is subject to *bishul akum*. If it is permitted in that case, then both areas are similar in that we draw the line at totally not edible. In borderline cases, there is logic to distinguish between *berachot* and *bishul akum*. In the former, the fact that one is eating it raw can be an indication that it is edible (*achshevel*), whereas the fact one is cooking can **slightly** strengthen the outlook that cooking was needed.

Regarding *bishul akum*, *poskim* deal with apparent contradictions on borderline edibility. The *gemara* (ibid.) says that if a Jew cooked food until *ma'achal ben drusa'i*, then further cooking by a non-Jew does not forbid it. This is difficult for the stringent opinion above because after the first stage, it is edible only *al y'dei hadechak*. The Bach (YD 113) answers that *bishul akum* applies even to marginally edible food, but if it was brought to that point in a permitted manner, the prohibition does not apply. There is also an apparent contradiction in the Shulchan Aruch, as despite the two opinions above, he outright forbids eggs and bitter dates cooked by a non-Jew (YD 113:14, 15), even though they could be eaten beforehand *al y'dei hadechak*! The Taz (ad loc. 14) distinguishes between levels of *dechak*.

"Behind the Scenes" Zoom shiur

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Igrot HaRe'aya - Letters of Rav Kook

Excerpts of Letter on *Shemitta* – #289 – part I

Date and Place: 6 Nisan 5670 (1910), Yafo

Recipient and Background: Rav Yonatan Binyamin Horowitz. Rav Horowitz was a product of the Chatam Sofer community, and originally served as a rabbi in Slovakia. After moving to *Eretz Yisrael*, he served as an administrator of communal funds (Kollels) and as a representative of Agudat Yisrael. He was, mainly later, a confidante of Rav Kook, who had a major part in organizing and documenting the trip of rabbis, including Rav Kook and Rav Zonnenfeld, through the New Yishuv. We now get to the part of the letter that deals with *Shemitta*, which is long and most of the ideas have been presented before, including recently. We will skip from place to place for ideas that are somewhat new to us.

Body: We have to try our hardest so that eventually the “Shabbat of the Land” will appear in its fullest form. In addition to it being beloved like any other *mitzva* of the Torah, punishment for not keeping it is found explicitly in the Torah, from which we can extrapolate its reward – it determines exile vs. inhabiting the Land. The Torah says: “All the days [the Land] is desolate, it will rest corresponding to the time it did not rest when you were living on it” (Vayikra 26:35). The Rabbis wrote explicitly that exile comes to the world because of improper observance of *Shemitta*. However, it requires study to know how to reach the holy goal.

I believe that we need to reach our destination specifically by progressing gradually. This is in line with the way in which Israel’s salvation is to progress, step by step (Yerushalmi, Berachot 1:1).

The way we rule must be in line with how someone saves property from a fire. Whatever is most expensive and holiest has priority, and then we try to save more. The more beloved comes first, and that which is found in the Written Torah comes before that which is derived based on the Oral Law (see Sefer Chassidim 856, cited by Magen Avraham 334:15). Regarding the need to keep at least the Torah-level prohibitions, this is a major factor, considering that the punishment of exile is involved. It is worthwhile to point out the argument of the Sha’agat Aryeh (24). He proves that the *mitzva* to recite a *beracha* before learning Torah must be of Torah law from the fact that the *gemara* (Nedarim 81a) attributes the destruction of the Temple to the lack of fulfillment of that *mitzva*. In another words, if they had violated only a Rabbinic law, the stakes would not have been so high. Therefore, by keeping the Torah prohibitions, we are doing a big thing, as we are trying, through settling the Land, to take steps toward ingathering the exiles, and we would not want to be guilty of something whose punishment is exile. Therefore, we must be careful about the matter to our fullest ability.

Whatever is done by a non-Jew will not include a Torah-level prohibition, as is the cases regarding every prohibition of the Torah. Although the Torah writes in terms of the Land resting, the actual prohibition goes on the person who does the work, so that if a Jew has a non-Jew do the work, there is no Torah-level prohibition. This is especially so considering that according to most, *Shemitta* in our days is Rabbinic, and it is a stringency to try to treat it as if *Shemitta* is required by Torah law at this time. Furthermore, we also have the sale of the land to rely on, which is a valid leniency. Therefore, there are multiple levels of leniency to rely upon, at least regarding the most problematic actions.

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

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Together with all *cholei* Yisrael

Counter Claims – part II (Child Care, Foundations)

(based on ruling 81059 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: [We continue with repercussions (additional counter claims) of a dispute over rights to a courtyard.] The defendants (=def) object to the plaintiffs' (=pl) operation of a *gan* (kindergarten) in their residential building, which causes noise, dirtiness, and congestion (children and carriages) in the building. *Pl* respond that it has been in operation for 12 years, so that they have a *chazaka*, and that there are now only seven children in it, so that it is not very disruptive. *Def* built an extension to their apartment (bottom floor) with a building permit years ago. Since then, *def's* two neighbors have used their foundations and roof to build extensions as well. The middle floor neighbor (=mfn) has paid for the usage (9,000 NIS), whereas *pl* (top floor) has not, which *def* demand. *Pl* claim that there was *mechila*, and if they have to pay, it is to *mfn*, upon whose infrastructure they have built.

Ruling: Gan – At first glance, we should apply the Shulchan Aruch's (Choshen Mishpat 156:1) ruling that a resident of a small street may not open up a non-Torah school on his property because of the congestion it entails. This is all the more so within a building shared with others.

On the other hand, Emek Mishpat (III, p. 315, based on Maharlbach 97) brings a ruling that in Charedi neighborhoods, one can make a *gan* in a residential building even without all the neighbors' consent. This is because there are rarely enough public spaces for *ganim*, and it is important for the residents that sufficient child care is available close to the house. While this is not a simple matter, considering that the *gan* has been operating for twelve years without *def's* protest (*chezkat nezikin*), they cannot now close it down. One can also factor in that the fact that the *gan* does offer some basic Torah education can be justification for not closing it. However, *pl* has to pay for extra cleaning needed because of the *gan* and should pay double the normal *va'ad bayit* payment. They also must install carpet where the *gan* is held, to reduce noise below, and make a proper arrangement for "parking" the carriages.

Foundations – In general, one has to pay for benefit he received from another even without agreement on such payment. *Tosafot* (ad loc.) deals with how this is different from the concept that if one gains without the other losing, the beneficiary does not have to pay. One answer (accepted by Shulchan Aruch, CM 157:10) is that it depends if there is a hint from the beneficiary's actions that he would be willing to pay for it. The other is that if the benefit provider outlaid money in making it available for the recipient, the beneficiary has to pay the whole benefit. Both conditions are met here (*def* had to provide the municipality evidence that he built strong enough to support a column of building).

Therefore, *pl* has to pay for his part (a third of the expense) of use of foundations, which can be extrapolated by what *mfn* paid, but since *mfn* already paid, *def* get only half of it. *Pl* do not have to pay for the expense of *def's* ceiling, because they use *mfn's* ceiling as a floor, not *def's*.

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