



HaRav Shaul Israeli zt"l  
Founder and President

# HEMDAT YAMIM

## PARASHAT HASHAVUA

Shoftim, 4 Elul 5774

### Following Our Internal Judge

Harav Shaul Yisraeli – based on Siach Shaul, p. 513

“Judges and enforcement officers you shall place for you (sing.) in all your gateways” (Devarim 16:18). It is written in singular because every individual is obligated personally to place such “members of the court” in every gateway. There are indeed many gateways used for transfer of matters from one side to the other.

For example, there is the gateway of the mouth. A person needs to be his own judge to decide when to speak and when to remain silent. Sometimes he needs a policeman to make sure he does not misuse his mouth at the time of quarreling. The gateway of the ear needs a judge. When should one listen, and when should he not? When should he make use of the earlobe to block his hearing (see Ketubot 5b)? The eyes’ judge must determine when it is wrong to look away, e.g., when someone is in need (see Yeshaya 58:7), and when closing the eyes is needed to protect oneself from stimulants of improper thought (see Bamidbar 15:39).

Although there are many judges, success in this matter is still elusive. The Torah teaches that bribery blinds the eyes of a judge (Devarim 16:19), and our minds and their emissaries are influenced by all sorts of “bribes” and self-interests. Sometimes our internal judge is swayed to decide what we know deep down is wrong, and concepts get mixed up.

The Torah goes on to speak about one who is unsure what the law is on a certain matter and instructs to “go up to the place that Hashem will choose ... You shall do according to what they tell you .. Do not stray from that which they tell you to the right or the left” (ibid. 17:8-11). Rashi cites the famous midrash: “...even if they tell you that the right is the left.” One should know that his concepts are confused. It is not the authorities who say about the right that it is the left. Since he first decided that the left is the right, when the authorities say the right is the right, he thinks the authorities are the ones who are confused.

Nowadays although we do not have a functioning *kohen* or *Beit Hamikdash*, we do have a *beit midrash* and bookshelves. If you see there is no judge in the places you need it – for yourself – “go up.” Open up a book of *mussar* that inspires fear of Hashem; read a chapter of *Chovot Halevavot*; delve into the *Mesilat Yesharim*. Then you will understand what is right and what is left. Do not deny your need for judges or for rebuke. The Torah says “you.” Everyone is responsible. “Sin is lying in wait at the opening” (Bereishit 4:7), for everyone a sin according to his level. Consider your ways and appoint the appropriate judge. Set for yourself ways to encourage you to perform a *mitzva*.

We are used to thinking that problems in Eretz Yisrael are the fault of the non-religious. Actually, we have neglected ourselves, from within, and have allowed ourselves to do what we want. Let us make sure, using our hearts and not just our mouths, that we have reminders not to neglect ourselves anymore. It is hard work to make internal changes in our human characteristics. Let our thoughts be focused on this goal. Then we can hope for success when Hashem makes His account of us at year’s end, which is coming up soon, and merit peace and redemption.

#### Hemdat Yamim is endowed by

Les & Ethel Sutker  
of Chicago, Illinois  
in loving memory of  
**Max and Mary Sutker &  
Louis and Lillian Klein, z”l**

#### Hemdat Yamim is dedicated to the memory of

**R' Meir  
ben Yechezkel  
Shraga Brachfeld**  
o.b.m

**R' Yaakov ben  
Abraham & Aisha  
and  
Chana bat  
Yaish & Simcha  
Sebbag, z”l**

**Rabbi Yosef  
Mordechai Simcha  
ben Bina Stern**  
o.b.m  
who passed away  
**21 Adar I, 5774**

Dedicated in  
memory of  
**R' Shmuel  
Shemesh z”l,**  
Eretz Hemdah's  
Board Member,  
who passed away  
18 Sivan, 5774



#### Eretz Hemdah

Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich  
2 Bruriya St. corner of Rav Chiya St.  
POB 8178 Jerusalem 91080  
Tel: 972-2-5371485 Fax: 972-2-5379626.  
amutah number 580120780

#### American Friends of Eretz Hemdah Institutions

c/o Olympian, 8 South Michigan Ave.,  
Ste. 605, Chicago, IL 60603, USA  
Our Taxpayer ID #: 36-4265359

[www.erezhemdah.org](http://www.erezhemdah.org) [info@erezhemdah.org](mailto:info@erezhemdah.org)

Donations are tax deductible according to section 46 of the Israeli tax code

# Ask the Rabbi

by Rav Daniel Mann

## Making Berachot on the Animals in a Zoo

**Question:** To date I have not made *berachot* on animals I have seen in the zoo, but it seems from *sifrei halacha* that one should. Should I start doing so, and, if so, what are the basic rules?

**Answer:** (We will not discuss the *beracha* for beautiful animals, which the Mishna Berura (226:32) already said is not really in practice in our times). A *baraita* (Berachot 58b) says that when one sees an elephant, a monkey, or a *kafof* (the exact species is unclear), he recites the *beracha* "...*meshaneh haberiyot*" (who makes diverse creations). This *beracha* is also cited regarding abnormalities within humans. Matters of abnormalities are likely to involve an element of subjectivity, as we will mention later.

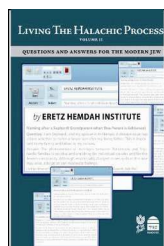
Rav Shlomo Zalman Auerbach is cited as saying the *beracha* applies to any unusual animal (Halichot Shlomo 23:35). Others say that the list is a closed one (see *V'zot Haberacha*, p. 156), which can be true for a few reasons. Perhaps *Chazal* saw a unique characteristic in those animals (see Meiri, Berachot 58b). Even if it could theoretically apply to other animals, it is difficult to know what to consider unusual, and therefore it is best to recite such *berachot* only when we are sure. (I do not why we are sure what type of monkey *Chazal* were referring to – a gorilla looks quite different from a chimpanzee, or a mandrel, etc.)

There is also a question as to how often to make the *beracha*. Rav Auerbach is cited (Halichot Shlomo, *ibid.*) as instructing zoo-goers to recite the *beracha* on the first animal one finds definitely fascinating and intend to cover the other animals. This approach can be justified on several grounds. When one expects to have different occasions in close proximity where a certain *beracha* applies, it is often better to make one *beracha* for all of them (e.g., regarding eating; see *Yoreh Deah* 19 regarding *shechita*). It also removes doubt that will arise when it is not clear if a *beracha* is again necessary. There is also logic to view the trip to the zoo as one experience, as I will explain. Perhaps, it is not that each animal needs to have or be included in a *beracha*, as different foods do. Rather, seeing unusual animals makes one reflect on the wonder of creation, and the entire trip to the zoo is focused on that.

It seems that most religious Jews do not make a *beracha* on animals in the zoo, including elephants. Does this have any justification? First, it is far from clear that when the *beracha* is appropriate, it is obligatory (see a brief discussion in *Yabia Omer* IV, OC 20). Additionally, the *Shulchan Aruch* (OC 225:9) says that this *beracha* should be said only the first time in a lifetime for each unusual sight, when it has its greatest impact. If one neglected to make the *beracha* or was a child at the first opportunity, the *beracha* is not made up later (see *Birkat Hashem*, IV, 3:28). While the *Rama* (*ad loc.*) says that the clock is reset every thirty days, as is often the case regarding similar *berachot*, the *Mishna Berura* (225:30) suggests making the *beracha* without Hashem's name.

More fundamentally, we must recall the *beracha's* subjective nature and note that times have changed. Once upon a time, a person could go through a lifetime without seeing a monkey or even a picture of one, and the excitement of seeing one made a *beracha* more natural. Nowadays, people go to the zoo periodically and whenever they want, and they have seen images of elephants and exotic animals many times (all agree the *beracha* can only be said on seeing them in person). Therefore, the excitement is not the same. (Seeing one in its habitat is likely different.)

Therefore, those who do not make the *beracha* at the zoo do not need to begin doing so. However, those who do say or want to start, especially those who get excited by the animal kingdom with whom Hashem has us share the world, do not have to fear *beracha l'vatala* (see *Yabia Omer*, *ibid.*), at least on monkeys, elephants or astounding animals. One can certainly make the *beracha* without Hashem's name and should certainly think of Him often during the visit.



### "Living the Halachic Process"

Our first books in English, "Living the Halachic Process" volumes I & II, selections of answers to questions from our Ask the Rabbi project, are available. A companion CD containing source sheets for the questions can be ordered for free along with the books. The volumes can be purchased through our office at the special rate of \$25.

**Special offer: buy both volumes for the price of \$40.**

[Have a question?..... E-mail us at info@eretzhemdah.org](mailto:info@eretzhemdah.org)

# Ein Ayah

(from the writings of Harav Avraham Yitzchak Hakohen Kook, z.t.l.)

## Shoftim

**Gemara:** One who gives a present to his friend should inform him ... Hashem said: "I have a good present in my storehouses whose name is Shabbat, and I want to give it to Israel. Go inform them." Based on this idea, Rabban Shimon ben Gamliel said: One who gives bread to a young child, should inform his mother. What does he do? Abaye said: He smears oil on him and puts *kuchla* (blue coloring) around his eye. Nowadays that we are concerned about witchcraft, what does one do? Rav Papa said: He smears on from the same type as the present.

## Appreciating Shabbat With the Help of Spiritual Experts

(condensed from Ein Ayah, Shabbat 1:16)

**Ein Ayah:** A young child understands only the benefit of the bread itself, whereas when his mother is aware of the present, she appreciates its social implications. She can also remind the child when he matures about that friendship. Thus, notifying the mother turns the physical present into a spiritual one as well.

The same is true of Shabbat. Simple observance of the day is valuable, but there is also a great hidden spiritual gain, which helps one appreciate mankind's value and serves as a foundation for the way of Torah and sanctity. The difference between the two levels of appreciation is comparable to the child's and the mother's appreciation of the gift of bread. The same present, whether it is bread or Shabbat, can have a slight impact on one and a deep impact on a more sensitive person. The mother corresponds to Klal Yisrael as a whole, which is "built by its sons" – referring to the *talmidei chachamim* who grasp the spiritual goal of Shabbat. The great people can spread the message to the masses like mothers nurse their children from the "milk of Torah and knowledge of Hashem."

## The Philosophical Enhances Physical Observance Until it Becomes Corrupt

(condensed from Ein Ayah, Shabbat 1:17)

**Ein Ayah:** There is a connection between the direct impact of physical actions and the broad spiritual concepts that they spawn. This is parallel to the aforementioned distinction between the child's and the mother's receipt of a simple present and between a simple and a deep Shabbat experience. There are those among the nation who go beyond the many intricate laws and practices of Shabbat and grasp the essence of the great sanctity that envelops it.

The *gemara* describes metaphorically the idea of strengthening a person's physical powers by refining him with spirituality and teaching true wisdom to his mind. Smearing oil softens the body and makes it healthier; *kuchla* helps the eyes' function and appearance.

In past eras, people's basic philosophy was solid, and there were few heretical ideas. Then it was sufficient to follow the practical laws of Shabbat. The spiritual concepts were connected to the actions with the help of the guidance of the times' spiritual leaders. Then philosophically dangerous people came along and raised questions within the nation about the importance of the practical physical rules of Shabbat, which are the foundation of the world and whose observance is a condition for gaining from Shabbat and indeed all of the Torah. The *gemara* refers to this problem metaphorically as witchcraft, and it defiles the beauty and sanctity of the actions of the Torah. Instead of enhancing the body with the oil and *kuchla*, they cling to allegedly spiritual concepts as a means of mocking the actions that are the foundation of life.

In such circumstances, it is necessary to "smear on the same type as the present." In other words, we need to take the practical physical laws of Shabbat and expand them by means of Rabbinical prohibitions that strengthen the Torah laws. When the stress is on laws that govern practical life, it is harder for the heretics to cause philosophical destruction. People will realize that if we must be so careful about every detail of Shabbat observance, there must be great value to the sanctity of Shabbat and to the related idea that the Creator sanctified us through the Shabbat.

May Hashem avenge the death of the kidnapped boys  
**Yaakov Naftali Frenkel, Gil-Ad Michael Schaer and Eyal Yifrah o.b.m**  
**And for all those that fell in the war for our homeland.**



### Responsa B'mareh Habazak, Volumes I, II, III, IV, V, VI, VII and now VIII:

Answers to questions from Diaspora rabbis. The questions give expression to the unique situation that Jewish communities around the world are presently undergoing. The answers deal with a developing modern world in the way of "deracheha, darchei noam". The books deal with the four sections of the Shulchan Aruch, while aiming to also take into consideration the "fifth section" which makes the Torah a "Torah of life".

**Special Price:** \$15 for one book or \$105 for 8 volumes of Responsa Bemareh Habazak (does not including shipping)

# P'ninat Mishpat

## Sho'el U'Meishiv – Rav Yosef Shaul Halevi Nathanson

While discussing the life and works of Rav Yitzchak Shmelkes, we mentioned that he held the position of Rabbi of Lvov, which had previously been occupied by Rav Yosef Shaul Nathanson. So we will now move back a few decades to study a series of selections from the most famous of Rav Nathanson's works, *Shut Shoel U'meishiv* (which basically means the responsa of one who responds to those who ask).

Rav Yosef Shaul was born in Berzon in Galicia (today, Western Ukraine) in 1810. He was recognized as a prodigy while still young and did much of his Torah study under the tutelage of his father, Rav Aryeh Leibush, a great scholar who was a successful merchant by trade. Rav Yosef Shaul was married as a mere teenager to Sarah Eidel Ettinger, daughter of Yitzchak Aharon Ettinger, who also was a wealthy, learned businessman. As was not uncommon for budding scholars married to daughters of wealthy men, Rav Yosef Shaul's family was supported by and lived in or around his in-law's home and was not burdened by the search for a livelihood. Although Yitzchak Aharon Ettinger died soon after the marriage, his mother-in-law and later his wife kept the business going. During this period, a yeshiva of sorts of bright young Talmudists developed around Rav Yosef Shaul. With his access to funds, Rav Nathanson was also involved in many philanthropic projects.

Rav Nathanson received something else from the Ettinger family – a chavruta. For several years, Rav Yosef Shaul studied with his brother-in-law, Rav Mordechai Ze'ev Ettinger, and the two collaborated on a few *seforim*, the most prominent of them being Magen Gibborim, a commentary on the Shulchan Aruch, Orach Chayim. Some claim that the two parted ways in the context of a somewhat bitter disagreement between Rav Nathanson and many of his colleagues, including his brother-in-law, regarding the use of machine-*matzot* for Pesach. Rav Yosef Shaul was the most influential supporter of the new idea that developed in his time. He actually took lenient stances on many (but certainly not all) halachic issues that came up.

It was not until 1857 that Rav Yosef Shaul accepted his first formal rabbinic position – as rabbi of the important city of Lvov (Lemberg, in German). He held that position until his death in 1875. One of the major public struggles in which he played a prominent role was the opposition to the Galician government's closure of Jewish schools and their demand that Jewish children study in government schools.

Rav Nathanson wrote on Shulchan Aruch, Rambam, the Yerushalmi, and Chumash, showing his great versatility and, perhaps, his financial ability to publish. His most lasting work is his six-volume, fifteen section magnum opus of responsa – Sho'el U'meishiv. The Shoel U'meishiv was originally published over the course of 25 years. While the first volume (1865) was graced with a letter of blessing from his father, who was still alive, there were volumes that were published after Rav Yosef Shaul's death. The topics encompass all areas of halacha, but in this column we will highlight those that deal with monetary law.



**NEW BOOK!!**

### A Glimpse at Greatness

A Study in the Works of Giants of Lomdus (Halachic Analysis).  
Including Short Biographies of the Featured Authors  
and "An Introduction to Lomdus"  
by **Rabbi Daniel Mann**, Dayan at Beit Din "Eretz Hemdah - Gazit"

**Buy Now**

**Eretz Hemdah** is the premier institution for training young rabbis to take the Israeli Rabbinates' rigorous Yadin Yadin examinations. **Eretz Hemdah**, with its distinctive blend of Religious Zionist philosophy and scholarship combined with community service, ensures that its graduates emerge with the finest training, the noblest motivations resulting in an exceptionally strong connection to Jewish communities worldwide.