



HaRav Shaul Israeli zt"l  
Founder and President

# HEMDAT YAMIM

## PARASHAT HASHAVUA

Noach, 25 Tishrei 5775

### In the Tzelem of Hashem Did He Make Man

Harav Yosef Carmel

At the end of the *parasha*, Hashem permitted Noach and his descendants to consume meat, which had previously been forbidden for humans. At that time, though, the Torah stressed what remained forbidden – murder – as the *pasuk* says “He who spills the blood of man, his blood shall be spilled, for man was made in the image of (*b'tzelem*) Hashem” (Bereishit 9:6). After Sukkot, when we were privileged to sit in the shade (*tzel*) of the *sukka*, we will try to understand more deeply what *tzel* is, which may improve our understanding of what *tzelem* Hashem is.

The most halachically important part of the *sukka* is its *s'chach*, which produces the shade. One of the important *halachot* is that the *s'chach* must produce more shade than it allows sunlight through. The Zohar (Emor 103:1) puts the purpose of this shade of the *sukka* in perspective as follows: “Whoever is of ‘the root and the trunk’ of Israel shall sit in the *sukka* under the shade of Hashem.”

In Tehillim we find that *tzel* has a double meaning: not only shade but salvation as well. “He who sits in the covert of the Supreme, in the shadow (*b'tzel*) of Hashem he lives ... for He will save you (*yatzilcha*) ...” (Tehillim 91:1-3). “Hashem will guard you, Hashem is your shade (*tzilcha*) on your right hand. During the day the sun will not hit you, nor will the moon at night” (ibid. 121:5-6).

If the spiritual is the ultimate protection and cover, we can understand better the Torah's description of the creation of man. Hashem spoke of making man in His *tzelem* (image) (Bereishit 1:26-7), and then the Torah relates that He put man in charge of the animal kingdom. It is this *tzelem* which makes him distinct from other living creatures and gives him a closer connection to Hashem and a more significant life. Physical dangers have less import when stress is placed on spirituality and the soul rather than the body.

This also explains why the first woman is taken from the *tzela* of Adam (Bereishit 2:21-22). The partnership between man and woman emanates from the *tzel* – from a spiritual connection between them, and allows both of them to have the protection and closeness of the “shade of Hashem.” This is as *Chazal* teach, “If they merit [a proper spousal relationship], the Divine Presence will be with them.” One person who did not understand this properly was Lemech. One of his wives was **Tzila**, but he used her not to get close to Hashem but for her to always be in his shadow, i.e., for his physical pleasure (Rashi, Bereishit 4:19).

May we always make the most of our divine *tzelem* and spend as much time in His shade, quantitatively and qualitatively, as possible.

#### 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

R' Shmuel Shemesh  
z"l,  
Eretz Hemdah's Board  
Member, who passed  
away  
17 Sivan, 5774

This edition of Hemdat Yamim is dedicated to the memory of **George Weinstein,**  
Gershon ben Yehudah Mayer, a lover of the Jewish Nation Torah and Land.



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

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

by Rav Daniel Mann

## Mistakes in the Order of Kaddish and Barchu

**Question:** On Motzaei Shabbat the *chazan* mistakenly said *Kaddish Titkabel* (=KT) and *Barchu* before *V'yehi Noam* and *Kiddusha D'sidra* (*V'atah Kadosh*). After saying those *tefillot*, he repeated *KT* and *Barchu*. Also, one morning a mourner said *Barchu* after the *Kaddish* of the *Mizmor* of the day instead of after *Ein Keilokeinu* and then repeated it at its normal place. Were these repetitions warranted?

**Answer:** The answers are basically evident if one understands the roles of *KT* and *Barchu*.

The main reason to recite *Barchu* again at the end of *tefilla* is for the sake of latecomers who missed the main one (Rama, Orach Chayim 133:1). For that reason, Nusach Ashkenaz does not repeat *Barchu* on Monday, Thursday, and Shabbat, due to the assumption that latecomers answered *Barchu* at the *aliyot* of *Kri'at HaTorah* (see Rama *ibid.*). While it is customary in Israel to insert *Barchu* after *Ein Keilokeinu*, *Barchu* meets its purpose earlier or later in *tefilla* at least *b'di'eved*, as happens in *Kriat HaTorah* or in communities which do not recite *Ein Keilokeinu* daily. This should be so even according to *Nusach Sephard/Eidot Hamizrach* and in regard to the *Motzaei Shabbat* mistake, as this is still a *Barchu* at the end of *davening*, even if it moved up one *Kaddish*. (Since Kabbalistic considerations are behind the *minhag* to repeat *Barchu* every day (see Kaf Hachayim, OC 133:1) we cannot rule out the possibility that it should be repeated if not said at the exact right place, but we doubt that.)

Different *Kaddeishim* have different functions. The unique part of the *Kaddish Shalem* known as *KT* is the request that Hashem accept our joint prayers favorably. This relates to the joint *Shemoneh Esrei*, whether the silent one at *Maariv* or *chazarat hashatz* at the other *tefillot* (see Rama, OC 55:3 and Mishna Berura ad loc. 22). Therefore, it seems evident that *KT* is effective *b'di'eved* any time after *Shemoneh Esrei*, and there is no need or justification to repeat it.

However, there might be a significant dissenter regarding *KT* before *V'ata Kadosh*. Chief Rabbi Y. Yosef writes (Yalkut Yosef 132:8) that if one recited *KT* before *Ashrei/U'va L'tzion* (the morning version of *V'ata Kadosh*), he should repeat it after *U'va L'tzion*. This is based on the assumption that *Titkabel* applies not only to *Shemoneh Esrei* but also to *U'va L'tzion*, to the extent that if *KT* preceded *U'va L'tzion*, another *KT* is needed. Indeed we do find *Titkabel* for a non-*Shemoneh Esrei* prayer – *Selichot*. On the other hand, his proof that *U'va L'tzion* warrants its own *KT* seems to actually be a disproof, as we will now see. He cites the Eliya Rabba (OC 693:5) who says that at *Ma'ariv* of Purim, *KT* is said twice, before Megilla reading to cover *Shemoneh Esrei*, and after the Megilla for *V'ata Kadosh*. The problem with this proof is that while the Mishna Berura (693:1) does cite the Eliya Rabba, he also cites the Magen Avraham, who says that *Titkabel* is said only in the *Kaddish* that precedes the Megilla, and the *minhag* of the great majority of communities is like the latter. In other words, we see that *KT* before *V'ata Kadosh/U'va L'tzion* suffices.

Perhaps Rav Yosef would agree not to repeat *KT* when it was done before *V'yehi Noam/V'ata Kadosh* of *Motzaei Shabbat*, due to the unique nature of those *tefillot*. They are recited to push off the end of *davening* in order to delay the return of souls to *gehinom* after Shabbat (see Tur, OC 295). The simple implication is that the point of return is after *KT* ends our *tefilla*. If so, if one prematurely said *KT* before those *tefillot*, there might be no reason to say them. While our intuition suggests that once the *tefillot* were instituted, they should be said anyway, its recitation is likely not important enough in that case to warrant a repeat of *KT* for its sake.

We posit then if one mistakenly recited *KT* on *Motzaei Shabbat* before the special *tefillot*, which include sections from Tehillim and elsewhere and requests, they would be followed by *Kaddish Yatom*. If no one wants to say *Kaddish Yatom*, the *tefilla* continues with *Aleinu*.



### **"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? -email us at [info@eretzhemdah.org](mailto:info@eretzhemdah.org)**

# Ein Ayah

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

Noach

## The Times for External Stimulus for Sanctity

(condensed from Ein Ayah, Shabbat 1:39)

**Gemara:** A man can go out with *tefillin* on close to when Shabbat starts.

**Ein Ayah:** *Tefillin* are set aside for weekdays, to the exclusion of Shabbat and *Yom Tov*, which are themselves “signs.” This is part of a general concept. Our Creator realizes that a person absolutely needs acts of external sanctification in order to come to internal, essential sanctity. One can discern the presence of the external acts from the resulting internal sanctity.

One thing we do to show that the true goal is the internal sanctity is to refrain from wearing *tefillin* on Shabbat. Wearing *tefillin* is the classic example of an act of external sanctification that causes internal sanctification, as the *pasuk* says: “In order that the Torah of Hashem will be in your mouth” (Shemot 13:9). On Shabbat and *Yom Tov*, in contrast, the focus is on internal self-elevation without the external support.

These concepts also find expression in regard to the spiritual state of the community. The more the nation or its individuals fall spiritually, the more they need to increase external acts of sanctification. The spiritual fall whose sins caused our exile also caused that much Torah was forgotten and that halachic doubts arose in realms where previously there had been certainty. Those doubts brought a need for stringency, which naturally increased the actions of *mitzva* that were necessary to abide by them. This phenomenon was arranged by the Hand of Hashem to compensate for the nation’s spiritual drop by increasing acts that stimulate spirituality. While such actions due to doubt are intrinsically on a lower level, they still play a positive role in preserving our connection with Hashem.

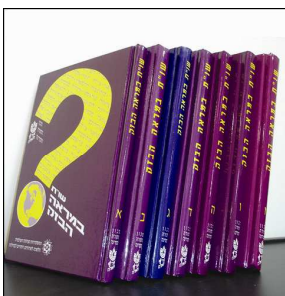
One should value actions of stringency due to doubt as long as we have not returned to our beloved home and do not have a king, a prophet, and a Sanhedrin who will rule on Torah matters in a manner that leaves no doubts. In the meantime, our carefulness in the face of doubt is fundamental to our religious lifestyle, and it would be very wrong and dangerous to abandon the phenomenon that Divine Providence arranged for us.

This idea is similar to the phenomenon of *tefillin*, which are appropriate for weekdays, whereas on Shabbat and *Yom Tov* there is no need for them because the essential sanctity is present. However, *tefillin* are appropriate until the exact time that Shabbat begins, including immediately before it. This is correct because the light of sanctity still has not shone and the *tefillin* are still needed to cause Hashem’s Torah to be in our mouths until Shabbat’s internal sanctity replaces the external catalyst.

The same is true regarding the expansion of halacha with stringencies that stem from exile and a lack of expertise. We expand many *halachot* and we, for example, keep two days of *Yom Tov* outside Israel and take double *challa* in Suria. *Chazal* attributed this phenomenon to the *pasuk*, “They placed me as a watchman of the vineyards” (Shir Hashirim 1:6), which they learned as follows. Because “I did not watch my own vineyard” (ibid.), i.e., the real, one day of *Yom Tov* when I was in *Eretz Yisrael*, I needed two days outside my place. Even if the expansion came for regrettable reasons, it should remain as long as it is needed.

Only when we will return to normalcy, when the light of Hashem will restore us to our true level and there will be a return of prophecy and divine inspiration, then the added stringencies will become like *tefillin* on Shabbat. However, that is only when that time has fully arrived, when the period will be like Shabbat, not when that time is only close to coming.

Hemdat Yamim is dedicated in memory  
 of 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

## Inferences from Records of Past Testimony

(based on Shoel U'Meishiv I:III:38)

[The current dispute between Reuven and Shimon started when Shimon opposed granting Reuven permission to open up a doorway from Reuven's house to the empty area in between their two houses. Shimon said that years earlier there was a *din Torah* over whether Reuven could open two windows to that space, and it was ruled that he could open the windows but nothing else. It is not clear whether he had to pay money for that right, as the court papers regarding that adjudication were lost. Reuven found old court papers from 33 years previously regarding a *din Torah* about this space between Reuven's and Shimon's fathers. There it is stated that they came to a compromise that Reuven's father would be allowed to use 6 *amot* of the area to unload his carriages in that place. The claim is that this implies that Reuven's father was the owner of that space, especially because it did not say that the area was jointly owned but seemed to refer to it as Reuven's father's.]

We have precedent in the Torah for jointly owned land being referred to as if it is the property of one of the owners. Specifically, the area where the Beit Hamikdash is situated is described as being in the boundaries of the Tribe of Binyamin even though Yehuda possessed half the area. However, it is not the writing style of the Torah that is pertinent in this case but the terminology used by contemporary people, as it is they who wrote the document. In fact, Tosafot (Temura 17b) says that one should be more exhaustive in inferring things from the language of a document than from the language of a  *Mishna*, as the latter sometimes writes things that are extra and not to be inferred from.

The rabbi who asked the question wants to learn from the idea that a witness signed on a document is considered to be testifying only about the subject of the document and not about side facts (Shulchan Aruch, Choshen Mishpat 49). This should be even more correct concerning those who recorded a compromise between the parties on the practical matters of borders and provisions. The querying rabbi claimed that the issue of whether the side issues of the testimony are considered as the words of the witness depends on the halacha that in principle written testimony should not be valid at all. In other words, there was a special dispensation to count the testimony regarding monetary matters but this was limited to the main topic. The Ritva actually says that even if they intend to testify on everything, we do not accept the testimony broadly. [The Shoel U'Meishiv softly chided the querying rabbi who clearly saw the discussion of the relevant sources in the Knesset Hagedola yet did not acknowledge that this was his source of material – he also did not cite it fully accurately.]

In any case, the halacha is indeed that one cannot make inferences from the descriptions of the compromise makers in matters that were out of their main topic. Therefore, the decision of the present *beit din* to treat the area as joint is correct.



**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.