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HEMDAT YAMIM

PARASHAT HASHAVUA

Emor, 13 Iyar 5775

A Special Meaning of *Beracha*

Harav Yosef Carmel

At the end of *Parashat Emor*, the Torah tells of the person who cursed Hashem (Vayikra 24:10-12). That severe sin gives impetus to look at the opposite – which is certainly much better, but still vexing, as we shall see – blessing Hashem.

It is permitted and required to mention Hashem's name in the context of *berachot*. But the question is why are we blessing Hashem? Wouldn't it be more appropriate to thank Him? We should mention another use of Hashem's name, one which is connected to the curser. Moshe had used Hashem's name to curse the Egyptian who was beating a Jew, after the Egyptian impregnated the Jew's wife with the child who grew up to be the curser of Hashem (Rashi, ad loc.).

In order to gain more insight, we should look at one of the most fascinating blessings of Hashem, described by the *gemara* in *Berachot* (7a). Rabbi Yishmael ben Elisha said that "one time I entered the inner sanctum" and saw Hashem sitting on His great throne, "and He said to me, 'Yishmael, My son, bless Me.'" Yishmael responded: "Shall it be Your desire that Your mercy will conquer Your anger ... and shall You treat Your children with the attribute of mercy and go, on their behalf, beyond the letter of the law." Hashem shook his head in acquiescence.

Why did Rabbi Yishmael, who was the *kohen gadol*, say that he went "one time" into the inner sanctum, if he actually did it every year? The *midrash* (*Otzar Hamidrashim*, p. 444) tells another monumental story about Rabbi Yishmael, which is also introduced with the words "one time." That is the story of the Roman tyrant who approached some of the greatest rabbinical leaders of the era and accused them of responsibility for the brothers' sale of Yosef and demanded that they give their lives in place of their deceased forefathers. Rabbi Yishmael asked from his colleagues to share in the sin of using Hashem's name so that he could go and see what had been decreed from the Heavens, so that he could either accept it or use the Name to fight it.

Let us suggest that these stories actually form two sides of one coin. Rabbi Yishmael was called upon, along with his colleagues, to accept upon himself the "dreadful" divine decree to be killed and in that way be a utensil for the sanctification of His name. In confirming this matter, Rabbi Yishmael went that one time into a very special holy place to "confer with Hashem." At that time, Hashem asked Yishmael to bless Him, i.e., to accept the decree upon himself. It was as if he made a standard *beracha* of "Blessed are you, Hashem," which indicates that one believes in Hashem, whether for "good" or for "bad." When one makes a *beracha* before eating, he is in essence saying that he is eating in order to serve his Creator and, similarly, accept His decisions.

Let us join with Rabbi Yishmael's call and pray that Hashem will treat us with the mercy we need to meet the standards He sets for us.

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by Rav Daniel Mann

Hamapil for Those Who Go to Sleep Before Dark

Question: Do people who go to sleep before nightfall (e.g., night shift workers, the old and ill during the summer) recite *Hamapil* before going to sleep?

Answer: The *gemara* (Berachot 60b) mentions *Hamapil* for one “entering to sleep on his bed,” without noting time of day. However, the Rambam (Tefilla 7:1) writes “when one enters his bed to sleep at night.” Despite varied opinions of *Rishonim* (see Meiri, Berachot ad loc), this guideline is accepted (see Be’ur Halacha to 239:1; B’tzel Hachochma V:166). However, this position’s rationale impacts your question.

The above *gemara* continues with the *berachot* upon awaking, starting with *Elokai Neshama*, which some see as a bookend along with *Hamapil* (see B’tzel Hachochma *ibid.*). We recite these *berachot* only once a day. In both cases (although some distinguish), there are questions as to whether the *berachot* are only for those who sleep or they are general praises to Hashem related to sleep and awaking at the classic times.

Most *poskim* saying that one recites *Hamapil* only before a serious sleep (see *gemara* above). The connection to night is that this is the average person’s time of serious sleep, based on which the *beracha* was instituted (which is apparently the Rambam’s basis).

B’tzel Hachochma (*ibid.*) understands the element of night very formalistically – there is no obligation and thus no ability to say *Hamapil* before night, even if one is embarking on a full night’s sleep before nightfall. He compares *Hamapil* before night to a *beracha* on sitting in a *sukka* before *Sukkot* starts when one plans to remain there (a *beracha* is not made there).

However, there are sources and logic that night is a criterion for *Hamapil* on practical rather than fundamental grounds. The Chayei Adam (35:4) says that regarding day sleep we are concerned he will not fall asleep, it is improper to sleep, and/or it is not effective sleep. These reasons do not apply to the cases you raise of one who has a valid reason to start sleeping before nightfall (although sometimes we say *lo plug*- see *ibid.*).

Several *poskim* (see Teshurat Shai I:82; Teshuvot V’hanhagot I:198) explain why it might be proper to recite *Hamapil* before one’s major sleep after dawn when one did not sleep at night (e.g., Shavuot morning). One could add to the equation the opinion that one may recite a *birkat hashevach* (of praise) even when there is a doubt whether it is necessary because the content of such *berachot* are never inappropriate (Halachot Ketanot I:264). However, the consensus is that *safek berachot l’hakel* (in doubt, refrain) applies to there as well (Yabia Omer VII, OC 29).

However, in cases where the sleep is primarily at night, the argument to say *Hamapil* is much stronger. Notice that the Rambam (*ibid.*) talks about *Hamapil* preceding going to sleep at night. My reading is that the point is that sleep done at night defines it as justifying *Hamapil*, not that it is forbidden to recite *Hamapil* during the day. Thus, if the majority of one’s sleep will be during the night, the fact that it begins earlier need not preclude *Hamapil*.

Whether the case for reciting *Hamapil* is stronger or weaker if one goes to sleep soon before nightfall is interesting. Many *halachot* of night begin at *plag hamincha*, so perhaps one who sleeps then for the night is considered to be just extending slightly the time of night sleep, which in summer nights in northern latitudes is also common. Note that one who wakes up after midnight may recite the morning *berachot* including *Elokai Neshama* (Shulchan Aruch, OC47:13), presumably because morning regarding wake up is flexible. Perhaps the same is true in the evening. On the other hand, perhaps *Chazal* would not have extended a *beracha* for going to sleep for the night at a time when one cannot fulfill the *mitzva* of *Kri’at Shema* of the night.

The rules of practical *p’sak* point toward not risking reciting the *beracha* of *Hamapil* before nightfall, despite my inclination to the contrary. However, one who does so before his major sleep that extends well into the night has what to rely upon.



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Ein Ayah

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

Different Levels of Worthwhile Writing

(condensed from Ein Ayah, Shabbat 2:19-21)

Gemara: All oils are good for ink, but olive oil is the best ... They are all good for either “smoking” (having the oil’s vapors disperse and improve) or for mixing in. Some have the following version: all the smoking oils are good for ink, but olive oil is the best. Rav Huna said: all the saps are good for ink, but the sap of *k’taf* is the best.

Ein Ayah: There are two categories of books that contain matters of wisdom that light up the world, whether in the realm of Torah or other areas of wisdom known to the nations. In some books, each idea contains valuable wisdom. Connecting these ideas together creates a whole that is even greater than the sum of its worthwhile parts. In other cases, a book gathers many known ideas that individually add little to the world, but their collection has value.

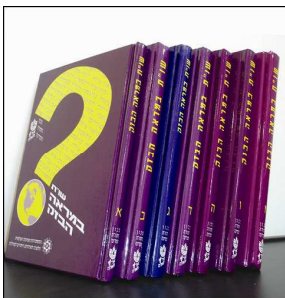
[As we have seen before, oil can represent wisdom.] Oil that is good for smoking, where every element of the vapor’s spreading contributes through the oil’s goodness, represents the first type of literature. The other usage, for mixing, includes cases that only when gathered together does the oil add something, which can be valuable even if some individual elements are negative. Similarly, the ink can be spilled in ways that are not good except that their being gathered together can teach us something. Sometimes the fact that many books are produced brings some light (see Kohelet 12:12). Torah scholarship provides a double contribution of wisdom. There is a great light from the gathering of all the “pure olive oil” (divine wisdom), in addition to the light of every shred of Torah knowledge. The world will be fully enriched when this “olive oil” is used both to smoke and to mix in.

The second version of the *gemara* is that only those that are used for smoking are good for ink. That is because if we have to rely on things whose value comes only from their collection, there will be many problematic elements which cause spiritual damage to the world. Torah, in contrast, is all true and holy. It is not that only olive oil (i.e., Torah) can be used, as it is good to collect any wisdom whose individual elements are positive. But the other oils serve as testament that olive oil is the choicest oil, and one learns not to compare any other knowledge to it.

[Now we will analyze the message to learn from the different saps.] Some books are written by people who have not dedicated their lives to the subject of the book. In such cases, it is common for the books to be flawed, and they can even cause people to err. One should therefore attribute extra value to books written by those who have toiled greatly on their subject matter, which is thus less likely to contain serious mistakes. It is chutzpa and potentially corruptive for one to write about that in which he is not an expert, especially on matters of Torah, belief, and ethics. Although there are times that a non-expert can produce a useful book, the optimal situation requires one to put in endless days and nights of study. When we know that the books we read are written by true Torah scholars, whose every effort from a young age was on Hashem’s Torah, we can be confident that we are experiencing something true.

There are all sorts of trees that produce sap that can be used for ink (i.e., writing books), even though their main purpose is for their fruit. Sometimes even their mistakes have value, as they can serve as the basis for developing knowledge of what is not true. However, the sap of *k’taf* is best, as the *gemara* (Nida 8b) says that its “fruit” is its sap. In other words, when its use is the whole focus of the plant, it is most valuable.

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P'ninat Mishpat

Keeping the Donations in the Traditional Place

(based on Chelkat Yaakov, Choshen Mishpat 12)

Case: In a certain pre-war Jewish community, there was a time when there was no official *chevra kadisha*, and when someone died, they would call upon people from the region to carry out the burial preparations. The practice developed that the money the family would pay went to a needy, local Torah institution. The community decided that they needed a set *chevra kadisha*, which since its formation has been using money from the families to fund its own operations. The Torah institution says that since they are *muchzak* in proceeds of funeral charges, the *chevra kadisha* cannot deprive them. [I understand that the needs of the *chevra kadisha* did not warrant using all the money they receive.]

Ruling: There is a concept of *makirim* (Gittin 30a), by which one who always gives his donations (of *teruma*, *ma'aser*, and *ma'aser ani/tzedaka*) to a certain person can consider it as if he already gave them even before he did any physical act of giving. The *gemara* (ibid., see Rashi ad loc.) does imply that the donor can decide not to give to his usual recipient as long as he did not give it even without an act of *kinyan*. However, he perpetrates a lack of good faith if he decides not to give (see Tosafot Bava Batra 123b), based on the concept that one who promises a small present must keep the promise. Therefore, since the people who deal with the funerals have given to a certain charity three times (see Taz, Yoreh Deah 10:17), it is improper to discontinue doing so.

Admittedly, the Yerushalmi (Gittin, ch. 3) says that there is no concept of *makirin* regarding *ma'aser ani*. However, that is assuming one has the right to decide to which *ani* he will give. Therefore, in our case, where those who gave to the Torah institution had the authority to give to whom they wanted, *makirin* would apply. It is also likely that the Yerushalmi said this because one considers the possibility that the poor person will escape poverty or die, two scenarios which limit the period he is expected to receive. In contrast, one cannot treat an institution that serves a whole public as one that is not expected to continue to exist, and *makirin* applies. In any case, the Rambam (Ma'aser 7:6) *paskens* that *makirin* does apply to the poor. Rav Yosef Engel cites a Midrash Tanchuma that applies the *pasuk* of "do not steal from a poor person" to one who does not continue to support the poor person that he had in the past.

There is logic to say that *makirin* does not apply because there is no obligation for the donors to receive the money for their service that is slated for the Torah institution. However, this is not true, since the whole concept is based on the concept of the promise of a small present. Since it is natural for a good Jew to want to help in a *mitzva*, such as supporting a Torah institution, the commitment to do so falls under this category.

It is likely that we cannot apply here the idea that if one is making efforts to receive something, others cannot intervene and take it first (see Rama, Choshen Mishpat 237:1). However, based on the *halacha* of *makirin*, the group should be required to continue giving something to the Torah institution, and they should come to a compromise as to how much.



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