



HaRav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat HaShavua

Bereishit, 27 Tishrei 5777

Tzel, Tzelem, Tzela – A New Look on the Creation of Man

Harav Yosef Carmel

The Torah stresses the word *tzelem* (image) in its description of how man was created in “a divine image” (Bereishit 1:26-27). It also seems to connect this distinction to the fact that man was created as male and female. According to all explanations, the concept of “in the image of Hashem” relates mainly to man’s spiritual side; this is not related to man’s physical side, which is actually connected to sinning. In the second description of man’s creation (ibid. 2:7), the Torah does describe a physical creation (“earth from the ground”), into whom Hashem breathed, thereby providing him with a living spirit.

In the description of the creation of the first woman (ibid. 21-23), a prominently repeated word is *tzela*. This word shares the first two Hebrew letters with *tzelem*, and in both cases, the connection between man and woman is in the forefront. Let us try to understand the significance of the *tzela* to this element of creation. According to the standard opinion in *Chazal* (Bereishit Rabba 80) and among commentaries such as the Ramban, the *tzela* is the bone (rib) from Adam’s body from which she was created. Another opinion connects the word to the one for the “side wall” of the *Mishkan*. Accordingly, Adam and Eve were created back-to-back as full forms, who were separated from each other’s side. The varied opinions can be said to symbolize different outlooks as to the relative prominence of man and woman.

Let us now connect *tzela* to a third and related concept – a physical phenomenon with great spiritual implications – *tzel* (a shadow). The Rama (Orach Chayim 664:1) cites the belief that there is a hint in the shadow of the moon on Hoshana Rabba as to what will happen to a person and his relatives during the course of the year. The Rama, though, prefers the opinion that one should not seek to see that hint: because it can be a bad omen, because few people can decipher it, and because it is better to be *tamim* (unquestioning) rather than try to predict the future.

We can suggest, then, that *tzel* represents the connection with Hashem. This certainly finds expression with the aforementioned *tzelem*. It continues with the life-giving force that accompanied the taking of the *tzela* from Adam. The removal of one’s *tzel* is a sign of their disconnection from its life source (see Bamidbar 14:9). We can now more greatly appreciate the statement of *Chazal* that when husband and wife are interacting properly, the Divine Presence is among them (Sota 17a). The *tzela* represents a person’s ability to strive for spiritual greatness and cling to the Divine Presence despite his having come from earth. His connection to his/her spouse is a secret recipe for success.

Returning to the *sukka*, its shade also represents the closeness to Hashem, and a *sukka* must have mainly shade to be kosher. The word *hatzala* (salvation) is also related. We receive salvation when Hashem protects us. May we merit having personal and national connection to Hashem, and, in the merit of the *tzela*, may we maximize the *tzelem* and have *hatzala*.

Refuah Sheleymah to Elchanan ben Adina & Orit bat Miriam

Hemdat Yamim is dedicated to the memory of:

R' Eliyahu Carmel, Rav Carmel's father, who passed away on 8th of Iyar 5776
Yechezkel Tzadik, Yaffa's father, who passed away on 11th of Iyar 5776

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**

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

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

Mrs.
Sara Wengrowsky
bat R' Moshe Zev a"h,
who passed
away on
10 Tamuz, 5774

Rabbi
Reuven Aberman zt"l
Eretz Hemdah's beloved friend and
Member of Eretz Hemdah's Amutah
who passed away
on 9 Tishrei, 5776



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 info@erezhemdah.org

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

Ask the Rabbi

by Rav Daniel Mann

Color of the Inside of the *Retzuot* (Tefillin Straps)

Question: Until recently, I had only seen *tefillin retzuot* blackened on one side, but when I went to buy *tefillin* for my son, the *sofer* suggested *retzuot* that are black on both sides. He says these are now common and preferable, and the price difference is modest. Which is better to buy?

Answer: The *gemara* (Menachot 35a) says that there is a *halacha l'Moshe miSinai* that *retzuot* must be black and asks from sources that if the *batim* are not black (yes, many say this is possible – see Shulchan Aruch, OC 32:40), the *retzuot* should be the same color. The *gemara* answers that the alternative color is on the *retzuot's* underside.

The Rambam (Tefillin 3:14) rules: the underside can be any color (other than red, which is degrading if turned over); it should be the same color as the *batim*; it looks nicest if the *batim* and the entire *retzuot* are black. There is a *machloket* (see Radbaz and Rabbeinu Manoach ad loc.) in understanding the Rambam, whether, when the *batim* are black, the *retzuot's* underside must be black or it is just nicer. However, he certainly at least prefers our *retzuot* being black on both sides. On the other hand, the Beit Yosef (Orach Chayim 33), Rama (Darchei Moshe ad loc.), and Mishna Berura (33:21) have no qualms with the widespread *minhag* to ignore this opinion.

Some *Acharonim* cite the Arizal as positing that there are important kabbalistic grounds for the *retzuot* to be black on both sides. We do not deal with kabbalistic issues and have nothing to add on this.


There are two other advantages to black on both sides. It is deemed very negative for the parts of the *retzuot* that fasten down the *tefillin* to turn over and preferable that no part of the *retzuot* do so (Shulchan Aruch 27:11 with Mishna Berura 27:38). This is not a problem, or is less of a problem, if the bottom side is black (see Biur Halacha 33:3). Also, some note that the way *retzuot* are blackened on both sides is by soaking them through and through. This is advantageous in that even if the layer of black paint peels or cracks in a way that affects the *retzuot's* validity, the general blackness saves it.

On the intrinsic level, we know no reason to object to fully blackened *retzuot*. Yet, my *retzuot* are natural color on the bottom, and I and many others have no plans to replace them anytime soon – based on *minhag*. Let's understand what that means in this context. Very often, each *minhag* on a matter has advantages and disadvantages, so that changing *minhagim* means adopting a practice with intrinsic negative elements. In contrast, here the negative elements are missing.

Still there are several related issues – *yuhara* (holier-than-thou haughtiness); casting aspersions on others in the past or present; causing *machloket*. These general issues have many classical sources to which we cannot presently do justice, but one can start with the Shulchan Aruch, OC 34:3 and *ibid.* 468:4. Therefore, we discourage people from trendsetting in this matter, especially because the advantages we have mentioned are merely preferences and are not halachically compelling (see Mishna Berura 468:23).

Veteran *sofrei stam* can testify about a mushrooming of *hiddurim/chumrot* for standard upper-echelon *tefillin* over the last 50 years (sociological analysis is interesting). Many youngsters have more *mehudar tefillin* than their fathers and rabbis, and none of the mentioned problems have resulted. The difference is that the coloring of the *retzuot* are noticeable, and the advertisement (even, unintentional) of the stringency/*hiddur* turns into a real potential problem (see Shulchan Aruch, OC 468:4).

So, here is our recommendation. Get for your son that which is normal for his peer group. Do not be one who spreads a new practice due to the above reservations. On the other hand, to the extent that the practice has spread in your surroundings, it is not your doing. Every generation brings changes, and, in retrospect, many of them are fine. Your young son need not be a *minhag*-preservation purist and should not feel that his *tefillin* are sub-standard among his peers.



We are happy to present our third volume of "**Living the Halachic Process**". The book offers a compilation of questions and answers from our "Ask the Rabbi" project. A companion CD containing source sheets for the questions is also available. The volumes can be purchased through our office at the special rate of \$24. **Special offer: buy two out of three for \$37 or, buy all three volumes for \$54**

Have a question? -email us at info@eretzhemdah.org

Levels of National Love

(condensed from Ein Ayah, Shabbat 2:262)

Gemara: Rabbi Yehuda, Rabbi Yossi, and Rabbi Shimon were sitting, and Yehuda from a family of converts was sitting near them. Rabbi Yehuda opened and said: "How pleasant are the actions of this nation (the Romans)! They set up marketplaces, set up bridges, and set up bathhouses." Rabbi Yossi was silent. Rabbi Shimon said: "All that they did, they did for their own sake" ... Yehuda from the family of converts told what they said, and the rulers found out [Rashi – he told the rabbis' students or his mother and father. He did not intend to tell the rulers, but he was the cause of their finding out].

Ein Ayah: Mistakes come into the world because it is difficult to acquire a good foundation upon which carefulness for a certain matter is based. Even though one wants to be careful because he understands that it is proper to accept the responsibility of the *mitzva* of attaining this good attribute, still mistakes lurk along the way.

Some people already received, as a natural acquisition from the human emotional perspective, the principle upon which the *mitzva* is built. Such a person already has internal protection, in the depth of his spirit, from mistake, and he will not stumble.

Converts are an appendage to Israel. They link up to the nation and draw close with great love. However, the deep and pure love of the nation, which is natural for one who is born Jewish, does not become fully inculcated into convert families until generations have passed. As the *gemara* (Sanhedrin 94a) says: "Do not insult a non-Jew in the presence of a convert, up to ten generations." Of course there are exceptions to this rule, as especially lofty converts create a full emotional connection quickly.

Yehuda, the son of converts, was unable to reach the level of natural connection to the nation to have the inner recognition, out of love for Israel, to be deeply careful to avoid something that could harm them. He thus did not consider the danger in repeating the lofty words of Rabbi Shimon, which were contrary and critical of the Roman ways, as they highlighted the crucial differences between Israel and the nations. That is why he was not careful, and his words made it to Roman ears.

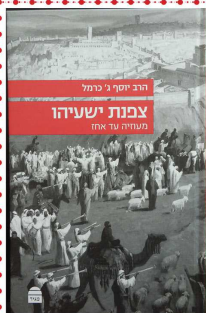
Keeping the Holiness in the Beit Midrash

(condensed from Ein Ayah, Shabbat 2:264)

Gemara: The Romans said: "... Shimon, who criticized, shall be killed." He and his son went and hid in the *beit midrash* (study hall).

Ein Ayah: The many causative events that Hashem orchestrates are always designed to arrange every matter in its correct place. According to Rabbi Shimon and his son's high level, the "air of the world" and the normal social setting were not fit to handle their highly demanding guidance and standards. This is what caused Rabbi Shimon to protest the common practices and leadership of the time. When great spiritual ideas are not ready to be accepted practically, it is negative for them to be revealed because their lack of acceptance lowers their honor. That is because it is not possible to give the due respect to ideas that people cannot implement and will therefore reject.

For this reason, the divine plan was for Rabbi Shimon and his son to hide in a *beit midrash*. Before the spiritual elite, albeit lower than their own, they would be able to share their deep ideas. Once the higher echelons were able to accept these ideas, they were able to "spread out" in the world, so that the general public could be more capable of accepting them. At least, it enabled their teachings to be preserved for those in future generations who would look for such lights.



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.

Buy Now

Fixing Status of a Non-Standard Apartment – part I

(based on ruling 74031 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiffs (=pl) bought from the defendant (=def), for 910,000 shekels, an apartment in an old building that does not have a building permit or a *Tofes 4* (certificate of fitness for occupancy). It is also not connected directly to a meter of the electric and water companies (they pay through a neighbor). After pl complained to the municipality, the latter issued an order to destroy the building (it may never be acted upon). Def did not inform pl of these deficiencies but argues that pl could have easily found out themselves. Pl demand that def take action to fully legalize the apartment/building, the feasibility of which is under dispute between the sides. Alternatively, pl demand 400,000 shekels' compensation. Def claims that the building's legal status does not affect the apartments' value. He offered pl to try to sell the apartment and if they cannot get a price that is fit for normal apartments, def will buy it from them at full price. Def made several other offers involving buying back the apartment with certain conditions, but pl want to stay in the apartment.

Ruling: A major part of the disagreement is whether the sale was just a transfer of property, whose remedy when flawed is *bitul mekach* (cancelling the sale), or if there is also an element of obligation to make the purchase feasible. According to the former possibility, pl cannot force def to act to fix the problems (in this case, legal ones) with the apartment. The contract's main clause refers to hereby selling the apartment, which implies the former possibility. However, there is also the following clause: "The seller obligates himself to transfer all his rights in the apartment onto the name of the buyer." That could be understood two ways: 1. The seller just promises not to leave any rights for himself but transfer everything he has to the buyer. 2. The seller obligates himself to transfer the rights in the Tabu, and this latter stage is actually the sale (this is common in Israeli real estate contracts). In that case, there is an element of obligation, which could require def to take other steps to complete the sale by making it legal.

There is a *machloket* between the K'tzot Hachoshen (203:2) and Netivot Hamishpat (203:6) whether one can obligate himself to sell a specific field, and the Netivot's position, that he can, is accepted. However, in this case, def's obligation would have been only to transfer existing rights, as there is no hint of obligation to change the apartment's legal status. This is strengthened by a clause in the contract in which the buyers accept the apartment "as is," including from a planning perspective (i.e., issues of the nature at question here). While pl tried to compare the demands they are making to the obligation to write a document to confirm a sale, there is a difference. Writing a contract is a normal part of the sales process, as is the obligation of a contractor to take the steps to make the apartment livable and legal. However, pl's demands are not a normal part of selling a second-hand apartment, which is always assumed to be as legally set as it is going to be.

When you shop at AmazonSmile, Amazon donates 0.5% of the purchase price to

American Friends of Eretz Hemdah Inc.

Bookmark the link <http://smile.amazon.com/ch/36-4265359> and support us every time you shop.

Please spread the word to your friends as well.



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.