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HEMDAT YAMIM

Parashat HaShavua

Bereishit, 27 Tishrei 5780

For the Purpose of *Reishit*

Harav Shaul Yisraeli – from Siach Shaul, p. 3-4

"In the beginning, Hashem created the heavens and the earth" (Bereishit 1:1). It is with these words that the Torah of Israel begins, and it ends with "before the eyes of all of Israel" (Devarim 34:12). The Torah, famously (see first Rashi of the Torah), did not begin with "This month is for you the head of the months" (Shemot 12:2). It also did not begin with the first stories of the patriarchs of the nation, Avraham, Yitzchak, and Yaakov. It begins with the beginning of beginnings – with the primordial void and with the "spirit of Hashem was hovering over the water" (Bereishit 1:2).

Hashem, whose spirit was over everything in the universe, will be described later as the G-d of Israel, in addition to the G-d of the entire universe. He is the same G-d before the world was created and after the world was created. Everything was created by His decree in a manner described as "indeed good," through His good will and desire to bring good to His creations.

Within all of this, the crowning glory of the creation, man, was created "by the hands of Hashem." This creation has a resemblance of sorts with his Creator, as the *pasuk* says: "In the form of G-d He created him" (Bereishit 1:27). As part of the initial creation, Adam was created, without any other titles – he was not a *kohen*, *levi*, or *Yisrael*. Just a simple Adam, and, as such, he acquired his status, his place in the Garden of Eden, and the merit of speaking with Hashem and being guided by Him.

Why was Adam created alone in his species? *Chazal* say that it is so that different families should not argue whose family was created first. There is equality within mankind – we all come from Adam, who was formed by "Hashem's hand" in the form of G-d, which makes us all beloved (see Avot 3:14).

If we are to end up with an approach of "You chose us from among all the nations," why does the story start with equality? The Torah wanted the approaches of equality and chosenness to interplay and complete each other. "In the beginning" and "before the eyes of all of Israel" do not contradict each other. "All humans are beloved" does not contradict "Israel are beloved, and are called sons of G-d." After all, *Chazal* tell us that *Bereishit* means on behalf of *reishit*, which, in turn, is a reference to Torah and Israel, which are each called *reishit* in different places in *Tanach*. We are supposed to demonstrate what in the creation was supposed to make mankind worthwhile of all of that attention and show through which rules Hashem leads the world. While man, in general, can be described as being created in the "image of Hashem," some are fit to be called "sons of Hashem."

The expectation with which Israel was created was to give Adam his full significance and return nature to its fixed form, returning us to the lost paradise and thereby justifying creation. *Bereishit*, for the Torah, which was called *reishit*, and for Israel, which was called *reishit*.

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Those who fell in wars for our homeland. May Hashem avenge their blood!



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Ask the Rabbi

by Rav Daniel Mann

Personal Thanks in *Shemoneh Esrei*

Question: Following our grandchild's birth, I have been adding personal thanks to HaShem in "*Modim*." Is it appropriate to do so on Shabbat?

Answer: We will focus mainly on your assumption – that one may add personal thanks in *Modim*. There is little in the *poskim* on this specific question, but we can learn from many general relevant sources (find article by R. Chanan Ariel).

Gemarot say that one may add personal requests in *Shemoneh Esrei's* middle *berachot*, especially *Shema Koleinu* (Avoda Zara 8a; see Shulchan Aruch, Orach Chayim 119:1) but not during the first three and last three *berachot* (Berachot 34a; see Shulchan Aruch, OC 112:1). The latter are reserved for praise and thanks, respectively. This implies that it is fine to add praises and thanks in those places. In fact, in allowing making communal requests during the *berachot*, Rabbeinu Tam (cited by Tur, OC 112) says that asking for the needs of the masses is a praise to Hashem, which implies that actual praise is certainly fine.

However, praises also require caution. The *gemara* (Berachot 34b; see Shulchan Aruch, OC 113:9) criticizes those who go beyond the set praises of Hashem because they imply that they have mentioned all of Hashem's greatness. It seems implausible that it could always be forbidden to praise and/or thank Hashem, so when is it? The Beit Yosef (OC 113) cites the Ra'ah and Rabbeinu Yona as saying that one may not add adjectives describing Hashem but may add mention of good things He did. Rabbeinu Yona also distinguishes between things said at the end of *berachot* and those in the middle of *berachot*. The latter stand alone and are permitted. It is unclear from the corresponding Shulchan Aruch if he accepts these distinctions.

There is a *machloket* in the sources and *minhagim* about adding *piyutim* to *tefilla* at certain times. The Shulchan Aruch (OC 68:1) opposes it, apparently because it is an interruption, changes the *berachot's* length, and encourages talking (see Tur ad loc.). The Rama supports it, but the *minhag* nowadays is to do so only on *Yamim Noraim*. There was also controversy about *Aseret Y'mei Teshuva* additions (*Zochreinu*, etc.) to *tefilla* (see Beit Yosef, OC 112), and there the *minhag* is to say them. One might distinguish, though, between set sayings that are accepted by *Klal Yisrael* and personal ones.

We have written (Living the Halachic Process, vol. II, A-1) that it is permitted and positive to thank Hashem but that it can be problematic to do so in a manner that makes it appear like a set *beracha*. Attaching appropriate statements to an existing *beracha*, on the one hand, makes it unlikely for there to be an issue of *beracha l'vatatala* (see Mishna Berura 108:38). On the other hand, changes in the content can be more problematic (See Berachot 40b; Shut HaRambam 254).

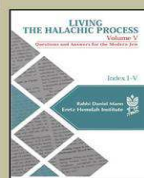
We summarize and suggest as follows. Since the lack of sources and apparent *minhag* is to not add personal thanks during *Modim*, then even though it is probably halachically permitted, we do not suggest it when other options exist. Before *Elokai Netzor* and during *Shema Koleinu*, one can say anything appropriate, and while that is classically for requests, it should be fine to thank Hashem as well. Realize that even the middle, "request" *berachot* include praise. Therefore, the following example of an addition would seem ideal: "Bless my grandchild, for whose birth I am so grateful to You, with a wonderful life." (See a similar idea in Yaskil Avdi, vol. VIII, p. 169.)

Regarding Shabbat, there are two reasons for requests, such as the middle *berachot* of *Shemoneh Esrei*. The Yerushalmi (Shabbat 15:3) says that one should not make personal requests on a day that one must not be focused on his needs. The *gemara* (Berachot 21b) says that we do not want the toil of a long *tefilla*. Apparently, some combination of the two ideas is true. [We will discuss the issue next week.] If you want to give only thanks in *Modim* or before *Elokai Netzor*, this is not a problem on Shabbat. Incorporating a request (see above) is likely inappropriate on Shabbat.

Do not hesitate to ask any question about Jewish life, Jewish tradition or Jewish law.

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Ein Ayah

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

Natural Preparation to Do

(adapted from Ein Ayah, Shabbat 9:76)

Gemara: Rabbi Eliezer said: At the moment that Israel answered “*na’aseh* [we will do]” before “*nishmah* [we will hear],” a heavenly voice emerged, saying to them: “Who revealed to my sons this secret that the angels use, as the *pasuk* says: ‘Bless Hashem, o angels, beings of great strength, who do His word to listen to the voice of His word’ (Tehillim 103:20)” – first it says “who do,” and subsequently it says “to listen.”

Ein Ayah: Everything that is not natural needs to first be learned, and then one can be in a position to carry it out. However, that for which one has a total preparation does not need a prior stage of learning. Rather, from the beginning, one flows straight into the fulfillment. If the natural content has elements of loftiness and fineness, it reaches that level of elevation and fineness by developing it based on the very natural spiritual offshoots of his actions.

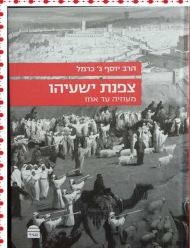
Even though fulfilling the Torah, studying it, and having it proliferate are things that depend on one’s preparation, that relates to the level of specific achievements he attains in these regards. However, regarding the eternal essence and basic form of the Torah, whether its study (the connection of the soul to the form of the Torah) or its fulfillment (imagining life according to the guidance that it provides), the Torah is naturally fit for Israel.

It is the same with the angels, who are created to naturally do the actions in the manner that they do. This is the manner of their service and their intellect. The angels do not need to be taught first how to carry out their charge, as their natural spirituality prepares them to act in the manner that is expected of them. As a result, they become strengthened when they bring to actuality the actions that were embedded in their essential character. That which is added on from the proliferation that comes about through the actions is to be compared to the listening that takes place after the actions. This is a revelation of that which had been within them in potential.

Just as this happens for angels, it was revealed about Israel, as they became elevated by the awe-inspiring divine revelation at Mt. Sinai. It became clear that the entire Torah is not something that is acquired externally, so that it must be methodically learned first until they are ready for it. Rather, it is part of the nature of Israel’s souls, and they have the power to flow naturally to fulfill the Torah and complete their internal being.

The fact that there needs to be study in order to become proficient is something external. In fact, the power of listening to the words of Hashem is an ever-growing progression that comes from the wellspring of their souls, which become revealed specifically through actions that fill the person’s insides.

It is unprecedented in human history that there is a nation whose whole constituency was prepared for spiritual completion. This is generally a level reserved for angels, who are infused with spirituality. However even for them, it is able to develop like a wellspring. “Bless Hashem, o angels, beings of great strength, who do His word to listen to the voice of His word” (Tehillim 103:20)” – first it says “who do,” and subsequently it says “to listen.”



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.

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P'ninat Mishpat

Dissatisfaction with the Quality of a Sefer Torah – Part II

(based on ruling 77036 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) hired his friend, the defendant (=def), a part-time *sofer*, to write a *sefer Torah*. The contract states a price of 130,000 shekels plus VAT and says that the writing will be *mehudar*. It also states that pl saw samples of def's writing and that pl has the right to demand the switching of sections of lower levels of quality without charge, as long as Rabbi X agrees this is appropriate. Toward the end of the writing, after pl paid 113,780 shekels, pl experienced financial problems, looked to sell the *sefer Torah*, and asked for two sections to show to merchants. Several experts told him that the *sefer* would be worth, when finished, 70-80,000 shekels. Def presented a letter, from an expert with whom he is connected, saying that the writing is proper. Pl also sent def an email during the process in which he praised def's work. Originally, pl asked either: 1) receiving a completed kosher *sefer* and a return of the money above the 80,000 shekel it is worth, or 2) employing *mekach ta'ut* (invalid purchase) and a return of all the money. Def argues that the *sefer Torah* is fine and worth the price and that, in any case, any kosher *sefer* is defined as *mehudar*. Also, since pl saw the work before agreeing and could have had the written sections checked all along, it is too late to claim *mekach ta'ut*. Also, a major reason that pl chose def is that he considers def a *tzaddik*, and this has not changed.

Ruling: Last time we saw that there are basic grounds for *mekach ta'ut* and now must determine if pl lost his right to claim it.

The *sugya* (Bava Metzia 49b-51a) rules that regarding *mekach ta'ut* due to mispricing, one has the amount of time it takes to ask an expert for an appraisal. Rashi explains that after this, we assume he was *mochel*. The *gemara* (Ketubot 75b) says that a new husband cannot dissolve a marriage based on physical defects, if there is a public bathhouse in town so that he could have inquired about her physical state. The Rif and Rambam (Mechira 15:3) say that *mekach ta'ut* can be claimed later, but not after the buyer used the object after discovering the blemish. The Maggid Mishneh (ad loc.) cites an opinion that there is also a set deadline regarding blemishes. The Mishneh Lamelech says that the Rambam disagrees with this Maggid Mishneh, and the S'ma (332:10) and Pitchei Teshuva (332:1) disagree who to follow. The Aruch Hashulchan (CM 332:5) explains the Mishneh Lamelech, saying that a buyer does not have to suspect that the seller tricked him, and therefore it is not a sign of *mechila*. However, it is difficult to extract money against the Maggid Mishneh (see Techumin vol. XXII).

Our case is different from the standard. First, it is difficult to find an expert, and a *sefer Torah's* value is not a cut and dry question. Also, one does not usually check before the product is complete. Also, several *Acharonim* say that if the seller said explicitly that there are no blemishes and the buyer believes him, he does not lose rights when he finds out. Regarding the fact that pl received samples in advance, a sample's quality is not an assurance that the present job will come out as well. Regarding the claim that pl was interested in the *sofer* as a person, that could justify slightly lower quality/higher price, but not to this extent.

Therefore, if pl returns the scrolls, he is entitled to a full refund.

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