



Parashat Hashavua

Yitro, Shevat 17, 5785

Harav Shaul Israeli zt"l
Founder and President

The Ten Commandments – A Blueprint for World Justice

Harav Yosef Carmel

The Ten Commandments, which we received at Sinai some 3,500 years ago, in an event that turned Jews into “sons of prophets,” each to his own degree, hold a central position in defining us as Jews. The Prophets taught us that our goal is to make all of mankind people who accept and serve Hashem and realize that Hashem created them. It is in this context that Yeshayahu (2:3) said that “Torah will emerge from Zion and the word of Hashem from Jerusalem.” Unfortunately, we have not yet achieved the goal of fully implementing the Ten Commandments in our national life, and certainly we have not seen it adopted by the rest of mankind.

At times like this, it is worthwhile to set standards for who is a respected member of human civilization and who is not. Practically, a nation that does not accept basic human rights should not be able to receive donations from international welfare organizations or protection from international charters. We suggest not only expecting fulfillment of the seven Noahide laws, but raising the bar to acceptance on some level of the Ten Commandments (not always in the way that Bnei Yisrael was commanded).

We will survey an adapted Ten Commandments in this context. 1-2 – Acceptance of Hashem and not having idols – A large part of humanity always has embraced monotheism and divine incorporeality. We should try to expand this in a noncoercive manner. 3. Not swearing falsely in Hashem’s Name – The fact that we were created in the “form of Hashem” is connected to our ability to speak, and this obligates us. We must therefore be careful about what we say, and speak truthfully, as lying desecrates Hashem and our own status. (Distortions with the help of AI are very dangerous in this regard.) 4. Shabbat – At least in Shabbat’s “between-man-and-man” element, societies should be expected to have a weekly day of rest, as opposed to elements of slavery that still exist in the world. 5. Respect for parents – This bedrock of humanity should be expanded to generally include gratitude for the good bestowed upon us. A society that looks out for the needs of its elderly combines these important elements. 6. Murder – The sanctity of human life must always be the basis of a society. Murderers not only hurt victims and their families but undermine society. Rape is included in this. 7. Adultery – Fidelity between spouses is part and parcel of morality. 8. Theft – Respect for another’s property and certainly his own personal liberty (no hostage taking) is basic. 9. False testimony – Honest testimony is necessary to have an effective judicial system, which, understandably, is one of the seven Noahide requirements. 10. Not to covet that which belongs to another – This raises the bar quite high and it is not usually possible to check or enforce it, but it is important to have it as a goal.

A world in which the Ten Commandments are pillars of society is one in which people are safe and raises the possibility of striving for world peace. Any attempt to ensure peace without such guidelines of morality will just strengthen evil. This has become clearer than ever in light of the world reaction to the treacherousness of Hamas and its allies.

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Ask the Rabbi

by Rav Daniel Mann

Amen on a Non-Beracha

Question: I was at an event on Chanuka at which someone lit candles and sang the “berachot” without pronouncing the Name of Hashem because it was no one’s halachic lighting. Most of the people answered *Amen*, and I did not know what to do. Was *Amen* called for?

Answer: We commence the discussion according to the assumption of the person who lit that a *beracha* was not called for in that situation and deal with *Hilchot Berachot* elements.

It is a great *mitzva* and an obligation to respond *Amen* to a correctly made *beracha* (Berachot 53b), even for one who is not “using” the *beracha* for himself (Shulchan Aruch, Orach Chayim 215:2). The basic meaning of *Amen* is that one agrees with the *beracha*’s content (i.e., the specific praise of Hashem).

When the *beracha* is improper, it is forbidden to answer *Amen* (ibid. 4). This can be because it is wrong to agree with something that was forbidden to say in that context. The Mishna Berura (215:21, based on Gra to OC 215:2) regarding a *beracha* that a child recites, not when it is called for but just as practice, says *Amen* is **forbidden**, because it relates to an invalid *beracha*, even though the child is allowed to practice (Shulchan Aruch ibid. 3). Some say that while there is no reason to respond *Amen* to a child’s practice *beracha*, it is **not forbidden** (Even Haezel, Berachot 1:15, based on the Rambam ad loc.).

What about *Amen* for non-*berachot*? The Magen Avraham (215:3; this opinion is widely accepted) cites a *midrash* that one should answer *Amen* to someone who prays for something or blesses his friend, even if he does not use Hashem’s Name. In this case, the meaning is slightly different – one joins the wish/prayer.

A less clear permutation is when one praises Hashem (like a classic *beracha*) but without invoking one of Hashem’s official Names. The Sha’arei Ephrayim (4:25, 33) provides a rule on this matter. When one makes a *beracha* with Hashem’s Name, people should answer *Amen*; if in the same situation the practice is to do it without Names (e.g., Baruch Shepetarani), people should not answer *Amen*. Some ask from the *gemara* (Berachot 45b) that prescribes, in one case, answering *Amen* to *zimun*, apparently even one without Hashem’s Name. B’tzel Hachochma (V:90) says that if a *beracha* was instituted in the classic way, with Hashem’s Name, if, for whatever reason, it was done without a Name, one should not answer *Amen*. (He reasons that it is not actually forbidden to say *Amen* in such a case (ibid. 89).) However, if it was instituted without His Name, then one does answer *Amen*. Some examples are a *Mi Sheberach* and *Oseh Shalom ...* (at the end of *Kaddish*).

In our case, based on what we have seen, there are a couple of reasons not to respond *Amen*. The *berachot* are to praise Hashem (as opposed to the Magen Avraham’s prayer for a person), so that when they are not effective *berachot* but voluntary, “innocuously fake” *berachot*, one would not answer *Amen*. Additionally, they were instituted to have Hashem’s Name, and are being done without it.

If there was no *kiruv*/educational purpose in doing the lighting with Name-less *berachot*, but it just added a “nice touch,” it was probably halachically silly (although harmless) to do the *berachot*. If the setting gave importance to doing a ceremonious lighting, (e.g., a *kiruv* opportunity), for some, this justifies a real *beracha* (see Living the Halachic Process, VII, D-8). If one did not want to rely on that, one could see positive purpose in the fake *berachot*. It, then, has similarities to the halachically meaningless but still positive case of a child making a *beracha* as practice, in which case, the *Amen* is not called for and is likely forbidden (see above). Since saying the word *Amen* is not problematic in a totally *pareve* context (Notrei Amen 2:19; when many of us practiced for our *bar mitzva*, we started every *aliya* with *Amen*) and especially if the ceremonious *Amen* adds to the spirit that bolsters the educational purposes, it can be justified. If it is deemed worthwhile, one should have in mind that it is not a real *beracha*-type *Amen* (see B’tzel Hachochma ibid.).

“Behind the Scenes” Zoom shiur

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

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Igrot HaRe'aya - Letters of Rav Kook

Ties to Religiously Controversial Events/Organizations

1. #293 – Date and Place: Iyar 5670 (1910), Yafo

Recipient and Background: Mr. Lupow, director of the Agrarian School of Mikveh Israel on behalf of *Kol Yisrael Chaverim* (Alliance Israelite Universelle), an organization to promote Jewish culture, founded in Paris and active throughout the world, especially in establishing modern Jewish schools.

Body: From the depth of my heart, I hereby express through you my blessing to the distinguished society, *Kol Yisrael Chaverim*, in honor of the first jubilee anniversary of its founding. I see floating before my eyes the lofty ideals, of an ethical, religious and national nature, which were conceived and carried out by choice people within our nation, those who founded this respected organization, may they always have a part among the living. It is my prayer that Hashem will give His spirit, a spirit of strength, to His nation and lot, in all of the fields of the distinguished society, which are all living with us today like in the days of old. May they succeed in all of their projects to raise the stature of Israel, thereby bringing joy to all of the those with a straight heart, who look forward to the true salvation of our nation.

2. #294 – Date and Place: Iyar 5670 (1910), Yafo

Recipient and Background: The organizing committee of the Herzl Jubilee commemoration.

Body: I received an invitation by means of Mr. Frier to take part among the participants in the commemoration in honor of the fiftieth birthday of the one who raised the banner of the reawakening of our nation, Dr. Herzl, of blessed memory. I am prepared to fulfill your request with all of the feelings of brotherhood, with the joint aspiration for the nation's reawakening in its historical land. I am looking forward to know in all detail the schedule of all the pleasant details [of the program].

3. #295 – Date and Place: Iyar 5670 (1910), Yafo

Recipient and Background: Mr. Schlessinger, the director of the Tachkemoni School.

Body: In response to your respected question about taking part in the commemoration of Herzl's birthday, I am honored to tell you the following. It is not possible for us to increase the separation of the hearts [between different factions within the Jewish community]. It is critical that our school take part in this event. Of course, they need to inform us of all of the details in advance, and you would do well to find them for us, so that we can know if there is anything in what is planned that is against the rules of the Torah.

4. #296 – Date and Place: Iyar 5670 (1910), Yafo

Recipient and Background: Dr. Arthur Rupin, a Zionist leader.

Body: I am turning to you to speak from the chambers of my heart, and I hope that your good spirit will understand my thoughts and that you will be able to quickly calm the stormy spirit in my midst by fixing the improper situation that caused my agitation.

I heard a rumor that shocked me. In the Herzl Forest, the workers are publicly desecrating Shabbat, and the Jewish guard rides his horse all day and night on Shabbat. Distinguished sir, this story will justifiably shock the heart of every Jew whose feeling of national honor has not been extinguished. This forest, which is the property of the entire Jewish nation, and has been sanctified to the memory of the man whose spirit raised the banner of the nation – it is impossible to stand desecration of that which is holy to G-d (Shabbat) in front of all of Israel in public lands. Please, sir, be quick to fix and remove this terrible disgrace from G-d's estate.

We daven for a complete and speedy *refuah* for:

Nir Rephael ben Rachel Bracha
Ori Leah bat Chaya Temima

Itamar Chaim ben Tzipora
Arye Yitzchak ben Geula Miriam
Tal Shaul ben Yaffa
Together with all *cholei* Yisrael

Neta bat Malka
Meira bat Esther

P'ninat Mishpat

Unpaid Fees of a No-Show to Beit Din

(based on ruling 84052 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) gave professional services to the defendant (=def) on multiple occasions. Def paid for many of those sessions. But toward the end of their relationship, pl claims that def stopped paying. To that end, pl is suing def for 3,850 NIS. Def signed *beit din's* arbitration agreement and was scheduled to take part in a hearing which the two sides preferred would be done by Zoom. Def did not join the meeting and claimed to the *beit din* secretary later that he was unable to connect. After additional weeks and warnings, trying to get def to take part in proceedings, *beit din* ruled based on the information available to it. Pl had sent to *beit din* a line-by-line record of the sessions with def and also electronic messages in which he demanded payment at different intervals, and def's responses.

Ruling: The signing of an arbitration agreement is considered a *kinyan* to obligate oneself in the jurisdiction and practices of the *beit din*. Although in this case, def signed only electronically, this is binding based on *kinyan situmta* (a society's accepted practices for agreements – Shulchan Aruch, Choshen Mishpat 201:1). Par. 11 of our arbitration agreement states that if a side is improperly absent at the hearing, *beit din* is authorized to rule based on what the other side said in his absence. In such cases, our *beit din* follows the Law of Arbitration, par. 15b, which states that the other side has thirty days after the ruling to respond, along with explaining why he did not respond earlier.

Regarding the evidence, in the several Whatsapps about the missing payment, def never questioned his obligation to pay. Rather, in some messages he said he was about to pay, and in others he asked for payment plans and/or apologized. In our experience, litigants almost never claim that electronic messages are forged, and it is something that can be checked.

In a case where one comes to *beit din* and refuses to speak, the Shulchan Aruch (CM 15:4) says that if *beit din* feels that the lack of response is deceptive, it can obligate him. The Tumim (80, Urim 9) says that one who comes to *beit din* and does not respond can be seen as one who admits to the other's claim because he cannot claim that he did not yet have time to formulate a response. While def was not silent in front of *beit din*, his lack of response when he was repeatedly warned that *beit din* would rule if he did not come can be seen as equivalent. Based on all the above, *beit din* required def to pay the full 3,850 NIS claim.

Pl asked for legal expenses from pl including for missing the hearing, for which *beit din* is authorized to charge. Because def did not cooperate with the process, he has to pay pl the full *beit din* fee of 400 NIS, but we will not charge for the missed Zoom hearing, as we do not have strong indications that it caused a loss to pl.

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