



## Parashat Hashavua

Shelach, Sivan 25, 5785

Harav Shaul Israeli zt"l  
Founder and President

### A Nation Like a Lion Will Rise Up – Am KiLavi Yakum

Harav Yosef Carmel

The formation of an independent Jewish state is closely related to *Parashat Shelach*. This required conquering the Land. All of the nation's tribes were to take part in the war of *mitzva*.

David carried this out in practice. He created a united Jewish state, liberated Jerusalem, and protected its borders. Shlomo worked on the next step – world peace, with the morality of all peoples. He invited the nations to take part in service and prayer in the Holy Temple he built. The prophecy of joint world service of Hashem that appears in Yeshayahu and Micha was to have taken place already in Shlomo's time, but he was unsuccessful, and the dream was delayed.

The sectarianism of the First Temple period and the internal hatred of the Second Temple period delayed the coming of the End of Days. However, this period began when the students of the Vilna Gaon started moving to *Eretz Yisrael* over 200 years ago. The Gaon taught that human efforts were needed to merit divine assistance in this direction, which would occur a little at a time, on the long road to building the Land. This includes building a Torah center in Yerushalayim, and then a Jewish state with an army, etc. This would provide the basis for Hashem's blessing to take effect. At first, the Jewish army is tasked with fighting Israel's enemies, as David's troops did. The second stage is to fulfill Tzefania's prophecy (3:9) that all the nations will adopt clear speech to "call out in Hashem's Name and serve Him with one shoulder."

The Rambam focuses on the prophecy of Bilam that Hashem will subdue certain nations and continues "It is a nation 'like a lion shall rise up,' describing the ferociousness of the lion in battle. This prophecy ends with "your [Israel's] blessers shall be blessed (Bamidbar 23:9)." This is part of the idea of the nations joining the axis of "charity and justice," as opposed to the *pasuk's* other axis – "those who curse you shall be cursed" – in line with the same promise made to Avraham (Bereishit 12:3).

The State of Israel specifically and the whole world generally are in the midst of a very special time period. The Middle East is changing; one evil regime after another is falling or being weakened one. The "ring of fire" intended to burn the Jewish state is burning itself. Hamas is and will continue to be hit until they release the hostages and accept assured dismantlement from all weaponry. It must stop its evil dominion over the people of Gaza, where it does not follow the most basic rules of humanity. All the Arab nations should install judicial systems that are fair to the whole populace. Women should no longer be servants to those who "win them" for their atrocities.

Lebanon is becoming a country with one army, as Hezbollah is forced to give up its arms and its evil plans against its neighbors and non-Shiite Lebanese. Syria will join the Abraham Accords. Iran will be freed from its monstrous regime, which afflicts its citizens and from its nuclear and ballistic programs. This will enable the Iranian people to profit from the plenty that will flow into the region because of the Abraham Accords.

All of this will allow the State of Israel to move to the final stage of our nationhood – the days of Hashem's liberation, in which we serve Him at the head of all the nations. Even as we experience difficult days and nights, we can be strengthened by our belief that if we unite and pitch in together, Hashem will bring will soon come to the whole world in our merit and with the help of our partners, those who bless us.

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

# Ask the Rabbi

by Rav Daniel Mann

## Beracha on Mediterranean and Atlantic

**Question:** When I fly between Israel and the US, should I make a *beracha* on seeing the Mediterranean and Atlantic. (I grew up near the ocean, and, being scientifically oriented, I do not view the ocean as a wonder.) If so, what *beracha*/ot should I make?

**Answer:** The *beracha* on large bodies of water is not about miracles within nature. Rather, it acknowledges Hashem's creation of impressive, formidable, and/or impactful natural phenomena, for which the vastness of major bodies of water qualify (see also Shulchan Aruch, Orach Chayim 219:1). Whether one is personally impressed does not determine whether he makes the *beracha* (see Sha'ar Ha'ayin p. 420,429). What is required is that one's encounter with the body of water is new, i.e., he has not seen it in thirty days (Berachot 59b). There is a *machloket* whether for one who lives near the sea but has not seen it in 30 days, a sighting is considered new, which was relevant when you were a child. Most *poskim* assume that one makes the *beracha* even when seeing it from a few miles above the water, through glass, as long as it is clearly visible (B'tzel Hachochma II:16). Therefore, while many wonderful Jews do not make the *beracha*, we encourage doing so when applicable.

The text of the *beracha* is unclear. The *mishna* (Berachot 54a) lists seas among things that, upon seeing, one should recite "*Baruch ... oseh ma'aseh bereishit*" (=OMB) R. Yehuda (ibid.) continues that on "The Great Sea" he recites "*Baruch she'asa et hayam hagadol*" (=HYHG). The Rambam (Berachot 10:15) codifies R. Yehuda's statement, which surprises some since he seems to be a minority opinion. The Kesef Mishneh (ad loc. 14) provides an indication that the *gemara* prefers R. Yehuda and also raises the possibility that R. Yehuda came to add, not argue, as all agree on a different *beracha* for the "Great Sea" (see Shut HaRosh 4:4).

What is the *Yam Hagadol*? The Shulchan Aruch (OC 228:1) assumes that it is the Mediterranean, as the Torah calls it when giving it as a border of *Eretz Yisrael* (Bamidbar 34:6). However, there are different texts and readings of the Rosh (ibid.) on this very question, and the Divrei Chamudot on the Rosh (Berachot 9:37) argues that THE great sea is the ocean that "surrounds the whole world" (Atlantic and/or Pacific), whereas the Mediterranean gets the standard *beracha* of OMB. Some say that the Mediterranean qualifies because it is connected to the Atlantic and is "fed" by it, and the Knesset Hagedola (Beit Yosef 228:2) says that both deserve HYHG.

There is no consensus on which opinion to accept, but the Mishna Berura (228:2) leans toward OMB for the Mediterranean and HYHG for the Atlantic. He also points out that OMB is a more general *beracha* (like *Shehakol* for foods) and works *b'di'eved* even if HYHG was the correct *beracha* (Be'ur Halacha to OC 228:1). Fascinatingly, B'tzel Hachochma (II:12) argues that since OMB is called for only for those things that existed at the creation of the world and since there are Talmudic accounts that the Mediterranean basin was not originally filled with water, one cannot be *yotzei* with OMB but only with HYHG. However, the more accepted opinion is OMB on the Mediterranean and HYHG on the Atlantic (see Piskei Teshuvot 228:2; Halichot Shlomo 23:29). (We will not discuss special steps to fulfill more opinions.)

Contemporary *poskim* wonder about what to do on a trip where one passes both bodies of water (see Divrei Yatziv, OC I:95). There is logic to recite on both, at least if one makes different *berachot* on them and given the significant break between them. However, because there is reason to say that these connected waterways are one regarding this *beracha* (B'tzel Hachochma II:16) and since you will be within 30 days of seeing a vast body of water, it is advisable not to make a second *beracha* (with Hashem's Name). On the way back within 30 days, one definitely does not make another *beracha*, assuming he saw the water clearly on the first leg.

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**Eretz Hemdah**  
 Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich  
 2 Bruria St. corner of Rav Chiya St.  
 POB 8178 Jerusalem 91080  
 Tel: 972-2-5371485 Fax: 972-2-5379626  
 amutah number: 580120780

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# Igrot HaRe'aya - Letters of Rav Kook

## Good Work, Regrettable Language – #330

**Date and Place:** 21 Elul 5670 (1910), Yafo

**Recipient and Background:** Rabbi Binyamin Menashe Levine. Levine was a protégé of Rav Kook from when Rav Kook was a rabbi in Biosk. We have seen warm letters between them over the years. Rav Kook encouraged Rav Levine's scholarship. Rabbi Levine's greatest field of expertise was the period of the *Geonim*, and he published the letters of Rav Shrira Gaon. This interchange relates to Levine's introduction to the book on Rav Shrira Gaon. It was probably written in German, the academic language of Rav Levine's milieu (he studied in the University of Bern).

**Body:** Dear friend, I received your dear composition, some time ago. I do not need to explain to your honor the nature of the joy of my heart to see your glorious work. It is a sign of fabulous diligence, which is a testament to your true love for the ancient luminaries of the Torah. This encapsulates all of the life of our spirit, and these are visible at every corner of your dear composition. This also demonstrates the quality of your major work on the whole publication, which filled my heart with the joy of salvation. Continue to succeed, my dear, be prominent in Efrat and have a name in Beit Lechem of the gates (a sophisticated play on words from Rut 4:11 and Shoftim 5:8, which is very hard to convey in translation), the gates of Torah and the thoughts of holy scholars.

However, a tiny measure of pain is mixed in with my great satisfaction. I considered that it would have been better if this dear treasure would have been written in our holy language, the true acquisition of Hashem's nation. But this is a widespread problem, from which we hope we can move on when the nations will clearly change to a desire to call out in the Name of Hashem. Then they will collect for us all of our treasures (Torah manuscripts) that exist on foreign soil. Maybe you will recover and transfer the treasure of your goodness to our holy language. This will enrich the new Hebrew language, which has been disgraced from the honor it deserves by its defilers, so that it will return to being expensive property and attractive jewelry, honored by Hashem and by man.

## Congratulations on New Rabbinical Position – #331

**Date and Place:** 25 Elul 5670 (1910), Yafo

**Recipient and Background:** Rav Yaakov Moshe Charlop, upon being appointed the rabbi of the new Sha'arei Chesed neighborhood of Jerusalem. I have seen earlier dating for his appointment to this position and do not know if he was appointed in stages.

**Body:** My heart is joyful with the good news that, thank G-d, "he who guarded the fig tree will eat its fruit" (Mishlei 27:18). May you stand in good health, "well-fed" and fresh, as you look after the sacred on the holy mountain until the time that a new song will be written, when the Temple will return to the holy city on the lofty, holy mountain.

May you be blessed as you enter the position of the rabbinate within the holy community, and may all enjoy the light of your Torah and your fear of Hashem. May the pleasantness of Hashem be upon you and upon them. "As soon as a Torah scholar is present, there is blessing" (see Berachot 42a). Fortunate are your congregants, that their lot fell upon a righteous man, a man among men with a pure heart and a straight path, a person who has everything in the realm of Torah and pure fear of Hashem with excellent attributes.

Please send these sincere words of blessing to the holy community who "encamp around your flag."

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

Itamar Chaim ben Tzipora

Nir Rephael ben Rachel Bracha

Arye Yitzchak ben Geula Miriam

Tal Shaul ben Yaffa

Ori Leah bat Chaya Temima

Neta bat Malka

Meira bat Esther

Together with all *cholei* Yisrael

# P'ninat Mishpat

## Amounts and Conditions of Payment to an Architect – part IV

(based on ruling 83061 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiff (=pl), an architect, worked on two projects for the defendant (=def). Regarding each, they dispute the amount due and/or the payment's timing. *Over the last three weeks, we have surveyed various parts of the ruling. Now we deal with appeals [of both sides] that relate to many elements of the ruling. Most of the elements of appeal were rejected, but even a good ruling may have certain elements that can be successfully questioned. We focus on a handful of the issues.*

**Ruling: Ribbit as part of the price:** Def claims that the fee for the second project should have been 66,000 NIS and the 142,000 NIS was because of def's demand that the payment be put off for years, so that he need not pay the difference because it is forbidden to pay *ribbit*. *Beit din* rejects this claim. The itemized stages of payment in the price estimate demonstrate that the payment is for the work, not for waiting. Although def's agreement is conditional on late payment, it does not turn the charges into late-payment increases, but is a concession regarding time of payment. Additionally, as long as there is not a demand of extra pay for extending the payment until after the completion of the work, it is not *ribbit*.

**A few more percent for hard work in the beginning:** The expert who estimated that pl completed 35% of the work when he stopped, said that it is traditional for payment of 10% more than the amount due when stopping after the first stage because the first stage includes extra work, but the first *beit din* obligated only 35% because there was no proof the beginning work was harder. The appeal *beit din* noted that according to the division of payments in the estimate, pl stopped working when 50% of the payment was due. While this is not enough to obligate 50%, it lends credence to the idea of adding on a few percent, and so the appeal to obligate 38.5% is accepted.

**Payment of VAT:** When stating the amount due, the first *beit din* did not write that coverage of VAT should be added. Def says there is no need for VAT because the payment is for compensation, not work. However, pl is correct that the payment is for professional work rendered, which requires paying VAT, the payment of which falls on the recipient of the services.

**Payment plan:** The first *beit din* spread out the payment plan over six payments. The general rule for payment of a *beit din* ruling is 30 days. It is true that this can be extended when a large amount of money is deemed to require more time to arrange. However, since both the original wait for payment and the length of the adjudication were great, it is not right to make pl wait so long. Therefore, we decide that the payment should be in two installments, a month apart.

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