



HEMDAT YAMIM

חֵמְדַּת יָמִימִים

Parashat Hashavua **Noach, Tishrei 26 5786**

Harav Shaul Israeli zt"l
Founder and President

What's in the Name of Noach? Harav Yosef Carmel

The special personage of Noach accompanies us from the end of *Parashat Bereishit* until near the end of our *parasha*, at which time we focus on the offspring of his son Shem, especially Avraham. (*Chazal* determine that the two overlapped.)

Noach's name first comes up when his father Lemech named him. Lemech said: "This one shall comfort us from our actions and from the sadness of our hands, from the earth that was cursed by Hashem" (Bereishit 5:29). *Chazal* (see Rashi ad loc.) tell us that this positive comfort was that he developed plowing utensils, which eased the difficulty of agriculture that stemmed from the curse of Adam. (Rashi actually explains the name based on the root of making easy rather than comforting.)

Right after the first discussion of Noach's lineage, the Torah tells the story of the powerful men who took whichever women they wanted (ibid. 6:2). Rashi tells that this included taking women right before their weddings. Hashem first limited their longevity to 120 years (ibid. 3; see Malbim ad loc.). Later (ibid. 5-7) Hashem took further steps, decreeing the destruction of the world as it had been known, and using the root of Noach's name to describe the decision – "*Vayinachem Hashem ...*" (Hashem regretted that he made man in the land); "*Ki nichamti ki asitim*" (I regret having made them). Directly following this, the Torah writes that "Noach found favor in the eyes of Hashem" (ibid. 8).

This indicates that the changes in which Noach took part did not go just in the direction of respite from difficulties but also in causing Hashem to regret the world. Even Noach went from finding favor in Hashem's eyes to drunkenness and the first recorded post-diluvian scandal (commentaries disagree as to exactly what happened between Noach, Cham, and C'na'an). This required the passing of the future of the spiritual world from Noach and his descendants to only one of his descendants – Avraham.

The phrase "... *matza chen*" appears three times in *Tanach* – about Noach, David (Shmuel I, 16:22), and *Am Yisrael* (Yirmiyahu 31:1). We also find similar language regarding Hashem's relationship with Moshe after the Golden Calf (Shemot 33:16-17).

If so, we see a new significance of Noach's birth and name. Although Hashem had "regrets" and brought the flood, which destroyed the world due to mankind's corruption, Noach was positioned to save mankind and connect people with Hashem in a manner that could keep it going smoothly. The problem is that after the flood, Noach's nuclear family itself was poisoned by depravity (Bereishit 9:20-24).

We can summarize as follows. When Noach's father, Lemech, had him, he was excited that Noach could remedy the punishment of Adam. Noach would make things more *noach* (easy, pleasant), saving time and sweat with his plow. Found time brings promise and pitfall. Sometimes a fancier, more relaxing life brings one to spend time on corrupt indulgences. On the other hand, the time can be spent strengthening the connection to Hashem of oneself and those around him. Only in *Eretz Yisrael* are agricultural activities considered *mitzvot*. This connection to the Land begins when Avraham comes upon the scene – at the end of *Parashat Noach*. This is the "message for generations."

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



Ask the Rabbi

by Rav Daniel Mann

Mincha after Sunset

Question: I am careful to finish *Mincha* by *shki'ah* (sunset), but one day I remembered a few minutes after it, that I had not *davened*. I decided to *daven* then with the following condition – if it was still time for *Mincha*, it should count, and if it was too late, it should be a *tefillat nedava* (voluntary prayer). Was that correct? Also, what was I supposed to do when I went to *daven Ma'ariv*, considering that I am unsure if I fulfilled *Mincha*?

Answer: Indeed, one should *daven Mincha* by *shki'ah*. Although the Rama (Orach Chayim 233:1) says that those who *daven Mincha* after *plag hamincha* (now widely practiced) have until [close to?] *tzeit hakochavim*, the Mishna Berura (233:14) argues that one must *daven* by *shki'ah*. However, at least for several minutes after sunset, it is possible that *b'di'eved* one may still *daven Mincha* (ibid.).

You seem aware of the above and do not want to rely on the opinions (many do for at least several minutes) that when one must *daven Mincha* after *shki'ah*, he may assume it works. Your idea of dealing with the doubt contains positive points. Let us analyze it and determine how you should have proceeded.

Classical sources discuss *tefillat nedava* in two cases – #1. One who is unsure if he already *davened* may do *Shemoneh Esrei* (=SE) as a *nedava*; #2. One who wants to *daven* a second time and adds new elements to SE (Shulchan Aruch, OC 107:1, based on Berachot 21a). Your idea relates to #1, with the doubt being not whether the *tefilla* is necessary but whether it works as desired (for *Mincha*). There is no clear precedent for a *tefillat nedava* at a time that is not viable for *tefilla*, but your assumption (the Be'ur Halacha to 233:1 concurs), is that if it is too late for *Mincha*, it must be possible to *daven Ma'ariv*. Your *nedava* faces another challenge. If your *tefilla* did not work for *Mincha*, it is *nedava* of *Ma'ariv* ... before you do the obligated *Ma'ariv*. This might be possible (see Ohalei Shimon, Tefilla 20), but it is difficult to determine if all agree with this possibility.

We now follow your system to *Ma'ariv*. If your *tefilla* did not count for *Mincha*, you needed SE at *Ma'ariv* twice, the second as *tashlumin* (makeup) of *Mincha* (Shulchan Aruch, OC 108:2), for a total of three SEs that evening. On the other hand, you could not be sure the third one is necessary, because if the first counted for *Mincha*, no *tashlumin* was necessary. Therefore, the third *tefilla* would also need to be done as a *tefillat nedava* (a variation of scenario #1 above).

However, *poskim* (see Ishei Yisrael 27:6) do not embrace your system of dealing with the *safek*, but that of the Be'ur Halacha (ibid.). He says that post-*ski'ah* SE should be on condition that if it does not work for obligatory *Mincha*, it should be for obligatory *Ma'ariv*. If the first was for *Ma'ariv*, then you missed *Mincha* and the later SE (which will be preceded by *Kri'at Shema* and its *berachot*) will be *tashlumin* of *Mincha*.

The Be'ur Halacha's system has weak points if your first *tefilla* did not fulfill *Mincha*. SE of *tashlumin* should be directly after the SE of the present *tefilla* (Mishna Berura 108:15). In this case, if the SE after *shki'ah* ended up being for *Ma'ariv*, then the *tashlumin*, done with the *Ma'ariv* of everyone else, is likely to be several minutes and perhaps much more after the first SE. However, when need be, there can be a break, as long as it is within the timeframe of *Ma'ariv* (ibid.). Also, *Kri'at Shema* and its *berachot* will turn out to be (perhaps, significantly) after the main SE of *Ma'ariv* (the first *tefilla*). Once again, while not ideal (Shulchan Aruch, OC 236:2), it is permitted when there is need (ibid. 3).

The Be'ur Halacha avoids two weaknesses in your system that exist even if, as is likely, your first *tefilla* worked for *Mincha*. 1) You need three SEs instead of two; 2) We try to avoid *tefillat nedava*, which should ideally be done only if one concentrates throughout SE (Shulchan Aruch, OC 107:4).

While we can further debate the merits of each system, we expect that next time you will follow the Be'ur Halacha.

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Moreshet Shaul

(from the works of Hagaon Harav Shaul Yisraeli zt"l)

Inability to Pass on Abandoned Tradition – part I

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 733 (1937)

In recent generations, the Jewish People saw the rise of movements that strove to separate between principles that are studied and their practical applications. They claim to continue and fulfill the ideas of the prophets in new ways – but these are ways that are totally unconnected to the world of the prophets. A certain portion of our idealistic youth think that this will bring liberation, namely, the liberation of man, by bringing the philosophy of socialism to fruition.

We should admit that socialism has more in common with Israel than with other nations. The concept of equality among people was developed amongst Jews, and it received practical expression in daily commandments to the point that it left a special place in the Jewish spirit, even for those who abandoned the practical *mitzvot* that developed the concept of equality. Pioneer spirit and self-sacrifice make a splendid page in Jewish history, and *kibbutz* life contains elements of Judaism, even when its members do not recognize this. However, the [continuation of kinship between Jewish practice and external philosophies] cannot last long. They take out things from Judaism without putting in [proper things within them]. They thereby waste that which was acquired during thousands of years, wasting power and beauty without replacing it by putting something else into the “treasure house.”

A person can find his contentment by nullifying his personal interests and integrating his life with that of his community, with concern for communal welfare and social justice. This can make him feel fulfilled. He sees in himself a special uplifting, a certain lofty aspiration that he did not find by his father or grandfather. He saw them as those who pray in a set and rote fashion and act without thought but based on a certain book, like a table that was set by someone else. [He sees in himself something new and special.]

However, he is making a great mistake. A person does not receive things from that which is unowned. Even if an unowned area is full of precious stones, the one who gets them will have some sort of special connection to the area. [So too,] a person inherits his nature and his contentment from his forebears over many linked generations. In the final analysis, that which he sees in himself, he should not attribute to the purity of his spirit without regard to his forbears. If he indeed has something special about his character, he should recognize that this comes from the greatness of the spirit of his predecessors, who bequeathed it to him, sometimes even when it did not fully find expression in them. If one does indeed find something more ideal about his actions and his approach than in his father's, he should realize that this just means that what was stored hidden in his father's spiritual storehouses came to the surface in him.

However, the revelation of the positive characteristic can actually be a sign of death. As long as the spirit is involved in creation, it is hidden. When the wellspring of creativity is closed, the character becomes revealed. This is a sign that there is no activity and the spirit is living off that which was prepared in it in the past, and is thus wasting that which was prepared for him.

We will continue next time.

We daven for a complete and speedy refuah for:

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P'ninat Mishpat

Problematic Lights?

(based on appeal of ruling 84085 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def), a contractor, hired the plaintiff (=pl) as a subcontractor for extensive electrical work, including for lighting in a *shul*. *Beit din* obligated *def* to pay 98,433 NIS for the work he did. *Pl* also sued for 40,435 NIS for having to redo the lighting that was ruined because birds that were able to freely get into the building during the building process, ruined much of the lighting apparatus. *Beit din* obligated *def* to pay most of the claim even though there was not an agreement in advance on it. *Def* complains that upon inspecting the second installment, he saw that the fixtures were not properly protected, so that one must assume that the same was true the first time, which explains why the birds were able to ruin them and makes *pl* responsible for it. *Def* also rejects the report of *beit din's* expert because he did not see in person the work *pl* did. *Pl* responded that since the ruling being appealed is not on the first installation but on the second one, *def* can only make these claims in a new adjudication. *Def* also complains that the price of the second installment was determined by comparison to the price agreed for the first one, which is illogical because they were done in different ways. *Def* also complains about the fact that several lights are flickering, so that he should not be paying *pl* for them.

Ruling: It was a wise practical move by *beit din's* expert to use the pricing from a previous stage of work for new but very similar work. It helps reduce dispute and fees of the expert, and it is fair as long as the expert makes adjustments to deal with the differences. Therefore, in this regard, we reject the appeal on *beit din's* ruling that relied on it.

Despite *def's* claims, he did not bring corroborative evidence that the second installation of lights was not according to specifications. In order to win an appeal, one has to bring proof, of which *def* brought none. Even if the second job was missing some elements, since the second job provided more value than was originally called for, *def* cannot benefit from the work and not pay for it. If *def* believes he has proof that the first installment was faulty and caused damage, he can open a new claim.

Even if *def* is correct that several lights are flickering, he cannot receive a reduction on the amount due for that. *Pl* is correct that since more time has gone by than the period of guarantee, flickering at this point is no longer *pl's* responsibility.

The complaints against the expert, who was hired with the approval of both sides, are to be rejected. True, if the expert would have seen the lighting fixtures in person, instead of seeing pictures of them and specifications, it might have been preferable. However, the circumstances made it difficult. Since *def* knew the expert would not do so and he did not object when it would have been appropriate, he cannot raise an objection now.

In summary, all of the complaints of the appeal are rejected, and the ruling stands.

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