



HaRav Shaul Israeli zt"l  
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# HEMDAT YAMIM

## Parashat HaShavua

Kedoshim, 29 Nisan 5779

### Many *Torot* Have Been Emanating from Jerusalem

Harav Yosef Carmel

We have discussed in the past that we should thank Hashem that the State of Israel is today a Torah powerhouse beyond that which existed in any generation. The number of Torah learners is greater than it ever was, the number of hours of Torah study exceeds what ever existed, and the level of learning is higher than anywhere else in the world. The main reason for all of these is the State of Israel.

The incredible technological development is one of the things that have made this possible, and Israel is a leader in this as well. Technology allows more non-work time, makes Torah libraries available in everyone's "window," and allows for all sorts of Torah to be disseminated instantaneously, day and night.

So we can say that Yeshayahu's prophecy (2:3), "For from Zion will come forth Torah and the word of Hashem from Jerusalem" has begun to be fulfilled. If we look at the verse's simple reading in context it is that the Torah will be spread throughout the world and to all the nations; it will not be limited to the Nation of Israel in the Land of Israel. Let us look how the words of the prophet are being fulfilled in our times.

Torah does not have to be limited to what we usually call Torah – Tanach and the Oral Law. It can also include a set of values and valuable infrastructure that the Jewish People can impart to the nations of the world. It can include:

1. The sanctity of human life and the obligation to beware not to harm anyone without explicit permission. In a case of *pikuach nefesh* (danger to human life), all *mitzvot* (except for the three most severe) are overridden.
2. The obligation to help those who are (defined in a variety of ways as) weak. This obligation is mentioned tens of times in Torah, and the Prophets stressed it even more.

Let us look at what has happened in these fields. Israel is the birthplace of the "stent," a medical device that has saved millions throughout the world who suffer from severe vascular problems. Israel, and its capital, Jerusalem, is also a leader in the field of autonomous cars, which are expected to save many lives with safer driving. It will also improve the quality of living and will allow there to be fewer cars on the streets. (It may also help limit problems of *chillul Shabbat*; *poskim* will have to come up with guidelines that will emerge when such systems are available.)

In the field of help for the needy, Israel is a leader in the field of water desalinization and energy creation, which is crucial in places where there is a shortage of these resources. These technologies can make life more livable for millions of people. Israel is a power in the field of helping the sight impaired. An Israeli invention makes written material accessible to the blind and enables people without sight to get around safely. We do not have enough room in this forum to continue with other important developments.

Let us spend Yom Ha'atzmaut giving gratitude to Hashem for all the good that He has bestowed upon us through the establishment of the State and for the privilege of living in a place that has helped fulfill, if seen broadly and to a certain degree, the *pasuk*: "For from Zion will come forth Torah and the word of Hashem from Jerusalem."

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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

## When to Make a Beracha for Inheritance

**Question:** The executor of my mother's will is starting to distribute funds. I saw in P'ninei Halacha (online) that the beneficiaries should say *Hatov V'hameitiv* when they receive the funds. In our case, distribution will be piecemeal. When/how often should I recite the *beracha*?

**Answer:** The *gemara* (Berachot 59b) says that when one's father dies and leaves an inheritance, he recites "*Baruch ... dayan ha'emet*" and then a *beracha* for inheriting, (*Hatov V'hameitiv* for multiple inheritors; *Shehecheyanu* for a lone inheritor). The Rashba (Shut I:245) explains the shocking idea of employing an upbeat *beracha* due to a loved one's death – these *berachot* are not for happiness, which should not exist no matter the inheritance's size, but for practical gain. The Ktav Sofer (Yoreh Deah 123) explains that we view the death and the financial acquisition as separate, as only "by chance" were significant funds acquired due to a death.

While the *gemara* is accepted in the Shulchan Aruch (Orach Chayim 223:2), its practical application has raised pertinent questions. Classical sources imply that these *berachot* are done right after witnessing or hearing of the death, which is usually when the son is an *onen* (one before his close relative's funeral), who may not make *berachot*. So why does he make this *beracha*? The Geshet Hachayim (18:2.3) says that the *beracha* is indeed recited after the burial, but Rav Auerbach (see Shemirat Shabbat K'hilchata 64:(8)) is cited as disagreeing.

Another problem relates to the present *minhag* that people recite *Dayan Ha'emet* only soon before the burial. But it makes sense to recite the *beracha* on inheritance at the time it occurs halachically (the moment of death)! Several *poskim* (see *ibid.*; Shevet Halevi VIII:35) posit that it is unseemly for the first religious acknowledgment of a parent's death to be upbeat; so even nowadays, *Dayan Ha'emet* must be first. But when? There are logic and textual indications (both beyond our present scope) that the two *berachot* were meant to go together, so that the inheritance *beracha* could be right after *Dayan Ha'emet* (at the funeral). But then it is not connected to any stage in inheritance (see Shemirat Shabbat K'hilchata *ibid.*), and, worse, I have never heard (or heard of) anyone doing it at that time. Another alternative, with similar problems, is soon after starting *aveilut* at home (it is permitted during *shiva* – Mishna Berura 551:98).

Therefore, the P'ninei Halacha's idea is appealing. One thereby distances the *beracha* from the death and pain, with emotional and maybe halachic gain (see Teshuvot V'hanhagot II:140). By waiting for a financially significant time, the *beracha* is linked to the inheritance.

However, while not arguing, we will point out problems with this approach. In the *gemara*'s time, the main inheritance, real estate (see Ketubot 91a), often took a while to be sorted out (divided up by the brothers), and yet the *gemara* implies that the *beracha* was made right away. Since according to most, *Shehecheyanu* of this type is not obligatory (see Mishna Berura 225:9), there is less need to say it if there is doubt. (If one makes the *beracha* when receiving personally, *Shehecheyanu*, which is anyway the safer *beracha* (Biur Halacha 223:5), not *Hatov V'hameitiv*, is correct even if he has brothers.). There is also a minority opinion (see Ba'er Heitev 223:7) that one makes the *beracha* only if he was surprised to find out that he was left an estate. Not always is it clear that the inheritance, especially after paying parents' debts (see Chashukei Chemed, Ketubot 90b) bring enough happiness/benefit for a *beracha*. Above all, the *minhag* seems to be not to make the *beracha*. Although the *minhag*'s origins are not fully clear, we have seen enough reasons to consider it reasonable. While it is legitimate to follow the P'ninei Halacha's recommendation or make the *beracha* earlier, one need not feel compelled to make the *beracha*. If he decides to make it, it is unjustified to do so on every installment. The first or largest expected installment would be the time.

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# Ein Ayah

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

## Two Days, Two Elements of the Torah's Gift to the World

(condensed from Ein Ayah, Shabbat 9:17)

**Gemara:** The Ten Commandments were given to Israel on the sixth of the month [of Sivan]. Rabbi Yossi says: on the seventh of the month.

**Ein Ayah:** The special month which was fit to have the Torah given in it counts its days like the days of creation. The Torah, which can be considered the “form of mankind,” i.e., it is the upper thought process, makes a person into a person. Additionally, it is the form of the entire world. After the Torah sets its imprint on man, especially engraving the divine ideals of the true divine doctrine on his heart, it becomes rooted in the midst of the “soul of the universe.” From the perspective of the first value, that the Torah radiates on man and makes him complete, it is appropriate that the Torah be given on the sixth day of the month. This correlates to the sixth day of creation. However, there is a broader element of the Torah, of Torah relating to all of existence, which is even more profound than its impact on man, as it completes the form of the whole world, by providing an “extra soul” for man, which elevates the spiritual character of all worlds. In this regard, the Torah correlates to the day of Shabbat, the day when Hashem “rested,” and rest was introduced to the world, giving it its lofty completeness. It is, therefore, appropriate for the Torah to have been given on the seventh of the month.

When there is a coinciding of these two great elements, the light provided to man to set his form with a divine light, and then this being part of having the whole universe enlivened and enlightened, both outlooks can exist. Therefore, there is an opinion that the Torah was given on the sixth and an opinion that it was on the seventh.

## Introduce a New Era with a New Moon

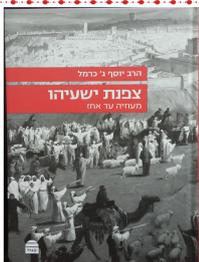
(condensed from Ein Ayah, Shabbat 9:18)

**Gemara:** Everyone agrees that the nation came to the Sinai Desert on Rosh Chodesh (first of the month). It says here, “On this day, they came to the Sinai Desert” (Shemot 19:1), and it says there, “This month is for you the first of the months” (ibid. 12:2). Just like there it was Rosh Chodesh, so too here it was Rosh Chodesh.

**Ein Ayah:** The renewal of time renews the spirit of man, whether individually or nationally.

The preparations for the Exodus from Egypt, which was a great action of renewing the spirit of Israel from slavery to freedom, was aligned with renewal of time, which occurs with the new moon. For that reason, it was introduced with the Torah section referring to the connection between the Exodus and the new moon.

The same idea was true of the giving of the Torah, which was a renewal of the internal spirit. This also must have been connected to the renewal of time, as [the preparations] were introduced by saying that a new period had come, one which was more glowing, with life that was embarking on a renewal of the spiritual form in a lofty manner. “Just like there it was Rosh Chodesh, so too here it was Rosh Chodesh.”



### 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

## Expanding Work and Expanding Pay

(based on ruling 77015 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiff (=p) served as a supervisor of the building of the defendants' (=def) house, which included inspecting the work going on at the site and also coordinating and taking responsibility for the architect, engineer, contractor, and subcontractors. His fee was 26,000 shekels, and the construction was supposed to be finished by the end of 2015. During the work, p recommended to def to expand the scope of development and argued (against the other professionals) that they should build supporting walls, at a cost of 200,000 shekels to accomplish this safely. Def accepted p's plan. The work dragged out until Oct. 2016. The contract stated that for work that p will need to do after 2015, he will be paid 260 shekels per visit. P says that he has worked 120 hours on matters outside the contract, but is charging for only 50 hours at 260 shekel an hour (13,000 plus VAT). Def argues that it does not make sense that the extra work is more than half of his base salary, that p did not warn them he would ask for more money, and that his silence implied that the 200,000 shekels for the supporting walls included his fee. They also claim that he is responsible for much of the delay in the project.

**Ruling:** There is no logical basis for def's claim that the quote for the expense of the wall included pay to p, considering that def did not claim it was said, def did not ask, and the money paid did not pass through p's hands. The fact that p did not ask for his fee before or as the work was being done is inconsequential, as one can ask for payment for that which he did even as an apparent free favor if it is the type of work that is standardly paid for (Shulchan Aruch, Choshen Mishpat 264:4). Here it is even clearer since p did the work in the midst of professional work for which he was paid (see *ibid.* 333:8), and provisions were originally agreed for an increase in his fee.

However, def's claim that such a large increase in p's pay for services without warning does have validity. The way p presents his claim, he is asking for double pay for some of his work, as follows. He was promised pay for work after the construction was supposed to be done because that is in effect new work. But a major part of the delay was due to building the supporting wall, so that if he will be paid for the wall, it should be reduced for what he ostensibly deserves for overtime by going into 2016. Furthermore, p's job included taking responsibility for the work of the other professionals.

From the deliberations it emerged that the price for p's work was based on an assumption of approximately 100 visits at 260 shekels including VAT per visit. Not including the visits due to unnecessary delays, for which p had pledged responsibility, there were 120 visits. Therefore, p deserves 20 \* 260 shekels including VAT, or 5,200 shekels.

*Other dayanim arrived at the same sum in different ways.*

.....  
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