



HEMDAT YAMIM

Parashat Hashavua

Noach, 29 Tishrei 5783

Why Specifically in Eretz Yisrael?

Harav Yosef Carmel

Harav Shaul Israeli zt"l
Founder and President

Eretz Yisrael appears as the promised land for the offspring of Avraham in *Parashat Lech Lecha*. During the first 2,000 years of Creation, which *Chazal* call the period of *tohu* (void), the Land does not seem to play a prominent role in the history of mankind. This is surprising, considering that the *even hashtiah*, upon which the world was established, is found there, in Yerushalayim. The desired Garden of Eden is also there.

The Rambam (Beit Habechira 2:1-2) gives special standing to the Land. He says that the altar of the *Beit Hamikdash* was destined for a special location, chosen by Hashem. He both finds biblical support and cites oral tradition that it was the place at which Avraham bound Yitzchak before Hashem. It was also the place of Noach's altar after the flood, the place of the offerings of Kayin and Hevel, and the place from which Adam was created and where he brought an offering after his creation.

In our *parasha* as well, *Eretz Yisrael* has a special status behind the scenes. The *gemara* (Zevachim 113a, as does Shir Hashirim Rabba 4) cites an opinion that there was not rain of the flood there and that is therefore from there that the dove brought the olive leaf. There is a hint at this in the prophecy of Yechezkel (22:24) who refers to the Land as "not rained upon in the day of anger." *Chazal* are thus teaching us that *Eretz Yisrael* is a unique place, which is different from any other place mentioned in *Tanach*.

The end of the *parasha* shines a negative light on Noach's son Cham and two of his sons, Cana'an and Kush. Cham and his younger son, Cana'an, reached lowly spiritual levels and were thus subject to Hashem's curse, reminding us of Hashem's reaction to the sin of the snake (see Bereishit 3:14,17).

Kush was the firstborn son of Cham and the father of the infamous Nimrod, who was the blasphemer who rebelled against the Creator (ibid. 10:8-9). He led the people of the Tower of Bavel and spoke connivingly to forsake Hashem. He knew about Hashem and intended to oppose Him. Tzidon was Cana'an's firstborn. His city was on the northwestern boundary of *Eretz Cana'an*, which stretched all the way to Sodom and Amora (ibid. 19), whose people became the symbol of evil.

If so, *Parashat Noach* is an introduction of sorts to the story of the Nation of Israel, the descendants of Avraham, Yitzchak, and Yaakov, Sarah, Rivka, Rachel, and Leah. In fact the very end of the *parasha* introduces us to Avraham's sojourns in *Eretz Yisrael*. The reason that Avraham was to go specifically there is alluded to in the *parasha's* first section, dealing with the flood, which the Land evaded. It is a Land that is designed for living in sanctity and purity, which is why it did not require purification by means of the flood. On the other hand, after the flood, it required spiritual mending due to the horrible behavior of the descendants of Cham.

May we merit to follow in the footsteps of Avraham, on a path of charity and justice. May we discover the unique potential of *Eretz Yisrael* and serve as an alternative to the sinful ways of the Land's original occupiers, Cham, Cana'an, Nimrod, and the residents of Dead Sea region.

Hemdat Yamim is dedicated to the memory of:

Eretz Hemdah's beloved friends and Members of Eretz Hemdah's Amutah

Rav Shlomo Merzel z"l Iyar 10, 5771	Rav Reuven & Chaya Leah Aberman z"l Tishrei 9, 5776 / Tishrei 20, 5782	Mr. Shmuel & Esther Shemesh z"l Sivan 17 / Av 20	Mr. Moshe Wasserzug z"l Tishrei 20, 5781	
Hemdat Yamim is endowed by Les z"l & Ethel Sutker of Chicago, Illinois, in loving memory of Max and Mary Sutker & Louis and Lillian Klein z"l	R' Yaakov ben Abraham & Aisha and Chana bat Yaish & Simcha Sebbag z"l	R' Eliyahu Carmel z"l Rav Carmel's father Iyar 8, 5776	Mr. Zelig & Mrs. Sara Wengrowsky z"l Tevet 25 5782 Tamuz 10 5774	R' Meir ben Yechezkel Shraga Brachfeld z"l & Mrs. Sara Brachfeld z"l Tevet 16, 5780
Rav Asher & Susan Wasserteil z"l Kislev 9 / Elul 5780	Rav Yisrael Rozen z"l Cheshvan 13, 5778	R' Abraham & Gitta Klein z"l Iyar 18 / Av 4	R' Benzion Grossman z"l Tamuz 23, 5777	
Mrs. Julia Koschitzky z"l Adar II 18, 5782	Rav Moshe Zvi (Milton) Polin z"l Tammuz 19, 5778	Rabbi Dr. Jerry Hochbaum z"l Adar II 17, 5782	In memory of Nina Moinester, z"l Nechama Osna bat Yitzhak Aharon & Doba Av 30, 5781	R' Yitzchak Zev Tarshansky z"l Adar 28, 5781

Mrs. Leah Meyer z"l Nisan 27, 5782

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



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

**American Friends
of Eretz Hemdah Institutions**
c/o Olympian, 8 South Michigan Ave.,
Ste. 605, Chicago, IL 60603, USA
Our Taxpayer ID #: 36-4265359

www.erezhemdah.org info@erezhemdah.org

Donations are tax deductible according to section 46 of the Israeli tax code

Ask the Rabbi

by Rav Daniel Mann

Taking Over as Chazan after Yishtabach

Question: I was supposed to take over as *chazan* at *Yishtabach*, but I absentmindedly said *Yishtabach* quietly as the previous *chazan* was finishing *Az Yashir*. I quickly asked him to say *Yishtabach* and *Chatzi Kaddish*, after which I took over. Was this appropriate?

Answer: There were a few potential options to consider (besides telling your friend to continue), which we will evaluate and compare.

Your apparent assumption that *Yishtabach* leads straight into *Kaddish* has some basis. The Shulchan Aruch (Orach Chayim 53:1) instructs the *chazan* to stand by the *amud* before *Yishtabach* so he can go straight into *Kaddish* (see Mishna Berura 53:1). However, the connection is more between *P'sukei D'zimra* (which *Yishtabach* concludes) and *Kaddish* than *Yishtabach* itself, as the following *halacha* illustrates. When there is an acute need to speak in the midst of *Shacharit*, which is permitted between *Yishtabach* and *Kaddish*, it is necessary to recite a few *p'sukim* of *P'sukei D'zimra* to justify the upcoming *Kaddish* (Rama, OC 54:3). Although the break was long enough to divorce that which preceded the break from *Kaddish*, it is permitted, necessary, and sufficient to say some *p'sukim* and not to repeat *Yishtabach*.

Even to the extent that there is some importance to connecting specifically *Yishtabach* to *Kaddish*, the important thing is probably the *tzibbur's* connection, irrespective of this *chazan's* recitation. We see this, to a great extent, when a new *chazan* starting at *Ashrei* recites *Kaddish* (*Titkabel*) on a different *chazan's* *chazarat hashatz* (see Divrei Sofrim, Yoreh Deah 376:103). There was even a *minhag*, cited and approved of by the Rav Pe'alim (II, OC 14), that after the *chazan* finishes *Yishtabach*, mourners (even one who did not say *Yishtabach*) recite *Chatzi Kaddish*.

The Pri Megadim (EA 52:1) posits that, classically, a *chazan* recites out loud all of *Yishtabach*, which enables people to be *yotzei* with him. The Chelek Levi (OC 31) says that our *chazanim*, who start at "*Berachot v'hoda'ot ...*," do not serve as full *chazanim* with all their *halachot*. One application of this distinction relates to the *halacha* that when a *chazan* is replaced in the middle of *tefilla*, the new *chazan* must go back to the beginning of the unit (Shulchan Aruch, OC 126:2). In theory this applies to the *berachot* of *Kri'at Shema*, but the Mishna Berura (59:29) points out that nowadays when everyone *davens* for themselves, the *chazan* functions more as a pace setter than a real *chazan* and he does not need to go back. So too here, we do not use a halachic *chazan* for *Yishtabach*. For all of these reasons, you could have and should have either started with *Kaddish* without ending off *Yishtabach* again or had your friend finish *Yishtabach* and you recite *Kaddish*. (The first way would have made it easier to avoid speaking to explain yourself, at a time when speaking is permitted only for special needs.)

Let us now analyze what you apparently assumed, i.e., that making a switch between *Kaddish* and *Barchu* is better because they are not as connected as *Yishtabach* and *Kaddish*. We saw that *Kaddish* relates to *P'sukei D'zimra*. In contrast, we repeat *Barchu* for those who missed even when not preceded by *Kaddish*. On the other hand, *Kaddish* and *Barchu* are quite linked. Classically, *Kaddish* goes with *Barchu* (see Shulchan Aruch, OC 69:1). Also we prefer to speak when critical between *Yishtabach* and *Kaddish* rather than between *Kaddish* and *Barchu* (Rama, OC 54:3; see the hesitation on the matter in Darchei Moshe, OC 54:1). In short, it was unnecessary and slightly unfortunate to do the switch after *Kaddish*, but you did not ruin anything.

You were right not to wait until after *Barchu*. The Beit Yosef and Darchei Moshe (to OC 69) disagree to what extent *Barchu* with its response is self-standing. Although it is not unanimous (see Sdei Chemed, vol. VII, p. 337), there is reason to look at *Barchu* as the beginning of *Yotzer Ohr*, making it a less logical time to switch. However, due to the *chazan's* limited functionality at these points, this too would not have ruined anything.

"Behind the Scenes" Zoom shiur

Eretz Hemdah is offering the readership to join in [Rabbi Mann's weekly Zoom sessions](#), analyzing with him the sources and thought process behind past and future responses. Email us at info@erezhemdah.org to sign up (free) or for more information on joining the group.

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



Igrot HaRe'aya - Letters of Rav Kook

Letter to a Brother – #125 – part II

Date and Place: 3 Adar II 5668 (1908), Yafo

Recipient: Rabbi Dov Ber Kook, Rav Kook's younger brother, a rabbi in Russia, at the time.

Body: I very much desire to know if the rabbis of Russia are doing anything to save Judaism in their land, what the modes of their activities are, and whether it is possible to join up with them. It would seem that the time has already come to wake up from lethargic slumber of sufficing with the status quo. Instead, it is necessary to search for ways of life, both old and new, to assist Israel. I would be surprised if anyone is now exempt from this work. It is forbidden to be humble in this matter, as every hand that is active, whether a little or a lot, can save a little, and it adds up to a large overall gain. All that is required is to act with consideration and wisdom, not just by the churning of the emotion of the heart, which has "sediment that was not removed from the wine."

Perhaps you can inform me what impact the pamphlet "*Binyan Ha'uma*" by Rabbi Pinchas Lintop (see letter #112) has had. Despite the grammatical mistakes and some technical drawbacks, it has fine value, but I am skeptical of whether it has found those who listen and are inspired by it.

Write to me in detail about all the good things going on with you and about your learning regimen. It would seem that it is worthwhile to get very used to reviewing the Rambam in order, a chapter or more every day, as possible – one time without commentaries and another time with the most basic commentaries. But the most important thing is the broad review, as it seems that, going forward, the Rambam's *Yad Hachazaka* will be the central fountain for a Torah scholar, based on the style of learning that will of necessity be initiated.

Our brother-in-law, Rav Yosef [Rabi] wrote to me that there is hope that he will have an opening in a yeshiva where he lives (Vilna). If he can make a nice living there, it will bring me great satisfaction, even though I would prefer more that all of us could gather together as soon as possible in the Holy Land to serve in the important service of Hashem, as is fitting to do within the Land. Hashem is the provider of salvation.

Certainly you know about the tragedy that befell my brother-in-law (Rav Yaakov Rabinowitz, whose wife died), may Hashem comfort him. It is fitting to draw close to him and console him. He complains of loneliness. Sometimes a letter and signs of friendship bring life and encouragement to a person whose spirit is afflicted in such a situation. You will probably get letters from [our brother] Shmuel; he is more diligent than I. Thank G-d, he is setting aside time for Torah study, and he is loved by many in the Holy City, may it be rebuilt, and may Hashem grant him success. Let me repeat my suggestion that we start from now to arrange in a more intensive manner a string of letters, and thereby proper, good feelings for ourselves. This will also have a positive impact for things in general, by means of our spiritual connection, as Hashem shall be happy with our missions.

Regarding the *etrogim*, it is proper to assist and to gather strength as possible. My heart is so troubled after finding out that all of the *etrogim* sold by non-Jews are grafted, in contrast to the worthiness of the *etrogim* of our brothers, and adding to that the fact that buying Jewish-grown *etrogim* improves the welfare of the Jewish community of *Eretz Yisrael*, and yet the eyes are closed, and nobody notices and looks into it. Despite this fact, thank G-d, my activity has not been for nothing, and there is still a great future [for these *etrog* orchards], for which I shall thank Hashem.



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.

Buy Now

P'ninat Mishpat

Limiting Exorbitant Lawyer's Fees – part I

(based on ruling 81120 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def), a real estate development firm, hired the plaintiff (=pl), a law firm, to represent it in Israeli courts, in a suit of an Arab in which Jordanian law was involved. The hope was that pl could remove the suit at a preliminary stage of the litigation. They signed a contract that provides pl an hourly fee of 750 NIS. Def was to pay immediately 7,500 NIS for a ten-hour minimum, and upon completion of those hours, was to pay monthly based on itemized billing. Def asked pl to inform them when the ten hours were about to finish, which pl did. As that point was reached and the court refused to throw out the suit, def expressed concern with the expense, and while continuing to interact with pl, requested negotiations for a fixed fee for the case; pl neither rejected nor accepted this request. About two months later, pl sent a bill for 39,000 NIS, which def claim not to have received for a few weeks. Soon thereafter, def sent a letter complaining that they had been charged before further negotiations. Pl slowed down their work to a minimum, and a few months later def fired pl, around the time pl sent another bill for 36,000 NIS. Pl want to get paid according to their work. Def respond that they understand the agreement, in writing and especially orally, to require renegotiating. Def also claim that the Israeli Bar Society and the courts reject lawyers' unjustifiably exorbitant fees, which applies here regarding land of modest value (their new lawyer is taking 400 NIS an hour).

Ruling: It is apparent from the written contract that the mechanism of payment by hour continues past the ten hours. Neither side claims that the other side lied or purposely misled the other. However, even if def thought that the initial stage would not take much longer than ten hours and that they would then negotiate, they are bound to the written words they signed. We apply the rule that regarding monetary agreements, matters one had in his heart are not consequential (Shulchan Aruch, Choshen Mishpat 207:4). The logic to extend this even to a case where the one obligating himself actually misunderstood is either that we assume mechila to go along with that which he unintentionally agreed to or that a person is responsible for what he should have known (see Chok L'Yisrael, Pegamim B'chozeh, p. 118-119).

All agree that def let it be known that they asked at some point to change the pricing system; the sides disagree about whether pl acquiesced orally. However, def agree that there was not a new agreement in place, and so since def continued to employ pl, it is based on the old agreement (see Aruch Hashulchan, CM 333:30). If def were not willing to continue according to the existing agreement until changed, they should have stopped pl's work. In fact, they did so did only months later.

We continue with analysis of the case next time.

Comments or questions regarding articles can be sent to: info@erezhemdah.org

We daven for a complete and speedy refuah for:

Nir Rephael ben Rachel Bracha
Yisrael ben Rivka

Arye Yitzchak ben Geula Miriam
Yerachmiel ben Zlotta Rivka

Neta bat Malka
Meira bat Esther

Together with all *cholei* Yisrael

Eretz Hemdah is the premier institution for training young rabbis to take the Israeli Rabbinates' rigorous Yadin Yadin examinations. **Eretz Hemdah**, with its distinctive blend of Religious Zionist philosophy and scholarship combined with community service, ensures that its graduates emerge with the finest training, the noblest motivations resulting in an exceptionally strong connection to Jewish communities worldwide.