



HEMDAT YAMIM

Parashat Hashavua

Lech Lecha, 11 Cheshvan
5783

Harav Shaul Israeli zt"l
Founder and President

How to Find Eretz Yisrael?
Harav Yosef Carmel

The command "Go for you from your land and the place of your birth and the house of your father to a land that I will show you" (Bereishit 12:1) reverberates throughout the generations. The Torah does not tell us how Avraham (then, Avram) knew where to go: north, south, east, or west?

The *midrash* (Tanchuma, Lech Lecha 3) teaches that this lack of certainty indeed increased the difficulty of the test to which Avraham was put. Because Hashem did not tell Avraham where the place was, it was a test within a test. The *midrash* says that despite not knowing where he was to go, Avraham packed up his possessions, took his wife, and started traveling. However, it still does not say how Avraham found out where to go.

The Midrash Hagadol suggests that the word for "I will show you" can be read in a way that hints at the land in which Hashem's "eyes" are found (see Devarim 11:12), upon which Avraham responded that he was ready to go to where Hashem wanted him to. This explains why it was *Eretz Yisrael*, but once again not how Avraham found it.

The Ramban (who, like Avraham, moved to *Eretz Yisrael*) explains that Avraham wandered from nation to nation until he came to the Land of Canaan, where Hashem told him that this is the place He was giving to his descendants. That is what Avraham meant by "when Hashem made me wander from my father's house" (Bereishit 20:13). So, according to the Ramban, Avraham was not told anything until he finally got there. This is also the approach of Rabbeinu Meyuchas (an early Rishon commentary).

The author of the Tur found a numerical hint, as he often does. "Ar'eka" (I will show you) has the same numerical value (222) as "ba'ananim" (in the clouds). This hints that the clouds went in front of Avraham and guided him as to where to go. Along these lines, we can find a hint at this phenomenon being a regular sign. The language that begins our *parasha* is basically repeated when Avraham takes to the road to go to the Land of Moriah to offer his son Yitzchak to Hashem (Bereishit 22:2). Here too, while Hashem told Avraham to go the region of Moriah, he did not know to which mountain. *Chazal* tell us that Avraham saw from a distance a special cloud upon the mountain, which showed that that was the one (Bereishit Rabba 56:1). So it was the same system of identification by clouds used coming to the Land and finding the sacred mountain many years later within it. There was also a special cloud over the tent of Sarah, there was one accompanying Bnei Yisrael in the desert, one that covered the *Mishkan*, and one that covered the *Beit Hamikdash* hundreds of years later at the time of Shlomo. When we sit each year in the *sukka*, we also commemorate the clouds of our illustrious past.

We pray that we will in the near future also see the special cloud on the top of the mountain and in fact over all of *Eretz Yisrael*, the Land upon which Hashem sets His eyes all year.

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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

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www.erezhemdah.org info@erezhemdah.org

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Ask the Rabbi

by Rav Daniel Mann

Mother's Name for Prayers for Ill Convert

Question: I asked a friend who needs *tefillot* for her health what her name is for such purposes, and she answered, Shira bat Avraham Avinu. I knew she was a convert but wondered if this is the correct formula, as usually we use the mother's name.

Answer: We have not found a halachic discussion of this interesting point. We will start by understanding the practice of using the mother's name for *tefillot*. There are possible allusions to this in *Chazal*. In Shabbat (66b), Abaye quotes his adoptive mother as saying, according to Rashi's explanation, that incantations should use the person's mother's name.

The *gemara* in Berachot (55b), describing steps to take when one is in a certain precarious situation, cites a declaration, including "I, *ploni* son of *plonit* (according to some texts of the *gemara*)." Some explain (see opinions in Yabia Omer II, Orach Chayim 11) that we are more likely to know for sure who one's mother is than who his father is (apparently, we do not want to take chances). The Sifra (Emor 1:5) uses this distinction to explain why the Torah mentions both parents when allowing a *kohen* to take part in their burial. The Ben Yehoyada (Berachot 55b) considers that "concern" a disgrace to one's father and gives several areas, spiritual and physical, in which a mother's impact on her child is greater than a father's, as well as the contention that a mother is likely to have fewer spiritual liabilities. The Panim Yafot (Bamidbar 12) sees Moshe's mention of a baby coming out of his mother's womb in his prayer for Miriam as inspiration for using a mother's name in prayers.

Yabia Omer (ibid.) posits that all of the above can only create a preference for our formula, but that it does not make a true difference. He points to the *gemara's* (Berachot 34a) derivation from Moshe's prayer for Miriam that one does not have to mention the relevant person's name at all. While the Magen Avraham (see Mishna Berura 119:2) limits this to cases when the prayer is in the subject's presence, we still see that an exact name formula is not crucial for efficacy. Therefore, if one does not know the mother's name or there is another reason not to use it, the father's name is fine.

Regarding many *halachot* and as part of the philosophy of conversion, the convert is no longer linked to his biological parents (see Yevamot 97b). Therefore, we would not use your friend's biological mother for this identification. Perhaps you were thinking of using Sarah Imeinu, as indeed she was also a leader in the field of conversion, at least regarding women (see Bereishit Rabba 39:14) as well as a matriarch for all Jews, which might be important regarding one without a halachically recognized mother.

However, Avraham and Sarah are probably not of the same ilk in our context. There is a *machloket* whether converts can make the declaration of *bikkurim*, which includes the phrase "the land that you gave to our fathers." In explaining the opinion that he can (which we accept – Rambam, Bikkurim 4:3), the Yerushalmi (Bikkurim 1:4) cites Hashem's proclamation to Avraham: "... for I have made you the father of a multitude of nations," which is brought as the source for calling a convert "ben Avraham (Avinu)" (Mishna Berura 139:11). While Sarah was an important spiritual mentor in her time and is a matriarch of Bnei Yisrael, we do not have sources of this magnitude regarding being a mother figure for faith seekers from all nations.

Therefore, it would seem that your friend told you her name correctly. As far as whether to add in the word *Avinu* (to distinguish from the many Avrahams who live in our times), when the name's use is of halachic significance (e.g., a *get*), Avraham Avinu is used (Shulchan Aruch, Even Haezer 129:20). Regarding *aliyot*, where the name is less crucial, many use just Avraham to not embarrass the convert or put his status in the spotlight (see possible hint in Rama, OC 139:3). We have seen above that exactness in the name is not very important for prayers (Hashem knows who is intended), and the convert can do it however she wants.

"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

Hashgacha on Produce Coming to Yerushalayim – #127

Date and Place: 15 Adar II 5668 (1908), Yafo

Recipient: Rabbi Chaim Berlin, Chief Rabbi of Yerushalayim and the members of his rabbinical court.

Body: Today your holy letter arrived. Even though my mind is not at ease, because of the distressing news [that Arabs had attempted an attack on Jews in a neighborhood of Yafo] due to our great sins, and we live in fear and worry, may Hashem protect us and give us a feeling of security and be a shield for His nation and His lot. I am unable to organize that which I want to say in a manner that would be fitting for your exalted brilliance. However, I cannot withhold what I have to say about a major matter, in regard to removing a stumbling block from the public domain.

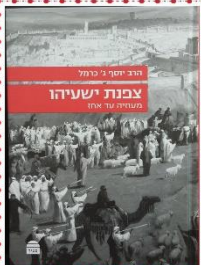
Now let us get to the matter itself, the bringing to Yerushalayim [of produce that did not have *ma'asrot* (tithes) taken from them]. There is no better way and suggestion than to publicize and warn that nothing that still requires tithing should be sold or accepted. Rather the food should come with a *kashrut* certificate from the people in charge of *kashrut* for every *moshav* (agricultural settlement). I do not find any other idea because there will always be some individuals who are sinners, in our great iniquity, whose actions we cannot control. It never occurred to me that produce should be found in the marketplaces of the Holy City without clear *kashrut* certification. After all, this was the main point behind the improvements we instituted last year, to appoint *kashrut* supervisors.

I am standing here prepared to assist with Hashem's help by warning the people of the *moshavim* with letters that they should be careful. Their motivation should be both their fear of G-d/desire to keep *mitzvot* and the welfare of their businesses, in that people will want to buy their produce.

Regarding that which is sent to the Diaspora, I personally will do whatever I can, and I will send letters to warn and remind them. Most of them take the appropriate tithes. I have thought about how to come up with a perfect system, and I have not yet succeeded in arriving at a solution to preclude cases of sending produce that are not tithed. However, it seems to me now that it is proper to prepare a letter, written with rebuke stemming from love, encouraging them to increase strength and diligence. There is a chance that this will make an impression on their hearts, when they see that the exalted geniuses of the city of our strength (Yerushalayim) along with a youngster like me are working together to fix the matter.

If not for the state of my city at this point preventing me from leaving it until some sense of order is made out of the mayhem, I would desire with all my heart to come up to the holiness, to the Holy City, may it be rebuilt soon. Then we could work out wise ideas together, aided by the light of Torah that abounds in the proximity of righteous people, regarding the matter of tithes and other important matters that are being or should be dealt with. However, at this point, this is not a possibility.

In any case, I will repeat myself, that under no circumstances should anything be sold without a clear *kashrut* certificate. Hashem should give us the strength to establish a society that accepts the yoke of the Torah of truth in the soil of the Holy Land. This would be my reward!



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

Limiting Exorbitant Lawyer's Fees – part II

(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 about the expense, and while continuing to interact with pl, requested negotiations about 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 claims 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: Last time we saw that pl's reading of the contract is correct and that the basic employment agreement continued until explicitly changed.

The contract speaks of def paying monthly after receiving a time-specific bill. While this places an obligation of payment on def, it also puts an expectation of reporting monthly on pl. Had pl reported on time, def would have been more likely to either force a change in setting payment or an ending of the employment earlier. Therefore, def deserves, if only based on propriety and as compromise that is close to the law, to have a certain reduction. This reduction will be applied only from the time the first post-ten-hour specified bill was expected and up to but not including the point that def expressed unhappiness but continued pl's work at a slow pace. The reduction will be of 15% of the fee due during the appropriate times.

Beit din rejects the disqualifying of the level of fee due to overpricing. According to Halacha, one cannot demand a return on overpricing for workers (Shulchan Aruch, Choshen Mishpat 227:33). Many of those who accept applying the law of the land, do so only in regard to actual laws, not rulings, and certainly not of lower-court rulings, as is the case here. Even in the cases in which the courts reduced the fee, it was for higher fees than this, especially when they took a percentage of the court award. Charging a fee per hour is reasonable. While def found someone cheaper, professionals are entitled to charge higher than average fees if they believe they provide a better service.

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Yisrael ben Rivka

Arye Yitzchak ben Geula Miriam
Yerachmiel ben Zlotta Rivka

Neta bat Malka
Meira bat Esther

Together with all *cholei* Yisrael

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