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# HEMDAT YAMIM

## ח'מ'ד'ת'י'מ'י'ם

### Parashat HaShavua

**Vayeira, 15 Cheshvan 5778**  
**People for Avraham and Angels for Lot**  
Harav Shaul Yisraeli – based on Siach Shaul, p. 45-46

The same beings that are described, when visiting Avraham, as *anashim* (people) (Bereishit 18:2) are described, when visiting Lot, as *malachim* (angels) (Bereishit 19:1). In the previous *parasha*, in the context of Avraham's involvement in the war between the four kings and the five kings, the latter placed the victorious Avraham on a throne and said to him: "Rule over us; you are a god for us." Avraham responded: "Let the world not be deprived of its King" (Bereishit Rabba 41:3).

The explanation is that these differences stem from the difference between the Jewish view of Hashem and those of other nations. We believe in the idea of imitatio dei: "Just as He is ..., so too we must be that way" (Shabbat 133b). As the Torah says, "You shall be holy, for I am holy" (Vayikra 11:44).

Emulating Hashem is, on the one hand, very demanding; on the other hand, it develops in a person a feeling of great self-recognition and confidence to act. We believe that even if we have slipped, we have the ability to return to the right path, even if a person is at the opening to hell.

Other nations developed outlooks that "protected" them from overly ambitious spiritual aspirations. They did this by making, on the one hand, a great separation between man and the divine. God is very high, and man is very low. This enabled them to have an "exemption" from aspirations and an acceptance of the spiritually low level.

These nations are enamored with great men. They respect them so greatly that it is actually too much. They told Avraham: "You are a god for us." As this was their approach, it is no surprise that Avraham's noble actions had no impact on the people of Sodom, who continued to act as Sodomites are known to do. Why should one learn from Avraham? After all, they view him as an angel, or even a deity. While we say: "Just like He is, so too we should be," they say, "What He is, we cannot be."

Avraham saw the angels, and they seemed to him like people, for this is the way people should be. Lot saw angels, and immediately he backtracked. He spent the whole night trying to explain to the angels that the people of Sodom were not that bad (see Rashi, Bereishit 19:4). He argued that the people are not angels, and they cannot therefore be expected to be more than lowly flesh and blood, who give into their temptations. [*The rest of the notes to this address are missing.*]

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# Ask the Rabbi

by Rav Daniel Mann

## Answering *Devarim Shebekedusha* During One's *Beracha*

**Question:** What are the *halachot* regarding someone who is saying a *beracha* (e.g., *Asher Yatzar*) and then starts hearing *Kaddish* or *Kedusha*? If she can finish before “*amen yehei shmei rabba*” (=aysr), should she just say the *beracha* quickly?

**Answer:** First, we must understand that there are two reasons not to speak external matters during a *beracha*: the disgrace to the *beracha*; it can render the *beracha* nonsensical.

Answering the main parts of *Kaddish* (*Kadosh*, *Baruch k'vod*) and *Kedusha* (*aysr* and *amen* to “...*da'amiran b'alma*”) are so important that one stops even in the midst of a *perek* of *Kri'at Shema* or its *berachot* (Shulchan Aruch, Orach Chayim 66:3). This is based on the *mishna* (Berachot 13b) that one may respond to greetings extended by a distinguished person. Most *Rishonim* posit that answering these group praises of Hashem is no worse than responding nicely to a person. If this is true during *Kri'at Shema* and almost anything else but *Shemoneh Esrei* (Shulchan Aruch, OC 104:7), then *Asher Yatzar* is certainly not too prominent to be interrupted without it being a disgrace.

The complication is regarding making the *beracha* nonsensical. The Kesef Mishneh (Tefilla 10:16), in one of his explanations for an unclear phrase in the Rambam, says that one does not answer “*aysr*” during *birchot hanehenin* (on food) and *birchot hamitzva*. He does not say what makes these *berachot* special, but *Acharonim* (including Chayei Adam 5:13) posit that these are examples of short *berachot* (see Tosafot, Ketubot 7b), as opposed to the *berachot* of *Kri'at Shema*, which are long.

Actually, it is not that short *berachot* are more important than long ones, but that they are more likely to be “messed up” by extraneous statements. As the Ben Ish Chai (I, Shemot 6) comments, reciting “*Baruch ata ... melech haolam kadosh kadosh ...*” does not make sense. It is not like interrupting one topic to go to another and then return. Rather, it makes the opening of the *beracha* worthless, which is a problem when it includes Hashem's name in *beracha* form. We must not do that, even for the sake of answering *Kedusha* or *Kaddish*.

In truth, the distinction is not between long and short *berachot* per se, but on where in a *beracha* one is stopping. There are no good places to stop in a short *beracha*. A long one has some good places and some bad ones. The Mishna Berura (51:2) discusses the second half of *Baruch Sheamar* (from “*Baruch ata...*”), which is a long *beracha* with a short “*beracha* ending” (*baruch ata Hashem melech mehulal batishbachot*). He rules that one cannot answer *Kaddish* and *Kedusha* from the “*Hashem*” until “*batishbachot*.” *Ishei Yisrael* (19:4) applies the logic to the beginning of long *berachot*, namely from “*baruch ata Hashem*” until one has said a coherent idea that gives the *beracha* significance that allows him to interject a response to *Kaddish* or *Kedusha*. Let's apply these concepts to *Asher Yatzar*. After “*Baruch ... asher yatzar et haadam b'chochma*,” (one could argue, until “...*chalulim*”) the *beracha* is significant, and one can answer until Hashem's name at the *beracha*'s end.

What about stopping in the middle of a phrase in the midst of a long *beracha*? The Shulchan Aruch (OC 66:3) rules that one stops for *Kaddish* and *Kedusha* even in the middle of a *pasuk* of *Kri'at Shema*. There is a *machloket* whether this is only at a coherent stopping point in the *pasuk* (see Mishna Berura 66:10). While he urges planning, to avoid this situation, the Mishna Berura allows stopping anywhere but says that after answering, he should return to the beginning of the *pasuk*. So too, it is proper to be at a good place in mid-*beracha* to pause to answer, but if necessary, one can answer in the middle of a long *beracha* and then return to a place that makes the continuation coherent.

Finishing up quickly is fine if you can say the *beracha* with sufficient *kavana*. However, if you finish the *beracha* at the same time you need to answer *amen*, you should not say *amen* (other than to *aysr*) because it looks like you are saying *amen* to your own *beracha* (see Mishna Berura 51:3).



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# Ein Ayah

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

[Both pieces deal with the approach that minimizes the apparent sins of David Hamelech in his relations with Bat Sheva and causing Uriya's death.]

## Nation before Family on the Battlefield

(condensed from Ein Ayah, Shabbat 5:61)

**Gemara:** "His [Uriya's] wife you took as a wife" (Shmuel II, 12:9). You are capable of marrying her, as R. Shmuel bar Nachmani said in R. Yonatan's name: Whoever went out to the wars of David's House wrote a *get* for his wife.

**Ein Ayah:** The purpose of the existence of the nations is physical matters. They are to be viewed as guilds of partners to obtain matters they enjoy or need. Therefore, love of the nation is justified only when individuals and their families receive a return for their efforts. It is like wild animals banding together in the face of joint danger or to catch game together. For them, when one speaks of family in the time of war, it makes them more diligent. For that reason, women would come to the front and participate with their husbands.

Bnei Yisrael are different in this regard. The nation's purpose, from the perspective of their souls and lifestyle, revolves around sanctity and the spirit of Hashem that is upon them. This is the greatest treasure of the individual and the nation as a whole, and it gives power and glory to the family. Therefore, compared to efforts for the nation, love of family is dwarfed and is not allowed to detract from love of the nation.

For this reason, when going to war, an individual's hopes were not on private factors of success upon return from battle. One would view himself as giving up hope for his personal life and being happy to die as a brave and holy man in a divine war to raise the national banner. Therefore, he would write a *get* for his wife to weaken thoughts about family ties in favor of a path of interest for the higher, holy needs of the nation. This is a harsh rebuke, reminding one that when dealing with the national, he should forget his personal interests.

It was thus the will of G-d that it was possible to marry those whose husbands gave a *get* under these circumstances. As painful as that circumstance was, it was part of the important effort to increase the proper holy outlook of men who went out to save Hashem's nation.

## King as Commander in Chief

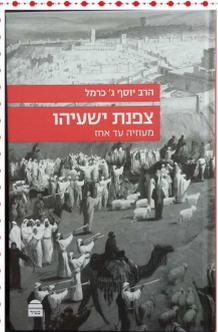
(condensed from Ein Ayah, Shabbat 5:63)

**Gemara:** Uriya was deserving of death because he rebelled against the king by saying, "My master Yoav and my master's servants are encamped in the field" (Shmuel II, 11:11).

**Ein Ayah:** The foundation of a successful kingdom is that the king's great spirit, which comes from the nation's best attributes, will impact the entire nation. This spirit finds expression in ceremonial matters related to the kingdom, which are carried out by the nation and its army.

If the king is reduced to a mere shadow of his proper greatness, then even if decrees are made in his name and the army carries out his commands as the sovereign, the spirit of the kingdom will be led by army officers, who use their style to give orders to their subordinates. Then the king is the master of the people but not of the army. The divinely ordained House of David, was able to lead both the nation and the army, who all viewed themselves as subjects of David.

Uriya was one of the people who respected the king's role in civilian life. However, his internal mindset was to give extra status to the army's chief of staff, as each national element had its own leader. That is why he gave special homage to Yoav and did not include him in the "subjects of the king," i.e., simpler soldiers. This could cause a major problem in the nation, by lowering the stature of the king, who was anointed by Hashem. In this way, Uriya rebelled against the kingdom.



### 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

## Overdoing the Repairs?

(based on ruling 76030 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The defendant (=def) backed his car into the plaintiff's (=pl) car in a supermarket parking lot. Def apologized, agreed to pay 200 shekels, and refused to give pl his insurance information. Pl went to his auto dealership and received an estimate (2,940 shekels), after a professional appraisal (which cost 649 shekels) to do body work on the fender and paintwork on it and the adjacent door. Def said it was too expensive and told him to use a cheaper garage, but pl kept to his plan. Pl is also claiming 2,046 shekels for depreciation of the car (according to the appraiser) and compensation for missed work. Def now suggests that pl might have moved his car dangerously, which could have caused the accident. He also questions whether the damage to the door was not pre-existing and, either way, refuses to pay for painting the whole door, when only part of it was damaged.

**Ruling:** Regarding responsibility for the collision, pl is making a definite claim (*bari*) that his engine was not even on before the collision, and def is making a possible claim (*shema*) that pl was equally guilty. Even so, one cannot extract payment based on a *bari* vs. a *shema* claim (Shulchan Aruch, Choshen Mishpat 75:9). However, the fact that def made this claim only in passing (he focused on the cost of the repairs) and the fact that he admits that he offered to pay at the time of the accident, make it apparent that he is aware that he caused the accident.

We can learn from discussion of other examples of fixing damage (see Shulchan Aruch, CM 420:21-22) that a person has the right to a quality repair job. It is also appropriate that pl receive the same level of repair that def's insurance company would have given (he admits that he had insurance coverage for this damage). This is not as a penalty to def for illegally withholding his insurance information but mainly because that refusal was tantamount to assuring pl that he would cover payment in place of the insurance. Using an appraiser and pl's dealership is in line with standard insurance practice. It also shows that this is what society sees as a normal repair job, as rulings of the general court system also indicate. If pl himself was not usually in the practice of seeking such expensive service when he was paying himself, it might be different, but pl presented documentation that he used the dealership himself.

There are two ways to compensate for damage: paying depreciation; paying for repair. When it is possible/feasible, Halacha prefers repair (Shach, CM 387:1). However, if there is still depreciation even after the repair, that has to be paid as well.

Does def have to pay to paint the entire door, when only a small part of it was damaged, so as to avoid an unseemly change in color? Although painting the rest of the door seems like payment for indirect damage, since it is not possible to properly fix the damaged part without painting the whole door, this is considered fixing the door and is required. As above, it is significant that this is the standard way insurance companies and the courts treat such damages.

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