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HEMDAT YAMIM

חֶמְדַּת יָמִים

Parashat Hashavua

R'ei, Av 25, 5786

"Today" – The Same Day and Same Event

Harav Yosef Carmel

In the first three *p'sukim* of R'ei (Devarim 11:26-28), discussing the blessing and curses presented to the people, with the hope of their choosing the way of Hashem and blessing, each *pasuk* uses the word "*hayom*" (today). Why was the event so crucial, and why is "today" stressed?

According to the Sifrei, it is not referring to a specific day. Rather, every day, a Jew has to choose between these paths. In a *midrash*, R. Eliezer says that the repetition of *hayom* connects this event to the time of Hashem's end-of-days judgment for the world (see Malachi 3:19-24). According to this, the event described in these *p'sukim* has still not occurred, but will occur when the final redemption will come.

Some early commentators connect our opening to that which would later happen on Har Grizim and Har Eival, when the blessings and curses were presented in an impactful ceremony right after Yehoshua brought the nation into *Eretz Yisrael*. This is first commanded in the neighboring *p'sukim* in R'ei (Devarim 11:29-32) We will try to strengthen this approach among the commentators and humbly suggest added elements.

There are linguistic similarities found in the context of that commandment. The longer, detailed commandment of the blessings and curses on those mountains, along with the writing of the Torah on special stones, is found closer to the end of *Sefer Devarim* (all 26 *p'sukim* of Devarim 27). Interestingly, there too, *hayom* appears exactly three times. The phrases, "all of the statutes and ordinances" and "all the words of this Torah" also unite these Torah sections. If so, we assume that "today" is the same day and the same event.

The fulfillment of this acceptance of the covenant is described poignantly in Yehoshua 8:30-35). It includes not only the blessings and curses, but also the erection of the altars, the bringing of sacrifices, and the writing on the stones. (We point out that the altar on Mt. Eival was uncovered in our generation. It was an architectural find like none other in the world.)

This formative event at Grizim-Eival occurred after the entry into the Land. It contained an element of a minor playback, for the new generation, of the acceptance of the *mitzvot* at Sinai.

The parts of the Tribe of Ephrayim that remained in the Land during most of the exile in Egypt got to play host for this wonderful happening. They already had control over this part of the Shomron; it did not need to be captured. Therefore, there was no security threat preventing the people to come on such short notice. The members of Ephrayim and their compatriots also had a special confirmation of the covenant with Hashem, which is described in the last chapter of Yehoshua. It took place in Shechem, at the place where altars were built already at the time of the patriarchs. The decision to choose good and blessing, presented so clearly at Mt. Grizim and Mt. Eival, has served as the nation's "calling card" from then until the coming of Mashiach.

We pray that we will merit to see the whole nation embrace proper actions, accepting Hashem's dominion with love, along with love for our fellow Jew throughout elements of the nation, which is a condition for the full redemption.

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Ask the Rabbi

R'ei

by Rav Daniel Mann

AI for Halacha

Question: To what extent is it responsible and wise to use AI models for guidance or information on questions of practical Halacha?

Answer: This discussion is for those for whom AI is already part of their practical, intellectual, and/or professional lifestyle. What follows is in line with the broad consensus amongst *rabbanim* in our communities. Hopefully the presentation will clarify somewhat and highlight distinctions and nuances.

A futuristic possibility – Someday, machines might surpass humans in sheer memory, analysis, and application of Halacha (if they do, it will happen later than for most other intellectual endeavors). We must distinguish between halachic information and *p'sak halacha*. When a *halacha* is clearly established and a non-expert does not remember facts or know how to “connect clear dots,” the future AI will be trusted. For time immemorial, we do not ask our *posek* such questions, but ask a more knowledgeable acquaintance. However, when a new question or a unique dilemma including conflicting factors or personal sensitivities arises, this requires a *p'sak halacha*. The process that the Torah describes for deciding such matters (Devarim 17:8-11) involves human *talmidei chachamim*, which outweighs even a divine omen (Bava Metzia 59b). There is also something to be said for *siyata d'shmaya* of a *yarei shamayim* toiling over an answer.

Current AI capabilities – As many know, while AI does certain things in the realm of Torah impressively, its level of **reliable** scholarship pales in comparison to even a basic-level *talmid chacham*. AI summarizes straightforward, basic halachic text well. (One AI model retrieved for me my positions on a variety of topics quickly and impressively.) Some of its most impressive feats are plagiarism – summarizing articles by *talmidei chachamim* without citing them. It can follow Talmudic and halachic logic and notice distinctions. One **can** get a broad, brilliant answer on a halachic question.

However, it is totally **unreliable**. It can “quote” non-existent sources. It can “miss” a part of the question and apply an answer in its “grasp” about a similar case; i.e., the answer is wrong for the actual case. It can give an answer based on one source it understood correctly, but fail to realize that most opinions disagree. I compare it to having an absolutely brilliant *chavruta* who is new to the world of Torah. When it gets something right, it can be breathtaking. However, when that lack of proper background causes it to err, it can say things that sound great but are totally off. My impression is that on “cookie-cutter” clear matters, where there is little complexity and no *machloket*, it usually gets things right. The chances are higher when one knows how to ask AI in the right way. Moments ago, I asked three AI models the *berachot* on 7 foods (quite straightforward). They all were accurate about the foods that have one correct answer. The answers for foods upon which there are *machlokot* differed from model to model, as did the level of accuracy.

Here is my practical summary. A *talmid chacham* who lacks encyclopedic knowledge, but knows how to check everything before believing anything, can, if he desires, use AI to get to opinions and approaches. He can be aided faster and sometimes more efficiently than by using a Google search to find and read articles or reading through classical sources, which he might find “the old way” or with the help of Bar Ilan Responsa, Otzar Hachochma, etc. It serves more like a halachic anthology *sefer* with an “automatic index” when you don’t look up the sources cited in footnotes. The researcher must avoid the danger of falling into the horrible habit of believing too much, which already exists regarding some anthology *sefarim*; it certainly exists for AI. To quote one AI model’s disclaimer: “XXX is AI and can make mistakes. Please double-check cited sources.”

For those who are not *talmidei chachamim*, using AI to get Torah information is usually **highly irresponsible**. (This is true for non-experts regarding other intellectual or professional fields.)

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Moreshet Shaul

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

Twin Foundations

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 690

Rashi (Bereishit 37:1) brings two Rabbinical statements in the beginning of Parashat Vayeishev. One is optimistically written, about one who wondered how he would get a lot of flax into the storehouse. He was told that the matter was well within the capabilities of him (Yaakov) and his son (Yosef): "Fire will emanate from Yosef and destroy and burn all of it". The other is pessimistic: "Yaakov sought to live in tranquility. The anger surrounding Yosef pounced upon him."

Indeed, both are true. Judaism requires constant effort and self-evaluation, a discerning eye and constant calculation. Yet, with proper care, all of the mountains of constraints are like nothing in the face of the "sparks" emanating from them.

In the present state of confused philosophies, it is good to determine which is correct in grasping Judaism. Even within the community, it is impossible to properly converse. While we expect that everything within the community will go smoothly, there are internal competition and varied paths. It appears out of our reach to fulfill the role of a reliable representation of how Torah observers should look. Apparently, a lack of understanding of the essence of Judaism creates all the impediments.

Rav Kook (Igrot Hare'ayah 555) defines Judaism as based on two foundations – 1. The national foundation; 2. The foundation of Torah. These act like the *tiyomet*, the top leaf of the *lulav*'s spine, which has two sides that connect together, with each complimenting the other and creating one unit.

Along the foundation of legacy, the essence of the Jewish nation is to be the offspring of Avraham, Yitzhak, and Yaakov. It is what Hashem said about Avraham: "For he shall command his sons and his household after him, and they shall follow the path of Hashem to do charity and justice" (Bereishit 18:19). It is immersed in the foundation of the spirit of Israel to be reviled by evil and to act with appropriate charity and justice. However, guidance and discipline are needed, for not everything that seems superficially to be such is in fact such. This is clarified by the Torah, in whose merit we are confident about our truth. It provides us the power to stand by our beliefs until the opposition retreats from us and the spark of fire reduces piles of flax to nothingness.

Without the national foundation, which is the main one, we are susceptible to the inclination to break up, to build walls around a limited community that engenders the main parts of Judaism. Because of this, a philosophy develops that anything that happens in the nation, including the creation of a state, is insignificant, except to the extent that it impacts the individual. They fail to see that everything that happened, transpired only with the agreement of Divine Providence. This means that we have a responsibility to influence the state's path through the power of belief and the realization that we must not let the "ship" of Judaism be destroyed by evil "waves." We got to this point through the power of Providence. This requires us to proceed proactively to steer the ship until it reaches safe harbors.

We must stress that there is a spark of Judaism in the heart of every Jew. Jewish brotherhood is based on a tradition that continues through our joint history of suffering and hope for a bright future.

We see the result of fracturing before our eyes. On the one hand, one who says that he has **only** Torah does not even have Torah (Yevamot 109b). On the other hand, if one embraces only nationalism, he does not have even nationalism.

The struggle today is focused on the question of: Who is a Jew? Ostensibly there is nothing simpler than this. Yet, we see a united group that voices hysterically the accusation that we are hurting unity. In truth, the source of unity, "The nation encamped as one opposite the mountain" (Shemot 19:2), is found in the context of accepting the Torah. If one word is enough to be included in Israel, then in one word, it is possible to exit it.

*We daven for a complete and speedy **refuah** for:*

Itamar Chaim ben Tzipora
Nir Rephael ben Rachel Bracha
Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam
Neta bat Malka

Avraham ben Gitel
Tal Shaul ben Yaffa
Meira bat Esther

*Together with all **cholei** Yisrael*

P'ninat Mishpat

Complaints about Contractor's Work – part II

(based on ruling 83037.1 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendants (=def) hired the plaintiff (=pl) to renovate their home for 305,000 NIS, agreeing to complete the job by August 2022. During the project, def requested additions and changes. Relations deteriorated over alleged delays, unaddressed defects, scheduling, and billing discrepancies. The sides paused to take account of their mutual contractual obligations, which resulted in pl claiming they deserved an additional 83,000 NIS, beyond the 323,000 NIS paid, due to the additions. Def claimed they overpaid by 27,000 NIS. With def refusing to pay more and pl therefore refusing to continue work, including repairing imperfections, def fired pl. The central issue in this partial ruling is whether def was legally justified in dismissing pl.

Ruling: Lateness of work schedule; work foreman's absences; waste removal: Pl admits that the work schedule was late, but explains that def's additions and changes and his pressuring to start working without the schedule were major contributing factors. Pl admits that the foreman was not always present, but when he was not, senior workers often came, and the foreman usually came at the end of the day to appraise progress. Pl claims that while his equipment remained on the site, garbage was removed. *Beit din* posits that while one should keep all contractual pledges, failure or delay is not grounds for termination without warning in matters that are not at the heart of the work (see Tosafot, Kiddushin 49b regarding conditions of different levels of importance). [Without going into all the details] the deficiencies discussed do not reach the bar for termination.

Lateness in workday: Def claims that pl started the workday after the time he pledged, and the contract allows def to cancel the contract if he starts late. *Beit din* agrees with pl's reading of the contract that this fundamental condition refers to starting the work at a later date than spelled out. Inconsistent starting times of each day's work are rarely a fundamental matter.

Changing rules of engagement: Def claims that they worked out and signed an agreement with pl's foreman for him to fix flaws irrespective of def's payment for the next stage of work, until pl stopped him, which was a breach of contract. However, *beit din* accepts pl's claim that the foreman, who is a worker for pl, does not have the authority to obligate pl in arrangements that are beyond the original agreement.

Pl did not finish the work by the time listed in the contract: Def points out that pl was three months late; there was a grace period of only one month for fixing imperfections. Pl argues that def waived the starting time by two weeks and because he added 25% more work with additions and def's building inspector delayed progress multiple times, he is not responsible. *Beit din* concludes that even if pl had some responsibility for the delays, considering how much was caused by def's side, the delays are not grounds to nullify the agreement.

Considering the above, def do not have grounds to fire pl due to cause. Although the contract allows him to remove pl with ten days' notice, under these circumstances, calculation of the amount due to pl for work done is arrived at in a more favorable way for pl than if there was cause for firing.

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