



# HEMDAT YAMIM

## Parashat Hashavua

Matot, 24 Tamuz 5782

Harav Shaul Israeli zt"l  
Founder and President

**Speak Properly and Back it Up with Actions**  
Harav Shaul Yisraeli – from Siach Shaul p. 458-459 (an address from 1948)

In their negotiations with Moshe, the tribes of Reuven and Gad offered to “build pens for our flock here and cities for our children” (Bamidbar 32:16). Moshe answered that they should “build for yourselves cities for your children and pens for your flock, and that which comes out of your mouths you shall do” (ibid. 24).

It is surprising that Moshe got angry at the tribes even before hearing their whole plan, when it turned out that they apparently intended to join their brothers in battle after all. Let us suggest that before Moshe heard the rest of their proposal, he was sure they would not come over the Jordan to fight because he knew that they were blessed with many children and those children needed to be educated. The Torah commands: “You shall teach [these words] to your children” (Devarim 6:7). How could they leave them for such a long time?

The tribes answered Moshe that they had not thought in those terms, as we see from their response. After all, they spoke first about building pens for their flock and only afterward cities for their children. While Moshe accepted the basic proposal, he corrected them about the order of the pens and the cities.

Moshe continued to explain that they should take his correction seriously and not claim that the order of how you do things does not make a difference. “That which comes out of your mouths you shall do.” In other words, just the fact that you said these words is impactful, and it is impossible to know how impactful something said in passing can be.

Later in the *parasha*, the Torah records cities that Bnei Yisrael captured and mentions that some of them had their names changed (Bamidbar 32:38), moving on from names that were connected to idolatry (Rashi ad loc.). When Bnei Yisrael received their portions in the Land, they knew that they were not coming to continue the legacy of the Emorites and other predecessors in the Land. They wanted to give expression to the new style of life that would prevail there, the Israelite lifestyle. They knew that they represented the Name of Hashem, and therefore they changed the names of the cities. However, it was also not enough to change the names; they also had to change the content. Only when the actions proved that the names given were being put into action, was the change significant.

Let us apply the lessons in our day. We have merited to see the names of locations changed. Those cities and villages that had Arab communities, and now are full of Jews who have come from the north and the south, have new and changed names ... However, this is not enough. It is important that we fulfill “do not nullify your words” (Bamidbar 30:3). We must justify the names to which we changed the places and make sure that our daily activities are in consonance with the names.

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and members of her family who perished in the shoah Al Kiddush Hashem

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



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# Ask the Rabbi

by Rav Daniel Mann

## Reconciling Conflicting *Kaddish* Considerations

**Question:** Every year, I am the one who says *Kaddish* for my mother-in-law (=mil) on her *yahrtzeit*. This year it falls out during the twelfth month of *aveilut* for my father, when one should not say *Kaddish*. How should I reconcile the conflict?

**Answer:** Before suggesting solutions, let us discuss the value of saying *Kaddish* on your mil's *yahrtzeit* and refraining from *Kaddish* in the twelfth month of *aveilut*.

While the *yahrtzeit* is considered a potentially difficult day for the deceased and/or his children (Mahari Mintz 9), the focus in saying *Kaddish* is to improve the state of the deceased's soul (*Avodat Hagershuni* 62). Causing others to sanctify Hashem's Name is a powerful merit, which helps the deceased. When it is done by the deceased's son, the idea is that the son's continuing good deeds are a credit to those who brought him into the world (see story of R. Akiva, *Kalla Rabbati* 2:9; *Binyamin Zev* 201). For this reason, a son is singled out over other relatives (see Rama, *Yoreh Deah* 376:4). Because it is a once-a-year opportunity (*Divrei Sofrim* 376:67), a *yahrtzeit* commemorator has high *Kaddish* priority (similar to an *avel* in *shloshim* – see Rama *ibid.*).

Missing reciting *Kaddish* on your mil's *yahrtzeit* is not particularly damaging. First, a son-in-law cannot provide the greatest gain, as above. In fact, according to many (see *Piskei Teshuvot* 132:30), a grandson, who is a descendant, is a better option when feasible. This is not to belittle your yearly contribution. Anyone who says *Kaddish* with a deceased in mind (or even for all departed Jews – Rama *ibid.*) has a positive impact. You have the advantages of being obligated to show respect to a mil and that feeling close to the deceased enhances its impact (*Divrei Sofrim* 376:83,87). However, we see no reason your mil's soul should suffer if you are replaced this year by another relative, a friend, or a recipient of her *chesed*. Add to this that other matters are largely presumed to help the departed soul more than saying *Kaddish*. These include being *chazan*, doing extra *mitzvot*, and learning *l'iluy nishmat* the deceased (see *Divrei Sofrim* 376:99).

How problematic is it to say *Kaddish* in the twelfth month? A mourner's recitation of *Kaddish* for twelve months helps the deceased during his time in *gehinom*, which can be up to twelve months. Saying *Kaddish* for twelve months disgraces the parent, implying the expectation they need the maximum time (Rama *ibid.*). The *Kaddish* does not otherwise hurt their soul; the problem is the appearance. Therefore, if it does not look bad, e.g., both parents died within the year, so that the mourner needs to recite *Kaddish* for the second one during the first's twelfth month, he can continue (*Divrei Sofrim* 376:108). On the other hand, we are quite particular about this, and it is not unlikely that the exception is only for a competing obligation to recite for the other parent, not a voluntary recitation for a mil.

With the above in mind, we present, with short explanations, two good "compromises" to choose from. Both include getting someone else to do a full set of *Kaddeishim*, in addition to your wife/(others) doing the other elements properly.

1. Say one *Kaddish* for your mil sometime during the *yahrtzeit*. When only one person used to say a given *Kaddish*, giving one *Kaddish* for the *yahrtzeit* was sufficient when he was "beaten out" by *avel* in *shloshim* (Rama *ibid.*).
2. Arrange to be *chazan* at all or some of the day's *tefillot* and say only the non-mourners' *Kaddeishim*. A mourner in the twelfth month may be an occasional *chazan* (*Shevet Halevi* III:165), and by not saying *Kaddish Yatom* you are showing it is not to "save your father." We mentioned above, that this is "better" for the deceased than to say *Kaddeishim* without being *chazan*.

These are "win-win" compromises (which *mechutanim* hopefully got used to during their lifetimes), which all should be happy with. However, if special sensitivities cause your or your wife's family to be upset by such arrangements, doing either a full *Kaddish* regimen or none at all is justifiable.

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



# Igrot HaRe'aya - Letters of Rav Kook

## Questions about Religious Services in Eretz Yisrael – #111 – part I

**Date and Place:** 2 Adar I 5668 (1908), Yafo

**Recipient:** Rabbi Yitzchak Isaac Halevi, author of Dorot Harishonim. We have featured various letters to him in the past few months.

**Body:** I will do my best to answer your questions. First I will quote your question, and then I will answer.

**Question #1:** “Is it good and important to try to have rabbis in all settlements, just as there are in every Jewish community in Russia, in order to give strength to the Torah and all elements of every detailed aspect of Judaism?”

**My answer:** In Russia, the rabbi's role can be broken up into three main parts: rendering rulings on halachic, religious questions; monetary jurisprudence; involvement in communal needs. There is a fourth part that applies to some rabbis, and that is giving public addresses on Torah and inspirational matters.

In regard to rendering halachic rulings, it would bring great advantage, given the religious situation in the *moshavot* (agricultural settlements), to have a rabbi [in each community] who was rendering such rulings.

Regarding the second matter, of monetary issues, things are very different in *Eretz Yisrael*. All matters of dispute are under the jurisdiction of *beit din*, and it is sometimes necessary to coerce a party to submit to their authority. This is necessary because the Jewish community on a national level depends on the power of its judicial system. For that reason, it is an absolute necessity that the power of the judiciary be as strong as it can be. Since the general rabbinate in our holy city is strengthened by the police force, and the *moshavot* in the area of Judea accept their directives, thank G-d, it is not worthwhile that anything should be done to weaken the foundation of the system. It would also be very difficult to incorporate a judicial body in each individual *moshav* in a manner that would not damage its tranquility and welfare. Therefore, it is better presently to leave matters as they are. It is also worthwhile to take the necessary steps to connect the additional *moshavot*, especially in the Gallil, to the leadership of the Chief Rabbinate, so that the authority of the laws of the Torah in the Holy Land be organized and national.

Regarding the matter of communal needs, the matter is also very different in the *moshavot*. From their establishment, the *moshavot* have been lead by representative councils, and these councils are involved in all of the public, communal affairs. They deal with all of the elements of communal life in a very proper manner, considering the resources available, like the best governmental apparatuses in Europe. So, this is not an area in which the rabbi needs to make an impact.

If Hashem will give us the success to attract rabbis who are also truly gifted orators, people who are truly imbued with fear of Hashem, and they have a desire to raise the standing of authentic Judaism in the Holy Land, then I believe that they can accomplish a tremendous amount in the *moshavot*.

*We will move on to the next question next time.*

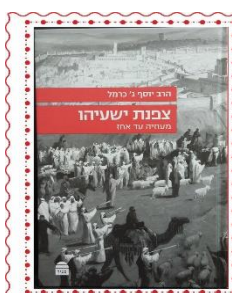
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Together with all *cholei Yisrael*



### 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 seeked 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

## Granting a House to a Neighbor's Son – part III

(based on ruling 81093 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The defendant (=def) is a *yishuv* in the Shomron, which has only three lots slated for single-family homes. The right to build on them is to be raffled off among residents of *def*. The plaintiff (=pl) rents in the *yishuv*. Pl's widowed mother owns a house adjacent to one of the lots, and *pl* wants to receive rights to it without a raffle because only if he lives there can he arrange things to best serve his mother's needs. This would exercise his mother's *dina d'bar metzra* (=ddb) rights. *Def* counters that if someone receives a lot in such a manner, it will cause public accusations and acrimony.

**Ruling:** [We have seen that *ddb* (a neighbor's right to buy an adjacent property before others) does not apply to *def*, as a seller, and that it is unclear if *ddb* applies at all due to the fact that it is unfeasible to connect the two houses. Now we will discuss whether it applies to relatives of the neighbor.]

The *gemara* (Bava Metzia 108a) brings various opinions about whether *ddb* can be used to remove someone from a field next to that of brothers who inherited and did not yet divide up a field. It is clear that once the brothers divide the property, only the one who owns the adjacent field can remove the buyer, not his brother (see Shulchan Aruch, Choshen Mishpat 175:5). The Rama (ibid. 34) says that when a neighbor is out of town, the buyer/seller inform *beit din*, who notify the neighbor's relatives and give them a chance to buy it. It is clear from the Mordechai that the relatives can act only as representatives of the neighbor, not on their own. There are other sources that indicate the same idea.

The Aruch Hashulchan makes a logical distinction. Regarding fields, where the use is only commercial, only the neighbor himself and not his relatives, can make a *ddb* claim. But regarding houses and places in *shul*, there is real advantage for people to be next to their relatives. Mishpatecha Y'Yaakov (II:16) takes the same approach regarding selling cemetery plots, saying that it goes first to relatives of an adjacent deceased person. On the other hand, in our *beit din*'s ruling 72110, regarding one who wanted to claim *ddb* for his son to acquire an adjacent property, they posit that it is not commonly considered an advantage for people to live adjacent to their parents. We agree with this ruling in the case that the households will be managed autonomously, as here. Therefore, it appears that *ddb* would not apply to *pl* as a son of the adjacent plot owner.

Would raffle winners also be able to overcome *ddb* with the claim that they do not have another home like this to buy? The Rosh (Bava Metzia 9:34) cites Rabbeinu Tam as giving this as an argument for not applying *ddb* to houses. The Terumat Hadeshen (340) distinguishes between cases where there are no other options in town and cases in which there are alternatives for the buyer that are less attractive, and the Rama (CM 175:49) rules this way. In our case, while there are only three plots for a single-family home, there are multiple homes that can be bought, and so this is not reason to deny *ddb* to *pl*.

*We will conclude the discussion next time.*

Comments or questions regarding articles can be sent to: [info@erezhemdah.org](mailto:info@erezhemdah.org)

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