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# HEMDAT YAMIM

D' ים ל תְּמִימָן

## Parashat HaShavua

Bamidbar, 4 Sivan 5781

### The Unification of Yerushalayim and the Desert

Harav Yosef Carmel

For over a half century, around the time of Yom Yerushalayim and soon before Shavuot, we get to read *Parashat Bamidbar*. Let us take a look at the connection between Yerushalayim and the desert.

Hashem told Yirmiyahu: "Go and call out in the ears of Yerushalayim: So says Hashem, 'I remember for you the kindness of your youth, the love of your nuptials, your going after Me in the desert, in an uncultivated land'" (Yirmiyahu 2:2). This seems difficult. Was it Yerushalayim that followed Hashem out of Egypt, wasn't it Bnei Yisrael, well before the period that they inhabited the Holy City? It is possible that Yirmiyahu was speaking to the Jerusalemites of his time as representative of Bnei Yisrael of all generations. The disciples of the Gra taught us a new insight based on *gematria* – "Yerushalayim shel ma'alā" (Heavenly Jerusalem) and *Knesset Yisrael* (the community of Israel), as well as *sefirat ha'omer*, share a numerical value (1071). We will give an example from recent history how Heavenly Yerushalayim protects our nation and strengthens belief in Hashem's providence.

One of the things that the Gra instructed his students before their *aliya* was to build the "Churva (Ruins) of R. Yehuda Hechasid," which had been in ruins for a century since Muslim marauders destroyed it. The Gra's simple intention was just to build a worthy symbol of the rekindling of the love between Hashem and His nation who were yearning to return to Yerushalayim.

A century after the rebuilding, the War of Independence broke out between the Jews of the infant state and neighboring armies, the most prominent of which was the Arab Legion of Jordan, which was trained and commanded by experienced British officers. The latter was in charge of capturing Yerushalayim and especially its ancient areas, in which the Churva was prominently located. The Muslims were upset because its dome was higher than the Al Aqsa Mosque. On Lag Ba'omer of 1948, the Legion succeeded in capturing the area and went about blowing up the *shul*, which brought great sadness to the Jewish community. At the same time, the Jordanians celebrated with great zeal as they destroyed this symbol of Jewish Jerusalem. They shot ammunition in the air for so long that they ran low on ammunition. Normally they would have just replenished the supply, but a miracle happened. The British, who were generally supportive of the Arabs, initiated an arms embargo on the region, which was wonderful considering that they had never supplied the Jews any arms. This miraculous chain of events was a major factor in the failure of the Arab Legion to advance much beyond the Old City. (A further miracle off the battlefield was Israel's obtaining arms from Czechoslovakia.)

We can also see in hindsight how *Yerushalayim shel ma'alā*, which already accompanied Israel when they were in the desert, also accompanied *Knesset Yisrael* during the time of *sefirat ha'omer* in 1948. Once again in 1967, the Jordanians attacked Israel and were defeated by the IDF, returning the sons to their boundaries, including the entire city. This exhilarating event provided the momentum for a leap in the development of the young country.

This week we celebrate the unification of the city, as we hopefully complete the recovery from a dreaded pandemic and the broad troubles it caused us.

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



**Eretz Hemdah**  
Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich  
2 Bruria 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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# Ask the Rabbi

## Adding Salt to Hot Food on Shabbat

by Rav Daniel Mann

**Question:** In our home, the health concerns of some and the taste concerns of others clash in regard to salt in our food. If I cook with less salt, may people add salt to their soup or *cholent* on Shabbat?

**Answer:** We will discuss the issues that impact the different permutations of the question.

The gemara (Shabbat 42b) cites three opinions regarding cooking salt in comparison to cooking other spices (which occurs in a *kli rishon* but not a *kli sheini*). 1. It occurs only in a *kli rishon* on the fire; 2. It is like other spices; 3. It occurs even in a *kli sheini*. The Shulchan Aruch (Orach Chayim 318:9) rules like the lenient opinion (only forbidden on the fire), which would solve your problem. However, the Rama cites the opinion that salt cooks even in a *kli sheini* and praises those who are *machmir*. Therefore, we will seek other grounds for leniency.

First, we must survey the three modes of salt production: 1. mining underground; 2. cooking seawater so that only salt remains; 3. evaporating seawater in the sun and drying the moist salt with hot air. #3 is the standard in Israel.

If #2 is done, we can apply the rule that the prohibition of cooking does not apply to solid foods that were already cooked. This does not guarantee permissibility, as some claim that since salt becomes liquefied during its usage, it is treated like a liquid, for which recooking is likely forbidden (see Mishna Berura 318:71). Even regarding definite liquids, the prohibition might only be a *chumra* (Igrot Moshe, OC IV:74.5, based on Rama OC 318:15). Therefore, regarding such salt, the case for leniency is very strong.

If system #3 is used, the case is arguably weaker because hot air accomplishes baking as opposed to cooking, after which Ashkenazim generally forbid cooking (see Shulchan Aruch and Rama ibid. 5). On the other hand, this too is a matter of *machloket* (many Sephardim do not view cooking as a problematic addition for a baked food – see Yalkut Yosef, OC 318:61), and the *minhag* is to be stringent regarding a *kli rishon* and *kli sheini*, but lenient in a *kli shlishi* (Mishna Berura 318:47).

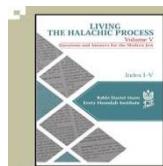
What are the statuses of the *cholent* and the soup? There is an unresolved *machloket* whether food that was ladled from a pot to a bowl is considered a *kli sheini* or *kli shlishi* (ibid. 87). If the *cholent* contains chunks of food and not much gravy, it is considered a *davar gush* (a food that comes in a chunk). There is yet another unresolved *machloket* whether a *davar gush* sitting in a *kli sheini* is treated like a *kli sheini*, or perhaps a *kli rishon* because the walls of a *kli sheini* do not cool a solid like a liquid (ibid. 45). The *machmirim* treat a *davar gush* like a *kli rishon* even in a third utensil (Orchot Shabbat 1:63). Not only is it difficult to combine all the stringencies (salt cooks off the flame, cooking after baking is forbidden, we are *machmir* by *davar gush*), if it is dry, it is baking, not cooking.

Regarding significant liquid, we posited in the past that a mixture of liquid and chunks (e.g., vegetable soup, liquidy *cholent*) is not treated as a *davar gush*. Therefore, *cholent* ladled into a serving bowl and soup in bowls are a *safek* of *kli sheini* or *kli shlishi*, which are both permitted for baked things (Mishna Berura 318:45).

If the salt has not been heated, leniency would have to rely on the (main) opinion that salt does not cook easily or the possibility it is in a *kli shlishi*, in which case there may never be problems of cooking (Igrot Moshe, OC, IV 74:15). Even the stringent about *kli shlishi* would probably permit if for salt (see Orchot Shabbat 1:41). When there is a *safek* between *kli sheini* and *kli shlishi*, it is slightly more problematic.

Therefore, while we cannot claim unanimity in all the permutations, in the great majority of cases, the consensus is to permit putting salt in utensils with hot food other than the cooking pot (see Shemirat Shabbat K'hilchata 1:58; Igrot Moshe ibid. 5 & 17). In borderline cases, helping establish workable solutions for family health is a factor that strengthens the case for leniency.

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



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# Igrot HaRe'aya – Letters of Rav Kook

## Standing behind Etrog Certification – # 23

**Date and Place:** 13 Elul 5665 (1905), the holy city of Yafo

**Recipient:** Rabbi Yehuda Leib Koretz, *neiro yair* (may his candle give light)

**Opening:** May you have peace and the blessing of years.

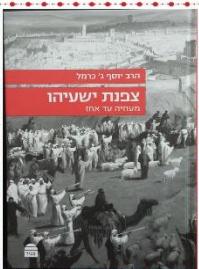
**Body:** I have received your precious letter. Regarding that which you enquired about the certification I gave for *etrogim* in the agricultural settlements of our brothers, the Sons of Israel, here in the Holy Land, may it be built firmly, your honor should know that the orchards upon which I gave my certification were checked according to the laws of the Torah, and there is no concern at all that they were grafted. The matter is handed over, under my supervision, with Hashem's help, to be handled by a Torah scholar who is a noteworthy fearer of G-d, to ensure that there will not be any problems, Heaven forbid. All will be done based on the laws of our holy Torah with the most complete care taken.

None of the aspersions heard around the world about *etrogim* from Israel apply to *etrogim* to which I have attached my certification. If only the nation of Hashem, in all of the places of inhabitance, would be careful to use *etrogim* for the fulfillment of the *mitzva* specifically from the agricultural settlements of our brothers from the Desired Land. Then it would turn out that everything, with Hashem's help, would be the most supervised and of the highest quality.

The whole confusion comes from the fact that people are not at all being careful to buy specifically from the orchards of our farmers. Rather, they buy from stocks that the merchants bought from the Arabs, which have no supervision. Large amounts of our brethren's money are going to the Arab orchard owners, as opposed to going to brothers who are toiling with the sweat of their brows to work our holy land.

Therefore, it is very fitting to strengthen the hands of the workers to broaden the scope of *etrog* orchards in the hands of our brothers, so that the *etrogim* will truly be *pri etz hadar* (the term the Torah uses for the *etrog* – Vayikra 23:40), without any concern that there could be grafted *etrogim* in the orchard. From this, a crown of salvation will grow for the benefit of the Jewish settlement of our Holy Land. Then, the merchants will also buy from our brothers and their supervised orchards, and everyone will be receiving clearly valid *etrogim*. This will bring honor and splendor for our Desired Land and enable the fulfillment of this dear, beloved *mitzva* in the best, most suitable manner, so that we can be happy before Hashem, our G-d.

**Sign Off:** I will sign off with a blessing of all good things, as my heart and spirit desire, and bless you that you should have a *ketiva vachatima tova*, Avraham Yitzchak Hakohen Kook.



### 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

## Firing during Maternity Leave

(based on ruling 79090 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiff (=*pl*) worked as a reservations secretary for the defendant (=*def*) for 6.5 months, on an hourly basis for a monthly average of 3,580 NIS, until giving birth on 4/7/18. On 13/9/18, during maternity leave, *def's* representative visited *pl* and informed her that the branch in her city was closing and that she would therefore (not for personal reasons) not be taken back to work after maternity leave. *Pl* has yet, several months later, to find a job. *Pl* is suing for various benefits due to her by law that were violated: 1. One cannot fire a worker during maternity leave and the 60 days thereafter – 60 days' salary plus penalties = 10,740 NIS; 2. Lack of notice (when permitted to fire) – 13 days X 165 NIS = 2,145 NIS; 3. Lack of hearing to appeal decision – 3,580 NIS; 4. Severance pay – had *pl* been allowed to come back to work, she would have completed a year's work, entitling her to a month's severance pay = 3,580 NIS; 5. Holiday pay – 330 NIS; 6. Pension-fund contribution – 1,861 NIS; 7. Unused vacation days – 1,650 NIS; 8. Recreation payment – 1,575 NIS. 9. Failure to inform worker of rights – 7,500 NIS. *Def* responded that they are happy to give any funds that are outstanding, but that since the firing was a necessary consequence of restructuring, they did nothing to ignore *pl's* rights.

**Ruling:** In several rulings of the Eretz Hemdah-Gazit *batei din* network, we have explained why, as a rule, we accept the employment laws, as the law of the land, legislated to improve society. This includes the law that forbids firing a woman during and immediately after maternity leave.

No distinction is made regarding the motivation for the firing unless the employer is in a severe economic state, which can be grounds to obtain a waiver. Therefore, *pl* deserves 60 days' salary. In general, when one's employment was wrongfully terminated, Halacha reduces from the salary due to the benefit of free time the worker now has (Bava Metzia 31b). In this case, we award *pl* full salary because the law is not just to compensate but to deter non-compliance. While *pl* demanded to add a penalty, as the law prescribes, we do not feel it is appropriate when the rationale of the firing was not discriminatory (see rulings 73122 and 76005). Therefore, *pl* will receive 7,160 NIS for #1 and 2,145 for #2.

#3 – There is no formal legal or halachic requirement to give an employee the right of appeal. While there is such an accepted practice, in cases like this, where we would not expect that *pl* could have said something "to her defense" to change anything, this payment is not appropriate. #4 – *Pl* deserves severance pay as if she was allowed to finish her tenure. #5 – claim accepted. #6 – the necessary pension compensation was accepted and recalculated by *beit din*. #7 – claim accepted. #8 – claim accepted. #9 – failure to inform of rights – this is accepted partially. There is no reason to believe that knowing her legal rights would have changed the picture here. However, the law demands this norm to be implemented, and therefore a penalty of 1,000 NIS is appropriate.

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

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Arye Yitzchak ben Geula Miriam  
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