



HEMDAT YAMIM

Parashat Hashavua

R'ei, 30 Av 5782

Harav Shaul Israeli zt"l
Founder and President

On *Tefilla* – part III
Harav Yosef Carmel

We will continue to delve into the matter of *tefilla* as it is practiced within a community of believers in Hashem. In that framework, let us ask: To what extent are we supposed to pray for our needs and to what extent are we to make practical efforts toward them? Also, where does belief in Hashem's providence fit in?

Our *parasha* tells of a place that Hashem chose at which Bnei Yisrael shall serve Him. After that place was identified, it disqualified other places from sacrificial activities (Devarim 12:5). The place was located at the time of King David, who dedicated his life to it, despite the difficulties. David described his focus on the project of preparing the location for the *Beit Hamikdash* in Tehillim 132:1-5.

Let us return to see how much to rely on prayers, with the help of the painful story of David and his rebellious son, Avshalom. As David was leaving Yerushalayim to avoid being caught by his son, he met two *kohanim gedolim*, Tzadok and Evyatar, who wanted to bring to the fleeing camp the greatest "war hero," the *aron hakodesh* (Shmuel II, 15:24). In refusing to have the *aron* come with him into exile, David left us with one of the greatest statements of belief in Hashem that our nation has known: "Return the ark of Hashem to the city. If I will find favor in the eyes of Hashem, He shall return me and show me it and His place. And if Hashem will say 'I do not want you,' here I am; He shall do to me that which is good in His eyes" (ibid. 25-26). David was so dedicated to the national centrality of Yerushalayim, that he demanded that the city remain intact, with the *aron* in its midst even in the time of his flight. David accepted upon himself that if he turned out to be wrong in his lifework, then he accepted Hashem's judgment.

Shortly thereafter, David had to stand up to another test of belief. David was told that his top advisor, Achitofel, about whom it was said that asking him was like asking Hashem, had joined Avshalom's forces (ibid. 31). David responded with a short prayer, reminiscent of Moshe's short prayer for Miriam. David said: "Bring failure to the counsel of Achitofel, Hashem" (ibid.). So David had moved from the stage of belief to the stage of short prayer, and this was very effective. Immediately, Chushai Ha'arki approached him, and it was he who undid Achitofel's plan with a huge measure of Divine Assistance. This enabled David to emerge victorious and return to Yerushalayim to continue his work of preparing the city for the Temple that his son would build.

After David's prayer, he proceeded to take practical steps to remedy the problem and left agents in Yerushalayim, who informed him of the steps Avshalom was taking. It is noteworthy that at the end, it turned out that this step did not prove necessary. We learn from this episode in David's life, the approach to dealing with troubles: belief, then prayer (including short prayer), then practical action. One who has earned special levels of Divine Assistance needs much less practical action. This is in accordance with Chazal's words: "One who accepts the yoke of Torah will have the yoke of normal actions removed from him" (Bamidbar Rabba, Chukat 19:26).

Hemdat Yamim is dedicated to the memory of:

Eretz Hemdah's beloved friends and Members of Eretz Hemdah's Amutah

Rav Shlomo Merzel z"l Iyar 10, 5771	Rav Reuven & Chaya Leah Aberman z"l Tishrei 9, 5776 / Tishrei 20, 5782	Mr. Shmuel & Esther Shemesh z"l Sivan 17 / Av 20	Mr. Moshe Wasserzug z"l Tishrei 20, 5781
Hemdat Yamim is endowed by Les z"l & Ethel Sutker of Chicago, Illinois, in loving memory of Max and Mary Sutker & Louis and Lillian Klein z"l	R' Yaakov ben Abraham & Aisha and Chana bat Yaish & Simcha Sebbag z"l	R' Eliyahu Carmel z"l Rav Carmel's father Iyar 8, 5776	Mr. Zelig & Mrs. Sara Wengrowsky z"l Tevet 25 5782 Tamuz 10 5774
Rav Asher & Susan Wasserteil z"l Kislev 9 / Elul 5780	Rav Yisrael Rozen z"l Cheshvan 13, 5778	R' Abraham & Gitta Klein z"l Iyar 18 / Av 4	R' Benzion Grossman z"l Tamuz 23, 5777
Mrs. Julia Koschitzky z"l Adar II 18, 5782	Rav Moshe Zvi (Milton) Polin z"l Tammuz 19, 5778	Rabbi Dr. Jerry Hochbaum z"l Adar II 17, 5782	In memory of Nina Moinester , z"l Nechama Osna bat Yitzhak Aharon & Doba Av 30, 5781
R' Meir ben Yechezkel Shraga Brachfeld z"l & Mrs. Sara Brachfeld z"l Tevet 16, 5780			
R' Yitzchak Zev Tarshansky z"l Adar 28, 5781			

Mrs. **Leah Meyer** z"l Nisan 27, 5782

Yitzchak Eizik ben Yehuda Leib Usdan z"l Av 29

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



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

American Friends of Eretz Hemdah Institutions
c/o Olympian, 8 South Michigan Ave.,
Ste. 605, Chicago, IL 60603, USA
Our Taxpayer ID #: 36-4265359

www.erezhemdah.org info@erezhemdah.org

Donations are tax deductible according to section 46 of the Israeli tax code

Ask the Rabbi

by Rav Daniel Mann

Chazan Having Trouble Taking Three Steps Back

Question: As *chazan*, I was unable to take three steps back after my silent *Shemoneh Esrei* because someone was *davening* close behind me even when the *gabbai* signaled me to start *chazarat hashatz*. What should I have done at that point?

Answer: The situation should not have occurred, as a slow *davener* or one who starts late should not *daven* right behind the *chazan* (Dalet Amot Shel Tefilla 5:6). If the *gabbai* signaled prematurely, that is not ideal either. If the “back *davener*” was diagonally behind you, while there is a *machloket* whether you can enter his 4 *amot* (Mishna Berura 102:16), you could have acted leniently. Actually, I recommend leniency in our days, since differences in *Shemoneh Esrei* finish time have skyrocketed.

You had four feasible possibilities, some depending on the specifics.

1) Alter the steps – Ideally, one takes three steps (2 + an “equalizer”) backward, where one foot’s toe touches the other’s heel (covering approximately two feet = an *amah* plus) (Shulchan Aruch, Orach Chayim 123:3). Many *shuls* do not have enough room between pews to do that, and there are two *minhagim* about dealing with this situation: take smaller steps (see Mishna Berura 123:14); take normal-sized steps but to the side (Aruch Hashulchan, OC 123:5).

In your case, the smaller steps will suffice only if you started off outside the 4 *amot*, as otherwise any further encroachment is a problem. While *poskim* (see *Ishei Yisrael* 29:16) recommend going sideways (i.e., further away from the back *davener*), it is unclear what the *chazan* will do when it is time to return (see Rama, OC 95:1), unless one starts outside the 4 *amot*.

2. Wait – Some say (*Ishei Yisrael* 29:(61) cites Simchat Cohen) that the congregation must wait until the *back davener* finishes. If one is not confident he will finish soon, this is unreasonable considering the gravity with which Halacha views *tircha d’tzibbura* (public inconvenience – see Rama, OC 123:3).

3. Do not take steps – The *gemara* (Yoma 53b) says that is better not to have *davened* than to not take the steps back, as it does not show proper reverence in “taking leave of Hashem.” This does not seem so offensive if one is not taking leave, but is about to begin his main *amida* of *chazarat hashatz* (see Rosh Hashana 34b, that the *chazan*’s silent *tefilla* is a “practice run”). Indeed, the Beit Yosef (OC 123) cites and rejects the Ohel Moed’s opinion that a *chazan* is not required to step back between his two *amidot*, as he will do so later. However, when the alternatives are *tircha d’tzibbura* or actively violating the *halacha* not to walk within someone’s 4 *amot*, several *Acharonim* (Mishpetei Tzedek 2, P’kudat Elazar 123:5, Halichot Shlomo, Tefilla 9:1) allow the *chazan* to start *chazarat hashatz* without the steps backward and forward. Although at the end of *chazarat hashatz* the *chazan* does not usually take three steps back (Shulchan Aruch, OC 123:5), it is permitted to do so (Mishna Berura 123:19). The Rama (OC 123:5) says that if the *chazan* did not do a silent *Shemoneh Esrei* he should step back, and if he did a silent *amida* but did not step back, it should be at least as appropriate (*Ishei Yisrael* 29:(62). Generally, the Mishna Berura (123:18) says that the *chazan* relies on the steps of *Kaddish Titkabel* (if he remains *chazan*) and should be careful not to be *mafsik* until then.)

4. Walk into the 4 *amot* – The Tzitz Eliezer (VII:23) is among *Acharonim* (see *Ishei Yisrael* *ibid.*) who see this as less problematic than missing the steps back. He also generally is lenient about this prohibition, finding many leniencies for it (see also Eshel Avraham (Butchatch) 102). One leniency to consider here is that when one positions himself in a manner that disturbs many in the congregation, he cannot “keep others out” (Da’at Torah to Shulchan Aruch, OC 102:4). Here too, one who impedes the *chazan* and thus makes all wait may lose his 4 *amot* rights (see similar idea in Aruch Hashulchan, OC 102:13).

Of these options, we prefer the modified steps back when feasible, and if not, then skipping the steps at this point.

“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

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

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

Recipient: Rabbi Yitzchak Isaac Halevi, author of Dorot Harishonim.

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

Question #6: Which *colonia* (settlement) is the most prepared to begin with [regarding starting the desired new type of religious school]?

My answer: In this matter I cannot make a clear decision, for each is very much in need of it. The influence of the [secular] schools is destroying *Eretz Yisrael*, and the religious schools have still not reached their goals because they have not supplemented themselves with the necessary worldliness. The main reason this has not been accomplished is the limited resources of the organizers, in addition to the habit of hating everything that is new. However, if we will join together wise people who are well-entrenched in Torah and fear of Heaven, we can remedy many things, with Hashem's help.

It would still seem to me to give precedence to those settlements that don't have any religious school, and only later to turn to those settlements that have religious schools, just that they are not set up well. I am not familiar with the settlements of the Galilee region. But closer to the region of Judea, the settlement of Samarin (Samaria) is the one which should be saved first. There the French style of education has taken hold and the destructive forces have come along with it, and it is far away from any of the holy cities. On the other hand many of the people who live there would be interested in straightforward, accepted education with true fear of Heaven, if it is well-supplemented with matters of the ways of life.

One of the bigger remedies for the settlements is that I will humbly be making rounds from time to time in the settlements to take a look at the general religious situation and to make public addresses on matters of ethics and life lessons. However, this requires a significant outlay of money because we need to present the rabbinate in an honorable manner. All the more so, we must not degrade the rabbinate by receiving any compensation from those upon whose paths we want to shine a light of sanctity. Therefore, I need to have at my constant disposal a carriage so that I can travel among the more than 30 settlements that are scattered throughout Judea and Samaria and have no one looking after their [religious situation]. I know the extent to which these travels in an honorable manner with discussions and public addresses are highly impactful. However, this requires an appropriate budget. Perhaps, Hashem will arrange this, so that a new light will begin to shine in the Holy Land in the new Yishuv, to tie them with ropes of love for Torah and fear of Hashem, so that the righteousness of the actions will be complete and they will give hope to many future generations.

When Hashem will grant us the ability to bring the plans for the *yeshiva* to fruition it will be an opening of hope for all, for rabbis to ask, for teachers to ask, and for the honor of Torah and [authentic] Judaism in the new Yishuv. It will be a source of permanent and internal connection between the new and old Yishuv, and the two of them together with the entirety of the Diaspora communities.

May Hashem grace our ideas and be with us in all that we do ...

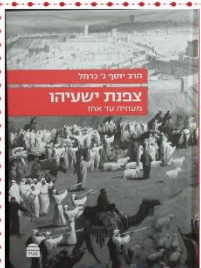
We daven for a complete and speedy *refuah* for:

Nir Rephael ben Rachel Bracha
Yisrael ben Rivka

Arye Yitzchak ben Geula Miriam
Yerachmiel ben Zlotta Rivka

Neta bat Malka
Meira bat Esther

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 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.

Buy Now

P'ninat Mishpat

Dealing with Uncompleted Renovations

based on ruling 79058 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) hired the defendant (=def) to renovate his home. Def gave an estimate of 25,000 NIS, which was paid in full. It was not finalized what work would be included, but the main work was in turning a bedroom into a workroom, undoing a closet area, moving an electric box, and other small jobs. When pl saw that def would not be able to do some of the work, he asked him to build a fence instead; def originally agreed but then decided against it. Pl claims that the work that def did is worth no more than 10,000 NIS and demands a return of 15,000 NIS. Def does not remember what was supposed to be included in the work but claims that pl had been satisfied, which is why he paid in full, and that pl is making claims now because he thinks he could have done much of the work himself.

Ruling: Def was employed as a *kablan*, one who is paid by the work accomplished (Rama, Choshen Mishpat 333:5), and the amount of time spent is irrelevant. The agreement was finalized by the beginning of the work.

The main question is what was included in def's obligation to accomplish. Pl's claim that moving the electric box was included is supported by the architect and the building plans. It is a case of a definite claim vs. a claim of doubt (def does not remember). Based on all the above, we assume that it was included.

In this case, pl broke the employment agreement by demanding money back instead of having def complete any work that needed to be done. In such a case, the hirer has "the lower hand," paying the higher of the value of the work done or the difference between that which was promised and the cost of finishing the job (Rama, CM 333:4). The Netivot Hamishpat (333:7) says that even if a *kablan* found other work, he still has rights to the pay promised him because one job does not preclude the other. Tehilla L'David (146) and Minchat Pittim (333:1) disagree. Even according to the Netivot Hamishpat, the *kablan* gets paid as promised only if he is willing to work an equivalent amount to that which was agreed. In this case, def did not agree to do other jobs that pl requested.

At one point, def agreed to build a fence (valued at 7,000 NIS), and pl agreed to forgive the rest of the work value coming to him. Can pl renege on his compromise and demand a full 15,000 NIS? We rule that there is no need for an act of *kinyan* to relinquish rights. However, one who agreed outside of *beit din* to make a smaller claim can decide to make a bigger claim in *beit din* (Minchat Pittim 17:12). In any case, since the *mechila* was on condition that def build a fence, which he did not do, pl is not bound by his conditional *mechila*.

Was def's initial agreement to build a fence an admission that he still owed pl? Although def claims that the agreement was just built upon willingness to go beyond the letter of the law, this claim is an *amatla* (a way out of a commitment), which is admissible regarding monetary cases only with a strong basis (Shulchan Aruch, CM 47:1). In this case, where there is some indication from the fact that pl paid in full, we are ruling based on compromise that def will return 9,000 NIS.

Comments or questions regarding articles can be sent to: info@erezhemdah.org

Eretz Hemdah is the premier institution for training young rabbis to take the Israeli Rabbinates' rigorous Yadin Yadin examinations. **Eretz Hemdah**, with its distinctive blend of Religious Zionist philosophy and scholarship combined with community service, ensures that its graduates emerge with the finest training, the noblest motivations resulting in an exceptionally strong connection to Jewish communities worldwide.