



# HEMDAT YAMIM

חֵמְדַת יָמִימִים

## Parashat Hashavua Behaalotcha, Sivan 16 5784

Harav Shaul Israeli zt"l  
Founder and President

### “It Was as the Ark Traveled”

Harav Shaul Yisraeli – based on Siach Shaul, p. 374-6  
(from speech at a *hachnasat sefer Torah*, 1987)

“It was as the ark traveled, Moshe said: ‘Arise, Hashem, and Your enemies shall scatter, and those who hate You shall flee from You’” (Bamidbar 10:35). *Chazal* say that this short section seems out of place (Shabbat 115b). However, it appears here to separate between two tragic episodes, and is separated from the rest of the text with two inverted letters *nun*. In the final analysis, for that reason, that is surprisingly its proper place in the Torah. In separating tragic stories, it is setting right the letter *nun*, which can represent *nefila* (a fall), turning it into reemergence to light and success. This is achieved by bringing the ark with us wherever we go.

Today we traveled (in the procession with the new *sefer Torah*) through the streets of Kiryat Moshe, thereby sanctifying the streets and Hashem’s Name. This helps neutralize the negative events that occur in our streets – the throwing of stones and the weakening of the public sanctity of Shabbat.

On the one hand, there are non-Jews around the world who object to seeing us in *Eretz Yisrael*, but there are also, tragically, many Jews who want to uproot the use of Hashem’s Name and defile the sanctity of Jerusalem, the Holy City. They want the sounds of public buses [on Shabbat], viewing them as the harbingers of “freedom and enjoyment.” But this “freedom” opposes the spirit of Judaism, weakens the feelings of kinship in the country, and tramples the crown of the sanctity of Jerusalem. It also provides fuel for the actions of the stone throwers. When people desecrate sanctity, we do not have a real Jerusalem, value for the Nation of Israel, and the connection between the Land and the nation.

Our walking through the streets with “the ark” sanctifies them and returns the crown of sanctity and purity. We proclaim: “Any vessel made to hurt us will not succeed,” not the stone throwers and not those who, Heaven forbid, try to rip the *sefer Torah*’s parchment.

In recent *parshiyot*, we read of the four languages of liberation that Hashem promised we would have from Egypt. The next *pasuk* says: “I will bring you to the Land ...” (Shemot 6:8). We are not living up to that gift sufficiently. Some of us are willing to relinquish parts of *Eretz Yisrael* and believe and dream that this will bring them tranquility and peace within the reduced borders. They do not understand that *Eretz Yisrael* cannot be divided, just like *Am Yisrael* cannot. They want to uproot Hashem’s Name from our midst, but they will not succeed. Somewhere down the line, they or their descendants will repent, because, as Jews, they have a nucleus of sanctity in their midst, waiting to show expression.

Before we came to the Land, we first had to receive the Torah. There is no *Eretz Yisrael*, nor is there an *Am Yisrael*, without Torah, as these values share a unifying force. Ripping away one is like ripping away the others. For this reason, nowadays, those whose connection to Torah Judaism is weak are the ones who want to give up on parts of *Eretz Yisrael*. If we strengthen ourselves in Torah and honor it [as we did today], we will “come to the Land.”

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**Eretz Hemdah**  
Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich  
2 Bruriya St. corner of Rav Chiyah St.  
POB 8178 Jerusalem 91080  
Tel: 972-2-5371485 Fax: 972-2-5379626.  
amutah number 580120780

**American Friends  
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c/o Olympian, 8 South Michigan Ave.,  
Ste. 605, Chicago, IL 60603, USA  
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# Ask the Rabbi

by Rav Daniel Mann

## Waiting to Return after *Kaddish*

**Question:** I have started a year of *aveilut* and hope to recite many *Kaddeishim*. I was wondering: after taking three steps back and finishing *Kaddish*, must I wait before returning to my place?

**Answer:** It is indeed worthwhile for people with hundreds of *Kaddeishim* in front of them to learn more about different facets of *Kaddish*, but we will actually start with *Shemoneh Esrei*.

The *gemara* (Yoma 53b) says that the correct way to show respect to Hashem before Whom one was praying is to take three steps back at the end of *Shemoneh Esrei*, give *Shalom* while turning to the sides, and not return to one's place right away. While it is unclear what text was used in the *gemara*'s time to "give *Shalom*," by the time of the *Rishonim* (see Mordechai, Berachot 111), it was clear that we employ some version of "*Oseh shalom bimromav hu ...*" This is a request that Hashem bring peace to Israel as He brings peace between the different components of His heavenly abode. (The opening words come from the description of Hashem in Iyov 25:2).

We recite *Oseh shalom bimromav ...* at or near the end of three important texts we recite: *Shemoneh Esrei*, *Kaddish*, and *Birkat Hamazon*. Peace is such an important value that we want to acknowledge Hashem's part in it and request more of it at the end of these "interactions" with Him (see Tzitz Eliezer XIV:14). This is done at *Shemoneh Esrei* after taking three steps back. At *Birkat Hamazon*, we do not take any steps at any point, including when saying *Oseh shalom bimromav*. There is a major *machloket* among *poskim* and in Sephardi practice whether we take steps back after all *Kaddeishim* that end with *Oseh shalom bimromav* or only in *Kaddish Titkabel* (see opinions in Yabia Omer V, Orach Chayim 9).

The reason that *Kaddish Titkabel* may be different is that this *Kaddish* has a special kinship to *Shemoneh Esrei*. First, in content, the line that is unique to this *Kaddish* is the request that Hashem accept our prayers, and this usually refers to the *Shemoneh Esrei* and/or *chazarat hashatz* that the *tzibbur* recently recited. The connection finds expression in various *halachot*. For one, if *Shemoneh Esrei*/ *chazarat hashatz* began with a *minyán* that later dissipated, since they can finish up the units they began, they can recite the *Kaddish Titkabel* because it is the conclusion of *chazarat hashatz* (Rama, OC 55:3). Also, the Shulchan Aruch (OC 123:5, based on Terumat Hadeshen I:13) rules that a *chazan* does not need to take three steps back at the end of *chazarat hashatz*, because the steps at the end of *Kaddish Titkabel* count as the steps after *chazarat hashatz* (see Mishna Berura 123:18).

Now to your question. Rav Chaim Naeh (Sh'not Chaim 9:(47)) says that since *Kaddish Titkabel* is connected to *chazarat hashatz*, one should wait the amount of time it takes to walk four *amot* (2-3 seconds) before returning to his place (based on the model of the Rama, OC 123:2). Since there is apparently no one who explicitly disagrees, it is not surprising that contemporary sources, such as *Ishei Yisrael* (24:(152)) and *Dirshu* (124:21), cite and seem to accept him. However, he limits this requirement to *Kaddish Titkabel* (as opposed to *Kaddish Yatom* and *D'Rabbanan*, despite ending with *Oseh shalom bimromav* and even for those who take steps back). He also excludes *Kaddish Titkabel* of *Ma'ariv* (Mekor Chayim (Bachrach) to Rama, OC 123:2) disagrees) apparently because there is no *chazarat hashatz* to connect to and everyone took steps back after *Shemoneh Esrei*.

My strong impression is that few *chazanim* think about how long to wait before moving forward. (*Kaddish* reciters who are not *chazanim* may not even return to the place they started *Kaddish*). Possibly, many naturally wait close to the "required" time, but we still contend that the *minhag* is not to wait after any *Kaddish*. On the other hand, if you want to be *machmir*, this is not a problem, because presumably the *tefilla* would not be delayed by it. (We would not find it appropriate to follow the opinion (cited in *Ishei Yisrael* *ibid.*) that a *Kaddish* sayer should not say the ending *Barchu* until returning).

### "Behind the Scenes" Zoom shiur

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



# Igrot HaRe'aya - Letters of Rav Kook

## Trying to Arrange Purchase of Land in *Eretz Yisrael* – part II – #229

**Date and Place:** 13 Tishrei 5670 (1909), Yafo

**Recipient:** The Association for the Purchase of Land in *Eretz Yisrael*, Bialystok. [In Hemdat Yamim, Bechukotai 5784, we translated the letter that describes the land (in present-day Jordan).]

**Body:** [Rav Kook answered the association's questions, one by one.]

A. Presently it is possible to buy the land only in the name of Ottoman citizens, certainly not Russian Jews. However, this law in no way prevents our safely settling the land. One buys the land in the name of a trustworthy Ottoman citizen, who makes certified deeds naming the real owners. This system works without any [need for] fear.

B. Your representatives do not have to bring all the money with them. The whole sum should be deposited in a safe place, so that it will be available when needed, i.e., when the whole transaction is formally approved. Certainly, you would have to pay enough money to cover the necessary preparatory steps, which we will specify in the next letter, as the representatives prepare to ascent to the Holy Land.

C. The sellers live on their land. They are rich people; one is Arab, and one is French. They are selling their property here because they plan to move to another land. They are reputedly upright people, but their moral status is inconsequential, because we will not put any trust in them. All the money will be deposited in a bank in the safest manner, until the last step to protect the transaction's finality is taken.

D. The land is mainly uncultivated; certain sections have been worked primitively by local sharecroppers. The only reason for the lack of cultivation is the laziness of the Arabs, who leave desolate several fertile areas. This is as *Chazal* said on the *pasuk* in the section of rebuke: "Your enemies who live on it will be desolate on it" (Vayikra 26:32). *Chazal* say this is good tidings for Israel, that the non-Jews will not find satisfaction in the Land of Israel. Thank G-d, the time has come to turn the curse into blessing.

E. Now I will address the matter of a detailed plan for settling the land. This is a major undertaking even for one type of people, all the more so for many types. It is necessary to gather several experts, each for his area of expertise. Since things can sometimes still arise and ruin plans, we should postpone [the planning stage] until the representatives come and see everything with their own eyes. From our side, we intend to stand by their side and do whatever we can for this holy purpose, with divine assistance. There is a particular difference in preparing a plan for men who come alone, leaving their family abroad until they are settled in the Land, and between those who come with their family. There are also certainly differences in the material, economic, and spiritual situation of the various families. This should all be clarified when your respected representatives arrive and will know things by seeing them.

F. The normal budget to settle an average family that wants to come together and live off cultivating its own land, including agricultural equipment, is approximately 1,200 francs. The matter is variable for those who want to plant orchards.

The above is what I was able to learn; I thought it proper to share with you. I hope this information suffices to send the representatives, after whose arrival we can begin real work. The blessed Rock of Israel, who opens for His nation the gates of salvation on His holy soil, shall shine His countenance upon us and give success to all our steps in the holy path upon which we begin to travel. This shall bring happiness to the ears of all who are captivated by hope and look toward Hashem's salvation of His nation in its homeland, speedily in our days.

It is unlikely that we will be able to lower the price, as the asking price is low, considering market prices for land in the Holy Land these days. Certainly, we will try to lower it if at all possible. The important thing is the aspiration for the holy goal – the settlement of our dear brethren, from the scattered Diaspora to our Desired Land.

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

Nir Rephael ben Rachel Bracha  
Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam  
Tal Shaul ben Yaffa  
Together with all *cholei* Yisrael

Neta bat Malka  
Meira bat Esther

# P'ninat Mishpat

## Profits from Formerly Joint Swimming Pool – part III

(based on ruling 81110 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The defendant (=def) owns vacation units. In 2013, the plaintiff (=pl) agreed to install at def's location a large but movable swimming pool for def to operate. No written agreement exists regarding the terms of profit sharing. In 2021, pl demanded to get the pool back and was told that it was dismantled. At that time, def wrote a signed admission that the pool belonged to pl, that he used it, and that he had to pay for its value. Later in 2021, def informed pl that the pool had been burnt in a brush fire. Pl claims that he was to receive all of the profits from the pool until they covered its cost (16,769 NIS) and subsequently, they would split them equally. (Pl guesses that the direct profits were 48,000 NIS, and he points out that its presence boosted def's business). So far, he has received nothing. Def claims he stopped using the pool in 2015 due to its lack of a water heater, and that he made his own pool by excavating a boulder. Although def made up with pl to sell the pool, he did not succeed to do so. Def claims that he signed the admission because pl was embarrassing him publicly, and that it is false. He admits to needing to share some profits, but, giving no estimate of how much, claimed that pl exaggerated profits.

**Ruling:** We conclude the series with different opinions on splitting profits.

Def claimed that there were very few profits from the pool, as expenses almost equaled revenue and the pool was used for a short time. Beit din already concluded that it was not for a short time, and also considers that def refused to provide beit din any financial details. In such a case, we apply the thesis of the Rosh (Shut 107:6) that one who refuses to provide information that we believe he has is treated like one who possesses proof against himself. On the other hand, we cannot accept pl's estimations in full, but must come up with a fair estimation.

Def's admission is telling, as it says that pl should be paid the value of the pool. This could mean only that pl owned the pool, which is meaningless since it has been destroyed. However, there are various indications that the intention is that profit payments should at least be enough to cover the pool's cost. However, the dayanim disagreed on the proper formula.

*Dayan 1* – Every “pool season” has around 50 days, and the revenues can be up to 400 NIS a day. We will estimate that def arranged for a total of 20 full days a season and that expenses were 10% of revenue, giving pl profits of 180 NIS a day. Thus pl's part is 3,600 NIS per summer X 6 summers = 21,600 (which exceeds the price of the pool).

*Dayan 2* – Since pl intended to make a profit on his investment and it is guesswork how much profit there was, we will give him the equivalent of profits had he invested in a standard, medium risk investment. [*Sparing the reader the tables on various investments,*] the amount that resulted was 21,861 NIS.

*Dayan 3* took a very different and complicated approach [*which we will not share for interest of space*] and did not want to award pl more than the price of the pool. The ruling is like the in-between opinion – 21,600 NIS.

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