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חֵמְדַּת יָמִיִּם

PARASHAT HASHAVUA

Yom Kippur, 10 Tishrei 5775

Yonah ben Amitai

Harav Shaul Yisraeli – based on Siach Shaul, Yamim Noraim p. 314-6

The choice of Sefer Yonah to be read towards the end of the holy day of Yom Kippur is, on the simple level, due to the great success of the *teshuvah* of Ninveh. However, the fact that the entire book is read hints at another idea, which is perhaps actually the main one.

Yonah ben Amitai was given a mission by Hashem, and he naively tried to avoid it. Hashem sent a more obedient messenger, the wind, and it instilled fear in the passengers of the boat. The Yalkut Shimoni says that there were members of each of the 70 nations on that boat. Each one prayed in his own way to his god for the same thing – to live rather than die. Only one person from one nation was apathetic, sleeping in the bottom of the boat without praying. Yonah knew the truth and tried to ignore it, until his counterparts exhorted him to join in prayer. Yonah told them there was a simpler solution – simply throw him overboard.

It is not hard to come to the conclusion that although Yonah was a real person, the whole story is a parable in its essence. Bnei Yisrael are compared to a *yonah* (dove) (Berachot 53b). Yonah was the son of Amitai, reminiscent of the father of Bnei Yisrael, Hashem, whose seal is that of *emet* (truth). Like Yonah, we are sent to fix the world so that it will accept the kingdom of Hashem, and we avoid the task. There are great storms around us, and while the nations are not all proficient at it, they pray. It is possible that when the nations opened their session in silence, there was real prayer, because even those who possess nuclear weapons want to live. [Perhaps this is a reference to the Windscale nuclear disaster in England, which took place in 1957, although a few days after Yom Kippur.]

In difficult situations, there is one nation that tries to avoid the spotlights but does not succeed to avoid them. "Lots are cast" and Israel comes up being singled out. The world looks around and points to the Middle East, and then within the Middle East they point to us, to Israel.

"Contemplate the years of every generation" (Devarim 32:7). This country and this region has been sleeping for many centuries. This point, at the edge of the desert, suddenly arose as if from the dead. Sheiks woke up and decided that this is indeed a desirable place, in a strategic location. What caused the storm that awoke people? Israel.

What prodded Egypt to seek so many weapons? What unites all the wild nations? Who riles everyone up? It is Israel. And when they cast lots, who do they find is guilty? Israel. Indeed it is true that disaster befalls the world because of Israel (Yevamot 63b).

Are we able to understand what the nature of the disaster is? Should we wait to see if they will throw us into the sea? Sometimes we think that we are not able to do anything. Our arms do not extend far enough, and we do not determine what our nation does. The Rambam (Teshuva 3:4) teaches us that we can view the world as being at a standstill, and the actions of one person – indeed, our own – could possibly determine the future of the world. If Israel is in the middle of what happens in the world, it is every individual who, in his own way, is in the center.

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Ask the Rabbi

Yom Kippur

by Rav Daniel Mann

Havadala on Yom Kippur Which Falls on Shabbat

Question: I know that *Havdala* after Yom Kippur is different than it is on *Motzaei Shabbat*. How do we treat matters when *Yom Kippur* falls on Shabbat?

Answer: How to treat *Havdala* after Yom Kippur that fell on Shabbat depends on the logic of each individual element of *Havdala*. We will proceed according to the order of *Havdala*.

In such a *Havdala* we do say the *p'sukim* that precede *Borei Pri Hagefen* like after a regular Shabbat (Mateh Ephrayim 624:5; Shemirat Shabbat K'hilchata 62:27).

The accepted reason for the *beracha* on *besamim* in *Havdala* is that one loses his *neshama yeteira* (literally, extra soul) when Shabbat ends and the *besamim* help revive him (Tosafot, Beitza 33b). After Yom Kippur this does not apply because there is no *neshama yeteira* on Yom Kippur (Shulchan Aruch, Orach Chayim 624:3; see Beit Yosef, ad loc.). The Shulchan Aruch (ibid.) says that even if Yom Kippur falls on Shabbat, the fact that it is a fast day means that there is no *neshama yeteira*. (See Rashi, Beitza 16a who connects between *neshama yeteira* and eating.) However, many (especially, Ashkenazic) *poskim* argue with the Shulchan Aruch, as the coinciding of Yom Kippur should not take away the innate *kedusha* of a regular Shabbat (see Mishna Berura 624:5 and Sha'ar Hatziyun 624:6). The Taz (624:2) points out that it is certainly not a *beracha l'vatata* to make the *beracha* on *besamim*, as one makes a *beracha* any time he purposely smells such a fragrance. The question is mainly on saying it in its regular place where it gets in between the *beracha* on the wine and its drinking (thus raising *hefsek* questions). Regarding practice, there is no right or wrong answer for Ashkenazim, as there are *minhagim* either way (see Mishna Berura ibid. and Shemirat Shabbat K'hilchata 62:28). If one smells the *besamim* and makes the *beracha* after drinking, there is little to lose (Shemirat Shabbat K'hilchata, ibid.). Sephardim certainly should not go against the Shulchan Aruch's ruling and make the *beracha* during *Havdala*. However, Sephardim may make the *beracha* after drinking if they like (see Kaf Hachayim 624:9; Mikraei Kodesh (Harari), p. 298).

A final issue is regarding the requirements of the fire for the *beracha* of *Borei Me'orei Ha'esh*. There are two reasons to make the *beracha* on *Motzaei Shabbat*. One is that fire was discovered on *Motzaei Shabbat* (Rosh, Berachot 8:3). The other is that it becomes permitted to use fire, which was restricted on Shabbat. The former does not apply after Yom Kippur that falls during the week, so that the latter becomes the main idea after Yom Kippur. Due to this distinction, specifically after Yom Kippur it is necessary that the light the *beracha* is made on existed on Yom Kippur and people refrained from using it (Pesachim 54a). That is why people use a flame that was lit from a '*yahrtzeit* candle' which was lit throughout the day. When Yom Kippur falls on Shabbat and there is also the first reason to make the *beracha*, a new flame that was lit on *Motzaei Shabbat* should suffice (Ritva, ad loc.). However, opinions do exist (such as the Magen Avraham 624:7) that one should anyway use a light that existed and was not used on Yom Kippur, in order to stress the fact that on Yom Kippur it was forbidden to use fire. The Mishna Berura (624:7), while not being impressed by this argument (see Sha'ar Hatziyun 624:9), notes that the *minhag* is to be stringent on the matter. However, he says that if one makes the *beracha* not on a new fire that was created by friction but from a flame that was transferred from it, one may certainly be lenient. (Note that this condition is fulfilled normally when one uses a match to light the *Havdala* candle.) Nevertheless, there are still people who are careful to use the *yahrtzeit* candle system (Shemirat Shabbat K'hilchata 62:35). Unquestionably, one who does not have such a flame available should make the *beracha* normally.



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Ein Ayah

(from the writings of Harav Avraham Yitzchak Hakohen Kook, z.t.l.)

Yom Kippur

Flexibility Only Upon the Flexible

(condensed from Ein Ayah, Shabbat 1:37)

Gemara: Rav Yehoshua the son of Rav Idi came to Rav Ashi's home. They prepared for him the third calf of its mother (a choice type of meat). They said to him: "Will our master please eat?" He told them that he was in the midst of a fast day. They said to him: "Do you not accept that which Rav Yehuda said: "A person can 'borrow' the fast [he accepted upon himself] and 'pay it back' [a different day]."

Ein Ayah: There is a rule about *mitzvot* and obligations of the Torah, especially in matters between man and Hashem. They are supposed to have a desired impact not only in general but even on every individual to make him close to Hashem and bring him to holy actions, characteristics, and viewpoints. On the other hand, a person's life has to continue normally, without the Torah making overly taxing moral demands on him, as the Rambam (Moreh Nevuchim 3:6) says regarding the Torah acting harmoniously with nature.

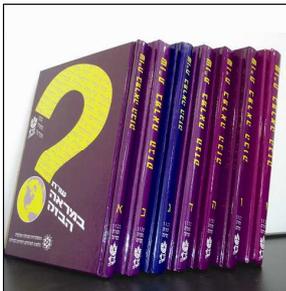
Although the goal is that the Torah will make the maximum contribution to every individual, the Torah is still addressed to the community as a whole and its needs. It is forbidden for the individual to "break through the fences" and change limitations and times, even if according to a person's specific level and situation it would have been better for him had the *mitzva* been in a different manner or time. This is because the individual has no right to demand that his particular spiritual needs be addressed in the face of unchanging details of the ways of the Torah.

On the other hand, there are opportunities for individual service of Hashem, such as accepting vows and becoming a *nazir*, through which an individual can construct certain unique added guidelines for himself that are in consonance with his personal needs. There are a variety of related forms that such an approach of accepting additional practices that fit one's approach of sanctity and piety can take. One of them is a *ta'anit yachid* (fast of the individual).

Since its whole purpose is to align the personal spiritual needs to correspond to the regular *halachot's* appropriateness for the entire community, this sends the message that the standard rules are immutable and cannot be compromised by the individual. To strengthen this message, it is proper that the parameters of such additions of the individual be as flexible to the changing needs of the individual as can be. In that way, the individual can be especially spiritually served while not harming the rules made for the entire community [by equating one with the other].

For that reason, when one has accepted a standard *ta'anit yachid*, it is possible to "borrow and pay back" if the original day does not presently coincide with his spiritual or even his physical needs. That is indeed in line with the distinction – the community's obligations are set and unchanging; the special additions for the individual are flexible and fluid.

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When the Defendant Goes to the Plaintiff's Place

(based around Shut Shoel U'meishiv, I:III:18)

[Reuven possesses a contract that obligates Shimon to pay him a certain amount of money and the place of the payment is to be where Reuven lives (Shimon lives in a different town). The two need to adjudicate about the payment, and Shimon wants to do so in his city, based on the standard rule that the place of adjudication follows the defendant (Rama, Choshen Mishpat 14). Reuven says that since the place of payment is specially designated to follow his place, so too this should require Shimon to also adjudicate there.]

One case in which the defendant must adjudicate in the *beit din* which the plaintiff chooses is when that *beit din* is particularly distinguished, even if that place is also more convenient for the plaintiff than for the defendant. The reason is that "the borrower is a slave to the lender." If so, it is strange that the plaintiff usually follows the defendant.

Apparently, we follow the place of the defendant when the plaintiff does not have witnesses or apparent proof that his claim has merit. We find this basic distinction regarding going to the distinguished *beit din*, as the Shulchan Aruch says that he cannot force the defendant to go with a hollow claim. In this case, when there is a document which ostensibly justifies Reuven's claim, he is considered to have strong basis for his claim, and the case should be held where the plaintiff demands.

Another factor is the fact that the contract says that the payment will be in the location of the receiver of the payment. We find that this type of statement impacts on related *halachot*. Specifically, the *gemara* (Ketubot 110b) says that if a contract mentions Bavel, we assume the payment is to be done with Babylonian coins. In other words, it is considered that he accepted this arrangement upon himself. It would seem that in our case if he promised that he would make payment in Reuven's place, certainly he was willing to adjudicate there. [In days of credit cards and bank transfers, it is unlikely this comparison would have been made.]

There are many opinions that not only can a lender force a borrower to adjudicate in a distinguished *beit din*, but any plaintiff can, because he would not waste his money to sue if there is nothing to his claim. However, the plaintiff cannot make the defendant adjudicate in the plaintiff's location because there he does not have to waste his money to go to *beit din*. However, in the case of an actual loan, the idea that the borrower is considered like the "lender's slave" applies even when the other logic does not apply. This should justify the case being heard in the apparent lender's location.

Another reason to not apply here the Rama's rule is that the *minhag* was that whenever there was a local *beit din*, one could never make someone go elsewhere even to a better *beit din*. However, in our case it seems clear that the defendant would have to follow the plaintiff to his local *beit din*.



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