



HaRav Shaul Israeli zt"l  
Founder and President

# HEMDAT YAMIM

## Parashat HaShavua

### Yom Kippur 10 Tishrei 5778 A Day of Light

Harav Shaul Yisraeli – based on Siach Shaul, Yamim Noraim p. 309-310

On the first day of creation, Hashem created light. "Hashem called the light day ..." (Bereishit 1:4). The *midrash* (Rabba 3:8) understands that this refers to the actions of the righteous. "... and He called the darkness night" – this refers to the actions of the wicked. "... day one" – this refers to the one special day that Hashem gave – namely, Yom Kippur.

People know Rosh Hashana and Yom Kippur by the name "Yamim Noraim," which means the Fearful Days. However, *Chazal* define them as days of light and of salvation, respectively (Vayikra Rabba 21:4, based on Tehillim 27:1). Certainly these days evoke fear. When a person stands face to face, so to speak, with the Creator of the World, who forgets nothing and from whom nothing is concealed, he naturally has elements of panic. If he can justify himself before people with 150 excuses and explanations, he knows he cannot succeed before He who knows all thoughts.

There are times that a person can fool himself and quiet his conscience with all sorts of excuses. At other times, he knows that he did something bad, but he tries to forget it. After all, that which was done was already done, and why should one agonize over the past? But, in truth, one needs to give an accounting for what he has done, and after he has died, he comes before Hashem as if he is still alive, and the evil action serves as a prosecutor against him: "Why did you do that?!" How fearful is the Day of Judgment?! What will be of us on the day of rebuke?!

However, hand-in-hand with the feeling of fear, the feeling of regret is awakened within us, and this is the mother of *teshuva* (repentance). It is impossible to ignore the past, but it is very possible to fix it. Every bad action carries with it an element of darkness. It creates a haze around our thought process and startles our senses, making us feel powerless. It is as if the evil is stronger than us, so that we are forced to accept the evil inclination's will. One is like a mindless robot, controlled by someone else. The actions he will perform are dictated, and he is the not the master of his own destiny.

Then a beam of light shines forth to the dark corners of the soul. At first, one tries to avoid it and keep things dark. However, when one does not succeed and the light comes streaming in and penetrating deeper and deeper, he finally tries to change his course and recognize what he needs to do instead of being allusive. After all, we simply need to line up our actions with what is appropriate for us.

How fortunate are we who are unable to ignore our mistakes and that there really is a divine eye that observes us and a guiding hand that helps us cast off the filth and disgust. If evil actions are darkness, then at least there is one day a year, the Day of Atonement, to turn the darkness to light and turn everything into one entity. This is the day one, [the day when we are able to recreate ourselves].

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



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# Ask the Rabbi

by Rav Daniel Mann

## Avinu Malkeinu When Yom Kippur Falls Out on Shabbat

**Question:** I understand that this year, with Yom Kippur falling out on Shabbat, we will not be saying *Avinu Malkeinu*, except at *Ne'ila*. What makes *Avinu Malkeinu* fitting, among all the *tefillot* of Yom Kippur, to be eliminated, and why is *Ne'ila* an exception?


**Answer:** First, we imagine you are Ashkenazi, as most Sephardic communities do recite *Avinu Malkeinu* on Yom Kippur that falls out on Shabbat, although many leave out the passages that mention sinning (see *Yechaveh Da'at* I, 54 and *Mikraei Kodesh* (Harari), Yom Kippur 5:12). Many Sephardim even say *Avinu Malkeinu* on Rosh Hashana that falls out on Shabbat and on *Shabbat Shuva* (ibid.).

Indeed, almost all Ashkenazim and some Sephardim omit *Avinu Malkeinu* on Shabbat even on Yom Kippur. The reason is that one is not allowed to make requests on Shabbat (Rama, *Orach Chayim* 584:1 and *Mishna Berura* ad loc. 4). It is true that we do recite passages that contain special requests (e.g., *Zachreinu l'chayim* ...) on Shabbat, and the justification is that since they are written in the plural, it is considered the needs of the community, which is permitted (see *Tosafot*, *Berachot* 34a). However, the fact that *Avinu Malkeinu* originated as a special prayer for fast days (*Ta'anit* 25b) is part of the reason that it is treated as a particularly plaintive prayer that is inappropriate for Shabbat. This is despite the fact that it is recited in plural and is a regular part of our *davening* throughout *Aseret Y'mei Teshuva* (*Orchot Chayim*, Rosh Hashana 2). The *Aruch Hashulchan* (OC 619:8) has a different take on it. He says that, intrinsically, one is allowed to make any type of request on Yom Kippur, as the *Yud Gimmel Middot* and many *piyutim* are no less strong than *Avinu Malkeinu*. Rather, the Rabbis chose to omit *Avinu Malkeinu* as a reminder that elements of Shabbat exist despite being largely overshadowed by the outpouring of the feeling of trepidation associated with Yom Kippur.

*Avinu Malkeinu* is considered an important prayer, and we do not easily give up on its use. One practical indication of this is the bending of a rule. Usually we do not say *Avinu Malkeinu* on *Erev Yom Kippur*. However, the Rama (OC 604:2) says that when Yom Kippur falls out on Shabbat, causing us to limit *Avinu Malkeinu's* recitation on Yom Kippur, we do recite it in *Shacharit* of *Erev Yom Kippur*. Some compare our relinquishing of our right to use this "spiritual tool" in honor of Shabbat to that of not blowing shofar when Rosh Hashana is on Shabbat, where our regard for Shabbat itself "sweetens our judgment" (see *Divrei Yehuda* (Scheinfeld), p. 201). There are voices raised to allow *Avinu Malkeinu* specifically on Yom Kippur when it falls out on Shabbat because of the urgency of our having our last chance to achieve atonement before the end of Hashem's judgment (Ran, Rosh Hashana 9a of the Rif's pages).

Regarding why we say *Avinu Malkeinu* specifically at *Ne'ila*, there are at least three explanations. The *Levush* (OC 623:5) says that by that time Shabbat is out, so there is no longer a problem. The *Magen Avraham* (623:3) says that even if a *shul* gets up to *Avinu Malkeinu* before nightfall, they still recite it because now it is indeed the last chance (applying the aforementioned Ran to this case of the very last opportunity). Finally the *Mateh Ephrayim* (623, K'tzeh Hamateh 8) cites the *Maharil* who says that we want to take the opportunity to say *Avinu Malkeinu* in the only *tefilla* where we insert "*chotmeinu*" (seal us) in place of "*kotveinu*" (inscribe us).

The *Rashbetz* (III, 176), one of the major sources on the matter, stresses that there are various *minhagim* on these matters, and one should not change the local practice based on what seems to be a preferred alternative *minhag*. With the help of whatever words we will end up saying, we should be "sealed" this Yom Kippur for a good year, full with lives of health, happiness and true meaning, on both a national and an individual level.



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# Ein Ayah

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

## Smaller Sin but Greater Danger

(condensed from Ein Ayah, Shabbat 5:53)

**Gemara:** R. Shmuel bar Nachmani said in the name of R. Yonatan: Whoever says that the sons of Eli sinned is making a mistake, as the *pasuk* says: "There were two sons of Eli, Chofni and Pinchas, *kohanim* for Hashem" (Shmuel I, 1:3). He reasons like Rav, who said that Pinchas did not sin, and Chofni is connected to Pinchas: just as Pinchas did not sin, so too Chofni did not sin. So what does it mean, "... since they delayed the bringing of the *korbanot* after birth to make them permitted to their husbands, the *pasuk* considers it as if they slept with the women.

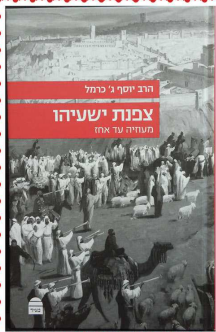
**Ein Ayah:** The episode around the fall in sanctity and Divine Spirit in the *Mishkan* of Shilo, which caused it to be destroyed, must relate to the qualitative root causes that brought about the destruction. After all, the destruction occurred because the basis for the existence of a Sanctuary in Israel was lost, not because of some chance events of moral impropriety, which are fleeting and are not reason to deprive the nation of its spiritual center. Rather we are looking for a spiritual trend that could ruin the entire service and the related sanctity, which was darkened as a result, and justified the dismantlement of the *Mishkan* of Shilo.

It is proper to know that the foundation of the service of Hashem and of the sanctity of life go hand-in-hand. It is impossible for life to be elevated in a deep and broad manner without drawing from the source of life, which is Hashem Himself. That is why we are connected strongly to divine sanctity. As life passes along and brings with it darkness and troubles, who will return it to its previous glory if not Hashem, who is connected to life itself?

Human birth, which brings on the voice of new life, changes the makeup of the family into which the child was born. While it primarily brings positive things, it also brings some infirmity and upheaval. This includes the pain of labor and complex physical maladies, which are forgotten only after a certain amount of time passes and life returns to light and happiness. What erases the depressing impression of the pain and gloominess that was caused by the sin of our matriarch, Eve? It is only the closeness to Hashem, which finds expression in new mother's *olah* and *chatat* (sin offering). The *chatat* remedies the sin of man that is connected to his heart's wildness and raises his spirit to love of Hashem, who is the source of the love possessed by all creations. The service of Hashem of the new mother's offering connects holy service of Hashem with the completeness of life. Therefore, pure human morality cannot complain about the sacrifices of service, and everything joins together in a pleasant harmony.

The sons of Eli demonstrated improper harshness in the *Mishkan*. They lowered moral behavior, compassion, and concern for the nation's needs and emotions by using forceful practices, asserting control through their powerful positions. This behavior takes away the morality with which every pure heart would relate to service of Hashem and breaks the connection between life and sanctification.

When a woman brings her *korbanot* as part of her purification to her husband, she sanctifies life. The *kohen* must not delay the process, as it harms familial harmony, which is a major part of Hashem's desire. By failing, the sons of Eli broke the connection between the service of the *Mishkan* and a holy life. They thus took away its significance and enabled the *kohen* to be viewed as one who represents evil and unseemliness. If one thinks it is enough to simply perform the right external actions in the *Mishkan*, he is uprooting the *Mishkan*'s purpose more than if he had just sinned an unrelated sin, even if it was horrible. That is because the great sin cannot become a norm in Israel like the break between service and a life of holiness can. That is why delaying dealing with women's needs is equated with sleeping with them.



### 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

## New Buildings Blocking View – part II

(based on ruling 71074 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiffs (=pl) are a group of residents who built together apartment buildings in a *yishuv* a few years ago. Now, the board of the *yishuv* (=def) is in the midst of building buildings for new residents across from pl's buildings in a manner that pl believe will significantly take away from their view (even though the new buildings are down the slope of a hillside). Pl claim that def promised, while marketing the project, that pl's view would always be protected, which def denies. Def also argues that the purchase contract states that the contract erases any previous understanding between the sides and that pl obligated themselves not to protest further building plans. Pl also claim that def may not build because a certain planning approval (*taba*) was not received yet. Several months ago, pl planned to challenge municipally def's building plans. At a meeting between the sides, an agreement was written (but not signed) stating that the wall of the new building's roof would be no higher than the level of the garden of the lowest set of pl's apartments. Pl claims that they were misinformed when they made that agreement and that, in any case, the rooftop solar heating apparatuses will extend beyond the aforementioned level.

**Ruling:** *We will take a look at the extent to which damaging one's view is generally halachically significant.*

The *gemara* (Bava Batra 7a) posits that one may build on his property even if takes away from the view of his neighbor as long as he leaves four *amot* (app., six feet) for space and light (see Tosafot ad loc.). The Maharalbach says that while it is forbidden to cause damage to one's neighbor by seeing into his neighbor's property, preventing a neighbor from enjoying a view by building in one's own property is permitted.

While def cited the ruling of a contemporary *beit din* which applied these classical sources directly, we consider this a mistake. First, the law in Israel is that one may not build without a building permit, and government officials require much more than 6 ft. separation between buildings and do consider matters such as damaging someone's view before giving a permit. The same *gemara* cited assumes that people have a real preference of having significant space and view in their homes, and it is the right and responsibility of a society to make rules that fit the situation of their times, as the Maharalbach himself mentions.

That being said, even after "adjusting" *halacha* for the increased need for air space and view, it is not accepted to prevent **all** compromising of a neighbor's view. If we did so, then one who built a home before others could prevent the inhabitation of the area by others, which is certainly not what society wants, and certainly not in *Eretz Yisrael*.

*Next time we will return to applying matters to our situation where agreements were made.*

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