



HaRav Shaul Israeli zt"l
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HEMDAT YAMIM

Parashat HaShavua

Haazinu Shuva, 8 Tishrei 5781

Return, Except for You?

Harav Shaul Yisraeli – from Aroch Siach, Yamim Nora'im p. 134-5

Rabbi Meir encouraged his former teacher, Elisha ben Avuya to return (i.e., repent). Elisha responded: "I have heard from behind the curtain (i.e., in the Heavenly court): 'Return wayward sons, except for Acher (Elisha ben Avuya's derogatory nickname)'" (Chagiga 15a).

The Heavenly voice Elisha ben Avuya heard emanating from a secret place was strange. On the one hand, the whole world is called to *teshuva* (repentance). That is a concept that we know and appreciate. But what is the idea that someone specific is uninvited from seeking to repent?

A person sees the mud and the slime in which he has sunk by means of his sins; he recognizes that his path leads only to destruction. A person also "hears" that although he is deeply entrenched in the gates of impurity, there is still a path that is open to return. How did the once wise Elisha ben Avuya believe that he was the single solitary person that has no path upon which to return, but rather he must drink from the "cup of poison" until he finishes it? Why does he accept this decree without trying to appeal? The whole world – yes; he – no?

Apparently, this Heavenly voice, whose beginning is true but whose end is deceptive, is something that all sinners experience. Whoever is so deep into the slime of sin sees himself as irreparably on the path that leads to death, even when he looks at others and believes that they do have a way to save themselves through repentance, and it is only he who cannot. He does not consider that if there is *teshuva* for everyone, he cannot be the only exception. It does not occur to him that this perception is but the idea of the evil inclination and that if he just focuses on repentance, it will be accepted gladly. Indeed the evil inclination is active before the sin, to cause him to sin, and after the sin, to convince him that he is particularly incapable of doing *teshuva*.

Every sin creates an imaginary set of ropes and shackles that tie him down and prevent him from changing his course. He believes that his circumstances, the friends with whom he interacts, the public opinion that pervades his surroundings, and the things he said and the actions he did yesterday, set his course for the future. How could he turn his back on his sinful friends? How could he act differently than the philosophies he espoused yesterday? How can he divorce himself from his past and turn into a new person?

He should realize, though, that one who comes to defile himself will have the door opened to do so (Avoda Zara 55a). From the fact that he hears that others have the opportunity to return, even though they do not feel it, he should see that this is normal. Things must come from the person himself; there are not really ropes that hold him down, but they are just spider webs that can be easily severed.

The Ten Days of Repentance are the period in which Hashem can be found in our proximity (Rosh Hashana 18a). There is no better time for *teshuva*. Let us sever the ropes of deception and pray sincerely: "Return us in full *teshuva* before You." May we have a good year, one of *teshuva*, liberation, and salvation.

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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

Corona Policies and Clarifications for Yom Kippur

Question: We will review some practical issues for Yom Kippur that are likely to come up this year, in the shadow of Corona. Although local rabbis will address many of them and public policy may change, we assume our discussion will be helpful.

Answer: 1. Pushing oneself to *daven* with a *minyan* – Regarding most of the *tefilla*, the importance of being in *shul* is **halachically** not much greater on Yom Kippur than on Shabbat (“Yud Gimel Middot,” which are most concentrated in *Ne’ila*, are the major additional thing that is missing). Certainly, one should not put himself (especially the elderly and other members of high-risk groups) and others at risk unwisely. To avoid that, we expect many small *minyanim* (hopefully in spacious, ventilated places). While people in high-risk groups should not *daven* in any *minyan*, except from their house or outside at a **GREAT** distance from others, regarding people of moderate risk, outdoor *minyanim* do have an advantage for those who fast well. If Yom Kippur will be a hot day and out-door *minyanim* may compromise one’s ability to complete the fast, it is obviously far more halachically important to fast than to *daven* with a *minyan* (see *Shemirat Shabbat K’hilchata* 39:28). It is more challenging to determine the correct plan when there is only a small chance that *davening* outside will cause one to break the fast. Many people’s best solution is to *daven* at an outdoor *vatikin minyan*, when it is rarely hot and easier to find shade (in addition to spiritual advantages). *Minyanim* would do best to shorten their length by eliminating *Mi Sheberachs*, skipping most *piyutim*, and doing less singing. (Singing is also a virus spreader, to an extent even with a mask on; humming, done with a mouth closed, is safer). A relatively short *Mincha* and *Ne’ila* can be done near day’s end, when it is cooler and easier to gauge how well one is fasting. Long-lasting indoor *minyanim* with air conditioning may not be the safest option, even if they apparently conform with official health guidelines (which do not eliminate danger, just lower it to a **reasonable** level for the **average** person; we can send links to scientific articles).

2. *Tefillot* to be omitted without a *minyan* – Besides standard *devarim shebekedusha* (e.g., *Kedusha*, *Kri’at HaTorah*, ...), special omissions for Yom Kippur are: *Kol Nidrei* (for the public), the 13 Middot (with its introductory and concluding pieces), pieces recited by the *chazan* regarding himself.

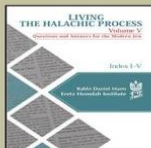
3. Early *Ne’ila* – Some *shuls* will opt for consecutive *minyanim* in the same room. It is problematic to do *Ne’ila* before *plag haMincha* (see *Beit Yosef*, *Orach Chayim* 623; *Ishei Yisrael* 46:47). It is better to *daven* after *plag haMincha* without a *minyan* or to have the second *minyan* go past *shekia* into *bein hashemashot* (even better if *chazarat hashatz* starts before *shekia*). Regarding late *Birkat Kohanim*, see *Living the Halachic Process*, IV, D-2.

4. Washing with soap/cleansing with sanitizer – It is permitted to wash hands to remove dirt (*Shulchan Aruch*, OC 613:1). Removing germs is no less justified; only washing which can be broadly deemed as for enjoyment is forbidden. In a past column (*Vayeilech* 5776), we cited sources that *sicha* (applying oil) is forbidden even not for enjoyment (*Yerushalmi*, *Yoma* 8:1). We pointed out that *sicha* is when the substance is absorbed by the skin, whereas *rechitza* removes impurities from it, and that soap resembles *rechitza*. Sanitizer is on one hand, absorbed by the skin, but on the other hand, is never for enjoyment. Certainly, when it is clearly needed for hygiene, including during a pandemic even for healthy people, it is permitted (see *Shulchan Aruch*, OC 614:1, who permits applying oil for any truly medicinal purpose).

Many people will experience Yom Kippur this year in an unfamiliar way. Some will benefit from pursuing **responsibly** their normal means of inspiration. For others, there is value in making the most of the opportunity to serve Hashem in a different way, appropriate for the situation Hashem has presented. May the Yom Kippur of all be successful!

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Ein Ayah

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

Every Possible Negative Thought to Curse

(based on Ein Ayah, Shabbat 12:58)

Gemara: Rav Acha bar Yaakov said: The curse [of Shimi ben Geira to David] which was described as *nimretzet* (powerful) is *notrikon* (an acronym) for [the following accusations of David]: He is an adulterer, a Moavite, a murderer, an enemy, and an abomination.

Ein Ayah: *Notrikon* includes uncovering people's secret thoughts; one word can express many of them. Shimi, in his hatred, wanted his curse to cover all of his disregard for David.

Shimi called David an adulterer (as indicated by the *nun* of *nimretzet*) because of his relations with Bat Sheva, even though David did not commit adultery, since Uriya gave Bat Sheva a *get* like all who fought in David's wars. Although a ruling was already given that David's lineage was not of a Moavite, because Ruth was female, Shimi labeled him according to the view that David held that disqualification (the letter *mem*). Although Uriya was guilty of rebelling against the king's authority, and therefore David was not a murderer for arranging Uriya's death, Shimi called him a murderer, as hinted by the *reish*.

The establishment of the House of David as kings was the greatest possible good for the nation. It was Shaul who was unable to raise the nation to the characteristics needed for Mashiach. Yet, Shimi declared that David was a *tzorer*, i.e., that he caused tragedy in Israel (based on the *tzaddi*). The whole goal of David's dynasty was to raise up the honor and sanctity of Israel for the whole world to see. Nevertheless, Shimi denigrated him in his heart and said that he brought on only abomination (*tav* of *nimretzet*).

We are interested in the internal feelings of a person, even when they are not verbalized. *Chazal* saw all of the elements of the aspersions Shimi cast on David when cursing him.

(Somewhat) Innocent Brothers

(based on Ein Ayah, Shabbat 12:59)

Gemara: Rav Nachman bar Yitzchak said: *Notrikon* is learned from here (Bereishit 44:16): "What can we say, how can we justify ourselves (*nitzadak*)?" – we are honest, we are righteous, we are pure, we are pristine, we are holy.

Ein Ayah: *Notrikon* emphasizes all of the imaginable thoughts, in this case, by Yaakov's sons, as they tried to understand how they got in such a difficult predicament [as occurred when the goblet of the disguised Yosef was found in Binyamin's pack]. They considered all of the ways they could have been held guilty for their actions and came to the following conclusions, whether those known to the person (Yosef) arranging their harrowing experience or those that were not. The possible indictments overtook their hearts and heightened their emotional torment, as identified by the *notrikon*.

Regarding Yosef's claim that they were spies, they said, "We are honest." Regarding their tormenting thought that they were guilty for selling Yosef, they said: "We are righteous." Despite all of the sin involved, they rationalized that they had held a court case on the matter and found him guilty and deserving of what he received. Thus, they could claim to have done the right thing.

Regarding Yosef's claim against them (before he had been sold) that they were impure in that they had looked lewdly toward the women of the land, they thought and decided that they were free of wrongdoing on the matter (pure) and Yosef had made a mistake in that regard. Regarding Yosef's old claim that Leah's sons belittled the sons of the maid servants, they looked into their hearts and said that they were pristine. Since none of the possible indictments was true, they remained in a state of holiness. These indictments were all rejected by the word *nitzadak*.



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

Questionable Firing and its Financial Implications – part I

(based on ruling 71089 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) began working in 2009 for the defendant (=def), an informal education organization, as the director of its *midrasha*, which runs educational tours for students. Pl was very successful for close to two years in his main task, expanding the *midrasha's* reach. Def was unwilling to pay pl a set salary due to uncertainty about resources, and so pl agreed to a salary of 50% of net profits from the *midrasha's* operations plus a set rate for tours he led. In 2011, the *midrasha* began receiving funding by the Education Ministry. This affected pl's salary in two ways: He could no longer lead tours due to lack of a degree; the higher cost of tour leaders with degrees was higher, which lowered the net profits that made up his salary. Tensions between the sides grew over pl's demands to rework his salary and complaints about how the process of joining up with the Education Ministry was done. A few months later, def fired pl (there were several months left on their contract). Pl demands payment until the contract's completion, severance pay, and penalties for late payment (he received salary only after groups paid). Def respond that the firing was justified because pl began to disregard orders and was often unavailable (he began university studies). They point out that the contract states that pl waives severance pay and that, in any case, he was not a salaried worker. Def countersued for having overpaid, as they did not factor in certain expenses when determining the net profits.

Ruling: Severance pay – A *kablan*, one who is paid by the job rather than the time put in, is not an employee, by law or by Halacha, who receives severance pay. Pl's salary was calculated along the lines of a *kablan*, receiving a percentage of incoming revenues for his part in them. However, the overall nature of the work clearly indicates that pl was an employee. His contract linked the two sides for an extended period of time and the nature of pl's obligation was broad and required availability according to the employer's needs (see Piskei Din Rabbaniim, vol. III, from p. 272). Additionally, their contract factored in social benefits, which only salaried workers receive. Rather, the unusual mode of calculating the salary was due to def's specific concerns.

The clause in the contract waiving pl's rights to severance pay is invalid here for two reasons. The law, which is valid both as *dina d'malchuta* and as the common practice, nullifies the waiving of severance pay. Secondly, the waiving was done in the framework of a contract that extended pl's employment into the future. In relation to a situation in which def ends pl's employment prematurely, any such *mechila* is invalid *mechila b'ta'ut*. However, since the question of whether pl deserves severance pay is a valid one, we will not impose a penalty for late payment of the severance pay.

We will continue next time with other elements of the dispute.

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