



HEMDAT YAMIM

Parashat Hashavua

Devarim, 9 Av 5782

Harav Shaul Israeli zt"l
Founder and President

“Chazon” and the Critique of the Corrupt Elites of Society Harav Yosef Carmel

The *haftara* of *Chazon*, which ushers in the final days of national mourning, is Yeshayahu's critique of the nation. A few of its *p'sukim* are reminiscent of *Sefer Devarim*. It begins, "Hear, heavens, and listen, land, for Hashem has spoken: Children have I raised and elevated, and they have betrayed Me" (Yeshayahu 1:2). This is very similar to the opening of the Song of Ha'azinu. Then, the *navi* cries out: "How could (*eicha*) the reliable city become like a harlot," using the introduction to a question that Moshe used in Devarim (1:12) regarding difficulties with the people. It also is the question of despair that Yirmiyahu would use later at the time of destruction, as the heart of *Megillat Eicha*.

To which generation did the prophet refer when he compared Yerushalayim to a harlot (a prophet can send a message to his own generation or to all generations, as Rashi often posits, but here is silent)? The Radak explains that the prophecy applied to all generations of Yeshayahu's career (during the reigns of four kings – Uziyahu, Yotam, Achaz, and Chizkiyahu).

However, the Radak is troubled because all of Yeshayahu's kings except Yotam were righteous (to various degrees). The Radak answers that in addition to shortcomings of each of the kings, the people were largely corrupt, including in offering sacrifices outside of Yerushalayim.

We humbly suggest a different approach. An interesting picture emerges from the opening chapters of *Sefer Yeshayahu*. A lot of Yeshayahu's criticism is directed at the elite of society, including the king, the judges, the wealthy, and the heads of the army, all of which used their societal power improperly.

In speaking of the end of days in the early chapters, Yeshayahu refrains from direct reference to Mashiach, the king who is to stand at the head of the political leadership. This omission demonstrates concern about idealizing a potentially dangerous system in which one person holds a tremendous amount of power.

Yeshayahu fiercely opposed those who become rich by exploiting the weak in society. The overly close relationship between those with political clout and those with money, brought great injustice: "Your officers are corrupt, and a pack of thieves, all love bribery, and pursue payments" (Yeshayahu 1:23). The prophet also spares no words on the judges who go along with the people's tyrannical actions, even if by inaction (*ibid.*). The incredible power of military leaders allowed people to kill in order to advance their personal agenda (*ibid.* 21). Possibly the simple person was not severely to blame, whereas the elites were.

The situation in the time of Uziyahu, at which time the prophecy was said, was good in many ways. Nevertheless, Yeshayahu warned the people that if the bureaucracy will not be changed, they are liable to face national destruction relatively quickly (*ibid.* 7-8). Such concerns, while said once upon a time, are always relevant.

May our present state learn the lessons of the past, and may we merit righteous leaders like Moshe Rabbeinu and men of spirit, like Yeshayahu and Yirmiyahu, who provided guidance. May we see the fulfillment of the last *pasuk* of the *haftara* – the return of an efficient and honest judicial system, which will make us worthy of liberation (see *ibid.* 26-27).

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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

Leather Arch Supports on *Tisha B'av*

Question: May I wear leather arch supports in my non-leather shoes on *Tisha B'av*?

Answer: Most of the sources on the prohibition of wearing shoes relate to Yom Kippur, but the *halachot* are mainly the same for *Tisha B'av* (see Shulchan Aruch, Orach Chayim 550:16). The simple answer to your question is that arch supports are forbidden because one may not wear a non-leather shoe with leather lining (*ibid.*). Yet, we shall explore two avenues for leniency.

The first is to distinguish between a shoe's lining and an arch support. The Chelkat Yaakov (OC 217) suggests that since the arch supports are inserted and removed often, they might not be considered part of the shoe, but independent entities. If so, since standing on a leather surface is permitted and stringency is only mildly encouraged (see language of Rama, OC 614:2), perhaps leniency is appropriate in such a case of need.

The problem is that this view of arch supports, brought without precedent from earlier sources, is unlikely to be cogent. It is not as if one stands on arch supports that just happen to be in the shoes now. An arch support user stands on them only when they are in shoes and almost never uses the shoe without arch supports. The fact that one with fewer arch supports than shoes moves them from one shoe to another should not make them foreign to the shoes they are in.

The more likely grounds for leniency is need-based. *Chazal* and/or the classical *poskim* (see Shulchan Aruch and Rama, OC 614:3-4) permit the following people to wear shoes on Yom Kippur: a woman who recently gave birth, a sick person; one with wounds on his feet; one walking in a muddy area (see details in commentaries *ad loc.*). The Chelkat Yaakov (*ibid.*) viewed the arch support user as one who suffers, albeit more than the average person, from not having good shoes. According to this view, it is difficult to compare him to someone with wounds. However, we view most people who are prescribed arch supports as having a specific problem that the average person who does not like being barefoot does not and therefore see this as a better leniency than the former one.

However, it is not proper to allow arch supports on a broad basis for two reasons. First, for many people, going one day without arch supports is unlikely to cause any damage or significant pain (on a practical level, *Tisha B'av* is a day with a lot of sitting).

Second, there are many options to leather arch supports. Some non-leather footwear gives reasonable support to the arch. Furthermore, a high percentage of effective arch supports contain no leather. Therefore, if one knows he cannot manage without arch supports, he can obtain ones without leather (or get a cheap spare pair).

It is an excellent question whether one is required to make such preparations in advance, as one can understand the sources above in different ways. It is possible that in a case of a special reason for shoes, the prohibition does not exist, but it is possible that it is an act of prohibition, just that the need overcomes it (see *Shemirat Shabbat K'hilchata* 39:(113)). Several *poskim* posit (*S'dei Chemed* vol. IX, p. 157) or at least consider likely (*Minchat Shlomo* I,7; *Torat Hamoadim*, Yom Kippur 13:(11)) that even, for example, a woman after birth, may not wear leather shoes when easy alternatives exist. That is after all what the rest of us do when walking in places where we need reasonable footwear. Admittedly, arch supports need to be just right and are relatively expensive, so one could possibly argue that the alternatives are less feasible than usual.

In conclusion, the rule is that most people should not insert leather arch supports into their shoes on Yom Kippur or *Tisha B'av*. If they did not succeed in arranging a good alternative and expect significant pain, they may be lenient (Chelkat Yaakov *ibid.*). Leniency is easier on *Tisha B'av*, since its entire observance is not a Torah law, whereas Yom Kippur is a severe Torah prohibition and according to some even its prohibition of shoes is Torah law (see *Mishna Berura* 614:26).

“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) 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 III

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.

[We are in the midst of a comment of Rav Halevi about the apparent lack of excellence in scholarship in Yerushalayim and Rav Kook's claim that this is not true and that the impression is because of the lack of ability to have prestigious rabbinate and publish books.]

I will tell you the truth – there are people in Yerushalayim today who are giants in Torah scholarship, on the level of the greatest and most famous rabbis of the generation, and people do not take notice of them. They are actually lowly in their own eyes, and totally do not realize their own value. Obviously there are not a lot of people like this, but they exist. The number of people who are on the highest level are not plentiful in the Diaspora either, even though the population there is very large, may they only grow in numbers.

Regarding lesser but still outstanding Torah scholars, there are dozens of such scholars, and they are able to hold their own in comparison with the first level of scholars in the Diaspora. However poverty afflicts their spirits, and those who love Torah in the Diaspora should try especially hard to remedy their difficulties. Yerushalayim specifically and Eretz Yisrael generally would not need to seek rabbis from abroad if it were only a matter of the scholarship of the rabbis of Eretz Yisrael. There is an issue of the scholars here not being known. Also, they lack practical experience, which is a necessary result of the horrible destruction that exists in Eretz Yisrael, due to our sins.

Eretz Yisrael is capable of giving increasingly [great intellectual fruit] when the lackings that result from the horrible poverty will be solved. The fact that the air of Eretz Yisrael makes people smart is clearly visible. I have rarely found a child in the Land who is dim-witted; everyone who is born here is naturally alert and bright, despite all the poverty, suffering, and depressing sights of desolation. These have not succeeded in dulling the light of their intellect, and they are full of wisdom and sharpness.

It is not just that the people of the Land excel in analysis of different sorts. Rather, they have a certain lofty sense and an internal yearning for lofty matters and concepts. If they would have a deserved respite from the difficulties, we could expect that it would bring an increase in giants of spirit, who could bring the nation spiritual salvation. The light of wisdom will shine, and Divine Spirit will start to send sparks as in the days of old.

Question #3.4: What is the best way to educate the settlements' youngsters, so that they will be observant of Torah and mitzvot and be imbued with fear of Hashem, so that even the simple farmers among them will also have a strong background in Torah and the more talented could continue to develop in Torah while also going to work? How can we know that if we establish religious elementary schools, most of the settlers will send their children there?

My answer: This all depends on our ability and desire to found the type of religious schools that have all of the good things that the secular schools have. The difference will just be that as opposed to the fact that the teachers in the latter schools purposely influence the children with stupidity and destruction, the religious schools will influence them to be full of a spirit of Torah and true belief in Hashem. The religious schools must possess orderliness and discipline, cleanliness, and health standards. Then I have no doubt that most, even almost all of the settlers, will send their children specifically to the improved religious schools, and we will overcome the schools that teach heresy.

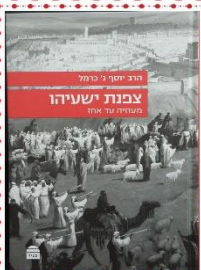
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Tzofnat Yeshayahu- Rabbi Yosef Carmel

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 Promises to Kollel Students – part I

(based on ruling 71063 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: A group of *kollel* students (=pl), formerly of a certain *kollel* (=def), have claims about def's alleged failures to keep promises to them. [We will deal with different claims separately.] Pl did not receive any stipend for their last August, even though it contained days of their studies and final vacation days and the fact that when they arrived at def, they began receiving stipends only in September. They also claimed that pl received per-student governmental financial support for pl through August. Def has no specific claim and is happy to do whatever *beit din* considers correct. Pl also claim that def promised 1,000 NIS a month to those who learned with students from a school with which they shared a building but that they received only 500 NIS a month for it. Def responds that the amount they received from the school was insufficient to give more than they did.

Ruling: 1. The month of August – When a worker is paid for a year's work, and he completes it, he is entitled to a full year of salary (see Shulchan Aruch, Choshen Mishpat 312:1; Pitchei Choshen, Sechirut 7:1). There is a *machloket* if an *avreich* (*kollel* student) has a status of a worker. On the one hand, he is to receive money not for what he does but for not taking other jobs at that time, so that he is not a salaried worker (see Shulchan Aruch, Yoreh Deah 246:5, Piskei Din Yerushalayim VIII, pg. 365). Shevet Halevi (VIII, 315) and others say that, at least at times, they are considered workers. However, all seem to agree that if pl did as required until the end of the year, def must pay until then. In most cases, including this, this is until the end of the month of Av (including vacation). However, Av ended on Aug. 10, so that most of Aug. belonged to the coming year, and indeed pl proved that they paid incoming students for Aug. We do not accept pl's claim that since stipends are paid according to the secular month, the year is also determined in that way. Pl will only receive the part of their stipends that comes from the government, since def did not provide documentation that it stopped before Aug.

2. Def presented a contract with the school, which required def to provide six *avreichim* who would teach for five hours a week and the school would give place for def's studies, but def had to pay insurance for the accommodations. For the first fifteen months, the school's contribution was 42,000 NIS. Only if the arrangement would continue would the school give 1,000 NIS per month per *avreich*. It works out, then, that the funds def received were enough for less than 500 NIS per *avreich* per month. Therefore, pl should be thankful that def took from its own budget to add as much as it did to pl, and they are not entitled to more for their teaching than the 500 NIS monthly they received.

Next time we will deal with the fallout from a special program that def had pl enter.

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