



HaRav Shaul Israeli zt"l  
Founder and President

# HEMDAT YAMIM

## Parashat HaShavua

Vayeilech, 6 Tishrei 5777

### “For me, Closeness to Hashem is Good” (Tehillim 73:28)

Harav Yosef Carmel

Last week, we suggested that our main effort during the Yamim Noraim and, indeed, all the holidays of Tishrei is to seeking closeness to Hashem. Let us look at some of the ways that this finds expression.

*Teshuva* (Repentance) – the very existence of the possibility of *teshuva* without direct connection to rectifying the tendency toward a specific sin implies closeness to Hashem. That is why our Rabbis taught us that *teshuva* preceded the creation of the world (see a list of seven such pre-creation creations – Pesachim 54a). That is why the days of *teshuva* begin in the beginning of the month of Elul.

Days of Judgment – Rabbi Yossi says that people are judged every day, and Rabbi Natan says that it occurs every moment (Rosh Hashana 16a). According to them, what is unique about Rosh Hashana? One can explain that during this special period, there is special closeness to Hashem, which stems from our willingness to be judged. When we exclaim that Hashem is the righteous judge of the whole world, people enter the path that ends with a sincere mindset of “For me, closeness to Hashem is good.”

The Days of *Selichot* – The *selichot* are special prayers in the spirit of the days, which revolve around the recitation of the Thirteen Attributes of Mercy. These days prepare us for Yom Kippur and, especially, for the concluding prayer of *Ne'ila*, which is structured around the Thirteen Attributes. (They are absent from the *davening* of Rosh Hashana.) During this period, Hashem promised that there would be special opportunities for mercy related to these prayers. As a matter of fact, the *gemara* (Rosh Hashana 17b) says that Hashem acted like a *chazan* and showed Moshe how to pray by mentioning the Attributes in a way that elicits the best results of forgiveness. Here too, through the description of Hashem's Attributes, we draw ourselves closer to Him.

Sukkot – Entering the *sukka* has a clear significance of finding “protection under the wings of the Divine Presence.” Having every limb in a person's body within the *sukka* certainly gives expression to great closeness to Hashem, like entering a bridal canopy. The house that the *sukka* represents is the joint house of Bnei Yisrael and Hashem. The *ushpizin*, the historical great guests who spiritually grace our *sukkot*, are like the invited guests to the wedding. After all, a wedding without guests is hardly a wedding (this even has halachic implications). Certainly, anyone who enters the *sukka* is declaring: “For me, closeness to Hashem is good.”

May we all merit, on these special days that begin our new year, to draw closer to Hashem and merit His forgiveness. Let us feel that “For me, closeness to Hashem is good.”

### Refuah Sheleymah to Elchanan ben Adina & Orit bat Miriam

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# Ask the Rabbi

by Rav Daniel Mann

## Non-Leather Footwear on Yom Kippur

**Question:** Is it permitted and proper to wear comfortable non-leather footwear on Yom Kippur?

**Answer:** The Torah commands us to afflict ourselves (“*initem*”) on Yom Kippur, and *Chazal* derived from *p’sukim* the forbidden activities this entails. The *gemara* (Yoma 77a) cites *p’sukim* describing people in states of mourning who went “*yachef*” and determine this means shoeless.

The *gemara* (ibid. 78a) asks whether one can wear a shoe of *sha’am* (a sort of plant) and answers with stories of *Amoraim* who wore such shoes. On the other hand, Rava implies that a wooden shoe is forbidden. As the Beit Yosef (Orach Chayim 614) summarizes: the Rif says that only leather (or leather lined) shoes are forbidden. The Ba’al Hamaor says that the *gemara*’s conclusion is that whatever functions as a shoe is forbidden, regardless of the material. Rashi says that only leather and wooden shoes (which are strong and protective) are forbidden. The Beit Yosef/Shulchan Aruch accepts the Rif’s lenient opinion. The Magen Avraham (614:2) reports that this is the *minhag*, and the Taz (614:1) criticizes anyone who forbids non-leather shoes, considering that *Amoraim* were personally lenient.

The Mishna Berura (614:5) confirms that the primary ruling permits all non-leather shoes. However, he also encourages those who want to be stringent to not wear (especially, while indoors) wooden shoes and even any shoe that protects the foot well and prevents the wearer from feeling the ground.

Unquestionably, the present-day widely accepted practice among observant communities is to allow any shoe that does not have leather. (Admittedly, it is hard to talk about a *minhag* regarding the uncommon wooden shoe). Let’s be as clear as possible. We reject any suggestion to change this standard ruling for our communities.


On the other hand, if there is any day when personal stringencies should not be criticized as “holier than thou,” Yom Kippur is that day. Therefore, for the benefit of one who has such an inclination or conviction, let us discuss the relative logic of stringency for different footwear.

Comfortability of footwear is not an issue, as the *gemara* (Yoma 78b) makes clear. Thus, even if someone loves wearing fabric/thin-rubber-sole slippers or flip-flops, there is no reason to avoid them. (Although many people would take off their shoes in *shul* every Shabbat, if protocol allowed it, comfortable (non-leather) socks are permitted according to all opinions (see Yevamot 102b.))

Crocs are slightly more like shoes, and there was an uproar when Rav Elyashiv was quoted as saying that it is worthwhile to not wear them on Yom Kippur (he did not said they were forbidden). Crocs are pretty good at preventing wearers from feeling the ground, but, in addition to not being leather, they do not give the type of support and protection that normal shoes do, which are crucial for the main stringent opinions.

Sneakers are much more shoe-like than the above, which makes them a candidate for stringency according to the minority of classic *poskim* who say that leather is not the only factor. Even so, they are often thinner and flimsier (which has some advantages for sports), which make them less shoe-like.

*Chumra* is most logical regarding shoes that look and function like standard shoes, but for whatever reason (including production price) are made with a substitute material. It is possible (not necessarily correct) that even the majority opinions who forbade only leather shoes may be stringent here. First, some argue that there is a problem of *marit ayin* (Minchat Shlomo II:53; Rav Elyashiv is cited as being lenient on this point). Second, if leather shoes were singled out because their characteristics made them normal shoes, it is possible that in whatever time and place one is in, standard looking/feeling shoes are forbidden. (Analysis of this point is fascinating but beyond our present scope). Therefore, not wearing normal shoes that happen to be synthetic is the most logical of the stringencies on this matter for those inclined to stringency (see Dirshu footnotes 614:9).



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## A Head Speaker Sees the Good from All

(condensed from Ein Ayah, Shabbat 2:259-260)

**Gemara:** Why was Rabbi Yehuda called “the head speaker in every place”? Rabbi Yehuda, Rabbi Yossi, and Rabbi Shimon were sitting, and Yehuda from a family of converts was sitting near them. Rabbi Yehuda opened up and said: “How pleasant are the actions of this nation [the Romans]. They set up marketplaces, set up bridges, and set up bathhouses.” Rabbi Yossi was silent. Rabbi Shimon said: “All that they did, they did for their own sake ... Yehuda from the family of converts told what they said, and the rulers found out. They said: “Yehuda who found a good thing to say will be elevated ...”

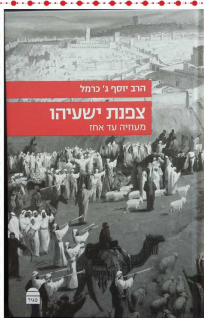
**Ein Ayah:** The purpose of human society creating improvements is certainly something that can be seen differently from different perspectives. Just as there is a great distinction between Israel and the nations as far as our being holy among the mundane, so too is there a difference in regard to the purpose for striving to improve the world. Certainly our intentions and those of the Romans were very different.

Undoubtedly, the different intentions behind actions impact on some of the details of how the actions are carried out. Even so, there are things that overlap, in that they are helpful both for the Romans’ coarse materialistic goals and for Israel’s holy purposes. These matters can be called pleasant and constructive.

It is positive for someone to always seek out the shared accomplishments and use them for positive purposes. He can enjoy them and praise them even if they come from a source that is coarse and whose purposes are diametrically opposed to the proper ones that the “kingdom of priests and holy nation” has. Such a person, who can still appreciate the good, is fit to be the head spokesman in all places. With all his connection to sanctity, to Torah, and to the holiness of Israel, he can still find a place in his heart for the good he comes in contact with, even from an evil nation.

One of the important things in society is that one can acquire that which others have produced so that various people can be involved in different occupations and provide that which is useful to others. This is the benefit of marketplaces. Another benefit is to allow people from distant places to be unified. This is the gain made possible by bridges. Above all the others is the benefit of creating things that bring good health to all members of society so that they will be able to continue to be productive members of society. The cleanliness that is gained by the existence of bathhouses is such a matter. These three elements, which Rabbi Yehuda noted, are pleasant enterprises, which, no matter the intention of the one who made them, can be used for the loftiest of goals.

Rabbi Yossi was silent, as he had a different approach to good things that come from a bad source. Admittedly, it is not possible to deny that good comes from such sources. However, we always have a fear that the bad part of the internal inclination will cause greater destruction than the good that emanates from it. Therefore, one can neither protest the good nor rejoice in something that comes from a totally negative source. The heart of the perceiver is cast into a storm, as the feeling of recognition of good is opposed by concern for the strengthening of the evil people through their successes. In such a case, the heart prevents a person from reacting positively or negatively. Like Rabbi Yossi, such a person is silent.



### 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.

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## A Renter's Responsibility for an Exploded Water Tank – part II

(based on ruling 75016 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The defendants (=def) rented an apartment from the plaintiff (=pl). As the rental ended, def informed pl by text message that they had left. Workers were to do renovations before new renters came in. Pl claimed that the morning after def left, he and his workers found a major leak from the roof, which turned out to be from an exploded boiler, which, he saw by the indicator, had been left on. He argues that leaving on an electric boiler is negligence, as the accumulation of gases of boiled water is likely to cause an explosion, and according to the contract, def is obligated to pay for damages to the apartment that were not caused by normal use. He demands 2,200 shekels for a new tank. Def claims that they checked that all the electricity was off before leaving the apartment, and, in fact, they had not used the boiler in weeks, because in the summer, when they left, solar-heated water sufficed. They dispute the claim that pl found the problem on the morning after they left, because they communicated that day, and pl said nothing. Rather, it was the on second day, and in the meantime, pl's workers worked and slept in the apartment, and one of them could have lit the boiler. In any case, def claims that a proper boiler does not explode when left on indefinitely because of double protection: a thermostat to shut the electricity when the water is hot enough and a gas-releasing valve to prevent over pressure. Pl says that the boiler's malfunction is not his fault since he replaced it 1-2 years ago.

**Ruling:** We saw last time that while part of pl's claims were difficult to accept, it is possible that def left the boiler on and that in a small minority of cases, this can cause an explosion of the tank.

Under these circumstances, if the damage was because def left the boiler on, it would seem to be a case of only partially extenuating circumstances, in which a *shomer sachar* (including a renter) should be obligated. There are many halachic issues to discuss (*shemira* for land, *meita machmat melacha*), but these are not relevant because the contract stated the conditions under which def were responsible for damage. It stated that they must pay if damage was caused by "unreasonable use." We found that some people never shut off the boiler, and others are careful. Is "unreasonable" determined by the individual landlord? Can one distinguish between consistently leaving the boiler on and occasionally forgetting to shut it?

*Beit din* considers that pl said that he only came to *beit din* because he is sure that def left the boiler on, and we see little reason he should be confident of that. Def, on the other hand, expressed that he had been willing to pay a small amount of money. The accumulated factors on behalf of def's exemption is far greater than for their need to pay. On the other hand, it is likely that def would have been obligated to swear if we were in the practice of administering oaths. Therefore, this is a perfect case to apply our authority to rule out of compromise that is close to *din*. We thus obligate def to pay 150 shekels plus half of the *beit din* fee..

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