



HaRav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat HaShavua

Sukkot, 15 Tishrei 5781

"... And Joy for Those with Straight Hearts"

Harav Shaul Yisraeli – from V'samachta B'chagecha p. 3

[At the time this is being prepared, it is not clear how ripe conditions will be for experiencing the joy of Sukkot easily. Rav Yisraeli wrote the following in 1943, when the level of uncertainty and the actuality were on a different level.]

The holiday of Sukkot, which has a central *mitzva* of joy, comes after the *Yamim Noraim* (Rosh Hashana and Yom Kippur), which serve as an introduction to it. Sukkot is the Festival of Harvest, which makes it a holiday of joy regarding the natural world. However, the Torah wanted it to be a fulfillment of "... and you shall rejoice before Hashem" (Vayikra 23:40). It is not enough to have simple *simcha* – it should be elevated. And that is impossible without having the special Days of Awe precede it.

On the *pasuk* from "L'David" (Tehillim 27:1), "Hashem is my light," *Chazal* teach us that light is refers to Rosh Hashana (Vayikra Rabba 21). The introspection and purification that we undergo reveal for us the path we should be taking. The *tzaddik* is saved from evil people only by merit of the fact that "the path of the evil is in darkness" (Mishlei 4:19). The evil person is incapable of calculating his path in advance, for he does not know in what way he will stumble, as he is led by a host of external factors that influence him. Sometimes the *rasha* is not even aware of what is going on. As the Tanya (11) says, *reshaim* are full of regrets.

The *tzaddik* has light in his path. He knows what is a spiritual stumbling block and what is forbidden. However he still needs to fight to save himself. *Chazal* (Sukka 52b) attach to this fight the *pasuk* (Tehillim 37:32), "the evil one looks toward the righteous and seeks to kill him," from which they conclude that if Hashem would not help the *tzaddik*, he would be unable to withstand the evil inclination. Since the person is still struggling, his tendency to serve Hashem through fear is stronger than his feeling of spiritual joy.

After the Yamim Noraim, our task is to go to a higher plane and reach the level of those with "straight hearts" (see Tehillim 97:11) and of "my heart is a corpse in my midst" (Tehillim 109:22). These indicate that there is no longer a raging battle. Then all the person's body, being, and actions will be in service of Hashem. If during Rosh Hashana/Yom Kippur, we elevated ourselves above matters of the physical world, cordoned off from the world, in *shul* involved in Torah and prayer, then during Sukkot we go back to normal life, with normal concerns – but also with great *simcha*. The simple, natural joy can be raised to the level of service of Hashem

Therefore, in years like this, when there is nothing to be happy about, the Holiday of Joy still remains. We will just commemorate it as an opportunity to rectify the sin of "you cried without cause..." (Ta'anit 29a, on the first Tisha B'av, when Moshe's spies came back with a bad report about the Land). We will have to be happy with nothing to be happy about and act with joy at the time that it is called for. May Hashem help us merit seeing the captives of Hashem return with eternal joy on their heads (based on Yeshayahu 51:11).

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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

Simchat Torah for those Not Completing the Torah Reading

Question: Hopefully, I/we will be able to make it to *shul* for Simchat Torah (=ST), but I and many others will not be finishing up the Torah reading, as we missed a few weeks when our *shul* was closed. Does this effect our ability to celebrate ST, halachically or experientially?

Answer: At this point, we expect that much of the physical celebration will have to be toned down due to the Torah's mandate to protect ourselves/each other. But your question has a practical dimension and gives pause to consider what we celebrate on ST.

Your question is based on the possibility that some ST practices are due to our "making a *siyum*" on the Torah reading. Indeed *siyumim* do justify joyful actions that are otherwise forbidden, (e.g., eating on Ta'anit Bechorot, eating meat during the Nine Days).

Do any ST practices need special justification? V'zot Haberacha is the Torah portion for the last day of Sukkot (Megilla 31a) and is not only the next *parasha* up but also connects Moshe's *beracha* to Shlomo's *beracha* at the end of Sukkot (Avudraham, Shemini Atzeret). But reading Bereishit and the multiple *aliyot* need a link to the special event. The same is true for those who *lain* at night and the *minhag* to take out all of the *sifrei Torah* when we are not going to read from all of them (see Rama, Orach Chayim 669:1). Dancing on Yom Tov is also permitted only because of the celebration (Teshuvot Hageonim 314).

If only individuals, but not a whole *shul*, miss a *parasha* there would be no question for the individuals to act like everyone else. Otherwise, we would need new rules for many people, who miss due to illness, travel, etc. most years. Indeed, *kri'at haTorah* is a public *mitzva* (Ramban on the Rif, Megilla 3a) and thus relates to the community. Your question is pertinent when a majority of the *shul* missed *parshiyot* (see Mishna Berura 135:7).

The matter of finishing up also has an individual element, which you can fulfill. The *halacha* of *shnayim mikra v'echad Targum* requires you to read the *parasha* twice and learn it with Unkelus and/or Rashi every week (Shulchan Aruch, OC 285:1). While it is best to complete this practice each Shabbat, one can make it up until ST (ibid. 4). In that way, those who miss have a level of *siyum*, parallel to the communal one.

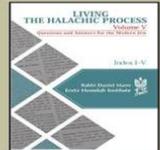
A possibly related *machloket* to our question is what a *shul* does when reopening after missing *parshiyot*. The Rama (OC 135:2, based on the Ohr Zarua) says that they must make up a missed *parasha*. The Meiri expounds that we do not say "what was, was," in order that at the year's end they will have finished everything. On the other hand, many (including the Magen Avraham 135:4) rule like the Maharam Mintz that one makes up only one *parasha* at most; if more was missed, we would not be bothered that *parshiyot* were missed. Others require to make up as many as needed (Mishna Berura 135:6 cites both opinions). One can claim they disagree whether it is important to have read every *parasha* by year's end. We can (but need not – beyond our scope) reason as follows: If your *shul* held by the strict opinion, they made up the missed *parshiyot*. If they did not find that necessary, apparently they hold that the "hole" in the Torah reading is not significant.

Clearly, the *minhagim* of ST, which have developed over centuries (see Hamoadim Bahalacha p. 135-141) are connected to that which WE finish the Torah. However, in the absence of sources to the contrary (which I have not found), we must presume that the fact that it is time for *Klal Yisrael* to finish the Torah makes it a time to celebrate. Various practices and sources indicate that the focus is on honoring the Torah (see Netzer Mata'ai 6; Pnei Aharon, OC 10) and thanking Hashem for our opportunity to learn it, not celebrating our diligence in finishing our reading. Therefore, even when communities miss multiple *parshiyot*, whether European Jews during World War II, Jews behind the Iron Curtain or, *l'havdil*, us this year, ST is still a time for heart-felt joy and special practices, in honor of the Torah and our strong connection to it.

Do not hesitate to ask any question about Jewish life, Jewish tradition or Jewish law.

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Ein Ayah

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

Belief in Hashem Warding Off Fury

(based on Ein Ayah, Shabbat 13:1)

Gemara: He who rips his garments in his fury, breaks his utensils, or throws away his money in his fury should be in your eyes like one who worship idols. For this is the craft of the evil inclination: Today he tells the person: "Do this!" The next day he tells him: "Do that!" [This continues] until he tells him: "Worship idols!" and he goes and worships them.

Ein Ayah: As long as the pure sanctity of accepting the yoke of Hashem's kingdom is not severed from a person's soul, his spirit receives stability and confirmation. All the things in the world that are against what a person desires, whether things that already happened or things that are in the course of happening, do not need to upset a person to the depths of his spirit to the point that he cannot maintain control over the actions he takes. The reason is that he knows that in the final analysis, Hashem is good to all of His creations, and that everything that transpires is an "agent" of Divine Providence in the world. Thus, they all serve a positive role as matters ultimately play out. When a person contemplates Hashem's role in a positive manner, his temper in the face of upsetting events is alleviated. Ripping one's garments usually occurs when one is incensed about something that occurred in the past. This is in line with proper ripping of clothes [which is done by a mourner after his relative dies (i.e., in the past)]. The following is the reason that getting furious is considered like worshipping an idol. The beginning of extreme anger comes from a total divorce between the person and his positive feeling that Hashem is bestowing good upon him. When the fury is so bad that it breaks forth beyond the normal bounds of measured thought and action, it infiltrates his being like venom. This feeling sets a nest within him until horrible enmity breaks forth from within the troubled spirit. Since it has the potential of affecting any part of the person's interactions in his life, it is thus capable of bringing him even to idol worship, which is nurtured from the foundation of anger at the heart of his warped view of the world around him.

Even though the beginning of this problematic behavior of wild tantrums is a matter of surprise, which is not within the realms of reasoned judgment, the continual destruction that follows is like a "craft" of the evil inclination, in that it sets a bad mode of behavior. The person loses all connection to norms of holy behavior. As such, if his negative spirit leads him to the extreme, in the direction of idol worship, he will not be able to oppose this tendency. One who rips his clothes is reacting improperly to the past; one who breaks his utensils is misguided regarding the present; and one who throws away his money is reacting to a feeling that he is not ready to deal with a future that goes against his desire. In each case, he falls under the dominion of the evil inclination, which begins to control his actions, [with each day bringing another unfortunate course of action] until he follows the evil inclination's urging to commit idol worship.



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 II

(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 from the Education Ministry. This affected pl's salary in two ways: He could no longer lead tours due to lack of a degree; the 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 work. They countersued for having overpaid, as they did not factor in certain expenses when determining the net profits.

Ruling: [*Last time we saw that pl has grounds for severance pay.*]

Validity of the firing – the employment contract states that pl can be fired for ineffective work. In the first period of his employment, pl provided exactly what had been hoped for – major expansion of the scope of the *midrasha's* operation. Are there now shortcomings that justify firing? We will deal with claims one by one.

- 1) Pl received payment from groups instead of having it sent to the office – Def did not claim that pl took the money for himself or hide it. Therefore, this is not grounds for firing.
- 2) Pl's demand for a change of mode of salary as a condition for work – Pl had good reason to want to change his basis of salary due to the change involving the Education Ministry. If pl had quit on these grounds, it would have been considered the equivalent of being fired. However, he did not have a right to demand the change and continue working.
- 3) Lack of availability – Pl began attending university during the period of his employment, and this made him insufficiently available. According to def's secretary's testimony, that caused problems, including that pl would call her at home, to which she objected. Even pl's witness agreed that during major parts of the day, pl was unavailable.
- 4) Pl interfered with the attempt to be recognized by the Education Ministry – this was not sufficiently proven. We note that they received recognition even though it made things harder for pl.

Conclusion: Tension and difficulty in joint work arose, largely due to the change that occurred. Even if pl were not to blame for the deterioration, def still has the right to move on. Pl's claim that he was fired to deprive him of his share in upcoming large revenues, while possibly a factor, was not proven.

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

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 We daven for a complete and speedy *refuah* for:

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Eliezer Yosef ben Chana Liba / Yair Menachem ben Yehudit Chana
Netanel Ilan ben Sheina Tzipora / Netanel ben Sarah Zehava
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