



Harav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat Hashavua

Haazinu, Tishrei 8, 5787

Our King on Rosh Hashana; Our Father on Yom Kippur

Based on Aroch Siach, p. 221 (Rav Shaul Yisraeli)

One might claim that Rosh Hashanah and Yom Kippur are but identical days of *Yamim Nora'im*. However, Chazal (Vayikra Rabba 21:4) described Rosh Hashana as "light" and Yom Kippur as "salvation," based on "Hashem is my light and salvation" (Tehillim 27:1).

Judaism looks at mankind, and Israel as its ideal, in diametrically opposed ways. "In the image of G-d He created him" (Bereishit 1:27); "The inclination of man's heart is evil from his youth" (ibid. 8:21). Similarly, our soul is pure (*Birkot HaShachar*), yet one should always view himself as a *rasha* (Nidda 30b).

This dichotomy also applies to our connection to the Torah. On the one hand, Hashem "chose us... and gave us His Torah," implying greatness. On the other hand, we received the Torah as an antidote for the *yetzer hara* (Kiddushin 30b).

Actually, evil cannot be ignored. Man's *yetzer* is evil from youth, and it has the potential to prevail over him (ibid.). On the other hand, our foundation is pure, as the *yetzer* is an external corruption, which we **can overcome**. From here stems the need for education, not just for the young, but mainly for adults, even great adults. We see this from the *mitzvot* of *Hakhel* and writing a *sefer Torah* for the king, among other places.

The dichotomy also explains "Let sins cease, but not sinners" (Berachot 10a, based on Tehillim 104:35). This does not contradict the statement that one must not say that Hashem overlooks sin (Bava Kama 50a). There is no compromise on sin. Forgiveness depends upon the sinner separating himself from the sin and revealing his pure soul-foundation.

Applying the dichotomy to the *Yamim Noraim*, we see the depth of R. Akiva's famous remarks: "Before Whom do you purify yourselves?" and "Who purifies you?" Rosh Hashanah is connected to "Before Whom," and Yom Kippur to "Who purifies." For, as stated, overcoming is achieved through the Torah. Its essence is *mitzva*, accepting the Supreme authority and nullifying personal will. On Rosh Hashanah, Hashem's kingdom is revealed in *Malchuyot* and blowing the *shofar* for the King. He is revealed as "*Malkenu*" (our King).

Yom Kippur reveals "*Avinu*" (our Father). The fast's afflictions are positive (see *Tosafot Yeshanim*, Yoma 82a). As the *Kuzari* (3:5) says, it is a framework that our Father provided to emulate the angels, who lack human indulgences.

Rosh Hashanah is the prerequisite for Yom Kippur. Without overcoming the *yetzer hara*, by crowning the King and nullifying personal will, we do not merit Yom Kippur. We may understand the *mitzvot* only after being prepared to fulfill them even without understanding. Shlomo could know the reasons for the *mitzvot*, but it is not right for most people. Only after resolving to accept Hashem's dominion can one uproot evil. The *yetzer hara* will not accept a logical explanation, but a strong hand. Only through Rosh Hashanah (Before Whom you purify yourselves), can Yom Kippur reveal Fatherhood ("Who purifies you").

The Kingdom illuminates our path and shows our true inner essence. That is the light of Rosh Hashanah. Without light, there is no mastery over evil, and consequently, no Yom Kippur. The forgiveness of Yom Kippur comes after "Let sins cease." This is not overlooking sin.

Hemdat Yamim is dedicated to the memory of Eretz Hemdah's beloved friends and Members of Eretz Hemdah's Amutah:

Rav Shlomo Merzel z"l Iyar 10, 5771	Rav Yisrael Rozen z"l Cheshvan 13, 5778	Mr. Moshe Wasserzug z"l Tishrei 20, 5781	Rav Reuven & Chaya Leah Aberman z"l Tishrei 9, 5776 / Tishrei 20, 5782	Prof. Yisrael & Shlomit Aharoni z"l Kislev 14, 5773 / Cheshvan 9, 5786
R' Yaakov ben Abraham & Aisha and Chana bat Yaish & Simcha Sebbag z"l	R' Yitzchak Zev & Naomi Tarshansky z"l Adar 28, 5781/ Adar II 14, 5784	Mr. Shmuel & Rivka Brandman z"l Tevet 16 5783/ Iyar 8, 5781	R' Meir ben Yechezkel Shraga Brachfeld z"l Tevet 16, 5780	
Rabbi Dr. Jerry Hochbaum z"l Adar II 17, 5782	Rav Asher & Susan Wasserteil z"l Kislev 9 / Elul 16, 5780	R' Abraham & Gitta Klein z"l Iyar 18 / Av 4	R' Ben Zion Grossman z"l Tammuz 23, 5777	
R' Eliyahu Carmel z"l Rav Carmel's father Iyar 8, 5776	Mr. Shmuel & Esther Shemesh z"l Sivan 17 / Av 20	Mrs. Leah Meyer z"l Nisan 27, 5782	Mrs. Julia Koschitzky z"l Adar II 18, 5782	Rav Moshe Zvi (Milton) Polin z"l Tammuz 19, 5778
Mr. Zelig & Mrs. Sara Wengrowsky z"l Tevet 25 5782 / Tammuz 10 5774	Harav Moshe Ehrenreich zt"l Nissan 1, 5785	Hemdat Yamim is endowed by Les z"l & Ethel Sutker of Chicago, Illinois, in loving memory of Max and Mary Sutker & Louis and Lillian Klein z"l		
Mr. Yitzhak Aharon & Mrs. Doba Moinester z"l Elul 5, 5782 / Elul 23, 5774	Rav Moshe Zvi (Milton) Polin z"l Tammuz 19, 5778	Nina Moinester, z"l, Nechama Osna bat Yitzhak Aharon & Doba z"l		



Eretz Hemdah
Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich
2 Bruriya St. corner of Rav Chiya St.
POB 8178 Jerusalem 91080
Tel: 972-2-5371485 Fax: 972-2-5379626.
amutah number 580120780

**American Friends
of Eretz Hemdah Institutions**
c/o Olympian, 8 South Michigan Ave.,
Ste. 605, Chicago, IL 60603, USA
Our Taxpayer ID #: 36-4265359

www.eretzhemdah.org info@eretzhemdah.org

Donations are tax deductible according to section 46 of the Israeli tax code

Ask the Rabbi

by Rav Daniel Mann

Attendance at Shabbat Shuva Drasha

Question: Based on my learning preference (covering ground and reviewing) and level (above that of most of the community), and my difficulty concentrating on speakers, our *shul's* Shabbat Shuva *drasha* does not optimize my learning time. Should I go anyway?

Answer: We will look at the origins, rationale and standing of this *drasha* and then apply Torah values to deal with your question.

The Mateh Moshe (833) is an early source (late 16th century) for the *minhag* of the Shabbat Shuva *derasha* (in his time they had one before Rosh Hashana as well), with the stated purpose being to inspire the people toward *teshuva*. He brings a precedent from a *midrash* (I did not find the exact text) for a special *drasha's* importance: "Hashem said that when the *chacham* sits and is *doresh*, I forgive Israel's sins."

There is another approach – that it is a fulfillment of *Chazal's* instruction (Pesachim 6a) to learn/teach the practicalities of each holiday an appropriate time before the holiday (see Kaf Hachayim, Orach Chayim 429:2). Some who take this approach posit that the *drasha* on Shabbat Shuva should also address the laws of the imminent holiday of Sukkot (see Magen Avraham 429:1).

Many rabbis have a tradition that combines both elements – the *drasha* was broken up between parts that focus on Halacha and inspiration, respectively. Each rabbi modulates between them according to his style, the topic, or the local needs.

As far as your own learning compared to the *drasha*, one factor is whether you will get to focus on Yom Kippur on your own. *Chazal* wanted everyone to have "doses" of both inspiration to do *teshuva* and diving into halachic topics at this time, as important as your regular learning is. This is apparently despite the fact that generally it is worthwhile to learn "where your heart desires" (Avoda Zara 19a).

However, the more poignant matters relate to personal and communal responsibility. The general concept of *b'rov am hadrat melech* (Hashem is honored by large groups), while often applied to *tefilla*, can apply also to Torah study (the *mitzva* of *hakhel* is a prototype). Sources imply that the *drashot* of Shuva and Hagadol have modeled this concept for several centuries. While an individual is only one person, everyone is responsible to be part of the *tzibbur*. Since you are more learned than most, your presence could be more impactful than most.

Perhaps more importantly, these *drashot* have a high profile regarding the position of the communal rabbi. Historically, many rabbinic contracts mentioned the need and the exclusive right to deliver the local Shabbat Shuva *drasha*. This follows ancient precedent of the weekly *drasha* (see Rashi, Devarim 32:44 regarding the transition between Moshe and Yehoshua and Berachot 28a regarding the *drasha* as a litmus test of rabbinic leadership between R. Gamliel and R. Elazar ben Azaria). Even today, attendance at these *drashot* can serve as a referendum on the respect due the *rav* and whether he is delivering admirably in his public role. When a learned member of the community "votes with his feet" with his absence, he likely undercuts the rabbi, with the dynamics of several elements determining whether this is in a minor or a major way. The *gemara* (Berachot 18b) tells a scary story of the punishment of the *Amora* Levi for opting out, apparently to optimize his learning, of the *shiur* of R. Afes, whose position as Rosh Yeshiva was slightly controversial (see Ketubot 103b).

While we try to be extra careful about all *mitzvot* during *Aseret Y'mei Teshuva*, the importance of doing so for *mitzvot bein adam lachaveiro* is particularly stressed (Yoma 85b). Therefore, the default position is that you should make every reasonable effort to go to the *drasha* and hope that you get more out of it than you expect. A notable exception would be in a case that the rabbi told you that you should not feel a need to go, AND it is clear to the community that the *drasha* is focused on a basic level of presentation, for the community's level, and that you are on a different plane.

"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) or for more information on joining the group.

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

► [SEND NOW!](#)



Moreshet Shaul

(from the works of Hagaon Harav Shaul Yisraeli zt"l)

Hashem Is your Shadow – part I

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 420 – an address from 1941

The *pasuk* in *Parashat Shoftim* says that whichever soldier is fearful and of a soft heart “shall go and return to his house and not melt the hearts of his brothers like his heart” (Devarim 20:8). It seems that it is the same soldier, with the same sword and the same ammunition as the next man, and yet we are confident that he will fail, and not only he, but he will have negative influence on others. From here we see the great importance of belief in what one is fighting for and the confidence that the battle for which they are fighting must succeed. Once people start doubting this, when the confidence is compromised, then the results will be in line with the lack of belief, which turns into helplessness.

“Therefore, the storytellers said: ‘Come to Cheshbon’” (Bamidbar 21:27), which also can mean, let us make an accounting. The agricultural settlement is living without an accounting, as is the individual.

As for the nation, the enormous tragedy we are living through, the destruction, the mass murder that is befalling our nation, the flood of calamity, the destruction of the main centers of Judaism, is fully shocking us. We see ourselves as utterly helpless, crushed by the wheels of the same machine of destruction by war, without having any ability to influence the process. We are forced to be passive, inactive, as if we are dependent on the actions of others, without any possibility of saving anyone. The feeling that the fate is inevitable, that we are being swept away and crashing without hope or a response, is horrible. When the feeling is that things are out of control and no one can help, people stopped making a *cheshbon*. What would be the point of an accounting – will the *cheshbon* of a weak individual make a difference even if he figures out what his problem is? Is a mouse that is hiding in a garbage can able to make an escape route, even if he is aware of his predicament and can continue hiding in a corner in the meantime.

The *moshav* does not have a *cheshbon*. Here too, there is some feeling of being locked into a fate, that we are not “spinning the wheel,” that each of us personally is incapable of doing something to set the image of the *moshav* for today or tomorrow. Rather it feels like each of us is playing a role that he did not decide. The situation is that which determines matters, and there is no gain in trying to change them. Therefore, it feels like there is no place for a *cheshbon*.

The individual does not make a *cheshbon* – he is too afraid to do so. He knows, when looking back, that he is not what he should be. It is not just that the *moshav* as a unit does not run the way he would want, but he also does not act the way he should. “What is the difference,” he feels! Can his will influence at all the life conditions in which he finds himself. Conditions are that which dictate his daily life, and his desires are side matters that have no influence, but are matters of hallucinations and imagination. And if things anyway will not change, even if he racks his brain to make a *cheshbon*, it seems better to live without a *cheshbon*, and simply sink further and further. “Give your brain over to the chicken coop, eggs, milk, vegetables, and hay” – things that should have been means and not ends. It feels like one might as well speak in a lowly manner, to spend Shabbat on nothing more than extra sleep, because even if one toils, nothing deep will come out of it. If one does not feel he has dominion over himself, he does not see the purpose of a *cheshbon*. On the other hand, one who does not make a *cheshbon*, will get to a point that it will seem forbidding to even think of one.

We continue next time.

We daven for a complete and speedy refuah for:

Itamar Chaim ben Tzipora
 Nir Rephael ben Rachel Bracha
 Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam
 Neta bat Malka

Avraham ben Gitel
 Tal Shaul ben Yaffa
 Meira bat Esther

Together with all *cholei* Yisrael

P'ninat Mishpat

A Non-Contractor in Changing Times – part I

(based on ruling 85128 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendants (=def), yishuv residents of modest means, employed the plaintiff (=pl), a builder, to do renovations. Their contract portrayed pl as a building inspector, receiving a fee as a percentage of money spent, and def as their own contractor. In actuality, pl was the contractor, and the formulation was done to eliminate a contractor's usual level of responsibility. At some point in the middle of the work, war broke out, so that pl went to reserve duty and his Arab workers were banned from the yishuv. Eventually, pl returned to work, but had great difficulty finding workers. He unilaterally changed the mode of pay for the work he did, to a paid worker (1,500 NIS a day). In a third stage, after def looked unsuccessfully for another contractor, def agreed to pl's new mode of pay. This lasted until pl finished the job, with much of his own work and some of workers. [The sides argued on different elements of the pricing; it will be presented in installments.] 1. Def presented a long list of deficiencies in the building, and pl argues that he is exempt from responsibility. 2. Pl is charging a rental fee for the scaffolding, which def refused to pay because it was not mentioned as a charge. 3. Arab workers sued pl for withholding social benefits, and they came to a compromise arrangement. Pl wants def to cover the cost of the settlement. 4. Pl wants to charge def a fee as an inspector for work that other workers did in stage 3.

Ruling: 1. **Deficiencies** – Beit din exempted pl from around 80% of the claimed deficiencies. Pl was obligated only for deficient work that he carried out himself, when incorrect materials were used, and when the work did not follow the plans that def gave pl. These are not included in the exemptions of the original contract.

2. **Scaffolding** – Erecting or renting scaffolding is something that contractors usually charge for. However, if it is fully clear that pl waived rights to ask for payment on them, then this is binding, even if it was not explicit (see Ktzot Hachoshen 12:1). In this case, the maximum that def were willing to pay was made very clear and the degree of specificity in line-item pricing was high. Therefore, since there was no line item for scaffolding, we can assume that pl agreed that it did not need to be paid (not charging is even stronger than waiving rights after they are created).

3. **Settlement with Arab workers** – Considering the limited amount of work the workers did on the project and that significant work must be done in order to be entitled to social benefits, the workers must have worked significantly on other projects. If pl did not fulfill his obligations toward them, that is not def's responsibility.

4. **Pay as an inspector** – Pl, both actively and passively waived rights to this payment. Only late in the adjudication process, did pl claim that if he is not paid for X and Y, then he will demand pay for extra days as an inspector. One cannot add on a claim that he has already waived.

Comments or questions regarding articles can be sent to:
info@erezhemdah.org

Eretz Hemdah is the premier institution for training young rabbis to take the Israeli Rabbinates' rigorous Yadin Yadin examinations. **Eretz Hemdah**, with its distinctive blend of Religious Zionist philosophy and scholarship combined with community service, ensures that its graduates emerge with the finest training, the noblest motivations resulting in an exceptionally strong connection to Jewish communities worldwide.