



# HEMDAT YAMIM

## Parashat Hashavua

Haazinu, 8 Tishrei 5784

Harav Shaul Israeli zt"l  
Founder and President

### Shabbat and Teshuva

Harav Shaul Yisraeli – condensed from Aroch Si'ach, pp. 238-242

The days between Rosh Hashana and Yom Kippur always include a Shabbat. The following *midrash* (Bereishit Rabba 22:13) highlights the connection between *teshuva* and Shabbat: Adam met Kayin and asked him what had happened with his judgment [over killing his brother]. He told Adam that he repented and worked out a compromise. Adam said: "So great is the power of *teshuva*!" Adam then said: "*Mizmor shir l'yom HaShabbat*" (Tehillim 92). What is the connection between the two?

The liturgy for *Yamim Noraim* contains a lot about how lowly man is, which seems at odds with the potential for greatness, which we celebrate at this time. We say that Rosh Hashana is the time when Hashem is our light, and Yom Kippur is the time when He is our salvation (Vayikra Rabba 21:4, based on Tehillim 27:1). The former relates to the creation of the world and the latter to Hashem's forgiveness for the sin of the Golden Calf, represented by the giving of the second Tablets.

When Adam sinned, the light of Hashem disappeared, being replaced by "knowledge of good and bad." The sin included not just a momentary loss to the evil inclination but the creation of a philosophy that his sin was justified. This is what the *gemara* (Sanhedrin 38b) describes as Adam being one who denied basic religious beliefs and one who pulled on his foreskin to hide the fact that he was circumcised (including, spiritually circumcised). Adam explained the interest in fulfilling desires as a fact to accept and not a lack of perfection that one needs to try to overcome in reaching *shleimut* (spiritual completeness).

Judaism looks at matters very differently. *Mila* represents for us that we need to try to rein in the impurity with which we were born. Tehillim 92 says that evil will grow like grass, in order for it to be destroyed (ibid. 8).

Sin brought a positive result. Kayin's sin (fratricide) was so severe that he could not justify it. Kayin recognized his sin and repented, which revealed two things about the world: sin is not natural; sin can awaken one, which Kayin had not previously realized. It was his task to improve himself. When he taught this to Adam, Adam called out "*Mizmor shir l'yom HaShabbat*," which declares the *shleimut* of the world after our efforts are successful.

Kayin was only able to "compromise" with Hashem and not totally erase the sin. The idea is that as long as man can justify his sin, he will not repent. The motivation to repent comes from seeing the light of Hashem represented by Rosh Hashana, as explained in Tehillim 92, the song of Shabbat, the song of *shleimut* in the created world.

In the sin of the Golden Calf, the people felt the need to explain why they could prefer the image of a calf to Moshe. Moshe had to show them that their attitude could not continue, and he therefore broke the tablets. When the nation fully repented, they were ready for a new set of tablets, which they received on Yom Kippur. That is the salvation of Yom Kippur. When during these days it is necessary to speak about man's lacking, it is not in order to cause us resignation, but to make us realize we have a job – to not accept our weaknesses but strive towards *shleimut*, as Adam learned from Kayin.

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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

## How/When to Start Breaking Yom Kippur Fast

**Question:** I (a religious doctor) am often consulted about those who cannot fast all of Yom Kippur. Is there a halachic preference for such people to start eating/drinking earlier “with *shiurim*” (small installments) or to wait longer but then necessarily have the amount of full “violation.”

**Answer:** The Shulchan Aruch (Orach Chayim 618:7, based on Kritot 13a and Yoma 83a) rules that those who need to eat on Yom Kippur should eat less than the amount (within the given time) that fully violates the fast.

However, some *Acharonim* questioned whether slower is always better, i.e., when in order to eat slowly, one must start eating earlier than one would need to if he could eat normally. This question relates to other cases of a choice between allowing forbidden things before they are critical in order to avoid the need for a “bigger” allowance later. The S’dei Chemed (vol. IX, p. 121) brings a *machloket Acharonim* if one should fast on Tzom Gedalia if it will prevent him from fasting Yom Kippur. He connects this to the *machloket* (see Ba’er Heitev 90:11) whether a prisoner who received permission to be visited by a *minyana* should take the first opportunity or wait for the most significant one. A closer parallel case is whether one who will be allowed to do *melacha* on Shabbat because of *pikuach nefesh* but can preempt the need by doing so on Friday that is *Yom Tov*. The Netziv (Harchev Davar, Bamidbar 17:12) opts to violate the less severe *Yom Tov*, before it was necessary. However, some disagree with this approach (see Torat Hayoledet 50:(14)).

A few halachic questions influence applying these rules to our case. 1) When we say that one who eats less than a prohibition’s *shiur* still violates a Torah prohibition (Yoma 73b), is it a similar-level prohibition other than regarding punishment (see Encyclopedia Talmudit, “Chatzi Shiur,” ftnt. 18-20) or is the prohibition of a vastly lower level (see Tosafot, Shavuot 23b)? 2) Does one who eats small amounts remove himself from the status of fasting (*v’initem*) (Pri Megadim, MZ 612:4), or is he still considered fundamentally fasting (see Binyan Tzion 34; Shemirat Shabbat K’hilchata, 5760 ed., 39:(92))?

While there are respected *poskim* who rule to delay the eating until needed at the price of eating more than a *shiur* later (see Torat Hayoledet *ibid.*), the standard approach is to eat with *shiurim* (Igrot Moshe, OC IV:121; Shemirat Shabbat K’hilchata *ibid.*). This is the clear *minhag* (this is what Matnat Chaim’s *posek* recommends for recent kidney donors). It is also the clear implication of classical *poskim*’s acceptance without stipulations of the Shulchan Aruch’s rule (above) of eating with *shiurim*. After all, it is rare to be able to eat with *shiurim*, but not be able to wait, say, a half hour longer if he can then eat regularly!

What we can briefly explore is whether there are rare cases when it makes sense to delay breaking the fast. First, realize that it is difficult to give an exact time in the morning to wait until, but the night is a good breakoff point; the **average** person (**not everyone**) who cannot fast, can wait until the morning. Also, healthy people who must not fast as a precaution based on worst-case scenarios might be exceptions. If the danger can come unnoticed until it is too late (like for those with kidney problems or diabetes), standard rules apply. But, for example, the Shevet Halevi (VII, 81) ruled that soldiers who will be active outside for too long to fast should wait until they need to drink, for two reasons: if plans change, the need to drink never came to fruition; they should not drink when they lack a status of a potential endangered *choleh* (see Kiryat Sefer, Maachalot Assurot 14). Also, when there is a clear trigger/sign (e.g., weakness, nausea), and there is sufficient time afterward to remedy the situation without danger, those who prefer waiting have a solid argument. However, doctors and rabbis will agree that it is usually easier and safer to give clear guidelines to start earlier rather than later; that is the proper strategy for any borderline case.

### “Behind the Scenes” Zoom shiur

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

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# Igrot HaRe'aya - Letters of Rav Kook

## A Request for Turkish Protection – #169

**Date and Place:** 12 Cheshvan 5669 (1908), Yafo

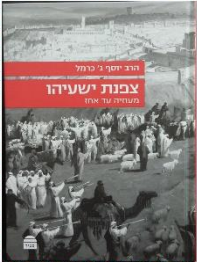
**Recipient:** The Council (presumably of the city or region that includes Yafo) of the Young Turks. The Young Turks were a nationalistic party that overthrew the Ottoman Sultan, Abdul Hamid II.

**Body:** My distinguished masters, who are important in my eyes and the eyes of everyone who has a straight heart, as is your respected goal and work to bring new life to the Ottoman Kingdom for the success of everyone who lives in their lands, so that they can live lives of tranquility, security, and honor. This increases the value of your ethical standing, which is of the highest order, in the eyes of G-d, who made man, and in the eyes of the entire civilized world. The value of your honor, which sparkles in the aura of the crown of the head of your council, may G-d bless you, moves me to point out to you, distinguished men, a few things, which I hope will suffice according to your lofty wisdom of the heart and the rectitude of your distinguished souls.

A sad and terrifying event happened in our city, in the house of one of the honest and quiet citizens, Mr. Slotzkin, who was attacked by robbers, armed with deadly weapons, who shot from their rifles with the intention to kill. They wounded Mr. Slotzkin, a very old and distinguished man, and his daughter. Only with the mercy of G-d, Who put fright into the hearts of the robbers, were all the members of the household able to escape death at the hands of the evil robbers. This murderous act, which took place on a quiet night, with some degree of light, has caused fear for all of us. We are concerned about the upcoming long, dark winter nights, which are sometimes accompanied by strong rain, thunder and lightning storms, during which a homeowner's screams will not be heard. G-d knows how many horrible things such robbers can do, if we do not come up with a good plan that will make them fear justice. This can include interrogation of suspects with clear proofs and to put in place, with the power of the proper government, a reliable security force of brave and trustworthy personnel.

I am sure that the security of the life and property of all of the members of the fortunate kingdom, in general, and the citizens of our city, specifically, is in your hearts, which are pure, along with your minds, which are full of honesty. Therefore, I hope that you will not delay in taking care of this important matter, which requires immediate diligence, and thereby see to it to do the good action of quieting things down for the people of our city, in general, and the inhabitants of the suburb of Neve Shalom (the beginnings of Tel Aviv) specifically. They are trembling in fear because of what happened to them. We need them to return to safety with great grace, which will come from your spirit of wisdom and bravery.

I sign off with hope for the best and with great feelings of deep and powerful respect.



**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

## Arrangements to Deal with Destabilizing Renovations

(based on ruling 82092 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The defendant (=def) did renovations, including digging out the basement and removing a wall in his apartment, after which cracks appeared throughout the building. Most of the homeowners (=hmown) hired an engineer who said the building was unsafe, but the municipality and other engineers disagreed. Hmown negotiated with def a plan to return the situation to what existed before construction; an inspector was hired to oversee the work. The plaintiff (=pl), a homeowner who did not sign on to hmown's agreement with def, demands payment for: (unquantified) damage to the building's foundation; rent, as work on his apartment needed to be halted due to safety concerns; use of the joint property during excavation. Pl also does not trust the expert, as he is relying on what the contractor reported, so he wants a report by an engineer using a different system and wants progress reports sent directly to him (not through hmown). Def argues that experts have confirmed that, at least after the actions taken, the building is safe and further concerns are unwarranted. He also says that pl can receive information like everyone else in the building.

**Ruling:** Beit din brought the sides to agreement on the following points: 1. Rent due for pl. 2. Pl will not sue the engineers who approved def's work. 3. When the work is finished, pl will receive a written assurance from the expert. Hmown will send updates to pl as soon as they receive them. 4. Pl will make future claims only regarding damage that will become known only later. Below are the remaining conflicts and beit din's decision on them.

It is unclear whether the expert will sign a document ensuring the safety of the structure, as he argues that he is not responsible for all the plans; he just returned things to the level of safety that existed before def's renovation. Def has a right to rely on the majority of experts who assure there are now no safety issues (see Shach, Choshen Mishpat 46:66). Admittedly, pl does not trust any of them, each one for a reason. However, he has not proven his allegations. If pl knows that one of them took bribes to approve something dangerous, he can report it to the police. In the meantime, def should act to get the broadest possible guarantee from the expert.

Even if the building is not safe, it is unclear that def is responsible to pay for that, as he acted according to the advice of licensed professionals. There is significant discussion as to who needs to pay when a worker does damage to his boss's neighbor while following his instructions, and a lot depends on the prevalent practice. But in a case where an engineer signed off on plans, if there was negligence in the plans, the engineer has to pay. The compromise should read that def will have to pay for future damage only if beit din finds him responsible to pay.

Def should sign on the agreement that he will not be allowed to take control without permission of any area that is joint property of all the homeowners. Regarding cooperation with the expert, def should sign that he will allow hmown's expert to visit the premises on a daily basis and send emails to hmown with instructions to the inspector.

Comments or questions regarding articles can be sent to: [info@erezhemdah.org](mailto:info@erezhemdah.org)

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Nir Rephael ben Rachel Bracha  
Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam  
Yerachmiel ben Zlotta Rivka

Neta bat Malka  
Meira bat Esther

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