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Founder and President

# HEMDAT YAMIM

## PARASHAT HASHAVUAH

Haazinu 3 Tishrei 5771

### A Time for Redemption Because There Is No Other Way Harav Yosef Carmel

A major part of the song of Ha'azinu is dedicated to prophecy on the future history of the Israelite nation. One of the *p'sukim* reads as follows: "When Hashem will judge His nation and spare His servants, for He will see that there is no strength left in the hand and nothing is able to survive" (Devarim 32:36). (This *pasuk* has many translations, but that is certainly the basic gist.)

This *pasuk*, dedicated to redemption, follows a series of *p'sukim* that describe horrible spiritual deterioration, punishment, and destruction. Some of the ideas included are: the nation became "fat" and kicked. It left its Maker, upsetting Him by clinging to worthless gods. Hashem will turn His face from them. There are figurative descriptions of Divine anger, natural disaster, and great defeats to enemies.

If things were that bad, how did they turn around so that redemption came about? The *gemara* says: "The son of David (Mashiach) does not come until people give up on redemption" (Sanhedrin 97a). The song of Ha'azinu warns that without sufficient virtue, the nation will suffer great tragedies. On the other hand, there is a promise that Bnei Yisrael will not be totally destroyed. When things look as if there is no hope, redemption is actually blossoming. This is no reason to embrace such a turn of events, as the prospect of the pain of punishment leading up to the redemption is too daunting.

Apparently such a renaissance (albeit a temporary one) took place in the Kingdom of the House of Omri. After a few generations of evil kings, including Achav and his wife, Izevel, Bnei Yisrael reached unprecedented spiritual lows. Even after their overthrow by Yehu, the people still paid the price at the hands of the Kingdom of Aram. The *navi* uses expressions of despair that are reminiscent of the Song of Ha'azinu (see Melachim II, 14:26). Apparently, the recovery of the nation's success at the time of Yeravam II and Uziya, the King of Yehuda, was not based on their merit, but was a swing of the pendulum resulting from the promise that Bnei Yisrael would not be destroyed. This is hinted in the *pasuk*: "Hashem did not speak to wipe out the name of Israel from beneath the Heaven, and He saved them by the hand of Yeravam the son of Yo'ash" (ibid.:27).

Contemplating these historical predictions in the aftermath of the Holocaust should make one shudder, as it seems like a perfect description of that time's events. Hashem turned His face away from us, as we were turned over to the mercies of a merciless enemy, who killed old men and little children; disease struck those who were not yet slaughtered. Thank G-d, He would not agree to a "final solution" of the type the enemy had planned. Just years later Hashem blessed us with a liberation and later borders reminiscent of those enjoyed by Uziya and Yeravam II, from the approaches of Damascus to the end of the Sinai desert.

The obligation on our shoulders is greater if we realize that we have no assurance that the redemption came due to our merit. Specifically in these days, when we have passed the Day of Judgment and are looking toward the Day of Atonement, we should improve ourselves and increase our own merits.

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Deans: **Harav Yosef Carmel, Harav Moshe Ehrenreich**  
3 Rabbi Chiya Hagadol St. P.O.B 36236 Jerusalem 91360  
Tel: 972-2-5371485 Fax: 972-2-5379626

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**Question:** How does the potential for nourishing oneself intravenously affect the laws of eating on Yom Kippur? May one who has trouble fasting have an intravenous drip? Should someone who needs to eat use intravenous instead?

**Answer:** We will start with a discussion of whether intravenous nourishment is a violation of eating on Yom Kippur, which will impact on both questions.

Generally, prohibitions of eating are fundamentally violated by swallowing (see Chulin 103b). However, some hold that in order to fully violate the prohibition of eating on Yom Kippur, a requisite amount must be sitting in one's digestive track (Chatam Sofer, Orach Chayim 127). Therefore, one could claim that it does not make a difference how one is nourished. Nevertheless, besides the *Acharonim's* strong questions against the Chatam Sofer (see Achiezer III, 61; Chelkat Yaakov, OC 215), all seem to agree that there must also be some normal process of eating (see *ibid.* and Tzitz Eliezer X, 22.21). Ingesting in a manner that one does not get normal enjoyment from the eating process is forbidden rabbinically (e.g., the food is scorching hot) (Rambam, Shevitat Assor 2:5). Several *poskim* treat intravenous ingestion as the same (Teshuvot V'hanhagot II, 290; Chelkat Yaakov, *ibid.*). However, since not only is it not normal eating but the food does not even go into the digestive track but straight into the blood, it might be even more lenient.

It is true that when *pikuach nefesh* (efforts to save a life) allows one to violate a Torah law, whether on Yom Kippur or if he must eat a forbidden food, he should do so in a manner that is least severely forbidden (Yoma 83a; Kritot 13a). Nevertheless, *poskim* do not require one to ingest intravenously instead of eating, and several reasons are given: 1) If one has to insert the catheter on Yom Kippur, this might be as severe a violation of halacha as the eating itself (Igrot Moshe, OC IV, 101.3). 2) It is likely more healthy to eat food through the mouth than through intravenous (*ibid.*, OC III, 91). 3) It is possible that the chemicals, the pain and/or infection could be harmful (see Maharsham I, 123). 4) In general, when *pikuach nefesh* allows one to violate a Torah law, efforts to reduce the severity of the violation are likely only rabbinic (Kiryat Sefer, Ma'achalot Assurot 14). For this or other reasons, one does not have to find unnatural ways to obviate the need for *pikuach nefesh* (Minchat Shlomo I, 7). 5) It might even be considered obviating the Divine decree that one is too sick to fast by taking steps that are not medically indicated (Igrot Moshe, III, 90).

The question of whether someone may take intravenous nutrition on Yom Kippur to not be as affected by the fast is a good one and should be broken up into a few parts. We mentioned that many consider it a full-fledged rabbinic violation, which is certainly forbidden, and Teshuvot V'hanhagot (II, 290) makes an interesting (he admits it is unproven) claim that intravenous nutrition violates a Torah positive commandment to afflict oneself (Vayikra 23:29). Regarding a healthy person, then, there would be no justification. Even if there is no violation, it still seems like something novel against the spirit of the law, which would itself be a bad idea in general and certainly on Yom Kippur. However, if he is sick enough to be bedridden, which in general is enough to allow the violation of at least some rabbinic laws (see Shulchan Aruch, OC 328:17), it might be permitted to do so as well. Regarding such a person swallowing medicinal pills without water, such ingestion is indeed permitted (Shemirat Shabbat K'hilchata 39:8). Regarding one who is legitimately but not dangerously sick who may become sicker by fasting, pills or intravenous inserted before Yom Kippur or by a non-Jew might be permitted (Igrot Moshe, III, 91; Teshuvot V'hanhagot, *ibid.*). Someone who is in that situation or knows that he fasts horribly should discuss alternatives with his personal rabbi, as neither unnecessary "torture" nor improper leniency in this matter is appropriate.

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## Praise Before Prayer as a Means of Understanding the Nature of Prayer

(condensed from Ein Ayah, Berachot 5:71)

**Gemara:** Rabbi Simla'i expounded: One should always arrange his praises of Hashem and then pray. [This is learned from the formulation of Moshe's prayer that begins *Parashat Vaetchanan*.]

**Ein Ayah:** Prayer must be done in such a way that there is nothing that encourages the misconception that Hashem changes His mind or is affected by the prayer. If one does think that Hashem changes His mind, it is a mistake regarding the Divine, which always runs the risk of destroying human *shleimut* (completeness). This would be a shame to happen during prayer, whose goal, beyond that of receiving the good one requests, is to elevate the spirit of the one who prayed with the proper frame of mind.

Therefore, one must realize that the efficacy of prayer is a wonderful device that Hashem built into the world to help make human beings complete [as they should feel that Hashem answers them through their turning to Him]. It is not something that is part of the nature of Hashem. For this reason, one should first praise Hashem before every prayer, to show that we find it praiseworthy that Hashem created an element of nature that incorporates the efficacy of prayer, which one might euphemistically consider a part of Divine nature.

The proof from Moshe is significantly appropriate. Moshe certainly knew enough about Hashem that there was no fear that he would think his prayer would change Hashem's desire. Still, he began with great praise to actualize the proper outlook on Hashem so that it would be in his heart during the prayer. It goes without saying that this is necessary for those people who are very apt to misunderstand Hashem and the role of prayer.

## The Power of the Prayer of a Pure Soul

(condensed from Ein Ayah, Berachot 5:72)

**Gemara:** Rabbi Elazar said: Prayer is greater than good deeds, for no one was greater in good deeds than Moshe Rabbeinu, and still he was answered only through prayer, as the *pasuk* says: "It is enough; do not speak to Me any more in this matter" (Devarim 3:26).

**Ein Ayah:** The spirit of a *tzaddik* is special in regard to two things: 1) the good actions he performs; 2) the special nature of his pure spirit, which is crowned by the acquisition of good character traits and proper philosophical perspectives. The value of the latter is very great.

A manner in which the spirit is revealed by means of its internal nature, and not by events or actions, is through prayer of purity. For this reason, prayer is described as spilling forth the spirit before Hashem (see Tehillim 116:11). This is what the *gemara* means by saying that prayer is greater than good actions, which can be viewed as being almost incidental in relation to the spirit. The proof is from Moshe Rabbeinu, whom no one surpassed in good actions, yet the virtue of his actions was not enough to remove the decree from upon him. In contrast, prayer could have succeeded, which is why Hashem commanded him to stop praying. Prayer reveals the value of the pure spirit, so that when one focuses on a goal, Hashem gives the prayer efficacy, according to the level and virtue of the one who prays. The virtue of good actions would not have the same effect of focusing the person's sanctity on a specific request. In that context, Hashem told Moshe to go to the summit of the mountain to show that the extent to which his request was accepted (that he was allowed to see the Land) was due to the virtue of the innate level of his spirit and through the power of prayer.

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## A Municipality's Responsibility to Pay for Private Schooling

(condensed from Shurat Hadin V, pp. 361-3)

**Case:** A family (=pl) lives in a predominantly Religious Zionist town, which (at the time) had only State Religious (*Mamlachti Dati*) schools that were mixed (boys and girls) until third grade. Pl wanted a separate school for its young daughter and so sent her to a school in a nearby city. Pl wants to be reimbursed for the travel expenses and for the portion of the tuition that is usually covered by the municipality (=def), which pl is now paying to the other city. Pl points out that def pays these fees for children who are schooled out of the municipality, whether they take part in the Charedi system, in the non-religious public schools, or in special education schools outside the town when needed. Def responds that since pl is interested in a Religious Zionist education and since the local practice of Religious Zionist education is for co-education in younger ages, something which was approved by the local rabbi, pl cannot demand a tailor-made education for their exact desires.

**Ruling:** Before discussing the monetary considerations, we should see whether pl has legitimate religious grounds to demand non-co-ed education for his young child. Great contemporary *poskim*, including Rav Moshe Feinstein, Rav S. Wozner, and Rav Ovadia Yosef have ruled that co-ed education is forbidden even at a young age. They cite the Meiri (end of Kiddushin) who says that this can lead, later in life, to improper behavior between the genders. While Rav Feinstein acknowledges that according to many, this is more of a rabbinic preference than an outright halachic obligation, he still rules stringently in practice. Although leading rabbis have ruled leniently when co-ed education is the only feasible way to have proper Jewish education, this does not seem to be the case here. At the very least, pl has the right to follow the mainstream approach that separate education is correct and then expect the municipality to respect his needs like those of other segments of the population.

One could, on the other hand, argue that since there is already transportation provided to a Charedi school, which believes in non-co-ed education, the municipality can say that if this is so important, she should be sent there. However, it is apparent that pl's Religious Zionist beliefs are important enough to it that they would not be willing to send to a Charedi school, and indeed would prefer a co-ed Religious Zionist school.

Because of the logical arguments of both sides, it is proper to implement a compromise ruling. We take into account that def is in possession of the money that pl is trying to extract and that they already pay half of the travel expenses. Since pl's father usually drives the daughter to school and goes out of his way only partially, pl will be granted only the price of a local bus, which the girl can take from the point where the parents want to go in a different direction. Regarding the education expenses, the same arrangement should be used as with those who are in Charedi schools.

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Elul 26 – Tishrei 3, Avodah Zarah 22-28

## The Prohibition of Yichud (Avodah Zarah 25b)

Rav Ofer Livnat

This week in the Daf Hayomi, one of the issues the Gemara deals with is the prohibition of yichud. The basic prohibition of yichud is for one man to remain alone with one woman. The Gemara (25a-b) quotes the Mishna in Kiddushin (80b), which states that yichud is prohibited also in a case of one man with two women, but one woman with two men are permitted to be alone. However, the Gemara states that this is only in regards to kosher people, but for promiscuous people, even one woman with ten men is prohibited.

The Gemara in Kiddushin (81a) tells a story of two Amoraim who were walking in a secluded place and saw a woman approaching. One Amora told his friend that they should hurry and leave in order to prevent yichud from occurring. The other Amora asked that, since the situation is two men with one woman, there is no prohibition. The other Amora responded that who is to say that they are defined as kosher people. Perhaps only exceptional Tzaddikim are defined as kosher people, and that is why he is concerned with the possibility of yichud.

The Rishonim disagree as to how to rule. The Rambam (Issurei Bi'ah 22, 8) rules that yichud is prohibited even for one woman with many men. The Magid Mishne explains that, since the Gemara said that only exceptional Tzaddikim are defined as kosher people in this regard, and today there are no such Tzaddikim, the Rambam prohibited completely. However, the Ran (Kiddushin 33a in the pages of the Rif) writes that those Amoraim were stringent beyond what is required, and regular people are defined as kosher.

### **Summary and Ruling:**

The Mechaber (Even Ha'ezer 22, a) rules like the Rambam that yichud is prohibited for one woman even with many men. The Remma rules that one may be lenient like the Ran that regular people are defined as kosher people, and yichud is permitted for one woman with two men. However, for promiscuous people, yichud is prohibited even for one woman with many men.

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