



HEMDAT YAMIM

Parashat Hashavua Vayeilech, 5 Tishrei 5782

Harav Shaul Israeli zt"l
Founder and President

Properly Channeling the Desire for Spirituality

Harav Shaul Yisraeli – condensed from Aruch Siach, p. 218-220

The holiest day, Yom Kippur, and its preceding day contain apparently polar opposite elements – the firm requirement to fast on Yom Kippur and the requirement to eat on *Erev Yom Kippur*. When one eats then, it is equivalent to one who fasted both days. What is the nature of this dichotomy?

R. Yehoshua said that the *pasuk*, “You [Moshe] will lie with your fathers and will rise up the nation and will sin after the idols of the Land...” (Devarim 31:16) is the source both for the resurrection of the dead and that Hashem knows what will happen in the future (Sanhedrin 90b). Why does R. Yehoshua contort the *pasuk* so that it can teach both lessons?

Daniel said: “To you, Hashem, is the righteousness, and to us is embarrassment” (Daniel 9:7). Now that we have our own state, we can understand our embarrassment better than before. Where do we find a nation whose members do not all flock to its land from abroad when it is now possible? How can so many of those who are here disrespect religious leaders and deny the glory of our national past? Our generation pales in comparison to the previous one, when the *chalutzim* dreamed and sacrificed so much to build. Why do these problems exist now?

“When [our nation] is elevated, it reaches the Heavens; when it falls, it falls to the dirt” (Pesikta, Bereishit 15:5). This refers mainly to the nation’s spiritual side. Hashem complains that we can be the most difficult nation to get to be obedient to its G-d (see Beitza 25b). Part of the complaint is that we have at our disposal special tools of elevation, especially the ability to turn the mundane into sanctity. When Moshe was on Sinai for 40 days, he “ate” from the glory of the Divine Presence, similar to the eating of the noblemen in Israel when Hashem revealed Himself (Shemot 24:11 and Shemot Rabba 47:7). While everything is spiritual, most people’s bodies are unable to digest the spiritual in that form.

On Yom Kippur, the day Moshe descended Sinai, we have an element of Moshe’s ability to be sustained from Hashem without physicality. The essence of the fast is to desist from eating, like angels, and be energized without it. We have a great hunger for spirituality, but when we do not find it, we can go very low. Other nations suffice with their idol worship, but that does not satisfy our thirst. The nations have an idol called democracy and do not notice that they need more spirituality than that. A Jew needs more than that and keeps searching.

We return to the *pasuk* in Devarim. If one can say that Moshe died, i.e., that we cannot be inspired by Moshe’s sanctity, then the nation will go sin with idols. Yom Kippur tells us that first we eat, and then we can move on to elevating the physical. When we appear to die, it is really “lying with the fathers,” it is a slumber and not death. We also learn that Hashem sees the future, and He knows that our spiritual failings are not representative of our level, but that He knows we will return to our proper standing.

We need to “return until Hashem” (see Hoshea 14:2, from our *haftara*). We can reach the throne of divine glory (Yoma 86a), and that is what we need – a full return and not a partial one, a full liberation, and not a partial one. This is what we ask for this Yom Kippur.

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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

Measuring the Amount One Can Eat/Drink

Question: I will need to drink on Yom Kippur in *shiurim* (small amounts at a time to lower the violation). Should I prepare the portions of liquid beforehand in order to not have to measure on Yom Kippur?

Answer: There is a Rabbinic prohibition to measure things (*medida*) on Shabbat and *Yom Tov*. It comes up in the context of selling holiday provisions on *Yom Tov*, which may be done in certain ways – one is not allowed to measure the food in a special utensil for that purpose (Beitza 29a). The *gemara* (ad loc.) places this prohibition under the category of *uvdin d'chol* (weekday-like activities).

The *gemara* (Shabbat 157a-b) refers to the violation of *medida* on Shabbat in the context of an exception – when the measuring is done for *mitzva* reasons. The case there is measuring the space above a grave in order to know what areas will be affected by its *tuma*.

The *mitzva* exception applies to measuring to determine how much a sick person may eat on Yom Kippur, either way you look at it. If one eats too much, he unnecessarily violates Yom Kippur. If he eats too little, he may improperly risk his life (see Mateh Ephrayim 618:11). Actually, even if the therapeutic need is not remotely life-threatening, it is permitted to measure, and it is not clear how sick a person needs to be (see Eliya Rabba 306:21; Mishna Berura 306:36).

Although *mitzva* needs are not usually grounds to waive Rabbinic prohibitions, the Mishna Berura (306:34) explains that it is possible here because *medida* is only forbidden due to *uvdin d'chol*. One can explain that, as a relatively weak prohibition, *mitzva* need overcomes it. However, it is more likely that it means that if the greater context is for a *mitzva* purpose, it is not considered mundane. The Pri Megadim (306, EA 16, cited in Mishna Berura 306:35) learns from the Terumat Hadeshen (I:54) that one may measure the halachic elements of a mixture to see if the permitted part “nullifies the forbidden by sixty (*bitul*).” The permissibility does not seem to be based on the great need for the food, but that since the concept is halachic investigation, it is not defined as *uvdin d'chol*.

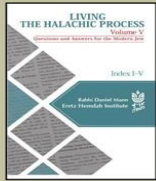
Therefore, it may be surprising that the Kaf Hachayim (OC 618:40) states that it is proper to measure before Yom Kippur. He cites (in OC 323:62) a Pri Megadim (EA 323:14) who says that one should measure before, but that seems to be because the action of measuring makes the *bitul* considered fixing an object. Igrot Moshe (OC V:18) infers from the Magen Avraham (306:16) that one may measure for halachic determination even without a need but does not understand why that is so (perhaps regarding a sick person who could have prepared before Shabbat, Rav Feinstein would not have questioned the leniency). An early source permitting measuring for Yom Kippur amounts, the Sefer Hachinuch (*mitzva* 313), implies that there must be a particular need to do so on Yom Kippur.

It is recommended, on practical (see Mateh Ephrayim *ibid.*) as well as halachic grounds, to prepare a utensil with the right size for Yom Kippur drinking or marking it at the right spot, before Yom Kippur. However, it is unnecessary to pour out all the needed servings in advance, for the following reasons.

First, most *poskim* do not mention the Kaf Hachaim's stringency (see Shemirat Shabbat K'hilchata 29:39; Orchot Shabbat 22:120). Even if one wants to be *machmir*, one does not have to go to the trouble of preparing all the servings. If one does not measure precisely, the Rama (OC 323:1) does not consider it measuring – if one draws a line at the exactly right spot, he must not exceed it, but putting in slightly less is usually fine medically. The Shulchan Aruch (ad loc.) does not cite this leniency, and Yalkut Yosef rules like the Shulchan Aruch. If one drinks from the cup, then pouring into it is not considered measuring, which exists when one pours into a measuring utensil just for the measuring and then removes it (Shulchan Aruch, OC 323:1). (This leniency might not apply to a solid that one has to carefully fit into the shape of the measuring utensil.)

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

Protesting *Chilul Shabbat* - #56

Date and Place: 14 Shevat 5667 (1907), Yafo

Recipient: The council of Rechovot

Body: I have come to remind people, as I have heard that certain individuals have been personally lenient in some of the agricultural *moshavim*, to uproot grapevines on the holy Shabbat, by having non-Jews do the work. There is no need to explain to anyone who strictly follows Torah law that it is a clear prohibition to have a non-Jews perform on Shabbat prohibitions that are well-known to relate to a Jew. For anyone who has the feeling of Judaism live in his heart, there is no need to explain the disgrace and degradation that is connected to it and the desecration of Hashem's Name which emanates from the desecration of the holy Shabbat.

Therefore, I would request of your honors to make a public pronouncement in my name that it is forbidden to do uprooting on Shabbat even by paying non-Jews a set price for their work.

Hashem should give us the merit of seeing the building of His nation in the Holy Land, so that there is planting and not uprooting, building and not destruction. May our eyes see this and our heart rejoice speedily in our days, Amen.

Protesting *Chilul Shabbat* - #57

Date and Place: 16 Shevat 5667 (1907), Yafo

Recipient: The residents of Ekron, especially its council

Body: I have a personal need to inform your honors what my heart is feeling, which you may view as the wounds inflicted by one who loves. However, this is the reason I cannot hold back from speaking. The obligation of the *mitzva* of rebuke is incumbent upon every individual in Israel, and certainly for someone who is a servant (i.e., rabbi) of the masses like me.

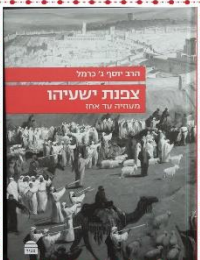
I heard with great disappointment that some people in Ekron had the great *chutzpa* to disgrace my honorable, dear friend, the exalted head of your rabbinical court. I understand that one of them did a horrible action – he ripped up a note that had been posted on the rabbi's behalf. He even had the gall to speak horrible things that it is better not to hear (i.e., repeat).

When I became aware of this, I was irate and screamed from the depths of my heart: "Woe, what have we come to?" Is it possible that in an upstanding community in *Eretz Yisrael* like Ekron, there could be such a denigration of the crown of Israel, the crown of Torah and the honor of Torah scholars? And what a Torah scholar did they oppose?! An outstanding Torah scholar, who is crowned with such fine personal attributes and pleasantness! It is fitting to cling to him with love and inestimable honor!

Please see to it, dear brothers, to stand in this breach. Remember that awe of Hashem includes awe of Torah scholars (Kiddushin 57a), and the awe of your teacher should resemble the awe of Hashem (Avot 4:12).

The sinner who spoke out should consider his steps, if he desires to protect his life from Heavenly punishment that, Heaven forbid, should not strike him. He should humbly approach the honorable rabbi, *shlita*, to request forgiveness in front of other people, as is written. He should admit that he sinned, repent and be forgiven, as who knows how to avoid mistakes?

I know how much my close friend, the rabbi, will oppose my letter, but I have no choice but to write it, for the welfare of the public, despite his desire, which is always dear to me. May Hashem send you blessing and great peace, and may we see together the crown of the righteous raised in the Holy Land when Hashem brings salvation to His nation, speedily in our days, Amen.



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

Can They Change Agreements in the Middle?

(based on ruling 81032 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) is an importer who wanted to sell masks in Spain and came to an agreement with the defendant (=def), a company in the medical supply field in Spain, that pl would do the importing under the auspices of def. According to their contract, def was not to be active in the process, but would give its name, and payment from Spanish companies would go through their accounts; def would receive 10% of the revenue. After sales began, def pulled out of the agreement and returned deposits to companies that ordered masks (pl succeeded in maintaining the deals with the help of a different company = com B), except the largest deal (660,000 Euro). Def agreed to go through with that deal under a new contract according to which def receives 50% of the sales profits. After the sale went through, pl is suing for the difference between the two agreements (100,000 Euros), claiming that he was coerced into the new agreement out of concern that otherwise, his largest sale might fall through. Def counters that it was justified in backing out of the deal because Spanish customs rejected the import request because the Chinese manufacturer had provided forged European quality certification, causing concern of litigation and refusal of buyers to pay. Def also claims that presently they need to be more involved in the process, which according to the original agreement they were not required to be.

Ruling: While def claimed that the agreement was one of renting their name and infrastructure, *beit din* views it as a franchise relationship. Since this is a common business relationship in our days, such agreements are binding based on convention (see Eretz Hemdah ruling 74070). The *kinyan* on this arrangement took effect no later than when def received the first down payment on pl's behalf. This works even though the payment came from a third party, since the money was paid on pl's behalf (see Shulchan Aruch, Choshen Mishpat 190:4).

Nevertheless, def had the right to back out of the deal due to *mekach taut* (agreement based on a false premise), as they were not aware that the certification was forged (due to the acute medical crisis, Spain lowered their certification demands, but only after the agreement was discarded). That situation opened all involved to serious liabilities. Such dangers are grounds for breaking agreements (see Shulchan Aruch, CM 196:36). Although this does not apply to flaws that the "buyer" can easily check out, there is no reason to think that def would know this in advance (pl did not know either).

Once def had the right to back out and did, it is no longer considered that def forced pl into the new agreement, rather the new situation did (see Shulchan Aruch, CM 205:12). Furthermore, it was pl who pursued a new agreement, and if pl wanted to (despite the perceived risk), they still had the opportunity to extend their arrangement with com B to this deal as well.

Therefore, pl is not entitled to the additional money that he would have received based on the first agreement.

We daven for a complete and speedy refuah for:

Nir Rephael ben Rachel Bracha
Yisrael ben Rivka
Rivka Reena bat Gruna Natna
Arye Yitzchak ben Geula Miriam
Neta bat Malka
Meira bat Esther

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