



HaRav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat HaShavua

Nitzavim, 28 Elul 5778

A New Being

Harav Shaul Yisraeli – based on Siach Shaul, Yamim Noraim, p. 11-13 (1939)

Our year begins with days of judgment and atonement, known as *Yamim Nora'im* (Days of Awe), which they are. They inspire fear because of their deep secrets, which, we sense, hold the key to the future for the year. We know important things are being decided, but we do not know if they are happy or sad. We are in grave suspense, both as individuals and as a nation. Who knows if we will not have a continuation of last year's pogroms and of the lowly spiritual level in the Diaspora? Will our prayers for redemption be accepted? These are indeed days of trepidation!

In the past, these days had a very different character; even Yom Kippur was a happy holiday (Mishna, Ta'anit 4:8). This day of spiritual purification was a very happy day, as everyone felt the sins being lifted from him and embraced his new self. *Chazal* refer to Rosh Hashana and Yom Kippur as "my light" and "my salvation," respectively (Vayikra Rabba 21:4), and light shone throughout. It appears that while for us the days find expression as days of judgment, in more ideal times they were felt as days of repentance and purification. But for us, they are Days of Awe rather than Days of Light.

What is the special light of Rosh Hashana, which allows the power of salvation to come forth on Yom Kippur? *Chazal* say on "you shall make an *olah*" (Bamidbar 29:2) that it is considered as if you became a new person before Hashem (Yerushalmi, Rosh Hashana 4:8). Rosh Hashana is the holiday of renewal, of removing the dirt of the past. One becomes a new person. Yesterday and last year disappear. We learn what there is to learn from the past ... and move on from it. Even the greatest actions of the past are relegated to the past. The *navi* refers to "*melumada*," a learned action, one of rote, as a despised concept (Yeshaya 29:13). Returning to the same action and the same thought without inserting today's new spirit of life is insufficient.

This is where the independent *mitzva* of *teshuva* (repentance) comes in. Even if one fulfilled all the *mitzvot* of the Torah except for this *mitzva*, he is missing something. We must renew ourselves, not just when there is something horrible that needs to be shaken off, but even when we are basically good. Our actions still must not be old and stale, of rote and habit. One must stand before his Maker with new emotion, pain, and joy. Let our wrapping of *tefillin* and saying of the same words of *tefilla* use a new spirit. Let us realize what we are doing and what we are thinking.

Then we can feel a new spirit every day and feel like new people. The *navi* distinguishes between those who do and those who do not serve Hashem (Malachi 3:18), and *Chazal* say this refers to the difference between one who reviews his studies 100 vs. 101 times (Chagiga 9b). The obvious question is that there does not seem to be a stark difference between the two people. Rav Simcha Zisel of Kelm explains that the additional review is a sign that he feels the experience as something new – with a new spirit that we can call serving Hashem. When one breaks the routine, he is serving Hashem.

Renew your actions during the upcoming month and year; then the *mitzvot* will warm us up and encourage us ... and make us new and improved people.

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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

Men Going to the *Mikveh* before Rosh Hashana

Question: I was not brought up going to the *mikveh* before Rosh Hashana (only before Yom Kippur). Should I start doing so? What are the reasons and rules for this *tevilla*?

Answer: The Tur (Orach Chayim 606) cites the *minhag* to immerse before Yom Kippur, based on direct sources from the *Geonim*, and the Shulchan Aruch (OC 606:4) treats it as a fact. Regarding Rosh Hashana, the earliest sources are from Ashkenazi *Rishonim*, and it is cited by the Rama (OC 581:4), not the Shulchan Aruch, and as a *minhag* that some follow. The *minhag* has spread to most Sephardim, and the majority of people who do one, do both.

The basis of the *minhag* relates to men's impurity after a seminal discharge, which was of practical importance around the *Beit Hamikdash* and for those handling *teruma*. Thousands of years ago, Ezra instituted that men should not utter holy matters (e.g., Torah and *tefilla*) without removing that impurity (Bava Kama 82a). However, this practice was not fully accepted and was phased out (Berachot 22b). Nevertheless, there have always been those who followed Ezra's practice (see Rambam, *Tefilla* 4:6; Mishna Berura 88:4). At important times, people may strive for higher levels of purity (see Rosh Hashana 16b). The time we try to be at our purest and observe Torah at the most stringent level is Yom Kippur and the days that precede it (see Shulchan Aruch, OC 603:1). Therefore, the simplest explanation of the *minhag* of *tevilla* for men, posited by the Rama (OC 606:4; see *Torat Hamoadim*, Yamim Nora'im, p. 33), is that it is a limited enforcement of Ezra's purification requirement.

The rule of thumb is that one does not have to do more than Ezra required. Therefore, since one with a discharge could suffice with nine *kabin* (approximately, 12 liters) of water being poured over his head, this also suffices for the *Yamim Nora'im* (Rama, *ibid.*). The Magen Avraham (ad loc. 9) limits this leniency to cases in which going to the *mikveh* includes hardship; the Rama's opinion on this is unclear (see *Machatzit Hashekel* ad loc.). An average shower in which one stays under the water flow throughout definitely has enough water. One can be lenient to assume that the fact that the water flows itself without being poured by a human is not a problem in this context (see *Torat Hamoadim*, *ibid.* p. 29). Thus, even one who does not go to the *mikveh* likely fulfills the *minhag's* main element.

There are different opinions as to when the proper time to go to the *mikveh* is before Yom Kippur. The Shulchan Aruch says that any time of day is fine, but some say it should be before *Mincha*, which has elements of Yom Kippur *tefilla* (see Mishna Berura 606:18). The Chayei Adam (II, 144:7) says that it should not be done earlier than an hour before *chatzot*. Logic dictates that any time after the night solves the problem of discharges, which hints that the Yom Kippur *minhag* likely has other elements to it.

The Tur cites Pirkei D'Rabbi Eliezer (45) as a reason for the *tevilla*, comparing our spiritual purity on Yom Kippur to that of angels. The Maharil (see *Darchei Moshe*, OC 606:3) compares it to the immersion of a convert and says that one should therefore not rely on the pre-Rosh Hashana *tevilla* even if he had no discharges between then and Yom Kippur. The Magen Avraham (606:8) explains that *halacha* as being because the *tevilla* is part of the *teshuva* process, which he also views as a reason to dunk three times (others suggest, based on Kabbalistic sources, higher numbers and the recitation of *viduy* in the water).

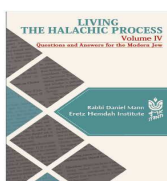
The additional elements apply to Yom Kippur more than to Rosh Hashana. Nevertheless, the Mishna Berura (581:26) applies the matter of timing to Rosh Hashana as well, and the Kaf Hachayim (OC 581:82-83) suggests multiple dunkings with different contemplations for Rosh Hashana as well.

In short, if one is in a community in which most men go to the *mikveh* before Rosh Hashana, it is proper but not a fully required practice for individuals to do so. A *chazan* or *ba'al tokei'ah* should definitely go to the *mikveh* (see Magen Avraham 581:9).

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.)

Confidence in the Water Supply

(condensed from Ein Ayah, Shabbat 6:105)

Gemara: One who says: "I will drink and leave over" is in violation of the prohibition of following the ways of the Emorites.

Ein Ayah: Drinking is natural for man. It is in fact more pressing a need than eating food, and therefore water is provided in the most complete manner for living beings who need it to survive. It is available for all who need it at most times due to Hashem's mercy for all of His creations.

This fact and viewpoint helps provide mankind with the light of trust in Hashem within the depths of the internal heart. Unnecessary concern, which is spawned by evil, can remove some of the trust in Hashem, to the extent that one will not have confidence that Hashem will provide him with enough of his necessities. Even if he has plenty water, he will be concerned that he will not have enough in the future. This is a characteristic of leaving Hashem, which causes him to leave by the wayside restfulness, pleasantness, and goodness which should be in his soul and spirit. It is based on this reasoning that the *gemara* calls one who drinks water and leaves it over, one who follows the ways of the Emorites,

The Will to Destroy All, Including, in Some Ways, Oneself

(condensed from Ein Ayah, Shabbat 6:106)

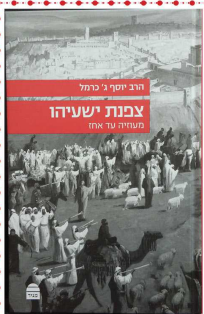
Gemara: One who breaks eggs on the wall in a manner that the live chicks will see is in violation of following the ways of the Emorites.

Ein Ayah: It is a characteristic of evil to want to destroy existence. An evil person continues to exist and to accumulate matters only because he was created with a life power that strives to fulfill the desires of his heart, which are as stormy as a rough sea. However, in essence, he has an embedded hatred of life. The more that civilization and society expand, the more the hatred of evil people increases, even though they function from within the wonderful auspices of society.

The characteristic of destructiveness, which was begun by the generation of the Great Flood, continues in all elements of life due to the inclination toward evil, which dwells within the spirit. The spirit of the evil person looks negatively on all of existence including itself. Just as it perceives that it itself does not deserve to continue to live, so too it extrapolates that nothing else deserves to exist either and that destruction is appropriate.

That is, for example, one of the reasons that castrating animals was popular in connection with idol worship. That also explains the Emorite practice to break the eggs, because the force of proliferation of the species is within the egg. Such a person thus sends a message of hatred of the continuance of the species. He does so in front of those chicks that are already hatched, who are not so easily destroyed. However, the person wants to demonstrate his disdain for life and his goal of having it cease. He shows regret that he did not kill the chick at an earlier stage. He shows that he thinks that it would have been worthwhile had the new chicks ended up with the same fate of destruction.

All of this "narrowness of the eye" (i.e., negative outlook) comes from the nerve center that cannot flow into the ways of Hashem and His goodness, and it is an expression of the ways of the Emorites.



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

Municipal Dues in a Yishuv

(based on ruling 76111 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) is an *aguda shitufit* (i.e., joint community) and the defendants (=def) are residents of a new section of the *yishuv*. The *aguda* is supposed to provide its residents with support in various elements of communal and personal life and is recognized, along with its charter, as an organization by the relevant authorities. A year ago, pl informed members of the *yishuv* that they are required to pay 6,000 shekels per couple to renovate a public building. Def and a member of pl's board reached a compromise proposal based on which they would contribute 9,000 shekels from their charity fund to be used for whatever purposes pl decided. Def gave the money; the full board did not accept the proposal. Some time later def reserved pl's social hall for a *simcha*. Due to tension between the sides, it was unclear until soon before whether def would be allowed to use it. Pl claims that as members of the *aguda*, def is obligated to pay continual fees of 4,106 shekels, along with 6,000 shekels for the one-time expense. Def claim that the obligations are unfair because members of the *kibbutz*, which founded the *yishuv*, are preferred members of the *aguda*, who pay less than residents of the expanded areas. Pl responded that members of the *kibbutz* either paid for development over many years or paid extra money to join the *kibbutz*. In fact, this provision is part of the charter that was accepted by the *Rasham Ha'amutot* (NPO Registry). Def deny registering as members of the *aguda*, who need to pay, and argue that landowners in such places no longer are required to be members. They admit that in the past they were involved in pl because they thought they were members but have since learned that they are not. Def also argue that since they already paid 9,000 shekels based on a compromise understanding, it is unacceptable for pl to reject the compromise. They also say that although they lost 4,000 shekels in looking for alternatives for their *simcha* due to pl's threat regarding the hall, they will accept an apology.

Ruling: There are several indications that def are members of the *aguda*, including their application for that status. Even if they are no longer required by law to be members, there is not sufficient indication that they are not such today. Therefore, in accordance with the charter, they are required to pay the 6,000 shekels in question. There is enough logic to distinguish between different categories of residence for the different municipal fees to not be considered discriminatory. Additionally, def admitted to promising to pay the money before being given permission to use the hall for a *simcha*, and it is illegitimate to agree to payment in return for rights and then renege on the agreement.

The 9,000 shekel donation is certainly a large one that indicates it had a purpose. However, there is strong evidence that def knew that the compromise was not accepted, and thus def was acting in bad faith. However, since there were irregularities in pl's bookkeeping, pl cannot demand any payment that it cannot demonstrate are due.

Regarding use of the hall, pl acted improperly in temporarily rescinding def's right to use it based on a dispute. Grievances over payments should have been dealt with without intimidation. Therefore, *beit din* presents a text of an apology which pl are responsible to make.

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