



# HEMDAT YAMIM

יְמֵי תְשׁוּבָה

## Parashat Hashavua Yom Kippur, Tishrei 10, 5785

Harav Shaul Israeli zt"l  
Founder and President

### The Repentance of the Individual and of the Nation

Harav Shaul Yisraeli – from Aroch Siach, Yamim Noraim p. 142

The Ten Days of Repentance (*Teshuva*) were designed for the repentance of the individual, as *Chazal* say on the *pasuk* (Yeshayahu 55:6): "Seek out Hashem when He can be found, call out to Him when He is close." The *gemara* (Rosh Hashana 18a) says that the time being described is the ten days from Rosh Hashana until Yom Kippur. What is shocking is that specifically during these days, the content of the prayers focuses on the aspirations of the Nation of Israel, aspirations that the individual is not capable of even contemplating to achieve. It is not the self-perfection of the individual but the perfection of the world – that everyone who He made will know that Hashem made him, that every creation will recognize that Hashem created him. How, then, can we consider these very days the days in which an individual strives to fix the negative results of his specific sins and transgressions?

One can also ask how *teshuva* is possible, considering that "a sin drags along further sins." This idea is, after all, behind the concept that a *ben sorer u'moreh* (wayward son – see Devarim 21:18-22) is killed because of what we expect his end to be (that he will become a much greater sinner than he began as). If we believe in a sinner's downward spiral, how can we believe in *teshuva* breaking the unbreakable chain?

The *teshuva* of individuals occurs by means of their connecting themselves to the Jewish Nation. When we stand in prayer, we realize that we are part of an unending chain. As we stand, so did our fathers and their fathers in all the countries of their exile, in surroundings of hatred and suspicion, in atmospheres of ignorance. Our fathers purified themselves, admitted their sins, and searched for and found sins within themselves.

Judaism did not begin today or yesterday. When we place before our eyes the full scope of men and women, elders and youngsters, rows of people who come before us from the past, and, in our prayers, try to turn into people like them, we awoken in our midst the desire to actually be like them.

We say before our declaration of admitting sin, "We and our fathers sinned." Why mention the sins of previous generations? What do we gain by doing this? We find this phenomenon in the Torah (Vayikra 26:40): "They shall admit their sins and the sins of their fathers." What does this do? It is necessary so that we can fathom from what level we descended to our present level. Our fathers sinned, and we have sinned. We look at what they sinned in and what we sinned in, [which can be much more severe than what they did]. When we make this comparison, we immediately see clearly that we must not remain rooted in sin.

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# Ask the Rabbi

by Rav Daniel Mann

## Mitzvot of Meals for Those Who Must Eat on Yom Kippur

**Question:** I unfortunately must eat basically regularly on Yom Kippur. Which of the *mitzva* elements of a Yom Tov meal (*Kiddush*, *Hamotzi*, *Birkat Hamazon* additions) should I do?

**Answer:** One can look at the religious perspective of a meal on Yom Kippur in two ways: 1. Yom Kippur is a *Yom Tov*, in which a proper meal could have been a *mitzva* if not for the greater importance of fasting, so that when one must eat, the *mitzvot* of a meal apply. 2. Since the broad rule is that we are forbidden to eat, the *mitzvot* associated with eating were not instituted at all.

Now we will see sources. The Tur (Orach Chayim 618; see Shut Maharam Rutenberg 71) says that one who cannot fast on Yom Kippur recites *Ya'aleh V'yavo* in *Birkat Hamazon*. The Taz (OC 618:10) disagrees with the Tur, inferring from a *gemara* (Shabbat 24b) that we do not mention a special day in *berachot/tefillot* if the day's connection to what we are saying is coincidental. As you raised, there are other issues that depend on the correct approach (although each has unique factors also).

The Magen Avraham (618:10) rules that there is no *Kiddush* at a meal (regarding *Kiddush* in *davening*, see Har Tzvi, OC 1:155) on Yom Kippur and cites a *Shibolei Haleket* saying that the prohibition to eat makes the day like a weekday, thus precluding *Kiddush* and *Ya'aleh V'yavo*.

Another issue in the *poskim* is whether to have *lechem mishneh*. The Magen Avraham (ibid.) cites a Knesset Hagedola who says that since the *manna* did not fall on Yom Kippur, one who needs a meal should use *lechem mishneh*. The Magen Avraham disagrees, arguing that *lechem mishneh* was not instituted for Yom Kippur and that we do not want to make a sick person trouble himself with *lechem mishneh*. The Machatzit Hashekel raises another issue – did a double portion of *manna* fall on *Erev Yom Kippur*?

There is not significant discussion in the *poskim* on whether, if *lechem mishneh* is not needed, one should eat bread in order to have a proper meal. Discussions (see Shulchan Aruch, OC 618:10) of what to say in *bentching* do imply that people are eating bread. However, this does not prove one is required to have bread, because classically bread was a natural staple of meals. In any case, we would add the following. While those who are unable to limit themselves to minimal, slow eating, are not instructed to be particularly careful to not eat more than absolutely necessary, it is halachically counter-productive to eat bread if it is less dietarily productive than other foods one could be eating.

Regarding *halacha l'ma'aseh* conclusions, most *poskim* treat this matter as some level of *safek* as to which general approach is correct (see Mateh Ephraim 618:17; Mishna Berura 618:29). Therefore, on the matter of *Ya'aleh V'yavo*, the approach is that the pros of doing them outweigh any cons. (*Ya'aleh V'yavo*, even if not called for, does not create a problematic enough break to endanger *Birkat Hamazon's* validity – see Shulchan Aruch, OC 108:12; Machatzit Hashekel ibid.) In contrast, one should not do a full *Kiddush*, which is said in the day if it was not done at night (Rama, OC 271:8), because of the risk of a *beracha l'vatala*. *Lechem mishneh* is not required, and it is unclear whether to prefer it (see Shemirat Shabbat K'hilchata 39:31; Dirshu 618:54).

This year there is wrinkle in the matter. Since Yom Kippur falls on Shabbat, even if these *mitzvot* do not apply at all on Yom Kippur, they would seem to apply because it is Shabbat. Therefore, Rabbi Akiva Eiger (to Magen Avraham ibid.) believes it is likely that all should agree to make *Kiddush* this year. However, the Ohr Sameach (Avodat Yom Hakippurim 4:1) posits that Yom Kippur takes over the nature of Shabbat, so there is no *mitzva* to eat or make *Kiddush* even from the perspective of such a Shabbat. The silence of earlier *poskim* and the statements of recent *Acharonim* (see Har Tzvi, ibid; Igrot Moshe, Choshen Mishpat I, 39; Yaskil Avdi VIII, OC 20.34) indicate that R. Akiva Eiger's thesis is not widely accepted.

### “Behind the Scenes” Zoom shiur

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



# Igrot HaRe'aya - Letters of Rav Kook

## Maintaining a Friendship of the Spirit – #266 – part V

**Date and Place:** 11 Shevat 5670 (1910), Yafo

**Recipient:** Rav Pinchas Hakohen Lintop, the rabbi of a Chassidic community in Lithuania. He had learned *Kabbala* with Rav Kook in Boisk. The two were very deep and like-minded thinkers. We have seen a letter between them (#184), written a year earlier.

**Body:** [*This last section rounds out the discussion and some level of disagreement between the two.*]

I do not see the vision of completeness coming about without the drawing together of the pieces of goodness, which made an impact from all of the various angles, from way back in history and up to and including the present generation. This requires a holy service of Hashem by means of the paving of paths and building of bridges over the great chasms that separate [the different spiritual/intellectual groups]. This is the service that I would desire to be beloved in the eyes of all who deal with the soul of the Torah (i.e., kabbalistic ideas), as it is beloved to me to the fullest extent.

In the most recent generations, it has been wonderful for us that there have been discussions between the disciples of the Vilna Gaon (Mitnagdim) and the disciples of the Ba'al Shem Tov (Chasidim). These are two camps that occupied totally opposing positions at the time [the intellectual/spiritual divide between them began]. With hard work, a full set of literature prepared the groundwork to mend the tears between the fabric [of these spiritual parts of the nation]. The final result that will come from the work in bringing about these steps is very dear to us, as it will mend the tears of the fabric of the nation from a practical perspective. The clear main purpose [of these efforts] is the return of the strength of the nation in its Land at its highest level.

Regarding the purest souls, which are so full of love for their nation at its broadest levels, they should not be held accountable for certain occasional expressions or the phraseology that accompanies certain rulings. All of these [lacking in accuracy] will get straightened out when things progress to the practical stage. Even more so will matters straighten out when things come to the point where leadership acts in these matters on a national level.

I have one more point to make. [This is apparently in response to what Rav Lintop must have written in his letter about Rav Kook's article – apparently about hating sinners.] All the instances of hating, with their strict laws, apply only to one who we are sure was rebuked as the Torah requires. We are in a situation whereby in our generation and several generations previously, we do not have anyone who knows how to rebuke, a fact that Rabbi Akiva already attested to. Therefore, all of the *halachot* of anger and hatred of our brethren are inapplicable, but are theoretical *halachot*. We find such a precedent regarding the wayward son, the city that was dedicated to idol worship, and the house with leprosy, according to the opinions that these situations never did and never will exist, but rather they were written by the Torah in order that we should study them and receive reward for it. Indeed, the reward for engaging in this study is very great, for it is the "salt" (the preservative of pre-modern times) that makes goodness last by strengthening the hatred of evil in all its forms. When these concepts have their impact on the educational level, it does not allow destructive evil to take true root at all.

I am compelled to end at this point my short words, a letter that I have written in an unorderedly manner and without explaining all of the dear comments you made in your letter of 22 Adar 5769 (almost a year previously). As I explained, my purpose at this point was more as a friendly letter than a give and take in philosophy.

We daven for a complete and speedy *refuah* for:

Nir Rephael ben Rachel Bracha  
Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam  
Tal Shaul ben Yaffa

Neta bat Malka  
Meira bat Esther

Together with all *cholei* Yisrael

# P'ninat Mishpat

## Inheritance between Half-Brothers

(based on ruling 82033 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** Sarah was married to Mr. Abrahams, and she gave birth to Reuven. Mr. Abrahams died soon thereafter, and Sarah married Mr. Isaacs, with whom she gave birth to Shimon, Levi, and Yehuda. Mr. Isaacs raised Reuven like a natural father. When Mr. Isaacs died, the brothers convinced Reuven to have Sarah live with him, which required a lot of care and expenses. At first, Reuven and family did not charge for this care, but eventually they asked for pay, until it reached a maximum of 10,000 NIS a month. Mr. Isaacs left all his property to Sarah in a standard, civil will. Sarah died without a will. Reuven wants to receive a quarter of the money that Mr. Isaacs left for Sarah. The other brothers argue that according to Halacha, Mr. Isaac's inheritance goes to his biological sons. They claim that if Reuven wants to treat them as one full family, the apparently impending inheritance coming from the Abrahams family, should also be split between them, as Sarah should have inherited from Mr. Abrahams.

**Ruling:** Our *beit din* follows the ruling of Rav Moshe Feinstein (Igrot Moshe, Even Haezer I:104) that a civil will is valid. Therefore, Sarah inherited all of Mr. Isaacs estate, and now each of her four sons receives an equal part. In general, Halacha seeks to find a way for the intentions of the deceased to be upheld (see Pitchei Teshuva, Choshen Mishpat 252:1, 3), and in this case, there is every indication that Reuven, whom Mr. Isaacs treated like a natural son, would be getting a fourth of the estate after Sarah's death.

There is no reason to give Reuven's brothers any part in any potential Abrahams family estate. Even though they argue that according to secular law, Sarah should have been deserving of such an estate, *beit din* does see why that is the case. This is different from Sarah's receipt of Mr. Isaac's estate, which is not based on secular law alone but based on a written will.

The brothers raised complaints about the amount of money Reuven took for caring for their mother. Given that they agreed to pay at the time, it is not clear what practical claim they have to raise. In any case, we want to address the point for the purpose of clearing the air. Everyone agrees that Reuven's family gave Sarah excellent care and that this included much difficult work and significant expense. It does not appear that the same level of care could have been achieved in a different way for 10,000 NIS. Therefore, the brothers should not harbor grievances on the matter.

What should be returned to the brothers is the money they put into a bank account to be used for their mother's future expenses.

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