

YOMIM NOROIM 5782 ושבתה הארץ שבת לה



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to all at Heichal
and to all of Klal Yisroel.
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OUR SHULE. WE WISH HIM AND HIS FAMILY A כתיבה
חתימה וחתימה טובה AND MUCH HATZLOCHO IN THEIR
ENDEAVOURS!






Rosh Hashana 5782 Newsletter ראש השנה תשפ"א

Rav's Letter	4
Message from the Board	7
Rav Wachsmans Pre Ne'ila drosho	8
Special Reminders - Melbourne Sydney 5782	9
Reminders - Rosh Hashana, Aseres Yemei Teshuvah & Yom Kippur	13
Nuts during Yomim Noro'im	23
The Laws of Shmittas Kesofim and Pruzbul	31
Reminders - Succah Construction	Rabbi M Donnebaum 44
The Power of Praying for other People.	Rabbi Jon Neumann 51
The Power of the Shofar	Rabbi Abba Levin 53
Elul: The Reality Show	Rabbi Alexander Holzer 59
Selecting a Kosher Esrog and Lulov	61
Business Weekly	64
Pulse Of Emunah	66
Kids Page	68
Yomim Noro'im Times	69

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Letter from the Rav



Elul 5780

THE CHOFETZ CHAIM'S SECRET

The holy *Saba Kadisha*, the Chofetz Chaim, had a custom to give a *mussar shmuez* every Friday night following Kabolos Shabbos. A group of bochurim from the local Yeshiva in Radin regularly attended the popular shmuez. One week the Chofetz Chaim announced that this week he had a special message to convey, a “secret”, which he would disclose during the shmuez, but it will take place at 3 am Shabbos morning!

Word spread like wildfire, first through the Yeshiva and then throughout the entire town. No one would miss this extraordinary drosho of the Tzaddik Hador, with everyone speculating what ‘secret’ was the Chofetz Chaim going to share with them. Was it the הגאולה קץ when the long awaited Moshiach will be arriving? Or perhaps it concerned the immediate years ahead - what was in store for Klal Yisroel? (this took place in the late 1920’s). Many Radin residents were afraid to go to sleep that night lest they miss the special event. Others appointed someone to wake them up.

At 3 am that shabbos morning, the entire Kehilla of Radin was standing in and around the Chofetz Chaim humble abode, waiting anxiously for the Tzaddik to begin. After a few moments the Chofetz Chaim began, reciting slowly the brocho of אלקי נשמה which we say every morning, translating every verse and phrase. “אלקי נשמה שנתת בי טהורה היא” “My G-d, the *Neshomo* you placed within me is pure, אתה בראתה אתה יצרתה אתה נפחתה בי, “and eventually You will take it from within me, and restore it to me in the time to come”. But here the Tzaddik stopped and kept on repeating the phrase “וּלְהַחְזִירָהּ בִּי” many times over, emphasizing the word “וּלְהַחְזִירָהּ” “and restore it” with a special emphasis on the *mapik heh* - the word it, each time.

It now became apparent that this was the awaited “secret” of the night and then continued to explain this word and the fear-provoking and thought provoking message within. It doesn’t say “וּלְהַחְזִירָהּ לִי נִשְׁמָה” “and You will restore to me a Neshomo”, rather “וּלְהַחְזִירָהּ” with the *mapik heh*) “return it” which means that the very same *Neshomo* which was taken from man upon his death will be restored to him הַבָּא . לעולם הטהור , pure when taken, then it will be טהורה pure when returned. But if unfortunately it was unclean or torn, then it will be returned



as such, as well. The Chofetz Chaim repeated a second time the message of “ולחזירה” “the same way it was taken from me”, and concluded with the following thought. “Imagine” he said, “Soon Moshiach will come and there will be תחיית המתים where Moshe Rabbeinu, Aharon HaKohen and all the Tzaddikim of all the many generations will be cloaked with pure clean Neshomos. Righteous individuals of this very generation who may be sitting inconspicuously at the back of the shul will be dressed in finery. While others will have tattered and dirty clothing, or perhaps even rags - forever and ever! *Netzach netzochim!* Can you imagine any greater embarrassment?!” (This narrative was told to the Yerushalmi Maggid Rebbe Sholom Shwadron zt”l by an eye witness who was a talmid of the Radin yeshiva at the time). Simplest things in life are often the best, and this sobering message and 'secret' based on the words we say every morning is a most powerful and convincing lesson.

In addition to being the fearsome יום הדין ‘day of judgement’ which it is, Rosh Hashono has another frightening aspect to it as well. Each year, as Rosh Hashono approaches so swiftly, it dawns upon us how quickly the year has gone by. It seems like only a couple of weeks ago that we were sitting at the Seder, and only a couple of months since the last Rosh Hashono. These feelings of ‘life fleeting by’, are expressed during the chazoras Hashatz of Mussaf on both ראש השנה and יום כיפור immediately following the tefilla of ונתנה תוקף, where man is likened to a “כצל עובר וכענן כלה וכרוח נושבת וכאבק פורח וכחלום יעוף” “a passing shadow, a dissipating cloud, a blowing wind, flying dust and a fleeting dream”. However, as fast and rapid life is, man has been granted a generous and wondrous ‘retirement package’ for the “work” done during this period.

This reward will sustain him for נצח ונצח forever and ever, perpetually in עולם הבא The challenge of life is to realize, appreciate and act upon the opportunities which earn us 'respectable clothing' in the world to come. Once we appreciate and utilise life in this way, we will surely be granted by the מלך חפץ בחיים , בתיבה וחתימה לחיים טובים .

Another aspect of Rosh Hashono and the New Year, is the reflection on the events of the past year. This past year has been a difficult one for mankind in general and for Klal Yisroel in particular. Tragedies and disaster struck our nation to the very core. Meron, Karlin-Stolin, Florida, the rockets and incendiary balloons from the Gaza strip and the number of acheinu Bnei Yisroel, particularly in Eretz Yisroel, still being infected and (many) hospitalised due to the Delta strain of the Covid 19 virus. These tragedies have shaken Jews across the world to the core. The result of these 'shake-ups' should be - or more precisely 'must be' - an awakening call to us all to focus on how we can become better and kinder people. Even though we are unable to know the ‘precise’ reason for these misfortunes, we are instructed to react to change and become better in any and every way we deem fit as noted in the words of the Rambam at the beginning of Hilchos Ta’anis' which we have quoted many times in the past. ge.

In addition to the pain resulting from the bone-chilling news of the aforementioned suffering abroad, our communities in Australia are experiencing their own difficulties and challenges due to the harsh and lengthy lockdown 'restrictions' which are still in effect. The situation has had an effect on our physical and emotional well being and our spiritual pursuits



with Shuls and schools in lockdown. Nevertheless the phenomenal desire and thirst for Torah, tefilla, shiurim for men, women, and children is truly inspirational. Davening at home during the Yomim Noroim can be disheartening, but our instinctive resilience will no doubt create a positive environment to make the davening heart warming and inspirational.

I would like to take this opportunity to thank the Heichal HaTorah board for their time and efforts invested in the running of the shul and its projects, There are many others who assist in their special and often quiet way, particularly with running the shul and its minyonim for adults and youth, and delivering shiurim etc which was extra burdensome due to the lockdowns. May the berochos destined towards *oskei be'tzorchei tzibbur be'emunoh* come upon all of you.

Wishing all a healthy, prosperous, sweet new year

אבה וחתומה טובה and a Gut Shabbos and Gut Yom Tov

מאד מאד
מאד מאד

Rav M Donnebaum



**Heichal Hatorah wishes all of Klal Yisroel a
Kesiva V'Chasima Tova
and
a safe, healthy, prosperous, and sweet New Year.**

Lastly, thank you to the Rov for the guidance you have given us over the past year. The Rov puts in tireless efforts to help our members and Mispallelim in all aspects of their lives and is available 24/7. We cannot thank the Rov enough for the efforts he and his family put into our Shul.

Wishing all of our members and Mispallelim a K'siva V'chasima Tova and a wonderful year ahead.

The board



Message from the Board of Heichal HaTorah

Dear Members and Mispallelim

Thank you all for the wonderful support you have given to us over another tumultuous year.



Boruch Hashem, we were able to have many normal Shabbosim as well as Pesach and Shavuos in Shul. Our learning on Shavuos night was a sight to behold. To see so many men and boys all learning together, to finish one Mesechta together, was inspirational. And of course, the Siyum sponsored by and held at the home of Ruvi Herzog, was quite extraordinary. We thank him and his family for their generosity and care that they have shown to Heichal Hatorah.

We were also able to offer some exciting day trips for our youth, and our boys' minyan and Shalosh Seudos has been going strong. Thank you to our youth director, Tzvi Kinderman, for all your efforts.

We thank Shalom Malka and Oneg for sponsoring dips every week, and Avishai Josephson for the help he gives us in running the administration aspects of our Shul. Thank you to our incredible Balei Teffilah, and especially, Rabbi Alexander Holzer who is always there to Daven, Lein, speak or explain the Minhogim of the Shul

In last year's newsletter we included details of the proposed building on Orrong Road. Much has changed since then. We have been working closely with architects and town planners to consider the best path forward for our Shul.

We have a firm view that we must upgrade our facilities. We are considering all of our options. We may ultimately proceed with developing Orrong Road, or we may upgrade our current premises on Hotham Street.

There are numerous factors that go into deciding which of those options we will proceed with. At this point, there is nothing to announce in relation to that, other than the fact that we are working tirelessly to ensure that at least one of those options can proceed. Unfortunately, these processes are slow. But, rest assured, we are working on it.

In the meantime, the Shul owns two properties, both of which are increasing in value, and that will ultimately assist us financially.

Members and Mispallelim are more than welcome to approach any board member to discuss these matters with us. We are more than happy to share the relevant information.



Rabbi Wachsman's pre *nei'la* message אתה נותן יד לפושעים

cited by the Rav in a
recent drosho

Rabbi Waxman once davened for the Amud on Yom Kippur in a certain Yeshiva. Before Neilah, he was asked to speak to the congregation to give them spiritual arousal before the final prayers of Yom Kippur. He related the following parable.

There was once a person who had to travel by train between two cities. He inquired as to the price and was told that there was a sliding scale. A regular seat in "Coach" was a certain amount. First class was quite a bit more. However if he would arrive at the train station 4 hours before departure, he could purchase a first class ticket for the same price as coach. The fellow was not keen on spending four hours at the train station waiting for his train so he decided to forgo the first class ticket.

He was then told that if he would arrive 2 hours before departure, he would be guaranteed his choice of coach seats. After that it would be first come, first served. But again he said to himself "Why do I have to go there 2 hours early, waste my time, and sit around? So I won't get my choice of coach seats!"

He was then told that if he arrives a half hour before departure, all the seats will have been sold. The train will have standing room only available. "But," our passenger figures, "it is a short trip. What do I care if I need to stand? I'll come a half hour early and will buy a standing room only ticket."

As things have it, he does not come 4 hours early. He does not come 2 hours early. He does not even come a half hour early. He comes at the last minute. He comes down to the platform and the train is leaving. He starts running and running after the train and he sees that the conductor on the caboose is holding out his hand. If he can just latch onto the conductor's hand, the conductor will pull him onto the train. He runs and runs and tries to grab that hand.

Rabbi Waxman then quoted the sentence from our liturgy "You send forth your hand to sinners" (אתה נותן יד לפושעים). Rabbi Waxman explained that Neilah represents the idea of *Ata nosen yad l'poshim*. One who waits until Neilah to do Teshuva is like the passenger running after the train to try to grab the conductor's hand.

Rosh Chodesh Elul is like 4 hours before the train leaves. That is when a person can get first class for the price of coach. Rosh HaShanna is like 2 hours before departure time – when a person can still get his selection of coach seats. The Ten Days of Repentance is first come first serve. The earlier prayers on Yom Kippur are like "standing room only." However Neilah is already "Ata nosen yad l'poshim".

Rabbi Waxman then said to the Yeshiva students "My friends, now is the time for "You stretch forth Your hand to the sinners." He proceeded to daven Neilah from the Amud and felt that the atmosphere throughout the room was highly charged with spiritual emotion.



SPECIAL REMINDERS

TISHREI 5782

MELBOURNE SYDNEY LOCKDOWN

As of this writing, it seems that some members of acheinu Bnei Yisroel, especially those living in Sydney and Melbourne Australia, will be unable to daven on Rosh Hashono with a minyan due to lockdown restrictions. We are all hopeful that the situation will change, but in case that this will be the case, we have noted below some relevant halochos/minhogim which apply when in this situation.

EREV ROSH HASHONO

Tachnun is said during selichos even after daybreak, notwithstanding that it is erev Yom Tov. During Shacharis Tachnun is not said.

Common custom is that the Shofar is not blown on Erev Rosh Hashono. Those who need practise to blow shofar should do so prior to Erev Rosh Hashono. However if one didn't manage to do so or needs more practise, he may do so in a private area.

Hatoras Nedorim

Where Hatoras nedorim on Erev Rosh Hashono cannot be performed in the regular manner in front of three people, one may rely on the Poskim who permit to do so via telephone or Zoom. This is better than utilising a shaliach.

ע"י בשיעורי שבט הלוי על מס' נדרים שמתפק אס אפשר להתיר ע"י הטלפון ומסיק שבאופן שכבר נעשה מעשה בודאי יש להקל אבל להורות לבתחילה ולעשות כן

עדיין צ"ע ובשו"ת שבט הקהתי ח"ד ס' רל"ט מיקל בזה, ובפרט באופן של שעת הדחק יש להקל. אבל מי שיש לו נדר שרוצה להתיר לבתחילה יש לחכות עד שיזדמן לו ג' אנשים אם אפשר לחכות

One may use family members for a 'beis din' of hatoras nedorim as long as they are of qualifying age (see below).

Tevila

Someone who is unable to be *toivel* in a mikve due to the lockdown, should utilise the *tisha kabin* process. This is discussed in the main **Reminders** section (on page 15). Tevila in a swimming pool is better than a nine kav shower. The filter should be turned off prior to tevilah. Needless to mention, that a swimming pool cannot be utilised for one requiring a tevila d'oraiso.

Simchas Yom Tov

In addition to the general obligation of simchas Yom Tov as noted below in the 'Reminders' section, this year **one should 'go the extra mile' with regard to this mitvah**, in order to increase and intensify the pleasant ambience in the home over Yom Tov.

Tefillos

Those who are davening over yom tov in their homes should ensure that the tefillos are performed with decorum and respect and in an orderly fashion - dressed properly (as if one was going to shul), at set times. One should be conscious of the *sof zman krias shma* and *sof zman tefila*.



- Where one is davening with their family members, with a little preparation prior one can make the tefilla meaningful and productive. The family should daven together at the same time.
- Parts of the tefilla can be shared by the various members to lead with the nusach and well known tunes.
- Niggunim and songs should be prepared and noted in the machzor at which point which song/niggun will be sung. Family members should be encouraged to participate in order to create an atmosphere that one is accustomed to when davening in shul.
- The above points are very important for children who may be missing out on 'Yomim Noroim in a shul' for the second year.
- If practical, new Rosh Hashono machzorim can be purchased and distributed prior to the tefilos. Hopefully this may create some extra motivation.
- Those 'leading' the minyan eg the father, should ensure to prepare nice divrei Torah and stories on Rosh Hashono, Tekias Shofar, the leining and haftoras etc to keep the 'audience' motivated and focused during the 'breaks' eg between shacharis and musaf. Ideally, the one 'leading' the minyan should draw up a schedule in order that the day's events run smoothly and efficiently.

Preparing the Room

One should endeavor to arrange the home-davening in the most dignified manner possible. One should designate a quiet place to daven MB 90:59. Members of the family should preferably daven together in one room at one time and chairs should be set out accordingly. 'Sitting' on a couch usually does not conform with the decorum of the tefillas or the sombre tone of the day.

Pictures should be removed (or covered) from the front of the room (the wall that one is davening and bowing towards during tefilla).

When davening Shmone Esrei at home one should still **daven quietly to themselves**, even if there is nobody else in the room. Even where one is able to have more kavono when davening aloud, it is nevertheless discouraged where one can have '**basic**' kavono (Mishna Berura 101:8). However, where one who davens quietly is unable to have even 'basic' kavono there is room for leniency. A shailo should be asked. (See Biur Halocho ibid s v d'osi). On Rosh Hashono and Yom kippur there is more room for leniency to daven aloud.

Upon **retreating the three steps** after Shmone Esrei one should wait as long as it takes the shliach tzibur to reach kedusha as noted in Shulchan Oruch OC 123:2. See MB 11 for more details.

According to some Poskim (מהר"ם בנעט בח')

התרת נדרים....

Hatoras Nedorim will be available via zoom on Erev Rosh Hashono, Monday morning.

Details will be posted on the Heichal group chat.



(מהר"ם בנעט ברכות י"ח ע"א ד"ה בן עזאי there is a benefit to daven with another person rather than davening alone. Two people are also included in the possuk "הן אל כביר ולא ימאס", and we have a rule that מיעוט רבים שנים so even two people would be included in this (even though it is not considered tefilla b'tzibur).

Piyutim and Yotzros may be said without a minyan [even those containing Hashem's name], but not in the middle of a berocho eg. during birchas krias shma. (MB 68:6).

While saying **Oleinu during the piyutim on Rosh Hashono or while saying the Avodah of Yom Kippur**, one should bow as is customarily done on shul. One should place something on the floor prior to bowing not withstanding that the floor is carpeted. If the floor is marble or stone this is of outmost importance.

Ovinu Malkeinu may be said as well.

Krias HaTorah : On days when there is Krias Hatorah, some Poskim note that one should read the kria from a chumash. (Ketzos Hashulchan 25:14).

TEKIAS SHOFAR

When davening without a minyan, Shofar should not be blown before three hours in the day.

When purchasing or trying a shofar, it is important to note that one must try it many times (preferably over a few days) to see if it suits them and if it blows easily.

The importance of 'practise' cannot be overstated.

When blowing in a non-shul setting, one listening 'on the side' is not yotze unless the baal tokea is aware of their intention to be yotze.

Blowing shofar, even if only for oneself, does not only depend on the ability to blow, **rather one must know the halochos as well**. (To drive a car one must know the road rules. The knowledge and talent of driving a car alone does not allow

one to drive a car).

If one cannot blow themselves and must hear shofar from another person, there is a slight preference to hear shofar before they daven musaf. However one is permitted to daven first (after 3 hours) and hear shofar after Mussaf [OC 592 MB 7].

When davening without a minyan, **one does not blow at the end of Malchiyus, Zichronos and Shofros** in their quiet musaf. OC 592:2 see also Hil Chag B'Chag 13:15.

BREATHING

It is important to breathe before and after each Tekia.

With regard to SHEVORIM-TERUA ;

If blowing 30 blows then Shevarim-Terua should be blown in one breath with a very brief pause in-between

If blowing 100 blows then for the Tekios D'meyhushav (first 30 blows) - Shevarim-Terua should be blown in one breath with a brief pause in-between and Tekios D'meumad (or next 30 blows) - Shevarim-Terua should be blown in two breaths. For the final Tekios D'meumad (last 30 blows), Shevarim-Terua can be blown either in one or two breaths

NOISE DURING TEKIOS

When blowing outdoors one must be mindful that there might be noise of a car truck bus workmen etc **which may impede and interfere with those listeing to the shofar**. Even if the one blowing heard all the tekios, those standing further away may have missed a part of even one of the blows.

Often, people in a crowd will be ashamed to put up their hand to advise that they had missed hearing some of the tekios, so it is a part of the baal tokea's duty to be alert to noise which may interfere and act accordingly.



At times, repeating a particular blow due to the noise took place will not rectify the situation, and the entire line must be repeated².

100 Blows

Although in a shul setting we blow on Rosh Hashono 100 blows, there are various opinions whether one should follow this custom while davening without a minyan. Therefore, once having heard the 30 basic blows, the remaining 70 are optional. One does not need to hear them, but there is no shailo of 'blowing in vain on Yom Tov' if one does want to do so. (See MB 586:9 and SHa'ar Hatzion 20)

The davening at home will no doubt not take as long as in shul. One should therefore bear in mind the *kedusha* and *avoda* of this awesome day and utilise the time properly. **תלמוד תורה** **כנגד כולם** - and in addition to one's regular learning schedules, one should arrange extra learning time with family members and oneself.

Selichos Yud Gimmel Middos - Without Minyan

The entire 'selichos' may be said on Yom Kippur night and during Ne'ila without a minyan excluding two parts - **the Yud Gimmel middos shel rachamim and the Aramaic sections**. However, if the Yud Gimmel middos shel rachamim are said with the 'ta'amei

¹ For example if there was noise during the shevorim of TSHAT, and some attendees didn't hear the shevorim, repeating the shevorim again will invalidate the tekiah and Shevorim for those that were closer (or the baal tokea) who did hear the shevorim. See 690:8.

hamikro - trop' (ie not *b'derech tachanunim*) they may be said without a minyan as well. As a result, a baal tefila who is able to say the Yud Gimmel middos with ta'amei hamikro - trop loudly so that other can follow and say it as well in this manner.

Those who customarily use a chicken for **kaporos**, may use another option (fish or money) if they are unable to acquire a chicken as per their regular custom. Most machzorim have the alternate announcements for money.

Kol Nidrei may be said without a minyan.

Yizkor may be said without a minyan (Gesher Hachayim 31:2:6). One should remember to pay the nedovo that they mentioned during the yizkor. Preferably this should be done soon after Yom Tov.

The Shofar blowing following Ne'ila is customary and not obligatory. Therefore one does not need to go out of his way to hear it if they don't have a Shofar or are unable to blow it.

COMPILED BY RAV M DONNEBAUM

**Anyone requiring to hear Tekias Shofar
on Rosh Hashono should please contact the Rov**



Reminder

“REMINDERS”

ROSH HASHONO & ASERES YEMEI TESHUVO 5782

Reminder

BIRCHAS HO'ILONOS

The *Minchas Yitzchok* (10:16) and other Poskim state that one may *lekatchila* recite the *brocho* of birchas ho'ilonos during the months of *Elul and Tishrei* in the southern hemisphere, where spring occurs in these months rather than during *Nissan*¹.

However, the blessing may be recited only once per year, so if someone is in the northern hemisphere for *Pesach* and the southern during *Elul/Tishrei* only one *brocho* can be said.

PRE YOM TOV

The concept of **assisting those in need** towards their Yom Tov requirements, applies to the month of Tishrei as well, as mentioned in the possuk in Nechemia (8:10) ושלחו מנות לאין נכון לו². One should therefore donate to local charities generously.

At this time of the year one should arrange the **inspection of Tefillin and Mezuzos** which are due to be checked. The *batim* and *retzuos* should be checked as well.

¹ This assertion is based on the words of the Ritva who says “each place and place”.

² In fact the Pri Chodosh 581 says that one should send Mishloach Monos before Rosh Hashono.

A *tallis godol* should preferably be washed/cleaned by a Jew (OC 21:3).

There is a custom noted in Shulchan Oruch of visiting kevorim during these days. Many Poskim **caution that one not daven to the meisim at all**, rather to Hashem that He listen to our tefilos in the merits of those buried at this place³. Some permit davening to the tzaddik that he daven to Hashem on their behalf⁴.

EREV YOM TOV

Those **fasting on Erev Rosh Hashono** should preferably drink before *Alos Hashachar* (this year 4:41am) (OC 581:2)⁵. Some Poskim are of the opinion that this does not apply when fasting only till *chatzos*⁶. Someone who regularly fasts on Erev Rosh Hashono does not need to accept the taanis during Mincha the previous day⁷.

³ Maharil. hil Taanis, quoted in Be'er Heitev OC end 581. Others note that one daven there to Hashem as it is a holy place (see Bach YD end 217) or that Hashem arouse the Tzadik that he daven on behalf of the living (Tosfos SOfah 34b sv Avosai).

⁴ Shut Minchas Elazar 1:68 based on the Zohar.

⁵ We noted ‘drinking’ since kabbalistic writings warn against eating before alos hashachar (Zohar as cited in Elef LeMagen 581: 92).

⁶ Rav Elyashiv's opinion is that if fasting only till chatzos and not till after Mincha, one should say this verbally in his kabolat tanis. Ashrei Holsh 13:28

⁷ MB 562:9 & 581:16. Rav Elyashiv rules that one should be mekabel during mincha since nowadays not everyone fasts on this day. Ishei Yisroel 45 fn 64

ליהנות

This word mentioned in the Birchas Hoilonos is commonly pronounced with a tzeirei and kometz – lei'honos. This is popularly printed in many siddurim. However some are of the opinion that the correct pronunciation is with a chirik and pasach – li'hanos.



Common custom is to fast until chatzos (She'ilas Yavetz 2: 147). However some Poskim advise to eat only after having recited Mincha (Machatzis HaShekel 562: 1) while others rule that those who have the strength should fast until plag haMincha, an hour and a quarter before sundown (Mishnah Berurah 562: 10). Where fasting will adversely affect a person's davening, he should not fast (Ya'aros Devash).

If required, one may blow shofar at home on erev Rosh Hashono in order to practise⁸.

Adjust **shabbos clocks** to Yom Tov meal times.

Newly purchased Machzorim sometimes have teh pages attached. Since it is prohibited to separate them on Rosh Hashono, one should do so before Yom Tov.

One should set aside time to familiarise themselves with the seder tefilos and piyutim in the machzor which are said during the tefilos of Rosh Hashono.

Hatoras Nedorim

One may rely on the customary ***hatoras nedorim*** on Erev Rosh Hashono only where they are not aware of any specific ***neder*** (vow) they may have made. Where they are aware, they should contact a Halachic authority

who will direct them through the *pesach & charoto* process. Similarly, the *modo'e* at the end of *hatoras nedorim* is not an absolute 'remedy'. A shailo should be asked as to what types of situations it can be applied to (see below).

The **three men** comprising the *hatoras nedorim beis din*, may be relatives. They should be 'grown up'- see footnote⁹.

The requirement of 'grown up' applies to Bar Mitzva boys as well. They need to utilise the service of a 'full fledged' beis din and cannot form their own group.

Mesiras Modo'e

The Hatoras Nedorim on Erev Rosh Hashono customarily concludes with a *mesiras modo'e* declaration which states that "*I cancel from this time onward all vows and oaths that I will accept upon myself... and that all of them are totally null and void, without effect and without validity*". Although the Rema rules in Shulchan Oruch¹⁰ that one not rely on this with regard to a *neder* (and should therefore seek a specific *hatoras nedorim*), Harav S.Z.

⁹ A bar mitzvah boy may not be of age for this task. This is comparable to the halocho concerning Kiddush where the Magen Avraham says that since women are obligated in Kiddush Min HaTorah and a *koton* cannot be *moitzie* them, even a Bar Mitzvah *bochur* cannot be *moitzie* them. There is an assumption that when someone turns Bar Mitzva, there are two pubic hairs rendering the Bar Mitzvah a Gadol. This assumption can only be relied on concerning Mitzvos DeRabanan. See Shevet Halevi 4:54:3
¹⁰ YD 111:1 & 2

⁸ See MB 581 :24.

כחו של דף גמרא

הרבי מסאכטשוב אמר בשם חותנו האדמור מקאצק זצ"ל אשר דף גמרא מטהר כמו מקוה טהרה, שהרי היא מטהרת את בשרו ודמו של היהודי



Auerbach¹¹ rules that *me'ikar hadin* it covers any *minhog tov* (custom) that was undertaken without a *bli neder*. He nevertheless advises that it is preferable, that even with regard to a *minhog tov* custom one seek a *hatoras nedorim*¹².

One must understand the announcements of *shimu no rabbosai* and the *mesiras modo'e* in order for them to take effect¹³.

WOMEN

Although women customarily do not perform the *hatoras nedorim* on Erev Rosh Hashono, it would be advisable for any woman to recite the *mesiras modo'e* declaration, even to herself, thus preventing questionable situations in the future.

Women¹⁴ who are aware of a *neder*, must approach the '*beis din*' either personally or appoint their husband as their agent. (No other family member can act on their behalf).

Simchas Yom Tov

Incorporated in the mitzvah of *simchas Yom Tov* is the obligation that the head of each household ensure that his spouse and children are especially joyful during *Yom Tov*. This is performed by purchasing sweets/toys for the children and new clothing/jewellery items for one's wife (OC 529:2). Poskim discuss whether this mitzvah is limited to the three *chagim* or if *Rosh Hashono* is included as well¹⁵. All agree however that there is a mitzvah to eat meat and special food and beverages.

11 Halichos Shlomo. RH 1:9 and Minchas Shlomo no 91 based on Teshuvos Salmas Chayim 2:38.

12 Orchos Halocho 1:37

13 Alternatively, they may be said in another language.

14 Some have a *minhog* of customarily mentioning that they are a shliach of their wives prior to *hatoras nedorim*. This is not the prevalent custom.

15 Mishna Berurah 597:1 says that *simchas yom tov* does apply to *Rosh Hashono* but in 547:4 the MB quotes a Yeshuas Yaakov who says that there is no mitzva of *simchas Yom Tov* on *Rosh Hashono*. See Kovetz Halocho 7 fn4.

Tevilas Keilim

A honey dish which has a glass dish in a silver bowl requires *tevila* if it was manufactured by non Jews. Only the glass bowl needs to be immersed. The lid may require to be immersed as well if it comes into contact with the honey.

HAIRCUT & TEVILLA

The custom of having a hair cut on Erev Rosh Hashono, is sourced in the Yerushalmi (cited by Tur 581). Similarly we bathe and put on fine clothing for the sake of honouring the *Yom Tov*. By doing this we show complete confidence that HaShem will perform a miracle for the Jewish nation as a whole, and pronounce us innocent in judgment.

While taking a haircut one should have intention to **fulfill the mitzvah** of not removing the peyos and the Mitzvah of honoring *Yom Tov*. Upon paying the barber following the haircut, one should have intent to fulfil the Mitzvah of paying a worker for his job on the same day



As noted one should wear fine clothing, however it is preferable not to wear **normal Yom Tov attire**. Clothes that are elegant but not overly lavish help maintain a proper balance between rejoicing in *Yom Tov* and remembering the serious nature of *Rosh HaShonoh*.

An age old custom is to be **toivel** on Erev *Yom*



Tov. The Maharil states that one should do three tevilos. The Mishna Berura states that this should take place no earlier than the fifth 'halachic' hour in the day. However one should avoid attending the mikva with a father, father in law or sisters' husband (brother-in-laws who married two sisters are not included). This prohibition includes the dressing room as well¹⁶.

Someone who is unable to be *toivel* in a mikve due to illness or a lockdown,



should utilise the *tisha kabin* process (approximately 12.5 litres according to R' Chaim No'eh and 21.5 liters according to Chazon Ish). Common custom is to consider a 3 or 4 minute shower¹⁷ as *tisha kabin*¹⁸. While the shower is on, one stands straight, with both hands folded on their chest, but not pressing on their chest and not pressing on the side of the trunk¹⁹.

Cooking for Rosh Hashono

In order to alleviate the inconvenience associated with Yom Tov cooking (of not being able to extinguish the flame), one may use a **gas cartridge stove**. Since the gas

supply is limited to the gas contained in the canister, one just lets the flame burn until all the gas in the canister is consumed. Subsequently, it is permitted to **replace the gas canister** on Yom Tov²⁰ in order to cook for another Yom Tov meal²¹. Obviously one handles this appliance as a conventional gas stove that it must be lit from an existing flame and may not be extinguished or lowered. **In the past, this product has been removed from the shelves of local stores due to a safety concern. It has since been returned, but one should ensure that there is a current certification label on the product advising of its safety status²².**

Leaving on a gas flame for an extended period is not recommended. If one must do so, they should ensure that they have a working **carbon monoxide sensor/alarm** installed. Even leaving an electrical appliance for example a hot plate for 'days' should be avoided if possible. Shabbos timers should be employed²³.

Lemon juice may be added to a dish which will be eaten on Rosh Hashono as long as it is only a small amount to enhance the flavour and the dish remains with a pleasant non-sharp taste²⁴. Similarly one may add pepper and onion to dishes²⁵. The custom of not eating **nuts and adding nuts to cakes etc** is

16 See Shulchon Oruch EH 23:6 Halichos Shlomo (Rav Shlomo Z Auerbach) Bein Hamtzorim ch 14 fn64 and Shut Shevet Halevi 7:202 and 8:272. However see Oruch Hashulchan EH 23.

17 The Machatzis Hashekel rules that a keili is required for the tisha kabin process. Consequently, some Poskim question the efficacy of a shower since it may not be considered a keili because it is connected to the ground or because the pipe is open on both ends. See Chelkas Yaakov 119 who rules that it is a keili. Others question the requirement of *koach gavro* for this process. See Chelkas Yaakov 118. However Teshuvos VeHanehogos 1:123 is machmir lekatchila.

18 9 kabin of water works out to 12.5 liters (R' Chaim No'eh) or 21.5 liters (Chazon Ish). A standard (non water efficient) showerhead uses approx 12 - 22 litres per minute. A water saving showerhead uses 9 litres per minute or less. The Minchas Yitzchok 4:21;3:16:11 says that one can 'measure' their shower by filling a container of water when the shower is on as one would regularly have a shower.

19 Mishna Berura 88:4 and Kaf Hachayim OC 88. The Kaf Hachayim adds that there should be water on the floor beneath ones feet.

20 One must replace it on the same day ie replace on second day for second day cooking. Replacing on first day in preparation for second day cooking is prohibited because of hachono.

21 Since the gas cartridge in these stoves is not screwed into place, rather pressed and 'locked' into position with a simple lever and spring and is removed when empty, it is permitted to remove and insert on Yom Tov. Additionally, when it is not going to be used for a period of time, it is removed from the stove, as per the manufacturer's instructions not to leave gas cartridge in when not in use'. For a further discussion, see Heichal HaTorah Sukkos 5773 booklet.

22 The certification number can be verified by checking the number in the national database of certified gas appliances

23 One following the psak of rav Moshe Feinstein that timers should only be used for lights should ask a shailo.

24 Piskei Teshuvos 583 fn30 citing dipping in salt as a proof. Mekadesh Yisroel 111 applies this to lemon in a tea as well.

25 Nitei Gavriel 28:11 in the name of the Oruch Hashulchan.



discussed in a separate article.

Those eating out an evening Yom Tov meal should be aware of the various **candle lighting location options**. If lighting at home they should ensure that they benefit from the candles after dark, or after returning home. (If an additional 24hr candle was lit as part of the Yom Tov candles, benefiting from this light will suffice for this purpose).

When driving to shul on *Erev Yom Tov*, one should be aware of the **weekday parking restrictions**.

ROSH HASHONO

One should **daven slowly and with extra kavono** as a result of the awesomeness of the day.

If one is not sure if they have said **Hamelech Hakodosh** on Rosh Hashono, they should not repeat the tefilla²⁶. During the *aseres yemei teshuva* one does repeat the tefilla unless they know that when they began shmone esre they were conscious about saying it and the doubt only came about a long while after they completed their tefilla²⁷.

If one forgot "*zochreinu*" "*mi chomocho*" "*u'chesoiv*" or "*besefer*" they should return

²⁶ Although the Mishna Berura leaves this as a question, others rule as above.

²⁷ See MB 114:38



and say it as long as the "Hashem" of 'Boruch ato Hashem' has not yet been said. Once the Hashem of the 'Boruch ato Hashem' has been said, the berocho should be concluded²⁸ and there is no need to repeat the berocho or tefilla.

Yom Tov Meal

There are various customs with regard to dipping the **challa in salt** on Rosh Hashono. Some dip only in honey while others dip in salt as well, but not at the same time ie different sides of the piece of challo are used for the salt/ honey. Others dip first into honey (and eat) and then into salt (and eat)²⁹.

Common custom is to make the brocho on the apple once it is dipped in honey³⁰. Since the apple has its own *ramozim* for Rosh Hashono it is not considered a *tofel* to the honey³¹. (Some Acharonim note that rather one only place a thin coating of honey on the apple³²).

It is unclear if the '*simonim*' customarily eaten on Rosh Hashono night during the

²⁸ "lamdeinu chukecho" should not be inserted as this is only done where the omission requires one to repeat the shmone esre.

²⁹ See Salmas Chaim 326. There are opinions that the dipping into salt is first. Kaf Hachaim 583:4.

³⁰ Chayei Odom advises otherwise in order to avoid the shailo of ikar ve'tofel.

³¹ Mishna Berura 583:3.

³² Sharei Teshuva 5832

סוד גדול מהשל"ה הקדוש

It is brought down in the name of the Shela Hakodosh that one endeavor to connect the outgoing year and the incoming new year with Limud Torah.



meal require a *brocho rishono* or if they are considered a part of the meal. In order to avoid this *shailo*, it is advisable to make a *brocho* on a vegetable (eg banana) which is definitely not part of the meal, and be *motzi* the other vegetables³³. (The *brocho* on the apple will be *motzi* the 'fruit' *simonim*). Alternatively, some suggest making a *brocho* on one of the *simonim* immediately following Kiddush prior to washing. These berochos **will include the desert** as well (unless the desert is a shehakol). *However there are those that question this minhag of eating the simonim prior to washing because of the obligation to wash ones hands prior to eating a fruit (the apple) dipped into one of the seven liquids, which includes bees honey. (MB 158:14)*

Simonim which require checking from bugs should be checked thoroughly. Recently in the US, black eyed peas/beans were recalled due to bug infestation.

One should be mindful of the laws regarding the **order of brochos**, since the *simonim* include fruits of the **מנינים**. Rav Shlome Zalman Auerbach rules that one should say the Berocho of borei pri ho'eitz on the date and not on the apple dipped in honey³⁴. Other Poskim advise that when making the *brocho* on the apple first, the **מנינים** fruits should not be placed on the table (or are covered). One should still have in mind to be yotze *all* fruits that will be eaten throughout the meal. [Rav Shlome Zalman Auerbach advises that if someone 'likes' the vegetable *simonim* over the fruit *simonim*, they should only be brought to the table after the berocho of ho'eitz has been said³⁵].

The יהי רצון should not be said immediately following the *brocho*. One should eat a small

amount³⁶, then say the יהי רצון and then eat some more. (Some have the custom of saying the יהי רצון before the *brocho*). It is important to note that one only begin the *yehi rotzon* once the first bite is swallowed³⁷. The Shlo Hakodosh writes that one should be *meharher b'tshuvah* when reciting the יהי רצון.

The Mishna Berura³⁸ quotes from the Vilna Gaon that **grapes** are not eaten on Rosh Hashono. Others cite that the minhog is to eat them³⁹.

Although one must always be careful that the **discussion at mealtimes** (and other times) should not include forbidden or idle speech, on Rosh Hashono one must be extra vigilant to do so. Ideally one should discuss the laws and message of the Yom Tov and other divrei Torah.

Many have the custom of learning **Mishnayos Meseches Rosh Hashono** during the meals, one perek at each one of the four meals.

A woman **who forgot ya'ale ve'yove** during *birchas hamozon* does not need to repeat it⁴⁰.

Some follow the custom not to consume certain liquids (primarily water, wine or milk) that were **left uncovered without supervision** even for a short amount of time - both during the day or during the night. The Gemoro (Chulin 49b) includes honey (of bees) in this group of liquids⁴¹. Since during

36 The Kitzur Shulchan Oruch 129 says that one eat a kezayis.

37 See MB 167:34. This is in addition to the reason of not talking while eating.

38 600:4

39 Mate Efraim 600:6

40 With regard to all Yomim Tovim except for first night Pesach there is a machlokes haposkim. Since *safek berochos le'hokel*, it is not repeated. (Nitei Gavriel 30 :10 suggests that regarding Rosh Hashono there is more reason not to repeat).

41 The Sages prohibited one to consume certain liquids that were left uncovered without supervision for [during the day or during the night] even for a very short amount of time out of concern that perhaps a snake placed some venom into the liquid and one will come to drink it and may die. Since nowadays snakes are no longer commonly found amongst us it is permitted to drink liquids that remained uncovered.

33 Ashrei Holsh 14:8

34 Halichos Shlome 1:17.

35 Halichos Shlome 1:17 DH 27



these days of aseres yemei teshuvah one should accept certain stringencies, there is room to be machmir that the **honey dish be covered** in between meals.

Shacharis

During *pesukei de'zimro* one should **not announce HaMelech** (with the chazzan) unless one is at that point, at that time.

Someone who is **davening at home** should endeavour to daven the *amida* of shacharis at the same time as the *tzibbur*⁴². This is especially true within the first three hours of the day⁴³ (*sof zman krias shma*). Mussaf should only be said after the first three hours. Ideally, someone at home should daven at the same time.

Tekias Shofar

In many communities worldwide, it has been accepted to eat before תקיעת שופר. However eating **more than an egg size** of *mezonos* is

There is alot of discussion amongst the Poskim whether there is any reason to be cautious with uncovered beverages nowadays - both from the nigle (the "open," talmudic meaning of the Torah) and the nistar (the secret meanings of the Torah) perspectives. Some Poskim rule that even today one should avoid drinking liquids that were left uncovered, especially in places where snakes are not that uncommon.

42 MB 591:14. See Sha'ar Hatzion 13 who discusses if this is relevant to the rest of the year as well. Shulchan Oruch Horav 591:14 is lenient with regard to Shacharis.

43 MB 591:14. See Sha'ar Hatzion 13 who discusses if this is relevant to the rest of the year as well.

at the very best, questionable⁴⁴. Additionally, Rav Shlomo Zalman Auerbach zt"l noted that only those that feel they need to eat should allow themselves to eat (anything) and that preferably this snack not be done as a 'public gathering' (Halichos Shlomo 2:1). Others refrain from eating entirely and there is no concern with fasting till chatzos on Rosh Hashono (MB 597:2). Alternatively one may drink water etc before beginning Shacharis. These *halochos* apply to women as well since they have accepted upon themselves this mitzvah⁴⁵. It is preferable that Kiddush be recited again prior to the Yom Tov meal.

Prior to *Tekias Shofar*, one **should have in mind to be yotze** the *mitzva de'oraisho* (Biblical) of *Tekias Shofar* (on first day) and to be yotze the *berochos* prior to the blowing.

One should ensure to hear the *entire tekio*⁴⁶, notwithstanding how long it is. This is relevant to those who say the *Yehi Rotzon* in between the *Tekios*, and the recitation of *Hayom haras olam* etc immediately following

44 For a frail person or where mussaf concludes in the 'very' late afternoon, Rav Shammai Gross allows one to eat up to 100 cc (quoted in the sefer 'lehaloch'). Rav Sh Kamenetsky has a lenient approach to this issue see Kovetz Halochos YN 9:1

45 Chaye Odom 141:67 Kitzur 129:19. Rav Sh Kamenetsky (Kovetz Halochos YN p134) is lenient.

46 One should concentrate on the *tekios*, however if one's mind wandered but still heard the (whole) *tekio* they are yotze. Ashrei Hoish

למחילה ולסליחה ולכפרה ולמחל בו את כל עוונותינו

יש להבין אחר שכבר הזכיר למחילה מה התוספת ולמחול בו את כל עוונותינו עוד צ"ב הרי יוה"כ אינו מכפר על כל העבירות אלא על עשה ול"ת וא"נ מהו כל

עונותינו

הגאון רבי דוד כהן שליט"א ראש ישיבת חברון ירושלים

קושיא הב' אפשר לתרץ דאף דאין יוה"כ מכפר לגמרי על שאר עבירות אבל על חלק ממנו מהפך ותולה לשאר הדברים שגומרים הכפרה



the *Tekios* during *chazoras hashatz*. In many communities the *tzibur* waits for the *makre* to begin *Hayom haras olam*.

Similarly, the *Baal Tokea* must make sure when blowing a 'long' **tekio gedolo**, that the last part of the *tekio* is loud enough for the entire *tzibur* to hear⁴⁷.

If someone did not conclude the *tehillim* /*pessukim* customarily recited prior to *tekias shofar*, it should not be said once the *berochos* on the *shofar* have begun.

One should **follow the order of the *tekios*** and be aware if the *tekio* is the first (one before the *shevorim* or *teru'o* or *shevorim teruo*) or the second (one after the *shevorim/teru'o*). This is relevant when the *ba'al toke'a* made a mistake in the *shevorim/teru'o* and is blowing over from the first *tekio*, where the *tzibur* may think that the *tekio* is the second one⁴⁸. In many congregations, the *makre* will not announce "*tekio*" when blowing over which would alleviate this problem, and/or **bang on the bima as a (prearranged) sign** that the current *tekios* are not the continuation rather just blowing over.

⁴⁷ At times, since the *baal tokea* is out of breath towards the end of this *tekio*, it becomes quiet. This is problematic.

⁴⁸ This does not depend on the *machlokes* *Rishonim* in 590:6 whether one must be aware which *tekio* is being blown, as that *machlokes* is where the *kavono* was to 'divide' the *tekio* [where the MB (590:25 & 35) is lenient, the *Shulchan Oruch* *HoRav* and *Ma'te Efraim* are *machmir*], whereas here the *kavono* was for a 'different' *tekio*. This is considered as a *tekio* without *kavono* (see *Shaar Hatzion* 590:23) . [However see *Mishna Berura* 591:35 seems to say otherwise. See *Dirshu* note 23]

In communities where this is not the case, prearranged 'signs' are not in place, *Rav Elyashiv* amongst others advises that one should have in mind to 'follow the intention of the *baal tokea*'.

Although *me'ikar hadin* all sounds of a *shofar* are 'kosher' (even if it changes in the middle of a blow), this does not apply to where the sound has changed due to something foreign in the *shofar*. Some *Poskim* note that the foreign substance must be dry in order to be a problem⁴⁹.

Coughing and sneezing etc should be avoided during the *tekios* and young children should only be brought if one is sure that they will be quiet for the duration of the *tekios* (MB 587:16).

A **child** who is able to be quiet for the duration of the 'required' *tekios*⁵⁰ is obligated to hear *shofar* from a *chinuch* point of view⁵¹.

One should ensure to say *musfei* in the plural during *mussaf* (even on a weekday) on both days *Rosh Hashono*. If one mistakenly said *musaf* (on the first day) and realised prior to concluding the *berochos*, they need to return

⁴⁹ *Kovetz Halochos* end perek 13

⁵⁰ eg The *tekios* blown before *musaf*

⁵¹ *Rav Elyashiv* in *Ashrei Ho'ish* 3:16:26. If the child is unable to attend *shul*, *tekias shofar* should be arranged at home for him. (ibid)

אלוה סליחות

Some people pronounce this as "Eloha Selichos". However, the correct pronunciation is "E-LO-ahh Selichos" The final hey follows the *pasach*, like the *pasach ches* in "someach". The correct pronunciation is "E-LO-ahh", (with the accent on the "lo") and with the hey pronounced at the end of the word, aspirated with a puff of air following the *pasach* 'ah' vowel (and not with the *pasach* vowel beneath the *heh*)



to the beginning of the berocho⁵².

Those blowing shofar for others who are unable to attend shul, **should learn the relevant Halochos** beforehand. An example of a common mistake is where an entire line of *Tekio Shevorim Tekio* is blown without making the necessary breaths / breaks in between (see OC 590:5). Or where a mistake is made, often one must go back to the beginning of the line. (see OC 590:7-8)

When blowing for others (once having been yotze oneself), **the berocho should be recited by the persons listening**. This is the case with regard to women⁵³. With regard to men, it is only a preference⁵⁴.

When blowing in a non-shul setting, one listening 'on the side' is not yotze unless the baal tokea is aware of their intention to be yotze.

When blowing outdoors one must be mindful that there might be noise of a car truck workmen etc which may impede and interfere with those listening to the shofar. Even if the one blowing heard all the tekios, those standing further away may have missed a part of even one of the blows.

Often, people in a crowd will be ashamed to put up their hand to advise that they had missed hearing some of the tekia/s, so it is a part of the baal tokea's duty to be

alert to noise which may interfere and act accordingly.

At times, blowing over the particular blow when the noise took place will not rectify the situation, and the entire line must be repeated⁵⁵.

Although Poskim note that it is permitted to use another person's shofar without permission⁵⁶, it is questionable whether this applies nowadays as well seeing that today people are more particular with regard to hygiene and use of their 'personable' objects⁵⁷.

Poskim dispute whether a woman who customarily has heard shofar on Rosh Hashono throughout her life, and is unable to attend due to an oines, **requires hatoras nedorim** or not⁵⁸.

A minor who has reached the age of chinuch who is unable to attend shul, **should endeavor to hear tekias shofar elsewhere** eg someone should blow at their home for them⁵⁹.

Although there is a dispute regarding a **woman's obligation to Mussaf** on Shabbos/ Yom Tov, on Rosh Hashono they are obligated⁶⁰.

REMINDER ME'OH BEROCHOS

One should be concious of their
meoh berochos count
on Rosh Hashono

The Avudraham notes that the word Modim
equals 100

The Baal Haturim notes that the tagin on the
word

52 MB 591:6 and Shaar Hatzion 6.

53 Many Poskim permit carrying a shofar in a large city (where there is no eiruv) in order to blow for a woman. See IGM OC 3:94

54 See OC 589:6

55 For example if there was noise during the shevorim of TSHAT, and some attendees didn't hear the shevorim, blowing over the shevorim again will invalidate the TEKIA and Shevorim for those that were closer (or the baal tokea) who did hear the shevorim. See 690:8.

56 Achronim cited in the MB 586:9

57 See Aruch Hashulchan OC 14:11 with regard to borrowing a talis.

58 See Kaf Hachayim OC 589:34 who is machmir, Salmas Chayim 234 is meikel. See Kovetz Halochos 11:4.

59 R Y Sh Elyashiv

60 Hisorerus Teshuva 3 end 66



Once one has been yotze the mitzvah of tekias shofar, **the shofar may not be blown**⁶¹. One may not practise to blow for the second day Yom Tov. However one may blow if they want to be yotze other opinions of tekias shofar for example the opinion of Rashi. Children, even those who have reached the age of chinuch, may blow a shofar even after they have been yotze the mitzvah.⁶²

Sleeping on Rosh Hashono day is discouraged⁶³. The time should be used for limud HaTorah and tefillah. Some are careful to awaken before day break for this reason. Other's view this time as 'night' with regard to this issue⁶⁴.

Due to the unique association between the two days of Rosh Hashono, the *brocho* of ***Shehecheyonu*** recited on the second night of Rosh Hashono while lighting candles and Kiddush, is customarily said over a new fruit or new clothing as well. Where a new fruit is being used, the candles should be lit immediately before Kiddush, and the fruit eaten immediately following Kiddush without any *hefsek*.

One should endeavour to try to eat the (majority of the) first day Yom Tov meal before the tenth hour (approx 3:15 pm) in order to ensure an appetite for the evening Yom Tov meal.

Although on **Yom Tov sheini** certain laws of *refua* are relaxed (See OC 496:2) this does not apply to the second day Rosh Hashono.

MELOCHOS ON YOM TOV

Lowering a gas flame to assist in cooking

61 OC 596:1

62 Rema 586:1. There is a discussion if a child knows how to blow very well is permitted to blow shofar on Rosh Hashono.

63 RSZ"A permits one to sleep where otherwise they will not be able to have proper k'vono during tefilla. R Ch Kanievsky permits falling asleep in a chair.

64 Ashrei Ho'ish 14:11

i.e. the food will burn on the current flame, is permitted on Yom Tov where there is no possibility of lighting another (smaller) flame. However where this possibility exists, many Poskim agree that one is no longer permitted to lower the existing flame. (Rav Moshe Feinstein zt"l is of

the opinion that it is nevertheless permitted).

One must bear in mind that many **gas ranges** have **electric starters**, which would prohibit lighting them on Yom Tov. A simple solution is to switch off the power to the range and light the gas with a flame. The switch is generally located in the cupboard beneath the gas range.

Domestic **hot water** sourced from Instantaneous / Continuous Flow Systems (both hydro powered and pilot versions) may not be used on Yom Tov for any purpose. **The following halochos regarding taps and showers pertain to storage tank systems.**

Adults (of Ashkenazic decent) may not **bathe or shower** their entire (or majority of) body at once with warm water, even with water heated before Yom Tov. **Washing the entire body 'limb by limb' is permitted when using water heated prior to Yom Tov**⁶⁵. For example, utilising hot water from an urn (which has not been refilled since the beginning of Yom Tov) or a shower⁶⁶ (see footnote) where the

65 MB 511:18.

66 An issue has been raised with utilising a shower for this purpose as generally one runs cold water together with the hot water in order to get the right temperature. This means that the cold water emerging from the tap is being heated by the hot water often to a degree of yad soledes. As noted, bathing the entire body 'limb by limb' is prohibited with water heated on Yom Tov. As a result, one would need to ensure that the 'mixed' water does not reach yad soledes. Many Poskim agree that yad soledes is between 40 and 45 degrees Celsius l'chumra - see Igros Moshe (OC 4:74) who notes that it is proper to be stringent that 43 degrees is yad soledes, and Minchas Shlomo mentions 45 degrees.

Another issue with using a shower is as follows. The most common non-Instantaneous / non-Continuous Flow household water heating systems are the storage tank systems that automatically replace hot water with cold as you use it. Hence, when the hot water is turned on in the shower,



hot water in the home has not been used that much (and therefore one can assume that the hot water in the storage tank is the original hot water which was heated before Yom Tov).

Washing one's face, hands and feet is permitted even with water heated up on Yom Tov. Numerous Poskim permit turning on the hot water tap for this purpose⁶⁷ (even if the hot water in the storage tank is not the original hot water which was heated before Yom Tov).

Washing the minority of one's body with hot water is permitted. There are Poskim who permit heating water for this purpose as well on Yom Tov⁶⁸.

All of the above leniencies are not allowed in a bath or shower unless one is partially clothed⁶⁹. Where an adult is **extremely uncomfortable** with not showering for an extended period (and the hot water in the tank which was heated before Yom Tov has depleted as a result of its usage over the Yom Tov

cold water enters into the storage - boiler tank which is considered halachically bishul. Since this water is not being used for the shower (as the already cooked water in the tank is being used) the cold water being heated may be viewed as heating cold water not for a Yom Tov use. There are complicated rationale to permit this as it may be considered indirect (gromo) heating of the water, which some permit on Yom Tov (See Shaar HaTziyun 514:31; however see Mishnah Berurah 514:20) and there may be room for leniency since it is 'unintentional'. Others note that since the hot water will only exit from the tank into the home as a result of the pressure caused by the cold water entering, this 'bishul' may be considered l'tzorech Yom Tov. Numerous Poskim rely on these leniencies and permit turning on a tap on Yom Tov for a permitted use, notwithstanding that the cold water is being heated. The allowance noted in the article to use a shower is reliant on these Poskim.

In a scenario where the cold water being heated as a result of the shower will be used during (the same day) Yom Tov for a permitted Yom Tov use for example for washing dishes, washing face and hands etc, this second issue is not applicable.

67 Of the two issues noted in the previous footnote, the second issue applies here as well. The "Numerous Poskim" cited in this paragraph are the ones noted towards the end of that footnote. The first issue however is not applicable to this case since one may heat water for this purpose on Yom Tov.

68 See Biur Halicho 511:2 sv Avol. See also the previous two footnotes.

69 MB 511:9

Nuts During Yomim Noroim

Two Reasons for Minhag

The Rema (OC 583:2) in the name of the Maharil cites the minhog of not eating nuts on Rosh Hashono. He notes two reasons for this minhog;

1] Egoz is gematria chet (sin)

2] Nuts causes one to expectorate.



Egoz is commonly translated as a walnut. The Mate Efraim (583:3) states that Hazel Nuts are also forbidden (even) according to the first reason since they are called egoz as well i.e. egoz luz. The Mekor Chaim (Chavos Yair) seems to say that egoz luz are almonds. Hence, the word egoz which is gematria sin, includes walnuts, hazel nuts, and according to some almonds as well.

Although the first reason mentioned in the Rem" a only applies to these nuts which are called egoz, the second reason would include all other nuts (e.g. peanuts) or beans etc as well since they do cause one to expectorate. (See Mate Efraim ibid).

Differences Between the Reasons

Poskim discuss where the nuts have been crushed or cooked and then mixed into a dish or cake, if the dish / cake may be eaten on Rosh Hashono. The second reason definitely no longer applies, but the first reason may be applicable. Many Poskim are lenient, since the nuts have lost their 'identity'.

Another difference depending on these reasons, concerns the timing of this minhog ie when it begins (and ends). According to the first reason it would seem that it only applies to Rosh Hashono, a time when we 'conceal' and make no mention of sin. The second reason would apply to any day where we are *marbe be'tachnunim*. This customarily begins from the beginning of Selichos (and would continue throughout Sukkos and Simchas Torah). As a result, it would be logical to assume that the minhog to begin from Rosh Chodesh Elul, is linked to the custom of beginning Selichos from Rosh Chodesh Elul.

Apparent from the above discussion, one should refrain from all types of nuts etc during the selichos days. Practically speaking however, it seems that many people have only accepted the minhog (during selichos) with regard to those varieties which are called 'egoz'.

Most importantly, one should remember the comment most often associated with this minhog – "that chet (sin) is also gematria chet!".



for washing dishes etc), a shailo should be asked if there is room for added leniency.

With regard to a **baby** who is usually bathed daily or every other day (or has become very dirty) on Yom Tov, one is permitted to **bathe the entire body at once** (according to the ruling of the Mishnah Berurah)⁷⁰. However, water cannot be heated for this purpose, rather one must use water heated before Yom Tov (e.g. an urn) , water which was heated for cooking purposes or ask a non-Jew to run the hot water tap⁷¹.

Washing the minority of a baby's body is permitted even with water heated on Yom Tov. Hence one may turn on the hot water tap in order to wash a baby's soiled bottom according to the poskim cited above who permit turning on the hot water tap for the purpose of washing one's face, hands and feet.⁷² (See Footnote)

TZOM GEDALIA

One who plans on eating **before day break** must make a 'tnai' (condition) prior to

70 511:18. Shulchan Oruch Horav does not permit washing the baby's entire body at once even with water heated before Yom Tov.

71 Since the cold water being heated is (only) a *pesik reisha* many Poskim permit this with regard to a non Jew. However, outright heating water is forbidden as stated in the Rema OC 511:2.

72 The issue of the cold water being heated is applicable here as well and is permitted according to the "Numerous Poskim" cited above. See footnotes 42 & 43.

going to sleep that they plan on doing so⁷³. It is preferable to make a 'tnai' with regard to drinking as well⁷⁴.

If one is **washing on bread** or eating cake in the morning before the taanis they must begin prior to half hour before alos hashachar. (alos hashachar 4:36 am) .

Me'ikar hadin, apart from eating/drinking no other restrictions apply on **Tzom Gedalia**. Hence one may wash and wear clean clothing etc on the fast. However, the Mishna Berura⁷⁵ notes that a *baal nefesh* should refrain from the other restrictions of Tisha B'av (except for the leather shoes restriction) on **all of the taaneisim associated with the Churban** as well. The Biur Halocho⁷⁶ adds that one adhere to all of the **nine day restrictions** on the taanis.

Shulchan Oruch notes certain leniencies with regard to fasting. However, one should discuss their situation with a competent halachic authority. Similarly , one who is not fasting should only eat staple foods and

73 OC 564:1. Rav Sh Kamenetsky (Kovetz Halochos Bein Hametzorim 2:11) rules that bedieved one can eat even without a verbal or mental condition, as long as their intention was to eat before day break.

74 Mishna Berura 550:6 and see Shaar Haztion 8;9

75 See Mishna Berura 550:6

76 Biur Halocho 551:2 who says v'efshar. However see Shaar Hatzion 550:8 and Dirshu notes to Biur Halocho with regard to a cold shower..

IMPORTANT

Domestic hot water sourced from Instantaneous / Continuous Flow Systems (both hydro powered and pilot versions) may not be used on Yom Tov for any purpose. The halochos regarding hot water taps and showers in this article pertain to storage tank systems only.





not delicacies etc and should be sensitive to others who are fasting eg not to eat in their presence⁷⁷.

As on any other fast day, one should be mindful of their obligation to recite **100 berochos** each and every day. It is possible to make up the missing berochos by making berochos on pleasant scents. Additionally, answering the berochos of the olim to the Torah and of maftir with intent may also be counted.

Brushing teeth or rinsing one's mouth (with mouth wash) should not be done on a fast day. However, there is room for leniency where this will cause much discomfort. One should face one's mouth downward so as not to accidentally swallow any liquid⁷⁸.

Women cooking during the fast for after the fast are allowed to taste the food to ensure the right flavor, but may not swallow⁷⁹.

The general accepted rule is that one **may not receive an aliya** to the Torah where he is not a part of that reading⁸⁰. For example, a person who, for whatever reason, is not fasting on a public fast day may not receive an aliya when leining 'vayeichal', even if he

77 This is especially relevant to teenagers, where a classmate is not fasting.

78 MB 567:11

79 MB 567:6

80 OC 566:6. Many Poskim agree that a person not fasting (or not part of the krias HaTorah for other reasons - for example Yom Tov sheini for a ben Eretz Yisroel) cannot be the baal koreh either. The Mate Efraim 602:6 permits other kibudim eg hagbe, gelila etc but the Oruch Hashulchan 135:14 disagrees.

is the only Kohen or Levi present in the shule⁸¹. This includes even someone who has not yet eaten in the morning, but plans on eating later during the day⁸². Someone who (at the time of leining) is unsure if he will be able to conclude the fast may have an aliyo⁸³.

Poskim disagree in the case where someone not fasting was **already called up** for an aliya - bedieved may they be *oile* for the aliya? The Mishna Berura concludes that where there might be a chilul Hashem, for example the person is a talmid chochom, he may be *oile*. However, in the first instance, one should try to avoid this situation⁸⁴.

Common custom is **that one travelling** on Tzom Gedalya ends their fast at nightfall at their current position on the globe. There are leniencies where one is concerned of becoming dehydrated.

There are two very important (but unfortunately much neglected) features of the Aseres Yemei Teshuva. Firstly, the **tremendous power of Tefilla and Teshuva** during these days (see Rambam Hil Teshuva 2:6; Shulchan Oruch OC 603). Secondly, the importance of setting aside time to **'take stock'** of one's deeds, actions, mitzvo performance etc. Where correction is necessary, a strategy should be put into place immediately. **These feats are in all probability the best 'segulo' for a sweet new year and a**

גמר חתימה טובה.

ASERES YEMEI TESHUVA

Someone taking **prescribed medications** or who has a **medical condition** which may

81 Poskim discuss whether the Kohen/Levi 'must' leave the shule (where there is no other Kohen/Levi) in order to avoid being called up. The Mishna Berura (566:21) concludes that on a regular tanis day they should leave (but not a Behab fast day).

82 OC 566:8.

83 Shoel U'Meishiv Tinyono 2:58.

There is a popularly quoted Chasam Sofer (Teshuvos OC 157) that the Krias HaTorah on public fast days (which are noted in Neviim) is connected to the actual fasting "day" rather than the act of fasting. Accordingly, even ten people who are not fasting (eg a minyan in an old age home) read parashas vayeichal during shacharis and mincha and someone not fasting may have an aliya. However common custom is to follow the opinions who associate the Krias HaTorah with the act of fasting. The halochos noted in this article follow this view.

84 Therefore a Rov who regularly receives an aliya on a ta'anis and for some reason is unable to fast, should not daven in that minyan.



be impacted by fasting on Yom Kippur, should consult with their doctor well before the fast and then relay the information to their Rav. (Some medications cannot be taken on an empty stomach). This will allow enough time for any further investigation if required.

Medication being taken for a non life threatening condition may also be taken depending on the circumstances. A shailo should be asked if and how it can be taken.

The **13 middos of rachamim** may only be said with a tzibbur. Therefore one who is still saying Shmone Esre but has already said the **yehi rotzon** immediately following the last berocho of shmone esre, may join in and respond to the 13 middos of rachamim with the tzibbur⁸⁵.

There is a preference to acquire one's **daled minim** prior to Yom Kippur, unless there will be a better selection afterwards⁸⁶.

One should endeavour to **pay all outstanding nedorim and nedovos** pledges, in addition to 'checking' their '**maaser**' and **tzeddoko** accounts.

Shulchan Oruch (OC 602) advises to act **'stringently'** during the **aseres yemei**

⁸⁵ Rav Nissim Karelitz [quoted in Mayim Chayim (Rav Dinner) 5772 page 87] compares the 13 middos of rachamim to kaddish and kedusho (devorim shebekdusho)

⁸⁶ Mate Efraim 603:5

teshuva⁸⁷. Any new customs/chumros however, should be accepted **bli neder**. Additionally, one should set aside extra time for learning mussar (MB 603:2)

Those performing **kaporos** on chickens should ensure to **handle the chicken with care**. In addition to the unnecessary pain, one may ch"v cause it to become a 'treife'. One cannot use **ma'aser money** for the kaporos unless the price charged for the kaporo is more than the actual worth of the chicken. A pregnant woman who knows the baby's gender does not need to use three chickens⁸⁸.

Prior to Yom Kippur, one should **cut down on coffee, tea and other caffeinated beverages**. Sudden deprivation of any of the above can cause withdrawal symptoms that might make the fast more difficult.

SHABBOS SHUVA

In line with the rest of the **aseres yemei teshuvah**, it is very important on this Shabbos to be extremely diligent in adhering to all the **Halochos of Shabbos**. Extra care should be taken concerning the halachos of speaking about things forbidden to talk about on

⁸⁷ An example cited in Shulchan Oruch (OC 603) is to refrain from **pas palter** for someone who is lenient all year round. This is applicable to bread, crispbread varieties etc.

⁸⁸ Ashrei Ho'ish 17:12. He adds that a baby born after kaporos before Yom Kippur does not need another kaporos. A woman in early pregnancy (before 40 days) does not need more than one chicken Mekadesh Yisroel 246:2.

מאי שנא סכין של מילה משופר

להלכה מותר לטלטל שופר אף אחר שתקע כל המאה קולות ואינה מוקצה כיון שראוי לתקוע בו להוציא אחרים. אבל מאי שנא מסכין של מילה דאסור לטלטלו לאחר המילה ולא מתירין משום שמא יזדמן לו מילה אחרת? עי שמירת שבת כהלכתה פ"כ הערה נג



Shabbos (business related talk, idle talk, etc.). Hopefully this will carry through to the rest of the year⁸⁹.

YOM KIPPUR

EREV YOM KIPPUR

Asking mechila of someone who has been hurt by one's actions is required even if the aggressor knows that the victim has already been mochel them⁹⁰. The Mishna Berura (606:3) rules that when asking *mechila* from another person, one must **specify the offence**.

A generalised *mechila* request only suffices for 'minor' offences⁹¹. Poskim note that wishing a gut yom tov to, and asking mechila of, one's friends and acquaintances is praiseworthy, but the main mitzvah of asking mechila is from those people with whom the relationship is 'strained'.

One should set aside time to familiarise themselves with the seder avoda which is said during mussaf of Yom Kippur⁹².

Eating on Erev Yom Kippur is a **mitzvah**. [According to some Poskim it is **d'Oraiso** (Biblical Commandment) and **therefore one must have in mind while eating**, to perform this mitzvah]. One should drink and eat well

89 See Kaf HaChaim 602:8 and Birkei Yosef Siman 602:2
90 See Yoma 87a and Kovetz Halochoch page 307
91 Halichos Shlomo 3:5
92 Mate Efraim 621:10

throughout the day of erev Yom Kippur, especially during the *seudo hamafsekes*. It is of paramount importance that a **nursing mother** ensures that she is adequately hydrated. A well-balanced meal that includes protein and complex carbohydrates (e.g. whole grains) is advisable. **Avocado, banana and rice** are known to be foods which "lighten" the fast. (Some are of the opinion that **fruit juices** are retained in the body for longer periods than water. Therefore, they are the preferred beverage for Erev Yom Kippur.)



Drinking water to hydrate oneself (but one is not thirsty) does not require a berocho⁹³.

Women are obligated in the mitzvah of eating on erev yom kippur as well notwithstanding that it is a time-bound mitzvah. Even someone not fasting e.g. a *yoledes*, should still eat⁹⁴.

There is a discussion in the Poskim if one may take *kalei tzom* pills on erev Yom Kippur to lighten the fast. The accepted custom is to be *meikel*⁹⁵.

The laws regarding **tevilla on Erev Yom**

93 See OC 204:7 and Biur Halocho. The Daas Torah (ibid) rules that a berocho is required (when drinking in order not be thirsty later) but it seems that the minhag is not to make a berocho.
94 Ashrei Holish 17:15
95 Mekadesh Yisroel 264. Kovetz Halochoch 24:11

מלאכים שומרים על העוסק בגמרא

איתא בספר החיים מרבינו בצלאל אחיו של המרה"ל מפראג גמרא ר"ת גבריאל מיכאל רעואל אוריאל ע"כ בספר הנ"ל והמה ראשי ד' כתות מלאכים מחנה השכינה הסובבת מרכבה עליונה ומי שעוסק בגמרא נתקדש ושומרין אותו אותן המלאכים



Kippur are akin to those mentioned above with regard to Erev Rosh Hashono. It is preferable to be *toivel* before davening *mincha*. Ideally the *tevilla* should take place after *chatzos* (or after the fifth hour in the day).

Unless inconvenient, one should don their Yom Tov clothes prior to *Mincha*⁹⁶.

Where one still wants to **eat or drink after benching** (following the *seudo hamafsekes* before the *zman*), it is preferable to verbally announce prior to benching that they are not (as of yet) accepting upon themselves the fast.

There is a universal custom to **bench ones children** at this auspicious time. The blessing, printed in standard machzorim, includes that they become righteous people, have children and *parnoso*. Children overseas or out of town can be blessed over the telephone⁹⁷.

Although **crocs** are synthetic and do not contain any leather, Poskim discuss whether they may be worn on Yom Kippur, since they are **comfortable footwear** worn all year round. Some Poskim are lenient and permit them to be worn on Yom Kippur, others advise that a "*Yorei Shamayim*" should not wear them, while others (including Rav Elyashiv *zt"l*) rule that they are forbidden⁹⁸.

Aside from the Yom Tov candles, every **married man** should light a 24hr candle, commonly referred to as a 'Ner Chaim'. In addition to this, a *Ner Neshomo* is lit for a deceased parent.

Women who **must do melocho after lighting** candles (e.g. driving to shul, with a "*tnai*"), should not recite the **brocho of Shehecheyonu** when lighting the Yom Tov candles.

Women who attend shul on Yom Kippur evening (and are therefore not home for an extended period), must ensure that they benefit **from the Yom Tov candles after nightfall**, either before they leave or after they return (e.g. long candles).

Women who have recited the *brocho* of *Shehecheyonu* when lighting the Yom Tov candles, **should not repeat it during davening** (printed in machzor following Kol Nidrei).

YOM KIPPUR

One should endeavour to **make the brocho on their Talis** before sunset (7:30pm) (See MB 619:4).

Since many Poskim are of the opinion that the mitzvah of Tosfos Yom Kippurim is only achieved when one accepts the **kedushas hayom** verbally, one should verbally accept the *היום קדושת היום* prior to sunset⁹⁹. The recitation of *תפילת זכה*, printed in most machzorim has a designated paragraph for this - however this is not always said early enough. provided the paragraph is said (at the latest) a few minutes before sunset).

One who is not fasting and is permitted to eat a full shiur should omit the *ka-bolas taanis* during the recitation of *תפילת זכה*. It is questionable whether one who is only eating 'shiurim' should omit it as well. (see *Minchas Yitzchok* 6:58)

Attending shul on Yom Kippur is a very special experience, but **fasting supersedes this mitzvah**. Therefore one who may not be able to complete the fast if they are to attend shul should rather stay at home (and if necessary, in bed) in order to perform this important mitzvah¹⁰⁰. This is especially relevant to

96 Mate Efraim 607:1; Kitzur 131:8

97 Kovetz Halocho end chapter 24. Rav SH Kamenetsky brings proof from birchas kohanim that their *beroch* worked even for those in the field.

98 The *Mishna Berura* is *machmir* in general with regard to comfortable non leather footwear (614:5)

99 See article in Heichal HaTorah Shavuot 5776. See also *Teshuvos Vehanehogos* 2:297.

100 Rav Elyashiv adds that even a man should stay home in order to ensure his wife's fasting (where there is no other alternative eg babysitter). *Ashrei Hoish* 21:14



pregnant/nursing women.

Women as well should say 'Boruch shem kvod malchuso etc' out loud¹⁰¹.

One should have in mind during the middle *brocho* of the Shemone Esre Yom Kippur maariv to be **yotze the mitzva of Kiddush** of Yom Kippur. [When Yom Kippur occurs on Shabbos one should have in mind mitzvas kiddush of Shabbos as well]. (Hagoas Chasam Sofer to OC beg 271). If one forgot during ma'ariv, this can be done during the middle *brocho* of any one of the other four tefillos.

On Yom Kippur one may and should cry during their tefillos (even on Shabbos)¹⁰². When mentioning tears during the tefilos/ selichos for example *shetosim dimoseinu* 'Place our tears' (and one is not crying) one should have in mind that it is referring to all of klal Yisroel¹⁰³.

A most important duty of this holy day is the *vidui* which is part and parcel of the mitzvah of Teshuva. One must **verbally mention** the *aveiros* they have done in the past. If they are not included in the list of "Al Cheit's", then one should formulate their own 'al cheit'. While mentioning the *aveiro*, one should have in mind to '**regret the past, abandon the aveiro, and accept not to transgress in the future**'.

When reciting *vidui* one should bow slightly forward and not lean on a *shtender* etc to the extent that were it to be removed one would fall over. **It is better to say the vidui standing and not bow at all** than to bow and lean to the extent that 'were it to be removed one would fall over'.

101 Even though the concept of comparison to angels does not apply to women as it does to men - see Ketze Hamateh 619:36 and Kovetz Halochos 34:13 and fn 18

102 Although the Gro (Maase Rav 207) says that one should not cry on Rosh Hashono, Yom Kippur is different. Kovetz Halochos 34:16 and fn 21. See Mateh Efraim 582:28.

103 Rav Sh Z Auerbach Halichos Shlomo 1 DH 5

We recite 10 *vidui's* on Yom Kippur. Those **davening at home** should do so as well¹⁰⁴. The Yud Gimmel middos shel rachamim should also only be said with a minyan. However, if they are said with a 'tune' (ie not b'derech tachanunim) they may be said without a minyan as well.

When making a **brocho on the talis** on Yom Kippur morning, one should have in mind that the *brocho* "cover" them for the break as well. As a result, one does not make a new *brocho* when putting on the *tallis* before Mincha following a break. (A sleep during the break however would impact on the obligation to make a *beroch*o – see MB 8:42). However, where the break will ==e longer than two hours, one should have in mind that the *brocho* in the morning *not* "cover" them for this break. In other words the *beroch*o should only cover them up until the break (Biur Halocho 8:14). Subsequently, when putting on the *tallis* before *mincha* one does make a *brocho*.

During the course of the *avoda* on Yom Kippur, common custom is to place a separation on the floor e.g. **a piece of plastic or carpet** while bowing¹⁰⁵. If it is not large enough to cover the entire area, the important part to 'separate' is one's face from the floor¹⁰⁶. Clothing which are being worn, cannot be used as a separation. The only exception (where there is nothing else available) is one's *Talis*¹⁰⁷. Rav Sh"Z Auerbach zt"l advised that one lean on ones side in addition to the separation.

There is a discussion regarding **women**,

104 Ashrei Ho'ish 21:16. He adds that women davening at home do not need to recite all ten *viduim*.

105 Seeing that most of our floors are non-stone floors, this would be halachically permitted even without any separation. Nevertheless, common custom is to place a separation under these circumstances as well
106 see Rambam ibid and Elya Rabba end OC 131

107 Although definitely deemed clothing, since it is a loose fitted clothing it is not considered a 'part' of the person.



if they should bow down to the floor while reciting the *avoda* on Yom Kippur. Although in some Kehillos in Europe women did bow to the floor, this is not the accepted custom.

Common custom is that gold watches or jewelry are not worn on Yom Kippur (even by women and leviim)¹⁰⁸. Rav Shmuel Kamenetsky permits white gold and gold-look items eg glasses frame.

Strong smelling salts may be used on Yom Kippur¹⁰⁹.

The Mishnah Berurah (622:7) explains that the reason we read '**Sefer Yonah**' as the 'haftarah is to show us the concept of teshuva and the fact that one cannot run away from performing Hashem's will, their mission on this world¹¹⁰.

Even though one is exhausted from the long day and the fast, they should put in **extra effort to daven tefillas ne'ila with energy and enthusiasm**. The special qualities and powers of this tefilla, at this time, are beyond explanation.

Motzei Yom Kippur

Kiddush Levono is customarily postponed until motzei Yom Kippur¹¹¹. One can recite it even before making havdolo/eating/drinking. However, if one is unable to concentrate properly due to the fast, it should be delayed until afterwards¹¹². Some Poskim advise that one put on shoes prior to kiddush levono¹¹³. If this will forfeit saying it be'tzibbur, one should

say it with their Yom Kippur footwear¹¹⁴.

After the zman on Motzei Yom Kippur, one may **drink water** prior to hearing havdolo, provided ברוך המבדיל בין קודש לחול is said. A **woman who must eat** as she feels very weak, and is unable to wait until her husband returns from shul, may make havdolo herself so that she can eat¹¹⁵.

When Yom Kippur occurs on a weekday, the **brocho of האש מאורי היום** on Motzei Yom Kippur may not be recited on a 'new' flame i.e. which was lit on Motzei Yom Kippur, rather on a נר ששבת - a flame that (existed and) rested on Yom Kippur. This flame should have been lit for the purpose of light, not for לכבוד היום or the like. Ideally one should light a flame (26hr candle) on erev Yom Kippur for this purpose (MB 624:13) or use any other flame which was lit before Yom Tov for light. Failing this, one should light a candle from a flame which was burning the entire Yom Tov (even if it was lit for היום לכבוד or the like) and make the *brocho* on both lights placed together. If one is unable to source a flame that was alight the entire Yom Tov, one is allowed to make a brocho on a candle which was lit from a new flame (ie lit on Motzei Yom Tov).

108 See RAK"E OC 610:4 and Kovetz Halochos 28:17

109 Chut Shoni V4 p153

110 The Shaar Hatzion (ibid 6) elaborates that a person must fulfill their mission and they may even need to be reincarnated (which is painful for the neshomo) to complete their mission.

111 OC 602:1 See MB10 and Biur Halocho 426:2.

112 Mate Efraim 602:4.

113 Rav Elyashiv in Ashrei Ho'ish 3:21:25.

114 Kitzur hilchos moadim

115 Shevet Halevi 4:54. Some Poskim are of the opinion that when Yom Kippur does not fall on Shabbos she may eat without havdolo. See Mekadesh Yisroel 360



The Laws of Shemittas Kesafim and Pruzbul

Rabbi M Donnebaum

How wonderful it would be for one to receive a call from his bank or creditor announcing the fantastic news that his outstanding loan has been cancelled. Yes, wonderful for the one receiving the news, but not so cheerful for the one placing the call. Surprisingly, one of the mitzvos pertaining to the Shemitta year is just that. The Torah states in Parshas Re'eh¹; "At the end of seven years, observe Shemitta. And this is the rule of Shemitta, every creditor who is owed by his friend shall restrain his hand, he shall not demand it of his friend."

This is the mitzva of Shemittas Kesafim - the prohibition concerning the collection of debts that become due before the end² of the Shemitta year. Although working the land, the primary restriction of Shemitta only applies in Eretz Yisrael³, the prohibition against collecting one's debts applies in all countries. When the majority of Jews lived in Eretz Yisrael and the laws of Yovel (Jubilee year) were in effect, the prohibition of collecting debts was applicable according to biblical law⁴. Nowadays, since the majority of Jews

1 Dev. 15:1-2

2 See below, Time of cancellation, for a discussion concerning this point.

3 There is a dispute among the poskim (authorities) if the biblical prohibition remains in effect, even today, or if it is rabbinical. See Chazon Ish Sheviis no. 3.

4 See Tosafos Gittin 36a, s.v. B'zman, for a discussion of this issue. See also Biur Halacha (Derech Emuna from Harav Chaim Kanievsky Shlita), Hilchos Shemitta v'Yovel 9:2 s.v. Ein.

live outside of Eretz Yisrael⁵, and the laws of Yovel do not apply, the biblical prohibition of collecting debts is also suspended. However, the Rabbis decreed that the laws of Shemittas Kesafim should continue to apply in all countries⁶.

REASONS FOR SHEMITTAS KESAFIM.

As strange as the mitzva of relinquishing one's loans may seem, there are important lessons in regard to this commandment. The Sefer HaChinuch⁷ explains that the first useful benefit to be gained is the characteristic of generosity. There is none so generous as he who gives without hope of receiving anything in return. So too, relinquishing a loan with no benefit or gain in mind imbues a person with this noble character trait.

The second lesson mentioned in the Chinuch relates to the mitzva of bitachon - trust in Hashem. Anyone who, upon

5 Chazon Ish Y.D. 64:2 explains that these days, even if the majority of Jews were to reside in Eretz Yisrael, the biblical prohibition still would not take effect. Only when the majority of Jews return to their tribal plots in Eretz Yisrael will the Yovel laws once again become biblical in nature (see Erachin 32b). As noticed in Rishonim, the tribal division of Eretz Yisrael was abolished at the time of the destruction of the Beis HaMikdash. Yovel can therefore not take effect before the coming of Mashiach.

6 See Sefer Yereim mitzvah 164 and Bach Choshen Mishpat 67:5, contrary to the view of Terumos Hadeshen 304, who is of the opinion that only countries close to Eretz Yisrael (as we find regarding the laws of terumos and ma'asros) were included in the decree. The Sages' authority to nullify a loan that is still owed from a biblical standpoint is discussed in Gittin 36b.

7 Mitzva 477



command, relinquishes all outstanding debts, is continuously strengthening his level of trust in Hashem. The creditor displays trust that any losses incurred will be fully reimbursed to his allocated and pre-determined wealth. The knowledge of G-d as the source of all livelihood and provider of all one's needs is confirmed, and substantiated when releasing a debtor from his debts.

The Chinuch continues that the mitzva of Shemittas kesafim is also a 'barrier' to keep away from robbery and any desire to own the possessions of one's neighbour, via a kal v'chomer. If the Torah decrees that one should leave a loan in his neighbour's hand concerning money that is rightfully owed to him, then certainly he may not obtain his neighbour's belongings, in any way, without his neighbour's consent⁸.



ORIGIN OF PRUZBUL

The Mishna⁹ states "A pruzbul (i.e. loan on which the borrower has written a pruzbul document) does not relinquish (the loan and may be collected after Shemitta). This is one of the things that Hillel the Elder instituted. He saw that people refrained from lending money to one another as Shemitta approached, for fear that they would not be repaid on time. They thereby transgressed that which is written in the Torah¹⁰ 'take heed lest there be an evil thought in your heart, etc.' (saying 'The seventh year the year of

relinquishment draws near and your eye will be mean towards your poor brother and you will not give him the loan that he seeks). Hillel therefore instituted pruzbul. And this is the essence of a pruzbul: "I submit before you, XYZ the judges, in such and such a place, that every debt owed to me by "Mr. A" may be collected whenever I wish. The judges or witnesses sign below."

As stated in the above Mishna, the reason for the institution of pruzbul was the reluctance to offer loans for fear of the Shemitta cancellation, thereby transgressing a commandment in the Torah. Hillel therefore recommended that people execute a contract for formally transferring their loans to Beis Din. The contract that Hillel devised to expedite this process is known as pruzbul.

Pruzbul is a hybrid word composed of 'pruz' - protective enactment, and 'bul' - wealthy¹¹. Rav Chisda¹² explains that the original form was really pruz-bulei-butei, that is a protective document for the wealthy and the poor. The rich benefited in that they were able to safeguard their loans and therefore would not transgress the prohibition of withholding a loan, and the poor benefited in that it enabled them to obtain loans. Nevertheless, the suffix 'butei' is not commonly used because the main thrust of the enactment was to protect the creditors¹³.

The Gemara¹⁴ questions Hillel's enactment

11 Rashi Gittin 36b Rav Sheviis 10:3. However, see Rashbam Bava Basra 65b

12 Gittin 36b

13 Shenos Eliyahu, Sheviis 10:3. See conclusion of article for another explanation

14 Gittin 36b

8 For another reason for this mitzva, see conclusion of article.

9 Sheviis 10:3,4

10 Dev. 15:9



based on the general rule that the Rabbis have no power to actively abrogate a Torah law. Here the Torah commands the creditor not to collect his loan following the Shemitta year. How could Hillel decree that he may? The Gemara¹⁵ answers that Hillel instituted pruzbul to be effective only with regard to Shemitta nowadays (following the view articulated by Rabbi), which is of rabbinic origin. Thus Hillel's institution of pruzbul abrogated not the biblical law of debt cancellation, but the rabbinic counterpart of that law which was certainly in his power to do.

HOW A PRUZBUL WORKS

It is apparent from the text of the pruzbul referred to in the Mishna mentioned earlier, that the creditor effectively submits his debts to the Beis Din for collection, thereby avoiding the Shemitta prohibition. The previous Mishna¹⁶ concludes, "and one who hands his documents to the court does not have his loan cancelled." This exemption is based on the verse "But from that which you have by your brother, you should relinquish your hand."¹⁷

Three Opinions

Sifri¹⁸ and Yerushalmi¹⁹ explain the verse as an indication that a debt that is no longer in one's hand, i.e. it has been handed over to Beis Din for collection, is not subject to cancellation. Most Rishonim are of the opinion that this is a scriptural exemption, providing the

15 According to Rashi ibid, Rava there gives another answer to this question; see Tosafos 36a s.v. Mi.

16Sheviis 10:2. See Pruzbul document included at the end of this article.

17 Devarim 15:3

18 Parshas Re'eh (noted in Torah Temima ibid.

19 Sheviis 10:1

promissory notes are actually handed over to the Beis Din. Merely handing over the debts verbally is only a rabbinic institution, as will be discussed.

Other Rishonim²⁰ believe that this is not a scriptural exemption, even when the documents are handed over to the Beis Din. Rather, the basis for the ruling of the Mishna that exempts one who hands in

his document to the court, is

derived from the power

of Beis Din to declare

the property of a person

ownerless - via the well-

known maxim principle

"hefker Beis Din hefker"

- "whatever is declared

ownerless by the Beis Din

is ownerless. The allusion

to this rule noted earlier

from the Yerushalmi and

Sifri is merely an *asmachta*

- a hint - and is insufficient

to serve as the basis for the

law. A third opinion is found

in Tosafos²¹ who holds that the *drasha* is a scriptural exemption and includes even when the documents are not handed over to the Beis Din.

The working of a pruzbul is dependent on the above dispute. When utilising a pruzbul, no loan documents are handed over to the Beis Din. Therefore, according to the first opinion, Hillel's institution of pruzbul cannot be based on the ruling of the Mishna or on the scriptural exemption of the handing over of one's debt to the Beis Din. Evidently, the pruzbul is a new enactment based on *hefker Beis Din hefker* - that whatever the Beis Din

20 Rashi Gittin 36a 37a s.v. Dtafsi (see Tos. 36a s.v. Mi) and Ramban Gittin 36a.

21Gittin 36a s.v. Mi.



declares ownerless, is ownerless. The second opinion goes a step further, and learns that the Mishna's rule that one who may hand over his documents to the court is also derived from the *drasha* quoted in the Yerushalmi and Sifri, based on *hefker Beis Din hefker*, which is all part and parcel of Hillel's pruzbul institution. However the third opinion goes to the other extreme, and learns that the pruzbul fully qualifies as a scriptural exemption of handing over one's debts to the Beis Din mentioned in the Mishna. According to this opinion, Hillel instituted merely the custom to use this option of handing over the debts on a regular basis. The mechanics of the pruzbul are of biblical origin, as explained.

TIME TO WRITE A PRUZBUL

The Torah states²² "At the end of the seven years you shall make a relinquishment etc." The simple meaning of this verse implies that the cancellation of debts due to the Shemitta year takes place at the end of the seventh year, that is the last moment of the last day of the seventh year²³. Since a pruzbul may be written any time before the nullification takes place, therefore a pruzbul may be written any time before the end of the Shemitta year. However, the pruzbul is only valid for loans that predate it, but not for loans extended after the execution of the pruzbul²⁴.

For example, if someone writes a pruzbul three months prior to the end

of the Shemitta year (Rosh Chodesh Tammuz) he may only collect payment of loans extended before those three months, but he may not collect any loan extended during those three months²⁵, unless another pruzbul was written. It is therefore customary to write the pruzbul during the last few days before Rosh Hashana, so as to include all loans.

PRUZBUL 'TIMEZONES'

For those who have the custom of writing the pruzbul on erev Rosh Hashono, care should be taken to write the pruzbul prior to the onset of Rosh Hashana at the place where any debtor may be. For example, a Jew in America who loaned money to a resident of Australia, should execute his pruzbul prior to Rosh Hashana in Australia. See *Minchas Shlomo* 47:2.

However, some communities have the custom of writing a pruzbul prior to the Shemitta year, in addition²⁶ to the pruzbul written before the end of the Shemitta year, as previously mentioned. This custom is based on the opinion of the Rosh²⁷ who

25 Concerning loans extended within thirty days before Rosh Hashana, see *Dvar Avraham* 1:32. *Yechave Daas* 4:62. If the principle of "stam halva'a shloshim yom" qualifies the loan as being due only after Shemitta, hence not being effected by the passing of Shemitta.

26 It must be emphasized that those who follow this custom, must be careful to write a second pruzbul before the end of the Shemitta year, to enable collection of debts during the Shemitta year.

27 *Gittin* 4:20. The Rosh asserts that there are two facets to the law of relinquishment of debt. The first is nullification of debt, i.e. the debt legally ceases to exist. This facet of law takes effect at the end of the Shemitta year as stated explicitly in the verse quoted above. Thus, the debt is technically owed throughout the Shemitta year. The second factor that prevents the collection of debts during the She-

22 Dev. 15:1

23 The *Gra* in *Shenos Eliyahu* (*Sheviis* 10:8) remarks that we find the Torah too gives the name Shemitta to the beginning of the eighth year. In regard to the law of Hakhel, the Torah states (*Dev.* 37:10) "At the end of the seven years, on the occasion of the Shemitta a year etc" and it is clear from the verse and the Mishna in *Sota* 7:8 the reference here is to the Succos festival immediately following the Shemitta year.

24 See footnote 33.



holds that the laws of Shemittas Kesafim, that is the prohibition of collecting debts, apply from the beginning of the Shemitta year. Although Shulchan Aruch²⁸ clearly rejects this opinion, as do virtually all poskim²⁹, there are still some poskim³⁰ who recommend writing a pruzbul twice, hence the origin to the custom of writing a pruzbul before the Shemitta year begins and again before it ends³¹.



Shemitta year is the separate prohibition upon the creditor, not to press the debtor for payment. This prohibition is based on the verse (Dev. 15:2) "he may not press his fellow man...for He has proclaimed a Shemitta." Since this verse does not state 'at the end of the Shemitta year' as previous verses to the contrary therefore as soon as Shemitta is proclaimed, he may not press his fellow man. The Rosh therefore says that this prohibition applies throughout the Shemitta year. Thus, according to the view of the Rosh, one may not press for payment from the beginning of the Shemitta year. However, if the debtor voluntarily offers to repay the debt, the creditor may accept it without declaring 'I relinquish (the debt)' as is required with regard to a loan which was nullified by the passing of the entire Shemitta year (see Shevius ch.10), since the debt was not yet nullified as this takes place at the end of the Shemitta year. Accordingly, the Rosh (4:18) accepts a reading in the Tosefta (8:11) that requires the pruzbul to be made prior to the Shemitta year. Consequently, activating a pruzbul is prohibited during Shemitta. (Beis Yosef C.M. 67 points out that the Rosh had an erroneous version of the Tosefta).

28 C.M. 67:30.

29 Radvaz 5:2238; Panim Meiros 2:174; Yehuda Yaleh 3:179; Kitzur Shulchan Aruch 180:13; Yechaveh Daas 4:62; Rav Pe'alim in Yesod Yeshurin1:11.

31 Shulchan Aruch Harav Hil Halva'a 36; Urim v'Tumim 67:26. This was the custom of Rav Shmuel Salant, the Steipler Gaon, Rav Elyashiv and others. Rav SH Z Auerbach did not follow this custom.

31 As explained, if one were to lend money after writing a pruzbul, the loan would be cancelled by Shemitta. Therefore, even where has written a pruzbul before Rosh Hashono of the Shemitta year, according to the Rosh one should write another pruzbul prior to Rosh Hashono of the year following the Shemitta year to include loans extended after the writing of the 'first' pruzbul which will become nullified at the last moment of the Shemitta year.

Alternatively, one should set the due date after the passing

Kim Li

The previous discussion, gives rise to an interesting question. In all money matters, the muchzak (the one with the money or property in their possession) is presumed to be the de facto owner. As the well known axiom and rule, "Hamotzi mechavero olov haraya" (the burden of proof is on the one who wants to take from another). When Beis Din

evokes a halachic majority that points to the muchzak losing his claim, the muchzak may rely on a minority opinion to maintain ownership, with the words "Kim li!"³². Kim li means that "I hold claim that the other opinions are correct, and until you can prove that they are entirely incorrect - olov haraya - I will hold onto the funds. This phrase has been adapted as a general rule of the current owner's advantage and may be used by the claimant even without comprehensive knowledge of the opinion he is presenting—and the erudite members of the Beis Din can even present it for him!

The question now arises, may the debtor

of Shemitta. Any loan that becomes due only after Shemitta is not cancelled by Shemitta. Rabbi Y.S.Elyashiv zt"l, quoted in Tzion Halacha (Rabbi Chaim Kanievsky Shlita) Hil. Shemitta v'Yovel 9:97 adds that the lender may even add that if they require funds they may as for the money prior to the due date. Since the borrower is not **obligated** to repay the loan prior to the 'official' due date, this loan will not be nullified by Shemitta.

32 The concept of kim li has legal precedent going back to original halachic sources, but it gained popularity in recent generations, to the point that we find many more contemporary cases of kim li than historic ones. Many K'lalim (principles) of kim li are therefore found specifically in halachic works of Acharonim (latter-day authorities), authored as the need arose for compendiums on the topic.



refuse to repay the loan during the shmitta year³³ in the absence of the pre-shmitta pruzbul, claiming that he holds like Achronim who support the opinion of the Rosh?

It seems to the writer that one cannot present the kim li claim with regard to this dispute. There are clear parameters and limitations of kim li cited in the Poskim. One limitation is that kim li can only be utilized where there is no clear accepted psak. Concerning the pruzbul issue, even the Achronim who encourage one to write an pruzbul prior to Shmittah as well, agree that this is only a preference and that me'ikar hadin we follow the ruling of the Shulchan Oruch that one pruzbul at the end of teh shemittah year is sufficient.

Opinion of the Gra

It is interesting to note that the Gra is also of the opinion that a pruzbul should be performed prior to the shemitta year, for an entirely different reason.

There is a well known machlokes Rishonim as to the precise shemittah year count. Our count follows the ruling of the Rema (CM 67:1) who states that the year 5334 is a shemittah year. Hence 64 shemittah cycles later, the year 5782 is a shemitta year as well. Some Rishonim (see A"Z 9) however, learn that 5733 was the shemittah year and therefore the year prior to every 'accepted' shemitta year is the 'real' shemittah year. Accordingly, the Gaon wrote a pruzbul prior to the 'accepted' shemittah out of concern that that year was teh real shemitta year.

33 Even if the Kim Li claim with regard to pruzbul was valid, this would only allow the borrower to *delay* payment since according to the Rosh one cannot request payment during the shemittah year. However once shemittah passes and a pruzbul was written prior to the end of the shemittah year, the loan can be collected.

TYPE OF DEBTS AFFECTED BY SHEMITTA

The laws of Shemittas Kesafim apply not only to monetary loans, but include any borrowing of consumables e.g.: household items such as flour and eggs, where the item itself will not be returned, but will be replaced by another similar one³⁴.

However, credit offered for purchases or services rendered (e.g. at a supermarket or bakery) where the owner charges his customers' accounts, is not affected by the passing of the Shemitta year³⁵.

Some Rishonim³⁶ associate the above exemption with loans that are not due until the passing of Shemitta. Shemitta does not affect a loan that becomes due only after

34 Melechesh Shlomo Sheviis 10:2, Chaim Shaal 2:38:13, Ben Ish Chai Ki Savo 1:26

35 Sheviis 10:1

36 Rambam in Peirush Hamishnayos Sheviis 10:1. See Kesef Mishna Hil. Shemitta v'Yovel 9:11 and Sma C.M. 67:26.

Other Rishonim (Tosafos and Ran Kesubos 55a, based on a Sifri Par. Re'eh) disagree and explain the reason for the above exemption differently, saying that the laws of Shemitta apply to a debt only, not to a purchase. When the customer pays his account, he is paying for a purchase rather than a debt. Only once the merchant has formally established the payment as debt before Shemitta passes, does the debt receive the status of a loan, and consequently is affected by the passing of Shemitta. The basic concept underlying the distinction between loans and monies owed for merchandise or wages is that in stating the laws of Shemitta cancellation, the Torah uses the term 'Bal Mashei' (creditor); a term that specifically connotes one who has made a loan. A shopkeeper who has not yet collected his payment for merchandise (or an artisan for services rendered) is not considered to have made a loan. It is only when the debt is converted into a loan for later payment, that the debt is viewed as being an outlay of money and a loan of sorts (Shenos Eliyahu Sheviis ibid).

A simple difference between these opinions would be in the case of selling merchandise, for example furniture or homewares, where payment is usually made at the time of the sale, and no date is set for payment. According to the latter view, Shemitta would not cancel the outstanding money, since it originates from a sale, not a loan. However, according to the former view, the debt would be cancelled since the money is due immediately, Derech Emuna Shemitta v'Yovel 9:57 quoting Beis Yosef and Achronim.



Shemitta. This is based on the verse³⁷ 'he shall not demand it of his friend,' which implies that the creditor could otherwise have demanded payment³⁸. Similarly, payments for accounts are not due until billed. Only once a considerable amount has accumulated, or on a monthly basis, does the creditor total the amount owing, and then the obligation is formally established as a debt³⁹.

CHEQUE PAYMENTS

As noted, the prohibition to collect debts does not apply until the last moment of the Shemitta year has passed and Rosh Hashana of the following year begun. Any loan that was repaid before Rosh Hashana is evidently not cancelled by Shemitta. However, if payment was made by cheque (and funds have not yet cleared to the account of the creditor before Rosh Hashana), it is possible that the loan may not be considered paid, even when there are sufficient funds in the debtor's account. Consequently, the loan will be cancelled at the last moment of the Shemitta year. This may vary from country to country⁴⁰.



PRE-REQUISITE FOR WRITING A PRUZBUL MAKE UP OF BEIS DIN

The Rishonim are in disagreement to the make up of the Beis Din necessary for the execution of a pruzbul. Some Rishonim⁴¹ are of the opinion that the Beis Din must consist of people who are familiar with the laws of Shemitta and pruzbul, and who serve as an official Beis Din of the community. Others⁴² maintain that a simple Beis Din of three people is sufficient.

The Shulchan Aruch⁴³ accepts the first opinion, while the Rema⁴⁴ states that nowadays one may rely on the second opinion. Consequently Ashkenazic custom is to follow the lenient opinion. Some Achronim⁴⁵ however, stipulate

law (where it is a crime to stop payment on a cheque) may be viewed differently. This discussion is also relevant to hilchos ribbis (collecting interest), if cashing cheques at a discount would be a violation of ribbis. This issue is elaborated on in The Laws of Ribbis chapter 12, paragraph 32, and appendix 3. With regard to Australia, we would first have to ascertain the legalities in cheque payment before any conclusion concerning Shemitta can be drawn, which is beyond the scope of this article. It has been suggested that receiving a cheque should be exempt from the Shemitta cancellation, since there is no need for the creditor to collect anything from the debtor, and would be classified similarly to one who lends upon collateral.

Evidently, when writing a pruzbul, the above discussion is not relevant and the loans are not affected in any way.

41 Rambam Hilchos Shmitta V'Yovel 9:17 (according to Rema, see Kesef Mishna ibid). Rabbeinu Tam quoted in Tosfos Gittin 36b s.v. Dalimei. See Beis Yosef & Bach C.M. 67 for an elaboration concerning the view of the Rambam and Rabbeinu Tam.

42 Rosh, Ritva Gittin 36b.

43 Choshen Mishpat 67:18.

44 Ibid. See Biur Hagra No. 31 who connects this dispute to the one cited in Shulchan Aruch 67:20.

45 Kitzur Shulchan Aruch 180:15. Shulchan Aruch Harav Hilchos Halvaa No. 35 requires only "Anashim K'sheirim." The custom of the Chazon Ish was to use the

37 Dev. 15:2

38 See Makkos 3a-b concerning someone extending a ten-year loan, where the debt may be collected at the end of the ten years. With regard to the following Shemitta (after the ten years have passed) see Shemittas Kesafim Kehilchoso p24.

39 There is a disagreement amongst the Poskim, if the debtor must be notified via a bill or the like to be classified as a loan, or even merely totaling the sum owed can turn the debt into a loan. See C.M. 67:14. Another opinion considers it a loan when a payment date is assigned to the debt (Rosh Gittin 4:18, Rema ibid.).

40 This depends on intrinsic details concerning banking regulations with regard to cheques. In the U.S.A. a cheque contains merely instructions to the bank to release funds to the person nominated in the cheque. It does not represent a transfer of funds. Israeli law, based on British



that the three individuals be bnei Torah - people who study Torah regularly.

WHO SHOULD PERFORM

Although Shemittas Kesafim is time-bound, women are obligated in this mitzva⁴⁶. With regard to the writing of a pruzbul, a married woman is included in her husband's pruzbul. If she lent her own money, where her husband has no legal right of ownership, she must write her own pruzbul⁴⁷.

One is encouraged to perform a Pruzbul even if one does not specifically remember having provided any loans.

OWNERSHIP OF REAL ESTATE

A pruzbul is not effective unless the borrower⁴⁸ possesses land. The Rishonim dispute the reason for this. Rashi's⁴⁹ opinion is as follows: as a general rule, the Rabbis legislated their enactments only for usual and regular circumstances. Since it is unusual for people to lend money if the loan is not secured by real property, the rabbinical enactment of pruzbul does not apply. The Rashbam, however, explains that the reason for this limitation is based on the ruling of another Mishna⁵⁰. The Torah formulates the law that loans are cancelled during the Shemitta year by commanding the lender not to press the borrower for repayment, as the passuk states "this is

the matter of the Shemitta...he shall⁵¹ not press his fellow or his brother for he has proclaimed a Shemitta for Hashem."⁵² Therefore, if a lender took an object as a collateral, in which case he does not press the borrower for repayment, the loan is not cancelled, even according to biblical law. When the Sages instituted the law of pruzbul, they did not wish to even appear to be annulling a law of the Torah. Insofar as land is always available for repayment of the loan, it bears some resemblance to a collateral, and thus serves to soften the impression that the Rabbis are annulling a law of the Torah. Therefore, they ruled that a pruzbul is ineffective unless the borrower owns land from which the loan may be collected.

As to precisely when the borrower must possess land - at the time of writing the pruzbul or end of Shemitta year - depends on the dispute mentioned⁵³. According to Rashi's reasoning, having land at the time of writing the pruzbul document is the requirement in order to be considered a 'regular loan.' However, according to the Rashbam, it would depend on the time of cancellation of the loan - the end of the Shemitta year.

Owning land merely upon the receipt of the loan does not qualify to enable the writing at a pruzbul according to any opinion⁵⁴.

PRESENCE OF BEIS DIN

The Yerushalmi⁵⁵ states that a pruzbul is valid "even if they are in Rome." There is a dispute among the Rishonim to the

official Beis Din of the community.

46 Chinuch Mitzva 477. For an elaboration concerning this issue, see Biur Halacha Hil. Shemitta v'Yovel 9:1 s.v. Mitzvas Asei.

47 Shemittas Kesafim K'hilchasa p110.

48 The Ba'al HaTerumos Sha'ar 45 writes that the lender must also own land but none of the poskim have quoted this l'halacha.

49 Gittin 37a. Also quoted in Rashbam Bava Basra 66a.

50 Bava Basra 66a.

51 One who lends on a collateral does not have his loan cancelled, Sheviis 10:2.

52 Devarim 15:2

53 See Ran Gittin 36-37

54 See Shemittas Kesafim Kehilchasa p103.

55 Sheviis 10:3



exact meaning of this statement. Some⁵⁶ understand it to mean that even if the 'Beis Din' is in Rome, creditors in Eretz Yisrael may transfer their debts to the Beis Din, that is in the presence of two witnesses. Other Rishonim⁵⁷ understand the words of the Yerushalmi differently. "Even if they are in Rome" is referring rather to the promissory notes that the creditors in Eretz Yisroel may give those loans to Beis Din using a pruzbul. Accordingly, we have no basis to allow the use of a pruzbul without the presence of a Beis Din.

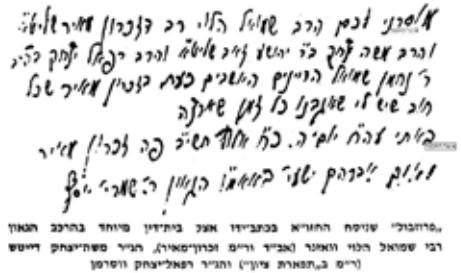
Shulchan Aruch⁵⁸ brings both opinions, apparently favouring the former opinion, permitting the use of a pruzbul between two witnesses, not in the presence of Beis Din. This is also the ruling of some Achronim⁵⁹.

Shaliach

Some poskim⁶⁰ mention an option of

56 Mordechai Gittin No. 379, see Pnei Moshe Yerushalmi ibid.
57 Rambam to Gittin 36b, Rashba Teshuvos 2:313.
58 C.M. 67:21.
59 Aruch Hashulchan 67:10; Teshuvos Chasam Sofer Teshuvos HaRashba C.M. No. 50; Yechaveh Daas 4:63.
60 Birkei Yosef 434:5, Yechaveh Daas 4:64.

appointing an agent to execute the pruzbul on one's behalf. Although shlichus generally works in many instances, Poskim deliberate if it works with 'mili', 'words', where the agent is merely making an announcement on behalf of the sender. Whether the declaration to the Beis Din is considered may depend on the essence and mechanics of a pruzbul (noted above)⁶¹.



Sending a Letter

Another option would be to write a signed letter or note to the Beis Din, transferring all debts to them⁶². The Beis Din would then

61 An elaboration on this issue is beyond the scope of this article. See Mishmeres Sheviis from Rav M M Karp 3:17
62 Pischei Teshuva C.M. 67: 3 quoting Teshuvos

PRUZBUL DURING LOCKDOWN

This year *habo oleinu l'toive*, 5782, is a Shemittah year. According to the opinion of the Shulchan Oruch, the cancellation of debts takes place at the **end** of the shemittah year. Accordingly, the pruzbul process is performed at the end of the year 5782, on Erev Rosh Hashono 5783. However, as noted in the article, there are some communities and individuals who follow the opinions that one should perform two pruzbuls, one prior to the shemittah year and the other at the end of the shemittah year. According to this custom, a pruzbul should be performed prior to this Rosh Hashono as well. Although customarily the pruzbul declaration and process is performed in the presence of a Beis Din, at times this is not possible. The written and signed declaration can be sent to the Beis Din either by mail, email or through a dedicated on-line facility.



write a pruzbul on their behalf. The Chazon Ish utilised this method.

CONCLUSION

In conclusion, we will mention one other aspect for the mitzva of Shemitta, which teaches us a most significant lesson that pertains to our everyday lives.

To understand any concept in the Torah at its most fundamental level, one must look at the first place that particular subject is mentioned in the Torah. The first reference to Bnei Yisrael's affluence is when they depart from Egypt. They were commanded to ask their Egyptian neighbours for utensils of silver and gold, in fulfillment of Hashem's promise to Avraham Avinu many years earlier - that his descendants would leave Mitzrayim with great wealth.

However the Torah uses an interesting terminology in regard to this mitzva - '*vayishalu* - and they should borrow' these vessels from their Egyptian neighbours. Essentially, the Jewish people had no intention of returning these vessels to the Egyptians. Therefore the correct terminology should have been 'and they

Chasam Sofer C.M.113.

should take.'

The Chidushei HaRim⁶³ explains that the term borrow used here is not being used with regard to the Egyptians. As far as they were concerned, the gold and silver was being taken permanently, as payment for all the years of bondage⁶⁴. Borrow is being used with regard to Hashem. At this very first time when klal Yisrael were obtaining an abundance of wealth and riches, the Torah is stressing that the money does not belong to them. It is borrowed from Hashem.

This is the message of the mitzva of Shemitta⁶⁵. The observance of Shemitta, during which we allow our land to lie fallow for an entire year, and relinquish all debts and money owing to ourselves, emphasizes that Hashem is the ultimate owner of the land and of all our wealth⁶⁶.

63 Parshas Bo 11:2

64 See Sanhedrin 91a

65 This is also the message of Yovel. During the Yovel year, in addition to real estate returning to its original owner, Jewish slaves go free. We lack sufficient ownership to be able to give away or sell our land forever, and do not own our slaves entirely.

66 Rabbi E. Shlezinger in his Sefer Beis Av (parshas Behar) adds the following point. Interestingly, the laws in relation to cheating a fellow Jew in a transaction (ona'a) are taught between the parshiyos of Shemitta and Yovel. As emphasized, both Shemitta and Yovel stress that Hashem is the true owner of everything we possess and control. For one

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(wealthy) a reminder that affluence is only a loan, and to constantly focus on our real goal in life.

Accordingly, we may add a deeper meaning to the term 'pruzbul,' and why the suffix 'butei' regarding the poor was omitted. Although when writing a pruzbul one is trying to avoid the cancellation of his loans due to the Shemitta year, Chazal are reminding him not to forget the message of Shemittas Kesafim. Remembering the mitzva of Shemitta is a pruz, a takana (an enactment) and in situation for the bulei

who perceives these lessons in their entirety, dishonesty becomes unimaginable. Obviously, one who cheats has not understood the message of Shemitta and Yovel correctly.

The creditor should say in front of Beis Din:

הן שנה זו היא שנת השביעית ויש לי חובות בשטר ובעל פה על אחרים ומוסרני לכם הרב
 והרב _____ והרב _____ שכל חוב שיש לי
 שאגבנו כל זמן שארצה

Alternatively:

"This Year is the *Shemittah* year, and I have documented and non-documented debts that I am owed, and I submit to you Rabbi _____ Rabbi _____ and Rabbi _____ that every debt due to me, that I shall be allowed to collect them whenever I wish"

שטר פרוזבול

במותב תלתא כחדא הוינא ואתא לקדמנא ר' _____ בן ר' _____ ואמר לנו
 "מוסרני לכם הרב _____ והרב _____ והרב _____
 שכל חוב שיש לי שאגבנו כל זמן שארצה" ויפינו כוחו שיכול לגבות כל חובותיו על ידי פרוזבול זה
 כתקנת חז"ל, ועל זה באנו על החתום ב _____ בשבת _____ יום לחודש אלול, שנת חמשת אלפים
 שבע מאות ושבעים וארבע לבריאת העולם למנין שאנו מונין כאן עיר מעלבארן הכל שריר וקים
 נאום _____ דיין
 נאום _____ דיין
 נאום _____ דיין



Chains of Transmission

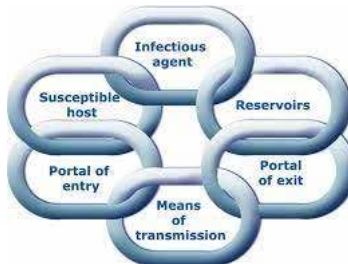
Authored by a member of our community

This has been a most difficult and unusual year. The virus has turned our lives upside down. So many of the things we are used to doing, seeing extended family, working with other people, meeting our friends, being in Shul, have stopped. Instead, we spend time with only the members of our own households, avoiding the usual companionship that we so badly crave.

A new phrase has entered our lexicon - “chains of transmission”. We have daily news about contact tracers working through chains of transmission. We have explained to us in detail how one person can transmit the virus to another person in many different ways. We have learned that a very short, seemingly insignificant, one off interaction between one person and another can create a chain of transmission that can allow a terrible virus to spread.

We have learned how careful we need to be in relation to transmitting this virus. We have learned that we cannot

know how something we do, as part of a small and seemingly innocent act, can impact other people who we know, and don't know. We have learned about the way in which something infectious can move so quickly with consequences that are entirely unexpected and unintended. We have learned that a small innocent gesture between one person and another can have reverberations much greater than we could ever have imagined. And we have learned that our small part in that chain of transmission can be the cause of that terrible virus being exacerbated.



Of course, the above relates to the terrible COVID-19 virus, in all its variants, that has caused us so much pain and suffering this year.

However, there is another virus that causes us an incredible amount of pain and suffering. It is the virus of Loshon Horah. A seemingly non-consequential gesture of sharing words, pictures or video clips with friends and family can lead to an incredible amount of pain and suffering. We can engage in an act that



we consider to be completely innocent, that we think can have no long-term effects or harm anyone, but can in fact cause an incredible amount of pain and suffering.

Do we ever stop and think about our role in the chain of transmission of information? When we engage in this activity, do we stop and ask ourselves why we do it?

Why do we feel the need to share information? Do we do it for the small moment of perceived importance, where we can be the centre of attention because we have shared something interesting? Are we looking for the approval of our friends because we are "in the know" before them?

And to the bystanders in these chains of transmission, who receive information but do not share it - what is your responsibility? The chains of transmission would not exist if no audience existed. Are you an enabler by sitting on the sidelines creating an audience, an environment, in which chains of transmission are created?

As we go into this Yomim Noroim, asking for forgiveness and for all of our actions to be considered in the best possible light, it might do us good to take a first step and consider whether we are complicit in chains of transmission of information that have

caused others to be judged in ways that we would never want to happen to us.

We are responsible for taking the first step to start the process of Teshuvah. So perhaps, as we go into these important days, we should consider the groups and platforms we are part of. Perhaps we should set some ground rules regarding the types of information that are appropriate to be shared, sent and received. Perhaps we should consider whether it is appropriate to remain on each group and platform in which we are involved.

We need to look into our hearts and ask ourselves, are we part of a group or platform for some social good or are we part of it to make sure that we can be the first to hear, and perhaps transmit, the latest bit of salacious news. If it is the latter, then we should perhaps look further into our hearts to understand what causes us to behave this way. And, once we undertake that act of self-reflection, we should make the changes, externally and internally, so that we can become more understanding and more compassionate in our behaviours.

If we all make this type of change, it will lead to a more harmonious and positive society and community for us to dwell within.

K'sivah V'chasimah Tova



“REMINDERS” BUILDING A SUCCAH

by Rav M Donnebaum

Many people have begun organising their succah for the upcoming chag. Following is a brief list of points to bear in mind when building a succah.

BUILDING OF THE SUCCAH

Poskim note that **building a succah** is considered a mitzvah (kiyumis), not just a hechsher mitzvah. Therefore, one should endeavor to be involved in the building of or placing of the schach on their succah even if there are others (eg adolescent children) who are able to do so¹.

A succah **built by a non-Jew** is kosher *be'dieved* (post facto). However one must ascertain that it was built correctly, for example the non Jew must have placed the schach 'for shade'. Merely building for the purpose of a succah is insufficient as this may be interpreted by the non Jew as a religious purpose rather than for shade². Another example - placing the schach on the frame of the succah **before erecting the walls** is possul (invalid) according to many Poskim. (One should bear this in mind when utilising a succah where there is a concern that it wasn't built by someone knowing the basic halochos of succah).

POSITION

When building a succah on **shared property** e.g. the common area of a block of flats/units, one should ensure that one has permission to do so³. Similarly one should ensure that their succah is not even partially positioned on public property⁴. In Eretz Yisroel there is more room for leniency where the succah does not inconvenience with pedestrians.

One should ensure that the **eaves, gutters, ledges, washing lines, security bars etc** which overhang

or protrude from the walls of a building do not disqualify ones succah. This depends on the size and density of the extension and how many 'kosher' walls the succah has. Even where the eaves etc do not disqualify the succah, in many instances one may not sit beneath them.

One should ensure that the succah is not built in close proximity to an area where there is a **foul smell** eg garbage bins⁵.

One may say a berocho in a Succah which is built along or next to an outdoor wall **which has sewer pipes** attached to it. There is no difference what material the pipe is made from⁶.

One should ensure that their succah is **comfortable** (eg warm/cool) **and 'secure'**⁷. In cities where it may become cold (e.g. in the evenings) suitable heating should be arranged and set on a timer.

An 'outdoor' succah is not more mehudar than an 'indoor' succah⁸. At times, an indoor one would seem to be preferable as it is warmer and more secure. This is especially true in countries where one would not be able to perform all the obligations of succah in a proper manner due to

5 For two possible reasons - 1) if one would leave their dining room because of such a smell it might be considered deficient in the Teshvu k'en toduru' requirement. 2) may be problem with reciting berochos. See Mishnah Berurah 630:4. Similarly, one should avoid building a succah where one faces an 'outhouse' while sitting in the succah. (ibid).

6 Ashrei Hoish 24:17. Needless to mention that there is no odor coming from the pipe.

7 See Shulchon Aruch 640:4 and Rema that the succah must be fit to sit **and** sleep in. It must be safe and secure as well, as if one is afraid to sleep in the succah (due to its position or style) according to some Poskim one is not yotze the mitzvah of eating either. See also Biur Halocho sv demisyore. Rav Moshe Sternbach rules that where an average person would feel safe in the succah, then even someone who by nature is more frightened than the average person is also yotze.

8 See Succah 2a that a solid permanent walled succah is kosher l'katchilla. The 'feeling' of going into 'golus' is applicable to an indoor succah as well as sitting since the ceiling is one of 'golus'. See Kovetz Halocho 3 fn11.

1 See Kovetz Halocho 1:1 and footnotes for lengthy discussion.

2 Rav Shmuel Felder, Dayan in Lakewood p2..

3 OC 637:3 and MB 10. (See Ashrei Hoish 24:13)

4 MB 637:10. Even post facto, making a berocho is questionable. See also Biur Halocho 637:3 sv v'chein.



the succah's 'light' construction.

Ideally one should place their succah **on a concrete or wooden floor** or on hard ground. Where this is not possible one may place their succah on a grassed area. In this case, some Poskim note a preference that water should not be served during the Shabbos/Yom Tov meals, only purchased drinks⁹.

Ideally a succah should be positioned that the schach is directly beneath the open sky, and **not under the foliage of a tree or any of its protruding branches**. Shade coming from a large tree 'next' to the succah but not above the succah, is of no halachic concern¹⁰. Where there are only a few branches over the succah and the schach on the succah is dense there is room for leniency where certain conditions are met¹¹. Where the foliage of the tree covering the succah is very light see footnote¹².

Poskim discuss whether **cutting branches off a fruit tree** is permitted for the purpose of mitzvas succah¹³. A shailo should be asked.

SIZE

The minimum size of a succah is **7 tefochim by 7 tefochim**. According to the Chazon Ish this is 70cm by 70cm¹⁴. A succah which has an area of 70cm X 70cm but is not a minimum of 70cm long X 70cm wide is possul according to many Poskim¹⁵.

The laws of a small succah are relevant to narrow balconies where there are protruding eaves which minimise the size of the succah. **Some balconies have brickwork around their edge onto which the balustrade or railing** is inserted and supported. The

⁹ See Rema OC 336:3. (Some Poskim advise that the Rema is not referring to when seated at a table.) Using bought drinks would minimise a spill on the grass as a pesik reishde d'lo niche lei (Rav Shmuel Felder, Dayan in Lakewood p26.).

¹⁰ Biur Halocho beg OC 626

¹¹ Where the succah has more shade than sunlight from its schach even without the schach which is beneath the branches, the succah is kosher..

¹² In this case there is room for leniency in extreme circumstances. See Biur Halocho 626 sv v'yesh. However, if there is a possibility of mixing the foliage of the tree into the schach (even while still attached to the tree) there is more reason to be lenient. A shailo should be asked.

¹³ See Ponim Yofos (Hafloho) parshas Shaoftim, Shut Dovev Meishorim 1:134:2 Har Tzvi OC vol 2 101. The sefer Genuzos Haparsha on parshas Terumo has a lengthy discussion on this issue. In truth these Poskim are discussing utilising the cut branches as schach. Our question is to cut away the branches to allow the schach to 'see' the sky, but there doesn't seem to be a difference.

¹⁴ According to R Ch Noah this is 56cm X 56cm.

¹⁵ Mishnah Berurah 634:1

7 tefochim are counted from the outer balustrade or railing and one may even eat a meal while sitting on the brickwork. (Halichos Shlomo 7:6)

A large succah which has a small/narrow extension which is not **7 tefochim by 7 tefochim** should not be used as part of the succah. Some Poskim are lenient where the extension is 7 tefochim wide¹⁶.

The walls (and schach) of the succah must be a **minimum height of 10 tefochim**. According to the Chazon Ish this is 100cm. They do not need to reach ('touch') the schach. For example if the walls are 100 cm high and the schach is placed at a height of 200cm it is kosher.

WALLS

Shulchan Oruch advises that one endeavor to build a succah with at least **three complete walls**¹⁷, According to some Poskim there is a preference for **a fourth wall as well** (with the door/entrance in this wall)¹⁸. This is due to the complex laws concerning the inclusion of openings (*tzuras hapesach* etc) to the dimensions and mass of the succah walls¹⁹ and if any doors or sliding doors which are part of the 'walls' may be opened or closed on Yom Tov²⁰ or during a meal²¹.

Where there are various openings and/or doorways in the 'succah walls' a competent Halachic authority should be contacted to ensure that the succah is kosher and that the doors may be opened on Shabbos and Yom Tov. These laws are complex.

The walls of the succah must be adjacent to each other. In other words, **the corners of the succah (where the walls meet) must have no gaps**. If there is a gap (larger than 3 tefochim²²) at one of the corners of a three walled succah²³, there is a possibility that the succah is not kosher - even if

¹⁶ Mishnah Berurah 634:1 is machmir. However see Biur Halocho and Kovetz Halocho 3:2.

¹⁷ Rema OC 630:5;12.

¹⁸ See Rema OC 630:5;12. These Poskim explain the Rema's intention to a fourth wall. The hiddur of a fourth wall is noted in Chaye Odom 146:3, Mate Moshe and Shlo. This was the custom of the Chazon Ish as well. (Zchor L'Dovid p361)

¹⁹ Rema OC 630:5. See also MB 50 and Shaar Hatzion 640:50.

²⁰ See Halichos Shlomo 7:16. This is very relevant to sukkos built on verandas and indoor sukkos. Ideally these doors should be closed prior to placing the schach and remain closed for the entire Sukkos. See Oruch Hashulchan 630:19, Shaar Hatzion 630:25 and Chazon Ish 75:2.

²¹ See Kovetz Halocho 1 fn 45

²² Biur Halocho 630:5 sv ki in the name of the Pri Megodim.

²³ If it is a two and bit walled succah, it is not kosher.



these gaps have a *tzuras hapesach*²⁴.

Simple **railing or fencing of a porch** (see picture) does not always qualify as kosher walls of a succah - even if the bars are less than 3 tefochim (24cm or 30cm) apart and the railing is 10 tefochim high. The Mishne Berurah (630:7) rules that if the succah has four walls it is kosher even if all four walls are made from the railing, but a three walled succah is not²⁵. Others are machmir that even a four walled succah should not be used where the walls are made up of bars only²⁶. It is questionable whether one bar going across the top and/or on the bottom of the vertical bars would render it as a mechitzah²⁷.

A practical application of this halocho is where one places sheets of **'loose' cloth (which cannot count as walls in their own right - see below) around a porch**, relying on the railing as the 'kosher' walls. Placing **three pallets** in an upright position with a schach covering is another application²⁸.

Succah with Material Walls

Those using succah walls made of material, **must ensure that the walls are taut** so that they do not move in the wind. Rav Elyashiv and Rav Shlomo Zalman Auerbach were of the opinion that **even if it would move a little in an average outdoor wind**, the succah is possul²⁹. Rav Moshe Feinstein as well was not an 'admirer' of material succos³⁰. The Chazon Ish is more lenient and rules that it must move three tefochim in order for it to be considered possul. This issue of the 'moving' walls is in addition to the issue of warmth and security (see above) which affects these types of succos.

Shulchan Oruch (OC 630:10) presents another problem where 'all' the walls are made of material - even if they are taut - **if they are 'tied' to the**

24 Mishnah Berurah 630:25. If there is a door as well, it is kosher when the door is closed but not when it is open. Kovetz Halochos 3:12

25 This is the opinion of the Magen Avrohom that a wall of shesi or erev is only kosher if there are four walls. The Oruch Hashulchan also sides with the Magen Avrohom. Kovetz Halochos 3:12

26 This is the opinion of Bikurei Yakov, Beis Meir and Chazon Ish (OC 75:12). See also Kovetz Halochos 3: fn 23.

27 See Shar Hatzion 630:2 who cites the Pri Megodim who suggests a leniency in this regard. However the Chazon Ish 77:4 is machmir. See also Kovetz Halochos 3:17

28 If a fourth wall/pallet is used it is kosher according to the Magen Avrohom.

29 This issue is in addition to the importance of having a warm and secure succah, as noted above.

30 IGM OC 5:40:2 and 5:39. He notes his surprise at how these types of succos are being sold in America. Rav Sh Kamenetsky in Kovetz Halochos 4:4 advises not to use them unless there are poles or bars woven into the fabric as noted in SH"O 630:10.

frame. There is a concern that as a result of the wind the material walls may come undone from the frame and the succah would become possul³¹. Accordingly, one should secure the material with screws, nails, wood etc. Rav Chaim Kanievsky³² rules that plastic cable/ezy-ties are acceptable and not halachically considered as 'tied', due to the fact that they will not come undone.



Some 'material' walled succos **have added bars**³³ running across their metal frame in order to create a 'reserve' wall of *lovud*³⁴ and avoid the aforementioned machlokes haposkim. A similar idea is to use **shade-cloth for the walls** (nailed or screwed in), which can be easily drawn taut and will not move in the wind. The material walls may then be added behind the shade cloth (for warmth and privacy) which will no longer be subject to the above requirements since the halachic wall of the succah is the shade cloth. But these ideas will not satisfy the issue of "warmth and security" noted above.

In summary, there are three issues pertaining to material-walled succos -

- 1] walls moving in the wind,
- 2] walls becoming undone and
- 3] reduced warmth and security.

Of late, panel walled succahs (eg Leiter's Succahs) are becoming more popular, where the panels conveniently slide into each other and is easy to store and construct.

31 Even though this may seem as a far fetched concern, since the walls of a succah are d'oraiso we are machmir.

There is a machlokes haposkim if the material-walled succah is placed in an enclosed area eg a high walled yard which 'protects' the material walled succah from the wind. IGM OC 5:39:3 is machmir since there are other reasons as well why/how the walls may become undone for example people and children continuously brushing against the material walls.

32 Toras Hamoadim no 14

33 Some types have added straps running across the metal frame. One would have to check that they are taut enough.

34 However, this is not a foolproof solution as noted earlier that a three walled succah which is made of shesi or erev alone is a discussion amongst the Poskim whether it is kosher. See MB 630:7. Some are machmir even with a four walled succah



Borrowed items for Succah

One must ensure that all materials of both the walls and schach of the succah are of ones **personal belongings** or borrowed with specific permission. The din of **lachem** with regard to succah disqualifies stolen items or those 'borrowed' without permission. Borrowed items (with permission) are kosher for succah (unlike *arba minim*).

"Borrowing" items for ones succah without permission - with intention to return it after succos - is a form of gezeilo and one is not yotze the mitzvah. **This applies to the walls³⁵, schach, frame of the succah and even the beams supporting the schach³⁶.** Rav Moshe Feinstein (OC 1:181) adds that stolen nails or other material which are essentially 'holding' up the succah would similarly disqualify the succah. 'Borrowing' or 'taking' nails without specific permission, for example taking nails from a neighbours tool box where one is sure that the neighbour will definitely agree to this once they find out, should be avoided according to some Poskim. Others are lenient.

SCHACH

Placing the schach on the frame of the succah **before erecting the walls** invalidates the succah according to many Poskim.

In countries where it gets cooler in the evening, one should place a **thicker schach** in order to keep the succah better insulated.

Slats of wood which are at times used as ceilings, may be problematic to be used as schach even if they are less than four tefochim wide. **Minhag Yerushalayim** was to be meikel if they are less than a tefach (Halichos Shlomo 8:3). Rav Moshe Feinstein (OC 5:40:5) is meikel if the slats are 'raw' and not 'finished'.

Those using slats of wood for schach should be careful not to place them 'hard' up against each other.

When cutting schach, even from **public property**,

35 Even a small part of the wall which is vital for the kashrus of the succah. The Pri Megodim (MZ 637 4) cites the piece of schach/board making the dofan akuma (which maybe as small as 4.1 tefochim) as an example.

36 See Biur Halochos 637:3 v'im. It is interesting to note that where someone stole a beam with the intention to pay for it they are yotze the mitzvah, but where they intend to return the beam itself they are not. See Halichos Shlomo 17 DH 17.

one should ensure that one has permission to do so³⁷. Ideally one should not cut from a non Jew's premises **schach 'themselves'** that one is going to use on his own succah³⁸.

Schach growing on church grounds is permitted to be used for mitzvas succah (OC 649:4). **However if the church is requesting payment** for the schach, this maybe forwarded only when certain conditions are present. [See Mishnah Berurah 649:26]. A Jew entering church grounds may be problematic as well [See YD 150]. It must be noticeable that they are entering in order to get schach, for example they are carrying a ladder.



The schach must be placed on the succah with the intention that it is **for shade purposes l'shem tzeil**³⁹. Some Poskim note that this should be said **verbally** prior to beginning to place the schach on the succah⁴⁰.

Some homes have their **schach in position** (in the ceiling) all year, and prior to sukkos the roof (above the schach) is unlatched and opened. The Mishnah Berurah (636:8) rules that the act of opening of the roof is insufficient to make the schach kosher⁴¹, rather the schach must be 'lifted' and replaced (see below). The Chazon Ish is lenient and rules that since the schach was originally placed *l'shem tzeil* there is no requirement to move all the schach. However, '*chidush*' is required⁴². Rav Sh Z Auerbach⁴³ sides with the Chazon Ish where the roof is 'on' the schach ie it is noticeable to someone sitting in the home. Where it is 'above' the schach

37 OC 637:3 and MB 11. (See Ashrei Hoish 24:13)

38 OC 637:3 and MB 12, 13 and 14. From the Mishnah Berurah 14 it seems that this halochos does not apply to public property.

39 Rav Elyashiv was of the opinion that placing the schach lesheim mitzvas succah and not mentioning l'shem tzeil is problematic.

40 Kaf Hachayim 626:11.

41 Since the schach is ones ceiling all year round, it is possul. (A house in which one lives throughout the year is possul min hatorah even if the ceiling is made from kosher schach). The lenient opinions say that since all year round the roof is closed, therefore the schach is not considered as ones roof all year round.

42 Chidush is performed by placing 'new' schach in an area of 10cm by 10cm somewhere in the succah (Oruch Hashulchan 636:2). Some Poskim allow lifting and replacing the existing schach in an area 10cm by 10cm (Sh"O Horav 636:2). Alternatively one can perform chidush by placing (or lifting and replacing) a strip of schach along the entire length or width of the succah. OC 636:1

43 Minchas Shlomo Tinyono 56



(and therefore not noticeable to the one sitting in the home) there is reason to follow the Mishnah Berurah.

LIFTING

Poskim discuss three points concerning the 'lifting' process; 1] If each piece of schach must be lifted individually⁴⁴ (see footnote) 2] how high must they be lifted to effect the required change and 3] must both ends of the piece/s of schach be lifted at the same time.

1] Rav Vosner (8:140) presents the following compromise; where the lifting is required *me'ikar hadin* for example schach which is cut (detached) from the tree only after it was placed on the succah, one should be machmir and lift each piece individually. Where it is not meikar hadin (for example schach placed under a closed roof), one can be lenient.

2] Some Poskim hold that a 'minor' lift (even less than a tefach) is sufficient⁴⁵, others require a tefach⁴⁶, while a third opinion says that they must be lifted three tefachim⁴⁷.

3] The Steipler Gaon and Rav Elyashiv⁴⁸ require that the entire piece /s of schach be lifted at once. Rav Nissim Karelitz⁴⁹ is lenient.

44 Rashi and the Ran (Succah 11a) are of the opinion that each piece must be lifted individually and this seems to be the simple meaning of Shulchan Oruch 626:2 and the Mishnah Berurah 626:18. Sh"O Horav OC 626:8 seems to say that the schach does need to be lifted individually. This is also the opinion of the Avnei Nezer OC 466:8 who explains that Shulchan Oruch is stating a leniency that it 'may' be lifted individually (as one may have thought that it must be lifted and replaced all at once in order to effect the change).

45 Sh"O Horav 629:20 and Rav Elyashiv

46 Rav Nissim Karelitz in Chut Shoni Succos p195 and Rav A L Steinman (Shalmei Toda 33:1)

47 Rav Moshe Feinstein quoted in Kovetz Halochos 2 fn7 by Rav Forcheimer

48 Orchos Rabbeinu 2:214 and Ashrei Ho'ish 3:25:26. In Ashrei Hoish Rav Elyashiv adds that schach mats are considered as one piece for this haloch. This is a chidush as they could be viewed as separate pieces tied together as well.

49 Chut Shoni Succos p195

It would seem that one could apply Rav Vosner's compromise to point 2 and 3 as well.

MA'AMID - Support of Schach

The schach of the succah **should be supported by material which is inherently kosher for schach**⁵⁰. For example the schach should rest on wooden beams and not on a metal frame. The wooden beams however may rest on and be supported by the metal frame according to many Poskim⁵¹. [The wooden beams should be placed perpendicular to the metal beams (ie if the metal beams are running N-S then the wooden beams should run W-E) and not merely lying on the metal beams⁵²]. Resting the schach on wooden beams which are part of the permanent structure of the roof is permitted⁵³. (This is permitted even if the beams are four tefachim high⁵⁴).

Some Poskim note that the beams placed across the metal frame to support the schach **should not be placed l'shem tzeil** rather they should be placed for the purpose of support alone⁵⁵.

Resting the schach on a brick wall is permitted notwithstanding the fact that brick is a non-kosher

50 Mishnah Berurah 629:22 adds that bedieved or in difficult circumstances one can support the schach with not kosher for schach materials

51 OC 629:8. According to the Chazon Ish (OC 143:2) this should not be done as well because in his opinion ma'amid d'ma'amid is considered as a ma'amid.

52 Heard from my Rosh Yeshiva in the name of his father Rav Y D Solowievicz zt"l. In his opinion lying on the metal beams is no more than a chatzitzah but the metal beams are still considered the direct support of the schach. This is also the opinion of Rav Sh Z Auerbach - see Minchas Shlomo Tinyono 55:3 sv'hinei. However others disagree - see Kovetz Halochos 8:8

53 There should be a minimum of three tefachim in between the beams.

54 Even though beams four tefachim wide/deep etc are posul for schach even when they are placed on their 'narrower' side (OC 629:18), where they are part of the fixed structure it is permitted.

55 Since if placed l'shem tzeil, then it becomes part of and one entity with the schach and the entire schach is now being supported by the metal frame. Rav Elyashiv in Ha'aros Mes. Succah 21b and Minchas Shlomo Tinyono 55:3. See also Chazon Ish 143:2.

כי אין שכחה לפני כסא כבודך

The Mabit (Beis Alokim tefila 13) elucidates that it doesn't say **כי אין לו שכחה** that He (Hashem) doesn't forget, rather there is no forgetfulness before His throne. This implies that even the Malochim who serve before him have no forgetfulness



material for schach⁵⁶. However **resting the schach on metal beams** that are permanently fixed, for example on a metal railing, is forbidden⁵⁷.

The restriction of 'supporting' the schach with non-kosher material has two other applications - 1) tying the schach and 2) weighing down the schach

1] The **string being used** to hold the mats in place must be *gidulei karka* and not be *mekabel tumah*⁵⁸.

2] **Weighing down** the schach (so that it shouldn't blow away) by placing a metal beam over it is prohibited. A brick or stone is acceptable⁵⁹. Needless to mention that a wooden beam is allowed as long as the beam is not four tefachim (32cm) wide.

The schach resting on the succah must not be 'fixed' in position, for example they cannot be nailed into the frame⁶⁰. Rav Elyashiv is of the opinion that tying the schach tightly and firmly to the frame would fall into this restriction and therefore advises that it should be tied loosely and with a bow rather than a knot. Other Poskim are lenient and permit tying tightly and with a knot⁶¹.

Although the schach must not be 'fixed' in position, for example nailed into the frame (or even tied tightly and firmly according to Rav Elyashiv), **the beams placed across the metal frame to support**



the schach may be fixed to the metal frame.

Since one may not sit under a part of the succah which is not kosher, for example beneath protruding eaves etc, **it is advisable to have this area clearly marked** and noticeable. Replacing the schach in this area with a board cut to size may be advisable (and cost effective as the board is cheaper than schach).

One may **paint** their schach. Schach grown **hydroponically** is kosher⁶².

Schach Mats

According to many Poskim 'schach mats' may be used as schach but they must have a reliable hashgocho to ensure the purpose of manufacture and that the binding materials of the mat are *gidulei karka* and not *mekabel tumah*. (If non kosher binding material is used, it is kosher provided that it is minimal and for

packing/handling purposes only ie the individual pieces of schach would remain in position even without this binding).

The mats should be secured to the succah in a permissible manner. The **string being used** to hold the mats in place must be *gidulei karka* and not be *mekabel tumah*.

Some Poskim rule that if the wind lifted the schach off the succah (to a degree that the succah became possul), and 'returned' it, the succah is possul (Ashrei Ho'ish 25:34). This scenario is more likely when using schach mats. The **string being used** to hold the mats in place must be *gidulei karka* and not be *mekabel tumah*.

Rav Elyashiv rules that mats made from **wooden slats** should not be used. **Rav Wosner** (Shevet Halevi 10:94) is of the opinion that me'ikar hadin even mats made from wooden slats are kosher. however he discourages the use of any schach mats.

ROOF

There is a preference to equip the succah with a **suitable waterproof roof** so that the succah will be kept dry both during *and after* the rain. This is

56 The reason for this variance is because the concern that one may use the support for schach (which is the reason for the sanction of non kosher material as support for the schach) doesn't apply to walls or anything permanent. Rishonim (Ran Ritvo Me'iri on Succah 21b). See Biur Halocho beginning simon 630.

57 Based on the Chazon Ish (OC 143:2) who cites two reasons to permit a concrete wall reinforced with metal beams, and these reasons do not apply to a fixed metal railing and the like. Rav Kamenetsky however is meikel (Kovetz Halocho 1 fn1)

58 The case in Shulchan Oruch (MB 629:26) discusses ropes made of flax which are not fit for schach. Rav Nissim Karelitz (Chut Shoni Succos p210) notes that plastic cable/ezy-ties are prohibited as well.

59 According to many Poskim - see Shevet Halevi 9:137; 10:95). Rav Nissim Karelitz is machmir with regard to placing a stone on schach (Chut Shoni Succos p210).

60 Even if there is no concern of ma'amid, for example the schach would remain in position even without the nails. See Shaar Hatzion 633:6. However see Mishnah Berurah 629:36. Rav Wosner (10:93) suggests that 'nailing in' is a concern only if the nailed in schach looks like a 'fixed' ceiling.

61 Rav Nissim Karelitz and Rav Wosner (10:93) .

62 Rav Elyashiv (Ashrei Hoish 25:1)



especially true in countries where it usually rains during succos.

When raining **there is a preference to remain in the succah with a closed roof** rather than enter one's home provided the roof is within 4 tefachim from the schach⁶³.

A roof attached with hinges or a track maybe opened and closed on Shabbos and YomTov. Where a tarp or sheet of plastic is being used to cover the succah, it may be spread over the schach on Shabbos and YomTov provided that it is lying on the schach or within a tefach (8cm) above the schach⁶⁴. Louvre roofs are becoming more popular but one must ensure that the louvres are spaced sufficiently apart and that the operating mechanism is suitable for Yom Tov.



Building a succah on **Erev Shabbos** after chatzos is permitted is permitted according to many Poskim **up until the time of Mincha Ketana**⁶⁵. This year,

⁶³ See Mishna Berura 629:58
⁶⁴ However, if it more than a tefach above the schach it may not be opened or closed because one is creating a new ohel and not just adding - IGM OC5:39:4.

⁶⁵ Mishna Berura end OC 625 is machmir but in OC 251:3 he is

where Yom Kippur occurs on Wednesday, there is an interesting chidush of the Avnei Nezer (Shut OC 459) who says that the succah must be erected prior to Shabbos. However many Poskim disagree with this chiddush⁶⁶.

MELBOURNE , AUSTRALIA

As a result of Melbourne's unpredictable weather patterns, it is advisable to add the following 'additions' to succah's being built in Melbourne.
 A) a roof

B) a more dense schach

C) to extend the walls of the succah above the schach. This can easily be done by attaching (screwing/nailing in) sheets of plywood at the top end on the succah panels, This will assist to protect the schach from the wind.

meikel. Rav SZ Auerbach (Halichos Shlomo 7:13) s also meikel.
⁶⁶ See Minchas Elozor 4:55.

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The Power of Praying for other People.

By Rabbi Jon Neumann

There are many opportunities for extra tefillah at this time of year. Starting from the beginning of Elul until the end of Yom Kippur is a special time to beseech Hashem for our needs, and of course for teshuva. The upcoming year is being determined, and the year just gone is being sealed.

Tefillah not only has the power to affect the one praying, but also other people. As Jews we are very familiar with doing chesed for other people. During Covid lockdowns there may be less opportunities for doing chesed that involve close interactions with other people. However lockdown is an ideal time to focus on another form of chesed - praying for others. In the same way we can daven for ourselves we can also daven for other people. Praying for physical needs is just the beginning. We can also pray for spiritual needs, such as opportunities for growth in Torah and Mitzvot and Teshuva.

In truth however, even praying for other people takes time, effort and intention. Accordingly, I'd like to present some reasons as to why I think it is a good investment.

The first reason to pray for other people is because it is an act of chesed, because it helps a person in need. There are two possible scenarios in which we could find ourselves davening for another person. In the first scenario, where the person being prayed for is already davening for their own needs, we can supplement their prayers with our own prayers. In the second scenario, where it is a person who is not davening for themselves, our prayers for them may be the only spiritual hishtadlus affecting them. Their lives would be missing entirely the power and influence of davening. So our davening for them is a tremendous chesed and source of positive influence for them. The effect davening for a person can have is literally limitless. How

much appreciation would an irreligious person have if they understood the benefit they were gaining by other people davening for them?

In addition to helping the beneficiary, praying for another person is very much in line with Hashem's Will. Hashem created the world and the people in it for a purpose. It is not Hashem's desire to harm anyone, and even when it is necessary to do so, such as drowning the Egyptians, Hashem doesn't rejoice (see Megillah 10b). Since Hashem wants mankind to be successful, and all the more so Hashem wants the Jewish people to be successful, it pains Him (so to speak) when we are suffering.



We know that prayer is one of the keys that unlocks Hashem's flow of mercy and goodness into the world (see Rashi on Bereishis 2:5). Accordingly, it is Hashem's desire that we pray for ourselves and similarly that we pray for other people also. It is akin to a parent who sees their child who can't swim fall into a swimming pool and is unable to save them themselves. If someone else would jump in and save the child, wouldn't the child's

parent be appreciative and lavish reward on the rescuer? In so far as we are all Hashem's children (Devarim 14:1), when we try to help other Jews through our prayers, it is reasonable to assume that Hashem will be appreciative and reward us for helping his children.

During the Yomim Noraim specifically, there is an extra opportunity for us. One of the major themes on Rosh Hashanah is to anoint Hashem as the King. We do this by recognizing His kingship and subjugating ourselves to His rule. Another way to enhance Hashem's kingship is by expanding and enhancing His kingdom by doing what we can to increase the number and spiritual quality of people who are also serving Hashem. By praying



for the welfare of other people and for their growth in Torah and Mitzvot, we are in a small way contributing to the greatness of Hashem's kingdom.

We have seen that praying for others helps the beneficiary and is also the fulfilment of Hashem's will. Above and beyond these reasons, praying for others is directly beneficial to the one doing the praying also.

The mechanic of "kol Yisrael areivim zeh b'zeh" is what allows us to make Kiddish for ourselves and then make Kiddish again for another Jew who hasn't heard it yet (see Rosh Hashana 29a). The idea is that all Jews are connected and that we share a "spiritual body", so that if one part of the body is missing a Mitzvah then at some level all the parts of the body are missing the Mitzvah.

The implication of this is that praying for the wellbeing or success of another Jew is in fact praying for my own wellbeing or success. To the extent that we are interconnected, we all benefit when one of us benefits and we all suffer when one of us suffers (see Shavuot 39a and Sanhedrin 27b).

In addition, there is another significant link between an individual and a congregation. The benefits of davening in a congregation are well known. We are told that communal prayers have a special merit to be heard directly by Hashem without intervention from the angels. Tosafot (Rosh Hashana 16a) says that even when a person is praying on their own without a minyan, if they are praying for other people, then their prayers are elevated to the level of being with a congregation! This is an important "super power" that is accessible to those of us in communities that won't be able to daven with minyanim for the Yomim Noraim.

Finally, there is a purely self-interested rationale for praying for other people. The Gemara (Bava Kamma 92a) says that when a person prays for another person, they are answered first when they themselves need the same thing. The first source in the Gemara is from Iyov. Iyov prayed that his friends shouldn't suffer and immediately

Hashem removed Iyov's suffering also. The Gemara's second source is from Avraham's praying for Avimelech's household. Based on the juxtaposition of this and Sarah's conception of Yitzhak, the Gemara derives that Avraham's own prayers were answered first.

This idea is really quite an amazing strategy for success in davening. This is not just a segula for successful davening, this is an explicit Chazal based on a possuk in Chumash!

We have seen that there are many sources in Torah and haskafa for the importance and benefit of davening for other people. Amazingly, when the Anshei Knesses HaGedolah established the nusach of our Tefillah, they didn't just leave it as an optional extra but rather they built it into the very words that we pray. All of Shemoneh Esrei (which is the main part of Tefillah) is phrased in the plural. Chazal literally wrote the words for us to pray on behalf of others! We just need to add the intention.

Similarly, we find that the Yom Kippur vidui is very long and it is (hopefully) unlikely that any one individual has committed all the transgressions mentioned. Yet we all say the entire vidui! The Taz (SA OC 607:1) resolves this problem using the mechanic of arvus again. He explains that even if this specific Jew didn't commit this sin, nonetheless some other Jew may have and since we are all connected, so we are asking for forgiveness for all Jews, not just ourselves.

In addition to our things that need we need to daven for, as we are all aware there is no shortage of needs amongst our friends, family and the wider Jewish community. At this time of year, harnessing the power of davening to pray for other people is not only a chance to help them, but an awesome opportunity to increase our own merits and to boost the efficacy of our prayers.

Good Yom Tov and Good Davening.



Knocking on the Gates of Teshuvah

Rabbi Abba Levin

Rebbi, Yeshivas Yesodei Hatorah

– Adapted from *Ledofkei Biteshuvah*

on *Rambam Hilchos Teshuvah*

Rambam (2:6)

Even though teshuvah and crying out to Hashem are always beneficial, during the Aseres Yemei Teshuvah between Rosh Hashanah and Yom Hakipurim they are particular powerful and accepted immediately. This applies to an individual, but if a community does teshuvah and cries out to Hashem they are always answered favorably [even during the rest of the year].

- When the Rambam says that tefillah is always effective, it means that tefillah always carry the power to help even after the Heavenly verdict has been sealed. In such cases, tefillah can minimise the natural outcome of the verdict or at times even overturn the verdict completely. **An individual that performs a sincere teshuvah out of love on his own accord and cries out to Hashem for help can uproot the entire verdict against him.** Even if one is not successful in completely changing the decree against him, tefillah and teshuvah always help to soften the way it gets carried out.¹
- Chazal tell us: *Hashem says to Klal Yisrael – do teshuvah during the Aseres Yemei Teshuvah and I will favour you on Yom Kippur and create you into new beings. Even if your aveiros are piled up as high as from the earth to the sky, I will whiten you like pure snow.*²
- **The difference between teshuvah and tefillah during the Aseres Yemei Teshuvah and the rest of the year is equivalent to the difference between light and darkness.** Unfortunately, many people are not aware of the true value of the *Aseres Yemei Teshuvah* and they fail to perform a true introspection as required during those days. One needs to look deeply into himself and see where he has fallen short, and upon discovering any aveiros that he has, to immediately separate himself from them. Besides the fact that it is easier to do teshuvah during the *Aseres Yemei Teshuvah*, the teshuvah itself is also more easily accepted by Hashem during these days as the Rambam mentioned.³
- **There are four periods of the year that are conducive to proper teshuvah:** 1) Every night before one goes to sleep, he should review his entire day and see if he did something wrong. If he notices something that needs improvement, he should say viduy and accept upon himself not to commit the aveirah again. 2) On Erev Shabbos. Since Shabbos is called a 'bride', it is not proper to appear on Shabbos before the 'bride' in 'filthy clothes' in the form of aveiros, and a person should do teshuvah for any aveiros he did throughout the week (see Mishnah Berurah 250:3). 3) On Erev Rosh Chodesh one should do teshuvah for any aveiros done throughout the



month. 4) On Yom Hakippurim one should do teshuvah for any and all aveiros done throughout the year.⁴

- **The Rambam writes that when an individual does teshuvah during the Aseres Yemei Teshuvah it is accepted immediately.** This means as follows: During the rest of the year if a person does teshuvah it serves to minimise the consequences of his aveiros but it does not necessarily uproot the Heavenly verdict (*gezar din*). During the Aseres Yemei Teshuvah one can easily change the Heavenly verdict as well. Also, during the rest of the year a person that does teshuvah will be forgiven for his sins, but the concept that teshuvah done out of love actually changes the aveiros into mitzvos is only active during the Aseres Yemei Teshuvah.⁵
- **There are two other benefits to teshuvah done during the Aseres Yemei Teshuvah: 1)** Although normally there is no teshuvah if one says בּוֹשָׁאִין אֶתְחַמֵּץ - *I will do the aveirah and then I will do teshuvah for it*, that is not applicable to the Aseres Yemei Teshuvah. During those special days Hashem forgives even such aveiros. 2) Even though the Rambam (4:1) lists the 24 things that prevent a person from properly doing teshuvah, any teshuvah done during the Aseres Yemei Teshuvah is immediately accepted even if one is in the category where he would normally be prevented from doing a proper teshuvah.⁶
- **If a person pays close attention to his inner conscience during the Aseres Yemei Teshuvah he can hear that Hashem is calling out to him to do teshuvah and improve his level of *yiras shamayim*.** This is true even when he is engaged in mundane activities. Hashem places these thoughts in our hearts to encourage us to return to Him during those days.⁷
- **The Rambam wrote that the teshuvah of the tzibbur is equally effective during the rest of the year and therefore whenever they do teshuvah and cry out to Hashem with a united heart (מִלֶּשֶׁת בְּלִבָּ) they are answered. What forms a tzibbur? One needs ten people (who do not need to know each other) who will engage in teshuvah and tefillah at the same time.** The requirement of a *tzibbur* for teshuvah purposes is different than the requirement of a *tzibbur* for a minyan, and therefore ten women would also create a *tzibbur* (but non-Jews can't form a *tzibbur*).⁸
- An individual who does teshuvah out of love for Hashem and not merely out of fear of punishment has the same power as a *tzibbur*, and can uproot even a *gezar din* that is sealed with a Heavenly oath.⁹
- Besides for the fact that a teshuvah done by the *tzibbur* is immediately effective during the whole year, **there are added benefits as well:** Even teshuvah done out of fear (הֶאֱרִימְ הַבְּוֹשָׁתִי) has the transformative power to turn aveiros into mitzvos when done by a *tzibbur* (וְשִׁעֲבֵב תּוֹנוֹדֶיךָ וְשִׁיבֵב תּוֹנוֹדֶיךָ). Likewise, even if the *tzibbur* intended to sin and then do teshuvah, their teshuvah is still valid and accepted. Additionally, the requirement for the different levels of *kapparah* based on the severity of the aveiros (positive mitzvos, negative commandments, more serious aveiros that carry with them *kares* or capital punishment, and *chillul Hashem*) are not applicable to a *tzibbur* that does teshuvah, as their teshuvah is immediately accepted.¹⁰



- It is not merely enough for the *tzibbur* to engage in teshuvah; the Rambam makes clear that they need to engage in tefillah as well. The Rambam adds that the *tzibbur need to daven בלִבּוֹ בְּמִלְּטָה* – with a complete heart – concentrating on the words they are saying. Although the Gemara (*Ta'anis* 8a) indicates that a *tzibbur* does not need to daven with *kavanah* in order to be answered, that only refers to regular tefillah. Tefillah said as a means of teshuvah (to ask Hashem for forgiveness, to beg for *rachamim* etc.) does need to be said with *kavanah*.

Alternatively, when the Rambam said the words בְּמִלְּטָה בְּלִבּוֹ he was not referring to *kavanah*, which might not be required by a *tzibbur*. He was referring to the fact that the *tzibbur* can only be answered if they are united with each other בְּלִבּוֹ בְּמִלְּטָה with *shalom* amongst the *tzibbur*, as *machlokes* prevents the tefillos of the *tzibbur* from being answered.¹¹

(2:7)

Yom Hakippurim is the time for teshuvah for everybody – both for the individual and for the community. It is the final day for forgiveness for the Jewish nation. Therefore, all are obligated to do teshuvah and say viduy on Yom Kippur. One starts saying viduy Erev Yom Hakippurim before his last meal, as we are concerned that one might come to choke during his meal before he says viduy. Even though he has already said viduy, he repeats his viduy on Yom Kippur night, morning, musaf, minchah, and neilah. An individual says the viduy after his Amidah, whereas the Shaliach Tzibur says it in the middle of the fourth berachah.

- **Misusing the once in a year chance for teshuvah, actually worsens the consequences of one's aveiros.** One who refuses to do teshuvah on Yom Kippur is defiantly refusing to do what Hashem asks from us. On this special day, Hashem makes Himself accessible to all that seek to draw close to Him, and one who refuses that opportunity is adding more aveiros to his account.¹²
- **By choosing the wording *Yom Hakippurim is the time for teshuvah for everybody*, the Rambam is teaching us that Yom Kippur even helps for someone who was in the category of a complete rasha. Alternatively, he means that someone who was destined for death in the Heavenly verdict on Rosh Hashanah, can still do teshuvah on Yom Kippur and have his sins forgiven [and his verdict overturned as a result].¹³**
- **Some opinions maintain that even someone who did a proper teshuvah during the year, still needs to do the steps of teshuvah again on Yom Kippur. If one did teshuvah for an aveirah, and later brought a *korban* to atone for his sin, he would still need to repeat his *viduy* when he brought the *korban*. Likewise, one needs to do teshuvah again on Yom Kippur, as that is the day where the *kaparah* is happening, even if he (correctly) did so during the year.¹⁴**
- Even though some count 'doing teshuvah on Yom Kippur' as a separate positive commandment (see *Sha'arei Teshuvah* 2:14, 4:17) this is not considered a time-bound **mitzvah and women are therefore obligated in this mitzvah as well.** The reason is that since women are obligated in the general mitzvah of teshuvah (which is not time-dependent), they are also obligated in the particular mitzvah of doing teshuvah on Yom Kippur. When the Rambam wrote that Yom Kippur is a time for teshuvah for everybody he meant to include women as well.



- **Teshuvah as we know it does not apply to *goyim***, as they were not gifted with the power to uproot and undo the aveiros committed in the past. For *goyim*, teshuvah only helps to remove any future retribution for aveiros. When the Rambam wrote that Yom Kippur is a time for teshuvah for everybody he meant to include *goyim* as well, as they also benefit from the auspicious opportunity of teshuvah that the day has to offer.¹⁵
- When Hashem forgives our sins on Yom Kippur, He is not sad about it. **Rather, Hashem rejoices over the fact that He forgives us for our aveiros.**¹⁶
- **There is no greater day in the year than Yom Kippur**, as it is a day set aside for Hashem to forgive us for our misdeeds. Even though the entire year one needs to fulfil all the proper steps of teshuvah, on Yom Kippur there are those that say that this is not necessary. On Yom Kippur, Hashem is waiting for us to return to Him, and any small step we take in the right direction will shower us with a response of *purification* from our aveiros, even if we did not fulfill all the proper steps of teshuvah. Obviously, the more sincere and proper the teshuvah is, the more *taharah* one will receive in turn.¹⁷
- **Although the mitzvah of teshuvah applies the entire year, there are certain unique features that apply to Yom Kippur exclusively:**
 - 1) Throughout the year one does not need to ask Hashem for forgiveness as part of the teshuvah process, but on Yom Kippur part of the teshuvah process includes asking Hashem for forgiveness for our mistakes.
 - 2) Throughout the year, if a person just did teshuvah for a single aveirah, he fulfilled the mitzvah of teshuvah by returning from that one aveirah, although he did not do teshuvah for all his aveiros. On Yom Kippur, however, one is required to repent for all his aveiros, and it is not enough just to do teshuvah for a single aveirah.
 - 3) Throughout the year, if one is not aware that he did an aveirah, he is not obligated to do teshuvah. On Yom Kippur, though, everyone has an obligation to look into themselves, and see what they have done that might need fixing.
 - 4) Throughout the year, one is not required to do teshuvah at his earliest opportunity; it is only a *hiddur mitzvah* as mitzvos should be done at the earliest opportunity (*zerizus*). However, if one failed to do teshuvah on Yom Kippur, he has missed out fulfilling a positive commandment of doing teshuvah.¹⁸
- When the Rambam writes *therefore everyone is obligated to do teshuvah and say viduy on Yom Hakippurim* (2:7), he is coming to teach us an important aspect of Yom Kippur: Whereas throughout the year one can do **teshuvah for a relatively short amount of time, on Yom Kippur things are different. Since it is the final chance to return to Hashem for any aveiros committed throughout the year, one is required to spend the entire day of Yom Kippur involved in teshuvah and viduy.** Therefore, Chazal required that one needs to say viduy in each tefillah for a total of five times (and another five times for *the chazan's repetition*). This



was mandated in order that Yom Kippur should be devoted to teshuvah from beginning to end. One has to contemplate the proper steps he needs to take to distance himself from repeating his aveiros and work on 'getting them out of his system' through asking Hashem for forgiveness and expressing his regret and saying viduy. Likewise, we find that the Chinuch (317) gives a rationale for the prohibition to engage in *melachah* on Yom Kippur. He says that Hashem wanted us to be entirely free from *melachah*-pursuits on this Holy Day so that we can spend the day involved in teshuvah and asking for Hashem's forgiveness (*Beurim* 2:7 תושעל 2:7).

- **The mitzvah of viduy already starts before one eats the *Seudas Hamafsektes*, as we are afraid that one might come to choke on his food. That would mean that he would die without viduy, which is a very unfortunate situation. The reason why we have this concern here has been explained in a number of ways:**
 - 1) It is due to the mitzvah to eat and drink on Erev Yom Kippur. Since one might come to take in a large amount of food and drink due to that mitzvah, one might come to strangle himself on the food.
 - 2) Alternatively, in an attempt to avoid suffering pangs of hunger on the fast, he might come to gorge on food that can lead to the risk of choking.
 - 3) Others say that we are concerned for someone to die suddenly during the meal through no rational cause. Although this is not very likely we are nevertheless concerned that such a thing can happen, since when we are dealing with all of *klal yisrael* such a thing is a real possibility for any random individual *r"l*. In order that all of *klal yisrael* should have the opportunity to say viduy, it was mandated to be said before the *Seudas Hamafsektes*.
 - 4) Yet others attribute the requirement to say viduy before we eat to spiritual causes. Since our *aveiros* have created real damaging forces that wants to 'prosecute' us in *Shamayim*, these forces (*mekatregim*) do not want us to enter Yom Kippur to receive a clean slate. Therefore, when it gets really close to Yom Kippur these *mekatregim* will strongly advocate in *Shamayim* for fatalities to happen that will prevent us from entering Yom Kippur. To avoid this from happening, we need to say the viduy before we eat the *Seudas Hamafsektes*.¹⁹
- According to the opinion of some Rishonim, the reason for saying viduy at Minchah on Erev Yom Kippur before the *Seudas Hamafsektes* is not because one might choke on his food, but rather **due to a concern that one might become drunk during the meal**.²⁰
- One still needs to say viduy after he ate the *Seudas Hamafsektes*, as perhaps he ate something forbidden during the meal or perhaps said a brachah without concentration. According to the opinion of the Ramban, one needs to say viduy just before Yom Kippur enters, which means that one needs to repeat the viduy before Kol Nidrei begins. **The Mishnah Berurah encourages following this opinion, and thus the common custom is to say *Tefillah Zakkah* at this time, since it contains viduy as well.** If one sees that he does not have enough time before Kol Nidrei to say *Tefillah Zakkah*, he should say the short viduy (וּנְדַבֵּר וּבְנִשְׁמָךְ), and if he does not even have time for that he should just say to Hashem in short: *I have sinned before You, I am returning in teshuvah before You, and I beg of You to forgive me*.²¹



- **One needs to repeat viduy in every tefillah on Yom Kippur.** Either because he may have done aveiros in between the last tefillah and this tefillah, or as stated above the entire day of Yom Kippur needs to be spent involved in teshuvah.²²
- The main point of saying viduy is knowing what one is saying and to Whom one is saying it. If a person recites viduy at racing speed without pausing in between the words **to contemplate what he is saying, he is actually making things worse for himself. If there is no difference between saying viduy and saying the 10 sons of Haman, then the viduy itself is a tremendous act of disgrace towards Hashem, which will only serve to one's disadvantage.** Therefore, if the *Shliach Tzibur* is reciting viduy in a hurry, it is preferable not to say the whole viduy with him, but only the words וּתְשַׁכְּפוּ יְתִיבְךָ יִתְאַמְּךָ, as by saying that one fulfils the requirement of

Endnotes

1	(2:98) ר"ן ר"ה ט"ז, ספר התשובה ע"י ק"מ	14	תורת חיים שבועות י"ג (2:114)
2	(2:99) פסיקתא פרק מ"א ס"ה	15	ביאורים ד"ה זמן תשובה (תנחומא האזינו ד'), קובץ הערות יבמות ס"י כ"א אות כ"ד
3	(2:99) פלא יועץ ע"י תשובה, משנת ר' אהרן ח"י ע"י ר"י	16	תדא"ר פי"א (2:116)
4	(2:100) שלי"ה מסי' חולין תורה אור אות קל"ז	17	מועדים וזמנים ח"ו ס"י י"ט (2:116)
5	(2:103) משנה כסף, אבן ישראל (מוסר) ע"ב	18	מועדים וזמנים ח"א ס"י נ"ז, אור גדליהו (2:120)
6	(2:102-103) בת עין, הדר יעקב ח"ה ס"י ל"ט		מועדים ע"י י"ח, דברות משה יומא ס"י י"א ענף ג', פורת שער ס"י א
7	(2:104) יערות דבש ח"א דרוש א	19	חזון יחזקאל פ"ד יומא י"ג, בני בנימין, (2:124)
8	(2:107) שובי נפשי		שפע חיים ח"א ע"י ק"ט
9	(7:99) עץ יוסף ויקר"ר ספייט	20	רש"י יומא פי"ז (2:125)
10	(2:108) ישמח משה פי' האזינו, אבות הראש ח"ג	21	הדרך לתשובה, מ"יב תרי"ז, מועדים (2:127-128)
11	(2:110) מעשה רקח, שער הציון כאן אות תע"ח		וזמנים ח"א ס"י נ"ז
12	(2:113) משך חכמה דברים ל' כ', כוכבי אור ס"ה	22	תוספתא פ"ד יומא י"ג (2:129)
13	(2:114) משיב נפש	23	יעלו חסידים אות כ', הליכות שלמה (2:136)
			תפלה י"א ס"ג

אין קטיגור

On Rosh Hashono a shofar from a poro is possul because of the rule of אין קטיגור נעשה סניגור, where the poro embodies the eigel. Similarly, on Yom Kippur the Kohen Godol didn't wear gold while doing the inner avoda since gold is associated with the eigel.

In Parshas Bereishis we find something which suggests otherwise. Following the עץ הדעת חט, Odom and Chavo sewed garments made from fig tree leaves, since the fruit they ate (according to one opinion) was from that tree – בדבר שנתקלקלו בו נתקנו .

How can these mamorim be reconciled?



Elul: The Reality Show

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Immediately following Neila of Yom Kippur, the Yerushalmi maggid, Rav Sholom Schwardon once approached the bimah and with a loud bang announced, "Rabbosai! Elul is only eleven months away!"

Having made it through the forty days of Elul, selichos, Rosh HaShana and Yom Kippur, is this really the reminder that the people needed to hear before even making havdola?

The story is told of a chosid who, like many chassidim, would travel to his rebbe for Rosh HaShana. Unlike other chassidim, this chosid did not spend his year looking and behaving like a chosid. During the three weeks leading up to Tisha Bav he would begin to let his beard grow until by the time of his trip he would look the part of 'regular' chosid. He would dust off his bekeshe and shtreimel and make his way to the rebbe for Yom Tov. After many years of leading this dual life, the chosid decided to 'just be himself' without putting on a show. He arrived before Rosh HaShana shaven and without any of the customary chassidish clothing. When he had his audience with the rebbe, he explained, "in previous years I would put on a show for one month of the year, but this year I decided to be the real me!" To which the rebbe replied, "what determines the real you? In previous years you put on a show for eleven months; there was just one remaining month when you showed the real you. And now, even this remaining month you seem to be discarding..."

Elul is a time for us to recalibrate our internal compass; to spend a month living as the 'real' you. We are all familiar with the reference to Elul from Shir HaShirim, **Ani L'dodi V'dodi Li**, a possuk that describes the loving relationship between Hakadosh Boruch Hu and Bnei Yisroel; that is the real us. We spend a month focussing on what that relationship should ideally look like and day by day we build steps to make this a more permanent reality. A firm relationship is based

on honest and firm foundations; these become the focus of our task from the beginning of Elul through to Neila of Yom Kippur. But just as the relationship lives on all year, so too should the work that we have invested in it live on as well all year round.

In Shir HaShirim we find another similar reference to this holy relationship,

דודי לי ואני לו הרועה בשושנים.

As many will have noticed, the order is reversed in this possuk; first my *Dodi* moves towards me and only following that am I to Him. During the course of the year we experience our relationship with Hashem in a variety of different modes; sometimes Hashem is making Himself close and available to us while at other times, it is up to us to take the first step and initiate the closeness that we seek. That is the meaning of the difference in phrase between these two pesukim.

There is, though, one extra clue as to the nature of this relationship that is given to us in the second possuk: *מינשושב העורה the shepherd amongst roses*. What exactly does this mean? Rav Moshe Solowiecic explains that shepherds lead their flock using a variety of tools. Some may use their strong voice to signal their intent to their sheep whilst others may use a large stick. There is another, more subtle and pleasant method: *מינשושב העורה* leading in the pleasant manner of roses.

In his later years, Rav Yaakov Kamenetsky ztz"l lived in Monsey right across the road from a convent run by a group of nuns. Many people avoided walking on the same side of the street as the convent, Rav Yaakov though was known to walk by and greet the nuns with his trademark warm smile. A small gesture by a great man, how far can it reach?

In the 1980s there was a property developer in Monsey named R' Mechel Tauber. One



morning, R' Mechel received a call from Rabbi Oppenheim, the head of one of the local schools. Rabbi Oppenheim had lodged plans with council for the building of a new campus but had not received his desired response from the city of Ramapo town planning board. He explained to Mr Tauber that they needed help getting through to the chair of the board, Mr Phil O'Reilly, who happened to be a business acquaintance of the property developer. Mr Tauber gently explained that although he was well acquainted with Mr O'Reilly, this would not be of much use to the Jewish school. Unfortunately, he had tried to use his influence many times before but the chair of the planning board, a religious Irish Catholic was not too inclined to go out of his way on behalf of Jewish institutions. With much pestering, Mr Tauber agreed to make an appointment to see Phil.



Mr Tauber was greeted warmly by Phil who, assuming that Mr Tauber had come to discuss a business issue of his own, inquired about Mr Tauber's latest development. Mr Tauber responded with some hesitation that he was not there to discuss any of his own business, but rather the pending approval of a Yeshiva project. Surprisingly, Phil responded warmly, "A Yeshiva? What can I do to help!" Responding to this pleasant turn of events, Mr Tauber responded, "Phil, thank you for your interest in helping out. But may I ask, why the change in attitude towards Yeshivas?"

Phil explained that his elderly mother had recently been admitted into a nursing home that was run by a group of nuns. Not surprisingly, she was not happy about the change in her life and was always in a bad mood whenever he went to visit her. Recently, on a visit to his mother, Phil found her to be in a relatively good mood and enjoyed some quality time with her. He too, asked his mother, "Mum, why the sudden change in your mood?" "You see Phil", she replied, "one morning I went for my walk and I met the Rabbi. He warmly greeted me with a friendly 'good morning!' and wished me a good day! Since then, I make sure to time my walks to coincide with the Rabbi's walks in order to receive his blessings and good wishes each morning!" Phil

then concluded, "if your Rabbi could change my mum's life around then I will do anything that I can for your Yeshivas!"

I don't think that Rav Yaakov had any idea who this non-Jewish woman was when he greeted her. Nor did he have any idea of the influence that his simple good morning would have on the building of many schools and Yeshivas in the future. He led, in a quiet way like the beautiful fragrance of the rose - מינשוש העוֹרָה - spreading the positive influence of a Tzaddik wherever he went. As Rashi famously explains about Yaakov Avinu that the presence of a Tzaddik is the beauty, shine and splendour of a city.

During the period beginning Elul 1st through to the end of Simchas Torah we are working on our lofty relationship with Hashem. During this period it is close and intense, but the relationship still exists through all times of the year - however in tune to it we may, or may not be. There are times of *Ani L'Dodi* and then there are periods beginning with *Dodi Li V'Ani Lo*; whatever it may be, the relationship is still true and firm. What is the glue that bonds us together? The fragrance of roses. מינשוש העוֹרָה is the defining character of our relationship. Staying true to the course and doing what is correct by the Torah in our own personal and unassuming manner spreads the warmth and pleasure of this relationship deep, far and wide.

Although this article is being written during Elul, during the approach to Rosh HaShanah, it will no doubt be read by some after this period has concluded. Does that make it's message any less relevant? Rav Sholom Schwadron says, "Rabbosai! Elul is only another eleven months away!" (Twelve months this year...) With a Yerushalmi dose of chutzpah, the maggid reminds us that just because our daily schedules change, just because our focus shifts to perhaps the more mundane parts of our lives; nevertheless, the relationship is real and ongoing.

Who really knows which month of the year we end up showing our true colours...

Wishing all a

כתיבה וחתמה טובה



SELECTING AN ESROG

Care should be taken when selecting an esrog that it should not have any blemishes which invalidate the kashrus of the esrog. Looks can be deceiving as a beautiful esrog may have a flaw which would invalidate it for the mitzvah.

Following is a brief guide to selecting a kosher esrog

Hechsher

When purchasing an Esrog one must ensure that it has a **reputable hashgocho**.

It is important to note however, that in many cases the hechsher on an esrog box is limited to the 'species' only (indicating that it is not a *murkav*) **but does not include other aspects related to the kashrus of the esrog.**



Additionally, the esrog may have 'changed' and developed spots or become knocked during transportation from when it was placed in the box until it is placed on the seller's table.

Ukatz

The *ukatz* is the stem at the bottom of the fruit where it was attached to the tree. An esrog must have an *ukatz*, **otherwise it is possul** (OC 648:8).

Pitam

The *pitam* is the 'tip' on top of the crown of the esrog. An esrog which was picked off the tree with a *pitam*, where this *pitam* has broken off should not be used. *In some circumstances this esrog may be used if it is more superior in other aspects than the other esrogim available. This depends on the point of the break (see MB 648:30;31). With*

regard to the other days of sukkos there is more room for leniency (see MB 649:36).

Many esrogim on the market are sold without a *pitam*. Many of these esrogim had a *pitam* in their initial stages of development, which 'fell off' naturally in the course of their growth. According to the majority of Poskim these esrogim are kosher *lechatchila* (Shevet Halevi 1:177). Some Poskim however differentiate whether the *pitam* detached in its early stages of growth or in the later stage (Rav Elyashiv cited by Rav Efrati in Halichos Sadeh 120). A minority of Poskim do not differentiate between a *pitam* which fell off naturally during its growth or if it fell off after it was picked, and in their opinion one should only use an esrog with a *pitam* (Knei Bosesem 2:28). *As a result of this dispute, when purchasing a pitam-less esrog some advise a slight preference to get an esrog where the protruberance on the top of the esrog protrudes a little from the esrog than if it is submerged or sunk into the top of the esrog, since even according to the more stringent view that it is considered as 'fallen' off, there is some room for leniency where a part of the pitam has remained, the protruberance at the top of the esrog.*

Interestingly, other Poskim advise a preference to get an esrog with an indentation if one is purchasing a pitam-less esrog.



Spots & Blemishes

An esrog becomes possul if there are 'noticeable' black or white spots or discoloration. Many Poskim permit a brown spot, as long as it is not the result of a missing peel is kosher. Red is a dispute [see BH 648:16].

The most sensitive part of the esrog with this regard, is the crown of the esrog, from where the esrog begins to taper upwards, until the top of the esrog. A **mark (of a problematic colour) on its 'crown'** which is noticeable to the naked eye when the esrog is held at arm's length away may invalidate the esrog.

A mark on a 'wooden' pitom is not considered a mark on the chotem. However, nowadays the majority of esrogim have an 'esrog' pitom, ie the esrog continues all the way up to the 'shoshanta crown'. A mark on this type of pitom is considered as on the chotem.

Marks below this part of the esrog may also invalidate the esrog if they are spread out over an area which is the majority of the esrog. This is not referring to where the marks and discolouring is covering the majority of the esrog, rather that the 'small' marks are spaced apart that they 'enclose' the majority of the esrog. The Mishna Berura is machmir even if they are spread over the majority of the circumference of the esrog.



Brown blotches which are commonly called a '**bletel'** (leaf - since they develop as a result of a leaf touching the esrog while it is growing) are considered problematic if they protude a little from the esrog.

An esrog without **any** discoloration or **bletlech** is considered a **mehudar**. **One**

should endeavor to acquire as clean an esrog as possible.

Colour - Ideally an esrog should be yellow like the yolk of the egg.

Green esrogim (which are from a species that are known they will turn yellow) are kosher. *Lechatchila* they should begin to show some sign of this change before sukkos. This can be achieved by placing apples in a bowl together with the esrog. If doing so with an esrog which has a pitom, one should keep an eye on the pitom that it doesn't 'fall off'.

Complete - The esrog must be whole. If any part of the esrog is missing it is possul. An indentation in the esrog (as a result of a knock) is kosher but it must be closely examined to ensure that there is nothing missing from the esrog. A very deep hole which reaches the seed compartment of the esrog is problematic even if there is nothing missing from the esrog eg a pin was inserted into the side of esrog.

Size - There is strong preference that the volume of an esrog should be at least twice the size of an egg (See Biur Halocho 648:22) which is 100cc.

Shape & Texture- Ideally, an esrog should have a symmetrical, oblong shape, broad at the bottom and narrow at the top. The pitom should be in line with the ukatz (stem).

Some note a preference for an esrog with a pitam since this adds to the beauty of the esrog. [Families with young children may avoid an esrog with a pitam since it may break off accidentally]. A round esrog is possul (OC 648:18)

Ideally an esrog should have an abundance of bumps on its surface and lengthwise ridges extending from the bottom toward the pitam.

Compiled by Rav M Donnebaum



SELECTING A LULOV

LULOV - Species - The majority of lulovim available on the 'pre succos' market are of a kosher species. Nevertheless, one must be aware that not all species of palm trees are kosher. For example, a very common palm tree in Melbourne is the Canary Island palm tree which was a major dispute amongst the Poskim of its validity for Arba Minim. [Rav Moshe Feinstein (IGM 4:123) rules that it is possul while RAv SZ AUerbach was lenient].

Teyomes – Each leaf of the lulav is actually a double-leaf, with the two leaves joined at the back. The center leaf, called the teyomes, leading into the top of the *shedre* (backbone), is the most sensitive part of the lulov (partially according to minhag bnei Ashkenaz who follow the Rema). Ideally this leaf should not be split at all. If it is split a considerable amount this may invalidate the lulov. A shailo should be asked.

Even if its only split a little, the two leaves of the teyomes must not face different directions. This is called *hemnek*.

Ideally the two leaves of the teyomes should be exactly the same height. If the difference is not noticeable it is not a problem m'ikar hadin.

The leaves of the ideal Lulav should be tightly bunched and separate only when shaken.

Yovesh - The Lulav must not show signs of turning white due to dryness. Even if only the tip of the middle leaf, the teyomes, is dry at its tip which is noticeable to the naked eye, it may be a problem¹. If the tip is burnt from the sun it is still kosher as long as it is not *nifrach b'tziporen*.

The Lulav must not be bent to either side, or forward.

Many of the defects which disqualify a Lulav apply only to the first (and second day in chutz l'oretz) of Sukkos. A shailo should be asked.

HADAS - meshulesh - L'katchila the hadas should be entirely Meshulash - three symmetric leaves for its entire Shiur of three Tefachim. If it is meshulash for the majority it is kosher and one can make a berocho on it².

1 See MB 645:22

2 Poskim debate if we follow the majority of the Shiur to be Meshulash or the majority of the entire branch

SHOFAR TEASER

Shulchan Oruch (OC 592:4) states that the one who blew shofar before mussaf should blow during mussaf as well because of the rule *hamaschil bemitzvah omrim lo g'mor* 'whoever begins a mitzvah, we tell him to conclude'. However we find with regard to mitzvas mila that only on shabbos does Shulchan Oruch (YD 266) advise against two mohalim sharing a bris, but otherwise it seems fine that one do the chituch and the other the prio.

Why don't we apply here as well the rule of *hamaschil bemitzvah omrim lo g'mor*?

Asked by the Noviminsker Rebbe, New York



THE WERDIGER EDITION

BUSINESS WEEKLY



RESTORING THE PRIMACY OF CHOSHEN MISHPAT UNDER THE AUSPICES OF HARAV CHAIM KOHN, SHLITA

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לדין ר' יהודה נטע בן בר' צבי ע"ה, נלביע ביום י"ז אלול תשע"ו



CASE FILE

Rabbi Meir Orlian
Writer for the Business Halacha Institute

לע"נ הרב אהרן בן הרב גדליהו ע"ה

SHEMITTAH LESSONS

Mr. Schmidt received the shul schedule for Rosh Hashanah 5782.

"Really?!" he exclaimed aloud. "That's very interesting!"

"What does it say?" asked Mrs. Schmidt inquisitively.

"On the second day of Rosh Hashanah," replied Mr. Schmidt, "Rabbi Dayan will give a *shiur* on the topic: 'Lessons of *Shemittah*.'"

"That is interesting," acknowledged his wife. "I didn't even realize that we're entering a *Shemittah* year. But why do you sound so surprised?"

"I'm surprised that Rabbi Dayan chose to speak about *Shemittah*," replied Mr. Schmidt.

"Why?" asked Mrs. Schmidt. "What's wrong?"

"First, why would Rabbi Dayan address *Shemittah*, when it's relevant primarily for those who live in Israel?" replied Mr. Schmidt. "Second, why discuss *Shemittah* on Rosh Hashanah? There are so many more fundamental issues to discuss — *shofar*, *malchus Hashem*, or *teshuvah*. Third, Rabbi Dayan generally talks about a topic related to monetary law."

"I assume that if he chooses to speak about *Shemittah*, Rabbi Dayan feels that there is an important Rosh Hashanah message to all," responded Mrs. Schmidt.

"I guess you're right," said her husband.

On Rosh Hashanah, Mr. Schmidt joined the crowd in shul to hear Rabbi Dayan's *shiur*.

"Rosh Hashana 5782 ushers in a *Shemittah* year," began Rabbi Dayan. "Many of you may be wondering: What is the connection of *Shemittah* to Rosh Hashanah?"

"The *Shemittah* year affords us an opportunity to consider our outlook on life," continued Rabbi Dayan, "particularly regarding our money and possessions, whether we are privileged to observe *Shemittah* in practice, or not.

"First, the Torah teaches that the Land should rest a sabbatical for Hashem. Just as the Jewish people – the holy nation – rest and refrain from work every seventh day to remind us that G-d created the world, so, too, Israel – the Holy Land – rests on this seventh year. This reminds us that G-d is Master of the World and we should not take the earth's produce for granted" (*Sefer Hachinuch* #84).

"Second, the Torah mandates that the fruit of the *Shemittah* year should be *hefker*. This *hefker* applies to vegetables picked after Rosh Hashanah or fruit that begins growing after Tu B'Shvat 5782. The field itself is also *hefker vis-à-vis* the produce,



BHI HOTLINE

לע"נ ר' שלמה ב"ר ברוך חזון מדרת רייכלה בת החבר יעקב הלוי ע"ה וז"ל

GUARANTEE EXPIRED?

Q: Several years ago, I signed as a guarantor on a loan. The repayment date was two years ago, but the lender did not approach the borrower to request repayment. Now that he is demanding payment, the borrower has defaulted and the lender is insisting that I repay the loan.

Had he approached me two years ago, when my financial standing was considerably better, I could have repaid the loan easily. My finances are shakier now, and I can't afford to pay him. The lender and I have agreed to pose this question to your *beis din* and follow your ruling.

Am I responsible to repay this loan?

A. The *Shulchan Aruch* (*Choshen Mishpat* 131:4) discusses a case of a guarantor who warned a lender, at the repayment date, that he should try to demand payment from the borrower immediately, and if not he would no longer guarantee the loan. The lender ignored the warning and extended the loan period, and the borrower defaulted on the loan or passed away (*Maharashdam, Choshen Mishpat* 86). The *Mechaber* (Rav Yosef Karo, author of the *Shulchan Aruch*) records a dispute whether the guarantor is still responsible for the loan, and writes that the issue is unresolved.

There are two reasons given for why the guarantor should be absolved from payment. The straightforward approach is that the lender's failure to demand timely payment from the borrower is itself a reason to release the guarantor from his responsibility, since, had he demanded repayment on the due date, he may have been able to collect.

This approach applies only to cases in which the guarantor warned the lender to demand payment, but if he did not do so, he is still responsible for the loan (*Pischei Teshuvah* 131:3 writes that this is the opinion of the *Maharashach* 2:101, 156, and *Gra* 131:5).

Some *poskim* write, according to this approach, that the guarantor is released from responsibility for the loan only if it can be determined that the borrower



CASE FILE

so the owner must allow people free access to collect the produce" (Rambam, *Hil. Shemittah* 4:24).

"There is a well-known dispute, dating back 500 years to Rav Yosef Karo, author of the *Shulchan Aruch*, as to whether the fruits become *hefker* automatically, by G-d's decree, regardless of the owner's intent, or whether the owner is commanded to make them *hefker*. Either way, this reminds us that our sustenance comes from the Hand of Hashem, so that we should generously share with others what He bestows on us and strengthen our faith and trust in Him" (*Responsa Mabot* 1:11; *Avkas Rochel* #24; *Minchas Chinuch* 84:1).

"Third, the *Shemittah* year cancels outstanding loans that are past due, although nowadays, we usually write a *pruzbul* to allow collecting loans past *Shemittah*, based on an enactment of Hillel. The loans are not canceled until the end of the *Shemittah* year, and therefore the common practice is to write the *pruzbul* toward the end of *Shemittah*. However, some maintain that while the borrower is still responsible to pay during the *Shemittah* year, the owner should not demand the loan without a *pruzbul* from the end of the sixth year. [We discussed this seven years ago, in "Preliminary Pruzbul"]" (*C.M.* 67:30-31; *Pischei Teshuvah* 67:5).

"The cancellation of loans teaches us that our money is not truly ours, but granted to us by G-d," concluded Rabbi Dayan. "He expects us to act charitably with those less fortunate than we are. Furthermore, it teaches us, all the more so, to be careful not to covet, steal or cheat others" (*Sefer Hachinuch* #477).

Verdict: The *Shemittah* year provides us an opportunity to consider our outlook toward money, to strengthen our faith in Hashem as Master of the World Who sustains us, and to improve our concern and care about others.



MONEY MATTERS

Based on writings of Harav Chaim Kohn, shlitza

**BAR METZRA #33
(Bordering Property)
Seats in Shul**

לענין ר' יחיאל מיכל ב"ר חיים חזקוני ח"י בת ר' שמואל חיים ע"ה

Q: I have an established seat in shul. For Rosh Hashanah, the *gabbai* assigned the adjacent seat, which I would like for a visiting family member, to someone else. Can I claim *bar-metzra* rights?

A: *Shulchan Aruch* writes that *bar-metzra* rights apply to any real estate, also to seats in shul. However, this relates primarily to the former practice that seats in shul were owned on a permanent basis, and even inherited, bought, and sold, so that they were treated as any other real estate (*C.M.* 175:53, 162:7; *Pischei Teshuvah* 175:23).

Nowadays, congregants do not own their seat. Most often, the spot itself is not even rented to them, but rather they are granted rights to a seat assigned at the *gabbai*'s discretion. Thus, the absolute halachic rights of *bar-metzra* do not apply to seats (*Pischei Choshen, Shutfim* 11:27[63]).

Nonetheless, to the extent possible, the *gabbai* should enable families to sit together. At the same time, people should be flexible and willing to forgo on these Days of Judgment.



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had money to pay back the loan at the repayment date, and the only reason he can't pay now is because the lender failed to demand payment. But if the borrower could not have repaid the loan at the repayment date either, there is no reason to release the guarantor from responsibility (*Mateh Shimon* 131, *Hagahos Beis Yosef* 7, and *Pischei Choshen, Halvaah*, ch. 13, fn. 61).

The Chacham Tzvi (51) offers another reason why the guarantor should not be responsible for the loan. He writes that a guarantee on a loan has a time limit — the guarantor agrees to pay for the loan only at the original payment date. According to this approach, even if he did not specifically caution the lender to demand payment, he would still not be responsible for the loan once the repayment date passes.

The Chacham Tzvi adds that even if the guarantor agreed verbally that the lender could extend the loan period, he is no longer responsible for the loan, because a guarantor is responsible for a loan only if he agrees to guarantee it at the time the money is being handed over, or if there is a *kinyan* at the time he agrees to guarantee it (*Shulchan Aruch* 129:1). Therefore, since the original guarantee expires at the repayment date, in order for him to be responsible for the extended loan, there would have to be a new *kinyan*.

According to the Chacham Tzvi, then, you are no longer responsible for your friend's loan. But many *poskim* disagree with the Chacham Tzvi and maintain that you are absolved of your loan guarantee only if you warned the lender to demand payment, which you did not do, so you are still responsible for the loan. (The *poskim* deliberate whether a person could claim *kim li* in such a case; see *Pischei Teshuvah* *ibid.*, *Erech Shai, Divrei Geonim* 78:9, and *Pischei Choshen, loc. cit.*)

There is an additional factor to consider, however.

As we explained at length in BHI issue #477, there is a key difference between an ordinary guarantor, who commits to repaying the loan only if the borrower defaults, and an *areiv kablán*, who commits to allow the lender to demand payment from him without the lender ever approaching the borrower.

All the *poskim* who write that a guarantor in your sort of case is not responsible for the loan were referring to an ordinary guarantor. If, however, the guarantor agreed to serve as an *areiv kablán* (which is generally the case in reliable contracts), he cannot absolve himself of responsibility for the loan even if a lot of time has passed. Since an *areiv kablán* cannot demand that the lender collect from the borrower, and he is equivalent to the borrower, who does not become less responsible for the loan because the repayment date has passed, there is no reason to release him from responsibility (*Maharshach* 2:156, *Pischei Teshuvah, loc. cit.*, citing *Chacham Tzvi; Shu"t Imrei Yosher* 1:86). The only exception would be if the *areiv kablán* specified in the contract that he would only guarantee the loan for a limited amount of time (*Shach* 121:3).

For questions on monetary matters, arbitrations, legal documents, wills, ribbis, & Shabbos, Please contact our confidential hotline at 877.845.8455 or ask@businesshalacha.com

To subscribe send an email to subscribe@businesshalacha.com or visit us on the web at www.businesshalacha.com

life

LESSONS

STEP SIX

Adapted from Touched by a Story by Rabbi Spero, with the permission of the copyright holders, Artscroll/Mesorah Publications, Ltd. (Artscroll)

Mrs. Henny Machlis was an incredible *baalas chessed*, among the greatest *machnisei orchim* of our generation. The Machlises' home in Maalot Dafna was a haven for the needy.

One fellow, Leib, was slightly unstable—all he wanted was pizza. No matter what food had been prepared, he expected it. Though busy with the responsibilities of a family and many guests, Mrs. Machlis always obliged. Finally, she offered to teach him to make pizza himself, so that he could take pride in his own food. Leib accepted.

Late that night, there was a knock on the door—not the front door, but on the bedroom door of Rabbi and Mrs. Machlis. “I am making pizza,” Leib said, “and I forgot step number 6.”

Rabbi Machlis later admitted that at that point, he was ready to lose it. Everyone has a limit. But Mrs. Machlis's patience knew no bounds. She dressed quickly and went downstairs to the kitchen, to once again patiently explain how to make pizza, so that Leib could enjoy his midnight snack, along with the feeling that he had made it on his own.

We would do well to learn from the *baalei chesed* of our generation. There is no limit to the amount of kindness we can do, and in that *zechus*, we hope Hashem will bless us without limits.



gem

OF THE WEEK

SPIRITUAL SUMMONS

By Rabbi Moshe Pogrow

Based on the commentary of Rabbi Shmshon Raphael Hirsch zt"l on Chumash, with permission from the publisher.

The Yamim Tovim in Nissan and Sivan remind us of the Divine source of all we have: freedom, Land, Law—as well as what these elements produce: the prosperity of the community.

Pesach with its Omer and Shavuot with its two loaves are the constitution festivals of the Jewish nation. Tishrei, however, is a month of contemplation and introspection.

In Tishrei, we examine our relationship with these elements of our prosperity, and we ascend to the heights of purity and truth, for only through them can the blessings of life be realized.

Rosh Hashanah does not commemorate gifts received from Hashem. Rather, it calls us to work on ourselves. Its special mitzvos are *shabbason*, refraining from activity that alters the world and shapes our future; and *zichron teruah*.

Teruah is familiar to us from *yovel*: a signal for people and property to be

continued on reverse side

powerful
PRAYER



VELAMALSHINIM:
GOOD AND EVIL

The *bracha* of Velamalshinim begins with a *vav*, because it closely follows the previous *bracha*, *hashiva shofteinu*, the *tefillah* for communal *teshuvah*. After asking Hashem to be lenient in His judgment with us—*melech ohev tzedakah u'mishpat*—we ask Him to deal harshly with evildoers. With this *bracha*, we end our *tefillot* concerning *teshuvah*.

When the Jewish nation returns, encouraged and guided by the return of our *shofetim* and *yotatzim*, Hashem will judge us favorably, *v'tzadkeinu bamishpat*, and eliminate those who have caused us so much grief.

Adapted from Rav Schwab on Prayer

THE JEWISH SECTOR

by Rabbi David Sapirman, Dean, Ani Maamin Foundation

The Haskalah had sown a deep antipathy for traditional Judaism across a large proportion of Eastern European Jewry. Perhaps the worst product of Haskalah was what happened next, when that antipathy metastasized and took on an official form. It became the Yevseksia.

Russian for “Jewish sector,” the little-known Yevseksia was a subdivision of the Communist party and responsible for the eradication of what was left of traditional Judaism in Russia’s several million Jews. To understand Russian Jewish history, we must be familiar with the role that the Yevseksia played.

Even after the Haskalah had left its mark, up until the outbreak of World War I in 1914 and for years after, a sizeable portion of Russian Jews were still loyal to the faith of their parents. Although strict adherence to Torah and mitzvos was no longer widespread, many still maintained their observance.

But then came the Russian Revolution in 1917. The newly established Communist government officially sanctioned freedom of religion, but the Communist party’s policy was atheism, pressuring all religious people in Russia to secularize. The creation of the Yevseksia was an effort to deal with the stubbornly persistent vestiges of Judaism that remained in the country. And thanks to the teachings of the Haskalah, its members had been inculcated with an extreme and brutal disgust for traditional Judaism.

The Yevseksia were loyal Communists. Since Judaism contravened the principles of atheist Communism, their mission was to eliminate it. Lest anyone suspect that these secular Jews were somehow covering up for their fanatical brethren, the Yevseksia were more fanatical in extinguishing Judaism from the Jews than the rest of the party was in wiping out the Russian church.

The Communist party dreamed of establishing a paradise, bringing salvation to all the workers of the world. No sacrifice was too great; no one could stand in the way of utopia. The end justified the means—no matter how immoral and violent the means. Over the next few decades, over 60 million people would lose their lives as their leaders pursued a dream. And what they created was not a paradise, but a hell on earth for the millions who were subjected to it.

To be continued...

freed from outside ownership and returned to the mission assigned to them by Hashem. It is a call for far-reaching change in existing social relationships of men, a call to restore what was ordained by Hashem.

It is in the Name of Hashem, the sole Master of men and property, that the *teruah* calls for freedom. Hence, what produces the *teruah* is not the man-made trumpet, but the *shofar*, created by Hashem.

The *teruah* of Rosh Hashanah is also described as *bashofar*, sounded in the name of Hashem. And it has a similar message. Whereas the *teruah shel yovel* affects the relationship of property and owners, *teruah shel Rosh Hashanah* affects the moral relationship of man and G-d. It summons us to a moral *yovel*. It calls upon us to return to Hashem and to spiritual freedom, to recover all the spiritual assets that were once ours but which we have since lost through our sins.

Thus, it is also a signal for spiritual escape, to journey forth and give up the old ways that we have grown fond of but are unacceptable to Hashem.

It calls us to a moral struggle against the enemy of our spiritual welfare, and assures us that Hashem will support us in our fight: *venizkartem lifnei Hashem Elokeichem, v'noshatem mei'oyveichem.*



wander WORLD

PLAY IT BY EAR



How do barn owls hunt?

Like all owls, the common barn owl has an excellent sense of hearing. It also has the best ability, more than any other bird of prey, to hunt by sound alone. The flat, disc-shaped face of the barn owl helps it pick up and amplify sounds from its surroundings, working like a radar dish. The sound is then funneled into the owl’s ears, where it is magnified as much as ten times. In this way, the barn owl can hear noises that other creatures cannot detect. All species of barn owls have long legs, powerful talons, wingspans of about three and a half feet, and a heart-shaped face. Barn owls can reach up to 21 inches in height and can consume up to one thousand mice each year.

Adapted from *Exploring the Wild World of Animals & Birds* (Israel Bookshop Publications)



Kids Page

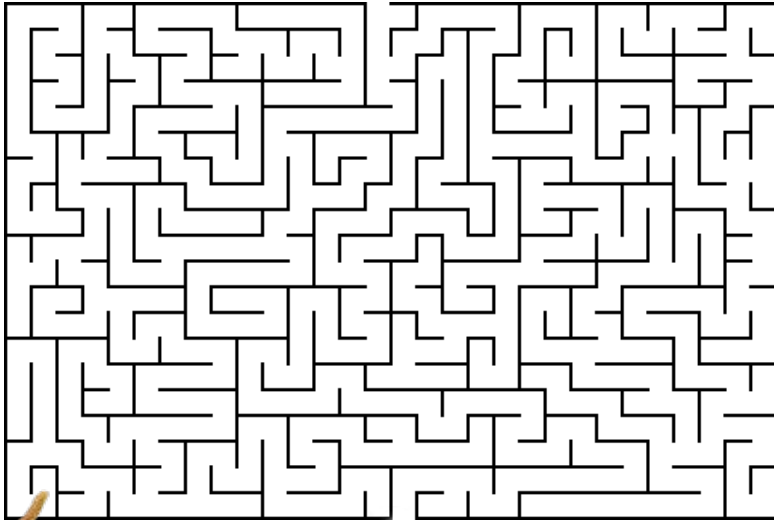
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Find all the Yomim
Noiro'im – related words!
Which word from the list
below is not in the word
search?



- | | |
|-------------|----------|
| APPLE | SHOFAR |
| ELUL | SIMANIM |
| FASTING | TEFILLAH |
| HONEY | TEKIAH |
| NEILAH | TERUAH |
| POMEGRANATE | TESHUVA |
| SELICHOS | TZEDAKAH |
| SHEVARIM | |

Help the Rabbi get to the Shofar!



יום הכיפורים

יום
Thursday 9 Sep

Yom Tov Candle Lighting:	5:52pm
Talis - Kol Nidrei	5:55pm
Shkio Sunset	6:10pm
Mariv not before	6:51pm
Alos Hashachar	5:02am
Earliest Talis	5:28am
Netz / Sunrise	6:20pm
Sof Zman Krias Shma	8:38/9:17am
Sof Zman Tefilla	9:51/10:17am
Chatzos	12:15pm
Earliest time to daven Mincha	12:45pm
Mincha Ketana	3:42pm
Shkio Sunset	6:11pm
Motzei Yom Tov	*7:12pm

פרשת וילך שבת שובה

Shabbos Candle Lighting: not after	5:48pm
Shkio Sunset	6:06pm
Mariv not before	6:47pm
Alos Hashachar	5:10am
Earliest Talis	5:36am
Netz / Sunrise	6:27am
Sof Zman Krias Shma	8:43/9:21am
Sof Zman Tefilla	9:54/10:20am
Chatzos	12:17pm
Earliest time to daven Mincha	12:46pm
Mincha Ketana	3:40pm
Shkio Sunset	6:07pm
Motzei Shabbos	*7:08pm
Avos Ubonim	7:30pm

פרשת האזינו

Shabbos Candle Lighting: not after	5:54pm
Shkio Sunset	6:12pm
Mariv not before	6:52pm
Alos Hashachar	4:59am
Earliest Talis	5:25am
Netz / Sunrise	6:17am
Sof Zman Krias Shma	8:36/9:15am
Sof Zman Tefilla	9:49/10:15am
Chatzos	12:14pm
Earliest time to daven Mincha	12:44pm
Mincha Ketana	3:43pm
Shkio Sunset	6:12pm
Motzei Shabbos	*7:13pm
Avos Ubonim	7:40pm

THESE TIMES ARE FOR MELBOURNE AUSTRALIA ONLY

**It is recommended to wait an additional 12 minutes before melocho as noted by Rav Moshe Feinstein (Igras Moshe OC 4:62)*

Although we remain hopeful that Shuls will open for the Yomim Noroim, in the event that this does not eventuate, these times are relevant to those davening at home.

ראש השנה

יום א Mon/Tues

Yom Tov Candle Lighting:	5:45pm
Shkio Sunset	6:02pm
Mariv not before	6:42pm
Alos Hashachar	5:16am
Earliest Talis	5:42am
Netz / Sunrise	6:34am
Sof Zman Krias Shma	8:47/9:25am
Sof Zman Tefilla	9:57/10:23am
Chatzos	12:18pm
Earliest time to daven Mincha	12:48pm
Mincha Ketana	3:39pm
Shkio Sunset	6:03pm

יום ב Tues/Wed

Mariv not before	6:50pm
Yom Tov Candle Lighting: not before*	7:04pm
Shkio Sunset	6:02pm
Alos Hashchar	5:15am
Earleist Talis	5:40am
Netz / Sunrise	6:32am
Sof Zman Krias Shma	8:46/9:24am
Sof Zman Tefilla	9:57/10:23am
Chatzos	12:18pm
Earliest time to daven Mincha	12:48pm
Mincha Ketana	3:39pm
Shkio Sunset	6:04pm
Motzei Yom Tov /Mariv	*7:05pm

פרשת נצבים

Shabbos Candle Lighting: not after	5:42pm
Shkio Sunset	6:00pm
Mariv not before	6:40pm
Alos Hashachar	5:20am
Earliest Talis	5:46am
Netz / Sunrise	6:38am
Sof Zman Krias Shma	8:49/9:28am
Sof Zman Tefilla	10:00/10:26am
Chatzos	12:21pm
Earliest time to daven Mincha	12:47pm
Mincha Ketana	3:38pm
Shkio Sunset	6:01pm
Motzei Shabbos	*7:02pm

תענית צום גדלי'ה

Thursday 9 Sep

Fast Begins	5:13 am
Shkio Sunset	6:31pm
Mariv not before	6:45pm
Fast ends	6:45 pm

If fasting difficult, fast ends 6:38pm

THESE TIMES ARE FOR MELBOURNE AUSTRALIA ONLY

*It is recommended to wait an additional 12 minutes before melocho as noted by Rav Moshe Feinstein (Igros

Moshe OC) 4:62)

Although we remain hopeful that Shuls will open for the Yomim Noroim, in the event that this does not eventuate, these times are relevant to those davening at home.



Mazel Tov!

to all Heichal members who
are completing

מסנת מכות

this week!

We will BEZH be starting

מסנת סוטה

this week

Shiur by the Rov

9.05pm Sunday - Wednesday zoom 737 837 0737

Shiur by Reb Alexander Holzer

9am Sunday, 8.30am other day zoom 358 118 0879

to join a shiur or chavrusah or for more information

please contact Reb A Holzer 0400 876 704

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