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We would like to show our deepest הברת הטוב to our generous donor who made it available for us to continue printing the newsletter. May Hashem grant him with a good, happy, healthy and successful new year. May Hashem help that his children will grow to be big Talmidei Chachamim. Thank you.

RETURNING STOLEN ITEMS RABBI SHAY TAHAN

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Why now?

Before the high day of Yom Kippur approaches, we have an obligation to correct all our wrong doings. Amongst the many things we must work to correct, the one that stands out the most is Can the Rabbi listen to one party withour monetary dealings. The Mishna Berura (סי' תרו out the other? סק"א) explains the following:

והנה, אף על פי שגם בשאר ימות השנה מחוייב לפייס למי שפשע כנגדו, מכל מקום אם אין לו פנאי, הוא ממתין לפייסו על יום אחר; אבל בערב יום הכיפורים, מחוייב לתקן הכל, כדי שיטהר מכל עוונותיו, כדכתיב: "כי ביום הזה יכפר עליכם מכל חטאתיכם" וגו'. וכל שכן אם יש בידו מן הגזל ואונאה וכל דבר הנוגע בממון, יראה לתקן. [דזהו המקטרג הגדול על האדם, כמו שאמרו חז"ל: סאה מלא עוונות, מי מקטרג? .[גזל מקטרג בראש

ואם יש לחבירו בידו ממון שיש לו תביעה עליהם, יודיענו, אף על פי שחבירו לא ידע מזה כלל. ועל כל פנים יסדר לפני הרב ומורה צדק העניין בשלמות ובאמת בלא שקר, ולשאול האיך להתנהג. כללו של דבר, כל דבר שבממון לא יסמוך על הוראתו, כי היצר הרע יש לו התרים הרבה

Meaning, although even throughout the year one must generally try to reach out to those to whom we have sinned, since the deadline is on the day of Yom Kippur, therefore we must correct them all by then. We must be especially careful to return any money that doesn't belong to us, because that is primarily what we are prosecuted for.

Therefore, if one feels that he may owe his friend some money, he must reach out to his friend and settle things. In the event one isn't sure whether he owes his friend or not, he should discuss things with his Rabbi in a very honest and open way to make sure it's correct-

ed. One shouldn't rely on his own judgment when dealing with his monetary obligations because the Yetser Hara tries to deceive him into seeing things more in his favor.

One may ask the obvious question though, how

it is permissible to stand before a Rabbi without the other party? It's says in the Pasuk:שמוע בין אחיכם (דברים א,טז) ושפטתם צדק, meaning that the Dayan must listen to both parties before making a decision.

שמע בין אחיכם ושפטתם צדק- (רש״י: כשיהיו שניהם יחד שמעו דבריהם, ולא תשמעו דברי זה בלא זה, שמסדר דברי שקר כדברי אמת, לפי שאין מכחישן, ומכיון שלב הדיין נוטה לו לזכות, שוב אין לבו

מהפך בזכות השני כל כך), אמר רבי חנינא אזהרה לבית דין שלא ישמע דברי בעל דין קודם שיבא בעל דין חבירו, ואזהרה לבעל דין שלא יטעים דבריו לדיין קודם שיבא בעל דין חבירו, קרי ביה נמי שמע בין אחיכם (דבריך בין אחיכם, כשתהיו שניכם יחד משמע). רב כהנא אמר מהכא, מלא תשא לא תשיא (לא תקבל - שמע שוא, אזהרה לדיין, וקרי ביה נמי לא תשיא אזהרה לבעל דין).

Rav Nissim Karelits (חוט שני הל' יום ביפור עמוד קג) answers that the Rabbi listening to the person who came in front of him can advise him on what to do, but it is not considered a Psak or Din; meaning the other side isn't bound to what the Rabbi said.

From here we learn that giving advice with the purpose of the person asking being cleansed from sin is allowed, but it's not a complete fix; for it's possible that if the Rabbi were to hear the other side of the story, he could come to a different conclusion.

The reason the Rabbi is allowed to listen to

RETURNING STOLEN ITEMS

one party without the other is because he isn't judging be- must pay the full valued price. tween them, but only advising the person who came in front of him how to deal with this, to be clean from the sin of If the owner died

This is in line with the ruling of the Rema stating (חו"מ סי' יז ס"ה) If the thief can't return to the owner because the owner Dayan on this matter.

The Maharil (מובא בסמ"ע סקי"א) explains that it's permitted for advice to the party standing before him. Moreover, the other their correct share. party isn't bound to his Psak.

in front of them to begin with.

The severity of stealing

Let us first explain the severity of stealing. The Gemara (ב"ק (קיט,א says: קיט,א נשמתו ממנו to teach us that whenever one steals even a very small amount from his friend, it is like he took his soul with it. The Mefarshim explain that the reason for that is the fact that one puts his soul in that money by investing time and energy to earn a living. Life is defined as time, because one lives a certain amount of time and when one takes his earnings, he actually took from him the days (or weeks) which it took for him to earn that money.

But the Gemara also explains that the person who steals doesn't really gain anything with that money; he actually loses more! After concluding that one who steals an item, also steals part of the person's soul, the Gemara says that to another opinion, Hashem actually takes away the soul of הל' גזילה ס"ח). the thief, which shows the harsh punishment of the thief, who actually pays with his life.

In Parashat Noach, Rashi teaches that although the people
The thief doesn't know who he stole from of that generation were sinning in many severe sins, the flood only came after they started to steal one from another.

Returning what was stolen

Although the Torah commands the thief to return the stolen may do with it services item: (ויקרא ה,בג), והשיב את הגזילה אשר גזל (ויקרא ה,בג), sometimes doing so for the public צרבי. isn't easy for various reasons. Here we will try to set forth a with the hope that Hafew different cases where this Mitzvah isn't done smoothly. It's important to note that if the stolen item is still available, around in a way that one must return the actual item and not just its monetary the owner will some-

If the item got lost, stolen, broken, or consumed, the thief

that a rabbi may listen to one party as long that he isn't a died, he still must return the item to his heirs (ש"ע הרב הל" גזילה

But it's not as easy as it sounds. In the scenario where there the Rabbi to listen because of the reason mentioned above are numerous heirs, it doesn't suffice to merely return the and because his words are considered nothing more than item to one of them, rather he should make sure they all get

The Radbaz (ח"ג סימן תר"ה) explains why returning to only one This same idea is also brought in other Poskim (ר"ד מדינא סי' ב, of the heirs doesn't exempt him from his obligation quite who not only permitted listening to one simply, since the other heirs each have a part in it as well (תשובת ו' לב ס"ג סי צו party, but also allowed those Rabbis to afterwards become and they didn't receive their share. For example, if one part of a Bet Din on this very matter as long as they didn't steals \$500, and the owner dies leaving behind five chilknow that they will be asked to do so when the matter came dren, each child rightfully owns \$100. Hence, giving one person the entire amount, doesn't exempt the thief because the other children didn't receive their share.

> The easy way to take care of this is to give the money to a third party (their Rabbi) to split it between them correctly.

How to return if one is embarrassed?

Lechatchila, the thief should approach the owner and return the item to him directly, since then the owner would know he has it and watch it. But if the thief is much too embarrassed to approach the owner, he may give him the money in a way that the owner wouldn't realize he received it. For example, if he has business deals with him, he should put the extra bills within the money he has to pay him in a way that the owner wouldn't realize or give the money to another person who deals with him in order to give it to the owner in such a way. He can also put it in the owner's possessions in a way/ Hashem asks him to return the soul of his friend. According place which he knows the owner will see and find (ש"ע הרב

When the thief doesn't know (or doesn't remember) who the item was stolen from, he shem would turn things how benefit from it.



APPEASING ONE ANOTHER BEFORE YOM KIPPUR

Imagine you get a message before Yom Kippur reading the fol- Him. However, to those that we see and know, the mere us that sins aren't forgiven unless you appease your friends, case, what's the point of asking for forgiveness altogether? repeat doing so again, otherwise I won't forgive you. Yours truly, up his sin. In his subconscious, it is as if he didn't do anything Moishe."

When it comes to others, we are all very knowledgeable of how repentance should be done. We may even take the more stringent Halachic approach. But when we are dealing with ourselves, we suddenly become clueless.

The time between Rosh HaShanah and Yom Kippur is referred to as the "10 Days of Repentance", appropriately named, as this is the time to awaken

giveness, and accepting upon ourselves not to repeat the sins. fore, if we don't do it properly, with a full heart filled with rehave hurt or wronged, or those to whom we have ill feelings towards for they have wronged us.

siasm to request forgiveness from those whom we hurt. Moreo- his fellow." ver, we sometimes find that the opposite holds true as well; It might be worthwhile for each and one of us to take a pen and giveness from, they conveniently choose to ignore/avoid. To the giveness from HaKadosh Baruch Hu since we don't actually see do want to stand in front of Hashem on Yom Kippur clean.

lowing words: "Hello my dear friend and happy New Year. Since thought of approaching them and asking for forgiveness can be we are couple of days before Yom Kippur and Chazal instructed quite overwhelming. Why is this so, and being that that's the

therefore now is your final chance to come and ask me to for- The answer to this is quite fascinating. The psychology behind give you. Make sure you do it correctly; tell me what you've the individual running to ask forgiveness from all those he done and why it was wrong. Also make sure to say it in a way knows he probably did nothing to, yet specifically avoiding the that I would be convinced you're sincere and that you'll never ones he truly hurt, is that by doing so, he is essentially covering

> to hurt this person, and thus has no reason to request forgiveness. He is now at peace with his conscience and doesn't have anything gnawing at him. The truth of the matter is however, all his efforts were in vain, for his appeasement came from the wrong address.

> There are those still who will approach the people they hurt, albeit begrudgingly, and almost half- jokingly put out a hand saying, "forgive me?". This too, in essence accomplishes nothing. The point of ap-

within us the urge to repent from our ways. This is referring to peasement is to try and mend our ways and bring about peace repenting from our ways and returning to HaKadosh Baruch Hu. between each other. The way to do this is the through the same The Mitzvah of Teshuva incorporates 3 different parts: the feel- steps as Teshuva: regretting our actions, asking for forgiveness, ing of regret [for doing the sin], verbally pleading for for- and accepting upon ourselves not to repeat our actions. There-Part of this process however is also appeasing those whom we morse, and honestly try to embed in our hearts to try and not repeat our faults, then what is it really worth?

We must not forget the words of the Mishnah (.:(חומא, ח Interestingly enough, people run to beg HaKadosh Baruch Hu "Though Yom Kippur atones for sins between man and HaKafor forgiveness; yet seldom do people run with the same enthudosh Baruch Hu, it does not atone for those between man and

people will ask forgiveness from anyone and everyone they a piece of paper and write on it what we would like the person know-even those they just met or barely said a word to the who hurt us to do in order for us to forgive him whole heartedly whole year-and yet, the people they really need to ask for- (just like that message we wrote above), and then reverse it and do the same to those we have hurt. Yes, it is easier said extent, that it seems as though it's easier to request for- than done, but at the end of the day, it is our obligation and we

QUESTIONS HILCHOT TESHUVA

Does the Torah mentions the Mitzva of Teshuva?

There are couple of opinions in the Rishonim on this. According to the Rambam (beginning of Halachot Teshu- Is it true that when one does Teshuva he is completely va) there is no open commandment in the Torah to do Teshuva but it is learned from another commandment: וידוי. confession, the Mitsva to confess the sin. The Rambam הלבות (תשובה) explains that one can't confess his sins if he still sinning. The Rambam compares this to a person who goes to purify himself in the Mikve while holding an insect which is impureטובל ושרץ, doing so doesn't allow the person to become pure. Thus in order to perform the Mitsva of confessing one must do first Teshuva. The Ramban on the other hand learns this mitsva from the Pasuk (דברים ל,ב):

"ושבת עד ה' אלקיך, which means one should return to Hashem and do Teshuva. The Rambam would say this

pasuk isn't a commandment but rather a prophecy that Am Isreael would return to Hashem in the future.

cleaned from all his sins?

Yes, the Gemara (קידושין מ ב) says that the Teshuva cleans completely even a wicked person who sinned all his life and repented before his death:

ר' שמעון בן יוחי אומר... ואפילו רשע גמור כל ימיו ועשה תשובה באחרונה אין מזכירים לו שוב רשעו, שנאמר ורשעת הרשע לא יכשל בה ביום שובו מרשעו.

Moreover he is loved by Hashem and he is considered in a higher level than those who are very righteous, says the Rambam:

QUESTIONS ON HILCHOT TESHUVA

ואל ידמה אדם בעל תשובה שהוא מרוחק ממעלת הצדיקים מפני העונות 3) Regret the sin. והחטאות שעשה, אין הדבר כן, אלא אהוב ונחמד הוא לפני הבורא כאילו לא חטא מעולם, ולא עוד אלא ששכרו הרבה שהרי טעם טעם החטא ופירש Rabbenu Yona in his sefer Shaare Teshuva lists many more גמורין יבולין לעמוד בו, בלומר מעלתן גדולה ממעלת אלו שלא חטאו מעולם, מפני שהן כובשים יצרם יותר מהם.

It's hard for me to believe that by doing Teshuva all my sins are being wiped out, is it really so?

Yes, but you must know that this wonderful Mitsva of Teshuva and this very elevated day of Yom Kippur accomplishes only for those who believe that Teshuva and Yom Kippur clean their sins but those who don't believe in it but actually ignore forgiveness as the rambam (שגגות ג', י) writes:

המאמינים בכפרתן, אבל המבעט בהן אינן מכפרין בו. כיצד היה מבעט והביא חטאתו או אשמו והוא אומר או מחשב בלבו שאין אלו מכפרין, אע"פ שקרבו כמצותן לא נתכפר לו... וכן המבעט ביום הכפורים אין יום הכפורים מכפר עליו, לפיכך אם נתחייב באשם תלוי ועבר עליו יום הכפורים והוא מבעט בו הרי זה לא נתכפר לו.

What are the conditions needed to be taken to perform the Mitsvah of Teshuva?

The Rambam (הלכות תשובה פ"ב) teaches that four steps are necessary;

- 1) One must stop sinning
- 2) One must accept not to sin anymore.

- 4) Confess the sin.

important ways for one's Teshuva but the four conditions mentioned above are the very basic elements for the performance of the Mitsva and the rest are ways to perfect it.

If one wasn't able to complete all of the above steps but he did part of them, does he accomplishes anything with that?

Although every step is crucial for completing the Mitsva of Teshuva but this Mitsva is not 'all or nothing'. If one did parit and behave towards that day as a regular day, don't get tial Teshuva he is forgiven partially according to the effort he put into this very important matter.

על השבים אלא על האבים ולא החטאת ולא האשם מכפרין אלא על השבים (משנת רבי אהרן ח"ב עמוד קסא) teaches this concept from Rabenu Yona (שערי תשובה שער א' אות ט') who says that there are many levels to the Mitsva of Teshuva and for every level one accomplishes there is forgiveness. Moreover, the Mabit (בית אלוקים שער התשובה פי"ב) says that even if one performed only part of those very important four steps mentioned above he is still receiving a certain amount of forgiveness.

> This explains the meaning of what we read in the Haftara: שובה ישראל עד ה' אלקיך, return all the way until Hashem. By the fact that the Pasuk encourages us to return all the way to Hashem we understand that it's also possible to return a partial way, although it's not as beneficial but it's still accomplishes some forgiveness

Excerpts FROM THE NEW SEFER

מנהג ותיקין לגמור ספר תהלים בליל יום הכפורים ואחריו אומרים היהי ממש". וכתב על בוקרו של יוהכ"פ (אות רעז): "כארי יקום וילמוד תהלים". רצון של חול.

וגם מטה אפרים (סי' תריט סכ"ב) הביא ענין קריאת תהלים ביהכ"פ: "נהגו הרבה להיות

נעורים בלילה ביוה"כ בבהכ"נ או בבהמ"ד, ואומרים שם שיר היחוד של כל השבוע אף שא"א שם כל השנה, ואח"כ מתחילין לומר תהלים. ויש שא"א כלל שיר היחוד, רק מתחילין תהלים ועומד אחד לפני התיבה ואומר יה"ר הנדפס שם קודם אמירת תהלים והוא יה"ר המיוחד לחול, ואומרים אותו בחלוף, פסוק אחד הש"ץ ופסוק אחד הצבור. אך נהגו שהצבור אומרים כ"א בלחש הפסוק של הש"ץ, וכן להיפך הש"ץ אומר בלחש הפסוק שאומרים הצבור. ואחר כל ס' אומרים יה"ר של חול, קדיש יתום. והש"ץ יהיה איש הגון ומדברו נאוה ובעל בכי לעורר הצבור בעת אמירת היה רצון

וחזר וכתב (סכ״ד) שיש נוהגים ביום הכפורים ללון בבית הכנסת ולומר שם תהלים, וכן כתב שאם סיימו מנחה מוקדם ויש זמן רב עד תחילת נעילה, אזי יראה איש חכם לומר לפניהם דברי כבושים, ואם אין שם איש חכם אין להם לצאת מבית הכנסת, רק יאמרו איזה ספרי תהלים עד שיגיע זמן תפלת הנעילה. וכן הביא בספר סדר היום (סדר היום הקדוש, עמוד רטז) שישתדל כל אחד ואחד להשלים ספר תהלים ויעבור כולו בזה היום הנורא

וכו'..וכן ראיתי רבים ונכבדים בעלי נפש אשר קורין כל ספר תהלים ביום כיפור וכן ראוי לעשות.

עוד מובא בתהלים אהל יוסף יצחק שמקובל מבעל התניא שיסד הבעש"ט לומר תשעה מזמורי



כתב השל"ה: "מנהג בהרבה גלילות בישראל לומר כל ספר תהילים בליל יום כפורים, והוא מנהג ותיקין כי אין לנו דבר גדול יותר מספר תהלים שכלול מן הכל, מרבים שבחים להשי"ת, ורבים מזמורים הם של התעוררות תשובה, ורבים מזמורים הם של בקשת מחילה וסליחה, והכל מיד ה' השכיל חבר דוד המלך ע"ה ברוח הקודש, והאומר תהלים הוא כמתפלל והוא גם כן כעוסק בתורה, כי כבר בקש דוד המלך ע"ה שיהיו מקבלים שכר הקורים בתהלים כעוסקים בעומק התורה כנגעים ואהלות... אמנם מי שעיף ויגע ואי אפשר לו על כל פנים יאמר ד' מזמורים הראשונים קודם שישכב כי הם מסוגלים שלא יבא לידי קרי, ויש בהם ש"ו תיבות וד' מזמורים יעלה למנין קר"י, ובלילה הזאת שאנו דומין למלאכים צריכין אנו ליזהר מכל טומאה ובפרט מטמאות קר"י"... (מסכת יומא דרך חיים תוכחת מוסר).

ובלבוש (סי' תריט ס"ד) גם כתב שיש שנהגו לומר כל התהלים באותו הלילה, וכתב החיד"א בהגהותיו שבני ספרד נהגו להתחיל ד' מזמורים של ספר

תהלים מאשרי האיש עד לבטח תושיבני ואומר קדיש. וטעם למנהג, שיש לד' מזמורים אלו סגולה להינצל מן הקרי, ויש בהם ש"ו תיבות וד' מזמורים יעלה לענין הזה. ובלילה הזה שאנו דומים למלאכים צריכים להיזהר מכל טומאה, ובפרט מטומאת קרי דאמרו חז״ל הרואה קרי עדאג כל השנה. וכתב החיד"א במורה באצבע (אות רעד): "נכון לומר אחרי ערבית ספר תהלים 🛚 תהלים מקט"ו ועד קכ"ג לפני כל נדרי, תשעה לפני השינה קכ"ד עד קל"ב, תשעה אחר מוספ כולו, ויאמר בין ספר לספר ז' מזמורי כורתי ברית כמו שאומרים באור הושענא רבה מקל"ג עד קמ"א, ותשעה אחר נעילה מקמ"ב עד ק"ג.