



Shaare Ezra is a one of a kind, multi-faceted organization that's there for the community. Under the leadership of HaRav Shay Tahan שליט"א, Shaare Ezra feels that proper Halachic guidance should be accessible to everyone, therefore we offer the community the opportunity to call, text, WhatsApp, or e-mail any halachic questions they may have, through the Bet Horaah, where qualified, trained and ordained Rabbis are available to answer your questions in English, Hebrew and Russian. Shaare Ezra is from the community—for the community.

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Email: askhala-
cha1@gmail.com

Website:
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Bet Horaah

בית הוראה

Shaare Ezra

שערי עזרא

Yom Kippur

Zmanim for New York:

Candle Lighting: 6:14pm

Holiday Ends:

R' T 7:44pm

We would like to show our deepest 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 our monetary dealings. The Mishna Berura (סי' תרו) א"ס"ק 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, דכתיב: "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 האריך 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.

Can the Rabbi listen to one party without the other?

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: (דברים א, טז) שמוע בין אחיכם 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 (דברך בין אחיכם, כשתהיו שנים יחד משמע). רב כהנא אמר מהכא, מלא תשא לא תשיא (לא תקבל שמע שוא, אזהרה לדיין, וקרי ביה נמי לא תשיא - אזהרה לבעל דין).

חוט שני ה' יום כיפור עמוד קג) Rav Nissim Karelits 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



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one party without the other is because he isn't judging between them, but only advising the person who came in front of him how to deal with this, to be clean from the sin of stealing.

This is in line with the ruling of the Rema stating (ח"מ סי' יז ס"ה) that a rabbi may listen to one party as long that he isn't a Dayan on this matter.

The Maharil (מובא בסמ"ע סק"א) explains that it's permitted for the Rabbi to listen because of the reason mentioned above and because his words are considered nothing more than advice to the party standing before him. Moreover, the other party isn't bound to his Psak.

This same idea is also brought in other Poskim (ר"ד מדינא סי' ב, ר"ד מדינא סי' ג, ר"ד מדינא סי' ד) who not only permitted listening to one party, but also allowed those Rabbis to afterwards become part of a Bet Din on this very matter as long as they didn't know that they will be asked to do so when the matter came in front of them to begin with.

The severity of stealing

Let us first explain the severity of stealing. The Gemara (ב"ק א כל הגוזל את חברו שוה פרוטה כאילו נוטל נשמתו ממנו) (ק"ט, א) says: 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 Hashem asks him to return the soul of his friend. According to another opinion, Hashem actually takes away the soul of 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 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 item: (ויקרא ה, ג), והשיב את הגזילה אשר גזל (ויקרא ה, ג), sometimes doing so isn't easy for various reasons. Here we will try to set forth a few different cases where this Mitzvah isn't done smoothly.

It's important to note that if the stolen item is still available, one must return the actual item and not just its monetary worth.

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

must pay the full valued price.

If the owner died

If the thief can't return to the owner because the owner died, he still must return the item to his heirs (ש"ע הרב הל' גזילה (ס"ח).

But it's not as easy as it sounds. In the scenario where there are numerous heirs, it doesn't suffice to merely return the item to one of them, rather he should make sure they all get their correct share.

The Radbaz (ח"ג סימן תר"ה) explains why returning to only one of the heirs doesn't exempt him from his obligation quite simply, since the other heirs each have a part in it as well and they didn't receive their share. For example, if one steals \$500, and the owner dies leaving behind five children, 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/place which he knows the owner will see and find (ש"ע הרב (הל' גזילה ס"ח).

The thief doesn't know who he stole from

When the thief doesn't know (or doesn't remember) who the item was stolen from, he may do with it services for the public רבים צרכי, with the hope that Hashem would turn things around in a way that the owner will somehow benefit from it.



APPEASING ONE ANOTHER BEFORE YOM KIPPUR

Imagine you get a message before Yom Kippur reading the following words: "Hello my dear friend and happy New Year. Since we are couple of days before Yom Kippur and Chazal instructed us that sins aren't forgiven unless you appease your friends, therefore now is your final chance to come and ask me to forgive you. Make sure you do it correctly; tell me what you've done and why it was wrong. Also make sure to say it in a way that I would be convinced you're sincere and that you'll never repeat doing so again, otherwise I won't forgive you. Yours truly, 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 within us the urge to repent from our ways. This is referring to repenting from our ways and returning to HaKadosh Baruch Hu. The Mitzvah of Teshuva incorporates 3 different parts: the feeling of regret [for doing the sin], verbally pleading for forgiveness, and accepting upon ourselves not to repeat the sins. Part of this process however is also appeasing those whom we have hurt or wronged, or those to whom we have ill feelings towards for they have wronged us.

Interestingly enough, people run to beg HaKadosh Baruch Hu for forgiveness; yet seldom do people run with the same enthusiasm to request forgiveness from those whom we hurt. Moreover, we sometimes find that the opposite holds true as well; people will ask forgiveness from anyone and everyone they know—even those they just met or barely said a word to the whole year—and yet, the people they really need to ask forgiveness from, they conveniently choose to ignore/avoid. To the extent, that it seems as though it's easier to request forgiveness from HaKadosh Baruch Hu since we don't actually see

Him. However, to those that we see and know, the mere thought of approaching them and asking for forgiveness can be quite overwhelming. Why is this so, and being that that's the case, what's the point of asking for forgiveness altogether?

The answer to this is quite fascinating. The psychology behind the individual running to ask forgiveness from all those he knows he probably did nothing to, yet specifically avoiding the ones he truly hurt, is that by doing so, he is essentially covering up his sin. In his subconscious, it is as if he didn't do anything 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 appeasement is to try and mend our ways and bring about peace between each other. The way to do this is through the same steps as Teshuva: regretting our actions, asking for forgiveness, and accepting upon ourselves not to repeat our actions. Therefore, if we don't do it properly, with a full heart filled with remorse, 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 (יומא, ח.א): "Though Yom Kippur atones for sins between man and HaKadosh Baruch Hu, it does not atone for those between man and his fellow."

It might be worthwhile for each and one of us to take a pen and a piece of paper and write on it what we would like the person who hurt us to do in order for us to forgive him whole heartedly (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 than done, but at the end of the day, it is our obligation and we do want to stand in front of Hashem on Yom Kippur clean.



QUESTIONS ON 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 Teshuva) 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 הלכות (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 impure; טובל ושרץ בידו, 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 Rambam on the other hand learns this mitsva from the Pasuk (דברים לב):

"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 Israael would return to Hashem in the future.

Is it true that when one does Teshuva he is completely 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:

