



Making the case for **YOM KIPPUR**

Waking up late and finding ourselves
in the midst of the Ten Days of
Repentance | BY ROBERT SUSSMAN

WHEN WE THINK ABOUT MANY THINGS IN JUDAISM, we unfortunately tend to associate non-Jewish ideas with them. What do people normally do in the non-Jewish world when New Year's rolls around? Yeah, besides drink a lot, they make resolutions – they make New Year's resolutions. “This year, I’m going to join a gym!” “This year,

I’m going on a diet!” “This year, I’m going to more shiurim!”

But the Jewish new year is very different. And let’s be honest, this is a time of year that many of us unfortunately dread: long days in shul; what feels like endless services, with which we can’t even follow along; excessive amounts of time with rela-

tives and in-laws; and constant appeals to improve ourselves and change our ways.

However, the dread of these days really isn’t meant to come from such things, it’s meant to come from the fact that Rosh Hashanah, the Jewish new year, is the Day of Judgment – for everyone and everything in the world. It’s the day that the CEO, the Managing Director, the Head Honcho of the Universe, has selected to take stock of His creation, to begin the fiscal year and to see how His business is doing.

TAKING STOCK

And, accordingly, it’s the time of year that we’re meant to do the same with our own lives. What kind of business doesn’t do a yearly accounting of where it is and where it’s headed, an annual report for its investors? What business doesn’t take stock of

its inventory and reconsider its aim and how successfully it's meeting its goals? When we're young, when our lives are divided by school terms and school years, it's more natural for us to sit down and take stock of our lives and to consider if we're headed in a direction that we're happy with – and to readjust our heading if we're not. As we get older, it becomes harder to separate one year from the next, but that's precisely what Rosh Hashanah is for.

What we should be dreading at this time of year is not the drawn-out choir service. What we should be dreading is how we're measuring up, both in our own estimate and, more importantly, in G d's. We don't like thinking about these things. It's often difficult and even painful to think about them. It's easier to just sit back and surf the net, watch a tv show, chat on the phone, or sleep.

THE CASE AGAINST US IS ALREADY IN PROGRESS

So, let's be very clear about where we find ourselves straight after Rosh Hashanah:

Each of us, individually – and all of us, together as a nation, and even the entire world – are in the midst of some serious litigation! We've been hauled into court and there's a case against us, against each of us individually and against each of us as members of the organisation to which we are lifetime members: K'lal Yisroel (the Jewish people).

You don't remember getting a summons? That was the sound that we've been hearing for the last month at the end of shacharis – the sound of the shofar. It sounds like an alarm clock going off for a reason. Our Sages teach that the sound of the shofar is meant to awaken us to what's going on! Nobody likes being woken up from their slumber.

WHAT CAN WE DO?

So, what do we do when we find that someone has dragged us into court? We seek counsel – and fast! We go to an attorney and we try to assess the strength of the case against us and – unless we have some very deep pockets – we do every-



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thing in our power to get out of that courtroom as fast as possible. The one advantage to our current situation is that this won't be a long-involved litigation process; it'll be over in a matter of days. So, the first thing that we need to do is to recognise that we're short on time, and we need to do everything that we can to win this case.

So, I'm here today to offer us all some much-needed counsel for those of us who may have woken up a bit late...after Rosh Hashanah. Is there anything we can do? We've already had our court date. The evidence has all been heard, including all of those pieces of evidence that we would've liked to have suppressed and made sure didn't see the light of day, and the Judge stands ready to enter His judgment.

Anyone perfectly righteous? Okay, so no one perfectly righteous would really raise his hand “yes” to that question. Anyone completely and utterly wicked? The reason for the questions is that exceptional people who fall into those two extreme

categories are already done. The judgment for them has been reached and it's final – signed, sealed, and delivered. There's nothing more to talk about.

But, for the rest of us average folk, who are neither entirely good nor entirely bad, the judgment against each of us hasn't been finalised yet. We have a few more days. So, what are we supposed to do with this precious time – the time during which our Sages teach that Hashem is closer than the rest of the year and waiting for our return?

We have two courts – the Beis Din shel ma'alah (the Heavenly Court) and the Beis Din shel matah (the Earthly Court), and when I say Earthly Court, I'm referring to the concept of a Jewish Court, the Beth Din. Civil and criminal procedure – in other words, the rules by which these courts operate – differ both from each other and from the earthly secular courts with which we're more familiar. We could go on at length on such a topic, but I'll give you one example. In a Jewish

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Court, there is no Prosecutor representing the people. Instead, every Jew has an obligation to be concerned with the well-being of his fellow Jew, and, in fact, to warn another Jew if he sees that that Jew is about to do something wrong. And, even if after being warned, if, G-d forbid, the other Jew still goes through with transgressing the Torah, then it's up to the person that witnessed the wrongdoing to come forward and notify the local court and give testimony regarding what he witnessed.

It's not news to any of us that much of what goes on in a secular court has little to do with justice. It's about following procedural rules. As an attorney, I've seen cases where a defendant had a large quantity of drugs on him, but, unfortunately, the arresting officers obtained the evidence against that defendant in an illegal fashion; they didn't follow the procedural rules. So, even though the defendant was guilty and caught red-handed, he went free because of the actions of the police officers who failed to play by the rules. As we all know, winning in a secular court often times has nothing to do with innocence, and everything to do with how charismatic the defendant's attorney is or how crafty he is at working the law and its many intricacies to his advantage.

And this is actually part of the reason that we're meant to experience joy on Rosh Hashanah, in spite of the fact that G-d is judging us. Why? Because there's a tremendous comfort that comes in knowing that there is a Final Judge, that all accounts will be settled. No one gets away with anything, regardless of how it may appear while we're on this earth.

As I noted, we could go on at great length regarding the differences between a Jewish Court and a secular court, but for our purposes, I want to draw your attention to the fact that in a Jewish Court, there are no attorneys. Everyone is what's known in secular legal terms as “pro-se”,

everyone represents himself¹, and the only thing that we have to stand in our favour is the evidence which we can marshal.

PASSING THE TEST

Now, the key to passing a test is knowing what the person who wrote the test considers to be the right answer. Good test-takers are often not the smartest guys in the room – they're just the ones who understand best just what answer the test makers are looking for. Our Sages teach that we must view ourselves every day, but especially at this time of year, as though we as individuals, and also collectively, are standing before Hashem with the scales of our judgment equally balanced, our mitzvos standing precisely equal to the things that we've done wrong. If we do a single thing wrong, then we lower the scale towards the side of guilt for ourselves and for the entire world. Likewise, if we do a single mitzvah, then we lower the scales towards the side of merit, both for ourselves and for the entire world. Hashem gives each of us the power in our very own hands to save not just ourselves, but the entire world. This time of year – these 10 days between Rosh Hashanah and Yom Kippur – have been given to us for just this purpose.

Our goal in the test before us is to do everything that we can to tip the scales of judgment in our favour.

Unlike the secular new year, Rosh Hashanah, the Jewish new year, is not about resolving to change. It's not about theory; it's about action. G-d's not interested in our resolutions, our promises. In fact, that's what kol nidre is all about, cancelling the promises that we've made. The Torah is quite clear on this subject. Hashem would rather that we not make promises at all, than that we make them and not keep them. In fact, everyone's familiar with the phrase Chillul Shabbos, meaning Shabbos desecration. The Torah

cautions us likewise, using the very same Hebrew language, not to desecrate our speech. And this is why when it comes to legal documents and courtrooms, Jews choose to make affirmations rather than oaths and why people say things like “I'll try to do x” or “b'li neder” (meaning “without a vow”) – for example, “I'll try and pick up a newspaper for you” or “B'li neder, I'll pick up a newspaper for you.” In other words, “I'll pick a newspaper up for you, but I don't promise to do it,” just in case something makes it impossible for me to get the newspaper (eg, they sell out before I arrive).

So, Rosh Hashanah is about actually instituting changes in our lives, changes that will enable us to tip the scales of judgment in our favour, so that Hashem will inscribe us for another year in the Book of Life. What I'd like to do is offer the counsel of our Sages – Teshuva, Tefilla, and Tzedaka – starting with the easiest things that we can do to tip those scales and progressing to those things that require a bit more effort on our parts:

WE CAN ADD TO THE SIDE OF MERIT

We can do more mitzvos. Our Sages specifically emphasise tefilla (connecting with our Maker) and tzedaka, among other forms of gemilus chasodim (doing kind acts).

So firstly tefilla: Although it's sometimes hard to believe, let alone imagine that the Creator of the Universe wants a personal relationship with each and every one of us. He wants to hear from us. He wants us to acknowledge Him as our King, as our Judge, as our Creator, and as our Father. He loves us and He wants us to connect with Him. G-d's communication in response to us is of the non-verbal variety, what I like to call “sign language”. If we look hard enough (or simply just pay a bit more attention), we can see G-d's hand in our lives and we can pick up the messages that He's sending us. Pour out your heart to Hashem, whether you're angry or hurt, whatever the case may be. Better that you acknowledge Hashem and



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call out to Him than that you ignore Him, turn your back on Him, and remain silent.

Secondly, tezedaka: Tzedaka, to be precise, is between Jew and Jew. The mitzvah is to give to another Jew whatever he is lacking. A job, money, food, clothes, a shidduch – whatever a person is lacking.² Tzedaka falls under the category of gemilus chasodim (kind acts). No matter how good we are to other Jews during the year, this is the time to increase such kind

acts. Why so? Because our Sages teach that when we show mercy to others, Hashem shows mercy to us. When we do good for others, then we merit that Hashem will do good for us. If we help to sustain others, then we give Hashem good reason to sustain us. This is a fundamental concept in Judaism, known as middah keneged middah, aka measure-for-measure. And we’ll see again in a moment just how powerful it is.

WE CAN SUBTRACT FROM THE BAD THINGS

We can subtract from the side containing what we’ve done wrong – and, if we do it right, we can not only remove the weight from the negative side, but add to the side of merit. We can do teshuva. Teshuva is not easy. And it’s not a once off thing. It’s about acknowledging that we’ve strayed, that we’ve done things that we shouldn’t have done. It’s exactly what the word means: it’s a return, a return to Hashem and to His Torah.

WE CAN THROW OUT THE SCALE ENTIRELY

Finally, and this is perhaps the most important point, we can do something that will influence our ultimate judgment in the most profound way possible, to be our own best advocate. We can, in essence, actually throw out the entire scale! But, make no mistake, it’s not easy. It’s as difficult as teshuva, if not even more so.



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We have in our power the ability to forgive those who have wronged us, to sincerely pray that Hashem not punish them for what they've done to us. Why on earth should we do such a thing? Because of the principle of middah keneged middah, measure-for-measure. What do we ultimately want from Hashem? Forgiveness for what we've done wrong. If we can wipe out the side of the scale containing the things that we've done wrong, then we automatically make the side of the scale containing our merits the heavier side and, in turn, our judgment one for life. When we forgive others, when we find it within ourselves to overlook the things that people have done to us, Hashem does the same for us, measure-for-measure. He is able to forgive us and to overlook the things that we've done wrong to Him.

And let's be clear, we're talking about forgiving people who haven't said they're sorry, who haven't made any attempt to atone for what they've done to us, for ex-

ample: to repay us for any financial losses that we've suffered. This takes an extraordinary effort on our parts, but the pay-off is likewise tremendous, because just as we can find it in ourselves to forgive those who have wronged us and not apologised, so too Hashem will do the same for us (at least regarding the things between us and Him – for the things between us and others, we still need to ask for forgiveness and then do teshuva)!

May we all, the Jews in South Africa and all of the Jews throughout the world,

wherever they may be, merit Hashem's rachamim (His mercy) and may we all be inscribed in the book of life, in the book of good health, in the book of parnasah, and in the book of forgiveness. May Hashem watch over all of us, guide us, and bless us. May He establish peace for us and may it be a wonderful year for the Jewish people. G'mar chasima tova. **LL**

¹Jewish courts do recognise the participation of an advocate (aka to'en) to assist a litigant.

²Hilchos Matanos Aniyim 7:3



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