

Closing Time: Neilah and the Never Ending Holiday Season
Shabbos Shuvah 5783
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As usual, I thank my dear friend Rabbi Ben Skydell for his insight and input into this derashah. Our partnership is a source of constant growth and abundant entertainment; may we continue to share Torah for many years to come.

The lights had already gone out in the magnificent Westend Synagogue of Frankfurt¹. The sanctuary, filled to capacity with 2,000 people just half an hour earlier, was now eerily empty. It was Motzei Yom Kippur, and the only person left in the building was Cantor Tzudik Greenwald, who traveled from Israel annually to lead the community over the Yamim Noraim. After an intense Neilah and a long day, he was resting for a little bit before heading back to his nearby hotel to eat something. Exiting the shul from the side door, he saw an older man wearing a satin white kippah, looking rather confused and upset. He was banging on the locked gate, trying to get in. When he saw Cantor Greenwald, he asked, “Where is everyone? How come the shul isn’t full with people waiting for Kol Nidrei?” Cantor Greenwald told him, “Kol Nidrei was last night. We just finished Ne’ilah; Yom Kippur is over.” When the man heard this, he began to cry. Cantor Greenwald told him,

¹ Story told here by Rabbi Yoel Gold - <https://www.torahanytime.com/#!/lectures?v=92683>

“Don’t worry! Next year, there will be another Kol Nidrei! You don’t have to cry!” The man responded, “You don’t understand. Throughout my childhood, my father would take me to shul once a year- Kol Nidrei night. I always cherished my memories of our time going to shul together, and it was the only Jewish thing I did all year. Before he died, years ago, my father made me promise him that I would *never* miss Kol Nidrei- and I never have...until today.”

Cantor Greenwald put his arm around the man and told him, “You are in luck. I’m the Chazzan of this shul, and I am going to make sure you don’t miss Kol Nidrei this year, either.” He led the man inside the cavernous sanctuary, and helped the man don a tallis. Opening up one of the Machzorim that were still by everyone’s seats, he showed him the place at the beginning where Kol Nidrei could be found. And then, to give the man the real Kol Nidrei experience, Cantor Greenwald put on his kittel, tallis and Cantorial hat, damp with the perspiration of 24 hours’ exertion. The two men ascended the bimah, and Cantor Greenwald began to sing Kol Nidrei. The previous night, he had an audience of 2,000- but this night, exhausted and hungry in front of an audience of one, he began to feel a second wind. Never before had he davened with such *kavvanah*, never before had his voice sounded so clear as it did in front of that man. He later described himself feeling as though the shul was filled with the souls of the six million Jews killed in the Holocaust. He finished his rendition, and the man told him, “You have no idea what you did for me. You saved my life!”

A few years ago, Sivan Rahav Meir told this story to her Hebrew speaking audience. Shortly thereafter, Rabbi Yoel Gold, a popular speaker in the English speaking Chareidi community, told this story together with Cantor Greenwald in a video, and it went viral. It is a deeply moving story about the yearning of the Jewish soul to connect to holiness and tradition, and what one Jew would do for another to reconnect them with their heritage. It is especially poignant because everyone knows that Yom Kippur was over. As a coffee- addict friend of mine put it, his favorite day is the day after Yom Kippur, because there is no day further away from Yom Kippur than that...it is difficult, well nigh impossible, to recreate the solemn atmosphere of the day of judgment when the season of judgment is over.

What We Know

It's the oft-told tale- one that we know well, especially because we sing it as a refrain throughout the High Holidays. On Rosh Hashanah, we are inscribed, and on Yom Kippur, our decree is sealed- בראש השנה יכתבון וביום צום כיפור יחתמון

How do we know this, though? The Torah says nothing about any of this. It is based on a passage in Masechet Rosh Hashanah:

Talmud Bavli Masechet Rosh HaShana 16b

אמר רבי כרוספדאי אמר רבי יוחנן: שלשה ספרים נפתחין בראש השנה, אחד של רשעים גמורין, ואחד של צדיקים גמורין, ואחד של בינוניים. צדיקים גמורין — נכתבין ונחתמין לאלתר לחיים, רשעים גמורין — נכתבין ונחתמין

לְאַתֵּר לְמִיתָה, בְּיוֹנִיִּים — תְּלִיִּין וְעוֹמְדִין מֵרֹאשׁ הַשָּׁנָה וְעַד יוֹם הַכְּפוּרִים, זָכוּ — נִכְתָּבִין לְחַיִּים, לֹא זָכוּ — נִכְתָּבִין לְמִיתָה.

The Gemara goes back to discuss the Day of Judgment. Rabbi Kruspedai said that Rabbi Yohanan said: Three books are opened on Rosh HaShana before the Holy One, Blessed be He: One of wholly wicked people, and one of wholly righteous people, and one of middling people whose good and bad deeds are equally balanced. Wholly righteous people are immediately written and sealed for life; wholly wicked people are immediately written and sealed for death; and middling people are left with their judgment suspended from Rosh HaShana until Yom Kippur, their fate remaining undecided. If they merit, through the good deeds and mitzvot that they perform during this period, they are written for life; if they do not so merit, they are written for death.

Hoshana Rabba


That's what we've been told since we were kids. But there is another day of judgment as well, isn't there? I refer, of course, to one my favorite days on the Jewish calendar- Hoshana Rabba. In the Beit HaMikdash, this was the day when the altar was circled seven times by people carrying bundles of willow branches, which they then beat on the ground and cast aside. We recreate a version of this nowadays, too, whacking the living daylight out of *aravah* bundles at the end of davening. It was, and is, the culmination of all the days of Sukkot, before leading

into the “extra day” of Shemini Atzeret. In Italian Jewish communities of the Renaissance, Hoshana Rabba was a day of pageantry, featuring prayers and musical settings composed specially for the occasion². Remember that Hoshana Rabba is always on a weekday, and even the most conservative community could have services with full musical accompaniment. Italian Jews, to this very day, consider Hoshana Rabba to be a special day. Italian synagogues are packed, and, as a sign of the solemnity of the day, the Italian rite prefaces *Chazarat HaShatz* with the prayer *Unetaneh Tokef*. In keeping with the spirit of Hoshana Raba as a day of judgment, in Ashkenazic communities, the Chazzan wears a kittel and uses motifs from the Yamim Noraim davening; In Chassidic communities in particular, davening can finish in the afternoon. The tradition among Ashkenazim is to eat *kreplach* on Hoshana Rabba, the same as on Erev Yom Kippur.

What is the origin of the tradition that Hoshana Raba is also a day of judgment- and, indeed, the final day of judgment? How do we know that it doesn't all end at Neilah? This idea is alluded to in the Talmud Yerushalmi, but is spelled out more explicitly in kabbalistic sources. The Zohar writes as follows:

ZZohar 1:220a

לְבַתֵּר קוֹדֶשׁא בְּרִיךְ הוּא זְמַן קָמִיָּה דְּבֵר נָשׁ, יוֹמָא דְכַפּוּרֵי יוֹמָא דְתַשׁוּבָה. אִי תֵב מְחֻטָּאוֹי טֵב. וְאִי לֹא, פְּקִיד מַלְכָא לְמַחֲתֵם פְּתֻקִּין. וְיִי, דְּהָא תַשׁוּבָה בְּעִיָּא לְאַסְתַּלְקָא מִנִּיהּ. אִי זְכִי בְתַשׁוּבָה, וְלֹא שְׁלִימָתָא כְּדָקָא יְאוּת, תַּלְיִין לִיהּ עַד הֵהוּא יוֹמָא בְּתַרְאָה דְּעֶצְרָת, דְּהוּא תַמִּינָאָה לְחַג. וְאִי עֲבַד תַשׁוּבָה שְׁלִימָתָא לְקַמֵּי מַאֲרִיָּה, אֲתַקְרַעוּ. וְאִי לֹא זְכִי, אִיבֹן פְּתֻקִּין נְפֻקִּין מִבֵּי מַלְכָא, וְאַתְמַסְרֵן בִּידֵי דְסַנְטִירָא, וְדִינָא מִתְעֲבִיד, וּפְתֻקִּין לֹא מְהֻדְרִין תּוֹ לְבֵי מַלְכָא.

²  Synagogue Music in the Baroque – 2 – מוסיקה לבית כנסת מתקופת הבארוק

God prepares for people, Yom Kippur, the day of teshuvah. If a person returns from sin, that is good. If not, the commandment of the king is to seal the letter, and woe is unto him, because Teshuvah wants to depart from him. If he merits to return, yet it is insufficiently complete, it is suspended until the final day that is called Atzeret, which is the eighth day of the holiday of Sukkot. If he does a full Teshuvah in front of his master, then the letter is torn up, but if he does not merit to do so, the letters are sent from the house of the king, and the matter is carried out, because letters do not return to the house of the king.

This is the origin of the greeting people exchange between Yom Kippur and Hoshana Rabba- *Pitka tava*, a gutten kvittel, or a “good note.”

In his work *Shnei Luchot HaBerit*, Rav Yeshaya HaLevi Horowitz of Prague (known by the name Shaloh, the acronym of this title) points out that Yom Kippur is called Rosh Hoshanah in some places, and there are ten days between Yom Kippur and Hoshana Rabba, like the *Aseret Yemei Teshuvah* that are now upon us- so Hoshana Rabba is the Yom Kippur of...Yom Kippur.

של"ה מסכת סוכה פרק תורה אור

וכתבתי שרומז גם כן על עשרה ימים שבין יום הכפורים להושענא רבה, כי מצינו יום הכפורים נקרא ראש השנה, כמו שכתוב (ויקרא כה, ט) 'בעשור לחדש ביום הכפרים'. וגמר יום הכפורים הוא הושענא רבה, שאז נשלם החתימה, ונגמר יום הכפורים במילואו ובטובו. ומאחר שיצדק שם של ראש השנה ביום הכפורים, ושם של יום הכפורים בהושענא רבה, וביניהם עשרה ימים, הרי עשרה ימים בין ראש השנה ליום הכפורים.

I wrote that there is a reference to the ten days between Yom Kippur and the Hoshana Rabba, because we find that Yom Kippur is called Rosh Hashanah...and that Hoshana Rabba is the conclusion of Yom Kippur, because the sealing of the verdict is complete,

and Yom Kippur is completely finished. Since Rosh Hashanah is a term used to describe Yom Kippur, and the name of Yom Kippur is associated with Hoshana Rabba, the “ten days between Rosh Hashanah and Yom Kippur” refer to the ten days between Yom Kippur and Hoshana Rabba.

Believe it or not, it doesn't end there. According to some traditions, particularly in Chassidic sources, the final day of judgment is actually *Chanukah*. And not just Chanukah, but the final day of Chanukah! The posek Rav Gavriel Zinner of Boro Park marshals an impressive array of such sources. For example, the great Chassidic master Rav Naftali Zvi Horowitz of Ropshitz writes in his work *Zera Kodesh* that

...וכ"כ בזרע קודש דף צ"י ע"ב שמצינו בספרים, שהכתיבה בראש השנה והחתימה ביו"כ וגמר דין בהושענא רבה, עכ"ז אף שיוצאין הפתקין אין להם כוח להתקיים עד חנוכה' אולי יתקן האדם מה שעיוות נמצא שקדושת החג הולך ונמשך עד חנוכה' וזהו אסרו חג בעבותים, לאסור את חג הסוכות שלוקחין בו ענף עץ עבות' עד קרנו"ת המזבח היינו חנוכה המזבח שבחנוכה עיי"ש

...the inscription on Rosh Hashanah and the sealing on Yom Kippur finishes on Hoshana Rabba; nevertheless, even though the note with the verdict is issued, it does not take effect until Chanukah, in case a person will correct his mistakes in the interim. This shows that the sanctity of the holidays continues until Chanukah...

On the one hand, this perspective- that there is always a “stay of execution” as it were, allowing for more opportunities for improvement and redemption, is one that promotes optimism. You are never too far gone if the verdict is never really sealed.

Maybe, if Tzudyk Greenwald had told the fellow in Frankfurt that he had until Hoshana Rabba to correct his wrong, he would have saved his voice and been able to eat something sooner. Maybe this man would have gone to shul and shaken the lulav for the first time. Maybe he would light Chanukah candles if he knew that his fate wasn't sealed until then. It's good to have more time to repent, to have more opportunities for change, to delay the verdict- whatever it may be- for just a little longer. Isn't it?

The Trial

Franz Kafka's 1915 novel *The Trial*, like all his works, features the kind of illogically complex, surreal and dispiriting situation that has given rise to the term *Kafkaesque*. Josef K. is accused of an unspecified crime by unidentified agents of an unnamed entity. The rest of the novel details his attempts to seek justice, or, at minimum, some kind of representation or resolution. After pursuing various fruitless avenues, he is directed by those in the know to consult with Titorelli, the court painter. Drawing on years of experience observing countless court cases, he offers some advice about what kind of resolution Josef should hope to achieve:

Franz Kafka, *The Trial* pgs. 152, 158

The painter had pulled his chair closer to the bed and continued in a low voice: "I forgot to ask first what sort of release you want. There are three possibilities: actual acquittal, apparent acquittal, and protraction..."

An apparent acquittal is handled differently...Externally it may sometimes appear that everything has been long since forgotten, the file has been lost, and the acquittal is

For Kafka, the interminable hell into which Josef K. has been plunged is not the nightmare of incarceration, and not the bizarre and hopeless situation of being accused of a crime the nature of which is never made known to him, and that he certainly didn't commit. No, it is the endless delay of judgment, and the inability to achieve any kind of closure and finality.

Lehavdil, the Torah recognizes this as well. Listen to the words of the Mishnah in Pirkei Avot:

Pirkei Avot Chapter 5 Mishnah 8

חָרֵב בָּאָה לָעוֹלָם עַל עֲנֵי הַדִּין, וְעַל עֲוֹת הַדִּין, וְעַל הַמּוֹרִים בְּתוֹרָה שֶׁלֹּא כְּהִלְכָּהּ:

The sword comes to the world for the delay of judgment, and for the perversion of judgment, and because of those who teach the Torah not in accordance with the accepted law.

Delaying judgment is a particularly heinous offense, on par with the perversion of judgment and engaging in inappropriate and unaccepted interpretations of the Torah.

The Talmud, in Maseches Shabbos, elaborates on this further. There are four sins that cause violence and looting in the world, with pestilence and famine arriving on their heels.

1. **Delaying justice**- according to Rashi, this refers to judges who have arrived at a verdict, even a just one, but withhold it for reasons having nothing to do with the case and without any divine imperative.
2. **Distorting Justice**- when judges intentionally arrive at the wrong verdict.
3. **Miscarriage of Justice**- According to Rashi, this refers to judges arriving at a verdict hastily, without investigating the matter thoroughly enough.
4. Dereliction in the study of Torah.

Talmud Bavli Masechet Shabbat 33a

בַּעֲוֹן עֵינוּי הַדִּין, וְעִוְיוֹת הַדִּין, וְקִלְקוּל הַדִּין, וּבִטּוּל תּוֹרָה — חָרַב וּבִיזָה רַבָּה, וְדָבָר וּבִצּוֹרֶת בָּא, וּבְנֵי אָדָם אוֹכְלִין וְאֵינָן שָׂבְעִין, וְאוֹכְלִין לַחֲמֹם בְּמִשְׁקָל. דְּכָתִיב: "וְהִבַּאתִי עֲלֵיכֶם חָרֵב נֹקֶמֶת נֶקֶם בְּרִית וגו'". וְאֵין "בְּרִית" אֲלֵא תּוֹרָה, שֶׁנֶּאֱמַר: "אִם לֹא בְרִיתִי יוֹמָם וָלַיְלָה וגו'", וְכָתִיב: "בְּשֹׁבְרֵי לֶחֶם מָטָה לֶחֶם וְאָפוּ עֶשֶׂר נָשִׁים וגו'", וְכָתִיב: "יַעַן וּבִיעַן בְּמִשְׁפָּטִי מָאֻסִּי".

Furthermore, the Sages said that due to the sin of delay of justice, i.e., judges delay issuing their rulings due to personal considerations, and for distortion of justice, i.e., judges intentionally distort their verdicts, and for miscarriage of justice that results from negligence, and for dereliction in the study of Torah, violence and looting abound in the world, and pestilence and famine come, and people eat and are not sated, and they eat their bread measured by weight. As it is written: "And I will bring a sword upon you, that shall execute the vengeance of the covenant; and you shall be gathered together within your cities; and I will send the pestilence among you; and you shall be delivered into the hand of the enemy" (Leviticus 26:25). And covenant means nothing other than Torah, as it is stated: "If My covenant be not with day and night, if I have not appointed the ordinances of heaven and earth" (Jeremiah 33:25). The study of Torah is the mitzva practiced both day and night. And it is written with regard to this

punishment: “When I break your staff of bread, ten women shall bake your bread in one oven, and they shall deliver your bread again by weight; and ye shall eat, and not be satisfied” (Leviticus 26:26). And it is written: “Even because they rejected My ordinances, and their soul abhorred My statutes” (Leviticus 26:43). All of these punishments result from breaching the covenant of the Torah and the perversion of justice.

Notice that delaying justice is placed first. I would think that of all the offenses mentioned above, this one should be the least severe. Unlike the others, there was nothing wrong with the process, or even with the verdict itself. We are not talking about the kind of endless trial that Josef K. suffered, or other actual interminable trials throughout history, like the 2003 Jubilee Line Corruption Trial in the UK, which lasted for nearly two years, or the McMartin Abuse Trial in Los Angeles of the 1980s, which collapsed after *seven years*. No, we are talking about an efficient trial, with the verdict withheld for a day or two, or a little more. What is so egregious about this offense?

In his commentary *Ein Aya* on the aggadic portions of the Talmud, Rav Avraham Yitzchak HaKohen Kook explains that judges may have good intentions in withholding a verdict- perhaps they are reticent to cause pain to the parties sooner than is absolutely necessary. The problem with this is that when people don't receive an immediate verdict in their judicial matters, they are unable to move on

with their lives. When they can't expect a timely judgment, they lose faith in justice as a force that has any relevance in their lives. When people lose faith in justice, it ceases to be a deterrent against antisocial behavior, and society descends into lawlessness.

This may help explain a shocking passage in the Mechilta DeRabbi Yishmael. It is a comment on the verse in the Torah that prohibits, with special severity, causing any kind of pain to orphans and widows.

Shemot Chapter 22 Pesukim 21-23

כָּל־אַלְמָנָה וַיְתוֹם לֹא תַעֲנוּן: אִם־עָנָה תַעֲנֶנָּה אֹתוֹ כִּי אִם־צָעַק יִצְעַק אֵלַי שָׁמַע אֲשַׁמַּע צַעֲקָתוֹ: וְחָרָה אַפִּי וְהָרַגְתִּי אֹתְכֶם בְּחָרֶב וְהָיוּ נְשֵׁיכֶם אַלְמָנוֹת וּבְנֵיכֶם יְתָמִים:

You [communal leaders] shall not ill-treat any widow or orphan. If you do mistreat them, I will heed their outcry as soon as they cry out to Me, and My anger shall blaze forth and I will put you to the sword, and your own wives shall become widows and your children orphans.

Mechilta DeRebbe Yishmael 22:23

כבר היה רבי ישמעאל ורבי שמעון יוצאין ליהרג. אמר לו רבי שמעון לרבי ישמעאל, רבי לבי יוצא שאיני יודע על מה אני נהרג. אמר לו רבי ישמעאל לרבי שמעון, מימך בא אדם אצלך לדין או לשאלה ועכבתו עד שתהא שוטה כוסר (ונוטל) [ונועל] סנדלך או עוטף טליתך. אמרה תורה אם ענה תענה, אחד עיני מרובה ואחד עיני מועט. אמר לו נחמתני רבי...

R. Yishmael and R. Shimon were going out to be executed when R. Shimon said to R.

Yishmael: Rebbi, my heart is faint, for I do not know why I am going to be killed. R.

Yishmael: Did anyone ever come to you for judgment or ruling and you kept him waiting until you had finished your cup or taken your sandal or donned your garment? Scripture states "If afflict you afflict" – whether greater or lesser affliction.

R. Shimon: "You have consoled me, Rabbi..."

“You have consoled me”- that is a strange reaction to someone who has just offered a disturbing causal answer for your untimely death! It’s especially disturbing when one considers the severity of the punishment, relative to the nature of the crime. But Rabbi Shimon was able to make sense of what was happening to him, because he perceived that he was guilty of an offense with far-reaching implications. His delay, even a small one, could have led- directly or indirectly- to thievery and lawlessness.

There is an interesting debate recorded as to the scope of the prohibition of withholding judgment. The Shulchan Aruch writes:

Shulchan Aruch Choshen Mishpat 17:11

צריך הדיין לפסוק הדין מיד אחר שיתברר לו שאם מענה את הדין ומאריך בדברים הברורים כדי לצער א' מבעלי הדינים הרי זה בכלל לא תעשו עול:
The Judge is obliged to issue the verdict forthwith, [i.e., immediately] after it becomes absolutely certain to him, for if he delays judgment and [unduly] prolongs [the

examination of] established matters in order [thereby] to afflict one of the litigants, such a one falls into the category of 'Ye shall do no unrighteousness [in judgment].'

This is located in Choshen Mishpat, the section of the Shulchan Aruch that deals with monetary matters. Understandably, with a great deal of money at stake, the parties need to know the verdict of their case immediately. Does it apply to monetary matters, or does it apply to other areas as well? There is a story told about Rav Sholom Eisen (1916-1987), who was a dayan on the Beit Din of the Eidah HaChareidis. Every day, he answered dozens of halachic questions, and those who were studying to be Dayanim interned with him, watching how he deftly handled all the questions brought to him. One day, a woman came to him with a halachic question whose answer was plainly obvious to anyone, and not just to those who had received advanced Rabbinic ordination. Rabbi Eisen began to pull books off of the shelves in his study, furrowed his brow, paced back and forth, and in the end, he told the woman that her question was a rather complicated one, and that he needed a day to answer. As she left, his students turned to him and said, “Rebbe, how could you tell that woman that her question was complicated? Everyone knows the answer to that question!” Rabbi Eisen replied, “If I brush her off with a quick answer, she will feel small. She will think I looked down on her, that I consider her unlettered and her question stupid. In the future, she will have a halachic question,

and it really *will* be complicated, requiring dozens of halachic books and several days to figure out. But if I brush her off now, she won't ask it then."

Rabbi Eisen's logic is sound. No doubt he was familiar with the psychology of the individual and saw this was the correct way to treat her query. Absent that, though, is it permitted to "sit on" a halachic matter that isn't financial? Can a Rabbi who knows the answer immediately to whether a pot is kosher or not, to whether it is permitted to heat up food a certain way on Shabbos, take a beat before answering? The commentary *Pitchei Teshuvah* says this is the subject of a debate between the Rambam and Rashi. According to Rashi, the paradigm of oppressing a widow and an orphan by withholding judgment applies to anyone, anywhere, for any reason and any area of Halachah. However, according to the Rambam, the verse that talks about oppressing a widow and an orphan by withholding a verdict applies specifically to them. It is still prohibited to withhold a verdict from anyone else, of course, but that is derived from another verse- "you shall not do evil in judgment"- and that only applies to financial matters. Accordingly, for anything else regarding whether something is permitted or not, it is permitted to pause before rendering a verdict even if it is obvious, with one exception. It is completely prohibited to delay issuing a ruling in the realm of *taharat hamishpacha*, Jewish marital laws, that permits a husband and wife to one another.

Commentary of Pitchei Teshuvah to Shulchan Aruch Yoreh Deah 242

ואינו מורה. עיין בס' משנת חכמים ריש הל' דעות ריש לאו ז' שכתב דיש להסתפק בהא דאמרין במסכת אבות חרב בא לעולם על עיניו הדין והוא דוקא עיני דין מדיני ממונות או אף הוראות או"ה בכלל שלא ידחה בלך ושוב והביא דברי השל"ה דפוס א"ד דף קפ"ד ע"ב שכתב לאחר שההוראה ברורה אליו לא יחמיץ שוב את ההוראה רק

ישיב מיד להשוואל דכשם שאסור לענות דין מד"מ ה"נ בכל ההוראות ע"ש והוא ז"ל פלפל בזה וכתב דזה תלוי במחלוקת רש"י והרמב"ם דלדעת רש"י דכל אדם אסור לענות מקרא דלא תענון כל עינוי במשמע אף עינוי הוראות או"ה אך לדעת הרמב"ם דס"ל דאלמנה ויתום דוקא אבל כל אדם יליף מלא תעשו עול במשפט שפיר יש לחלק בין דיני ממונות ובין הוראות או"ה. וכתב עוד דלכ"ע אסור לעכב הוראה להתיר אשה לבעלה ע"ש באריכות:

It should be pointed out that there are times that call for a delay of judgment, or for a more deliberate pace to the proceedings. The Israeli Rabbinical Court system follows the opinion of Rav Yitzchak bar Sheshet, who asserts that for any matters in litigation between a husband and a wife, a healthy amount of time should pass before a judgment is rendered. This is certainly designed to combat the kind of hasty judgment about which our sages warn, but also it encourages both parties to work a compromise arrangement out among themselves. Nonetheless, once the judges arrive at a verdict in most other cases, particularly when the answer is completely clear to them (or a majority of them), there is no excuse to delay the verdict.

If the system of justice we employ temporally is a reflection of divine values of justice, it would seem inappropriate to continue delaying our final judgment- not to Hoshana Rabba, and certainly not to Chanukah. If we continue to do so, it would seem to negate the potency, and indeed the entire point of another important moment in the Jewish calendar- Neilah. Of all the *tefillot* I am privileged to lead throughout the year at Shaare, Ne'ilah (and our unity Ne'ilah in particular) is my very favorite. Is there any tefillah more powerful? Is any other text animated by the

same sense of urgency, as stand before God- exhausted and hungry, making our summation arguments with minutes to spare? I think a lot of people connect to Ne'ilah in this way. Indeed, for many, this Tefillah can be quite overwhelming. My friend and former congregant Eddie Lowenthal, a pillar of Hatzalah on the Upper West Side, told me that in his capacity as Hatzalah member, he has caught parts of Ne'ilah in every synagogue, of every denomination, in the neighborhood! One of the reasons Ne'ilah is so special is that it is rare- like Kol Nidrei, it is a Tefillah we say once a year. Or at last that's how we do it now. Believe it or not, Ne'ilah used to be a relatively common Tefillah- or it could have been.

The Guardian³ recently ran an article about a Catch-22 situation facing the State of Utah. As you know, the Western United States has been in a state of drought of increasing severity since 2002. Zion National Park is one of the busiest national parks in the United States- its tourist numbers have increased by 50% between 2014-2019- and many visitors like to traverse the shallow waters of the Virgin River in the popular Narrows Hike. The massive volume of tourists that descend upon Utah is a boon for the local economy, but places a significant strain on the water resources of a state that is already mostly desert. The residential population of the state is also growing. St. George, which is entirely surrounded by desert, is one of the fastest growing cities in the United States. Should the state of Utah spend more

³ <https://apple.news/A3Aew4smzRrSmul74-1GW6g>

money on water solutions for its residents, or on water solutions for tourists in the hopes that it will generate more revenue for residents?

Various solutions have been suggested to solve a problem that is only getting worse, with no hope of relief in sight. Surprisingly, though, for a state populated by Mormons, prayer hasn't been chief among them. *Lehavdil*, in Eretz Yisrael, from the times of Tanach through the times of the Mishnah, from the days of the Talmud even through today, a drought was considered a sign of divine wrath. There is ample biblical basis for this. We say it twice daily in the Shema (Devarim 11:17):

וְתָרָה אֶרְצֵי־יְהוָה בְּכֶם וְעָצָר אֶת־הַשָּׁמַיִם וְלֹא־יִהְיֶה מָטָר וְהָאֲדָמָה לֹא תִתֵּן אֶת־יְבוּלָהּ וְאֲבִדְתֶּם מִהָרָה מֵעַל הָאָרֶץ הַטֹּבָה
אֲשֶׁר יְהוָה נָתַן לָכֶם:

If we fail to follow God's commandments, His anger will flare up against us, shutting up the skies so that there will be no rain and the ground will not yield its produce; and we will soon perish from the good land that God gave us.

Conversely, the success of a growth cycle, and the outcome of a rainy season, is described by the Torah as a sign of divine favor. Just two psukim earlier, God promises us that, should we heed God's commandments, He will

וְנָתַתִּי מָטָר־אַרְצְכֶם בְּעֵתוֹ יוֹרֶה וּמִלְקוֹשׁ וְאֶסְפֹּת דְגָנְךָ וְתִירְשֶׁךָ וַיִּצְהָרְךָ:

I will grant the rain for your land in season, the early rain and the late. You shall gather in your new grain and wine and oil—

How did an agrarian nation so dependent on God's favor, in the form of a successful harvest and a healthy rainy season, deal with a drought? Prayer was an important component of any drought-management plan, and indeed, this is the subject of a considerable portion of Masechet Taanit. The Sanhedrin would decree a series of public fasts of increasing severity. First, from Rosh Chodesh Kislev and onward, there would be three fasts from sunrise to sunset; eating and drinking were the only restrictions. Failing that, another series of fasts would be decreed, each of which start from the previous evening. These fasts were more severe, in that they include the restrictions that apply to Yom Kippur and Tisha B'Av. Anointing with oil, leather shoes, marital relations and eating and drinking are all prohibited- as is work.

עָבְרוּ אֵלָיו וְלֹא נָעֲנוּ, בֵּית דִּין גּוֹזְרִין שְׁלֹשׁ תַּעֲנִיּוֹת אַחֲרוֹת עַל הַצָּבוּר. אוֹכְלִין וְשׁוֹתִין מִבְּעוֹד יוֹם, וְאַסוּרִין בְּמִלְאָכָה וּבְרַחֲצָה וּבְסִיכָה וּבְנֻעִילַת הַסֵּנְדֵּל וּבְתַשְׁמִישׁ הַמָּטָה, וְנוֹעְלִין אֶת הַמְּרוֹחָצוֹת. עָבְרוּ אֵלָיו וְלֹא נָעֲנוּ, בֵּית דִּין גּוֹזְרִין עָלֵיהֶם עוֹד שִׁבְעָה, שֶׁהֵן שְׁלֹשׁ עֲשָׂרָה תַּעֲנִיּוֹת עַל הַצָּבוּר. הָרִי אֵלָיו יְתֵרוֹת עַל הָרִאשׁוֹנוֹת, שֶׁבָּאֵלָיו מִתְרִיעִין וְנוֹעְלִין אֶת הַחֲנוּיּוֹת, בִּשְׁנֵי מַטִּין עִם חֲשִׁכָה, וּבְחֲמִישִׁי מִתְרִין מִפְּנֵי כְבוֹד הַשַּׁבָּת:

If these three regular fasts have passed and they have not been answered with rain, the court decrees three other fasts upon the community. These are severe fasts, in which one may eat and drink only while it is still day, before the beginning of the night of the fast, and on the day of the fast itself they are prohibited to engage in the performance of work, in bathing, in smearing with oil, in wearing shoes, and in

marital relations; and they lock the bathhouses so that no one should come to bathe on that day. If these three fasts have passed and they still have not been answered, the court decrees on them another seven fasts, which are a total of thirteen fasts, upon the community, not including the first three fasts observed by individuals. These seven fast days are more severe than the first ones, as on these days, in addition to all the earlier stringencies, they sound the alarm, as will be explained in the Gemara, and they lock the stores. Although shops must remain closed most of the time on these days, on Monday they open them a little at nightfall to allow people to purchase food for breaking their fast, and on Thursday they are permitted to open the stores all day in deference to Shabbat, so that people may purchase food for the sacred day.

If these didn't work, there were seven others that the Beit Din decreed.

עָבְרוּ אֵלָיו וְלֹא נֶעֱנוּ, מִמַּעַטִּין בְּמִשָּׁא וּמִתֵּן, בְּבִנְיָן וּבִנְטִיעָה, בְּאִרוּסִין וּבִנְשׁוּאִין וּבִשְׂאֵלַת שְׁלוֹם בֵּין אָדָם לַחֲבֵירוֹ, כִּבְנֵי אָדָם הַנְּזוּפִין לְמָקוֹם. הַיְחִידִים חוֹזְרִים וּמִתְעַנִּים עַד שֶׁיֵּצֵא נִסָּן

If these fasts have passed and they have not been answered the court does not decree additional fasts, but the entire community observes the customs of mourning. They decrease their engagement in business transactions, in building and planting, in betrothals and marriages, and in greetings between each person and his fellow, like people who have been rebuked by God. The individuals, i.e., Torah scholars, resume fasting every Monday and Thursday until the month of Nisan ends.

And what did these fast days look like, aside from, well, fasting?. The Rambam writes in his Laws of Fasts that there was another feature of these days- intense prayer.

שְׁבַע תַּעֲנִיּוֹת הָאֵלוּ כָּל מְקוֹם שֶׁגִּזְרִין אוֹתָם שֶׁם אַחֵר שֶׁמִּתְפַּלְלִין יוֹצְאִין כָּל הָעָם לְבֵית הַקְּבָרוֹת וּבֹכִין וּמִתְחַנְּנִים שָׁם.
כְּלוּמַר הָרִי אַתֶּם מְתִים כְּאֵלוּ אִם לֹא תִשׁוּבוּ מִדְּרֹכֵיכֶם. וּבְכָל תַּעֲנִיּוֹת הַצָּרוֹת שֶׁגִּזְרִין עַל הַצָּבוּר מִתְפַּלְלִין תְּפִלַּת
נְעִילָה בְּכָל מְקוֹם:

In every place where we decree these seven fasts: After they pray, all of the people go out to the cemeteries, and cry and supplicate there. [This is] to say, "You will surely die like these, if you do not repent from your ways." And on any fast from the fasts about troubles that we decree upon the community, we pray the neilah (closing late afternoon) prayer [service] in every place.

If you think about it, in situations of drought, Ne'ilah could be said **every day!**

When the Jewish people felt they were experiencing a state of divine displeasure, they added supplications, doubling down on the most powerful and moving of our prayers. But what happened if *that* didn't work?

The Mishnah in Taanis continues:

Taanit 1:6

. יֵצֵא נִסָּן וְלֹא יֵרְדוּ גְשָׁמִים, סִימֵן קָלָלָהּ, שֶׁנֶּאֱמַר (שְׁמוּאֵל א' יב) הֲלוֹא קִצִּיר חֲטִיִּים הַיּוֹם, וְגו':

After this date they no longer pray for rain, since if Nisan has ended and rains subsequently fall, they are a sign of a curse, as it is stated: "Is not the wheat harvest today? I will call to the Lord that He may send thunder and rain, and you will know and see that your wickedness is great" (I Samuel 12:17). The wheat harvest is around the time of Shavuot, well after Nisan.

With all the Ne'ilahs, with all the prayer, there is a certain point at which we have to "take the L." We have to accept that God is angry with us, and move on. Even God Himself, when he is angry with us, wants us to *learn from our sins*, and wants us to *mend our sins*- but not to *dwell on our sins*.

Rav Nachman of Breslov applies this principle to our internal lives. We all have internal enemies- the things about ourselves we know are wrong, that have just been festering forever. Failing to deal with them protracts internal conflict, impairs judgment and impedes progress. But dealing with it, even if it is uncomfortable, even if it is painful, is the surest way to make it disappear.

Likkutei Mohran 67:6

ועל כן על-ידי הפרוד שבין השונאים, על-ידי-זה יש להם אריכת זמן וקיום ביותר. כי הם יונקים עד ש'כלה כל המותרות שבבמח, ואזי כש'כלה המותרות, ויהיה הדעת צח וצלול, אזי יפלו, כי לא יהיה להם עוד יניקה, ועל-ידי הפרוד שיש ביניהם, אין להם כח לינק הרבה, ויונקים מעט מעט, ועל-כן על-ידי-זה מאריך זמן יותר, עד ש'גמרו לינק כל המותרות. אבל כשמתחברין השונאים יחד, אזי יונקים הרבה, ואזי יונקים במהרה כל המותרות ונופלים כ"ל:

This is why schism among foes greatly adds to their continued existence. They leech from the mind until all the extraneous elements are consumed. Then, once the extraneous elements are exhausted and the mind is pure and clear, there is nothing to

sustain them and so they fall away. But as a result of the schism that divides them, they are unable to draw large amounts of sustenance. They can leech only a little at a time. This extends the time it takes for them to suck dry all the extraneous elements. However, when foes unite, they are able to leech large amounts of sustenance. They very quickly leech all the extraneous elements, and so fall away.

Who among us doesn't want another day, another chance? But having more time is not necessarily better. I think that's why the Jew in our opening story was so upset that he missed Yom Kippur. He didn't know about any of the kabbalistic sources we quoted. He had no idea that he had another chance to return, or even what Hoshana Rabba was. He sensed that what Chazzan Greewald did for him was nothing but a performance- a touching one, to be sure. However, no matter what hat Chazzan Greenwald put on, how powerful his rendition of Kol Nidrei was, how mellifluous his voice sounded in the massive empty sanctuary and how good this story makes the rest of us feel, at the end of the day- literally, at the end of the day- this Jew knew that **he blew it**. Whether Yom Kippur is the final day of judgment or not, it is imperative for us, for the sake of our Yom Kippur experience, to act and think as if it is. So what, then, is Hoshana Rabba? Of course it is a really special day, a connection to a holiday observed in the Beit HaMikdash- but it's special independent of its connection to the High Holidays. Perhaps Hoshana Rabba is best viewed as a *benchmark*, not as an extended deadline. After our verdict is handed in,

we have 10 days full of copious mitzvot, to prove that we have changed in our relationship with God, both in our actions and our attitudes. Those mitzvot take place during a *regel*, when we interact with friends, family and strangers, to prove we have changed in our relationships with other people. It is during that time that we can demonstrate that a beneficial verdict has been warranted, and that we are appropriate stewards of the financial, personal and spiritual blessings that have been vouchsafed to us. The same is true for Chanukah. It's not the final deadline for our *teshuvah*- it's a useful barometer of whether it actually happened. As the Ropshitzer put it, by the time we reach Chanukah, after two months of "normal life" we can see whether the inspiration of the Chaggiim has lasted- whether the resolutions we took on, and the interpersonal and spiritual changes we have promised, have taken hold.

As we enter Yom Kippur, there are many issues, faults or situations in our lives that we know are problems. We can deal with these in the same way that Titorelli suggested- by continuing to hit the snooze button forever, in the hopes that the issues will resolve themselves, rather than confronting them head on. Or, we can seize the opportunity of the finality of Yom Kippur and Ne'ilah by using it as a chance to ask ourselves difficult questions, and to get our house in order.

The only way we can effectuate these changes is if we realize, to paraphrase the song- and, in turn, the title of this derashah- that it is closing time, and we can't stay here. On Wednesday, a timely and just verdict will be handed down for us. May it be one that is overtly good, for a year of blessing, wholeness, peace and success in all we do.