



Volume VI Issue #24

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Acharei Mos - Kedoshim, 8 Iyar, 5786

April 25, 2026

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Chizuk - Inspiration

The electrician examined Rav Elyashiv's fuse box and promptly identified the issue, noting that several wires had burned out and required replacement. He proceeded with the repairs using the tools from his toolbox. While the fuse box was being repaired, the Elyashiv family received tragic news: Rebbetzin Leah Auerbach (Rav Elyashiv's daughter) had passed away. The news sent waves of grief and sorrow through the Elyashiv home.

Rav Elyashiv was particularly close to his daughter Leah, especially following the loss of his wife. Throughout periods of illness, Rebbetzin Leah provided round-the-clock care and attended to her father's needs with great love and dedication. Her passing represented an irreplaceable loss for the family and left a tremendous void in Rav Elyashiv's heart. The electrician, who was familiar with the distinguished Rebbetzin, quickly finished his repairs and departed quietly.

Shortly thereafter, the electrician received an urgent call from Rav Elyashiv's grandson, Rav Aryeh Elyashiv, informing him that his grandfather wished to pay for the completed work immediately. The electrician suggested postponing the payment, believing it unnecessary during such a difficult moment for the Elyashiv family.

Rav Elyashiv, however, insisted on adhering to the principle of "B'Yomo Titen Secharo," the Halachic requirement to pay a worker on the day of service. He stated that he would not attend the funeral of Rebbetzin Leah until the electrician accepted compensation. Rav Aryeh contacted the electrician again, emphasizing his grandfather's insistence. The electrician reluctantly agreed, and Rav Aryeh soon delivered the payment in person.

Even during his period of profound mourning, Rav Elyashiv's commitment to the Halachic requirement of paying a worker on time remained paramount.

Halacha – Jewish Law

QUESTION: Recently, while playing basketball, I tore my Achilles tendon. The recovery time to heal from the injury is six months. The doctor gave me an application form to take to the DMV to apply for a handicapped parking sign. When I place the sign on my car's dashboard, I can legally park in the handicapped spots. These spots are almost always located closest to where I need to go and are almost always vacant. The sign is valid for three years. May I use the handicapped parking sign after my six-month recovery period?

ANSWER: Medically speaking, there is often a period of time after the recovery, where excess walking could cause a re-tearing of the tendon. You should ask your doctor what the chances are of this happening after your six-month recovery time. As long as there is a meaningful chance of you re-tearing the tendon, you can consider yourself handicapped and use your sign to secure the handicapped parking space, minimizing the amount of walking you need to do when you run your errands. After that time, you should discard your sign. The reason is that parking in a handicapped spot when you are not handicapped, is actively parking where you do not have permission to park.

Parking in a place without permission is a serious offense. A related Halachic debate in the Gemorah (Bava Basra 88a) records a disagreement between Rabbi Yehudah and the Chachomim (Sages) as to whether one should be considered a Gazlan (thief) if one borrows an item without permission.

Rabbi Yehudah maintains that one who borrows an item without permission does not have the Halachic status of a thief, while the Chachomim maintain that one who does so, should be considered a thief. The Rif and the Rambam both rule in accordance with the Chachomim. Indeed, this is also the ruling of the Shulchan Aruch in at least 4 different places (Chosen Mishpat 292:1; 308:7; 359:5; 363:5).

However, is parking in a spot without permission, really “borrowing something without permission”? Perhaps, one needs to physically borrow something? How do we know that “borrowing without permission” also applies to being on someone’s land without permission (or in your case, on their parking spot without permission)?

There is strong indication from a Rashbam (commenting on Bava Basra 57b) that this applies to being on someone’s land without the owner’s permission as well. The Rashbam discusses a case of two partners who jointly own a property. In that case, writes the Rashbam, we are lenient and assume that one owner gives the other owner permission to place his animals on the land without explicit permission. In such a case, he would not be considered to be “borrowing an item without permission” since they are partners, and the general understanding is that one owner would let the other owner do what he wants, within reason, with the property. This implies, that the Rashbam believes that when one is not a joint owner, one may not place his animals (or in your case, your car on another’s parking spot) on the owner’s land without being considered “borrowing an item without permission”.

Similarly, Rav Chaim Kanievsky ZT”L has ruled that if someone goes to Minyan and parks in a handicapped spot when they are not handicapped, it is considered a Mitzvah HaBa’ah B’Aveirah - a Mitzvah brought about through the performance of a sin and therefore not a Mitzvah at all - one does not get any credit for his davening in such a situation.

Accordingly, please discard the handicapped sign as soon as you are no longer considered to be handicapped.

On The Parsha

“Prosecutorial misconduct,” occurs when a prosecutor who is tasked to seek justice, behaves incorrectly in pursuit of justice. For example, a prosecutor may believe that a suspect is guilty and in his zeal to gain a conviction, may overlook (or even withhold) evidence that could exonerate the suspect. According to a 2020 study issued by the National Registry of Exonerations, close to 50% of wrongful convictions can be attributed to prosecutorial misconduct.

One reason for this misconduct, is obviously the desire by the prosecutor to obtain more convictions. The higher a prosecutor’s conviction rate, the more honor he receives and the more money he can receive when that prosecutor, who currently works for the municipality, decides to seek a job with a law firm later in his career.

It is conceivable that another contributory factor could be that, at times, there is a greater propensity for a prosecutor to cause a miscarriage of justice, because he or she, although well-intentioned, may be overzealously pursuing justice. There is a fascinating Rabbeinu Yonah in this week’s Parsha (Vayikra 16:1) which supports this dynamic.

Rabbeinu Yonah writes: “These were the children of Aharon (Nadav and Avihu) who were extremely righteous. This is seen from the fact that when Hashem called Moshe to approach [Him], He mentioned their names right after that of Moshe and Aharon and before the [very righteous] seventy elders of Israel (see Shemos 24:1). Their intent when they approached Hashem in offering the incense was to serve Hashem in awe... Nonetheless, they were punished because they approached Hashem when He did not command them to do so. The Torah began this Parsha by mentioning their death to show that Hashem will not tolerate those who do things without His permission. This is to warn the Kohain Gadol (High Priest) not to deviate from what he is entrusted to do.”

One may ask, if Nadav and Avihu were so righteous, how could they have possibly erred and brought the incense when they were not supposed to? It seems from the wording of Rabbeinu Yonah that in their overzealous effort, “to serve Hashem in awe,” they made this mistake. We also see that even the Kohain Gadol needs this warning as he may fall victim to this dynamic as well.

Accordingly, everyone in an authoritative position should be especially careful, as their status may serve to fuel their need to overzealously ensure that everything goes right, which can motivate them to ignore or discount things that should not be overlooked.

*“May I back out of a school carpool that
I have already committed to?”*

“Should I report a co-worker who is acting dishonestly?”

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