



HaRav Shaul Israeli zt"l  
 Founder and President

# HEMDAT YAMIM

## Parashat HaShavua

### 25 Elul 5777 Nitzavim Vayeilech An Invitation to the Whole World

Harav Shaul Yisraeli – based on Siach Shaul, Yamim Noraim, pp. 79-80 (sermon from 1947)

“All the nations clasp hands, call out to Hashem with the voice of songs of praise” (Tehillim 47:2).

Before we begin the day's main *mitzva*, shofar-blowing, whose purpose is to declare the dominion the King of the World, we invite all of humanity to join us. In every place over the seven seas that Jews find themselves, in *shuls*, *batei midrash*, and squalid barracks of DP camps behind barbed wire, we repeat this call seven times. We turn to great and powerful nations who rule over waterways and land masses, and to nations who are preoccupied with trying to raise their crowns over those of other nations. We even turn to hateful, jealous nations, who are busy sharpening their weapons and preparing for yet another war. The Nation of Israel calls them to join us as we coronate Hashem. We urge the clasp of the hand of other nations, obligating them to leave the acts of wickedness and violence. Let them unite under the crown of the exalted King and announce that we all together accept the yoke of His Kingdom.

Unfortunately, we know that our call will, this year as well, be like one who calls out in the desert, echoing in the wind of desolation. We will fulfill, “The volunteers of the nations gathered, the nation of the G-d of Avraham” (ibid. 10). We are the descendants of that wonderful man. We carry the word of Hashem, and for that we are subjected to scorn, hatred, detention camps, and crematoriums. We are the great grandchildren of the first converts, of Avraham the Ivri, the name that hints at the fact that all of the world was on one side and he was on the other. We gathered, we declared, and we heard.

We are not deterred. We blow the twisted ram horn, an instrument with power in its “mouth.” Our entire existence and emergence in the world came about through self-sacrifice. We call upon sealed ears: “Hashem came to rule over the nations” (ibid. 9).

Whether or not they want they recognize it, Hashem's dominion is greater than theirs. His providence determines their fate. Even if they continue to deny it, try to strangle the word of Hashem, make the life of His nation difficult, and even turn the whole world into one big prison, it is “Hashem who is King.”

We not only have faith that “He will be King,” but that “He did rule.” Nothing the nations will do, with deceit and wickedness, will displace Divine Providence in the world. The will of G-d will always prevail! If they shut their eyes, “When the banner over mountains is raised, they will see” (Yeshaya 18:3); if they cover their ears, “When the shofar blows, they will hear” (ibid.).

There is one condition for us. “Hashem sat on the holy throne” (Tehillim 47:9). The Nation of Israel is Hashem's throne. Sometimes we limp along, but we proceed toward a state of completion. This happens with the blood of millions of their sons and daughters who were slaughtered and with the anguish of those from whom all was plundered. We complete it with thoughts of repentance and by accepting the yoke of His Kingdom at holy moments like Rosh Hashana, when Hashem requests: “Say before Me the *p'sukim* of *Malchuyot* so that you can coronate Me over you” (Rosh Hashana 16a).

Let us hear the voice of the shofar, including the one that will be sounded when Mashiach comes. May it be blown soon, so we shall hear and see when Hashem returns to Zion. Amen.

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Rav <b>Shlomo Merzel</b> z"l whose yahrtzeit is Iyar 10, 5771	Rav <b>Reuven Aberman</b> z"l who passed away on Tishrei 9, 5776	Mr. <b>Shmuel Shemesh</b> z"l who passed away on Sivan 17, 5774	Rav <b>Asher Wasserteil</b> z"l who passed away on Kislev 9, 5769	Mrs. <b>Sara Wengrowsky</b> bat R' Moshe Zev a"h, who passed away on 10 Tamuz, 5774
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R' **Ben Zion Grossman** z"l, who passed away on Tamuz 23, 5777

**Those who fell in wars for our homeland. May Hashem avenge their blood!**



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# Ask the Rabbi

by Rav Daniel Mann

## Shehecheyanu on Shofar on Second Day

**Question:** Why is it that at Kiddush on the second night of Rosh Hashana we require a new fruit in order to make *Shehecheyanu* but say *Shehecheyanu* before shofar-blowing of the second day without "help"?

**Answer:** Usually on the second day of *Yom Tov* (i.e., in *chutz la'aretz*), *Shehecheyanu* is recited at Kiddush even though it was already recited the day before, because we view the second day as based on doubt. In other words, we treat the second day **as if** it might be the correct day and thus the first day was incorrect and the *Shehecheyanu* of the first night was of no value. Therefore, it needs to be said on the second night. Rosh Hashana is somewhat different in that it was instituted more based on having two days of *Yom Tov* out of certainty (a concept often called *yoma arichta* = a long day). This certainty affects a few areas of halacha, not allowing us to employ leniencies that flow from viewing the second day as based only on doubt (see Shulchan Aruch, Orach Chayim 600:1; *ibid.* 527:22). Some *Rishonim* suggest that due to *yoma arichta*, *Shehecheyanu* should not be said on the second day of Rosh Hashana since it was already properly, even in hindsight, recited on the first day. However, the more accepted opinion is that the second day was instituted with all elements of the first day. This apparently means that *yoma arichta* only strengthens the day's practices and does not remove matters such as *Shehecheyanu* (see Tur, OC 600; Hapardes, Sha'ar Hama'aseh).

The Rosh (Rosh Hashana 4:14) recommended having a new fruit on hand to hedge our bets, so that even according to the opinion that *Shehecheyanu* is not called for due to the second day of Rosh Hashana, it is not *l'vatala* due to the fruit. However, it is not an absolute requirement, as both Ashkenazim and Sephardim rule that if one does not have a new fruit, he recites *Shehecheyanu* anyway (Shulchan Aruch, OC 600:2).

Regarding shofar, Ashkenazim and Sephardim, somewhat mysteriously, go in opposite directions. Ashkenazim follow the Rama (OC, 600:3) that regarding shofar *Shehecheyanu* is recited without the need for a new fruit (see Darchei Moshe, OC 600:2). *Rishonim* say that it is easier to recite it by shofar than at Kiddush (see Hagahot Maimoniot, Shofar 3:7), although the Mishna Berura does not understand why (see Sha'ar Hatziyun 600:5). The Minchat Shlomo (1:20) suggests that it is because regarding shofar there is a break in the *yoma arichta*, as at night the *mitzva* of shofar does not apply. Still, though, the Magen Avraham (600:3) and other important *poskim* recommend (as opposed to **requiring when possible**, as for Kiddush) for the *ba'al tokeiah* to wear a new article of clothing requiring *Shehecheyanu* and having that as his secondary intention while reciting *Shehecheyanu* on the shofar. Thus, it is not unanimous that there is a big difference for Ashkenazim in this regard between Kiddush and shofar. We agree that the more prevalent *minhag* is to not bother with the new clothing idea.

Sephardim follow the Shulchan Aruch (*ibid.* 3), that one does not recite *Shehecheyanu* for shofar on the second day, even though the Beit Yosef cites no reason other than *minhag* for shofar being less deserving of *Shehecheyanu* than Kiddush (see Aruch Hashulchan, OC 600:4). Interestingly, Sephardim do not suggest bringing new clothes or fruit to enable it (perhaps because it is less practical than at Kiddush). While Teshuvot V'hanhagot (1:347) says that a Sephardi *ba'al tokeiah* should recite *Shehecheyanu* if blowing in an Ashkenazi *shul*, we expect him to follow Rav Ovadia's ruling that he should not (Yabia Omer I, OC 29). (An Ashkenazi in the crowd can do so.)

There is another comparison to pursue. On the second day of *Yom Tov* of Sukkot in *chutz la'aretz*, *Shehecheyanu* is not recited before taking the *lulav*. The distinction likely has to do with the possibility that *Shehecheyanu* of second night Kiddush covers it (Pri Megadim, EA 662:1) or the idea that *Shehecheyanu* can be said on *lulav* before Sukkot (Mishna Berura 662:2), so that the first day recitation sufficed.



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# Ein Ayah

(from the writings of Harav Avraham Yitzchak Hakohen Kook, z.t.l.)

## Despising Evil from the Root of the Tribe

(condensed from Ein Ayah, Shabbat 5:45)

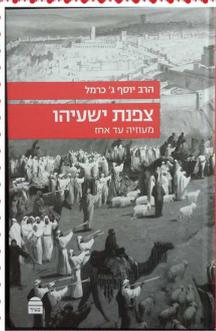
**Gemara:** [We continue with the question of whether Reuven literally slept with his father's concubine or not.] It was said in a *baraita*: Rabbi Shimon ben Elazar said: That *tzaddik* (Reuven) was protected from sin, and the sin [as described literally] did not come his way. How is it possible that his offspring were destined to stand on Mt. Eival and pronounce, "Cursed is he who lies with his father's wife" (Devarim 27:20), and he would come to perpetrate that sin itself?

**Ein Ayah:** Sins are violations of the foundations of ethics and are firmly entrenched in the nature of the internal sanctity of the Israelite soul. Hashem bestowed upon us this legacy that we inherited from our forefathers that enables us to abhor such sins.

Hashem commanded the performance of the ceremony at Mt. Gerizim and Mt. Eival, [in which the nation declared the consequences under which the people would be worthy or blessing or, Heaven forbid, curses]. This was in order to cause the Jewish internal nature of a foundation of justice to emerge from the hidden potential into actuality. The idea was that in the beginning of the nation's entering the Land, they should strongly declare their general opposition (i.e., before anyone necessarily sinned) to those who ignore morality and do abominations. This is in addition to the great step of accepting all the laws of the Torah, both in terms of their general principles and their details. Thus, this event at Mt. Eival demonstrates the recognition of the nation's deep spiritual moral tendency, which is the reason that the whole nation was commanded to answer "Amen" (ibid.).

The natural tendency to despise evil and abominations comes as an inheritance, and it is a legacy from our holy forefathers. This demonstrates that the forefathers must have had a nature of purity that was set firmly in their hearts to hate evil, lowly, and objectionable behavior. Such bad things are an insult to the soul of the upright, godly individual. Such a person would never have, at any time, a tendency to be attracted to such disgusting things, let alone to perform them.

There is a great goal, based on divine wisdom, according to which, the nation chosen to be sanctified for the service of Hashem, should excel in a natural tendency toward sanctity that is passed down by its forefathers. This requires that the individuals who served as the roots of the sanctity of our nation were pure enough that they would not cause a blemish in the goal of placing the nation on good footing. If the tribe of Reuven was on the level that its members could declare on Mt. Eival that whoever sleeps with his father's wife is despicable and cursed, it is inconceivable that Reuven himself could have come to such a horrific sin. To the contrary, his spiritual tendencies were very strong and they found expression in his tribe, in a powerful and deep manner.



### Tzofnat Yeshayahu- Rabbi Yosef Carmel

The Prophet Yeshayahu performed in one of the most stormy and dramatic periods of the Israeli nation's life, a period of anticipation for the Messiah that was broken by a terrible earthquake, and also caused a spiritual and political upheaval. The light at the end of the tunnel shone again only in the days of Chizkiyah.

"Tzofnat Yeshayahu – from Uziya to Ahaz" introduces us to three kings who stood at this crossroad in our nation's history: Uziya, a king who sought God but was stricken with leprosy because of his sin; Yotam, the most righteous king in the history of our people; And Ahaz, the king who knew God but did not believe in His providence.

In his commentary on the prophecies of Yeshayahu, Rabbi Yosef Carmel, Head of the Eretz Hemdah-Gazit rabbinical court and a disciple of Rabbi Shaul Israeli zt"l, clings to the words of Hazal, our sages, and to the commentaries of the Rishonim, the great Jewish scholars of the middle ages, and offers a fascinating way to study Tanach. This reading attempts to explain the Divine Plan in this difficult period and to clarify fundamental issues in faith. Tzofnat Yeshayahu reveals to the reader the meaning of the prophecies in the context of the prophet's generation and their relevance to our generation.

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# P'ninat Mishpat

## New Buildings Blocking View – part I

(based on ruling 71074 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiffs (=pl) are a group of residents who built together apartment buildings in a *yishuv* a few years ago. Now, the board of the *yishuv* (=def) is in the midst of building buildings for new residents across from pl's buildings in a manner that pl believe will significantly take away from their view (even though the new buildings are down the slope of a hillside). Pl claim that def promised, while marketing the project, that pl's view would always be protected, which def denies. Def also argues that the purchase contract states that the contract erases any previous understanding between the sides and that they obligated themselves not to protest further building plans. Pl also claim that def may not build because a certain planning approval (*taba*) was not received yet. Several months ago, pl planned to challenge municipally def's building plans. At a meeting between the sides, an agreement was written (but not signed) stating that the wall of the new building's roof would be no higher than the level of the garden of the lowest set of pl's apartments. Pl claims that they were misinformed when they made that agreement and that, in any case, the rooftop solar heating apparatuses will extend beyond the aforementioned level.

**Ruling:** Pl may not try to stop the building due to a lack of *taba* since their own apartments suffer from the exact same deficiency.

Assurances before pl bought their apartments were given by Reuven, who was working on marketing on def's behalf; his assurances are equivalent to those of def. However, def's claim that the contract cancels the significance of oral assurances given previously seems pertinent. The Shulchan Aruch (Choshen Mishpat 207:4) says that even if one announced a while before a purchase that the purchase is only with certain conditions, if he did not repeat the conditions at the time of the purchase, they are not binding. Only if there is a clear intention to make the purchase conditional is it unnecessary to make a stipulation at that time. In our case, the contract signed at the time of the purchase does not mention unimpeded view and waives any previous commitments. Since a very partial blocking of view is not the type of situation regarding which we would clearly assume the purchase was conditional, def was not originally required to leave pl's views unimpeded.

It is difficult to accept pl's claim that the contract was too long to notice every provision and that they therefore had a right to believe that previous oral commitments would be binding. However, we will also discuss the matter of the assurances as if they were binding. There is evidence that most of pl's group inquired about the view before buying, and it was significant to them. It also appears that most were told that there would be buildings beneath them but that generally they would maintain a view. It seems, then, that their view would be affected somewhat, with the question being of degree. It appears that they were told that the new buildings would not be higher than the bottom of pl's apartments.

*Next time we will look into the halachic status of damaging one's view.*

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*We daven for a complete and speedy refuah for:*

**David Chaim ben Rassa**

**Lillian bat Fortune**

**Eliezer Yosef ben Chana Liba**

**Yehoshafat Yechezkel ben Milka**

**Ro'i Moshe Elchanan ben Gina Devra**

*Together with all cholei Yisrael*

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