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Parashat HaShavua

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“Zichron Teruah” – On Judgment and Mercy

Harav Yosef Carmel

The term “*zichron teruah* (Vayikra 23:24),” in describing Rosh Hashana among the holidays in our *parasha*, is a special term, which very likely refers to *shofar* blowing. But *zichron*, meaning remembrance, does not, at first glance, have a clear meaning.

A famous interpretation of this *pasuk* deals with the fact that elsewhere it is called a “day of *teruah*.” The *gemara* (Rosh Hashana 29b) says that when Rosh Hashana falls during the week, it is a day of blowing the *shofar*, and when it falls on Shabbat, it is a day of only remembering the blowing. This is difficult on the level of *p’shat* (simple/literal reading of the *pasuk*) because the fact that we do not blow *shofar* on Shabbat is a Rabbinic institution, lest someone carry the *shofar* in a public domain while preparing to fulfill the *mitzva*. If it is Rabbinic, then the *pasuk* cannot be talking about it!

Therefore, Rashi takes another approach. *Zichron* refers to the *p’sukim* of *Zichronot*, which mention the word *zikaron* in the context of Hashem’s relationship with mankind, and the *p’sukim* of *Shofarot*, dealing with the *shofar* and Hashem. This includes remembering *akeidet Yitzchak*, in which Avraham offered a ram as a sacrifice in place of Yitzchak. The Ramban has two objections to Rashi’s approach. 1. Why doesn’t Rashi mention the *p’sukim* of *Malchuyot* (about Hashem’s kingdom) as remembrances? Also, reciting the *p’sukim* of *Zichronot* and *Shofarot* is also only Rabbinic, which again makes it inappropriate for the *p’shat* of “*zichron teruah*.”

The Rashbam has a cryptic explanation along the lines of *p’shat*: “By means of the *teruah* (blowing), you will be remembered before Hashem,” as the *pasuk* says in regard to the blowing of the trumpet (see Bamidbar 10:10). This raises another question: Does Hashem need to be reminded?

The Ramban suggests that the idea behind *teruah* on Rosh Hashana is connected to the fact that we are a nation who “knows [how to use] *teruah*” (see Tehillim 89:16). At the time of divine judgment and before Yom Kippur we need a *teruah* of war (see Yirmiyahu 4:19), as Hashem is a “man of war” (see Shemot 15:3). The Ramban adds that we have a *zichron* by means of the *teruah*.

We will now explain a hidden meaning of the Ramban and Rashbam. Rosh Hashana is called a day of *zikaron*, which means a day of judgment, as the root *zachor* in “*hifil*” (*mazkir*) means judgment. *Zachar*, meaning masculine, is from the same root, and it is often representative of the attribute of *din* (strict law). For this reason, *brit mila* is done specifically for men (the parallel action for women, which some cultures practice, is a cruel act), and it obligates fathers. *Brit mila* is very connected to the attribute of *din*, which is why Torah section on the *mitzva* (Bereishit 17:3-14) uses only the Name, Elokim.

In contrast, women, who have a *rechem* (uterus), which men do not, are connected to the attribute of *rachamim* (mercy). *Teruah*, a word in the feminine form, arouses Hashem’s attribute of mercy, and this feminine attribute is behind our liberations (“*V’hi she’amada la’avoteinu...*”). This is also behind *Chaza’l*’s statement that Bnei Yisrael were liberated from Egypt in the merit of righteous women.

Zichron teruah comes to find balance between these two attributes, to teach us that the depth behind Hashem’s judgment is in its connection to *rachamim*.

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Ask the Rabbi

by Rav Daniel Mann

“Hineni Muchan U’mezuman” before Sefirat Ha’omer

Question: I am not consistent about saying “Hineni muchan u’mezuman” (=hmum) before *sefirat ha’omer*. Should I decide one way or the other, and which way is better?

Answer: The practice of saying “Hmum” before *mitzvot*, like many “extra” ritual recitations, can be traced to the Arizal (16th century) and a small elite group of his disciples until it spread broadly especially among Sephardim and Hasidim. Some *gedolim* opposed this introduction to *mitzvot* (sometimes as part of the opposition to mystically-oriented Hasidic practices, although some detractors predated Hasidism— see Chok Yaakov 489:11 and the Maharshal he cites.)

The most prominent critic is the Noda B’yehuda (Yoreh Deah I, 93). His main concern was the recitation’s first line (“L’shem yichud...”), which relates to a difficult kabbalistic idea that we want the performance of the *mitzva* to “unite Hashem and His Presence.” The Noda B’yehuda argued that this concept is too deep and secret to share with the masses, which could be philosophically dangerous. He also reasons that it is unnecessary to verbalize such ideas, as the “unifying” power of *mitzvot* occurs by itself when one does the *mitzva* with the intention to serve Hashem.

Beyond *l’shem yichud*, *hmum* is a statement that we are doing the *mitzva* because Hashem commanded us to do so. The Noda B’yehuda does not see that as bad, but unnecessary. If one indeed is doing the *mitzva* because Hashem commanded it, he does not need to verbalize it. However, his own practice was to distinguish – he would state his intention to do a *mitzva* before *mitzvot* that do not have a *beracha*. When there are *berachot*, we can trust *Chazal* to compose them with all the worthwhile elements. Instituting a text that *Chazal* did not disturbed him.

The practice of *hmum* is much less polarizing now than it was 200 years ago. While the Mishna Berura does not mention it, the (non-Hasidic) Aruch Hashulchan (OC 489:6) does, noting the opposition to it and his viewpoint that at his time it was widespread and done positively. It has mainly become a matter of communal *minhag* and/or personal preference, which are fine in such a matter, as is reciting it sporadically. Hopefully, you had in mind not to do it as a practice that could bind you through *neder*.

It is interesting that many people recite *hmum* regularly before some *mitzvot* and not other *mitzvot*, and *sefirat ha’omer* is one of the more popular times. There is actually more opposition by some (see Yalkut Yosef, Sefirat Ha’omer 1; Teshuvot V’hanhagot II:247) to reciting the standard version for *sefirat ha’omer* – because of the mention of “*mitzvat aseh*” and “*k’mo shekatuv baTorah*” (a positive commandment, as it says in the Torah). *Rishonim* dispute whether *sefirat ha’omer* is a *mitzva* from the Torah in a time when there are no *korban ha’omer* and *korban shtei halechem* to count between (see Vayikra 23:15). While the Rambam (Temidin 7:22) says that it is still from the Torah, Tosafot (Menachot 66a) follows the opinion (ibid.) that it is Rabbinic, and the Beit Yosef (OC 489) views that as the primary opinion. When we ask after counting that Hashem should return us to service in the *Beit Hamikdash*, we infer that only then will *sefira* once again be from the Torah). The Rambam (Mamrim 2:9) says that presenting a Rabbinic law as one from the Torah violates *bal tosif* (adding on to the Torah). Our common text either relies on the possible reading that it is a Rabbinic positive *mitzva* and is thereby an extension of the *p’sukim* or on the fact that the Rambam’s contention that it is from the Torah might be correct (Halichot Shlomo, Moadim 11:2).

We will now conjecture why many recite *hmum* specifically for *sefirat ha’omer*: 1. There are other additional recitations that one may already be doing (see Magen Avraham 489:5); 2. The mystical elements of *sefirat ha’omer* might be stronger than for most *mitzvot*; 3. It has a catchy tune (which happens not to include “L’shem yichud...”) that people like to sing. In any case, there is little halachic importance whether one does or does not recites it.

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The Limits of Free Thought – #20, p. 19-21 – part III

Date and Place: 10 Sivan 5665, the holy city of Yafo

Recipient: R. Dr. Moshe Zeidel (a close disciple of Rav Kook, from their time in Boisk. Dr. Zeidel was a philologist and philosopher, who asked Rav Kook many philosophical questions.)

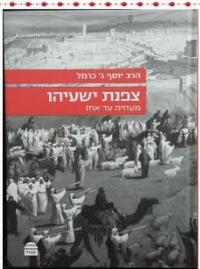
Summary of previous parts: There must be a limit to the propriety of free thought because it affects one's actions and thus also his surroundings. The "location" of the "boundary" depends on the nature of different nations. For Israel, whose task it is to inform the world about Hashem, this requires stricter adherence to philosophical truths. Yet, at times, Hashem is not interested in us being able to carry out our task easily, and we are unable to keep discipline within the nation.

Body: This explains what I wrote [in the open letter]. Now we move on to deal with [how to handle an imperfect situation].

Even though it is fully forbidden and a bad disease to even be unsure or to think with doubts about matters that warrant full belief, we still find *Chazal* attaching a status of an *apikorus* (roughly, heretic) only to a denier, i.e., one who decides the opposite of the proper belief. It is only possible to find one in Israel to adopt the opposite of the true beliefs if he is a totally evil person and purposely lies. The greatest evil can only cause doubt for those who possess weak minds.

Therefore, one who is brazen enough to say that he clearly rejects a tenet must be a totally evil person. Then it is proper to rule upon him all of the explicit laws, and he cannot claim that his heart forced him into those decisions. If there were any honesty to the denial of proper belief in our generation, it would only cause one to raise doubts, and it would be easy to explain the answers. In contrast, heretics willfully claim to be definitely right, whereas even the weakest minds would only get to doubts, but they are involved in the evil of pursuing [a false agenda]. Therefore, he is subject to all of the laws, those administered by man and those administered by Hashem, according to the degree of the stumbling block [for others] that he caused. The details of these laws need to be presented at great length in many books.

It is clear that whoever understands how all heresy in relation to Israel is only a claim of a weak doubt, which comes about through lack of knowledge, lack of feeling, and lack of morality, would immediately become complete in true belief and fear of Hashem. The more one would connect himself to Torah scholars, who seek out Hashem in truth, the more he would elevate himself step by step and would be full of belief of the strength of knowledge and wisdom. "Any instrument that would be created to harm you will not succeed, and any tongue that would rise up against you in legal dispute will be vilified. This is the portion of the servants of Hashem and their righteousness from Me, said Hashem" (Yeshayahu 54:17).



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.

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Promotion that Didn't Fully Happen

(based on ruling 80117 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) worked in security in a *yishuv* (=def) as a scout, working under the *ravshatz* (head of security), and he was paid hourly without social benefits. On Sept. 27, 2019, the *ravshatz* informed him that he would receive the post of assistant *ravshatz* and would receive a set monthly salary of 1,500 NIS. In Oct. 2019, the *ravshatz* told pl to start recording his hours of work that the *ravshatz* gave him to be paid hourly and told him that after he did an army course (necessary for the new job, which includes taking over for the *ravshatz* when he is away), he would get the rest of his salary retroactively. The course was repeatedly canceled due to Corona. In June 2020, pl, the *ravshatz*, and the *mazkir* (administrator) of def met to sign a contract, at which time pl asked to be paid retroactively since Sept. The *ravshatz* refused because pl did not carry out all that an assistant *ravshatz* does, and the contract was not signed. Pl demands his full salary retroactively, as he did everything he was asked to do since he received the new job. Def responds that since he has not been doing the full job of an assistant *ravshatz* and he accepted the hourly rate payment, that is what he deserves until he takes on all of an assistant *ravshatz*'s responsibilities.

Ruling: While pl is formally employed by def, it is clear from the accounts of all that the *ravshatz* is the person who is authorized to set the work agreements of all who work under him. An oral agreement is sufficient to create obligations to a worker, as long as an act of *kinyan* was performed. The most common act of *kinyan* regarding employment is the worker's beginning to work (Shulchan Aruch, Choshen Mishpat 333:1). So when a worker begins to work after an oral agreement, it is as if there was a written contract.

The *ravshatz* admits that he told pl that he would be paid a set salary of 1,500 NIS a month. This was agreed in Sept. 2019 and repeated in a WhatsApp in Jan. 2020. After these agreements, pl worked; therefore the agreement is binding.

We do not accept def's claim that pl does not deserve the salary promised because he did not carry out all of the responsibilities for which he was hired. In this type of job, the work is defined not by the number of hours one worked in practice, but by his carrying out the tasks he is given. It is the employer's responsibility to assign the tasks. If the worker refuses, he can be fired or the agreement can be renegotiated. However, an employer cannot take away from the salary for not performing tasks that he was never assigned.

It is also not relevant that pl accepted hourly payment. Since he was told that the salary would be added to, in no way was temporarily accepting less a relinquishing of rights.

Therefore, def is to pay the additional sum needed to bring pl's earnings to 1,500 NIS starting from late Sept. 2019.

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