



HEMDAT YAMIM

Parashat Hashavua

Nitzavim, 28 Elul 5782

Harav Shaul Israeli zt"l
Founder and President

Accepting Hashem's Kingdom

Harav Shaul Yisraeli – from Aroch Siach, Yamim Noraim, an address from 5714 (1953)

“Hashem is my light and my salvation” – my light on Rosh Hashana, and my salvation on Yom Kippur (Vayikra Rabba 21:4). *Chazal* set a role for all of the special days. We should clarify to what extent the days fulfill their roles, including their special place within the year.

Sometimes we have the impression that the days' certain set place in the year, with their special practices of the day, repeated yearly, is the end of the story. The same admissions of guilt, the same prayers we prayed last year and two years ago, and hopefully next year etc. In the process, we try to ensure that these practices will not bother our routine – it shouldn't ruin our eating habits, our leisure, and our travels. The days should just have their uniqueness within the tapestry of the year and add some freshness to our gray lives.

However, this is not the idea. In contrast to the language used by the *korbanot* of other holidays, it says regarding Rosh Hashana “*va'asitem olah*” (you should make a burnt offering), from which *Chazal* learned that it is as if a person redid himself. How can we remake ourselves if we want to keep our old routine? When Hashem asked that we say the section of prayers called *malchuyot* to “coronate Me over you,” the idea was not to settle for speaking the words; there should be practical consequences from this coronation.

The goat that went to Hashem and the one that went to *azazel* (thrown off a cliff to its death) on Yom Kippur represent two conflicting approaches that emanate from one place. On the one hand, there is an idea of definiteness, and, on the other hand, an idea that it is impossible for everything to merge into one. That which is to Hashem, is to Hashem; that which is to idol worship, is to idol worship; the two cannot join. If one has chosen the direction of *azazel*, then even if he managed to do some *mitzvot*, based on habit, education, or societal norms, he is still on a path of destruction. The *yetzer hara* tells one to do one *aveira* one day and another on another day until he adopts idol worship (Shabbat 105b), as we see in our lives.

A person should admit his sins with the words “I was in a bad way” (Vayikra Rabba 3:3). R. Yonachan ben Zakai bemoaned his predicament, not knowing if he was headed to an after-life of attainment or tragedy (Berachot 28b). How terrifying it is that even a great, righteous leader does not know the lot he deserves. The *mitzvot* he performed might have been on a crooked path, and path is critical.

The solution is to accept Hashem as King. Hashem's kingdom is in the way He rules the world, using His thirteen attributes, and His coronation is by accepting that as a clear fact. It is in knowing that Hashem determines everything, which is a life-altering realization. One accepts Hashem's Kingdom by acting with fear of Hashem. It is a trait of a king that he must be feared and may not relinquish his rights to that awe (Ketubot 17a). The expression of the fear is in realizing that the world is not left to chance, but that matters are determined through divine justice. Therefore we set for ourselves what we deserve, as Hashem decides based on divine justice based on our actions, and this is how we make Him the King.

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



Eretz Hemdah
Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich
2 Bruriya St. corner of Rav Chiya St.
POB 8178 Jerusalem 91080
Tel: 972-2-5371485 Fax: 972-2-5379626.
amutah number 580120780

**American Friends
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c/o Olympian, 8 South Michigan Ave.,
Ste. 605, Chicago, IL 60603, USA
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www.erezhemdah.org info@erezhemdah.org

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Ask the Rabbi

by Rav Daniel Mann

One or Two Breaths?

Question: I will be blowing *shofar* in an Ashkenazi *minyán*. What should I be doing about blowing *tashrat* (*tekia-shevarim-teruah-tekia*) – with *neshima achat* (= *na* – *shevarim* and *teruah* with “one breath”) or *shtei neshimot* (= *sn* – a significant break between them)?

Answer: The *gemara* (Rosh Hashana 34a) derives the need for three sets of *shofar* blasts during Rosh Hashana, with a *teruah* sandwiched between *tekiot* (= *tk*). The *gemara* identifies two types of crying as candidates for *teruah*, what we call *shevarim* (= *shv*) and what we call *teruah* (= *tr*). Rav Avahu instituted doing *tashrat*. The *gemara* rejects the possibility this covers both the opinion of *shv* and that of *tr*, because the incorrect blast creates a disqualifying break in the set. The *gemara* concludes that he did *tashrat* sets in addition to *shv* ones (= *tashat*) and *tr* ones (= *tarat*), because of the possibility that *shv* and *tr* together in that order are the correct *teruah*.

Rabbeinu Tam (cited by the Tur, Orach Chayim 590) says that since it is abnormal for one to change quickly from one type of cry to another, there should be a reasonable break (*sn*) between *shv* and *tr*. The Tur says that, consistent with this break, we refer to a full recitation of all the sets as 30 *kolot*, and not 27, because *shv* and *tr* count separately.

However, many *Rishonim* say that *shv* and *tr* should not be separated significantly (*na*). The strongest claim is that since they form a single, albeit complex, *kol*, it should be done as one unit (Ramban, Rosh Hashana 34a), i.e., without breaks (see Sukka 53b). While there is a *machloket* whether there should be some break between the *tekia* and *teruah* (*ibid.*), all should agree that there should not be one within a set of *teruah*. On the other hand, one can argue that *shv tr* is purposely not like the components of a single *teruah* unit.

The Terumat Hadeshen (I:142) sees no way to decide between the opinions and makes a suggestion that the Shulchan Aruch (OC 590:4) accepts. During the first set of 30 *kolot*, do *na*, and during the second set, do *sn* (the Terumat Hadeshen believes the order does not make a difference), and that way one fulfills the basic obligation of *shofar* blowing according to all major opinions at some point. The Rama (ad loc.) says that the *minhag* is to do everything as *sn*. The Mishna Berura (590:20) reports *minhagim* going either way in his times and supports continuing with them.

The Beit Yosef (OC 590; see Mishna Berura 590:17 and Sha’ar Hatziyun 590:14) posits that according to those who say *na*, one does not fulfill the *mitzva* with *sn*, but according to those who prefer *sn*, one fulfills the *mitzva* even if he did it as *na*. The Beit Yosef’s assumption has gone a long way in turning contemporary practice toward *na* especially when one does only 30 *kolot* (i.e., for those who cannot come to *shul*). How much one prefers *na* impacts on whether to do any *sn* (most expert *ba’alei tokeiah* do), to do *sn* in 31-60, or only in the last 30-40 after *chazarat hashatz*. There was once a *minhag* (see Rama, OC 592:1) to do only one set of *tashrat* each of the three times in *Shemoneh Esrei/chazarat hashatz*. This is predicated on the possibility that *tashrat* itself covers the possibilities of *tashat* or *tarat*. In order to give that a chance, it is more logical to have a break, because it is harder to claim that a connected closely *shv tr* counts for a *shv* and a *tr* separately (related to me by Rav M. Willig). However, we no longer have that *minhag*.

Even if there is not a long enough break to be called *sn*, there should be at least a small, noticeable break between *shv* and *tr* (despite a Chazon Ish (OC 136:1) to the contrary). According to the opinion of *sn*, it is not clear how long a breath we are talking about and whether one needs to actually breathe (see Dirshu 590:12). Therefore, it is plausible that a pause of about half a second could be considered *na* and/or *sn*. A break of a quarter of a second is definitely *na* and of a full second is definitely *sn*.

In short, if there is no local *minhag* otherwise, we recommend *na* for everything but *kolot* #31-60.

“Behind the Scenes” Zoom shiur

Eretz Hemdah is offering the readership to join in Rabbi Mann’s weekly Zoom sessions, analyzing with him the sources and thought process behind past and future responses. Email us at info@erezhemdah.org to sign up (free) or for more information on joining the group.

Do not hesitate to ask any question about Jewish life, Jewish tradition or Jewish law.



Igrot HaRe'aya - Letters of Rav Kook

Progress on Rav Kook's Yeshiva - #118

Date and Place: 25 Adar I 5668 (1908), Yafo

Recipient: Rabbi Yitzchak Yaakov Reines, the Rabbi of Lida and head of the Mizrachi Zionist Movement. Rav Reines had already founded a yeshiva that included secular studies, which was revolutionary in Eastern Europe.

Body: The letter I received from your greatness brought me happiness. I see that the horn of liberation steadily increases in our Desirable Land. Since Hashem has graciously enabled us to be the Land's builders, we must exert and strengthen ourselves well. Thank G-d, Hashem has liberated His nation, and our Holy Land is in the process of being built and settled before our eyes. We just must pour a spirit of charm and supplication on the settlers of Judea and Jerusalem and connect the hearts of the dispersed, whether geographically or philosophically, to "the home of our lives." This can bring the flowering of Israel in the light of the Divine Spirit that is upon us in the Holy Land.

I shall address the idea of merging the *yeshiva* [I am working on] with the *beit medrash* which Mizrachi plans to establish. This matter is very ready for fruition, for a few reasons. For one, my simple influence caused that many of the Holy Land's great rabbis realize now that it is incumbent upon us to travel on a new path to strengthen the position of the Torah and belief, in the Holy Land especially, as well as throughout the Jewish world.

Originally, the Shomrei Torah schools planned to go to the extreme and forbid any changes that the times require. Now they have also realized that we need to acquire new strengths for Hashem and His nation. We can connect many people by taking the right steps, especially by the *yeshiva's* approach to enlist some of the most talented to deeply investigate spiritual matters and study many areas of academic Jewish studies on a path of sanctity. When this is done, Jewish History, academic study of Tanach, philosophy, and liturgy will no longer be the domain of the destroyers of Torah and belief in Hashem. Rather those who "sit before Hashem" will take the opportunity to uncover secrets in these fields. This will be the greatest contribution to our times' causes, making it a great salvation for Israel.

Therefore, we must begin preparations to build and prepare that which will be needed after receiving counsel from the wise and G-d fearing. Realize that there is a great obstacle in *Eretz Yisrael* regarding any innovation to improve the education of G-d-fearing children, especially boys. This is the strongly established, strict ban of the rabbis of the previous generation against any non-Torah study, including foreign languages. Those who know the background understand that at the time it was a necessary step. Our only complaint is that they did not put a time limit on the ban or authorize a *beit din* in a subsequent generation to end it based on the needs of the time and the rules of the Torah and fear of Hashem. Now people are concerned about complaints of "breaching the fences" by doing something impactful.

However, despite my humble status, I feel compelled because Hashem willed that I accept the hard work of helping guide the New Yishuv, and I have seen that it is critical to bring the remedy before the malady. Therefore, I am working on founding a *yeshiva* that is broad and great, to plant the tree of life in the heart of the New Yishuv. Then everything will be a blessing. Hopefully, great people will join us in this effort.

We must aspire to greatness, i.e., that the *yeshiva* will produce our time's leading rabbis, men great enough to have the foremost impact on the Jewish People, in Israel and the world, through their thoughts and deeds. That requires students to delve deeply into the Torah's spiritual elements and the knowledge of the ways of Hashem, using old and new methods, coming from the holy source of the Torah of the Land. We hope that it will have such a cultural impact that kings will come to see and bow down before them. There is no limit to what can be achieved within the air of *Eretz Yisrael*.

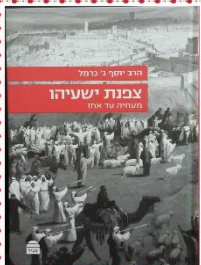
We daven for a complete and speedy *refuah* for:

Nir Rephael ben Rachel Bracha
 Yisrael ben Rivka

Arye Yitzchak ben Geula Miriam
 Yerachmiel ben Zlotta Rivka

Neta bat Malka
 Meira bat Esther

Together with all *cholei* Yisrael



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

Do Good Wishes End a Rental?

(based on ruling 81085 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) rented an apartment with a contract from the defendant (=def) for 2,200 NIS a month, and the two renewed the rental for an additional year four times, with the last one ending in July 2021. In March 2021, pl informed def that he wanted to look for a bigger apartment, and def wished him well (“b’hatzlacha”) via WhatsApp. In the middle of March, pl left the apartment and returned the keys to def. In May, pl realized that def had cashed rental payments for March and April. Pl asked *beit din* to put an injunction on def’s further use of rental checks given in advance and for the return of 3,300 NIS for unwarranted rental payments. Def claims that he knew that pl was moving but did not agree to void the contract, and he demands payment until the end of the period or until there is a new tenant (planned for mid May of 2021). Pl also demands reimbursement for 2,000 NIS that he spent on fixing the apartment. Def is willing to reimburse only 250 NIS, claiming that the work done was not professional.

Ruling: When an agreement is extended without a new contract, we assume that it is done based on the stated previous conditions (Rama, Choshen Mishpat 333:8). Pl and def’s original contract states that any relinquishing of rights is binding only if it is done in writing. Since the two sent messages to each other about leaving the apartment early via WhatsApp, this is considered in writing.

After examining the WhatsApp and especially considering that def asked for the keys back, *beit din* concludes that def agreed to free pl from the rental agreement. Although def claims that his intention was to still receive rent as long as needed, this is a “matter of the heart,” which is not binding (Shulchan Aruch, CM 207:4), and receiving the keys back is considered an action of ending the rental based on the rules of *situmta* (common practice).

However, to end the financial obligations, the apartment has to be returned in a rentable manner, and since it badly needed a painting (due to mold), which was pl’s contractual obligation, the obligation continues. Since pl did not take care of the painting until into April, def is entitled to rent for the entire month. There is a *machloket* if the renter deserves a discount when he was not using the property (see Mordechai 345 and K’tzot Hachoshen 316:1). Since the Shulchan Aruch/Rama does not rule on this matter, we will not make def return the rent for this time.

Regarding reimbursing for repairs done, def agrees that pl deserves something, and in general we make the recipient of property improvements pay according to the value added (Shulchan Aruch, 375:1). Because it does not make sense for *beit din* to have the sides pay for an expert to check this, *beit din* estimates the improvement at 850 NIS, which is what we require def to reimburse pl.

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