



HaRav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat HaShavua

Nitzavim, 28 Elul 5776

Standing Before Hashem for the High Holy Days

Harav Yosef Carmel

We have the privilege to reach the days known as the *Yamim Noraim* (Days of Fear = High Holy Days). We will take a look at the spiritual content of this period, from Rosh Hashana and Yom Kippur through Sukkot/Hoshana Rabba, while connecting it to *Parashat Nitzavim*.

We view Rosh Hashana as a day of strict judgment and Yom Kippur as a day of forgiveness and atonement. Sukkot is a holiday of happiness and thanksgiving. Our Rabbis have taught us that Hoshana Rabba closes the circle, as the judgment is finalized. We spend many hours in prayer, but how can prayer help our judgment, as it seems futile to try to change Hashem's mind? The simple answer is that Hashem does not change his mind, but that the person upon whom a decree has been made is "replaced," so to speak, by a different person. The new one has grown closer to Hashem, thus improving his spiritual level.

We call this period the time of *teshuva* (repentance), which connotes the ability to repair, and this flows from the desire to grow closer to Hashem. The process begins with a person's recognition of sin and the emotional pangs it causes him. This recognition changes his spiritual level and enables a renewed closeness to Hashem, which increases as he climbs the ladder of *teshuva* – arriving at remorse and resolving to no longer sin.

The *navi* exclaims: "Seek Hashem when He is to be found; call to Him when He is close" (Yeshaya 55:6). The *midrash* (P'sikta D'Rav Kahane, addendum 7) says that this refers to the ten days of repentance, when Hashem dwells amongst the people. Part of Hashem's kindness on these days is that he opens a window of opportunity. The special window that opens on Rosh Hashana closes on Hoshana Rabba. This is a period during which it is easier to draw closer to Hashem.

Our main effort is to yearn to be closer to Hashem. Moshe, who had the unique opportunity to "speak to Hashem face to face as a man speaks to his friend" (Shemot 33:11), still asked to understand and experience Hashem in a more complete way (see *ibid.* 13 & 18). David Hamelech took a similar approach – "Your face, Hashem, shall I seek ... teach me Your ways" (Tehillim 27: 8 & 11). These views of Hashem's "face" represent an emotional request to be close, which is connected to the desire for forgiveness.

Our *parasha* begins with the words "*atem nitzavim* ..." (you are all standing before Hashem). Years ago we explained that this language indicates that the Divine Presence was before them. This is a situation of Hashem being close, which, we saw above, is the time to seek Hashem.

We want to wish the entire nation that our prayers will be accepted willingly before the Master of the World, and we should be written and inscribed for a good life and peace.

Refuah Sheleymah to Elchanan ben Adina & Orit bat Miriam

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R' Eliyahu Carmel, Rav Carmel's father, who passed away on 8th of Iyar 5776

Yechezkel Tzadik, Yaffa's father, who passed away on 11th of Iyar 5776

Mrs. Doris Moinester who passed away on 23rd of Elul

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Ask the Rabbi

by Rav Daniel Mann

Questions about *Simanim* on Rosh Hashana

Question: I have some questions about the *simanim* (symbolic foods) we eat on Rosh Hashana. Should we have them both nights? Is it done before or after washing, and how does this impact on the *berachot* made on them?

Answer: There are various credible *minhagim* on these matters. We will mainly explain the issues, although we will show mild preferences for certain practices for those who lack a clear *minhag*.

The *gemara* (Kritot 6a) says that since symbolism has significance, one should “be in the practice” of eating (some texts – “seeing”) certain foods (dates and four vegetable *simanim*) in the “head of the year.” While some say that “being in the practice” refers to all Rosh Hashana meals and some say that it is only for the year’s first meal, the more accepted practice is to eat the *simanim* at both night meals (see discussion in Mishneh Halachot XIII:80; Torat Hamoadim, Yamim Noraim 4:1).

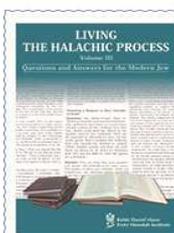
The more prevalent *minhag* (in homes and among *poskim*) is to eat the foods after *Hamotzi* (see Tur, Orach Chayim 583; Magen Avraham 583:1; Taz 583:2). Besides the logic of eating the foods during the meal, some *poskim* claim it solves a halachic problem (see Torat Hamoadim *ibid.* 2). If one eats them before the bread, we have the same question about needing a *beracha acharona* as after eating *karpas* before *matza*. While we solve that problem by eating less than a *k'zayit* of *karpas* (see Shulchan Aruch, OC 473:6), many people want to eat more than a *k'zayit* (combined) of the *simanim*.

Actually, eating the *simanim* after bread raises other *beracha* questions. The *poskim* assume that one makes a *beracha rishona* on the fruit *simanim* even though it is during the meal, which is not simple. While fruit eaten for desert requires a *beracha rishona*, fruit served as an “appetizer” gets no *beracha* (see Mishna Berura 174:39; V’zot Haberacha, p. 77). Perhaps the fact that it is eaten for ritual, not culinary, reasons is a contributing factor to justify a *beracha* (see Divrei Yatziv, OC 252).

A related question is whether to recite *Borei Pri Ha’adama* on a vegetable *siman*. As a rule, we do not do so on vegetables during a meal, as they “accompany the main meal.” In our case, there are varied opinions. The more common practice is to make the *beracha*, perhaps because they are eaten as *simanim*, but some argue that this makes no difference (Teshuvot V’hanhagot II:269; Torat Hamoadim, *ibid.*). Some (see Halichot Shlomo, Moadim II:1:18) compromise by saying to make the *beracha* on the least “normally eaten” of the vegetables, which some assume is *kara* (gourd family). (Piskei Teshuvot (583:(13)) cites Rav Dibliiski as suggesting a safe although unnatural idea – first eat from a *Borei Pri Ha’adama* fruit (e.g., watermelon, banana), which certainly requires a *beracha*.)

Another question of *minhag* vs. regular rules of *berachot* relates to the order of *berachot*. When one plans to eat multiple fruit, he makes the *Borei Pri Haetz* on a fruit of “the seven species” (including dates and pomegranates, in that order, based on their order in the *pasuk* – Shulchan Aruch, Orach Chayim 211:1,4). Yet, the common *minhag* for Ashkenazim is to eat – with a *beracha* and *Yehi Ratzon* – the apple dipped in honey first. (It is hard to know how the *minhag* developed. Is the idea of “*shana tova u’metuka*” more central (even though it is post-Talmudic) and warrant precedence?) Some take the purist approach, making *Borei Pri Haetz* on the date, and have the apple later (Halichot Shlomo *ibid.*). A way to keep the order of the *Yehi Ratzon* yet follow the regular rules of *berachot* is to have the dates and pomegranates off the table, while having them in mind, when making the *beracha* on the apple (*ibid.*). One can also make the *beracha* on the date, eat a small amount, then eat the apple, pomegranate, and date with the order that fits his *Yehi Ratzon* preference.

Despite contrary common practice, *poskim* recommend taking a small bite from the food(s) that gets a *beracha* right after the *beracha*, with the *Yehi Ratzon* being said before further eating (Mishna Berura 583:4).



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When Torah Study Is Not Necessary

(condensed from Ein Ayah, Shabbat 2:255)

Gemara: [What are the divine reasons for the deadly disease of *askara*?] Rabbi Shimon answered: Due to the sin of *bitul Torah* (wasting Torah-learning opportunities). They said to him: but women [the fact that they die from it] is a disproof? They cause their husbands' *bitul Torah*. Non-Jews are a disproof? They cause *bitul Torah* to Israel. Youngsters are a disproof? Youngsters cause their fathers' *bitul Torah*.

Ein Ayah: The reason that shortcomings in Torah study are destructive is that Bnei Yisrael are elevated to the point that they need to be maintained more than a normal human being needs, and this can be accomplished only by Torah. Their continued elevation is so necessary that several shortcomings stem from its lacking, as is the nature of precious apparatuses.

There are other people who are made to lead their lives based on their natural propriety. They only need to protect themselves from ethical pollutants that can infiltrate their field of activity. They are supposed to proceed along their natural path and not embark on intellectual paths that are not set up for them (i.e., Torah), which could be destructive because their souls were not prepared for its lofty influence.

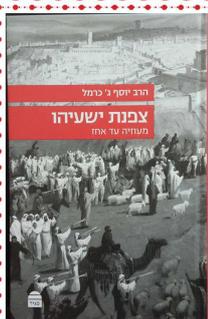
Women are far from the obligation to delve into Torah study. This is because their character is developed beautifully by completing their natural gentle emotions and honesty, which parallels the national strength that men receive through Torah's harsh power. The obligation to learn Torah is foreign to them. Not only is the lack of Torah not destructive for them, but Torah would take away from their internal, natural serenity.

The Torah is loftier than the highest level of natural morality. Because the nations of the world are designed to establish their society securely based on natural norms, Torah is not at all fit for them. Torah can also harm the human processes that are more appealing to most people's emotions. They need guidelines based on societal needs in the present and lower but pragmatic morality that preserves society by allowing all to be concerned responsibly about themselves, which is sustainable for them. If they concentrate on Torah values, which are focused on the far-reaching goals of eternal life, its light can blind them from society's present needs.

Even male Jews need to experience the freedom of childhood, which prepares the body and spirit for the future demanding stage of intense Torah study. Therefore, young children are exempt from such study, not out of mercy, but to allow them to develop "natural wildness."

Based on the above, rabbis were bothered by the claim that *askara* stems specifically from a lack in Torah study, which does not apply to the three groups who are exempt from it. The answer is that these groups are connected to responsibility for Torah study. A woman is responsible for the Torah of her husband, with whom she is supposed to build a home filled with the light of intellectual sanctity (Torah), along with proper emotions, which are themselves elevated by concern for Torah study. A woman's responsibility for her husband's lack of Torah study engenders a weakness in her morality.

Non-Jews are not supposed to be impacted through their own study but are supposed to be influenced by their Jewish counterparts' Torah study. If they are responsible for a Jew's idleness from it, this lowers their moral status and can be responsible for the disease, which can be related to any human's sin (see Tehillim 90:3). Childhood should include freedom and wildness but should not unnecessarily detract from the Torah study of those around the child. Thus, when there is lacking, the afflictions can fall not only on the adult but even on his child who caused his father to study insufficiently. This is because an "invisible thread" connects separate and distant elements of the spiritual world. This creates indirect responsibility for Torah study even for women, non-Jews, and children.



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 z"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

A Renter's Responsibility for an Exploded Water Tank – part I

(based on ruling 75016 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendants (=def) rented an apartment from the plaintiff (=pl) for an extended period of time. As the rental came to an end, def informed pl by text message that they had left. Workers were to work on renovations before new renters came in. The morning after def left, claimed pl, he and his workers found a major leak from the roof, which turned out to be from an exploded hot water tank, which, he saw by the indicator, had been left on. Leaving on an electric heated hot water tank is negligence, as the accumulated gases of boiled water is likely to cause an explosion, and according to the contract, def is obligated to pay for damages to the apartment that were not caused by normal use. He demands 2,200 shekels for a new tank (he is not suing for other slight damages from the leak). Def claims that they checked that all the electricity in the house was off when they left the apartment and in fact they had not used it in weeks, because in the summer, when they left, the solar heated water sufficed. They dispute the claim that pl found the problem on the morning after they left, because they communicated that day and pl said nothing. Rather, it was the second day, and in the meantime, pl's workers worked and slept in the apartment, and one of them could have lit the boiler. In any case, def claims that a proper boiler does not explode when left on indefinitely because there are the double protections: a thermostat to shut the electricity when the water is hot enough and a gas-releasing valve to prevent over pressure. Pl says that malfunction of the boiler is not his fault since he replaced it 1-2 years ago.

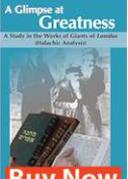
Ruling: On the factual timing of events, pl's claim is very difficult. The phone log we requested from him does not show any outgoing calls to def the morning he claimed that he discovered the leak and called def. A text message from that afternoon makes calm reference to who will pay for water during renovations and mentions no mention of water loss from an explosion. The claim can still exist as it is possible that def's heating the water caused the explosion later, but it strengthens the possibility that someone else lit the boiler after def left.

Would leaving the boiler on be considered irresponsible? The amount of money claimed does not justify hiring an expert to submit an official report on the matter. However, *beit din* did its own research, including speaking to people in the field. It is clear that, in theory, leaving the boiler should not cause it to explode, especially due to the thermostat that all modern boilers have. On the other hand, it does happen that the thermostat malfunctions. In practice, there are different practices among homeowners and different advice given by experts.

Next week we will translate these indications about what happened and about accepted practice into a ruling.

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