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HEMDAT YAMIM

PARASHAT HASHAVUA

Rosh Hashana Haazinu, 3 Tishrei 5775

Earth – Where Time is Measured

Harav Shaul Yisraeli – based on Siach Shaul for Yamim Noraim, p. 101-2

We place points and lines on the endless procession of time, thus breaking it up into pieces, such as days, weeks, months, and years. However, in the greater world, in an existence that seems eternal, time passes in a manner that seems to not have borders. Yesterday was 5719; today is 5720. If you look at the natural world, you do not see a difference. The sun rises and sets, and there is nothing new or different.

However for man, whose life is fleeting like a shadow, time plays a major role. The passing of a year is significant, and for man a new year and the Rosh Hashana that begins it are important concepts. The *midrash* (Devarim Rabba 2:14) relates that when the angels enter to ask Hashem when Rosh Hashana will be, He answers: "You and I will go down to the court on Earth ..." In addition to the simple meaning, there is also an explanation along the lines we have set forth. Only for man is it possible to really talk about a new year, whereas in Heaven, which is above time, there is no such distinction.

The simple meaning of the *midrash* as well, that the Heavenly Court has to follow the human court in this matter, is also based on man's connection to time. The greatness of our world and of mankind is an offshoot specifically of the fact that we have the weakness of being slaves to time.

"The earth and all that is in it is Hashem's" (Tehillim 24:1), as we announce in the Rosh Hashana *tefilla*. This message is antithetical to what the idolatrous nations of the world teach. Those nations try to go up to the heavens and have earthly elements rule there. They proclaim that earthliness is everything in the universe. Judaism tries to have the heavenly rule throughout the world. This is a major theme in the giving of the Torah, as the *midrash* tells us that Hashem lay the heavens over the land (Mechilta, Yitro 9).

What was the first thing the Russian cosmonauts did when they reached the moon? They put their flag with its symbol of the sickle and the hammer, representing the workers and the peasants, on the moon to claim it for themselves. These symbols represent their idea that only that which is used for physical sustenance is important. We, so to speak, place Hashem's flag of spirituality on Earth.

Our approach is based on our understanding of our transience. When we view the meeting between our fleeting nature and Hashem's eternity, we become committed to connect ourselves to the eternal. Other nations do not want to recognize eternity. They want to deal with it with "eat, drink and be merry, for tomorrow we shall die." There is nothing of value to live for, so just enjoy, and claim as much as you can for physicality.

Hashem told the angels to set Rosh Hashana based on man's decision. We are the ones who are able to do *teshuvah* and thereby go up to the Heavens. That is why we can draw inspiration to go up to the Heavens and bring back Torah.

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by Rav Daniel Mann

Shortening Blowing of Teruah to Conform to Tekia

Question: The *makree* (person who supervises) signals me (a *ba'al tokeia*) to stop my set of *teruot* earlier than I want, out of a concern that if I blow more than 9 *teruot*, the *shevarim-teruah* may exceed the *tekia*. I wasn't taught that is a problem. Is it?

Answer: The *gemara* (Rosh Hashana 33b) says that the length of the *tekia* is like that of a [set of] *teruah*. It does not say that one is longer than the other, and it is impossible for them to be exactly the same. Apparently, the *teruah* is used as an objective point of reference for the *tekia* – it must be at least as long as a normal set of *teruah*. This may be one of the reasons that all opinions found in the Tur/Beit Yosef/Shulchan Aruch and classical commentaries assume that it does not matter which is longer in a given series. We will bring a few of many possible proofs.

Poskim use an individual *teruah* short blast (*tarmutin*) as a unit to describe the various blasts. For example, there is a *machloket* whether each *shever* must be at least 3 *tarmutin* long or less than 3 (see Shulchan Aruch, Orach Chayim 590:3). We assume that a *tekia* in a *teruah* series is 9 *tarmutin* long and in a *shevarim-teruah* it is 18 or so, each corresponding to the middle part (see Mishna Berura 590:14). No one says that these numbers are irrelevant if the middle part is the slightest bit over average.

A major timing concern is that doing a longer than necessary *shever* that reaches the minimum length of a *tekia* would preclude its being a *shever*. The *poskim* say that according to the opinion that a *teruah* set contains 9 blasts (there is an opinion of only 3), the length of a *tekia* is at least 9 *tarmutin*, and therefore an individual *shever* could be up to (but not including) 9 *tarmutin* (see Mishna Berura 590:13). In theory, in a *shevarim-teruah* series, where the *tekia* is at least 18, each *shever* can be up to 18. But if one did that and posits that the middle cannot exceed the *tekia*, the *tekia* would end up being upwards of **60** *tarmutin*, a length found only by a *tekia gedola*.

Regarding the debate whether it is proper to do more than 3 *shevarim* blasts in a set, the Perisha says we avoid doing that because in a *shevarim-teruah* one might run out of steam before getting to the 9 subsequent *teruot*. In contrast, he says, we do not care about extra *teruot* (see also Shulchan Aruch, *ibid.*), as he can stop when he is tired. He is unbothered that a long *teruah* following a *shevarim* could cause the middle to exceed the previous or subsequent *tekia*. The reason, again, is that the minimum length of the *tekia* depends on the length requirement of the middle section and is unaffected by unnecessarily long *teruot*.

At least one contemporary *posek*, the Moadim U'zemanim (I:5), mentions a "practice of the stringent" to have the *tekiot* be as long as the middle section in practice. He concedes that this opinion is not found in the *poskim* and identifies one *Rishon* (not cited by the Beit Yosef) and one *Acharon* (the S'fat Emet to Rosh Hashana 33b, not in a *psak* context) who share this opinion.

I do not oppose unnecessary *chumrot* to fulfill fringe opinions regarding this important *mitzva*. The problem is that in your case, the tiny gain causes greater problems than it is worth. As one who has served in both capacities, I believe that a *ba'al tokeia* is much more accurate at counting *teruah* blasts than a *makree*. If the *makree* tries to stop the *ba'al tokeia* after 9-10 blows before the latter planned, it is very possible he will stop him before 9, which would very likely disqualify the set (see Mishna Berura 590:15). The Moadim U'zemanim's stringency assumes the *minhag* to do longer *teruot* than necessary and instructs lengthening the tekiot. He does not suggest being stingy with the *teruot*, certainly not to the point that a slight miscounting would cause them to be fewer than 9.

While a *ba'al tokeia* should follow his *makree's* stringencies, at least if he is the rabbi, here we suggest you show the *makree* the evidence we have presented. If his opinion is unchanged, you should follow whatever the rabbi says.

In memory of our beloved mother and grandmother
Rivka bat Yissachar Dov Schonfeld a"h on her 4th Yahrzeit on Elul 29th.
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Ein Ayah

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

Don't Throw Out the Baby With the Bath Water

(condensed from Ein Ayah, Shabbat 1:32-33)

Gemara: There is another statement of Rava bar Mechasya in the name of Rav Chama bar Guria in the name of Rav: If all the seas were filled with ink, and the marshes were full with quills, and the heavens were parchment, and all people were scribes, they would not succeed to write all the thought process that the government has to go through. What *pasuk* indicates this? "The heavens in regard to height and the earth in regard to depth, and the heart of kings is beyond investigation" (Mishlei 25:3).

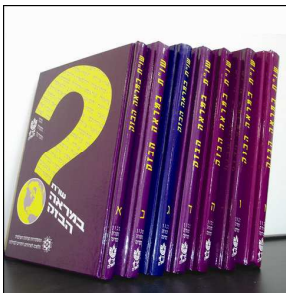
Ein Ayah: The affairs of human society are a long chain, containing countless interrelated details. Therefore, it is unwise to hastily try to destroy the existing political apparatus even if one sees many examples of injustice. In general, one who destroys a structure in order to fix it has to consider all of its aspects. Regarding a society, the complexity does not allow one to capture everything, and therefore a person should not rely on his wisdom. He should realize that destroying may do more harm, in ways that are hidden from him, than he helps.

Therefore, one should act in a peaceful manner, according to the path of the Torah, and rely on Hashem to lead man on the historical path that He sees fit for society (see Shmuel I, 2:3). One should be loyal to He who gives kingdom to kings and look forward to an expansion of justice as it unfolds in the manner that occurs naturally in society. He should not give special regard to those who rebel against whatever system is in place with a brazenness that ignores how much worse things could be, in ways he would never be able to consider in advance.

These destroyers may think that they are able to map out everything pertinent and remove only that which is bad. However, they should know that the details are too great to possibly be able to figure out. That is what we learn from the *gemara's* parable that no amount of writing materials would be able to spell out everything. One should apply the *p'sukim*, "My son, fear Hashem and the king; do not intermingle with different people" (Mishlei 24:21) and "The simplicity of straightforward people will lead them on the correct path" (ibid. 11:3).

The affairs of society are built on concepts that are connected both to spiritual matters, pertaining to justice, ethics, and the involvement of sanctity in the world, as well as to the physical, political world. The two are actually interconnected as the Rambam (Moreh Nevuchim 1:15) says on the *pasuk*, "Alas, angels of Hashem were climbing and descending on [the ladder]" whose top reached the heavens and whose base was placed on the ground (Bereishit 28:12). The Divine Wisdom, which rises up to the top of the ladder, is connected to the social wisdom, which descends to the earth. If each one of the elements is so multi-faceted that it cannot be fully encompassed by man's intellect, certainly that is true of the two when they are intertwined. That is what the *pasuk* means by being beyond investigation. Therefore, in relating to the apparatus that runs complex societies, one should be careful and unpretentious. He should be careful not to join up with rebellious servants who try to cast off the old systems that are in place.

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Payment of *Din Torah* Award by a Litigant's Orphans

(based around Shoel U'meishiv I:II:186)

[The ruling in a *din Torah* awarded Reuven the profits due to him as a partner in Shimon's business after Reuven would accept a *cherem* (serious ban/curse) if he was lying. *Beit din* referred to "the calculated amount" but did not state what it was. Reuven tried to collect the payment from Shimon with the help of an officer of the court, but Shimon refused to pay. Some time later, Shimon died, and Reuven has presented the *beit din* ruling to the same *beit din* to collect from the inheritors. *Beit din* does not know if Shimon had paid the award at some time in his lifetime and also does not remember how much money the partnership was worth at the time of the award (it was regrettably not written in the ruling).]

Beit din decided that since the ruling is in Reuven's possession, it is as if Reuven has a loan document, in which case Shimon's inheritors cannot claim that their father paid the amount due (see Shach 39:31). The S'ma (70:19) distinguishes between a document of *beit din*, regarding which he is not believed without proof that he paid, and a simple ruling, regarding which he can make that claim because it is made to be paid immediately. However, this ruling is like a *beit din* document because it states that Reuven will first have to accept a *cherem*, which he did not yet do. This is along the lines of the rule that whoever needs to swear in order to win the case, is not considered to have won until the oath is taken. Also, since Shimon was asked by *beit din* to pay, and he did not do so when asked, he is considered like one who does not listen to *beit din*. In such a case, it is not relevant whether the ruling is considered like a document of *beit din* or not, and he is not believed without proof that he paid.

The question, though, is whether it is only the person who was obligated who is not believed he paid without proof or even his inheritors, from whom it is often more halachically difficult to extract payment. Even if we wanted to claim that the occurrence that the father paid in these circumstances before his death is uncommon, inheritors might still be able to make the claim. After all, we see that we make even the uncommon claim that an *ones* (extenuating circumstance) happened to an object being watched before extracting payment from inheritors. Payment is also not so unexpected since accepting a *cherem* happens more easily than taking an oath. The fact that the father originally refused to pay is also not that pertinent since it is very possible that before his death he decided it was time to pay.

Additionally, since the ruling does not state how much Shimon owed Reuven, it is possible to make the claim on behalf of the inheritors that the amount owed was the smallest amount imaginable and not what Reuven claims it was. This is similar to the circumstance of a document of debt that refers to a denomination in the plural but is missing the number, in which case he pays only two units of the denomination (see Shulchan Aruch, Choshen Mishpat 88). On the other hand, since Reuven would not be believed to extract money without going back to *beit din* to determine how much he deserves and this did not happen, Reuven is at least believed regarding this smaller amount.



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