



HEMDAT YAMIM

יְמִימֵי תְשׁוּבָה

Parashat Hashavua Rosh Hashana, 1 Tishrei 5784

Harav Shaul Israeli zt"l
Founder and President

If Like Sons, If Like Servants
Harav Shaul Yisraeli – from Aroch Siach, pp. 98-99

The *mishna* (Rosh Hashana 16a) says that on Rosh Hashana, all the people of the world pass before Hashem as “*bnei maron*,” a term for whose meaning the *gemara* (ibid. 18a) provides three opinions: 1. Like a flock of sheep; 2. Like the Bnei Maron mountain pass (which is very narrow); 3. Like the armies of David.

One can claim that these three opinions relate to three periods in a person’s life. When one is young, and the world is before him, he steps confidently and with pride, and disregards that which stands in his way. He thinks he understands better and will be more successful; he will change how the world operates and will build a new society. He is like David’s armies.

As the person grows older, his illusions slowly dissipate. Instead of dreams of changing the world and society, he develops the desire to secure for himself a safe place under the sun, in this world. He needs his personal and family success, as he goes up to the mountain pass, which appears too narrow for someone else to be there (see Rashi ad loc.). He pushes and uses his elbows so that he can make it to the top of Bnei Maron.

This stage also passes, and a person’s decline ensues. His posture is no longer straight, his hair grays, and his eyesight deteriorates. So does the confidence, and the person becomes a weak figure, caring mainly about his health, food and tranquility. This is the stage of the flock.

We also say in the *Yamim Noraim* davening that we are either like children or like servants – there is no third possibility. The way the person acted in all of his stages is not necessarily what he decided, but what his human nature set out for him. The Rabbis say that servants prefer lack of accountability (Gittin 13a). That is what he wants, but he does not realize that he really is a slave.

However, if one is able to live his life as a child of Hashem, then he can switch the order of the stages. He can start as a sheep in the flock – docile, with fine attributes, accepting the dominion of those who are above him. Then he can make it to be one who climbs the mountain of Bnei Maron, trying to overcome his weaknesses, which, if he does, will ensure his success. Finally he is like a soldier in David’s armies – if there are challenges before him, he at least has weapons to use, in this case, relating to knowledge and good actions.

His old age will then not be an unproductive period, but rather, “the older they become the more wisdom they have” (Shabbat 152a). Whereas the body weakens, the spiritual powers increase, as the Torah says about Avraham, who was “coming with the days,” which the *midrash* says meant he was progressing (Bereishit Rabba 59), in a different manner than the calendar on the wall progresses.

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



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Ask the Rabbi

by Rav Daniel Mann

Shofar Blowing during the Silent *Amida*

Question: I will be the *chazan* for *Musaf* at a small, quite new *minyán*. The one thing that is “foreign” to me, is that they blow 30 *kolot* (blasts) during the silent *Amida* (=Amida). They are willing to not blow *shofar* for my sake, since the existing group anyway has mixed feelings about the *minhag*. Should/may I accept their offer? If not, how does it affect my own *Amida*?

Answer: The *gemara* (Rosh Hashana 16a-b) speaks about blowing *shofar* when sitting (before “*Shemoneh Esrei*”) and also when standing (during *Shemoneh Esrei*). The idea of 100 *kolot* is apparently post-Talmudic (see Tosafot, Rosh Hashana 33a).

Although the *gemara* is not explicit as to when to do the latter *tekiot*, another *gemara* (Rosh Hashana 34b) implies it. Rav Papa bar Shmuel told his assistant to blow the shofar when he hinted during *davening* to do so. Rava corrected him, saying: the shofar is to be blown only in *chever ir* (the group of the city). The Rambam (Shofar 3:10, see Maggid Mishneh, ad loc. 12) is apparently among those who understand and accept Rava as saying that this refers to *chazarat hashatz*. Two problems to discuss about blowing in the *Amida* are the possibility of *hefsek* and confusion for those who are not at the right place when the *kolot* are blown (see Shut Radbaz I:347). Some early sources (see citations and application in Yechaveh Da’at VI:37) maintain the *Amida* of *Musaf* has only seven *berachot* (i.e., *Malchuyot*, *Zichronot*, and *Shofarot* are only in *chazarat hashatz*). Since these *berachot* are connected to shofar blowing (Rosh Hashana 34b), these opinions apparently assumed no shofar blowing in the *Amida*.

On the other hand, we do recite nine *berachot* during the *Amida*. Also, even if in the original obligation for the standing *tekiot* was in *chazarat hashatz*, now, with 100 *kolot*, *Amida* may be a logical time, which might be enough reason to calm concerns for *hefsek* in *Shmoneh Esrei* (see Eshel Avraham (Butchatch) to OC 592). In fact, the Aruch (a Rishon) quoted by Tosafot (Rosh Hashana 33b), the Tur (Orach Chayim 592), and others, talks of 30 *kolot* during *Amida*.

Still, the Shulchan Aruch relates to *tekiot* regarding *chazarat hashatz* (OC 592:1) and not *Amida* (OC 591), the Rama does not comment, and the Magen Avraham (intro. to OC 592) says that it is better not to blow during *Amida*. What apparently changed the practice was the fact that the Arizal recommended blowing 30 during the *Amida* (leaving 10 at the end of *davening*). As often happens, many Sephardi (see Yechaveh Da’at *ibid.*) and Chassidic communities follow the kabbalistically preferred approach (especially regarding something with mystical overtones like *tekiat shofar*). Non-Chassidic Ashkenazim, by and large, especially those who *daven Nusach Ashkenaz*, follow the stronger halachic sources, and do 30+10 after *chazarat hashatz*.

This breakup by affiliation is not complete. A small minority of *Nusach Ashkenaz shuls* blow in *Amida*. The Avnei Nezer (OC 445), the *Rebbe* of *Suchochov*, opposed *tekiot* in *Amida*, but in practice most Chassidic *shuls* blow in *Amida*. The group with the most variance in practice is those who *daven Nusach Sephard* but are not Chassidic.

Poskim (see Yechaveh Da’at *ibid.*) generally justify both approaches and recommend that *shuls* keep their *minhag*. In your case, you could claim that a relatively new *minyán*, with the participants unsettled on the matter, can change based on (a) new arrival(s). However, I would not want to be the catalyst for such a change, which could be divisive at a time we want to heighten unity (e.g., Rosh Hashana). You need not be concerned, as just listening is not a *hefsek* (see Radbaz *ibid.*).

Now, for instructions. If you finish a *beracha* before its *tekiot*, wait at that point (Nitei Gavriel, Rosh Hashana 64:7). If you are behind them when they blow, listen quietly, and they will count for you (*ibid.*). Although those with this *minhag* will say *Hayom Harat Olam* when they finish each *beracha*, you do not need not do this as practice, as in your regular practice, you would also say it in *chazarat hashatz* but not in *Amida* (see Igrot Moshe, OC II:29).

“Behind the Scenes” Zoom shiur

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

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Igrot HaRe'aya - Letters of Rav Kook

The Need for Torah Devotees to Write on Jewish Philosophy – #164 – part III

Date and Place: 26 Tishrei 5669 (1908)

Recipient: Moshe Zeidel, a protégé of Rav Kook. In earlier years, there were several letters to him.

Body: *[This last installment includes very lofty and difficult terminology; I pray that it is translated in a way that makes it (mainly) accurately understood.]*

The Nation of Israel's psychology is especially full of life and purpose. It reaches full strength when the Nation of Israel and its spirit connect to the Land of Israel, which is the soul of the people who live in it. Lightning will flash for those who look forward with all their hearts to see it in its glory. The new literature [that speaks about the Land] with great liveliness shows the strength of this great influence, for the strength of the Lord of the World is hidden within it.

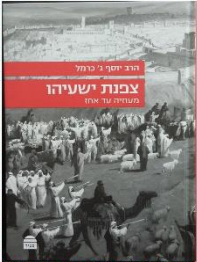
The power of psychological health will remove the diseases of forgetfulness, silliness, and disinterest from the soul of the nation and the world. The national memory will once again give life with all of its light. The periods of light will again serve as life does today before the nation's eyes and spirit. Clear intellect will teach the nation's sons and everyone what is possible, and how important it is to rely upon intellect. It also shall show how everyone can find light and life, even people who were previously considered to be dead, for generations, indeed for all of time, throughout the world.

Intellectuality is only an external cloak for the light of the nation's psychological life, which is assisted by Hashem's strength. It causes grandeur and strength to be seen. The regular intellectuality cannot give life to those who seek it; only the Spirit of the World will provide the desired result.

A new spirit is doing wonderful things even though the Land was presumed to be desolate. It is unnecessary to explain matters in pieces, a little here and a little there. Rather, there is a great power that gets all of nature to be involved [in the spiritual revolution]. The Jewish truth is coming out of its hiding place; "Justice reveals itself from the Heavens."

Because of the enormity of the justice and the lofty value [of the nation], it is almost impossible to identify the special form of the wonderful defense of the nation against all those who question its value. Now is the time to deal with the generalities – the greatness of healthy ideas. Then the details will work themselves out in a variety of ways, according to the greatness of the spirit and the power of its absorption in the heart of those who think.

Israel is lofty as is its power to connect to Hashem. It does not experience slow growth within the arteries of its soul. It has the power to spiritually jump and skip. At one moment, it can rise up to the stars, as it can fall to the ground, because the storehouse of its greatness is forever internally gathered. The more an idea is characteristic of Israel, the more it approaches its source. Israel is not restricted by the bonds of development. Therefore, the most light-emitting ideas cannot be given over by signs of development that resemble the developments of pregnancy and birth, which is limited in its scope. However, there is room for this theory to follow levels of spiritual power in the elements of the idea, when it is compartmentalized in a manner of study. This is especially so when it comes to influencing life – actions, characteristics, feelings, and knowledge, whether regarding the individual or the communal. Then, we have much opportunity to employ well-based historical wisdom, which is loftier than the general course of nature, which builds its levels based on fleeting conjectures. Rather, it develops its edifice with its internal spirit. The power that finds expression in practical life, in the past and present, based on a clear determination, does not require the hard work of gradual growth.



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

How Much Pay for the Fired Lawyer? – part II

(based on ruling 82149 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) hired a lawyer (=def) to represent her in divorce proceedings and asked her to do so in Rabbinical Court. According to their first contract, the base fee was 30,000 NIS, which covered three hearings in one tribunal plus another 15,000 NIS if there are (up to two) hearings in another tribunal. Beyond that, each hearing would be 2,000 NIS. The *get* was done in the Rabbinical Court. Soon thereafter, *def* sued for support on *pl*'s behalf in the (secular) Court for Family Matters. Months later, the ex-husband sued for division of property in court, which *pl* claims caused her to be suspected of stealing from their joint account. *Pl* and *def* began to argue, and a second agreement (=scag) was made, limiting the fee to 30,000 NIS under certain circumstances. A month later, *pl* fired *def*, with various complaints. When *pl* asked *def* for relevant documentation from her tenure, *def* demanded she first pay 45,000 NIS, which *pl* paid. Because of *pl*'s complaints about all of *def*'s work, she demands return of the whole payment, and certainly beyond the 30,000 NIS agreed to in *scag*. *Def* responded that *scag* was not binding because she had not signed it. Additionally, *pl*'s father, acting as *pl*'s agent, signed a document at the time the documentation was returned, waiving the ability to make claims against *def*.

Ruling: [Last time we saw that *def* deserves to be paid, but according to the second agreement, only 30,000 NIS.]

Regarding the lack of signature on *scag*, *pl* said that *def* had written the agreement and had confirmed by email that it was binding. *Def* contradicted herself on whether she had written it and what it represented. If we are to say that *def* did not lie about *scag*, the apparent explanation is the following. *Def* was willing to forgo the 15,000 NIS already due to her only based on an understanding that *pl* would continue to employ her (which could later lead to additional payment). When *pl* fired her, she removed the idea of a discount from her mind. In any case, *scag* is binding, as there was no need to sign on it or make a *kinyan*, which is unnecessary for waiving money due (Shulchan Aruch, Choshen Mishpat 12:8). By writing and sending the agreement, *def* showed that she forwent the 15,000 NIS.

Regarding the father's waiver of claims, he explained that he was forced into it in order to get the documentation, but that he had in mind that **he** did not have claims, not that his daughter did not have claims to have money returned. We note that the document the father signed is titled "Certification of Receiving the File" and that it is possible to explain that the lack of claims has to do with complaints about the documents received or *def*'s performance of her job. It did not necessarily mean that *pl* could not demand return of money that was overpaid. In fact, the power of attorney that *pl* gave her father does not appear to be beyond authority to pick up the documentation, so that he did not have authority to waive all rights. Thus, for multiple reasons the father did not preclude *pl* from receiving the 15,000 NIS due back to her.

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

Nir Rephael ben Rachel Bracha
Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam
Yerachmiel ben Zlotta Rivka

Neta bat Malka
Meira bat Esther

Together with all *cholei* Yisrael

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