



# HEMDAT YAMIM

**Parashat Hashavua**

**Nitzavim, 27 Elul 5781**

Harav Shaul Israeli zt"l  
Founder and President

## Two Creations

Harav Shaul Yisraeli – from Aroch Siach, p. 8-9

The world was created twice – one that was preceded by a state of pre-creation, and another time after the world was already created. The first creation happened in the first month and the second one was in the seventh month. The first one was done based on *chesed* (kindness), the second one based on *din* (strict law). The first one was created by Hashem on His own; in the second, he included man as a partner. The second creation was the greater one. "This is the day of the beginning of Your actions."

"The world shall be built with *chesed* (kindness)" (Tehillim 89:3). There is no ability for man or the whole world to survive without Hashem's kindness. The word of Hashem, Who is in the Heavens but influences every living thing, all depends on *chesed*. However, there are two forms of *chesed* – a *chesed* that is connected to *din* and a *chesed* that is connected to *rachamim* (mercy). The *chesed* of *din* is greater than the *chesed* of *rachamim*. The latter does not elevate the recipient of the *chesed*. He remains a recipient, and the part of one who only receives is lowly. It is a tragedy for a person to have to "hold out his hand" to receive. Therefore, the kindness of this type of *chesed* is incomplete, as the recipient pays by being branded a recipient.

*Chesed* that is related to *din* comes to change a person from a recipient to a giver, from one who is influenced to one who influences, and from a creation to a creator. It is there to make a person a master over himself and for the whole world, to give man full autonomy and the ability to define himself.

*Din* is a matter of reality. When one gets something from Hashem based on *din* (i.e., deserving it), he becomes elevated to the point of being a creator. His actions are able to "fix worlds" or destroy worlds. Man's actions take on special importance. "If he performed a *mitzva*, he moved himself and the whole world over to the side of merit" (Kiddushin 40b), and the same is true in the negative. "If the righteous wanted to, they could create a world" (Sanhedrin 65b). A person becomes free to act and responsible for his actions' repercussions. All of creation becomes dependent on man. This *chesed* of *din* is more elusive and therefore more elevated. "Hashem was elevated with justice" (Yeshayahu 5:16).

"Say before me *malchuyot* so that you will make me King over you" (Rosh Hashana 34b). To the extent we can say this, Hashem's kingdom depends on our words, for without our involvement, His Kingdom is incomplete. The foundation of *chesed* in the world does not shine as it could. When we do not act properly, we limit the Divine Presence in the world. The world is then not able to succeed based on *din* and becomes more dependent on *rachamim*, making man increasingly a recipient. He does not build and destroy worlds, and he loses his role in creation. Even during his life, he is considered like the dead (Devarim Rabba, V'zot Haberacha). He stops being a master of his own life and certainly for others, but he becomes like a slave. Only when we are connected to *din* can we invigorate the world with our actions, show the divine *chesed*, and give Hashem the most complete Kingdom we can.

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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

## Children Hearing *Shofar* Blowing

**Question:** Must children hear *shofar* blowing, at what age, when, and how many?

**Answer:** As a rule, boys are obligated to fulfill positive *mitzvot* on a Rabbinic level from the age of *chinuch* (Sukka 42a), and this includes *shofar* (Arachin 2b). (There is a fundamental *machloket* whether the child is himself obligated in the *mitzva* or whether it is the father who is obligated to make sure the child does the *mitzva* (see Rashi and Tosafot, Berachot 48a).) Girls are fundamentally exempt from *shofar*, as all women are exempt from this time-based *mitzva* (Kiddushin 33b). However, there is much to consider about the details in practice.

The *gemara* and Shulchan Aruch do not give an age for when children become obligated. Rashi (Arachin 2b) invokes the ages found in Yoma (82a) – opinions range from 8-10, but Tosafot (ad loc.) argues that that context, fasting on Yom Kippur, which depends on physical ability, is irrelevant to other *mitzvot*. Tosafot points out that the *gemara* (Sukka 42a) gives potentially different stages for different *mitzvot* – for *lulav*, when he knows how to shake it; for *tzitzit*, when he knows how to cloak himself in it; for *tefillin* – when he knows how to stay clean with them on. An exact age is not given, and for *shofar*, not even a description.

Rav Shternbuch (Teshuvot V'hanhagot II:281) raised a simple question: If the *mitzva* is to hear *shofar*, then any boy who can hear should be required to do so? Noting that we do not take babies to hear, he posits that since *kavana* is required to fulfill *mitzvot*, a child would have to be able to understand to hear because Hashem commanded to do so. He identifies the age as four or five. One can, though, analyze the matter differently. A boy is obligated in *sukka* from the age he does not need his mother (Sukka 28a), even though he can perform the *mitzva* earlier. *Lulav* requires knowing how to shake it, even though the *mitzva* is fulfilled by simply holding it (Sukka 42a). The Netziv (ad loc.) explains that the obligation is when a child can perform the *mitzva* in a manner appropriate for adults. For *shofar*, that probably means that he can reasonably concentrate on the sets of sounds coming from the *shofar*, which is somewhat older (Rav M. Willig told me around six).

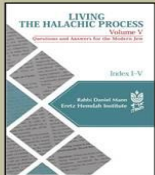
However, the *minhag* is that we try to have even younger children come to hear *shofar* blowing. The main cut-off point is when he can listen without disturbing (Mishna Berura 587:16). (The formal obligation is pertinent, impacting on how hard to try to have him in *shul* then and when a child is old enough to blow on behalf of children who are Rabbinically obligated). This is not surprising, as the *minhag* is to educate children before the time that they are halachically obligated (see Halichot Shlomo, Tefilla 22:20 regarding *berachot*). Also, the *minhag*, which we consider proper, is for girls to also be careful to hear *shofar* blowing.

Although one can argue that the *tekiot* during *Musaf* are the more prominent ones, the accepted approach is that our main fulfillment of the *mitzva* is with the 30 blasts, with the *berachot*, before *Musaf* (see Ha'amek She'ala 171:2). In fact, women, or even men, who are unable to be with a *minyan* all day suffice with 30 blasts, as the additional ones are related to *tefilla b'tzibbur* (see Rama, Orach Chayim 592:2; our column, Rosh Hashana 5781). Therefore, only to the extent that a child is mature enough to take part seriously in *Musaf* is he expected to hear the additional sets of *shofar*. While the average child in the 10-13 age range should be up to a full day of *davening* (or close to it), the average six-year-old is not and would likely disturb (see Rama, OC 124:7 and Mishna Berura 124:28). For such a child, who will not be there throughout *davening*, it is not critical to hear those *tekiot*.

If an obligated child misses the *tekiot* in *shul*, he should hear them elsewhere. In a blowing just for children, it is better if one of the [older] children makes the *berachot*, but if they have trouble doing so, an adult can do so for the obligated children (Chayei Halevi V:52).

**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

## Keeping to His Own Interpersonal Style

**Date and Place:** 12 Shevat 5667 (1907), Yafo

**Recipient:** Avigdor Rivlin, a businessman in Boisk, who kept a personal connection with Rav Kook even after Rav Kook left his rabbinate in Boisk to make *aliya*.

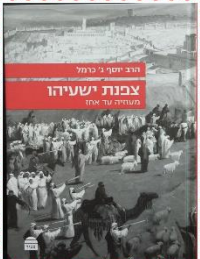
**Body:** I have received a few letters from you, and I did not have enough time to respond despite my love and respect for you. I hope you will forgive me and judge me favorably.

I am hereby very appreciative to you, my distinguished, beloved friend, for your advice, which shows loyalty, and for revealing your desire to help me in the noble project of printing my works through the auspices of the *Yere'im* ("G-d-fearing") community (similar language and apparently idea to what is today called Haredi) in Germany. However, I am not capable of taking any practical steps in that direction. I can only take advantage of the means that are in place in the process of going about the spiritual improvement. For example, I yearn strongly to write and publish as much as I can. Maybe Hashem will arrange through this that people with means will realize that it is worthwhile to assist me so that I can get out to the masses my ideas, whether they are hidden by me, in my heart or in manuscripts in my home.

However, how can I present myself [to this group from Germany] as a "fighter" when I love peace and pursue it with all my heart and soul? I recognize that especially in *Eretz Yisrael*, there is no place or justification for creating divisions, even if it is for spiritual purposes. How can it be that I would make use of a type of style that is not according to my spirit? To the contrary, I hope that as time goes on, the leaders of the *Yere'im* in Germany will realize that they should incorporate in their approach a broader and more light-emitting style. Specifically, they should find the hidden light and sanctity in the depths of every individual in Israel and cause it to surface with purity from all of the idolatry that stuck to them due to the contact with spiritual strangers. Then, hearts will be able to start to join close to each other, and the House of Israel will increasingly be built into one nation to serve Hashem on sacred soil.

Regarding your personal situation, my advice is as follows. If your family will write to you that they believe there is a way to hold on to your store by incorporating your son in the operation, then you should certainly not leave the business, which one way or another provided a livelihood for several years. If you have the opportunity to set up the business in a different city, that would be better, but that seems to me to be unlikely. Therefore, it would seem better to stay in Boisk, as you have been doing.

I again ask that you, my distinguished friend, not take offense by my delayed responses to you from time to time. You should know that my love for you is as sincere as it ever was and maybe even more. It is just that my preoccupations prevent me from responding quickly. You should not treat me as I treat others but should write your dear letters, full of pleasantries that make our hearts happy due to our loving connection.



**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

## A Check Passing from Hand to Hand

(based on ruling 74059 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** [The actual case included a few more people, whom we “removed” for simplicity’s sake.] While Mrs. L was claiming inheritance of land under government control, she sold future rights to the defendant (=def), who wrote her a check for 130,000 NIS. Mrs. L handed the check over to her ex-husband (=exh), who later gave the check to the plaintiff (=pl). Pl tried to cash the check but was refused due to insufficient funds and now is demanding payment from def. Def claims that the check had been given as a guarantee, with the stipulation that it must not be used for payment, and the deal to which it related did not come to fruition.

**Ruling:** Poskim differ as to the halachic nature of a check. The most accepted opinion (including in the Eretz Hemdah-Gazit network) is that he who writes and gives a check creates an obligation on himself to pay. In order for this to be binding, it likely must work based on *situmta* (accepted convention) or *dina d’malchuta* (law of the land). Therefore, it is necessary to investigate this case in light of Israeli law.

While most checks are written to pay for a commodity or a service, sometimes a check is given for other purposes, whether it be as a present or as a way to boost the recipient’s credit (*check tova*). In that case, the recipient does not have to prove that he provided something in return for the check. However, if there is a credible claim that the check was never meant to be cashed, then this would not be relevant.

In this case, in addition to def, Mrs. L and exh (who both acted immorally in this matter – beyond our present discussion) agree that it was not given to them to be cashed. Therefore, the change in the purpose of the check, from a guarantee to a check to cash, ruins the legal basis of its transfer. However, it is not impossible that Mrs. L and exh are involved in a scheme to defraud pl, and therefore we must investigate further.

According to Israeli law, a check is held properly when three conditions are met: 1. The check appears to be a validly prepared one; 2. The check-holder received it before its date of payment expired; 3. He received the check in good faith, assuming that it was intended to be fit for deposit. Exh testified that he tried to cash the check on the last day it was valid, and when he was turned down, he gave it to pl to try. According to his description, pl received it late, when it was unusable. The check’s formulation was also problematic. Def made it out to “Myself,” in which case, it is transferable only if it was signed by her on the back. What is on the back is unclear, but it is not similar to her signature, and she denies signing it. Under these circumstances, it is hard to view it as receiving the check in good faith. Therefore, the check failed all the tests.

On the matter of receiving value corresponding to the check, pl could only identify less than 30,000 NIS that exh might be obligated to him, and this does not give a 150,000 NIS check justification. Therefore, on all grounds, pl may not act on the possession of the check and must act to have liens removed from def.

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

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**Yisrael ben Rivka**  
**Rivka Reena bat Gruna Natna**  
**Arye Yitzchak ben Geula Miriam**  
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