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INTERNET PARSHA SHEET
ON **ROSH HASHANA** - 5767

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Arnie Lustiger, has been transcribing and editing
one of the Rav's Tshuva Drashot
[Rav Yosef Dov Soloveitchik zt"l]

THE TESHUVA PROCESS DURING THE YAMIM NORATIM (DAYS OF AWE)

In his many lectures on teshuva, the Rav has often discussed varying types of repentance. The Gemara as well as the Rambam have likewise engaged in such classification, discussing, for example, the contrast between teshuva motivated by love and teshuva motivated by awe (1), superior teshuva and non-superior teshuva (2). Based on nuances in the wording and the juxtaposition of topics in the Rambam's Mishneh Torah, the Rav himself has added to this list through the development of categories such as the teshuva of emotion versus the teshuva of intellect (3), and teshuva motivated by conscience versus teshuva motivated by free will (4).

In his 1975 Teshuva drasha, the Rav turned to a somewhat different theme. Instead of introducing new teshuva classifications, the Rav defined various stages in the teshuva process, each stage reflected as a separate theme defining the respective roles of Rosh Hashana, the Aseret Yemei Teshuva, and Yom Kippur.

Between Rosh Hashanah and Yom Kippur

"Even though teshuva and supplication are always desirable, *in the ten days that are between Rosh Hashanah and Yom Kippur* they are particularly desirable and it is accepted immediately, as it is written: 'Search for the L-rd when He can be found...' (Hilchot Teshuva 2:6)

"Even though the blowing of the shofar on Rosh Hashanah is a decree of the Torah, there is a hint in it as it is written: 'Awake sleepers from your sleep and slumberers from your slumber. Because of this, the entire house of Israel maintains the custom of increasing charity, good deeds, and involvement in mitzvot *from Rosh Hashanah until Yom Kippur*.more than the rest of the year' (Hilchot Teshuva 3:4)

In delineating a span of time, use of the words "from" followed by "until" has a different meaning than "between" followed by "and". Biblically, "From...until" generally refers to a geographic or chronological span. For example:

"Every place that the sole of your foot will walk will be for you, from the desert and Lebanon, from the river Euphrates until the Mediterranean will be your boundaries" (Deuteronomy 11:26)

Through use of the words "from...until" in this citation, the Torah emphasizes territorial distance. The endpoints serve only as points of reference: in this context "the desert" "Lebanon", "Euphrates" and "Mediterranean" themselves have no individual significance. Through the use of phrases framed by "from...until", the Torah means to delineate a homogeneous spatial distance or span of time.

In contrast, use of a phrase using "between" connotes a different meaning: "...and you shall place it between the Tent of Meeting and the Altar" (Exodus 30:18)

"...and he came between the camp of of Egypt and the camp of Israel" (Exodus 14:20)

In these two verses, the emphasis is on the contrast between the boundaries which delineate a location. The Menora must be placed in between two specific points in the tabernacle; the angel of the L-rd was likewise situated between two camps. The areal/ geographical boundaries here are not inclusive and furthermore have specific textual significance.

Using these definitions, the two previously cited passages from the Rambam are more readily understood.

In the second halacha, the Rambam teaches us that during the ten days inclusive of Rosh Hashanah and Yom Kippur there is a need to "maximize charity, good deeds and engage in mitzvah performance". Because these ten days constitute the time of year wherein he is judged, man finds himself in a position of crisis. He must maximize his performance of mitzvos in order to receive a favorable verdict. Use of the phrase "from...until" suggests that the significance of Mitzvah performance is identical during all ten days. Furthermore, this importance is invariant through the remainder of the year as well.

However, in the first halacha quoted above, use of the phrase "between Rosh Hashanah and Yom Kippur" suggests that the nature of "supplication and teshuva" actually differs on Rosh Hashanah, Yom Kippur and the intervening days. In other words, at these specific times of the year different stages of the teshuva process become operative. The nature of teshuva on Rosh Hashanah, Yom Kippur and the days in between are distinct, and by implication, the teshuva incumbent all year round differs as well. The nature of teshuva during these days forms the essence of the Rav's drasha.

The Distance Between G-d and Man

There are four times of year associated with teshuva: the entire year (5), Rosh Hashanah, the days of repentance and Yom Kippur. These four times correspond consecutively to the decreasing distance between man and G-d. The closer that G-d comes towards man, the greater the teshuva obligation.

Sin causes removal of the Divine Presence (6), as stated explicitly in Isaiah: "Your sins have separated between you and Your G-d" (Isaiah 59:2)

Had man not sinned, G-d's presence would be evident in every natural encounter. The Master of the Universe would speak to man in every crystal spring, in every ray of light, in every sunrise and sunset. If we were not led astray by sin, we would sense G-d in every breath (7), in the very rhythm of life. An entire tractate of the Talmud is dedicated to acknowledging the existence of G-d in the natural world - the tractate of Brachot. The Jew recites blessings so as to direct him to recognize G-d's providence in everyday life.

The illusion that the world operates autonomously without G-d's intervention is a direct result of sin. Correspondingly, because of sin the Divine Presence resides in transcendence, removed from His creation:

"Kel Mistater Beshafir Chevyon" ("G-d is concealed in a hidden abode (8)")

During the course of the year, G-d does not approach us: we must rather seek and find Him. It is through the act of teshuva that man discerns the presence of Hashem in the obscuring clouds of the natural world. His distance from us does not free us from this imperative, as stated in Deuteronomy:

"And from there you will seek Hashem your G-d, and you will find him...(Deuteronomy 4:29)

The paradigmatic figure representing the search for G-d despite His transcendence is the prophet Ezekiel. Ezekiel's prophetic revelation did not take place in the Temple or in even the land of Israel, but rather in the midst of the bitter Babylonian exile: "among the captives on the river K'var". Yet despite the fact that this was a time of acute hester panim (Deus absconditus) "...the heavens opened and [Ezekiel] saw visions of G-d" (Ezekiel 1:1)

In contrast to the prophet Isaiah, Ezekiel is depicted as a villager (9) because of his remoteness from the spiritual center of Jerusalem when G-d's word was revealed to him. Ezekiel refers to G-d's distance from his people when he declared: Blessed is the glory of Hashem from His place (Ezekiel 3:12)

In contrast, Isaiah's declaration:

Holy, Holy, Holy, is the L-rd of Hosts, the entire world is filled with His glory (Isaiah 6:3)

was made by a prophet who was in close proximity to the spiritual center, and was therefore described as a city dweller. Because Isaiah lived in the land of Israel during the pre-exilic period, he could speak of G-d's immanence in this world (10).

Yet, as Ezekiel demonstrated, G-d can still be found despite His distance. The search for the concealed, transcendent G-d is reflected in the teshuva obligation incumbent throughout the year.

In the Shmoneh Esrei prayer we generally refer to G-d as "hakele hakadosh", while during the ten days of repentance "hamelech hakadosh" is substituted (11). This change is considered so crucial by the Rishonim, that they virtually all agree that if one neglected to use the proper phrase, the entire Shmoneh Esrei must be repeated.

The appellation kel refers to G-d in transcendence. G-d as kel can be removed from His creation. In contrast, melech refers to G-d as One who has a direct relationship to the world, since there is no king without a nation (12). On Rosh Hashanah, as this change in appellation takes place, the distance between G-d and man starts to close, awakening the need for "hirhur Teshuva".

The Teshuva of Rosh Hashanah: "Hirhur Teshuva"

In the Rosh Hashanah liturgy, there is an overt lack of reference to sin and forgiveness. In contrast to Yom Kippur, there is no recitation of slichot (penitential prayer) or vidui (confession). Many even have the custom of omitting the first verse of the petitionary prayer Avinu Malkenu: "Our Father, Our King, we have sinned before You". What type of teshuva can take place without explicit reference to sin?

According to the Rambam, teshuva has a well defined and formulated structure. It is a process containing clear strata, involving recognition of sin, remorse, shame and resolve (13). There are guideposts in prayer that lead one to engage in this process, including vidui as well as much of the Yom Kippur liturgy. Teshuva is an all encompassing activity, engaging man's logic, will and emotion.

In contrast to Yom Kippur, on Rosh Hashanah the Jew is involved in a preliminary stage, namely "hirhur teshuva" (the "awakening" of teshuva): a concept distinct from teshuva itself. In contrast to teshuva, the process of "hirhur teshuva" is amorphous and ill-defined, yet instinctive and sudden in nature.

The concept of hirhur Teshuva occupies its own separate status in the Talmud. To illustrate this point, the Rav cited two examples:

"If one says 'I betroth you on the condition that I am righteous', even one who is absolutely evil is considered betrothed, since perhaps he did 'hirhur teshuva' in his mind. (Kiddushin 49b)

If teshuva is indeed a multistep process, how could an individual be considered "righteous" after a moment's thought? Only through the concept of hirhur teshuva. In contrast to teshuva itself, hirhur teshuva is sudden, spontaneous and instinctive. For one second, this individual lived the jarring experience of awakening from spiritual somnolence - "uru yeshainim mishinatchem"

The second example of hirhur teshuva is taken from a Gemara in Avoda Zara, discussing the circumstances surrounding the martyrdom of Rabbi Hanina Ben Teradion. The Gemara there relates that when R. Hanina was burned at the stake by

the Romans, tufts of wool soaked in water were placed over his heart in order to prolong his agony. The executioner, moved by his suffering, asked R. Hanina whether he could guarantee the executioner a place in the world to come if the executioner were to remove the tufts of wool and increase the intensity of the fire. When R. Hanina guaranteed that this would indeed be so, the executioner complied, subsequently hurling himself into the flames, expiring along with R. Hanina. The Gemara relates that a voice from heaven promptly responded that both R. Hanina as well as the executioner would enter the world-to-come. Upon witnessing this scene, the tanna Rabbi cried, exclaiming that some merit the world to come after years of effort, while others acquire such reward after only brief effort.

Why did Rabbi cry? Because while prior to this incident he understood the redemptive nature of teshuva, he had not previously appreciated the power of hirhur teshuva to likewise transform an individual.

Many mitzvos in the Torah involve an objective act coupled with a subjective component (14). The recitation of the Shema, for example, involves the objective act of recitation, but the mitzva is not realized unless one has the proper intention, namely accepting the yoke of Heaven. The Mitzvah of shofar has a similarly dual nature. One must hear the shofar blast, yet the fulfillment of the Mitzva is not realized unless one experiences the jarring awakening of the slumberer associated with hirhur teshuva.

What precisely is involved in the emotional experience of hirhur teshuva? The Rav said that while abstract concepts can often be easily described, it is far more difficult to convey personal subjective experience. Yet, in order to adequately clarify the concept he felt that he was compelled to relate the following experience:

"On the seventh day of Pesach, 5727 (1967) I awoke from a fitful sleep. A thunderstorm was raging outside, and the wind and rain blew angrily through the window of my room. Half awake, I quickly jumped to my feet and closed the window. I then thought to myself that my wife was sleeping downstairs in the sun room next to the parlor, and I remembered that the window was left open there as well. She could catch pneumonia, which in her weakened physical condition would be devastating (15).

"I ran downstairs, went into her room and closed the window. I turned around to see if she was still sleeping, and I found the room empty, the couch where she slept half uncovered. In reality she had passed away on Ta'anis Esther the previous month.

"The most tragic and frightening experience was the shock that I encountered in that half second that I turned from the window to find the room empty. I thought to myself that a few hours earlier I had been speaking with her, and that at about 10 o'clock she said good night and retired to her room. I could not understand how the room could be empty. I asked myself: 'When did I speak with her? When was I with her? When did she go out? Where is she?'

Every Jew is obligated to undergo a similar experience on Rosh Hashanah. The response to the shofar blast is instinctive. There is no remorse, resolve, confession or prayer on Rosh Hashanah: only the sudden, tragic realization that the false assumptions upon which we have built our lives have come crashing before our eyes. Man finds himself standing alone before a terrifyingly powerful and mysterious G-d.

We sound 100 blasts of the shofar on Rosh Hashanah, to parallel the 100 cries of the mother of the pagan general Sisera, who awaited in vain at her window in the illusion that her son would return victorious from his battle against the Israelites (Judges 5:28, Rosh Hashanah 33b). Yet, in her heart, she tragically realized that her son was never coming home. Why base the halacha on the actions of this heathen? Because on Rosh Hashanah everyone, from Moses to the most simple Jew, must reexperience a similar tragedy.

Every Yom Tov evokes distinct emotions. The primary emotion one must experience on Rosh Hashanah is "pachad". Pachad is a fear that overcomes and paralyzes the individual, an experience which is described in the Unetaneh Tokef prayer:

"And the great shofar was blown and a thin, still voice was heard, and the angels shake, terror and trembling overcoming them"

During Rosh Hashanah one must relate to Hashem as the unknowable, unimaginable, and indefinable: above human cognition. This lack of understanding in turn evokes terror. It is the sound of the shofar which prompts this awareness.

The arousal of pachad on Rosh Hashanah is not meant to leave the Jew permanently paralyzed. This powerful and initially destructive emotion must be transformed into a mobilizing, constructive force during the remainder of the days of repentance and concluding with Yom Kippur. In other words, the emotion of pachad must be replaced with yir'ah, awe (16), allowing the Jew to progress from the hirhur teshuva of Rosh Hashanah to teshuva itself during the remainder of the days of repentance.

The Paradox of Rosh Hashanah

The mood of fear on Rosh Hashanah is reflected in the well known medrash:

"The ministering angels asked before the Holy One Blessed Be He, "Why doesn't Israel sing praises before You on Rosh Hashanah and Yom Kippur? He said to them: "The King sits on His throne of judgement, with the books of life and the books of death open before Him and Israel should sing praise?" (Rosh Hashanah 32b)

and the resulting Rambam:

"Hallel is not said on Rosh Hashanah and Yom Kippur because they are days of fear and not of extra happiness" (Rambam Hilchot Chanuka)

Yet, Rosh Hashanah is also a day of rejoicing. The Rav recounted how his cheder rebbe would say that there was no greater joy than placing the crown of kingship on the head of Hashem, (kevayachol) a coronation which takes place on Rosh Hashanah.

Both of these apparently conflicting themes appear in the final verses of the Psalm "Ledaivid Mizmor".

"Lift up your heads, O gates, and let the everlasting doors be lifted up, and the king of glory shall come in. Who is this King of Glory, the L-rd strong and mighty, the L-rd mighty in battle" (Psalms 24:7-8)

Initially, G-d's dominion is foisted on man against his will. Hashem rules over the earth whether or not we accept Him as our ruler. The word "vehinas'u" is passive: the doors yield to an omnipotent G-d whose sheer power ("izuz vegibor") subjugates all. Such a king is distant from his subjects. The predominant emotion appropriate for the sudden encounter with this awesome force is trembling and fear. The initial shofar blasts heard on Rosh Hashanah, the tekiot demeyushav, reflect this sense of trepidation.

However, in the two concluding verses of the Psalm there is a subtle change in tone:

"Lift up your heads, O gates, lift them up, everlasting doors, and the King of Glory shall come in. Who is this King of Glory? The L-rd of Hosts, he is the King of Glory..." (Psalms 24: 9-10)

Here the everlasting doors are not opened by Hashem, they are opened by man who welcomes His entry. Hashem rules with man's consent:

"And He was king in Yeshurun when the heads of the people and the tribes of Israel were gathered together" (Deuteronomy 33:5)

The people are together with the King.

The joy inherent in this theme of Rosh Hashanah is discussed by the prophet Nehemiah:

"Eat the fat and drink the sweet, and send portions unto them for whom nothing is prepared... for this day is holy unto our L-rd... for the joy of the L-rd is your strength" (Nehemiah 8:10)

The "tekiot deme'umad" reflects this mood of happiness because they are heard during the musaf prayer, which includes the malchuyot section. This section of the service affirms that G-d's rule will willingly be accepted by mankind:

"All inhabitants of the earth will know and recognize that to You will every knee bend"

as the emotion of fear gives way to awe (17).

"And therefore place your fear on to all your creations...and you will be awed by all the creatures"

The joyful acceptance of G-d as our King reflects a process of spiritual maturation in the penitent. Yir'ah (awe) prompts introspection (cheshbon hanefesh), through the remainder of the intervening days culminating on Yom Kippur.

Yom Kippur: G-d in Search of Man

Yom Kippur has a significance distinct from the prior nine days. On Yom Kippur, G-d comes closest to man, and as noted above, the closer He is to man, the greater the teshuva obligation:

"...call Him while He is close" (Isaiah 55:6)

On Yom Kippur, Hashem calls to man by name, paralleling the very first Yom Kippur when Hashem Himself waited for Moshe on Mount Sinai -- "And G-d descended in a cloud and stood with him there, and proclaimed the name of Hashem" (Exodus 34:5). On Yom Kippur, Hashem knocks on every Jewish door (18). As a result, it becomes incumbent on every Jew to practice "hakhnasat orchim": welcoming Hashem as our guest. Hashem yearns to be close to His people on Yom Kippur (19).

In light of this understanding we may discern a new reason for the choice of the Haftarah for Yom Kippur.

The Haftarah of the four fasts contains the exhortation of Isaiah:

"Dirshu Hashem Behimatz'o..." "Search for Hashem when He is to be found, call on him while he is close..."

In contrast, the Haftarah of Yom Kippur is taken from another passage in Isaiah: "Solu Solu, panu derekh..." "Cast up, cast up, prepare the way, lift the stumbling block from the path of My people" (Isaiah 57:14)

While both passages are clearly relevant to Yom Kippur, of the two it would initially appear as if the first selection is more appropriate. After all, the Rambam

explicitly identifies the initial verse as the motivation behind teshuva during the ten days of repentance (20).

Although the Gemara gives two reasons while "solu" is designated as the haftarah (Shabbat 21a) (21), the Rav suggests an entirely new explanation in light of the previous discussion.

When the Jew must "search for G-d while he can be found", the initiative for the search originates with man. In contrast, on Yom Kippur, G-d comes forward to meet man. Hashem facilitates the way for Israel's return: Hashem Himself takes us by the hand and shows us how to do Teshuva.

In this desolate world man can easily become disoriented, losing his sense of reality. We are remote from repentance both intellectually and emotionally. In this spiritual wilderness, Hashem Himself appears to show us the road home. We hear His whisper: "solu solu panu derekh"

To further prove this point, the Rav turns to a Mishneh that he has repeatedly expounded:

Rabbi Akiva said: "Happy are you Israel: before whom are you purified and who purifies you: your father in heaven" (Mishna Yoma 8:9)

Generally speaking, G-d grants atonement while man attains purification through teshuva (22). However, on Yom Kippur Hashem effects the "tahara" as well.

Why does G-d go to such lengths to encourage our return? Simply because the Creator has mercy on His creation. As the prophet further states:

"For I will not contend eternally, and I will not be angry forever, because the spirit will be humble before me, and souls I have made" (Isaiah 57:16)

"For the sin of his covetousness was I angry, and smote him: I hid myself and was angry, and he [continued] to go aimlessly in the ways of his heart. I have seen his ways and I will heal him, I will lead him and restore comfort to him and to his mourners" (Isaiah 58:17-18)

Reflecting this theme, we recite the following phrase during slichot:

The soul is yours, and the body is your work: have mercy on your handiwork

The Rambam has indicated that this is one of the greatest of the prayers for mercy, for how can He continue to be angry with His own creation?

As the Red Sea was split, the angels complained that since both the Israelites as well as the Egyptians were idolators, why did the Israelites merit redemption? To this the commentaries answered that the Israelites were already steeped in the deepest level of impurity and had He tarried an extra moment there there would no longer be a Jewish people. Sometimes Hashem forgives sin not because we merit forgiveness, but because without such forgiveness we would be forever lost.

The establishment of the state of Israel is a contemporary example of G-d's intervention to an undeserving generation. Although previous generations of Jewish leadership were spiritually exalted, Hashem bestowed the State of Israel to our generation, in an age of religious and moral midgits. The reason is that earlier generations did not need a State of Israel for their Judaism to survive. Ezekiel could experience G-d in exile, in a virtual concentration camp in Babylonia. In contrast, without a State of Israel today the Jewish people would be lost in a tidal wave of assimilation.

Hashem approaches man on Yom Kippur because in a real sense, He has no choice. He is compelled to forgive His people.

Peace, peace to he that is distant and that is close says Hashem; and I will heal him (Isaiah 57:19)

FOOTNOTES

1. Yoma 86b
2. Rambam Hilchot Teshuva 2:1
3. See "On Repentance" "The Relationship Between Repentance and Free Choice" p. 141
4. See "On Repentance" "The Covenant of the L-rd" p. 205
5. Rambam, Hilchot Teshuva 1:1
6. In reference to Adam and Eve in the Garden of Eden, the verse in Genesis states: "and they heard the voice of the L-rd walking through the garden", to which the Medrash comments that prior to the punishment for the sin of the tree of knowledge, the divine presence was revealed on earth.
7. Every soul will praise G-d (Psalms 150) - through every breath (Yalkut Shimoni 889)
8. R. Avraham Maimon, in the piyut sung during Shalosh Seudot. This theme of a hidden G-d is specifically applied to the shofar in Halakhic Man, p. 62: "The sounding of the shofar represents the yearning for the Deus Absconditus whom no thought can grasp, who is separate and removed, awesome and holy. The shofar weeps, wails and moans over the infinite distance that separates the cosmos from the Ein Sof, the infinite G-d."
9. Chagiga 13b
10. See the Rav's essay "Uvikashtem Misham", (in "Ish Hahalakha, Galui Venistar", World Zionist Organization, p. 178) where the declarations of Ezekiel and Isaiah are linked
11. Brachot 12b

12. The prayer Adon Olam states: "be'et na'asah becheftzo kol azai melekh shemo nikrah" G-d as king can only exist once there is a creation.

13. Rambam, Hilchot Teshuva, and see On Repentance, chapter on "The Power of Confession", page 75.

14. The "kiyum mitzvah- maasah mitzvah" dichotomy is a theme which appears repeatedly in the Rav's writing and shiurim. See for example, On Repentance, chapter on "The Power of Confession" where he suggests that teshuva is the kiyum hamitzvah for the objective act of reciting vidui. For a more detailed analysis of this dichotomy in relation to the recitation of Shema see also, "Shiurim Lezecher Abba Mari".

15. Rebetzin Tonya Soloveitchik was suffering at the time from terminal cancer

16. The opposing concepts of "yir'ah" and "pachad" are described in "The Rav Speaks: Five addresses by Rabbi Joseph B. Soloveitchik" (Tal Orot 1983, p. 62-4): "There is a basic difference between fear and awe. The sensation of fear is a neurotic experience. A person suffering fear is sick. Fear creates feelings of helplessness and failure, incompetence and worthlessness... Awe is an entirely different sensation... Obviously the injunction to hold one's parents in awe refers not to fear but to awesome respect. As opposed to fear, the feeling of awe, of awesome respect, is bound up with the feeling of love. Maimonides (Yesodei Hatorah 2:1) connects the Love of G-d with the exalted awe that one bears for Him. The essential result of awesome respect is compliance, since I am proud to have the opportunity to imitate Him whom I respect, to be His messenger and to do His will." A similar description appears in Uvikashtem Misham, p. 173.

17. The scholars of Kabbalah referred to the first day of Rosh Hashanah as "dina takifa", a harsh judgement, while the second day involved "dina rafia", a lighter judgement, reflecting these two themes of Rosh Hashanah

18. This is the theme of Shir Hashirim- "pitchi li yonati tamati"

19. This yearning is so evident that according to the Tanna Rabbi, teshuva is not required in order to attain atonement on Yom Kippur

20. Rambam Hilchot Teshuva 2:5

21. First, the specific mitzvah of honoring Yom Kippur appears in this selection: If you call the Sabbath a delight, the holy of the Lord as honored... (Isaiah 58:13) Although this verse forms the basis for the Mitzvah of "oneg shabbat", involving eating and drinking on the Sabbath, according to the Gemara the last three words, "velikdosh Hashem mechubad", refers to the special mitzvah of honoring Yom Kippur, accomplished through the donning of fresh clothing, for example.

Another reason given in the Gemara for reading these verses on Yom Kippur is because the doctrine of "tzom", or fasting, appears here as well. In this hafatarah selection, the prophet exhorts the people that the fast of Yom Kippur must be accompanied by true repentance as opposed to the simple act of abstaining from food alone

22. See On Repentance, Chapter 1: Acquittal and Purification

Translated and organized by A. Lustiger. Please send any comments, corrections, questions, or clarifications to alustig@erenj.com Arnie Lustiger alustig@erenj.com

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A Matter of Life and Death from

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A selection of addresses by

Rabbi Mattisyahu Salomon

By Rabbi Mattisyahu Salomon Rabbi Yaakov Yosef Reinman

We are standing here one week before Rosh Hashanah. I see the Yom HaDin, the Day of Judgment, looming before us. Everything around us proclaims that we are about to be put on trial. The emotional pleas of the Selichos in the early morning hours. The plaintive call of the shofar every day after Shacharis. The increase in Torah and Mussar. The heightened tension in the atmosphere. No other time of the year enralls us so powerfully as do these final days before Rosh Hashanah. No other time cries out to us so eloquently, "Im lo achshav eimasai? When else if not now?"

Take heed of these penetrating words. Im lo achshav eimasai? When else if not now?

There is only a short time left. How we take advantage of it will make a tremendous difference in our lives. It will determine if we are granted spiritual and material success in the coming year. It will determine the course of all things we hold near and dear to our hearts. It can make the difference between life and death. Im lo achshav eimasai? When else if not

now? If we don't prepare ourselves during these critical days to have a proper Rosh Hashanah, if we don't take a close look at ourselves and make the necessary changes, then all may be lost.

No human being has any assurance about the future. No human being knows what tomorrow will bring, or if he will even live to see tomorrow. All a person knows is that his time on this earth is limited, and that one day he will die.

The theme to which King Solomon returns again and again in the Book of Koheles (Ecclesiastes) is that the illusory rewards of this world are not worth pursuing; they are all haveil havalim, folly of follies. "Remember your Creator during your youthful years," he writes (Ecclesiastes 12:1-5), "before the bad times come, when years arrive of which you will say, 'I have no desire for them.' ... For a person is headed toward his place of eternal rest."

Young person, King Solomon advises, take advantage of your youthful years. It is a time that will never return. You will not stay young forever. You will not live forever. There will come a time when you will lose heart, when you will say, "I have no desire for these years." Whether this means the troubles of the pre-Messianic era or the feebleness of old age or the day of death, you will not be able to rectify the shortcomings of your life; you will lack the morale and the energy. And then it will be too late. Take advantage of your young years, of your vigorous years. Because tomorrow may be too late.

Earlier, King Solomon writes (ibid. 9:10), "Whatever your hand finds the strength to do, do it! For there are no deeds nor calculations nor knowledge nor wisdom in the grave toward which you are headed."

As long as you have the capacity, do something about it. Take control of your life. Fix it. Repair it. For there are no deeds nor calculations nor knowledge nor wisdom in the grave toward which you are headed.

King Solomon is not reminding us about the grave to throw us into a panic. He is doing so to give us perspective. As the Rosh writes in Orchos Chaim, "Always keep in mind the day of your death, and prepare provision for your final journey." A faithful Jew does not live with the illusion that this world will last forever. He knows that we are here for only a brief sojourn. He knows that the material pleasures and delights of the world are distractions that can easily divert him from gaining everlasting merit and reward in the next world. He recalls the day of death to remind him that time is short and too precious to be wasted. Because who knows what tomorrow will bring? Im lo achshav eimasai? When else if not now?

The Rambam writes (Mishneh Torah, Hilchos Teshuvah 3:3), "Just as a person's merits are weighed against his sins on the day of his death, so too are the sins of every person in the world weighed against his merits every year on the holiday of Rosh Hashanah. If he is found to be a righteous person, he is confirmed for another year of life. If he is found to be a transgressor, he is condemned to death. If he is a middling person, his verdict is suspended until Yom Kippur. If he repents, he is confirmed for another year of life. If not, he is condemned to death."

The Rambam draws a comparison. "Just as" a person faces judgment on the day of his death, so too is he judged every Rosh Hashanah. What does he mean to teach us by this comparison?

The point of the comparison is to highlight the focus, the clarity, the truthfulness that are required for a successful Rosh Hashanah. A person on his deathbed is beyond all illusion, beyond confusion. He sees death before his eyes. He knows he is leaving this world behind, and he is completely focused on purifying his soul and repairing as much damage as he can during the last desperate moments of his life.

As we prepare to enter Rosh Hashanah, we must have the same focus and clarity, for we too are not assured that we will live another year. Those who stand before G-d on Rosh Hashanah and beg for good health and a better livelihood are making a mistake. They think that another year of life is a given, and all they need to negotiate are the terms, the details. But that is not the issue. It is self-delusion. The issue is life itself. Will we live another year? Will we be here tomorrow? We should react to the approach of Rosh

Hashanah "just as" we would react to the specter of approaching death. We should gain the same clarity, the same realization of what is meaningful and what is not, the same inspiration. The only difference is that we do not know when our dying day is coming, and it can catch us by surprise. But we do know when Rosh Hashanah is coming, and it is unforgivable to let it catch us by surprise.

We know full well when Rosh Hashanah is coming, and we know what is expected of us. Im lo achshav eimasai? When else if not now?

The Rambam writes (Mishneh Torah, Hilchos Teshuvah 3:4), "Although sounding the shofar on Rosh Hashanah is a Torah decree, it is also symbolic, as if to say, 'Sleepers, awaken from your sleep! Slumberers, shake off your slumber! Scrutinize your deeds, return through repentance and remember your Creator. Those who ignore truth for the foolishness of the moment, who fritter away their years with meaningless folly, useless and ineffective, take a good look at yourselves and improve your ways.'"

Which "truth" is being ignored? To which reality must we awaken? It is the knowledge that life is not endless, that not a single day of it is guaranteed. Therefore, the time to repent and improve is now. She'im lo achshav eimasai? Because when else if not now?

Along the same lines, the Meiri writes, "A person should really examine his deeds every day and abandon his sinful ways, as our Sages have said (Avos 2:10), 'Repent one day before you die.' In other words, repent today, for you may die tomorrow. Nevertheless, during this time -- Rosh Hashanah, that is -- a person should be especially inspired. Our Sages have explained this with a parable (Rosh Hashanah 16b): 'Three books are open on Rosh Hashanah: one for the righteous, one for the sinful and one for the middling, each of whom is judged according to his deeds.' This is meant to inspire a person to examine his own deeds and to repent from any sins he may have committed. A person that neglects to repent during this time has no part in the Lord of Israel, because the rest of the year does not provide so much inspiration, and the Midas HaDin, the Attribute of Strict Justice, takes no notice of him and bides its time until [Rosh Hashanah]."

This is strong language. "A person that neglects to repent during this time ein lo cheilek b'Elokei Yisrael; he has no part in the Lord of Israel." Why is this so?

And then the Meiri concludes, "A person should also examine his deeds during troubled times, and also when he endures personal suffering; he should consider that everything comes from G-d because of sin. Nevertheless, the point of death is the time when everyone who wants to preserve his soul is forced to repent and regret his former rebelliousness, return his ill-gotten gains and confess his sins. She'im lo achshav eimasai? Because when else if not now?"

The Meiri makes himself very clear. A person should always be aware that death might be around the corner, not to be plunged into depression, but rather to use this knowledge constructively. Repent one day before you die. Your eventual departure from this world is not a fantasy. It is an important reality, and your awareness of it should have a positive effect on your life.

If you cannot live with the thought of death daily, at least consider it during times of trouble and suffering.

On the day of death, however, everyone who wants to preserve his soul repents. Facing the angel of death, a person knows he has no more choices left. He knows there is no way out. Very soon, he will stand in front of the King of Kings in the Heavenly Court and be asked to give an account of himself. There is no greater inspiration for a human being. Because im lo achshav eimasai? When else if not now?

The closest approximation to this inspiration is Rosh Hashanah. G-d in His mercy holds back the Midas HaDin, the Attribute of Strict Justice, all year. But on Rosh Hashanah, when we say that "all the people of the world pass before Him like sheep," how can we avoid thinking about our eventual death? How can we avoid the realization that we need to put our house in order? And if a person still does not repent at such a time, then "he has no

part in the Lord of Israel." He is such a cold fish, so completely devoid of human feeling, that even on his deathbed he will not change.

If the mere thought of Rosh Hashanah is not enough to shake us out of our lethargy, G-d sends us enough messages to remind us that we are not secure with our lives. There is enough going on in the world to throw a fright into us.

Who know if there will even be a world next year?

In every corner of the world, the enemies of the Jewish people are raising up their heads. The Jewish people are not secure everywhere; we are like a lamb among the seventy wolves. We are under attack, threatened from all sides. How can we not take notice? G-d is talking to us. He is warning us. Forget about material things. Focus on the spiritual. Sleepers, wake up from your sleep! Slumberers, shake off your slumber!

It is comfortable to delude ourselves, but if we open our eyes, we cannot help but see the danger. Just take a look at how many Arabs there are around Boro Park and Flatbush. Thousands! And Heaven forbid, should they ever get it into their heads to make a jihad against Jews, I shudder to think of what might happen. What foolish right do we have to feel secure?

There are cities in Europe where thousands of Jews once lived, fine, upstanding Jews and great rabbis and leaders. Go visit these cities today, and you will not find a trace of the vital Jewish communities that once were there. "Imagine if fifty years from now," someone once remarked to me, "they would bring Jews into Boro Park and show them ... that Jews once lived here!"

Can anyone say with certainty that such a thing cannot be? Are we secure? Forget your security. The only security we have is God's protection -- if we find favor in His eyes. He is calling out to us. He is telling us to repent, to devote the short time we have left before Rosh Hashanah to soul-searching and improvement. He is saying, "Im lo achshav eimasai? When else if not now?"

The fires have not yet been ignited, but everyone who has eyes in his head can see that we are headed for an enormous conflagration. It is up to us, the faithful Jewish people, with our Torah and our prayers, to prevent this fire from consuming the world. 1. Adapted from an address delivered in Beth Medrash Govoha on the eve of 23 Elul, 5761 (September 10, 2001), the night before the attack on the Twin Towers.

<http://www.yu.edu/riets/torah/enayim/archives/issue5/articles5.htm#kahn>
Teshuvah--It's Time

By Rav Aharon Kahn, Rosh Yeshiva and Rosh Kollel Elyon

Referring to the posuk: Shuva Yisroel ad HaShem Elokecho, R. Levi proclaims the greatness of teshuvah: Great is repentance for it reaches even unto the Throne of Glory. In this context, "ad" means all the way to. It signifies a complete arrival. "Ad" and "el" both express movement in space. But whereas "el" HaShem suggests movement in the general direction of HaShem, "ad" HaShem adds a sense of arrival, a sense of the completeness of the journey. "El" is "to", "ad" is "all the way to."

The distinction between Shuva Yisroel "ad" HaShem and Veshuvu "el" HaShem may be understood in new ways, if we understand the word "ad" as a time reference.

We find this time dimension of teshuvah in various teachings of Chazal. Ad HaShem Elokecho is interpreted: while yet middas "HaShem" and before middas "Elokecho." Do teshuvah while yet there is middas Rachamim, because, in time, middas Rachamim reverts to middas Din. Carame!

Our coming near to HaShem in teshuvah is a function of time. Evidently, the calendar provides us with times that allow us an unusual closeness to HaShem. Although we can, and must, do teshuvah at any time, still the ten days between Rosh Hashana and Yom Kippurim are especially propitious. "Ad" is a remez to this period of repentance. "Ad" refers to a nearness in time. Shuva Yisroel "ad" HaShem Elokecho. The time is now!

Along similar lines, I offer a suggestion that "ad"--"el" is a kind of time-space matrix. We exist in time as well as in space. If HaShem is called Mokom it is an acknowledgment that he is Mekomo Shel Olom Velo Ho'Olom Mekomo. But this must refer also to the dimension of time. HaShem's time contains all time. If He is Space, He is also Time. Of course, we do find this dimension in HaShem's name. The name offered to Moshe at the Sneh clearly indicates the dimension of time. The Tetragrammaton as it is written indicates the dimension of time as well as of space. Thus, if, in the process of teshuvah, we return to HaShem, we must describe such a return in terms of both space and time. And we do: Shuva Yisroel "ad" HaShem Elokecho: Kechu Imochem Devorim Veshuvu "el"HaShem. "ad" refers to time; "el"refers to space.

One who sins grows instantly distant from HaShem. That distance cannot be measured in miles or in light years. It is a distance that manifests itself in moral confusion and existential isolation, in spiritual sickness and despair. The approach to HaShem which is called teshuvah brings a nearness that manifests itself in joy and spiritual vitality. It is a closeness in the time dimension of the spirit as well as in the space dimension of the spirit. It is "ad" HaShem as well as "el" HaShem.

One of the manifestations of this time-dimensional closeness to HaShem is the merging of the ba'al-teshuvah with eternity. The sinner reaches for the ephemeral and the superficial, for the evanescent pleasure of the instincts. He is of the moment. He belongs to the "here and now" of the hedonist's life. The sinner is trapped by the yetzer hora's beckoning, which is always for the moment's pleasure, for the current fad or fashion. How distant must the sinner be from HaShem Eternal! Nearing HaShem means embracing eternity. Commitment to a Torah that is eternal allows for such an embrace.

Our nearness to HaShem at Har Sinai was for all times even though, individually, we are mortal. This is achieved by a covenant with klal Yisroel. Velo itchem levadchem....We are individual beneficiaries of a covenant with an eternal klal Yisroel. Ein hatzibbur mesim. Collectively speaking, klal Yisroel is immortal. Were a sinner able to sever his connection with klal Yisroel, he would lose that immortality. Then teshuvah would be rendered impossible. It is only his inherent connectedness to klal Yisroel that allows him to reclaim his nearness to the Infinite One. But Yisroel af al pi shechoto, Yisroel hu. A sinner remains a Jew. And his connectedness is assured. Teshuvah is therefore possible. This teshuvah is "ad" HaShem, a reunion with the eternal.

May we be zocheh to mechiloh, selicho, vechaporo and a new year full of HaShem's bounteous blessings.

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From: Weekly Sedra United Synagogue London [DAF-HASHAVUA@SHAMASH.ORG] on behalf of Rafael Salasnik [rafi@BRIJNET.ORG] Sent: Tuesday, September 19, 2006 4:03 PM To: DAF-HASHAVUA@SHAMASH.ORG Subject: daf-hashavua Rosh Hashanah 5767/2006



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ROSH HASHANAH 5767 Chief Rabbi Sir Jonathan Sacks

"Remember us for life, O King who delights in life, and write us in the book of life for Your sake, O G-d of life."

This short prayer, with its fourfold repetition of the word "life", eloquently tells us what is at stake on Rosh Hashanah, Yom Kippur and the days between. The high holy days are traditionally known as Yamim Nora'im, "the days of awe". It is no less accurate to call them "the days of life".

Think first about the subject of our Torah readings on Rosh Hashanah. On the first day of Rosh Hashanah we read about the birth of Isaac, the first Jewish child. In the haftarah we read about the birth of Samuel. Two previously childless women, Sarah and Hannah, give birth to new life. Hearing their stories, we are invited to experience again the wonder of human life, the birth of a child.

On the second day we read about the binding of Isaac: the great trial designed to show Abraham - and us, who are his heirs - that G-d does not want us to sacrifice our children.

"Do not lay your hand on the child" says Heaven to Abraham. The haftarah, taken from the book of Jeremiah, speaks of

"Rachel weeping for her children, refusing to be comforted."

"Restrain your voice from weeping,"

says the prophet.

"There is hope for your future, declares the L-d. Your children will return to their own land" (Jer. 31: 15-17).

If on the first day we think about the birth of life, on the second we think about the restoration to life of those whose lives were in danger.

Even the blowing of the shofar, the distinctive mitzvah of Rosh Hashanah, conveys the same message. It is the only mitzvah of the 613 that is performed by breath alone. In Judaism, all the words for soul - nefesh, ruach, neshamah - come from verbs meaning "to breathe". In Jewish medical law, life is defined not by brain activity but by respiration. To live is to breathe.

"Let everything that has breath praise the L-d"

says the last line of the Book of Psalms. In Genesis 2:7, G-d gives life to man by breathing

"into his nostrils the breath of life".

We may be "dust of the earth" but within us is the breath of G-d.

Yom Kippur teaches the same lesson, but in the opposite way. For one day in the year we deny ourselves the things on which life depends: food and drink. Men wear the kittel, symbol of the shroud in which the dead are buried. It is as if for a day we enact death to remind us, in the sharpest way possible, of the preciousness of life.

"I do not desire the death of the wicked,"

says G-d through the prophet Ezekiel (Ez. 33: 11),

"but rather that they turn from their evil ways and live."

Supreme among the world's faiths, Judaism is a celebration and sanctification of life. The Sabbath may be broken to save life:

"You shall keep my statutes and laws, for the person who obeys them will live by them, says the L-d" (Lev. 18: 5).

"And not die by them", added the Sages. Hence, with only three exceptions (murder, adultery and idolatry), the rule is: transgress and live, for life itself is supremely holy.

A new fear has entered our world: religiously motivated terror, the celebration and sanctification of death. Terror is worship of death in a double sense. It deliberately aims at killing the innocent. And it is often undertaken by suicide bombers who turn themselves into weapons of death. Not only is life desecrated by such actions. So too is language, the other great gift of G-d. Suicide bombers are described as martyrs. But martyrdom is the willingness to die for your faith, not to kill for your faith. The willingness to kill for your faith has another name: murder.

Our situation has been described as a "clash of civilizations". There is a better way of putting it. We are living through a test of civilization. There are times when the future of humanity hangs in the balance. At such times it is as if Heaven itself were calling us, asking, as once G-d asked Adam in the Garden of Eden:

"Where are you?"

This life that I have given you: what are you doing with it? Are you honouring life or endangering it? That is the ultimate religious question.

Before us lies the choice Moses set out, shortly before his death, to the Israelites:

"This day I call heaven and earth as witnesses against you that I have set before you life and death, the blessing and the curse. Choose life, so that you and your children may live" (Deut. 30: 19).

To honour G-d is to choose life, because G-d is "the King who desires life". Life on earth is at risk in the twenty first century, secular time, but not because of terror. A billion of the earth's inhabitants live in poverty. 115 million of the world's children go without any education whatsoever. 30,000 children die every day from preventable diseases. AIDS is robbing much of Africa of entire populations. We are rapidly depleting earth's supply of non-renewable sources of energy. The delicate atmospheric balance on which life depends is being eroded. Global warming is a real and present danger.

Seen against this background, terror reveals itself for what it is: a cruel, heartless, self-destructive distraction from the real problems facing humanity. The poor, the hungry, the sick, the powerless, do not commit acts of terror. They suffer silently, and all too often helplessly. It is their cry, not the vengeful rage of the suicide bomber, humanity must heed.

Our unprecedented powers to heal or harm have raised the stakes of human responsibility. As John F. Kennedy said in 1961: "man holds in his mortal hands the power to abolish all forms of human poverty and all forms of human life." He added: "In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger." In explicitly religious language, he called on humanity to honour "the belief that the rights of man come not from the generosity of the state, but from the hand of G-d."

Rosh Hashanah and Yom Kippur are G-d's call to cherish life and hold it sacred.

"I will not die but live, and tell what the L-d has done" (Psalm 118: 17).

"What gain would there be if I died and went down to the grave? Can dust thank You? Can it declare Your truth?" (Psalm 30: 10).

G-d is life. Therefore in honouring life, we honour G-d. Respecting humanity we pay respect to His "image and likeness". Rarely have these truths been more urgent. Rarely have they been more at risk. This year let us do what we can to honour and cherish, celebrate and sanctify life - our lives, the lives of our fellow Jews, and the lives of our fellow human beings. Each day brings its unexpected opportunities, and every life is precious. And let us meditate on those simple or perhaps not-so-simple words: "Remember us for life, O King who delights in life, and write us in the book of life for Your sake, O G-d of life."

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From: Halacha [halacha@yutorah.org] Sent: Tuesday, September 19, 2006 9:54 PM To: Shulman, Charles Subject: Weekly Halacha Overview- By Rabbi Josh Flug -
The Minhag of Kaparot

There is an ancient minhag known as kaparot, which calls for a person to wave a chicken over his head, recite a statement that transfers his iniquities onto the chicken, and then slaughter the chicken. This minhag is originally recorded in the Teshuvot HaGeonim, Sha'arei Teshuva no. 299. This article will explore the controversy surrounding this minhag as well as some of the halachic discussions that are relevant to this minhag.

The Controversy

Despite a longstanding tradition to perform kaparot, Ramban (cited in Orchos Chaim, Hilchos Erev Yom HaKippurim no.1) rules that kaparot is a violation of darchei ha'Emori, the prohibition of following the ways of idol worshippers (Vayikra 18:3). Rashba, Teshuvot HaRashba 1:395, notes that he did not allow kaparot in his community, ostensibly for the same reason as Ramban. Shulchan Aruch, Orach Chaim 605:1, codifies the opinion of Rashba (he states that one should avoid this practice but does not mention the prohibition of darchei ha'Emori). Rama, ad loc., based on the opinions of many Ashkenazi Rishonim (Rabbeinu Asher, Yoma 8:23, Mordechai, Yoma no. 723, and Tashbetz Katan no. 125) notes that common practice among Ashkenazim is to perform the minhag of kaparot.

Although Rama does not explain why the minhag of kaparot does not violate the prohibition of darchei ha'Emori, there are a few possible reasons why there is no violation. First, Teshuvot Mahari Veil, no. 191, writes that when performing kaparot one should imagine himself receiving the same punishment as the chicken. According to Mahari Veil, the purpose of kaparot is not necessarily to transfer one's iniquities onto the chicken, but rather, to elicit thoughts of repentance. As such, this practice is not based on any idolatrous practice and thus there is no violation of darchei ha'Emori.

Second, R. Moshe M. Karp, Hilchos Chag B'Chag, Yamim Nora'im pg. 276, suggests that the dispute between Ramban and the Ashkenazi Rishonim is the subject of a dispute between Rama, Yoreh De'ah 178:1, and the Vilna Gaon, Biur HaGra, ad loc. Rama, (based on Maharik no. 88) maintains that there is no violation of darchei ha'Emori if there is some practical purpose to the activity in question. However, the Vilna Gaon (based on Tosafot, Sanhedrin 52b, s.v. Ela) asserts that any activity which is practiced by idolaters may not be practiced by Jews, even if there is a practical purpose to it. R. Karp suggests that since there is a practical purpose to kaparot - to provide atonement, it is justifiable according to Rama. However, according to the Vilna Gaon, kaparot would constitute darchei ha'Emori since the ritual had previously been practiced by idol worshippers. R. Karp notes that according to his thesis, one would have to conclude that the Vilna Gaon was opposed to kaparot; a conclusion that he is reluctant to accept.

Third, R. Eliezer of Metz, Sefer Yerei'im no. 313, rules that the prohibition of darchei ha'Emori is limited to cases listed in the Tosefta (Shabbat chapters 7 and 8). Any activity that is not listed in the Tosefta is not included in the prohibition of darchei ha'Emori. Although, Rama, Yoreh De'ah 178:1, clearly does not follow the opinion of Sefer Yerei'im, his opinion may serve as a partial basis for permitting the minhag of kaparot.

Practical Concerns about Kaparot

There are two practical concerns mentioned by poskim regarding kaparot. First, R. Ovadia Yosef, Yechave Da'at 2:71, notes that because of the pressure on the shochet (slaughterer) to slaughter many chickens in a short amount of time, some of the chickens do not undergo a valid slaughter and their invalidity goes unnoticed. Second, R. Efraim Z. Margulies, Beit Efraim, Yoreh De'ah no. 26, notes that due to the large number of people who perform kaparot on Erev Yom Kippur, there is an unusually long waiting time between the waving of the chickens and their

slaughter. As a result, many chickens are not handled properly and this is a violation of tza'ar ba'alei chaim (cruelty to animals).

R. Ovadia Yosef, op. cit., rules that because of the concern of improper slaughter, it is preferable for a community to conduct kaparot over the course of a few days during the Aseret Yemei Teshuvah. R. Yosef's suggestion would also ameliorate the concern for tza'ar ba'alei chaim by reducing the waiting time between the waving of the chickens and their slaughter.

Vegetarian Kaparot

Rashi, Shabbat 81b, s.v. Hai Parpisa quotes from a responsum of the Geonim a minhag to plant legumes in a pot 22-25 days prior to Rosh HaShanah. On Erev Rosh HaShanah each member of the household takes their pot and waves it over their head seven times stating that "this should be an exchange for this" (implying that the iniquities are transferred to the sprout). The pot is then thrown into the river.

This minhag is significant for numerous reasons. First, by using a plant instead of a chicken, one can avoid the practical problems associated with kaparot. Second, this minhag is performed on Erev Rosh HaShanah as opposed to Erev Yom Kippur (or Aseret Yemei Teshuva). Third, this minhag seems to be the precursor to both kaparot and tashlich.

Many people have the practice of using money instead of a chicken. R. Karp, op. cit., suggests that the practice of using money may be based on the concern for Ramban's opinion that kaparot constitutes a violation of darchei ha'Emori. Perhaps Ramban's opinion is limited to the minhag of slaughtering a chicken. Ramban would agree that it is permissible when there is no slaughter involved. Based on R. Karp's suggestion, it is possible to argue that the minhag quoted by Rashi to use a plant is also based on a concern for the violation of darchei ha'Emori.

Kaparot for a Pregnant Woman

Tashbetz Katan, op. cit., writes that a rooster (male) should be used for kaparot for a male and a chicken (female) should be used as kaparot for a female. Maharil, Hilchot Erev Yom HaKippurim, no. 2, writes that a pregnant woman should perform an additional set of kaparot. Rama, Orach Chaim 605:1, records both of these practices and explains that a pregnant woman should perform an additional set of kaparot because the fetus may be a male. This implies that if we were to know that the fetus is a female, there would be no need to perform an additional set of kaparot. Magen Avraham 605:2, cites the ruling of Arizal that a pregnant woman should perform two additional sets of kaparot.

The Vilna Gaon, Biur HaGra, Orach Chaim 605:1, explains that the dispute between Rama and Arizal is based on a Talmudic dispute regarding the status of a fetus. The Gemara, in numerous places (see for example, Yevamot 78a) queries whether a fetus is considered a limb of the mother (ubar yerech imo) or whether it is considered its own entity (ubar lav yerech imo). The Vilna Gaon explains that Rama follows the opinion that a fetus is considered a limb of the mother. Therefore, an additional set of kaparot is only necessary if the fetus is a male. [One must add that even according to the opinion that a fetus is considered a limb of the mother, a male fetus is considered a "male limb" and would require kaparot from a rooster. If the fetus is a female, one set of kaparot is sufficient for the woman's entire body, including the "additional limb."] The Arizal follows the opinion that a fetus is considered its own entity and therefore, one would perform two additional sets of kaparot (one male and one female) in order to account for either gender of fetus. [The question of the halachic status of a fetus has practical halachic significance in the discussions surrounding abortion (see Torat Chesed, Even HaEzer no. 42) and surrogate motherhood (see Techumin Vol. V).] The Weekly Halacha Overview, by Rabbi Josh Flug, is a service of YUTorah, the online source of the Torah of Yeshiva University. Get more halacha shiurim and thousands of other shiurim, by visiting www.yutorah.org. To unsubscribe from this list, please click here.

From: Halacha [halacha@yutorah.org] Sent: Wednesday, September 13, 2006 10:16 PM To: Shulman, Charles Subject: Weekly Halacha Overview- The Mitzvah of Teki'at Shofar

By **Rabbi Josh Flug** -

The Mitzvah of Teki'at Shofar

One of the central themes of Rosh HaShanah is the mitzvah of teki'at shofar. This article will give an overview of the mitzvah and explain the function of the various shofar blasts throughout the Rosh HaShanah liturgy.

The One-Hundred Shofar Blasts

The Torah mentions the word "teru'ah" three times in the context of Rosh HaShanah (Vayikra 23:24, 25:9, and Bamidbar 29:1). The Beraita (cited in Rosh HaShanah 33b) derives from these verses that the mitzvah of teki'at shofar requires that there are three sets of teru'ah blasts. The Beraita then derives from the root "avar," to pass (v'ha'avarta and ta'aviru), mentioned twice in reference to the teru'ah, that each teru'ah is accompanied by a teki'ah prior to it and a teki'ah subsequent to it. Therefore the biblical requirement is fulfilled by blowing three sets of teki'ah-teru'ah-teki'ah.

However, the Gemara notes that there are two traditions among the Tannaim as to what a teru'ah sound like. One opinion is that it is three truncated blasts, what is commonly known as shevarim. Another opinion is that it is nine staccato blasts, what is commonly known as teru'ah. The Gemara, 34a, then states that since there is a doubt as to whether one fulfills the requirement by blowing teki'ah-shevarim-teki'ah, or teki'ah-teru'ah-teki'ah, or teki'ah-shevarim-teru'ah-teki'ah, R. Avahu instituted that one should blow all three sets three times. This accounts for the first thirty shofar blasts.

The next set of shofar blasts is part of the Amidah of the Mussaf prayer. The Gemara, Rosh HaShanah 16a, states that these teki'ot were instituted in addition to the first set "in order to confuse the Satan." The original institution was to blow one set of teki'ah-teru'ah-teki'ah in each of the three berachot that are added to the Amidah of Mussaf (Malchiyot, Zichronot and Shofarot).

At the time of the original institution, there was, ostensibly, only one tradition regarding the sound of the teru'ah. However, now that teki'ah-teru'ah-teki'ah translates into teki'ah-shevarim-teki'ah, teki'ah-teru'ah-teki'ah, and teki'ah-shevarim-teru'ah-teki'ah for the teki'ot that fulfill the biblical requirement, one can question whether the same should apply to the teki'ot of the Amidah which are only rabbinic in nature.

There are three basic opinions in the Rishonim regarding this question. First, Rif, Rosh HaShana 10b, and Rambam, Hilchot Shofar 3:10-12, are of the opinion that for Malchiyot, one blows teki'ah-shevarim-teru'ah-teki'ah, for Zichronot teki'ah-shevarim-teki'ah and for Shofarot teki'ah-teru'ah-teki'ah. They explain that in principle, one should blow all three sets for each of the berachot. However, since the biblical mitzvah is already fulfilled, there is no need to overburden the congregation with additional shofar blasts. Rif notes that this has been common practice for many years. Second, Aruch, Erech Arav, rules that teki'ah-shevarim-teki'ah, teki'ah-teru'ah-teki'ah, and teki'ah-shevarim-teru'ah-teki'ah are blown for each of the three berachot. Third, Rabbeinu Tam (cited in Tosafot, Rosh HaShanah 33b, s.v. Shiur) states that the opinion of Rif and Rambam cannot be correct because by blowing a different set of teki'ot for each beracha, one is guaranteed not to fulfill mitzvah properly according to any opinion. However, Rabbeinu Tam was reluctant to drastically change the ancient minhag. He therefore instituted that teki'ah-shevarim-teru'ah-teki'ah is blown for each of the berachot since it encompasses all three sets. [The Gemara explicitly states that one cannot merely blow teki'ah-shevarim-teru'ah-teki'ah and have that encompass all three. Rabbeinu Tam asserts that one may do this for the rabbinically instituted teki'ot.]

Shulchan Aruch, Orach Chaim 692:1, follows the opinion of Rambam and Rif. However, instead of one set of teki'ah-shevarim-teru'ah-teki'ah for Malchiyot, he rules to do three sets of teki'ah-shevarim-teru'ah-teki'ah. He also rules that the teki'ah-shevarim-teki'ah for Zichronot should

be repeated three times and the same for Shofarot. Rama, Orach Chaim, ad loc., notes that common practice in Ashkenazi circles is to follow the opinion of Rabbeinu Tam. However, R. Efraim Z. Margulies Mateh Efraim 692:11, states that common practice is to follow the opinion of Aruch and blow a set each for each of the berachot. He adds that after the conclusion of chazarat hashatz, Kaddish is recited until Titkabel, where three additional sets of each are blown. After the conclusion of Kaddish, another set of each is blown in order that the total number of blasts equals one-hundred.

An Analysis of the Opinions

R. Ovadia Yosef, Yabia Omer, Orach Chaim 1:36, suggests that the dispute between Rif and Rabbeinu Tam (and Aruch) is contingent on a comment of R. Hai Gaon (cited in Rabbeinu Asher, Rosh HaShanah 4:10). R. Hai Gaon states that the teki'ah-shevarim-teki'ah, the teki'ah-teru'ah-teki'ah, and the teki'ah-shevarim-teru'ah-teki'ah are not the result of a bona-fide doubt as to what is the authentic teru'ah mentioned in the Torah. Rather, each one is a valid representation of the teru'ah and one can fulfill the mitzvah with any of them. Over time, these three versions became widespread and R. Avahu felt that it is important to maintain uniformity. For this reason he instituted that all three versions should be blown when fulfilling the mitzvah of teki'at shofar.

R. Yosef notes that R. Hai Gaon's statement can explain the opinion of Rif who rules to blow a different set for each of the berachot. According to R. Hai Gaon, this is justifiable as each of the versions is correct. However, Rabbeinu Tam (and Aruch) disagrees with R. Hai Gaon and maintains that each of the versions is a result of a bona-fide doubt. Accordingly, Rabbeinu Tam asserts that if one follows the opinion of Rif, he is assured not to fulfill the mitzvah properly.

R. Yosef notes that the question of whether each version is correct or whether the three versions are a result of doubt is relevant to the question of whether it is permissible to recite the "yehi ratzon" prayer between the sets of the main teki'ot. As a general rule, if one recites a beracha on performance of a mitzvah and then speaks about something that is not directly related to the performance of the mitzvah, it is considered a hefsek (an interruption) and he must recite a new beracha. If he already started the mitzvah but did not complete it, it is not considered a hefsek (see Rif, Rosh HaShanah 11a). The prayer of "yehi ratzon" is not necessary for the fulfillment of the mitzvah of teki'at shofar. Therefore, if one considers each version a correct version, one may recite the prayer of "yehi ratzon" between the set of teki'ah-shevarim-teru'ah-teki'ah and the set of teki'ah-shevarim-teki'ah, as the mitzvah is considered to have commenced. However, if the three versions are a function of doubt, it is possible that after the entire set of teki'ah-shevarim-teru'ah-teki'ah, one has not yet fulfilled the mitzvah and the recitation of the "yehi ratzon" prayer would constitute a hefsek. R. Yosef concludes that since common practice is to follow the opinion of Aruch and to blow one set of each for all three of the berachot of the Mussaf Amidah, it is clear that we consider the three versions to be the function of a doubt and the recitation of "yehi ratzon" should be considered a hefsek.

The publication of R. Yosef's responsum prompted a series of exchanges between R. Yosef and R. Yosef S. Elyashiv (these letters can be found in Yabia Omer, Orach Chaim 3:32-34). R. Elyashiv claims even if one accepts that the three versions are the function of a doubt, one should not consider the "yehi ratzon" a hefsek for three reasons. First, R. Moshe Ben Yosef Trani (Mabit), Kiryat Sefer, Hilchot Shofar 3:2, suggests that on a biblical level, teki'ah-shevarim-teru'ah-teki'ah can encompass all three versions. The rule that one must blow all three sets is only rabbinic in nature. As such, after the set of teki'ah-shevarim-teru'ah-teki'ah, one is considered to have started the mitzvah. Second, Ritva, Rosh HaShana 34a, s.v. Od Katav Rabbeinu, states that there is no issue of hefsek after blowing one teki'ah. Accordingly, even if the shevarim-teru'ah does not accurately represent the Torah's teru'ah, the teki'ah (at least the final one) should count as the initial teki'ah and there is no longer a concern for hefsek. Third, once

R. Avahu instituted that all three versions should be blown, all three versions should be considered part of one elongated mitzvah which begins with teki'ah-shevarim-teru'ah-teki'ah. If one speaks after teki'ah-shevarim-teru'ah-teki'ah, it is not considered a hefsek. R. Elyashiv notes that he personally does not recite the "yehi ratzon," but its recitation is certainly justifiable.

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From: owner-weeklydt@torahweb2.org on behalf of TorahWeb.org
[torahweb@torahweb.org] Sent: Thursday, September 21, 2006 9:19 AM To:
weeklydt@torahweb2.org Subject: Rabbi Benjamin Yudin - Going Sho-Far For Hashem

The HTML version of this dvar Torah can be found at:
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Rabbi Benjamin Yudin Going Sho-Far For Hashem

When Rosh Hashanah falls on a Shabbos, we don't blow the shofar. There are several reasons for this law. I'd like to present three. The Talmud (Rosh Hashanah 29b) cites the teaching of Rava that we are concerned lest a Jew somewhere violates the Shabbos by carrying the shofar in a public domain (r'shus harabim). The rabbis issued a decree that it's better to remain passive and abstain from the biblical mitzvah of shofar, to protect the integrity of Shabbos. This halacha speaks volumes about the halachos of Shabbos in general and specifically the laws of carrying. This is especially significant for many of us who are blessed with an eruv. We must educate our children regarding the laws of carrying and their need to inquire of the existence of an eruv when they go away for Shabbos.

The Meshech Chachma (Vayikra 23:24) provides another reason. He begins by extolling the significance and importance of shofar. The Talmud (Rosh Hashanah 26a) equates the blowing of the shofar to a service that is performed in the Holy of Holies in the Temple; not many other mitzvos are awarded such a distinction. Moreover, our rabbis understand the blowing of the shofar as an antidote to the harsh charges of the Satan. The shofar, as a medicine, has the ability to combat the many different strands of virus hurled against us. Thus, not blowing the shofar is akin to a sick patient not taking his medicine. Whatever good excuse the patient has does not compensate for the absence of the medicine.

It is precisely because the shofar is so crucial and important to the welfare of the Jewish People that we abstain from blowing the shofar on Shabbos. The Jewish Community is saying to Hashem, "Your Torah and Your Shabbos is even more important and dear to us than our individual and collective needs". Similarly, the Talmud (Berachos 6a) teaches that Hashem dons tefillin as do the Jewish people; our tefillin contain the shema in praise of Hashem, while his tefillin contain the verse "and who is like Israel, a unique nation in the land," in praise of Israel. It is our sacrifice of foregoing the benefits of the shofar on behalf of the benefit of Shabbos that serves in our stead. Our abstaining from blowing the shofar on Shabbos is placing Hashem before ourselves.

The Chassam Sofer offers yet another, most fascinating, reason for not blowing the shofar on Shabbos. He explains that the nature of Avraham's command to do the akieda was very different than Yitzchak's. Avraham heard the command directly from Hashem, which is to be likened to a command in the Torah Sheb'ksav - the Written Torah, which emanated directly from Hashem. Yitzchak heard the will of Hashem through his father, which he compares to the Torah Sheb'al Peh - the Oral Law. Avraham was ready to offer his son based upon G-d's direct instruction, while Yitzchak demonstrated his willingness to offer his life on behalf of the Torah Sheb'al Peh.

It is for this reason that Yitzchak's sacrifice was even greater than that of his father's. Therefore, the Chassam Sofer explains, we refer in our Mussaf service to this event as the binding of Yitzchak - "v'akeidas Yitzchak l'zaroh tizkor" - and may the merit of the binding of Yitzchak be remembered on behalf of his progeny" - as opposed to the binding of Yitzchak by Avraham, as Yitzchak proved himself ready to sacrifice his life based on the Torah Sheb'al Peh. In this regard, his sacrifice was greater than his father's. Avraham was convinced that he had heard G-d speaking to him, but Yitzchak who did not hear it from Hashem demonstrated his absolute trust and faith in the masorah - the oral tradition.

In addition, the Torah (Breishis 22:6) describes the journey of father and son as "vayelcho shneihem yachdav". This refers to the integration and synthesis of the written and oral law.

The Talmud (Rosh Hashanah 16a) provides as a reason for the blowing of the shofar, "Hashem said 'blow the ram's horn before me so that I shall recall on your behalf akeidas Yitzchak". That is, to recall the sacrifice of Yitzchak on behalf of Torah Sheb'al Peh. Therefore when Rosh Hashanah falls on a Shabbos our abstaining from blowing the shofar based upon Torah Sheb'al Peh is a living implementation of a teaching of the akeidah. As Yitzchak demonstrated his absolute allegiance and commitment to the masorah, our refraining from blowing the shofar on Shabbos is our affirmation of the masorah as well.

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From: ListModerator@kby.org on behalf of Kerem B'Yavneh Online
[feedback@kby.org] Sent: Thursday, September 21, 2006 2:43 PM To: KBY
Parsha Subject: Rosh Hashana - English

"The Sons of Korach"

Rosh Hayeshiva Rav Mordechai Greenberg shlita

It says in Parshat Nitzavim: "When all these things come upon you ... you will return it to your heart ... you will return unto Hashem, your G-d ... When you shall return to Hashem, your G-d, with all your heart and with all your soul." (Devarim 30:1-10) A number of levels of teshuva are mentioned here. The Ran explains in his tenth sermon that the first level of repentance is the mere thought of teshuva in the heart. Although it is not yet expressed in action, there is, nonetheless, the beginning of the teshuva process. Afterwards comes an additional stage, in which the teshuva is expressed in action. This is why it says first, "return it to your heart" - i.e., you will think teshuva in your heart, although not yet complete it in action, and afterwards you will go on to complete it, as it says: "return unto Hashem."

Continuing the idea of the Ran we can explain that this repentance is also incomplete, since Chazal teach that teshuva "unto" (ad) is still not complete teshuva, but rather out of fear and not for its own sake. However, in the end will come complete teshuva, about which it says, "return to (el) Hashem." This refers to complete teshuva out of love and for its own sake, in contrast to teshuva "unto," about which Chazal comment, "ad, velo ad b'chlal."

Thus, it says in Yalkut Tehillim (ch. 45, #747):

Come and see the children of Korach. Before they repented, they were not called 'shoshanim' and 'yedid' (roses and beloved). Once they repented, they were called 'shoshanim' and 'yedid,' as it says: "On the shoshanim, [by the sons of Korach] ... a song of yedidot." (Tehillim 45:1)

What teshuva did the sons of Korach do? The Yalkut explains this, as well (#749):

"My heart murmurs something good." (Tehillim 45:2) This teaches that they were not able to confess verbally, but since their hearts murmured teshuva, G-d accepted them. Thus, it says: "You my son, Solomon: Know the G-d of your father and serve Him with a perfect heart and with a willing soul, for Hashem searches all hearts and discerns every product of one's thoughts." (Divrei Hayamim I 28:9) It does not say 'every thought,' but rather 'every product of ones thoughts.' Before a person forms the thoughts in his heart - G-d understands. Why were they unable to sing with their mouths? Hell was open and fire was burning around them, as it says: "A fire went forth from before Hashem" (Bamidbar 16:35), and, "The earth opened its mouth and swallowed them." (Bamidbar 16:32) Therefore, it says, "My heart murmurs."

Thus, the repentance of the sons of Korach was only in their heart. The thought still did not find expression in action, not even through speech, and they were already called 'yedidim.'

The Ramban writes something similar in Hil. Teshuva (7:6): "Teshuva draws close those who are distant. Yesterday he was hated before G-d - despised, distanced and abominable. Today he is beloved and charming, close and yedid." The time span between yesterday and today is very short, and still it is possible in this short time to turn into a yedid. This is what the sons of Korach did.

This needs to be our inspiration when saying "Lamenatze'ach to the sons of Korach." The time of shofar-blowing is one of justice, and we must remember the sons of Korach, who were unable to speak because of the fire of Gehenom, and even so their heart murmured something good. In the merit of this thought of teshuva they deserved to become shoshanim and yedidim, even at the last minute.

Most importantly, we should not be afraid and not give up hope!

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From: weekly-halacha-owner@torah.org on behalf of Jeffrey Gross
[jgross@torah.org] Sent: Thursday, September 21, 2006 4:11 PM To: weekly-halacha@torah.org
Subject: Weekly Halacha - Rosh Ha-Shanah
WEEKLY-HALACHA FOR 5767

By Rabbi Doniel Neustadt

Rav of Young Israel in Cleveland Heights

A discussion of Halachic topics.

For final rulings, consult your Rav

ROSH HA-SHANAH: SHE'ALOS UTESHUVOS

QUESTION: Is there any reason to have a new fruit on the table during Kiddush on the first night of Rosh Hashanah?

DISCUSSION: No, there is not. Many people mistakenly confuse the first night of Rosh Hashanah with the second night and place a new fruit on the table on both nights.(1) But there is no basis for eating a new fruit on the first night, and indeed, l'chatchilah, one should specifically remove any such fruit from the table when Kiddush is recited. This is because some poskim hold that the shehecheyanu recited during Kiddush, which is a blessing over the Yom Tov day, and the shehecheyanu that one needs to recite over a new fruit, are two different "types" of shehecheyanu blessings, and one cannot fulfill both requirements with one shehecheyanu blessing.(2) According to this opinion, even if the fruit were on the table during Kiddush, another shehecheyanu would have to be recited over the fruit when it is time to eat it. While this is not necessarily the opinion of all poskim, in order to avoid getting involved in this dispute one should remove the fruit from the table before Kiddush, and then recite shehecheyanu over it when he is ready to eat it during the meal.(3)

QUESTION: If a new fruit is not available for the second night of Rosh Hashanah, may shehecheyanu be recited during Kiddush?

DISCUSSION: Absolutely. The reason that we place a new fruit on the table during Kiddush on the second night of Rosh Hashanah is to satisfy a minority opinion which holds that no shehecheyanu is recited over the second day of Rosh Hashanah as we normally do on Yom Tov Sheini - the two days of Rosh Hashanah are halachically considered as one long day, and shehecheyanu over this long day was already recited during Kiddush on the first night of Rosh Hashanah. But the majority of the poskim disagree and hold that the two days of Rosh Hashanah are considered - in regard to this halachah - as two separate days, and a shehecheyanu must be recited over the second day as well. While l'chatchilah we look for a new fruit so that shehecheyanu could be recited according to all opinions, if for any reason a new fruit is not available,(4) we rely on the majority opinion and recite shehecheyanu over the second day of Rosh Hashanah.(5)

Indeed, it is important to remember that even when a new fruit is on the table on the second night of Rosh Hashanah, the primary reason that the shehecheyanu is recited is not because of the fruit, but because of the new day of Rosh Hashanah. Thus the proper kavanah (intent) of the person reciting Kiddush (and all those who are yotzei with him) should be as follows: Primarily, the shehecheyanu is being recited because another day of Yom Tov has arrived; and, secondly, in case this second Yom Tov day does not warrant a shehecheyanu, the blessing should be over the new fruit. (6) B'diavad, however, one does not need to repeat Kiddush if, mistakenly, his primary intent was to recite shehecheyanu over the fruit.(7)

QUESTION: What should a woman do if it is difficult for her to go to shul to listen to tekias shofar on Rosh Hashanah?

DISCUSSION: According to the basic halachah, women are exempt from listening to the sounding of the shofar.(8) The mitzvah of sounding the shofar is a mitzvah which is restricted to a certain time of the year and of the day, and generally, women are exempt from mitzvos restricted by time.

There are poskim who hold that although women are exempt from listening to shofar, they have nevertheless accepted this mitzvah upon themselves as an obligation.(9) Based on this view, it has become customary all over the world for women to go to shul to listen to the shofar, or else to hear the shofar blown in their homes by a qualified ba'al toke'a.

Not all poskim, however, agree that women have accepted upon themselves an obligation from which they are clearly exempt.(10) Some poskim rule, therefore, that women are not obligated to listen to tekias shofar.(11) As stated earlier, though, the custom has followed the first view and most women observe this mitzvah stringently. Nevertheless, a woman who is weak and needs to eat before tekias shofar, may do so.(12) Unlike a man who may not eat before discharging his Biblical obligation to hear the shofar.(13)

If it is difficult, however, for a woman to come to shul because her children would disturb the silence that must be maintained for the congregation to properly hear the shofar blowing, and it is also difficult to arrange for a ba'al toke'a to blow the shofar privately for her, a woman may rely on the poskim who hold that women are exempt from listening to the blowing of the shofar.(14)

Since most women have made it their annual custom to hear the blowing of the shofar, if a woman finds it too difficult and wants to change her custom and not be obligated to listen to the shofar any longer, she must go to a beis din to receive their permission to do so. Her custom is considered a "vow", and in order to discount a vow it must be annulled by a beis din.(15)

If, however, she plans to listen to the shofar in future years, but finds it difficult to do so in the present year due to her small children, minor illness, etc., many poskim rule that she need not annul her vow.(16) A temporary lapse in observing a correct custom [for a good reason] is not considered as intention to

break a vow. Since not all poskim agree to this leniency,(17) it is preferable that the husband mention the change in his wife's custom to the beis din at the time that he annuls his own vows on erev Rosh Hashanah. If he fails to do so, the woman can still rely on the poskim who do not require an annulment in this case.(18)

A woman who can attend shul for only part of the time, should preferably come to listen to the tekios which are blown before Mussaf, since then she can hear the blessings as well. For her to fulfill the mitzvah properly, she must make sure that she is standing (not leaning) throughout the thirty tekios that she is obligated to hear.(19)

QUESTION: Should people who continue to rely on the lenient opinion of those poskim who permit drinking "company milk"(20) (chalav stam) throughout the year(21) be encouraged to drink only chalav Yisrael during Aseres yemei teshuvah - just as they are careful to eat only pas Yisrael at this time of year?

DISCUSSION: While this issue is not explicitly addressed by the poskim, (22) we may assume that it is appropriate to be stringent about chalav Yisrael during Aseres yemei teshuvah. This is because the poskim suggest a number of reasons, all interrelated - as to why everyone should be careful to eat only pas Yisrael during Aseres yemei teshuvah, and the parallel between pas Yisrael and chalav Yisrael is obvious:

* So that we conduct ourselves with an extra measure of purity during these Ten Days of Repentance.(23)

* To serve as a reminder of the unique status of these days.(24)

* To beseech Hashem not to judge us stringently, just as we have adopted a practice which is not strictly required of us.(25)

Those who are lenient regarding chalav stam rely on a controversial ruling of some poskim who in the past - when chalav yisrael was not readily available - reluctantly permitted the consumption of "company milk." Clearly, then, for all of the reasons cited above, it is appropriate not to rely on this leniency during Aseres yemei teshuvah.(26)

FOOTNOTES: 1 Mishnah Berurah 600:5. 2 Ksav Sofer, O.C. 26. 3 Harav S.Z. Auerbach (Minchas Shelomo 1:20; Halichos Shelomo 2:1-16). 4 In the United States, especially, it is most difficult to find a shehecheyanu fruit, since almost all fruits are available throughout the year. 5 O.C. 600:2 and Mishnah Berurah. 6 One who intends the shehecheyanu to be solely over the fruit is actually making an improper hefsek between borei pri ha-gafen and the drinking of the wine, since reciting shehecheyanu over a new fruit at this point has nothing to do with the Kiddush. It is only if the shehecheyanu is recited over the Yom Tov that it would not be considered a hefsek. 7 Harav S.Z. Auerbach (Minchas Shelomo 1:20; Halichos Shelomo 2:1-20); Teshuvos v'Hanhagos 2:272; 2:303. 8 O.C. 589:6. 9 Maharil (Hilchos Shofar). See also Magen Avraham (O.C. 489:1, concerning sefiras ha-omer) who says that women have accepted [certain] time-restricted mitzvos as an obligation. He does not, however, single out shofar more than any other time-restricted mitzvah. Chayei Adam (141:7) and R' Akiva Eiger (Teshuvos 1, addendum) also state that women have accepted shofar as an obligation. 10 See Minchas Chinuch 306, who questions the Magen Avraham quoted above. In his opinion, women can only accept a mitzvah whose obligation is questionable, such as davening Ma'ariv. A mitzvah from which they are clearly exempt, like listening to shofar blowing, cannot be "accepted." See also Neizirus Shimshon (quoted in Sdei Chemed, Ma'areches Mem, 136) and Teshuvos Sha'arei De'ah 2:237. 11 Harav Y. C. Sonnenfeld in Salmas Chayim 1:88. Note also that neither the Match Efrayim, Kitzur Shulchan Aruch, Mishnah Berurah or Aruch ha-Shulchan quote the opinion that women have accepted tekias shofar as an obligation. 12 Chayei Adam 141:7; Kitzur Shulchan Aruch 129:19. 13 See O.C. 652:2 and Match Efrayim 588:2. See The Monthly Halachah Discussion, pgs. 312-316, for an elaboration. 14 Match Efrayim 589:4. 15 R' Shelomo Kluger in Teshuvos u'Vacharta b'Chayim 51; Ben Ish Chai (1 Nitzavim 17); Kaf ha-Chayim 589:34. 16 Magen Avraham O.C. 581 according to the explanation of the Dagul me- Revavah (Y.D. 214) quoted by the Sha'ar ha-Tziyun 581:33. See mi-Beis Levi, Tishrei, pg. 20, that this is also the ruling of Harav Vosner. 17 See Shach Y.D. 214 quoted in the Mishnah Berurah 581:19. Ben Ish Chai and Kaf ha-Chayim quoted above also require hataras nedarim for a woman who cannot listen to the shofar even once. 18 Yabia Omer 2:30 and Yechaveh Da'as 2:70. 19 Based on Match Efrayim 585:5. 20 Although Shulchan Aruch rules that for milk to be kosher, the milking must be supervised by a Jew, some have argued that in the United States (and other developed countries) where government authorities closely monitor the dairy industry and strictly enforce the law against mixing other milk with cow's milk, government regulation should be tantamount to supervision. According to this argument, the fear of being caught by government inspectors who are empowered to levy substantial fines serves as a sufficient deterrent, and may be considered as if a Jew is "supervising" the milking. Based on this argument, several poskim allowed drinking "company milk" (chalav stam), i.e., milk produced by large companies, without supervision. 21 See The Monthly Halachah Discussion,

pgs. 145-150, for a complete overview and analysis of this subject. 22 Obviously, the earlier poskim could not have dealt with this question, since chalav akum is forbidden according to all views all year round. It is only with the fairly recent introduction of chalav stam, which is permitted by some poskim during the year, that this question arises. 23 In Talmudic times, everyone was careful not to allow their food to become impure (chullin b'taharah) during Aseres yemei teshuvah; Tur quoting the Yerushalmi (Shabbos 3:3). 24 Levush, O.C. 603. 25 Chayei Adam 14:1; Kitzur Shulchan Aruch 130:2. 26 See Sha'ar ha-Tziyun 609:1 and Igros Moshe, O.C. 3:12 who write that during Aseres yemei teshuvah we should be stringent when it comes to all questionable issues. Weekly-Halacha, Copyright © 2006 by Rabbi Neustadt, Dr. Jeffrey Gross and Torah.org. The author, Rabbi Neustadt, is the principal of Yavne Teachers' College in Cleveland, Ohio. He is also the Magid Shiur of a daily Mishna Berurah class at Congregation Shomre Shabbos. The Weekly-Halacha Series is distributed L'zchus Doniel Meir ben Hinda. Weekly sponsorships are available - please mail to jgross@torah.org. The series is distributed by the Harbotzas Torah Division of Congregation Shomre Shabbos, 1801 South Taylor Road, Cleveland Heights, Ohio 44118 HaRav Yisroel Grumer, Marah D'Asra. Torah.org: The Judaism Site <http://www.torah.org/> Project Genesis, Inc. learn@torah.org 122 Slade Avenue, Suite 250 (410) 602-1350 Baltimore, MD 21208

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The Sound of a Silent Shofar:

The Problem of Rosh Hashana which Falls on Shabbat

By Harav Yehuda Amital

Adapted by Rav Ronnie Ziegler

Translated by David Silverberg

Each year on Rosh Hashana, we fervently recite the verse from Tehillim (89:16), "Ashrei ha-am yodei terua," "Fortunate is the nation that knows the blast [of the shofar]." Rashi explains the verse as follows:

"[The Israelite nation is fortunate] in that they know how to APPEASE (leratzot) their Creator on Rosh Hashana by blowing [the shofar] and reciting in conjunction with it [the three special blessings of the Mussaf Amida:] Malkhuyot, Zikhronot and Shofarot."

Rashi draws his explanation of the verse from Yalkut Shimoni (Parashat Emor 645, as well as Parashat Pinchas 782 and Tehillim 840; see also Vayikra Rabbah 29, Pesikta De-Rav Kahana 23, and Midrash Tehillim, mizmor 41). The Midrash reads: "Rabbi Yoshiya said: It is written, 'Fortunate is the nation that knows the blast' - do the gentile nations not know how to sound the blast? How many horns and trumpets they have! Rather, fortunate is the nation that knows how to PERSUADE (lefatot) its Creator by means of a shofar blast. And when? In the seventh month [i.e. Tishrei]."

According to Rashi, when the midrash says the Jewish People "persuade" the Almighty on Rosh Hashana, it means that they appease Him by means of the shofar blowing and the accompanying recitation of Malkhuyot, Zikhronot and Shofarot. If so, then what happens on Rosh Hashana which falls on Shabbat, when we do not blow the shofar? How do we appease the Almighty then?

The Gemara (Rosh Hashana 29b) cites Rabba's assertion that as far as Torah law is concerned, we should blow the shofar on Rosh Hashana even if it occurs on Shabbat. The Sages, however, decreed that the shofar not be blown on Shabbat, as one may neglectfully carry his shofar through the public domain (which is forbidden on Shabbat) in order to practice blowing under the tutelage of an expert. The Gemara adds that this same concern prompted Chazal to cancel the mitzva of lulav when Sukkot falls on Shabbat and to delay Megilla reading when Purim occurs on Shabbat.

However, as Tosafot (Sukka 43a) note, there exists a difference in this regard between the mitzva of shofar and that of lulav. After the destruction of the First Temple, Rabban Yochanan Ben Zakai instituted that the shofar be blown on Shabbat Rosh Hashana in every locale where an authoritative Bet Din (rabbinic court) sat. Yet no such provision exists with regard to the mitzva of lulav; Rabban Yochanan never decreed that the mitzva of lulav be performed on Shabbat in a region with a Bet Din. (What's more, during the time of the Temple, the shofar was blown only in the Temple itself when Rosh Hashana fell on Shabbat, whereas the lulav was taken on Shabbat everywhere. After the destruction, however, the mitzva of lulav suddenly became more limited than that of shofar!)

Why did Rabban Yochanan draw this distinction between these two mitzvot, if the same concern motivated both decrees? Tosafot answer,

"The shofar, which serves to bring the [favorable] memory of Israel before their Father in Heaven, they [Chazal] did not want to cancel entirely."

Our original question, then, becomes even more pointed: What about us today? Why did Rabban Yochanan Ben Zakai not worry about those of us who do not have an authoritative Bet Din nearby? How do we deal with the urgent need for divine compassion? Why, on Shabbat Rosh Hashana, are we denied the ability to "bring our memory before our Father in Heaven" by means of the shofar?

One could perhaps answer very simply, that we observe two days of Rosh Hashana, and on the second day - Sunday - we have the opportunity to blow the shofar. However, when all is said and done, we observe the second day of Rosh Hashana only as a result of a "sefeka de-yoma" - the uncertainty surrounding the correct day of Rosh Hashana. How do we earn God's mercy on the first day of Rosh Hashana in the absence of the shofar?

It would seem that the redactor of the Mishna, Rabbi Yehuda Ha-nasi (known as "Rabbeinu Ha-gadol" or simply "Rebbi"), provides the essential answer through his arrangement of the mishnayot in the third chapter of Tractate Rosh Hashana, thus setting our uneasy minds at rest. This chapter includes several laws relevant to shofar blowing. Sandwiched in between the law requiring intention for the fulfillment of the mitzva and the disqualification of certain individuals from blowing, a seemingly unrelated mishna suddenly catches our attention:

"Whenever Moshe held up his hand, Israel prevailed [against Amalek]... (Shemot 17). Do Moshe's hands make or break the battle? Rather, this teaches you that so long as Israel were looking upwards and subjugating their hearts to their Father in Heaven, they were victorious; if not, they would fall. Similarly, we find, 'Make a seraph figure and mount it on a standard; anyone who is bitten should look at it and shall recover' (Bamidbar 21). Does the brass snake kill or cure? Rather, when Israel looked upwards and subjugated their hearts to their Father in Heaven, they were cured. If not, they would wither."

Why did Rabbi Yehuda insert this mishna right in the middle of the chapter, amidst the complex, detailed laws concerning the blowing of the shofar? Perhaps he should have placed this mishna towards the beginning of the second chapter of Berakhot, where the mishna discusses the requirement of "kavana" (intention to fulfill the mitzva) while reciting Shema. Would that not be a more fitting location for a discussion of the great power of one's thoughts and subjugation of the heart? Why did Rebbi wait until Tractate Rosh Hashana?

Sensing this difficulty, the Rambam writes in his commentary to our mishna,

"All this is clear in light of what requires mention in our context, and in accordance with the book's purpose."

What does the Rambam mean? How is Moshe's lifting his hands relevant to the laws of blowing shofar? Furthermore, what does the Rambam view as "the book's purpose?"

The answer is that Rabbi Yehuda Hanasi saw Jews who viewed the blast of the shofar as laden with some mystical power, a spiritual force beyond our comprehension that arouses Divine compassion. There were those who thought that the shofar blast itself, through some magical power, triggered the Almighty's mercy and led to His favorable judgment of us. Rebbi opposed this view and equated the shofar with Moshe's hands and the brass serpent. The shofar possesses no power beyond that lying within Moshe's hands. Only when Benei Yisrael look upwards and subjugate their hearts to their Father in Heaven do the gates of Heaven open and welcome their prayers. It is THE SUBJUGATION OF OUR HEARTS, which accompanies the fulfillment of the mitzva of shofar, that arouses Divine mercy in our favor.

Appropriately, then, the very next mishna teaches us a fundamental precept regarding shofar: "Whoever is not obligated in this matter may not fulfill the obligation on behalf of the public (i.e. he may not blow for others)." The mitzva of shofar is one of subjugation of the heart, and total subjugation requires a sense of absolute obligation and the unwavering acceptance of the yoke of mitzvot upon oneself. Only an individual bound by the mitzva can fulfill the obligation on behalf of others. A subjugation of the heart which does not derive from acceptance of the burden of mitzvot can never be considered complete subjugation of the heart. As such, it cannot represent others who do possess this full measure of subjugation. The mishna thus teaches us a critical lesson: with regard to shofar, intention to fulfill the mitzva (kavana latzet yedei chova) must entail more than a formal, technical awareness; it demands nothing less than absolute acceptance of the yoke of Heaven.

When the Romans destroyed the holy Temple, a feeling of depression and despair overtook the Jewish people. After the destruction, Rabban Yochanan Ben Zakai saw before him a broken, shattered nation whose spirits have been crushed. He realized that the people under his leadership were unprepared for this revolutionary message transmitted to us by Rabbi Yehuda Hanasi. They desperately needed the concrete expression of the shofar blast to restore their hope. Therefore, even when there were those who discouraged shofar blowing in Yavneh on Shabbat, Rabban Yochanan overruled them and insisted on sounding the shofar (Rosh Hashana 29b).

The Gemara (Rosh Hashana 16a) tells us that the sounding of the shofar flusters the satan and frustrates his efforts against us. In truth, it is not the shofar blast itself that rattles the pernicious satan, but rather the accompanying subjugation of the heart. [See Ran, *ibid.*, 3a in the Alfasi.] Indeed, this is the message of the midrash: "Fortunate is the nation that knows the blast" - that knows how to appease its Creator on Rosh Hashana." If we refrain from blowing the shofar in deference to the ordinance of our Sages, then we can surely achieve thereby the same feeling of subjugation attainable through the fulfillment of the mitzva of shofar. This type of subjugation of our hearts, even though it is unaccompanied by the shofar, opens the gates of mercy and brings our favorable memory before the Almighty. [See also Meshekh Chokhma, Vayikra 23:24.]

Subjugation of the heart means absolute subjugation. Even the Vilna Gaon's approach to service of God, in which each individual expresses his personal uniqueness (see the Vilna Gaon's commentary to Mishlei 16:4), requires total subjugation, a sense of absolute obligation. This is what the Almighty wants of us, particularly on this day.

As expressed in our prayers and taught by Chazal (Yerushalmi Rosh Hashana 4:1), Shabbat Rosh Hashana is the "yom zikhron terua" - the day of recalling the blast. This means that on Shabbat Rosh Hashana we arouse Divine compassion not by blowing the shofar, but by recalling the shofar blast, by subjugating our hearts to the kingship of God. We conclude the "Shofarot" section of Mussaf with the clause, "For You listen to the sound of the shofar and heed the blast; there is none like You." This means that G-d listens not only to the shofar, but also to the subjugation of our hearts. Only He, who understands the heart of man and knows his feelings and inner conscience, can truly listen to our sincere submission to His will; thus, "there is none like You."

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