

THE BAIS HAVAAD

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## WHEN FORGIVEN'S FORGOTTEN:

*Retracting a Pardon Made in Anger*

Rav Yosef Greenwald, Dayan, Bais HaVaad

Occasionally, in the course of business dealings, people can get angry or upset and say or do things they regret later on. Do such actions have legal validity according to Halachah?

### THE RULING OF THE MAHARIT

A similar question was presented to the *Maharit*. A tenant entered into an agreement with a landlord to rent his house for 12 months, and committed himself (with a *kinyan*) that if he were to leave in the middle of the term, he would pay the entire rent of the 12 months. At some point during the rental, the landlord and tenant got into an argument, and the landlord shouted at the renter to leave the house and to never return. The tenant claimed that he can now leave without paying the 12 months' rent, because the landlord, by asking him to leave, had essentially waived the rental agreement.

The *Maharit* responded that the language of the *Rambam* implies that one's actions have legal validity only if they are done "belev shaleim," wholeheartedly. Since the landlord was speaking out of anger, this is not considered "belev shaleim," and thus his words do not constitute a *mechilah*.

### THE HALACHAH OF GET MEKUSHAR

However, the ruling of the *Maharit* seems to be in contradicted by the *halachah* of *get mekushar*. This *halachah* states that a Kohen must use a special *get*, a *get mekushar*, when divorcing his wife. This was out of concern that the Kohen might divorce his wife out of

anger, and if he would change his mind later it would be too late, since a Kohen may not marry a divorced woman. He must therefore use a *get mekushar*, which took a long time to write, and would give him the chance to calm down. We learn from this that a divorce made out of anger does take effect, unlike the *Maharit's* ruling that actions done out of anger do not have legal validity.

There are several approaches to resolve this difficulty.

The *Dovev Meisharim* suggests that in the case of the Kohen's divorce, the Kohen is not angry at the time of the divorce itself. Rather, he comes to his decision to divorce out of anger, but when he actually gives the *get* he is calm. Thus, although his decision was made out of anger, and he may regret it later on, the divorce itself is valid. However, in the case of the *Maharit*, the landlord was angry at the time of the actual *mechilah*. Therefore, the *mechilah* does not take effect.

The *Dovev Meisharim*, however, rejects this approach, because it is apparent from a Gemara in *Gittin* that a divorce is valid even if the husband was angry at the time of the divorce. Another possible distinction between the case of *get* and the case of *mechilah* is as follows. With respect to a *get*, the act of divorce is not an act that is inherently done out of anger. Thus, although the Kohen divorced out of anger, this does not define the nature of the act; the divorce itself is considered an act done with intent. However, in the case of *mechilah*, the landlord expressed his *mechilah* by shouting at the renter. Thus, the very act of *mechilah* was an act of anger, and is invalid.

The *Dovev Meisharim* suggests a third approach, one that he accepts as *halachah le-maaseh*. He explains that the reason why a divorce works out of anger is because divor-

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By Rabbi Doniel Neustadt Shlita

Blow by Blow: Tekias Shofar Done Right

### A BASIC UNDERSTANDING OF THE TEKIOS

One of the most important mitzvos of Rosh Hashanah is the Biblical command to blow the shofar. Although the significance of this mitzvah has been expounded at length – Rav Sa'adiah Gaon enumerates ten different reasons for blowing shofar – still many people are unfamiliar with the basic procedures involved: how many blasts are sounded, how long or short must they be, etc. While the *tokea* (the one who blows the shofar) and the *makri* (the individual who instructs the *tokea* which blast to sound) must be thoroughly versed in these intricate laws - since it is they who determine if a particular blast was invalid and must be repeated -still it is important for the entire congregation to have some degree of familiarity with the general laws governing this mitzvah.

### THE BASIC MITZVAH

The Biblical command is to blow three sets of  
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# GENERAL HALACHA

## SIMANIM & SHEHECHEYANU ON ROSH HASHANA

By Rav Moshe Rotberg



### SIMANIM ON THE NIGHT OF ROSH HASHANA

The *Gemara* in *Horeos* (12a) and *Krisus* (5b) discusses different ways for a person to determine whether or not he is destined to have a good year. One such examples is lighting a candle during *Aseres Y'mai T'shuvah* and watching to see if the fire is straight. Based on this *Abaye* says that one should eat certain foods which symbolize different blessings on *Rosh Hashana* since we see that symbolism has substance. The *Rishonim* and *Achronim* ask why this is allowed. There is a prohibition of *Lo Tinachashu*, which means one is prohibited in trying to find different signs and symbols to predict or influence the future. The *Meiri* in *Horeos* writes that that which we do *simanim* on the night of *Rosh Hashana*, while it is not *nechisha*, does give off the appearance of it. Therefore he explains that *Chazal* instituted saying different *teffilos*, which make it clear that these objects are simply intended as a way of prayer to a Higher Power. However, if one mistakenly believes that the actual eating of the foods will alter his future, it would be forbidden.

The *Maharsha* (*Horeos* 12a, however in many prints it is accidentally printed on 12b) explains that the only prohibition of *nichisha* is with regard to negative things, however defining goodness which is only from *Hashem* is allowed.

### RECITING THE YEHIRATZON

There is a *machlokes* whether or not one recites the *yehi ratzon* prior to eating these foods with *Hashem's* name or not. The *Kitzur Shulchan Aruch* (129;9) and the *Steipler* (*Orchos Rabainu* Vol. 2 page 175) state not to recite *Hashem's* name. The *Mishnah Berurah* (583; 2) and others state that one should recite *Hashem's* name. In the *Sefer V'dbarta Bom* (160;2)

it is brought that Rav David Feinstein *shlit"o* maintains that one can recite *Hashem's* name since after all it is a *teffilah*; he adds that that was his father's custom (although he himself does not do so).

The prevailing opinion is that one should make a *birchas haeitz*, eat a little piece, and then recite the *yehi ratzon*.

### RECITING SHEHECHIYANU THE FIRST NIGHT OF ROSH HASHANA ON THE FRUIT

It is customary to have a fruit on the night of *Rosh Hashana* which one has not had all year, so that one can recite the *b'racha* of *shehechiyanu*. The question which arises is whether or not it is best to keep the fruit on the table during the recital of *Kiddush*, so that the *birchas shehechiyanu* recited by *Kiddush* can exempt the fruit as well, thus minimizing the need for another *b'racha*.

The *Minchas Shlomo* (Vol. 20) writes that one should not have the fruit placed on the table during *kiddush*. He explains that the *shehechiyanu* which one makes during *Kiddush* and the *shehechiyanu* one recites on the fruit are by nature different. During *Kiddush*, when we recite *shehechiyanu*, in essence that *b'racha* is being recited on the day, which is not like the *shehechiyanu* one makes later on the fruit, which is being recited on the fruit being eaten.

Therefore, on the first night of *Rosh Hashana* one should make sure that there are no fruits requiring a *shehechiyanu* on the table during *Kiddush*. If it was mistakenly left on the table, the *K'sav Sofer* maintains that one should still make a *b'racha* on the fruit, since the *b'racha* on the *yom* has nothing to do with the fruit.

### SECOND NIGHT ROSH HASHANA WITH REGARD TO SHEHECHIYANU

The second night of *Rosh Hashana* is different in this regard. The reason for this is that there is a question in the *Gemara* whether or not the two days of *Rosh Hashana* are considered one extended *Yom Tov* - which if so then he already recited a *shehechiyanu* on it the first night - or whether they are considered two separate ones, thereby requiring its own *b'racha*.

In *Shulchan Aruch* (600;2) it is written that on the second day of *Rosh Hashana* one should wear a new article of clothing or place a new fruit on the table and then recite *shehechiyanu*; if one doesn't have that he should still recite *shehechiyanu*.

In other words, since there is a minority opinion that one would not make a *shehechiyanu* on the second night of *Rosh Hashana* by *Kiddush*, it is recommended that one should keep a fruit on the table that was not on the table

the night before, and have it in mind during the *b'racha* of *Kiddush*. It is important to note that one should have in mind the *yom* as well, since that is the main requirement according to the majority of opinions.

This seems to contradict that which was previously quoted from the *K'sav Sofer*, that the *b'racha* on the fruit and *yom* have no correlation and they therefore cannot be made in conjunction. However, see the *Minchas Shlomo* as to how he seems to resolve this issue.

### WHAT TYPES OF FRUIT REQUIRE A SHEHECHIYANU

The reason we make a *shehechiyanu* on fruits we eat is because it brings one joy. This is despite the fact that one may not feel this joy (See *Vezos Habracha* (18:1, pg 159) in the name of Rav Elyashiv and Rav Chaim Kanievsky). There are *Poskim* who rule that the *B'racha* of *Shehechiyanu* is only recited on fruits that one actually has happiness from eating. (See *Shu"t Chasam Sofer* (55) and *Shu"t Shevet Halevi* (Vol. 4; 25) who rule this way and therefore write that only on the *Shivas Haminim* should *Shehechiyanu* be recited.)

Other *Poskim* maintain that as long as the fruit is enjoyed, even if it doesn't bring any special happiness, the *shehechiyanu* is recited when eating it for the first time that season. (Psak of Rav Shlomo Zalmen Auerbach Zt"l and others).

One only makes a *b'racha* on fruits that grow seasonally; fruits that grow all year round don't require a *shehechiyanu*.

Fruit that is available in the marketplace all year round (because of refrigeration and transportation) do not require *shehechiyanu*.

The *Mishna Brurah* (225:11) writes that it is preferable to say *Shehecheyanu* first in order to not make an interruption between the *b'racha* and eating. However, in *Vezos Habracha* (Ibid) it is brought that the custom is to make the *b'racha* of *ha'etz* on the fruit first.

If one forgot to make the *b'racha* before eating, one may make it as long as they have not finished eating; once finished, a *shehechiyanu* cannot be made on that fruit.

### TWO DIFFERENT FRUITS ON THE TABLE

If one has two different fruits on the table requiring a *shehechiyanu*, then under all circumstances one would only make one *b'racha* for both. If they were both on the table, then even if one is planning on eating the second fruit later he would still only make one *b'racha*, based on the fact that according to some sources seeing the fruit is enough to require a *birchas shehechiyanu*. (See *Igros Moshe* Vol.1; 87 and *Kaf Hachaim* 225;31 with regard to a case in which the person had specific intent not to be *yotze*.)

# MATTERS OF INTEREST

AVISSAR FAMILY RIBBIS AWARENESS INITIATIVE:

## CUTTING THE GRASS

Zvi and Moshe are friendly neighbors. Instead of hiring a lawn company to cut their lawns, they each take bi-weekly turns mowing both lawns. Is there an issue with this arrangement if the lawns are similar in size?

Zvi's lawn is significantly larger than Moshe's. If Moshe cuts Zvi's grass, would that be viewed as "paying" more than he owes?

Cutting the grass, or any labor, has monetary value, since otherwise one would have had to hire a landscaping company. Therefore, after Zvi finishes cutting the grass for Moshe, it is viewed as if Moshe owes him money for the



job, something which can be viewed as a loan.

Therefore, in case #1, since the lawns are similar in size, there would be no problem with the arrangement. Even if one lawn may be slightly larger than the other, or slightly more difficult to cut, nonetheless it would be permitted. This is usually the case regarding most city blocks or townhouse developments. In case #2, since Zvi's lawn is significantly larger than Moshe's, this would present a rib-

bis issue (if Zvi's lawn was cut second). However, this is only when the agreement was formulated as *conditional*, but if it was clear that they are doing it merely as a favor for each other, it would be permitted (as discussed above in "Trading Meals").

Therefore, the simplest way to avoid the issue is to clearly specify that it is being done as a favor. Alternatively, the issue can be avoided by cutting the larger lawn first.

# OU DAILY LIVING

Weekly Questions

## PAS YISRAEL AND KNISHES



### Is a knish considered pas (bread)?

There are two ways to make knishes. Most home-made recipes for knishes involve folding meat or vegetables into a pocket of dough and then baking the knish. Because the dough is baked, this type of pastry is called *pas haba'ah b'kisinin* (bread with a filling), and is subject to the laws of *pas palter* (non-Jewish bread) and *pas Yisroel* (Jewish bread). *Pas haba'ah b'kisinin* is a form of bread that is usually served as dessert. As such, the *bracha* is normally *borei minai mezonos*, but if one is *ko-vaya seuda* (eats a substantial amount which constitutes a meal), the *bracha* is *hamotzi*.

However, there is another method which is commonly followed for retail knishes. Instead

of baking the dough, the knish is deep fried in oil. Because the dough is fried in oil and not baked, *halachically*, this type of knish is not considered *pas* (bread). Even if one were to eat an entire meal of these knishes, they would require only *mezonos*, and not *hamotzi*. Therefore, these knishes are not included in the laws of *pas palter/pas Yisroel*, but rather the prohibition of *bishul akum* (foods cooked by a non-Jew without Jewish involvement) would apply. *Bishul akum* applies only to food that might be served at a fancy dinner. Since knishes are served at fancy dinners, the prohibition of *bishul akum* would apply. For this reason, all OU fried knishes are *bishul Yisroel*, with a Jew involved in the frying process.

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blasts on Rosh Hashanah. A set of blasts means one teruah sound preceded and followed by

a tekiah sound. Thus, the sum total of blasts which one is required to hear on Rosh Hashanah is nine - six tekiah sounds and three teruah sounds.

The tekiah sound was always well defined and agreed upon by all authorities - a long, straight (without a break or pause) blast. The teruah sound, however, was not well understood and the Rabbis were unsure of how, exactly, it was supposed to sound. The Talmud describes three possibilities:

Three short, straight blasts - what we commonly refer to as shevarim;

Nine very short, staccato blasts - what we commonly refer to as teruah;

A combination of both of the above sounds - a shevarim-teruah compound.

To satisfy all of the above opinions, the Rabbis established that the three sets of tekios be blown in three different ways, alternating the teruah sound in each set. Thus we blow tekiah shevarim-teruah tekiah (TaSHRaT) three times; tekiah shevarimtekiah (TaSHaT) three times; and tekiah teruah tekiah (TaRaT) three times. Altogether that adds up to thirty different blasts: eighteen tekios, three shevarim-teruahs, three shevarim and three teruahs. This is the minimum number of blasts that every adult male is required to hear on Rosh Hashanah. These are called tekios d'myushav, since the congregation is permitted to sit while they are being blown. In practice, however, it is almost universally accepted to stand during

these tekios.

[A person who is in dire circumstances (a patient in the hospital, for example) and is unable to hear (or blow) thirty blasts, should try to hear (or blow) ten sounds: one TaSHRaT, one TaSHaT and one TaRaT. No blessing, however, is recited over these blasts.]

In addition to these Biblically required blasts, we blow seventy more. Thirty more are blown during Musaf, ten each after the Malchiyos, Zichronos and Shofaros divisions of Shemoneh Esrei. Every adult male is Rabbinically obligated to blow or hear these blasts in their designated places during the Musaf service. They are called tekios d'meumad, since one is required to stand while they are being blown. Finally, it is customary to blow forty more blasts for a sum total of one hundred blasts. While this custom is based on several early sources and has been almost universally adopted, there are various practices regarding when, exactly, they are blown. Generally, these blasts are blown towards the end of as well as after the Musaf service, and one should refrain from speaking until after all one hundred blasts have been blown.

### HOW LONG SHOULD EACH BLAST BE?

The length of a tekiah, both before and after the shevarim or teruah, must be at least as long as the shevarim or teruah which it accompanies. Thus, since it takes about two to three seconds to blow a shevarim or a teruah, the tekiah before and after must be at least two to three seconds long. Since it takes longer than that to blow the combination shevarim-teruah sound, the tekiah which precedes and follows these sounds must be longer as well. Most congregations allot about four or five seconds for each of these

tekios. The makri is responsible to keep time.

[It is important to remember that each tekiah must be heard in its entirety no matter how long it takes. If, for example, a tekiah is blown for seven seconds, which is much longer than required, the entire seven seconds' worth must be heard by the congregation. Care must be taken not to begin reciting the Yehi ratzon until after the blast is concluded.]

A teruah is at least nine short blasts (beeps), although in practice, many more beeps are sounded when the teruah is blown. No breath may be taken between the short beeps; they must be blown consecutively.

Each shever should be about three teruah-beeps long. B'diavad the shever is valid even if it is only two beeps long, provided that all three shevarim are of that length. No breath may be taken between each shever; they must be blown consecutively.

### SHEVARIM -TERUAH -HOW IS IT BLOWN?

There are two views of how to blow the shevarim-teruah combination. Some opinions hold that no breath may be taken between them and even b'diavad, a breath between them invalidates the blast. Others hold that a breath should be taken between the shevarim and the teruah [provided that it takes no longer than the split second that it takes to draw a breath]. The custom in most congregations is to do it both ways; the tekios before Musaf are blown with no breath taken between the shevarim-teruah, while the tekios during and after Musaf are blown with a break for drawing a breath between the shevarim-teruah.

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ing involves the physical action of giving the get to the wife. And we assume that a person does not do an action unless he really wants to do it. Therefore, when a Kohen divorces out of

anger, it is considered that he divorced with full intent. However, in the case of the *Ma-harit*, where the person made his *mechilah* with mere words, it does not take effect when done out of anger.

In conclusion, if a person performs a transaction with a physical action, it takes effect even if he did so out of anger. However, if he does the transaction verbally, it is not legally binding.



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