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WHEN FORGIVEN'S FORGOTTEN:

Retracting a Pardon Made in Anger

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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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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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