
קונטרס

קול תורה ותפילה



כרך א • ראש השנה, יום כיפור, סוכות תשע"ז • קהילת קול תורה תפילה

*Dedicated in honor of the Bauman and Sipzner families,
for their tireless efforts and cornerstone support of Kol Torah Tefillah*

קונטרס

קול תורה

ותפילה

Kuntrus Kol Torah Tefillah

Kehillas Kol Torah Tefillah

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Editorial Team

Moshe Buchbinder, *General Editor*

Yoni Kirschner, *General Editor*

Tani Sussman, *Publication Lead*

Rob Shur, *Design and Layout*

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בגדר מתי אומרים התורה חסה על ממונן של ישראל ומתי אומרים אין עניות

במקום עשירות

יונתן זאב קירשנער

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Editors' Preface

The Seforim HaKedoshim tell us that when Hashem created the foundation for all of existence, He began by creating the 22 letters of the *Aleph-Beis*. These 22 *yesodos* not only provided the fundamental framework for the Torah but continue to provide the spiritual channels and infrastructure through which the light of Hashem shines down into this world. They are alluded to in the *pasuk* בך יברך ישראל – through you (בך = gematria 22), literally, *Klal Yisroel* will be blessed. The number 22 therefore represents much more than the number of letters in a two dimensional alphabet system. Its formative application signifies a system of divine construct and a basis for tremendous *kedusha* that shall never wane.

We would like to think that it is therefore no coincidence that our new *shul*, Kol Torah Tefillah (“KTT”), was founded this past year by 22 families, all seeking to establish yet another amazing *mosad haTorah* for the vibrant and growing community of *shomrei Torah u'mitzvos* in North Woodmere.

Kol Torah Tefillah is defined by its three core values: *mesiras nefesh* for *Talmud Torah*, the highest standards of *Tefillah*, and a *kol/ruach* that audibly and sincerely demonstrates a heartfelt *dveykus Ba'Hashem* within the *kehilla*. We are therefore optimistic that with 22 strong roots, KTT will continue to provide a wellspring of opportunities for *kiddush Sheim Shamayim* throughout North Woodmere and the greater 5 Towns Torah community.

The publication of this *sefer* by the KTT *kehilla* is perhaps a first of its kind. When this project was initially conceived (and even now after its publication) our *kehilla* was in its infancy. As of this summer, when we launched the vision for this *sefer*, we had no *rav*, no dedicated *beis haknesses* building, and no firm organizational structure to anchor the vision for the *shul*. The inspiration for this *sefer* was purely organic; a reflection of the innate Torah compass inside our *kehilla*. That said, we must acknowledge the success of this publication and a large measure of that of the *shul* more broadly can be traced to two specific, major assets.

The first was our *achdus*. The common dream for an incredibly intense *mosad haTorah* generated a bond of *dibuk chaveirim* that allowed new and tenured members of the community to naturally and seamlessly fuse together into a cohesive *klal*. Since then, every step (and misstep) has been done with the utmost respect and esteem for one another. We are hopeful that the love and friendship, and quite frankly the joy, which has permeated KTT since the very beginning continues to engender *ahavas chinam* and an environment of *shalom v'reus* as our *shul* and community expand.

The second major asset to our *kehilla* has been Rav Moshe Weinberger, *mara de'asra* of Aish Kodesh of Woodmere NY, and *Mashpia* at Yeshivas Rabbeinu Yitzchak Elchanan. When we first conceived of KTT, one of the very first priorities was to seek out a source of *Daas Torah* and *hadracha* whom we could turn to for advice to help guide the many crucial, formative decisions which would impact our *shul* for the long run. We are incredibly fortunate that Rav Weinberger agreed to fill this role and we are very appreciative to the Rav for his ongoing support and assistance in helping us establish KTT *al pi derech haTorah*.

But even with endless *achdus* and *hadracha*, there is no question that we would not be a *kehilla* today without the massive, selfless commitments of Avi and Penina Sipzner and

family, who, for the last 8 months, have opened and transformed their home into the *makom Torah u'tefillah* for KTT. It is almost impossible to verbally capture the level of sacrifice and commitment that hosting the *shul* has required from the Sipzner family. Just to name a few of the many elements: constant *shul* set-up, *kiddush* cleanup, people coming in and out at all hours, loud *tefillos* late at night and all Shabbos morning, kids running through the halls holding plates of *kugel* and *chulent*, placating the neighbors, stocking supplies, ordering food, scheduling and hosting *probahs*, and purchasing *siddurim*, *chumashim* and *machzorim* have all been part of the endless list of responsibilities and commitments that the Sipznors have happily, gracefully and brilliantly endured. Recognizing (and apologizing for the fact) that we never intended this to be your day-job, our *kehilla* will forever be indebted to you for your hospitality and making KTT happen. It is our collective *tefillah* that KTT, wherever it may be permanently located, provides a tremendous ongoing *zechus* for you – Avi and Penina, and your entire family. Thank you.

Finally, we turn to the future and our dreams for a proper *makom tefillah* for our *shul*. While it takes most *shuls* years to grow and mature before evolving to the level where a *kehilla* can support a true, fitting *Mikdash Me'at*, we are uniquely fortunate for the cornerstone support of two families for their truly breathtaking generosity in helping to make KTT a reality. We dedicate this *sefer*, a show of our commitment to Torah values, in their honor.

First, we would like to express our endless gratitude to Mr. Irving and Mrs. Itta Bauman of Los Angeles, California for providing the *Even Pinah* for a new *shul* building that we hope to occupy in the coming months. Your generous pledge has propelled our fledgling dream into a concrete reality with strong momentum and an abundance of excitement, and we look forward to the naming of our *shul* in everlasting appreciation for your leadership and generosity. We consider ourselves fortunate to be the beneficiaries of your magnanimity and *daven* that your family continues to provide you with an abundance of *yiddishe nachas*. May the *kol Torah u'tefillah* emanating from our *kehilla* serve as a *zechus* for the family's continued *bracha v'hatzlacha*.

Finally, we would like to thank Mr. Howard and Mrs. Reize Sipzner for their generosity and sponsorship of our *shul's aron kodesh*, a symbol of their strong commitment to seeing KTT thrive as a vibrant Torah institution. We also acknowledge and appreciate your enthusiastic, animated cheering and rooting for our success at each step along our maturation process. Your abundance of love and support for Torah and *chessed* is abundantly obvious in Avi's exemplary *midos tovos*, and we wish you continued health, happiness and *nachas* from all of your children as well as our community.

In closing, thanks to the contributions of those mentioned above, Kol Torah Tefillah is a wonderful place to learn, *daven* and connect to Hashem. If you have not yet seen it for yourself, we look forward to seeing you soon. In the meantime, we hope you enjoy these outstanding *Divrei Torah* on the *Yomim Tovim* of Rosh Hashana, Yom Kippur and Succos. Each was prepared by one of the *baalei batim* of our community – a testament to the *chashivus* for Torah which we seek to sustain and grow together at KTT. May we all be *zoche* to a *kesiva v'chasima tova* and year of inspired *kol, Torah* and *tefillah*.

The KTT Editorial Team

ראש
השנה

Shofar HaGazul

Ari Szafranski

Many of us have learned the *sugya* of *lulav hagazul* at some point during our yeshiva education. We may recall the *pasuk* that says that the *lulav* needs to be “*lachem*” – yours, which invalidates a stolen *lulav* on the first day of Succos. We may further recall the *sugya* of *mitzva habah b'aveira*, which invalidates a stolen *lulav* on the remaining days of Succos, and the many intricacies as to when this would apply. However, we may be hard-pressed to recall the *sugya* of “*shofar hagazul*” – a stolen *shofar*. Is that because we might not have learned *masechta Rosh Hashana* in yeshiva? Perhaps the idea that someone would actually steal a *shofar* and then use it to awaken himself up to do *teshuva* on Rosh Hashana is just an unlikely occurrence and therefore this *sugya* need not be dealt with? In reality, the *Talmud Bavli* does not deal with the *sugya* at all, but the *Talmud Yerushalmi* does make slight reference to it. Interestingly enough, this *Yerushalmi* is actually in *masechta Succa*, *Perek 3 Halacha 1*. Even in this *Yerushalmi*, the main *sugya* being dealt with is a *shofar* used for *avoda zara*, and only references a potential application to a stolen *shofar* right at the end of the *sugya*.

The Rambam, however, deals with the case right in the beginning of *Hilchos Shofar* (1:3) and states that one who blows from a stolen *shofar* is in fact *yotzei* the *mitzva* of *tekias shofar*. The reason he gives for this is that the *mitzva* of *shofar* is not the act of blowing of the *shofar* itself, but rather the “*kol*”, the sound that comes from the *shofar*. The Rambam further states that a *kol* does not have a “*din gezel*”, which can loosely be assumed to mean that a sound cannot be stolen. This reason of the Rambam indeed originates from one of the opinions in the aforementioned *Yerushalmi*, a connection that is made by the *Magid Mishna* on this Rambam.

Two *Lachems*

The Ra'avad on this Rambam comments that even if there would be a “*din gezel*” on a *kol*, it would still be permissible to use a stolen *shofar* on Rosh Hashana, since the *pasuk* says (*Bamidbar* 29:1) “*Yom truah yihieh lachem*”. The Ra'avad quotes our *Yerushalmi* which understands the word “*lachem*” to be expansive and include even a stolen *shofar*.

It is interesting to note that it is this same word “*lachem*” mentioned above that invalidates a stolen *lulav*. How does the word “*lachem*” come to include a stolen *shofar* but exclude a stolen *lulav*? The *Taz* in *Siman* 586 (*gematria* of *shofar*) *s'if katan* 2 explains that by *lulav* the *pasuk* says “*ul'kachtem lachem*” – and you should take for yourself. The word *lachem* is describing the action “take”, and so it qualifies what exactly is valid to take. For the *mitzva* of *lulav*, you can only take what is already

“*lachem*” – it must be yours and not stolen. Had the *pasuk* of *shofar* used a similar construct of “*ut’katem lachem*”, then this would translate into a similar set of rules for a stolen *shofar*. However, the *pasuk* in fact says “*Yom truah yehieh lachem.*” Here, “*lachem*” is juxtaposed to the word “*truah*” and not to any action. Thus, the *rabbanan* learn that however the *shofar* becomes yours is sufficient to be *yotzei* the *mitzva* of *shofar*.

While the *Taz* is able to explain away the contradiction, it leaves us with another question. Why did Hashem see it fit to establish the *mitzva* of *lulav* in such a way so as to exclude a stolen object, whereas the *mitzva* of *shofar* allows using a stolen object? After all, one could argue that we should be extra careful on Rosh Hashana – the day we are judged – not to use an item which was acquired in an unlawful manner. Perhaps we can explain based on a line from Rav Volbe *ZT”L*. In the first paragraph of volume 2 of *Alei Shur*, *sha’ar* 3, *perek* 24, Rav Volbe quotes the *talmidim* of Rav Yisroel Salanter as saying that the single most important “*eitza*” that one should use in order to have a favorable judgment in front of Hashem is to become someone who is needed by the public. Even if one’s own individual *z’chusim* are inadequate to render a favorable judgment, if the *rabbim* need this person, their *z’chusim* are much more powerful in ensuring him a favorable judgment. The concept of *ba’alus* – when something belongs to someone specifically – is by definition to the exclusion of other people. Thus, the Torah may be hinting to us here that the concept of *ba’alus* is not something that has a place in the pursuit of having a successful *Yom Hadin*. This obviously does not suggest that it is permitted to steal on Rosh Hashana. Rather, the *gzeiras hakasuv* to allow one to fulfil his obligation with a stolen *shofar* is a hint to the concept that one should want others to benefit from him and his property, instead of being *makpid* that others not use his possessions.

Stealing Intangible Property

Let us turn back to the first reason given by the Rambam to allow the use of a stolen *shofar* – the reason that a *kol* does not have a *din gezel*. On the surface, the explanation is that only physical items are within the realm of ownership and are subject to being stolen. While a voice or a sound may emanate from a physical object, it is not in itself a physical object, and therefore does not belong to anyone. I believe that this concept is an integral part of our new *kehilla*. While we strive to have a strong “*kol Tefilla*”, this is viewed in the context of the broader *tefillos* and needs of the greater *Klal Yisroel*.

I once heard a very nice *pshat* in *Bereishis* 18:17-18. Prior to destroying Sodom, Hashem says “Can I hide what I am about to do from Avraham, for he will become a great and mighty nation; all the other nations will be blessed from him.” One could ask – what does the promise to Avraham that he will become a mighty nation have to do with Hashem’s decision to tell Avraham about destroying Sodom? A possible answer is that if Avraham hears about Sodom, Avraham will daven for its well-being. And even though Hashem knows that Sodom will ultimately not have enough *z’chusim*

to be saved even with Avraham's *tefillos*, there is no *tefilla* that goes unanswered. So while Hashem had already promised Avraham that he will become the forefather to a great nation, that promise was effectuated by Avraham's *tefilla* for Sodom. Had Hashem not told Avraham about Sodom, and therefore Avraham not davened on its behalf, the greatness of Avraham's nation would not have been the same. While Avraham's *tefillos* were not enough to save Sodom, his *tefillos* were eventually used on his future nation, which will impact the other nations. So too, it is our hope that we build a true *kol tefilla* which has no *ba'alus* – but will be *miskayim* on and bear fruits for all of *Klal Yisroel* for many years to come.

Clinging Versus Walking

Yoni Kirschner

The *gemara* in *Pesachim* 3a states:

אמר רבי יהושע בן לוי: לעולם אל יוציא אדם דבר מגונה מפיו, שהרי עקם הכתוב שמונה אותיות ולא הוציא דבר מגונה מפיו, שנאמר מן הבהמה הטהורה ומן הבהמה אשר איננה טהרה.

Rebbi Yehoushua Ben Levi teaches that one should never say something disgusting or inappropriate. We learn this from the wording of the Torah which went out of the way and added 8 letters so as not say the word "impure" but said "not pure" instead.

Aside from the obvious moral lesson in how to use our ability of speech only for the good, since speech is the defining characteristic which separates us from all other life forms, the latent assumption in this *gemara* is that the Torah does not exhaust extra words. Every letter is precious and precise and the Torah only adds extra letters when there is a specific purpose.

Follow in His ways

So what is troubling is there are two *pesukim* that effectively teach us the same thing. One *pasuk* appears in *Parshas Re'eh* (13:5) where we are commanded אחרי ה' אלקיכם, תלכו, which technically means to pursue Hashem your God, but more practically, means to follow in Hashem's ways. Additionally, in *Parshas Beshalach* (15:2) we are told זה אלי ואנוהו, this is my God and I will – *v'anvehu*. The word *v'anvehu* is not a clearly defined word and the *gemara* in *Shabbos* 133b quotes Abba Shaul who explains: ואנוהו - הוא דומה לו, it means to be similar to Hashem. Rashi provides the linguistic derivation for this *drasha*, explaining that the word ואנוהו is a compound word made up of two words אני והוא. At first glance, these two *drashos* seem to be teaching the same thing: follow in Hashem's ways and be similar to Him. Why is this not repetitive? Or said differently, what are the separate lessons that we are to learn from these *pesukim*?¹

If in fact the two *pesukim* were utilized to teach totally different rules, our problem would be solved. However, that solution does not work here. Looking at the relevant *gemaros* that expound the *pesukim*, the lessons seem identical. The *gemara* in *Shabbos* 133b explains מה הוא חנון ורחום, אף אתה, הוא דומה לו specifically as

¹ One might be inclined to suggest that at times the Torah will repeat itself, sometimes even verbatim, such as the case with the *pasuk* לא תבשל גדי בחלב אמו, which appears three separate times in the Torah. However, this really does not resolve the issue since each *pasuk* is utilized to teach three separate *issurim*: the *issur* to cook, eat and benefit from the combination of milk and meat.

היה חנוך ורחום. Just as Hashem is gracious and merciful, so you should be gracious and merciful.

Similarly, regarding the *pasuk* of תלכו אחריו ה' אלקיכם the *gemara* in *Sotah* 14a states:

ואמר רבי חמא ברבי חנינא: מאי דכתיב 'אחרי ה' אלקיכם תלכו' ? וכי אפשר לו לאדם להלך אחר שכינה, והלא כבר נאמר 'כי ה' אלקיך אש אכלה הוא' (דברים ד', כד)? אלא להלך אחר מדותיו של הקב"ה: מה הוא מלביש ערומים, דכתיב 'ויעש ה' א-להים לאדם ולאשתו כתנות עור וילבישם' (בראשית ג', כא), אף אתה הלבש ערומים; הקב"ה ביקר חולים, דכתיב 'וירא אליו ה' באלני ממרא' (שם י"ח, א), אף אתה בקר חולים; הקב"ה ניחם אבלים, דכתיב 'ויהי אחרי מות אברהם ויברך א-להים את יצחק בנו' (שם כ"ה, יא), אף אתה נחם אבלים; הקב"ה קבר מתים, דכתיב 'ויקבר אתו בגי' (דברים ל"ד, ו), אף אתה קבור מתים.

The general gist of these two *gemaros* is that one should pattern his behavior after Hashem. Thus, our original question stands. What are the dual lessons to be derived from these *pesukim*?

Rav Asher Weiss explains that these two *gemaros* are not saying the same thing. The *gemara* in *Sotah*, dealing with various forms of *chessed*, is discussing behaviors and actions, while the *gemara* in *Shabbos*, which discusses Hashem's Graciousness and Mercy, is talking about emotions and psychological tendencies. Rav Asher explains that it is not enough to simply do acts of *chessed*; the *gemara* in *Shabbos* raises the Torah's bar of expectations and demands that we become compassionate people. But viewing the mandate from the opposite perspective, the opposite is also true. It is not enough to be kind and compassionate in one's heart and mind, one must act on such feelings and perform *bikur cholim, nichum aveilim*, etc.

ואתם הדבקים

However, there is a third *pasuk* that discusses this idea. In *Parshas Va'eschanan* (4:4) the Torah teaches the commandment ואתם הדבקים בה' אלקיכם חיים כלכם היום – and you that cling to Hashem your God are all alive today.

The *gemara* in *Kesubos* is bothered by the same question as the *gemara* in *Sotah* as to how one can “cling” to Hashem if He is an all-encompassing fire, and records:

ואתם הדבקים בה' אלהיכם חיים כלכם היום - וכי אפשר לדבוקי בשכינה? והכתיב: כי ה' אלהיך אש אוכלה! אלא, כל המשיא בתו לתלמיד חכם, והעושה פרקמטיא לתלמידי חכמים, והמהנה תלמידי חכמים מנכסיו, מעלה עליו הכתוב כאילו מדבק בשכינה. כיוצא בדבר אתה אומר: לאהבה את ה' אלהיך ולדבקה בו - וכי אפשר לאדם לידבק בשכינה? אלא, כל המשיא בתו לתלמיד חכם, והעושה פרקמטיא לתלמידי חכמים, והמהנה תלמידי חכמים מנכסיו, מעלה עליו הכתוב כאילו מדבק בשכינה. (כתובות קיא:)

In summary, the *gemara* explains that clinging to Hashem is certainly not physical, but rather it means to attach to *talmidei chochomim* through acts such as marrying one's daughter to a *talmid chochom*, conducting business with a *talmid*

chochom and providing benefit to a *talmid chochom* from one's property. Importing this *gemara* to our discussion, the question is what this adds to the dual commandments of following in Hashem's ways, both emotionally and actively. What is the *chiddush* contained in the mandate of *dveikus* with Hashem that is not already incorporated into the previous two *pesukim*?

Perhaps we can suggest that even though the concept of *dveikus* is normally used as an extremely lofty level, in the scale of serving Hashem, it falls below the level Rav Asher referred to earlier. By way of example, who would you say is a more loyal servant, the servant who volunteers and happily follows his master or the one who is forced to? Clearly, the volunteering servant is more loyal. So too, regarding *dveikus*, on the one hand clinging to Hashem is extremely lofty, but it also means such an individual sacrifices his free will. The whole essence of glue (*devek* in Hebrew) is to take two items and forcefully attach them against their will. A much higher level of connection is when two items attach willingly, without a binding agent. So while *dveikus* is a lofty level we should all strive for, a higher level is *אחרי ה' אני והוא* and *אחרי ה' אני והוא* and *אלקיכם תלכו* and *אני והוא* and *אלקיכם תלכו*. The Jew on the level of *אחרי ה' אני והוא* serves Hashem out of love and volunteers his time to gladly perform His commandments. The Jew on the level of *dveikus* with Hashem yearns to be close to Him and that's why he marries his daughter to a *talmid chochom*, does business with *talmidei chochamim* and gives *tzedaka* to *talmidei chochamim*, but he himself is not yet ready to be a *talmid chochom* and fully commit. He needs the *devek* to bind him to Hashem.

The Opinion of the Rambam

With this understand we can understand a troubling Rambam. The Rambam writes:

ומצווין אנו ללכת בדרכים האלו הבינונים והם הדרכים הטובים והישרים שנאמר והלכת בדרכיו. כך למדו בפירוש מצוה זו, מה הוא נקרא חנון אף אתה היה חנון, מה הוא נקרא רחום אף אתה היה רחום, מה הוא נקרא קדוש אף אתה היה קדוש, ועל דרך זו קראו הנביאים לאל בכל אותן הכנויין ארך אפים ורב חסד צדיק וישר תמים גבור וחזק וכיוצא בהן, להודיע שהן דרכים טובים וישרים וחייב אדם להנהיג עצמו בהן ולהדמות אליו כפי כחו. (הלכות דעות א:ה-ו)

Paying careful attention, it is clear that the Rambam merges two different ideas. On the one hand, the Rambam quotes the *gemara* in *Shabbos* - מה הוא נקרא חנון אף אתה היה חנון but instead of sourcing the *limud* from *א-לי ואנוהו* as the *gemara* does, he derives it from *והלכת בדרכיו*. What drove the Rambam to quote a different source? Also, why didn't the Rambam quote the *gemara* in *Sotah* regarding *אלקיכם אחרי ה' תלכו*?

Perhaps we can suggest that the Rambam was working with the same *yesod* as Rav Asher. Had the Rambam quoted the *gemara* in *Shabbos* as it is written, we wouldn't know that one needs to perform acts of *chessed*, he just needs to be a compassionate individual. So the Rambam incorporated the *pasuk* in *Ki Savo* (28:9) of *אחרי ה' תלכו*, whose verbiage is extremely parallel to the *gemara* in *Sotah* of *אחרי ה' תלכו*.

אלקיכם תלכו to impress on the reader that it is not enough to be a חנון in one's own heart; one needs to walk in the ways of a חנון and perform acts of *chessed*. The phrase והלכת בדרכיו never appears in the *mishna* or *gemara*, but the Rambam is using it to encapsulate the message of the duality of הוא ואני והוא and אחרי ה' אלקיכם תלכו. If we analyze the two *drashos* of Chazal we notice that the *drasha* of אחרי ה' אלקיכם תלכו focuses on actions, with the active verb הלך being used, but lacks the requirement for any psychological emotion. The *drasha* of הוא ואני, on the other hand, totally lacks a verb, but clearly requires our mimicking the behaviors of Hashem. By using the *pasuk* of והלכת בדרכיו, the Rambam is combining the physical actions denoted by the active verb הלך with the requirement to also model our emotional makeup after the ways of Hashem. Further, once we know that emotional reactions need to predicate our display of *chessed*, the Rambam only quotes the behavior mandated by הוא נקרא מה הוא נקרא, רחום אף אתה היה רחום, for based on the combined *drasha* of בדרכיו והלכת, we know that it is not enough to feel a sense of compassion but one must act on it as well.

The Rambam is consistent with this treatment in *Sefer Hamitzvos* and writes:

והמצוה השמינית היא שצונו להדמות בו יתעלה לפי יכלתנו והוא אמרו (תבוא כח) והלכת בדרכיו. וכבר כפל צווי זה ואמר (עקב י ויא) ללכת בכל דרכיו ובא בפירוש זה מה הקדוש ברוך הוא נקרא רחום אף אתה היה רחום מה הקב"ה נקרא חנון אף אתה היה חנון מה הקב"ה נקרא צדיק אף אתה היה צדיק מה הקב"ה נקרא חסיד אף אתה היה חסיד וזה לשון ספרי (ס"פ עקב). וכבר נכפל הצווי הזה בלשון אחר ואמר (ראה יג) אחרי י"י אלהיכם תלכו ובא בפירוש גם כן (סוטה יד א) שענינו להדמות בפעולות הטובות והמדות החשובות שיתואר בהם האל יתעלה על צד המשל יתעלה על הכל עילוי רב.

It should be noted that this combination is to the exclusion of the totally separate *mitzva* of *dveikus b'Hashem*, clinging to a *talmid chochom*, which the Rambam quotes independently in both *Mishna Torah* (Deos 6:2)² and in *Sefer Mitzvos* (*Parshas Eikev*: *Mitzva* 6).³

In the merit of our *tefillos* and *limud Torah* these *Yomim Noraim*, we should be *zoche* to a year of growth in our *Avodas Hashem*. And may our yearning for higher levels of *dveikus* with Hashem and והלכת בדרכיו lead to the ultimate המקום אל הלכת. אשר יבחר ה' אלקיך לשכן שמו שם במהרה בימינו.

2 מצות עשה להדבק בחכמים ותלמידיהם כדי ללמוד ממעשיהם כענין שנאמר ובו תדבק. וכי אפשר לאדם להדבק בשכינה. אלא כך אמרו חכמים בפירוש מצוה זו הדבק בחכמים ותלמידיהם. לפיכך צריך אדם להשתדל שישא בת תלמיד חכם וישא בתו לתלמיד חכם ולאכול ולשתות עם תלמידי חכמים ולעשות פרקמיא לתלמיד חכם ולהתחבר להן בכל מיני חבור שנאמר ולדבקה בו. וכן צו חכמים ואמרו והוי מתאבק בעפר רגליהם ושותה בצמא את דבריהם.
3 והמצוה השישית היא שצונו להדבק עם החכמים ולהתייחד עמהם ולהתמיד בישיבתם ולהשתתף עמהם בכל אופן מאופני החברה במאכל ובמשתה ובעסק כדי שישגו לנו בזה להדמות במעשיהם ולהאמין הדעות האמתיות מדבריהם והוא אמרו יתע' (עקב י) ובו תדבק. וכבר נכפל זה הצווי גם כן ואמר (ס"ף עקב) ולדבקה בו ובא הפירוש ולדבקה בו הדבק בחכמים ותלמידיהם וזה לשון ספרי [והו' דעות פ"ו ה"ב]. וכן הביאו רמב"ם על חיוב האדם לישא בת תלמיד חכמים ולהשיא בתו לתלמיד חכמים ולהאכיל תלמידי חכמים ולתת להם עסק מאמרו ובו תדבק. אמרו (כתוב' קיא ב ע"ש והו' שם) וכי איפשר לו לאדם להדבק בשכינה והוא כתיב כי י"י אלקיך אש אוכלה הוא אלא כל הנשוא בת תלמיד חכמים והמשיא בתו לתלמיד חכמים והמהנהו מנסכיו כאילו נדבק בשכינה.

יום
כיפור

Feeding Children On Yom Kipur And Sukkos

Yehoshua Allswang

The *gemara* in *Yevamos* 114a learns out from the *pasuk* of על השרץ השורץ לא תאכלום (Vayikra 11:42) that not only is it forbidden for one to eat *sheratzim*, it is even forbidden for one to give *sheratzim* to a child in order for him to eat it. Even though if a child has a *sheretz* in his hand *beis din* is not required to stop him from eating it, nevertheless, to physically give over *treif* food to a child is forbidden. Furthermore, the *gemara* says that one is not allowed to be מטמא בידים a child who is a *kohen*. The Rambam in *Hilchos Maacholos Asuros* 17:27 *paskens* like this *gemara* and adds that this *halacha* applies to all types of *issurim*, even *issurei derabbanan*. The *Pri Megadim* in O"C *siman* 343 says that this *halacha* applies even to a newborn baby. Furthermore he says that this *issur* applies even if one just places the *treif* food into the hand of the child, and it is not necessary to put it directly into the child's mouth in order to transgress the *issur*.

The *Shulchan Aruch* (*Siman* 343) *paskens* like the Rambam that this *issur* applies even by *issurei derabbanon*, but the *Biur HagGra* seems to *pasken* like the Rashba that the *issur* of *Lo Sochilum* only applies by *issurei deoraisa*.

The *Mishna Brura* in *siman* 343 says that not only is it *assur* to physically give a *davar issur* to a child, it is even *assur* to command a child to eat a *davar issur*.

Extent of the Issur

The *gemara* in *Pesachim* 88a says that it is permitted to give a child to eat from the *korban pesach*, even if he was not originally designated to eat from it. *Tosfos* there asks why is it permitted, as it should be prohibited because of the *issur* of *Lo Sochilum*? *Tosfos* answers that this *issur* only applies to *issurim* similar to *sheratzim* and *nevailos* but in a situation where there is some *chinuch mitzva* involved (like eating from the *korbon pesach*) then the *issur* does not apply. The *Magen Avraham* in *siman* 343 *paskens* like this *Tosfos*.

The *Pri Megadim* in *siman* 343, as well as the *Magen Avraham* in *siman* 616, say that that the *issur* of *Lo Sochilum* only applies to *mitzvos lo taasei*, but there is no *issur* to prevent a child's *kiyum* of a *mitzvas ase*. R' Moshe Brown *shlita*, in his *sefer Maadanei Moshe*, page 292, however, brings a proof from the aforementioned *Tosfos* in *Pesachim* that the *issur* even applies to a *bitul mitzvas ase* (based on the issue of eating *korban pesach* without designation, which is only a *mitzvas ase* based on the *pasuk* of *michsas nefashos*). The *Machatzis Hashekel* in *siman* 616 also says that the

issur even applies by a *bitul mitzvas asei*, since if the *issur* even applies by an *issur derabbonon* then all the more so it would apply to a *bitul mitzvas asei deoraisa*.

A very common occurrence related to this question would be if it is permitted to put *tzitzis* on a child (when helping him get dressed) if the *tzitzis* strings are *pasul*. According to the *Pri Megadim* it would be permitted, because it is only a *bitul mitzvas asei*. However, according to the *Machatzis Hashekel* it would be forbidden to help your child put on *pasul tzitzis*. Further, based on the logic of the *Mishna Brura* it would even be forbidden to tell him to put it on.

One could argue, however, that even according to the *Machatzis Hashekel* it would be permitted based on the *Tosfos* in *Pesachim* mentioned previously, that *Lo Sochilum* does not apply when there is a *chinuch* aspect to the commandment. However, one could counter that argument by saying that there is no *chinuch mitzva* when the child is putting on *pasul tzitzis*, as opposed to the case of *Tosfos* that the child cannot actually see or know that he was not originally designated on this *korban pesach* and therefore it would not be a lack of *chinuch mitzva* for the child.

Children Eating on Yom Kippur

The Rama in *siman 612 paskens* that it is permitted for an adult to touch food on Yom Kippur and give it to a child to eat. None of the commentators on the *Shulchan Aruch* question this *psak* of the Rama, but why is it not forbidden because of the *issur* of *Lo Sochilum*? The obvious answer would seem to be that the *issur* of *Lo Sochilum* is only if it is a *cheftza shel issur* (like *shekatzim* and *neveilos*) but if the item is inherently *mutar* and it's just a *zman shel issur* (like food on Yom Kippur) then the *issur* of *Lo Sochilum* would not apply.

While this seems logical, the *poskim* in *siman 343* say that the *issur* of *Lo Sochilum* even applies to giving a child *chometz* on Pesach. This seems to be a clear contradiction to the distinction outlined above as the *issur* of *chometz* is not a *cheftza shel issur*. Furthermore, the *Magen Avraham* in *siman 616* says that when a mother is feeding her children on Yom Kipur she should not physically give them the food because of the *issur* of *Lo Sochilum*.

What is shocking is that in *siman 612* where the Rama writes that it is permitted to feed a child on Yom Kippur, the *Magen Avraham* is silent and none of the *poskim* over there even mention that the *Magen Avraham* in *siman 616* seems to disagree with the Rama. It would seem to come out according to the *Magen Avraham* that the Rama only means that one can place food on the child's plate, but one may not actually place the food into the child's hand. This is a tremendous *chiddush* and it's very surprising that none of the *achronim* (including the *Mishna Brura*) discuss this distinction.

In *siman 616* the *Mishna Brura paskens* like this *Magen Avraham* and since the *Mishna Brura paskened* in *siman 343* that the *issur* of *Lo Sochilum* is even to just command a child to eat a *davar assur*, then it would therefore be *assur* for a parent to

command a child to eat on Yom Kippur. The *Minchas Chinuch* in *mitzva* 313 actually *paskens* like this, that it is *asur* to directly feed any child, even if the child is below the age of *chinuch* (about 8 or so) unless the child hasn't eaten at all that day and there is concern for their well-being. However, if a child has eaten that day but is nonetheless still hungry then it would be *assur* to directly feed them. The *Kaf Hachaim* also *paskens* like this *Minchas Chinuch*. However, the *Sh"ut Mechaze Eliyahu* argues and says that even though normally the *issur* of *Lo Sochilum* applies even to a newborn, as the *Pri Megadim* stated earlier, nevertheless, in regards to eating on Yom Kippur the *issur* of *Lo Sochilum* only applies to a child who has reached the age of *chinuch*.

Based on this *Mechaze Eliyahu*, the *Magen Avraham* and *Mishna Berura* become very clear. When the Rama in *siman* 612 said that one can feed his child on Yom Kipur that was referring to children who were below the age of *chinuch* and in such a case it would even be permitted to feed the child directly, and when the *Magen Avraham* and *Mishna Berura* say in *siman* 616 that it is forbidden to feed them directly, that was referring to children above the age of *chinuch*.

Children Eating Outside the Succa

It would seem to be clear from the *Magen Avraham* and *Mishna Brura* mentioned above that the *issur* of *Lo Sochilum* even applies to just a *zman shel issur* (like eating on Yom Kippur). Based on this we can understand the *Mishna Berura* in *siman* 640 who writes that it is forbidden to actively feed a child outside of a *succa*. The *Machatzis Hashekel* points out that even though typically the *issur* of *Lo Sochilum* applies even when you just put the food into the child's hand, nevertheless, by a *succa* it is different. This is due to the fact that by *succa* we are not dealing with a *cheftza shel issur* or even a *zman shel issur*, but rather a *makom shel issur*, since the child can take the food that was given to him and walk into the *succa* and eat it there. Therefore, the *issur* does not apply unless one places the food directly into the child's mouth or commands him to eat it outside of the *succa*. It seems from the *Machatzis Hashekel* that this *issur* of *Lo Sochilum* in regards to *succa* applies even to a child below the age of *chinuch*. However, R' Chaim Kanievsky *shlita paskens* in *Shoine Halachos* (*siman* 640) that this *psak* only applies to a child who has reached the age of *chinuch*.

The Opportunity of *Teshuva*

Moshe Aron Bauman

E lul is famously a time for *teshuva*. A time to make preparations for the impending Day of Judgment. A time during which the Jewish people are encouraged to introspect and reflect upon the past year and our conduct throughout it. Jews that are so fortunate will approach Rosh Hashana with a humble sense of remorse for behavior that deviated from *Ratzon Hashem*, and thereby ensure a favorable judgment. Then we are granted the opportunity to tap into the tremendous revelation of *teshuva* that is available during the עשרת ימי תשובה, climaxing with the holiest day of the year - יום כיפור - a day whose very essence is that of forgiveness. What a lofty time of year, indeed. This article will explore the paradox of *teshuva*. How are we able to undo the past? What's done is done and should seemingly be impossible to retroactively reverse. So what is this gift of *teshuva*, and how does it operate?

To explore this fascinating concept, this article will address a single contradiction in multiple ways in order to provide a window into the world of *teshuva* and the various realms in which it operates.

The Contradiction - "Natural" Function or Glorious Gift from Above

Rav Elchonon Wasserman זצ"ל asks whether *teshuva* is a natural ability that can be expected pursuant to the letter of the law; something to which we are entitled על פי קובץ מאמרים) or rather something that is available only by Hashem's Grace (ואגרות - מאמר על תשובה, יא מסילת ישרים) in the fourth perek of the Ramchal writes:

לפי שורת הדין ממש היה ראוי שלא יהיה תיקון לחטא כלל, כי הנה באמת איך יתקן האדם את אשר עוית והחטא כבר נעשה, הרי שרצח האדם את חברו ... איך יוכל לתקן הדבר הזה, היוכל להסיר העשוי מן המציאות? אמנם מדת הרחמים היא הנותנת ... שהתשובה תנתן לחוטאים בחסד גמור, שתחשב עקירת הרצון כעקירת המעשה.

Based on strict justice, there should not be any correction for sin whatsoever. For in truth, how can one fix that which was already wronged - and the sin has already been committed? If a man kills his neighbor, how can this matter be fixed? Is it possible to remove an occurrence from reality? However, the attribute of Mercy makes it possible - that repentance is given to sinners with absolute Grace, that uprooting of will is considered to uproot previous action."

It appears from the Ramchal that our ability to repent and uproot the past through *teshuva* is granted by Hashem's abundant Grace and מדת הרחמים; within the of מדת הדין הוא ברוך there would be no opportunity for *teshuva*.

By contrast, it appears from the *gemara* in *Kiddushin* 40b that uprooting the past with חרטה is available מן הדין - a “natural” tool - available for use even without Hashem’s מדת הרחמים. Rabi Shimon bar Yochai teaches us that a person can live his entire life as a צדיק גמור, and then lose all of his זכותים. Reish Lakish explains that one can lose all of his זכותים if he is “תוהא על הראשונות” - which Rashi clarifies, “מתחרט על כל, כל” - which Rashi clarifies, “הטובות שעשה”. This powerful *gemara* would seem to indicate that by merely regretting the past, one is able to uproot it. The tool of חרטה seems to have a dangerously powerful capacity; the capacity to uproot a lifetime of Torah and *mitzvos*.

This ability to uproot a lifetime of good deeds does not seem to be a result of מדת הרחמים but rather a reality within what the Ramchal would call שורת הדין. And if one is able to naturally uproot with remorse, then this powerful tool would presumably be available to regret one’s sins and *teshuva* would thereby be available to us without the remarkable מדת הרחמים cited by the Ramchal. So why does the Ramchal teach that *teshuva* is only possible by virtue of an extraordinary מדת הרחמים if the *gemara* indicates that uprooting the past with remorseful regret is simply the world’s natural order?¹

Channeled Application

Perhaps one solution to this quandary is to assume that indeed uprooting the past would have been impossible without the מדת הרחמים described by the Ramchal. However, once this ability was mercifully introduced to the world so that it may be utilized for *teshuva*, it is then subject to perversion. And the very capacity for *teshuva* may be flagrantly misused by uprooting a lifetime of good.

In support of this paradigm, we find a similar construct in the attributes and character of mankind. *Chazal* deduce an insightful reality with respect to the nature of a person from the tendency known as “אוהב כסף לא ישבע כסף” (*Koheles* 5:9). *Chazal* explain² that if indeed it is the case that if one loves money, his desire for it will never be satiated, then it must be analogously true that “אוהב מצוות לא ישבע מצוות.” On what basis did *Chazal* justifiably so deduce this, as opposed to simply concluding that this is an attribute exclusive to materialistic pursuits?

R’ Issur Gorelick שליט”א explained³ that there is no such thing as a *midda* that is inherently good or bad. All *middos* are intrinsically neutral and only in their application to one’s actions can they be utilized for good or evil purposes. A *midda* is quite literally a measurement. The *ba’al middos* is consistently mindful in utilizing and channeling his attributes to the appropriate measure. And so, when *Chazal* were confronted with this insatiable desire for materialism, they concluded that it must have a meaningful purpose toward which this attribute may be applied, hence coining the phrase “אוהב מצוות לא ישבע מצוות.”

1 The same question may be posed based on how רבינו יונה begins his masterpiece תשובה with the following: “מן הטובות אשר הטיב ה'ית עם בראיו, כי הכין להם הדרך לעלות מתוך פחת מעשיהם ולנוס מפח פשעיהם: וכו'.”

2 See for example שם משואל שמות פרשת שמות תרע"ג.

3 Verbally communicated in conversation at a wedding.

However, perhaps there is a distinction to draw between human attributes and *teshuva*. The *middos* of a person can clearly be utilized for good or bad, thereby revealing its intrinsically neutral nature. However, *teshuva* is not decidedly a *midda*. We may not be able to assume that a מדת הרחמים that introduces the capacity for *teshuva* can be directly perverted to uproot good deeds.

And removing that assumption returns our question to its place. If *teshuva* requires a מדת הרחמים to operate, then how can the *gemara* tell us that one can uproot a lifetime of good?

A New Frame of Mind

Rav Avraham Erlanger,⁴ in his commentary on מסילת ישרים called המסילה, cites Rav Elchonon's question on the Ramchal and answers כדרכו בקודש with an analysis grounded in *lomdus*.

There is a fundamental difference between the requisite mindset when performing a *mitzva* and the frame of mind when committing an *aveira*. Performing a *mitzva* requires some form of intention, known as *kavana*. One opinion maintains מצוות צריכות כונה - that one performing a *mitzva* must have an active intention to fulfill that *mitzva*, without which the act is incomplete and unfulfilled. Even the opinion of מציבות אין צריכות כונה (who does not impose this requirement of positive intention in order to fulfill) agrees that an intention during the act to **not** fulfill the *mitzva* will effectively render the act unfulfilled. For example, if someone takes *arba minim* with an overt intention to not fulfill the *mitzva*, his act would not be a *mitzva* and his *chiyuv* would be left unsatisfied.

By contrast, the commission of *aveiros* does not require any intention. Committing the act is all that is needed to transgress. Furthermore, an intention to not transgress the *aveira* while doing it does not negate its commission. And this distinction provides a framework to deal with the above question.

Indeed, as the *gemara* in *Kiddushin* indicates, regretting the past “naturally” allows one to update a previous action with a current mindset. And that ability exists without any מדת הרחמים. Therefore, if one regrets the *mitzvos* he previously performed, the mindset that was present during the *mitzva* is updated with today's mindset and the *mitzvos* are now deprived of the requisite *kavana*. It is considered as though the *mitzva* was performed with an intention to not be *yotzei*. And this is the *chidush* of the *gemara* - that one is able to update a previous action's mindset with today's intention. A *chidush* indeed; but מדת הרחמים at play. However, this shift is only effective in uprooting *mitzvos* which are disrupted when the requisite intention is missing. By contrast, *aveiros* do not require any intention (and even an intention to not transgress does not negate the commission) and therefore, retroactively removing the intention from previously committed *aveiros* is insufficient for *teshuva*. Without the מדת הרחמים of *teshuva*, regretting our *aveiros* would simply render them into acts of sin for which

4 Rav Erlanger authored the series of ספרים commonly used in *yeshivos* called אברהם ברכת.

we had no intention to transgress which would not negate their commission at all. Only through the מדת הרחמים described by the Ramchal is it possible to uproot our previously committed *aveiros*.

Reparable Harms

Rav Elchonon זצ"ל answers his question by delving into what occurs with the fulfillment of every *mitzva*, and conversely with the commission of every *aveira*.⁵ The fulfillment of every *mitzva* contains two distinct accomplishments:

א) תועלת ותיקון הנעשה מהמצוה, אשר בשביל זה ציוה הקב"ה לעשותה, כי לכל מצוה יש טעם, כמש"כ הרמב"ן (דברים כ"ב ו') "... כי בכל אחד טעם ותועלת ותיקון לאדם" ובשביל זה היה ראוי לעשות המצות אפילו לא נצטוינו עליהן, וע"כ קיימו האבות את התורה קודם שנצטוו עליה, מפני שהבינו התועלת והתיקון מזה.

1) *An intrinsic goodness to every mitzva through which a betterment to the person and the entire world is accomplished. It is for this very goodness contained within each mitzva that Hashem commands its performance. Our forefathers were able to recognize the essential value of each mitzva and were thereby able to fulfill the Torah without being commanded.*

ב) אחרי שנצטוינו לקיים המצות, הוא ענין בפני עצמו לקיים ציווי השי"ת.

2) *Fulfilling the commandment of Hashem is itself worthwhile, independent of any essential goodness behind the action.*

To illustrate these two factors, consider a father who instructs his son to exercise. When the son indeed exercises, he accomplishes two things. He firstly avails himself of the essential goodness of exercise and the health benefits that come along with it. And secondly, he fulfilled the "commandment" of his father. The same paradigm exists with *mitzvos*. There is something intrinsically good about taking the *arba minim* on the fifteenth of Tishrei. On our level, we may not be able to recognize and appreciate the תועלת ותיקון behind every *mitzva* - but the הקדושים did, even without instructions or commandments. When our elementary school *rebbeim* told us that we were building palaces in שמים every time we do a *mitzva*, they were not kidding. There is a תיקון ותועלת inherent to every *mitzva* that is accomplished, irrespective of and independent of fulfilling Hashem's Will.

Conversely, there is an analogous construct regarding *aveiros* which parallels the above.

וכן בעבירה ישנן שני הענינים הנ"ל, א) הטעם אשר בשבילו הוזהרנו שלא לעשות המעשה היא, ובשביל (קלקול והפסד) זה היה ראוי למנוע מלעשות המעשה אפילו בלא אזהרה ב) ועכשיו שנצטוינו צריך שלא לעבור על אזהרת הקב"ה.

5 Rav Elchonon based these ideas on and cites to פרק רביעי דרך ה', רמח"ל, דרך ה'.

There are two distinct outcomes of every *aveira*. First, there is a destruction and harm that directly results from it. And the entire system of sins from which we are commanded to refrain is designed to protect Jews from the very destruction and harm behind each sin. And secondly, now that Hashem commanded us to refrain from certain actions, there is a transgression in failing to heed that Godly command.

This time, consider a father requesting that his son refrain from smoking cigarettes. In smoking, the son does two things. He firstly subjects himself to the unhealthy behavior and associated harm of smoking. But he also has violated his father's request. Some *aveiros* are easier for us to perceive the inherent harm caused by their commission. Murder, for example, is easily understood as something that causes harm. Rav Elchonon, however, is teaching us (based on the Ramchal) that every *aveira* has this qualitative nature. When a Jew dons a garment riddled with *shaatnez*, destruction occurs. When a Jew commits an *aveira*, not only does he transgress the Will of Hashem, but a spiritual deformity and ruination is caused, far beyond the perception of mankind.

Based on the above, Rav Elchonon answers his contradiction between the *gemara* in *Kiddushin* indicating that חרטה works to uproot the past מן הדין and the Ramchal who teaches that *teshuva* works only through the מדת הרחמים of Hashem. When the *gemara* teaches us that if a צדיק גמור regrets all of his *mitzvos*, he loses them, he does not lose everything. Instead, the only thing he loses is the second item above - the fulfillment of *Ratzon Hashem*. However, the תיקון ותועלת caused by his *mitzvos*, the inherent goodness he brought to himself and to the world at large, the palaces in שמים that he build, all of that remains pristinely intact - and is not impacted by his remorse.

Applying the logic of that *gemara* to *aveiros* would therefore allow someone - indeed מן הדין - to uproot the transgression of his failure to heed *Ratzon Hashem*. However, the destruction and harm caused by his *aveiros* would remain as done. There would be no way to rectify the deformity and undo the ruination caused by his evil-doing. And for this the מדת הרחמים of the Almighty של עולם is needed. Hashem gracefully affords us the incredible and undeserving luxury of uprooting all of the destruction we have caused. With the light of *teshuva*, no harm is irreparable and we can rebuild.

Opportunity Costs

Rav Shmuel Kamenetsky שליט"א provides another answer to this contradiction, involving our opportunity to repent.⁶ The *gemara* in *Sotah* 3a quotes Reish Lakish who states: אין אדם עובר עבירה אלא אם כן נכנס בו רוח שטות. A person does not commit a sin unless he is overcome by a spirit of foolishness. How then is one ever able to pull out from the grips of the *ruach shtus*? How is one not stuck forever and eternally

⁶ Rav Shmuel Kamenetsky שליט"א was fond of including this question in his drasha in the Philadelphia Yeshiva and I have heard this answer from him on numerous occasions.

possessed by it? Surely, if one had חרטה and regretted his *aveiros* then the remorse would be effective to uproot the past - just as the *gemara* in *Kiddushin* states that regretting the past effectively uproots it. But how does one have the ability to shake the shackles of the הרע יצר who successfully overcame him and whose *ruach shtus* possessed him? How is one able to extract that *ruach shtus* and have the freedom to have חרטה and do *teshuva*?

For this we need the מדת הרחמים from Hashem so that we can break the stronghold of the הרע יצר and perform *teshuva*. According to this approach, *teshuva* is effective מן הדין - but it wouldn't be available as an option without Hashem's graceful מדת הרחמים.⁷

Relationship

Another approach to this question shifts the paradigm of *mitzvos* and *aveiros* and how we relate to them. Let us examine the extent to which our lives revolve around relationships; a wife, kids, parents, siblings, *rebbeim*, *chavrusas*, friends, business partners, bosses, co-workers, employees, etc. Our entire life is made up of and revolves around relationships. While we live our life we have the incredible and uniquely humane opportunity to form, cultivate, engage and enjoy our relationships. And this world together with all of its "realities" are simply and merely a mirror image manifestation of the האמת עולם.

Rabbi Akiva Tatz explains this concept in part with the following *meshal*. A way to build physical strength is by lifting weights. At its core this exercise is simply subjecting the muscle to a strain or obstacle and overcoming that obstacle, resulting in increased strength. This is the physical world manifestation of the spiritual reality of יצרו את יצורו הכובש את יצורו. (Avos, 4:1)

Therefore, if in this world our life indeed revolves around relationships, then that must be a reflection of a greater reality which transcends physicality. And indeed it does. For after living on this world of opportunity, the relationship we form with הקב"ה will then become our entire existence, around which the eternal existence of our *neshama* will revolve. However, we will no longer be able to cultivate that relationship; our *neshama* will engage and enjoy the relationship with Hashem, only to the extent it was already formed in this world.

The Ritva in ספר זכרון writes

בתורתנו הקדושה, תכלית ואחרית כל האזהרות וכל גמולות היא הדביקות בשם.
The purpose and ultimate goal of all admonishments and promise of reward in our sacred Torah is the connection [relationship] with Hashem.

⁷ The *sefer* אברהם אברם cited by Rav Avrohom Schorr in שופטים פ' שופטים writes that it is a *chesed* from Hashem that after a person commits an *aveira*, the הרע יצר immediately "goes up to prosecute," and that is why a person loses his desire for the *aveira* immediately following its commission. In addition to the *chesed* of losing one's desire for the *aveira*, there is also *chesed* in that this evacuation of sorts allows the person to do *teshuva*, as above.

This idea can be used to explain a perplexing Rambam in *Hilchos Teshuva* 3:3, who writes that on Rosh Hashana the righteous are written in the book of life, the wicked are unfortunately decreed contrarily, and the בנינויים must do *teshuva* during the עשרת ימי תשובה. And the question is asked, one positive *mitzva* should presumably be sufficient to tip the scales so why the need to do *teshuva*, in order to be successful in judgment?

Based on the above - everything boils down to the relationship we form with הקב"ה and that is the lens through which we can view our *Avodas Hashem*. For example, if someone leaves the office one day in an argument with his partner and the whole week goes by with no communication - then upon returning to the office, if the argument is not addressed and efforts aren't taken to sort it out - then there is no number of coffee mugs and picture frames he can buy for his partner's desk to fix the situation. Only apologizing and addressing the relationship will put things back to where they were.

If we viewed our *mitzvos* as a means to form, cultivate and deepen our relationship with the רבש"ע, we would have no problem understanding that without *teshuva*, our relationship with Hashem stands no chance. Life is not a tally of *mitzvos* and *aveiros*; rather there are actions and conduct that bring us closer to Hashem and activities and pursuits that pull us further away. Failure to do *teshuva* is too large a slap in the face of the relationship for any number of *mitzvos* to rectify.

And based on this we can answer Rav Elchonon's question. When the *gemara* in *Kiddushin* says that one is able to lose everything upon regretting all of his *mitzvos* - that certainly happens without any מדה הרחמים. And that is because when someone regrets the *mitzvos* of his lifetime - he is simply throwing away the relationship he formed. With his remorse, he severs the relationship, which is what the *mitzva* created in the first place.

However, with *aveiros*, regretting the past would not naturally be sufficient to address the matter. A person's *aveiros* distanced him from Hashem. What do we expect *teshuva* to naturally do? Eliminate the distance? We need something more than that to be effective; we need to form a relationship. Regretting *mitzvos* severs the relationship - and that indeed happens מן הדין. But regretting *aveiros* would not have the capacity, on its own, to manufacture a relationship. And that is the gift of *teshuva*. Through the abundant מדה הרחמים of Hashem we are able to repair the rift and forge an eternal relationship with Hashem.

Never Too Late

A corollary of all of the above is that it is never too late for *teshuva*. *Teshuva* is indeed a capacity that is not bound by the natural limitation of this earthly world and is available to everyone by Hashem's abundant and graceful kindness. For one to conclude that he is too far gone to successfully repent, would be to place a limitation on the infinite מדה הרחמים of Hashem. May we all be זוכה to be the beneficiaries of this magnificent שפע and utilize it to solidify our relationship with our Source.

Maftir Yona¹

Avi Langer

The *Yamim Tovim* are closely associated to the months in the Jewish calendar in which they fall. The *Midrash Rabba* in *Emor* (23:8) says that the seventh month of Tishrei is called “החדש השביעי” referring to שביעה because it is a month that is filled with *mitzvos* and מעשים טובים. It is also called the ירח האיתנים because it is תקוף במצוות – full of *mitzvos*.

Even the *parshiyos* in the Torah relate to the surrounding *Yamim Tovim*. The בית אהרן explains that the first four *parshiyos* correspond to the first four *Yamim Tovim*. *Bereishis* is connected to Rosh Hashana, *Noach* to Yom Kippur, *Lech Lecha* to Succos and *Vayeira* to Shmini Atzeres. For the most part, the nexus between the *parsha* and its corresponding Yom Tov is fairly straightforward. Rosh Hashana is זה היום תחילת – the first day of creation and the birthday of *Adam Harishon*. *Noach* covered the inside and outside of the *teiva* with *pitch* – בכופר – which refers to כפרה. Avraham left his homeland and on *Succos* we leave our homes. And, finally, on Shmini Atzeres when there is a יחוד of Hashem with *Klal Yisroel*, we recognize the direct conversation that Avraham had with Hashem.

Other than these few examples, there must be other elements of the *Yamim Tovim* that more closely connect to the *parshiyos*. One of the highlights of Yom Kippur that relate to *Parshas Noach* is *Maftir Yona*. *Parshas Noach* also discusses a *Yona* that was sent out, and just like *Yona* was in the fish, *Noach* was also completely surrounded by water.³

While these are nice references, it doesn't capture the essence of the connection that the בית אהרן alluded to. To get to that fundamental connection, which may come from a few seemingly innocuous *pesukim* in *Parshas Noach*, we first have to delve into and analyze *Sefer Yona* itself.

Sefer Yona

We take for granted that there are 24 *sefarim* in *Tanach*. The *rishonim* are bothered, however, why *Yona* is a part of our *kisvei kodesh*. There were many *nevuos* that were given specifically to *umos haolam*, yet we do not have special *sefarim* for them.⁴ Why is it that a *nevua*, which was provided only for the people of Ninve and not for a single person in *Klal Yisroel*, merited to be included in *Tanach*?

1 Many of the ideas in this article are adapted from a *shiur* given by R' Yisroel Dovid Schlessinger *shlit"a*, ראב"ד קהל שערי תפילה in Monsey, NY.

2 The בית אהרן was written by the fourth חסידי קרלין אדמו"ר, R' Aharon Perlow from Karlin-Stolin (1802-1872), also known as רבי אהרן השני (the first being מקרלין הגדול).

3 עיין פרקי דר' אליעזר

4 The gemara in *Bava Basra* 15b lists seven *neviim* whose main *nevua* was for the *umos haolam*.

The Radak (*Yona* 1:1) suggests that *Yona* provides a *mussar* to *Klal Yisroel* that, unlike the אידען who failed to respond to the countless messages and warnings to turn toward the path of *teshuva*, a nation of *goyim* responded with complete *teshuva* after just the first time.⁵ If Hillel obligated the poor to learn, maybe we can say that the people of Ninve obligated *Klal Yisroel* to do *teshuva*. An awesome responsibility.

The *Meiri* adds an incredible insight:

והמפרשים פרשו זה הענין בהרבה דרכים, הראשון שנכתבה להיות לישראל למשמרת לקחת מהם מוסר שהם עם נכרי אשר לא ידעו את ה' ולא חלק להם בבניה היו קרובים לתשובה ובפעם הראשונה שהוכיחם שבו בכל נפשם על ידי תוכחת נביאי ישראל, ראוי מזה שתרבה קנאת איש ישראל עליהם ועוררם זה התעוררות רב, שהיו בנייהם נביאים וחכמים מיסרים ומוכיחים תמיד ומודיעים לעם הדרך ילכו בה ולא בשו ממעשיהם ולא נכלמו מעונותיהם לשוב מהם. (חבור התשובה מאמר א' פרק א')

That is to say that after *Maftir Yona* is *lained* on Yom Kippur afternoon, a *Yid* has to be jealous of the people of Ninve! The *Meiri* continues that this is why, despite his *nevua* being only for the people of Ninve, *Yona* is not listed among the *neviim* in *Bava Basra* whose main prophecies were for the *umos haolam*. By reflecting on the way Ninve reacted to inspiration, the Jewish people are to experience a tinge of jealousy and then use that jealousy to straighten out their own lives.

The opening words of *Sefer Yona* itself hint to this *mussar* concept:

ויהי דבר ה' אל יונה בן אמתי לאמר קום לך אל נינוה העיר הגדולה וקרא עליה כי עלתה רעתם לפני.

The word *לאמר* in the rest of the Torah means that you have to tell the following words to another person – but "קום לך" doesn't make sense in this context. Hashem told *Yona* to go say that he should go to Ninve?! In the same vein, the *Alshich Hakadosh* explains that the whole *tachlis* of the *nevua* of *Yona* is for a Jew to take *mussar*. That is, the entire *Sefer Yona* is *לאמר* to another – not just for Ninve – it's included in ספר נביאים to say to another, to us, as it were, to do *teshuva*.

The Teshuva of Ninve

In the beginning of the third *perek*, after *Yona* is swallowed and subsequently spat out by the fish, the *pasuk* says that Ninve was an עיר גדולה – it took three days to get

⁵ The Radak cites several additional reasons why *Sefer Yona* is included: (i) to inform us of the great miracle that Hashem performed to save *Yona* who survived after spending three days and nights in a fish (as we say in *davening* at this time of year - "מי שענה ליונה במי הדגה הוא יעננו"); (ii) to publicize the miracle of the fish spitting him out; and (iii) to teach us that Hashem has mercy on all *baalei teshuva*, regardless of their nationality, and most certainly when it is the public. It is ironic that one of the reasons offered to explain why *Yona* tried to escape Hashem's command to speak to the people of Ninve was because *Yona* wanted to avoid any *kitrug* on *Klal Yisroel* (see Rashi on *Yona* 4:2). Yet, as we will suggest, we are seemingly instructed to use this very *mussar* to enhance our relationship with Hashem.

from one side to the other.⁶ Throughout the first day of his journey in the city, Yona continually announced "עוד ארבעים יום ונינוה נהפכת" – "in forty days, Ninve will be destroyed."⁷

Picture the scene: a traveling man, who was not native to the town he was traveling to and who presumably did not look like its inhabitants, gets up on a podium and declares, "in 40 days Ninve will be obliterated." *L'havdil*, we see people like this every day on the streets of Manhattan warning us that the end is near. One word comes to mind: crazy.⁸ How could they possibly pay any attention to a rambling lunatic? And in such a drastic fashion that an entire city uniformly resolves to do complete *teshuva*?⁹

To add further to the mystery, the *Pirkei D'rebbi Eliezer* in *perek* 43 goes to great lengths to describe the extent of the *teshuva* of Ninve. The *pesukim* (Yona 3:5-8) say מגדולם באלקים – the people of Ninve called a fast, dressed in sackcloth, ויאמינו אנשי נינוה – everyone without exception. ויעד קטנם – word reached the ears of the king. The *navi* never tells us the king's name. Who was he? The *Pirkei D'rebbi Eliezer* explains that this was Pharaoh, king of Egypt, who was saved among the dead of *Kriyas Yam Suf* to recount the strength of Hashem.¹⁰ Despite his nefarious past, when Pharaoh heard the *nevu'a* from Yona, he rose from his throne, replaced his crown and royal clothing for sackcloth and ashes, and declared that no one – people and animal alike – may eat and drink, and everyone must wear sackcloth.¹¹

6 At the end of *Sefer Yona* (4:11) it says that there were more than 120,000 people and many animals.

7 While it is not the scope of this article to describe how terrible the people of Ninve were, it is important to note the similarities, some of which we will point out, between the misdeeds of the Ninve and those of the *Dor Hamabul*.

8 Though R' Yisroel Reisman *shlit'a*, *rav* of Agudas Yisroel of Madison, points out that if a *navi* would indeed come to Manhattan with such a message, he would likely be told, "40 days? Why are you coming now? Come back five or 10 days before and we will take care of it."

9 The Ibn Ezra suggests that Ninve wasn't the first place that Yona encountered *teshuva* on his journey. After the sailors tossed him overboard (1:16), they witnessed firsthand the settling of the sea and the blatant miracle from Hashem: ויראו האנשים יראה גדולה את ה' ויבחו זבח לה' וידרו נדרים: The *Pirkei D'rebbi Eliezer* explains that *זבח* doesn't refer to *korbanos* that they brought, but rather to the *dam bris*, which is like *dam zevach*, and *נדרים* refers to their collective pledge to educate their families and bring them to Hashem. With that in mind, the Ibn Ezra quotes from R' Yehoshua that the sailors went to Ninve and described the miraculous events of the sea on account of Yona. His words now had real weight.

10 פרקי דר' אליעזר פרק מג': ר' נחוניא בן הקנה אומ' תדע לך כח התשובה בא וראה מפרעה מלך מצרים שמרד בצור עליון הרבה מאד שנ' מי ה' אשר אשמע בקולו ובלשון שחטא בו בלשון עשה תשובה שנ' מי כמוך באלים ה' מי כמוך נאדר בקדש והצילו ה' בין המתים מניין שלא מת שנ' כי עתה שלחתי את ידי ואך אותך ואולם בעבור זאת העמדתך וכו' והלך ומלך בננוה והיו אנשי נינוה כותבים מכתבי עמל וגחלים איש את רעהו ובאים איש על רעהו במשכב זכור ובא אצלו מעשיהם הרעים וכששלח ה' ליונה להנבא עליה להחריבה שמע פרעה ועמד מכסאו וקרע בגדיו ולבש שק ואפר והכריז בכל עמו שיצומו כל העם שני ימים וכל מי שיעשה את הדברים הללו ישרף באש מה עשה העמיד האנשים מצד אחד והנשים מצד אחר וכל בהמה טהורה מצד אחר והילדים רואים את אמותיהם ורוצין לינק ובוכין ואמותיהם רואים את בניהם ורוצים להניקם ובוכות הילדים ק"כ אלף וג' אלפים הרבה משנים עשר רבוא שנ' ואני לא אחוס על נינוה העיר הגדולה ארבעים שנה האריך אפו עמהם כנגד ארבעים יום שלח את יונה ולאחר ארבעים שנה שבו למעשיהם הרעים הרבה מן הראשונים ונבלעו כמתים בשאול תחתיה שנ' מעיר מתים ינאקו.

11 Ninve was a city rife with stealing, *mishkav zachar* and other despicable acts that closely resembled the actions of the *Dor Hamabul*. Pharaoh's subsequent orders included separating the men from the

How was it possible for a stranger to enter a city with five words of rebuke and spur such a massive change to people of the *umos haolam*? A change that impacted not only the king himself but the lowly animals as well? “Fasting” is a concept that is foreign to *goyim*, and yet, strangely, they all fasted.¹² Everyone, including the animals, wore sackcloth – what does it mean that animals wore sackcloth? We will return to these questions later.

Ashur

When the Torah enumerates Noach’s children after the *Mabul*, it says that Kush, the son of Cham, bore a child named Nimrod – called so because he caused the entire world to be *mored* on Hashem – יודע רבונו ומתכוין למרוד בו. The Torah tells us: הוא היה גבר ציד לפני ה' על כן יאמר כנמרד גבור ציד לפני ה'.

The Torah continues:

ותהי ראשית ממלכתו בבל וארך ואכד וכלנה בארץ שנעה. מן הארץ ההוא יצא אשור ויבן את נינוה ואת רחבת עיר ואת כלח (י:י-יא).

The beginning of his kingdom was Bavel, Erech, Accad, and Calneh in the land of Shinar. From that land Ashur went forth and built Ninve, Rechovosir, and Calach.

According to the Ramban, Nimrod was initially in Shinar where he established the four cities of Bavel, Erech, Accad and Calneh that formed his first kingdom. But then he went to Ashur – מן הארץ ההוא יצא אשור. Is Ashur a place that Nimrod left or a person who left Nimrod? While in *Bereishis* 2:14 it says והלך הוא ההלך שם הנהר השלישי חדקל הוא ההלך and Rashi there explains that קדמת אשור must mean to the east of the place called אשור, because מזרח – a direction – can only be associated with a place, Rashi here comments that אשור in this context is referring to a person – כיון שראה אשור את בניו שומעין לנמרוד ומורדין במקום לבנות המגדל יצא מתוכם אשור. Nimrod remained in Shinar in the four cities that he built, but one person wasn’t satisfied with his leadership: אשור. Because of the negative influence Nimrod was having on his children, אשור decided to leave and went on to build Ninve and its surrounding cities.

In the narrative before the story of *Migdal Bavel*, the Torah continues: ואת רסן ואת הגדלה. Based on *Yona* 3:3, the *gemara* in *Yoma* 10a says that

women and the kosher animals from the non-kosher animals, both of which occurred in Noach’s *teiva*. (*Tashmish* was *assur* in the *teiva* and there was a clear distinction in number between the kosher (7 of each) and non-kosher animals (2 of each)). The initial steps taken by Pharaoh as he moved his nation onto the path of *teshuva* mirror some of those taken by Noach as he separated his family from the evil of the *Dor Hamabul*.

¹² *Agav*, we learn from here that even drinking is forbidden on a fast.

¹³ The simple understanding according to the Ramban (and the *Chizkuni*) is that Ashur is a place and it was in Ashur that Nimrod built his cities. (Unkelos translates “רחבת עיר” not as a place with that name, but rather as “avenues of the city” – thus, it would not be a place name, but would denote the fact that Ashur built Ninve as a city with avenues.) This explains why in *Yirmiyahu* it says that *Eretz Ashur* is *Eretz Nimrod*.

"עיר הגדולה" refers to Ninve: "וינונה היתה עיר גדולה לאלקים" We see from here that Ninve was an ancient city, built shortly after the *Mabul* by Ashur from the children of Shem and the entire reason it was built was to escape the rule of Nimrod. As a great leader in his time, Nimrod surely provided for the needs of his subjects. Nevertheless, once Ashur heard about the heretical ideas from Nimrod, he made the unpopular, difficult decision to leave. Despite the luxuries afforded, once children are surrounded by rebellious ideas against Hashem, the only option a person has is to flee.¹⁴

The *Chizkuni*, who quotes Rashi that Ashur is a person, also brings another explanation based on a *midrash* that asks why only Ninve merited the opportunity to be rebuked by a *navi*¹⁵ and a chance to mend their ways, more so than any other nation? The *midrash* answers:

ונמצא במדרש מה ראה הקב"ה להעמיד נביא להוכיח את נינוה יותר מכל שאר אדמה אלא בזכות אשור שהיה צדיק שבנה נינוה כדכתיב מן הארץ ההיא יצא אשור פל' מן העצה ההיא יצא אשור¹⁶ שלא הסכים לדור הפלגה.

Ninve was saved in the *zechus* of Ashur, a *tzadik* who wasn't drawn towards the ideology of his time, because the city itself was built on the premise of doing something different than the masses. Similarly, the *Midrash Agada* on this *pasuk* says that since Ashur left Nimrod in honor of Hashem, Hashem sent Yona to Ninve when

14 Flight is also the advice offered by the Rambam in *Hilchos Deos* 6:1 in describing how a person should react when encountering a negative environment. A person is naturally drawn to and affected by the views and ideologies of those surrounding him:

דרך ברייתו של אדם להיות נמשך בדעותיו ובמעשיו אחר רעיו וְחֲבָרָיו וְנוֹהַג כְּמִנְהַג אֲנָשֵׁי מְדִינָתוֹ. לְפִיכֵךְ צָרִיךְ אָדָם לְהִתְחַבֵּר לְצַדִּיקִים וְלִישָׁב אֶצֶל הַחֲכָמִים תָּמִיד כְּדֵי שְׁלֵמוֹת מִמַּעֲשֵׂיהֶם. וְיִתְרַחַק מִן הָרָשָׁעִים הַהוֹלְכִים בַּחֹשֶׁךְ כְּדֵי שֶׁלֹּא יִלְמַד מִמַּעֲשֵׂיהֶם. הוּא שְׁשֻׁלְמָה אוֹמֵר (משלי יג-כ) "הוֹלֵךְ אֶת חֲכָמִים יִחְכַּם וְרֹעֵה כְּסִילִים יִרְעֶה". וְאוֹמֵר אֲשֶׁרֵי הָאִישׁ וְגו'. וְכֵן אִם הָיָה בְּמִדְיָנָה שֶׁמִּנְהַגוֹתֶיהָ רַעִים וְאִין אֲנָשִׁיהַ הוֹלְכִים בְּדֶרֶךְ יִשְׂרָאֵל לְמַקּוֹם שֶׁאֲנָשִׁיהַ צְדִיקִים וְנוֹהֲגִים בְּדֶרֶךְ טוֹבִים. וְאִם הָיָה כָּל הַמְּדִינָה שְׁהוּא יוֹדְעִים וְשׁוֹמֵעִים שְׁמוֹעֹתָן נוֹהֲגִים בְּדֶרֶךְ לֹא טוֹבָה כְּמוֹ זְמַנְנוּ. אוֹ שְׂאִינוּ יָכוֹל לְלַבֵּת לַמְּדִינָה שֶׁמִּנְהַגוֹתֶיהָ טוֹבִים מִפְּנֵי הַגִּיסוֹת אוֹ מִפְּנֵי הַחֲלִי יִשָּׁב לְבָדוֹ יְחִידִי כְּעֵנֶן שֶׁנֶּאֱמַר (איכה ג-כח) "יִשָּׁב בְּדֶד יוֹדִים". וְאִם הָיָה רַעִים וְחֲסָאִים שֶׁאִין מִנִּיחִים אוֹתוֹ לִישָׁב בְּמִדְיָנָה אֵלָּא אִם כֵּן נִחְעָרֵב עִמָּהּ וְנוֹהַג בְּמִנְהַגֶּם הָרַע יִצֵּא לְמַעֲרֹת וְלַחֲוּחִים וְלַמְּדִבְרוֹת. וְאֵל יִנְהוֵי עֲצֻמוֹ בְּדֶרֶךְ חֲסָאִים כְּעֵנֶן שֶׁנֶּאֱמַר (יזמיה ט-א) "מִי יִתְנִי בַּמְּדִבְרָה מְלוֹן אֲרָחִים.

As a nation in *galus*, Jews have always been on the move. We all want tranquil lives and yearn to just "settle down" – ביקש יעקב לישב בשלוה – In some cases, being on the move may just be the best thing.

15 The *Yerushalmi in Succa* 5:1 quotes a *machlokes* regarding the *shevet* from which Yona descended: R' Levi says he was from Asher and R' Yochanan says he was from Zevulun. Perhaps according to R' Levi we see an additional bond between Yona, who came from Asher, and the city of Ninve that was built by Ashur. In a fascinating twist, the *Sefer Hayovlim* (34:31), an apocryphal book written during the time of *Bayis Sheni*, says that the name of Asher's wife was Yona! Even the name Ninve is composed of the name Yona and the letter *nun* – the letter associated with *teshuva* – as if to say that Yona brought the *nun* – *teshuva* – to Ninve. When the truth presents itself, even the *umos haolam* are able to recognize it. The fact that Yona lived was by itself a demonstration of the power of Hashem for he was the child that Eliyahu *Hanavi* brought back to life (see *Yalkut Shimoni Melachim* 550 and *Melachim* 1 17:9.) Even his name bore that concept – Yona ben Amitai – the son of truth. Interestingly, the *pasuk* for the name Yona that the *Elia Rabba* cites to say at the end of *Shemone Esrei* is from *Tehillim* 120:2: ה' הוצילנו מפשי שקר מלשון רמיה.

16 It is interesting to note that in *Targum Unkelos* there are two versions. One says ארְעָא הָיָא נֶפֶק מִן אֲרָעָא and the other says מִן עֵצָה הָיָא נֶפֶק אֲתִרְבָּאָה.

they sinned against Hashem, something that we don't find by other nations of the world, despite the fact that there were prophecies about their nations.

נמרוד, ולמה נקרא שמו נמרוד שמרד בהקב"ה, יצא מעצתם והלך לו לארץ אחרת ולפיכך נתן בו הקב"ה רוח ובינה ובנה נינוה ורחובות עיר וכלל ורסן. ולפי שברח מהם ולא רצה להיות בעצתם למרוד בהקב"ה, לכך כשחטאו בני נינוה אמר הקב"ה ליונה בן אמתו שילך לשם וינבא עליהם, אמר לו הקב"ה אביהם יצא מארצו לכבודי לכך לך בשליחות אל בני עירו מה שלא מצינו בשאר הנביאים שהלכו לעיירות של אומות העולם אע"פ שהיו מתנבאים עליהם.

A city built entirely to escape the ideology of Nimrod is a place where a prophecy of Yona can be internalized and followed after a few simple words. The city of Ninve and its inhabitants had the influence of Ashur in its DNA so that the *hisorerus* of Yona was able to be internalized immediately. לך בשליחות אל בני – עירור – it was literally *mida kneged mida*. When the source for something is pure, even if it subsequently becomes sullied, therein lies the ability for it to return to its pure state when it earnestly seeks out the truth so that when the truth presents itself, it will be known and recognized without hesitation.

Migdal Bavel

When discussing the *Dor Haflaga*, the *gemara* in *Sanhedrin* 109a says אמר רב אויר – מגדל משכח – the atmosphere of the tower causes forgetfulness (of learning). Rashi explains that there was a *gezeira* of forgetfulness on that place and therefore they themselves forgot their own language.

The Maharsha quotes the *Aruch* whose text replaces "אויר" with "אוירא" אמר רב אוירא – מגדל משכח – the name of an *amora*. If you look in the *Aruch* (*avir*) you can see just how far the effects of rebelling against Hashem can go. The *Aruch* explains that because the sole purpose of the tower was to incite the anger of Hashem, merely entering into that airspace, where the people forgot their own language, causes one to automatically forget their learning as a direct result. Ashur understood the power that the influence of a place can have, either to cause a person to forget his learning or drive a person to true teshuva.

In Ninve, the influence didn't end with the people; the animals were also affected. We asked why the animals were clothed in sackcloth. The *Midrash Rabba* in *Parshas Ki Sisa* (45)¹⁷ explains that the people of Ninve *davened* that "just as the animal doesn't know anything and You exonerate it, please consider us like the animals." But this only works if a person truly views himself and his actions like those of the animals. Nimrod was a גבור צדי – the Ibn Ezra explains that Nimrod was the first to demonstrate human dominance over animals and also the first to build *mizbeichos*

17 כהרף עין, אני גוזר על האדם שימות, והוא עושה תשובה ואני מתנחם עליו, שנאמר (שם): ושב הגוי ההוא מרעתו. ומי הם? אלו אנשי נינוה. מה כתיב בהם (יונה א): קום לך אל נינוה העיר הגדולה. למה? כי עלתה רעתם לפני. ואומר (שם): ויחל יונה לבא בעיר מהלך יום אחד. מה כתיב שם (שם ג): ויאמינו אנשי נינוה באלהים וילבשו שקים האדם והבהמה. אמרו לפני: רבון העולם! הבהמה אינה יודעת כלום, ואתה מזכה אותה, אף אנו חשוב אותנו כבהמה, שנאמר (שם): האדם והבהמה הבקר והצאן אל יטעמו מאומה. מיד, וינחם ה' על הרעה אשר דבר לעשות להם ולא עשה.

and offer *chayos* on them¹⁸ – all just to show Hashem that he could.

The *rishonim* explain that the reason for *korbanos*, as described by the Ramban in *Parshas Vayikra*, is for a person to think that what is being done to the animal really should be done to him. Nimrod, on the other hand, brought the animals on the *mizbeach* to show that he is the *gibor*, to show his dominance over the animals. A true *korban*, however, is to show the exact opposite: that a person is no better than an animal but really is like the animal itself.

Ninve – which came from מן הארץ ההיא יצא אשור – from the one who escaped that ideology of being a 'ה לפני ציד – גבור ציד לפני ה' – was able to dress its animals in sackcloth and say to Hashem that the animals don't know anything, and we are just like them.

The *gemara* in *Chulin* 89a says that from the *gevura* that Hashem granted to Nimrod came the *Dor Haflaga*. It was from a perversion of a gift from Hashem that Ashur fled¹⁹ – and it was from there that a city founded on this realization could also dress its animals in sackcloth – the exact of opposite of what Nimrod stood for. The *gemara* says:

אמר רבי יוחנן משום רבי אלעזר בר' שמעון כל מקום שאתה מוצא דבריו של רבי אליעזר בנו של רבי יוסי הגלילי בהגדה עשה אזניך כאפרכסת (דברים ז, ז) לא מרבכם מכל העמים חשק ה' בכס וגו' אמר להם הקדוש ברוך הוא לישראל חושקני בכס שאפילו בשעה שאני משפיע לכם גדולה אתם ממעטין עצמכם לפני נתתי גדולה לאברהם אמר לפני (בראשית יח, כז) ואנכי עפר ואפר למשה ואהרן אמר (שמות טז, ז) ונחנו מה לדוד אמר (תהלים כב, ז) ואנכי תולעת ולא איש אבל עובדי כוכבים אינן כן נתתי גדולה למרוד אמר (בראשית יא, ד) הבה נבנה לנו עיר.

We can be receptive to *teshuva* and request that Hashem truly view us as animals worthy of His mercy only if we are humbled even when afforded greatness, as were our ancestor Avraham who said ואנכי עפר ואפר, our leaders Moshe and Aharon who said ונחנו מה, and our king Dovid who said ואנכי תולעת ולא איש.

Lashon Hakodesh

Lashon Hakodesh has a special script known as *ksav ashuris*. Before the *Dor Haflaga*, the Torah tells us (*Bereishis* 11:1) ויהי כל הארץ שפה אחת ודברים אחדים. Rashi says that שפה אחת means that they all spoke *lashon hakodesh*.

When was the first time that people didn't universally speak *lashon hakodesh*? After *Migdal Bavel*, Hashem told the *malachim* – ושמעו לא ישתמשו –

¹⁸ Other *korbanos* brought to that point (by Adam, Hevel, Noach, etc.) were *beheimos*.

¹⁹ Perhaps that is also why Yona couldn't run away. Ashur himself fled something false for the truth, so *mida knegged mida* dictated that his descendants would be the beneficiaries of their *teshuva* coming from someone who could not run away from the truth. Furthermore, *hakaras hatov* is woven into the fabric of a Jew. At a time when *hakaras hatov* was severely lacking, Ashur ran away (see Rashi by the beginning of the *Dor Haflaga* (11:5) who explains that the Torah refers to them as *Bnei Adam* because, like Adam *Harishon*, they demonstrated a lack of *hakaras hatov* by rebelling against Hashem who saved them from the *Mabul*. It is befitting for us to learn how we can act from the descendants of someone who was sensitive to being *makir tov*.

היה. איש שפת רעהו. Bavel was the birthplace of the 70 languages of the world. Who was the only person who was not present at that *bilbul* of *lashon hakodesh*? Ashur, of course. Meaning, the only one who preserved *lashon hakodesh* in its original, unblemished state was Ashur. It is appropriate, then, that the *ksav* for such a language, and the language used for our Torah, be memorialized through the name of the one who maintained the language in its authentic form.²⁰

This brings us to another interesting observation. What language did Yona speak when he came to Ninve? Remember that he was a foreigner, coming from a distance that required a long journey by boat (and fish). How was he able to just show up and start making announcements and pleas for *teshuva* – נִינְוָה נִהְפַּכְתָּ – did he say that in English? Ninveish? What language did they speak in Ninve? The answer by now should be clear. Of course they understood his words. The root of Ashur – Ashur who left Nimrod and preserved *lashon hakodesh* – remained, and that was still the spoken language in Ninve, which allowed Yona to communicate with ease.²¹

This can also explain a curious *pizmon* that we say on Tzom Gedalia. In *pizmon* 46 the *paytan* lists the history of *teshuva* and expresses a request from Hashem to grant us *teshuva* as he did for those in the past. הוֹרִיתָ דֶּרֶךְ תְּשׁוּבָה לְבַת הַשּׁוֹבָבָה – show us the path to *teshuva* as you showed Adam, Kayin, Reuven, Yehuda and Achav – that all makes sense. But the *paytan* concludes:

שָׁנְנוּ לְשׁוֹנֵם כַּחַץ אֲנָשֵׁי עִיר הַגְּדוּלָה שְׂגִיּוֹם וְזָדוֹנֵם רַבּוֹ עַד לְמַעְלָה תִּתֵּן חֲזוֹן
הַפִּיכְתֶּם אַחְזוּם רַתָּת וְחִלְחָלָה תְּשׁוּבָה עֲשׂוּ כִּהְיִיתֶם כְּסָא כְּמִדְרָךְ נִתְקַבְּלָה
*The people of [Ninve] the great city spoke with sharp tongues against
You; their sins, both inadvertent and intentional, increased until the
heavens. When You revealed the vision of their overthrow, shuddering
and quaking seized them; they repented properly – and were accepted
before Your Throne of Glory.*

We request that Hashem show us the way for *teshuva* as he did for the people of Ninve. Wait a second – should the inspiration we draw during the solemn *Yamim Noraim* come from the *goyim* in Ninve? According to what we said from the Radak, the *Meiri* and the *Alshich*, however, there certainly is a special message that we can take from the people of Ninve that we cannot learn from any of the others on the *paytan's* list. And that is חֲזוֹן הַפִּיכְתֶּם אַחְזוּם רַתָּת וְחִלְחָלָה – When You revealed the vision of their overflow, shuddering and quaking seized them. From the few words that Yona uttered, a new *teshuva* movement was born.²² But only because they were

20 The *Mishna Brura* 134:11 quotes the *Magen Avraham* who brings from the *mekubalim* that during *hagba* a special light shines on those who gaze at the words of the Torah until they are legible enough to be read (see the *Be'er Heitev* who says that this was the Arizal's practice). *Ksav ashuris* itself has certain special influences.

21 Rashi in *Parshas Shoftim* (20:2) comments that the required language of communication between the *kohen* and the *bnei yisrael* during times of war is *loshon hakodesh*, demonstrating the perpetual need to be fluent in *loshon hakodesh*.

22 Although the people of Ninve mended their ways, and Chazal in *Taanis* 15b invoke Ninve as an

in a position to be receptive to *teshuva* because of the reward accrued from הארץ מן because of the reward accrued from the people of Ninve is that *teshuva* is accessible to those who want to do so in earnest. But true *teshuva* is only possible if you place yourself in an environment that allows the words of inspiration to penetrate. If the surroundings are poor, you can go through all of Rabbeinu Yona and not be affected. If the atmosphere is pure and the desire is authentic, however, even five words of *mussar* from Yona Hanavi can do the trick.

Ashur II

What ended up happening to Ashur?²³ Despite Ashur's good start, he didn't remain that way. In *Tehillim* 83:9 it says לוט סלה היו זרוע עמם נלוה עמם – why was Ashur an afterthought – גם אשור? Rashi explains:

אף אשור שהיה נזהר עד היום משאר עצה סכלה ולא יתחבר עם מרעים כמה דאת אמר (בראשית ד') מן הארץ ההיא יצא אשור שיצא מעצת דור הפלגה, כאן נלוה עמם ועזרם לרעה (בפירושים אחרים מצאתי כן), גם אשור נלוה עמם וגו'. גם זה שהיה מחבב מתחלתו מע"ט שפירש מעצת נמרוד שנאמר מן הארץ ההיא יצא אשור אף הוא חזר להיות רשע לכך נשתתף להחריב ביתך.

Ashur strayed, but the place that he built, Ninve, remained with the positive attributes that were instilled when it was founded.

This can also explain another story in *Nach* involving the descendants of Ashur. The destruction of the camp of Sancheiriv, the king of Ashur, came about through hearing the songs of the *malachim*. Why were they *zoche* to hear the singing of *malachim*? Perhaps we can say that although they went against *Klal Yisroel*, the reward of their ancestor Ashur remained – the reward for not listening to someone who went against Hashem enabled them to listen to singing in honor of Hashem, *mida kneged mida*.

The *Tana Devei Elyahu* may provide a source for this idea:.

ואשור היה יודע שמו של הקב"ה אבל לא היה מוחה בבני דור הפלגה, ומנין שהיה יודע אשור שמו של הקב"ה, שנאמר מן הארץ ההיא יצא אשור, אל תאמר מן הארץ ההיא, אלא מהעצה ההיא יצא אשור, ולמה לא מוחה בבני דור הפלגה, מפני שהיה יודע אשור שלעתיד יצא מזרעו סנחריב מלך אשור שהוא בעצמו יהיה מחרף ומגדף כלפי מעלה, ואם היה אשור מוחה בהם היו אומרים לו, והלא זרעו של אותו האיש יהא מרגז לפני הקב"ה והוא מוכיח אותנו. (אליהו זוטא פרק כח)

example to exhort *Klal Yisroel* to *teshuva*, *Chazal* also teach in the *Yerushalmi Taanis* 2:1 that חסובה של – a repentance of deception was carried out by the people of Ninve. While their *teshuva* was sincere and sufficient to save their city, judged by the standards expected of *Klal Yisroel*, however, it was sorely lacking. The *Alshich* comments that the *umos haolam* are closer to repentance than *Klal Yisroel* because the *yetzer hara* does not seek to block them as it does *Klal Yisroel*.

23 The *midrash*, quoted by the *Chizkuni* mentioned earlier, says גם אשור נלוה עמם – that Ashur was, indeed, a *tzadik* at one point but, as the *pasuk* says in *Tehillim* 83:9, Ashur also strayed in the end. Nevertheless, the effects of his influence remained.

Why didn't Ashur protest against the *Dor Haflaga* if he, unlike his contemporaries, knew of Hashem and His ways? He explains that Ashur saw with *ruach hakodesh*²⁴ that his descendant Sancheiriv would himself be a blasphemer against Hashem so Ashur wasn't in a position to give rebuke.²⁵ The *Eliyahu Rabba*²⁶ also comments that Avraham received advice from Ashur and in that *zechus*, Hashem brought Sancheiriv into this world who had a power against *Klal Yisroel*.

Similarly, the *midrash* writes:

חמשה צדיקים עמדו בעולם: נח שם ועבר אשור ואברהם, נח לא הקפיד לעבוד אלא עמד ונטע כרם, שם ועבר הטמינו עצמם [ועסקו בתורה], אשור אמר האיך אני רואה דרכן של רשעים הללו עמד והלך לו שנאמר מן הארץ ההיא יצא אשור אברהם אמר על זה עומד עולם איני מניח אלהי שבשמים, וגם האלהים לא הניחו שנאמר אני ה' אשר הוצאתיך מאור כשדים. (מדרש שוחר טוב תהילים פרק קיח)

There were five *tzadikim* in the world in that era, one of whom was Ashur. And the reason why he is counted as a *tzadik* was because he recognized the evil that surrounded him and made the difficult decision to leave. So, even with a Sancheiriv that came from him, and even though '*gam Ashur nilve imam*', the effects of his actions remained long after he was gone.

The *Chofetz Chaim* writes:

כתיב בקרא גבי נמרוד הוא היה גבור ציד לפני ה' על כן יאמר כנמרוד גבור ציד לפני ה' ופירוש רש"י על כל אדם מרשיע בעזות פנים יודע רבונו ומתכוין למרוד בו יאמר זה כנמרוד ציד. עוד כתיב שם מן הארץ ההוא יצא אשור ויבן את נינוה ופירוש רש"י כיון שראה אשור את בניו שומעין לנמרוד ומורדים במקום יצא מתוכם. והנה ידוע שכל אותיות התורה הם מנויות ואם יחסיר הסופר אות אחת או ייתר אות אחת ירדה תורה מקדושתה ופסולה. ולפי"ז יפלא למה לה להתורה לספר מנמרוד מה שהיה וכן הפסוק ההוא מן הארץ ההוא יצא אשור. אף דבאמת בודאי נרמזו גם בפסוקים אלו סודות התורה עמוקים אך אינן [נקראת] עסק בנסתרות ועלינו להבין לעת עתה פשוטו של מקרא וידוע דכל סיפורי התורה נכתבו או ללמוד מהם איזה הנהגה ומדה טובה שיתדבק בה האדם או להיפך איזה הנהגה רעה ומדה רעה ... וכל זה להורות לנו שאל יטעה האדם את עצמו לומר שרק הם הרשעים מוצלחים ולהם לבדם נתנה הארץ אלא יש בכח ה' להושיע בכל מקום רק אם ישמעו בקולו וסופו של נמרוד הלא יודיע שהפרה עצתו והפיצם ה' על פני כל הארץ ואין שום איש שמזכיר שם נמרוד לשבח רק מי שהוא מעיז פניו נגד הקב"ה וכשם שמצינו גבי נמרוד שיצא מן הארץ ההוא אשור ויתרחק מהם מפני שלא הסכים לדעתם כן הדבר בענינו על אחת כמה וכמה להתחזק בכל מה [מצא] כוחנו להתרחק מהם ולהתחזק בתורתנו הקדושה. מאמר על דרך חינוך הבנים. (ניסן תרפ"ז מאמר לט)

24 Further evidence of the *tzidkus* of Ashur alluded to by the *Chizkuni*.

25 *Mida knegged mida* is especially appropriate for someone who is so concerned with the letter of the law.

26 ולא גלגל הקב"ה והביא סנחריב לעולם אלא בשכרו של אשור שהיה איש כשר ובו היה עצתו של אברהם אבינו

The lesson of *Maftir Yona* is not limited to Yom Kippur afternoon. We can utilize it the entire year, not *chas v'shalom* as a *kitrug* to *Klal Yisroel*,²⁷ but to learn how impactful the seemingly minor act of Ashur was on the city of Ninve. R' Yehoshua ben Levi says in *Avos* 6:2 that *בכל יום ויום בת קול יוצאת מהר חורב ומכרות ואומרת אוי להם* and in the *Zohar Hakadosh* it says *בת קול יוצאת בכל יום ומכרות* and *לבריות מעלבונה של תורה* and *שובו בני שובבים*. Why don't we hear these *bas kols*? The answer could be that in order to hear a *bas kol* we can't remain with the *Dor Haflaga*.

R' Avraham Pam zt"l used to say that these days are not *Yamim Noraim*, but rather *Yamim Muflaim*, days of great opportunity to bridge the gap between us and the *Ribbono shel Olam*. Our goal during these days of *ratzon* should be to get close to Hashem by distancing ourselves from the atmosphere of the *Migdal* so that any inspiration that comes our way is able to translate into the voice of *teshuva* that will be able to influence us in a positive way. In this way, like the people of Ninve, we will *וירא האלקים את מעשיהם כי שבו מדרכם הרעה וינחם האלקים על הרעה אשר דבר אי"ה* achieve *לעשות להם ולא עשה*.

27 The *pasuk* in *Yona* 2:9 says *משמרים הבלי שוא חסדם יעוובו* – *zealously guarding utter futilities they forsake their kindness*. The Abarbanel learns that this *pasuk* is referring to the people of Ninve. Even though they did *teshuva* due to Yona's words, their *teshuva* had no *kiyum* and they ended up reverting to their evil ways.

Lots of *Chein* - The Secret of the *Kapara* of Yom Kippurim

Yossi Schwartz

It is rare for Purim to pass without a mention being made of the idea that it is actually greater than Yom Kippur as hinted to in the name *Yom Kippurim*.¹ While the focus is usually on the relative greatness of Purim, we will use this comparison to explore the depths of Yom Kippur.

The word *Purim* means lots - as the *Megilla* says: הפיל פור הוא הגורל. If Yom Kippurim contains the word *pur* it must have some connection to the concept of a *goral*. And indeed we find a casting of lots on Yom Kippur; the lots for the *seir l'Hashem* and *seir l'Azazel*. But why is this so central to the day that it made its way into the name of the *Yom Tov*? And, more basically, why is this the *avoda* that effects our *kapara*?

In order to understand this we need to take a deeper look at the concept of *goral*. A person casts a lot when the 2 options he needs to choose from are exactly equal and there is no appeal to one over the other. He then just casts a lot, or “flips a coin.” It would seem that he is leaving the decision up to chance, when in reality the decision is being made directly by Hashem. As the *pasuk* in *Mishlei* 16:33 says, בחיק בחרת גורל ומה כל משפטו. When there is nothing else to pin the decision on, it must be coming directly from Hashem.

There is another way to decide between two equally compelling options. For example, if I like broccoli but not tomatoes and I have a choice of eating either one of these two equally nutritious vegetables, I will choose the one that I like even though logically they are both exactly equal. There is (often) no reason why one likes certain things over others. This is known as אין טעם לרצון - desire or will has no reason.² The highest level of consciousness is my *ratzon*. If I can explain why I like something, it is not *ratzon* in its purest form. True *ratzon* has no cause.

Hashem's love for *Klal Yisroel* is rooted in His *ratzon*. There is no logical reason for it. As the *gemara* in *Sanhedrin* 44 says - אף על פי שחטא ישראל הוא - No matter what a Jew does he cannot diminish Hashem's essential love - as the *pasuk* says

הלוא אה עשו ליעקב נאם יהוה ואהב את יעקב... ואת עשו שנאתי. (מלאכי א:ב-ג)

1 תיקוני זוהר נז

2 This is clear in the structure of the *sefiros*: *Keser* which is the level of *Ratzon* is above *Chochma* and *Bina*.

Even when we are “brothers” with Eisav, meaning that our actions are indistinguishable from those of the *goyim* around us, Hashem says ואהב את יעקב - there's just something about a Jew that I love. A child naturally has *chein* in their parents' eyes. We are Hashem's children, and we can have a tremendous amount of *chein* in His eyes if we know how to access it. Understanding the concept of *chein* will give us some insight into the *sod* of the *kapara* of Yom Kippur.

Full of Chein

The word *chein* shares the same root as *chinam* - it connotes a *matnas chinam*.³ A child has done nothing to earn his or her parents love - it is free. The reason why a child has *chein* is because the child is an extension of his parents. So too, our *neshama* is an extension of Hashem - it is a חלק אלוך ממעל. The less a person feels they have earned and are owed, in other words the more “childlike” they are, the more *chein* they have. As the *pasuk* in *Mishlei* 3:34 says לענוים יותן חן. The Greeks brought the Olympics to the world. The message of the Olympics is that you are as good as your accomplishments. But even if you accomplish a tremendous amount, if someone does more than you then they are better. We celebrate our victory over of this philosophy with the *Yom Tov* of חנוכה, which commemorates a war won by the descendant of Yochanan - whose name can be rearranged to spell the vanquished and the way they were overcome - חן-יין.

Whenever a *goral* is used we are invoking Hashem's *ratzon*, and arousing the *chein* that every Jew has no matter what he has done.⁴ As we explained, both a *goral* and *ratzon* are above logic. By using a *goral* we are showing that we want the decision to come directly from Hashem's *ratzon*, and at that level every Jew has incredible *chein*.⁵

Land of Chein⁶

Eretz Yisrael was also given out with a *goral*. Why was a *goral* necessary when we had the *urim v'tumim* which told us exactly what to do?⁷

The rain of the *Mabul* did not fall in *Eretz Yisrael*, as the *pasuk* in *Yechezkel* 22:24 says לא גושמה ביום זעם.⁸ The *Dor Hamabul* is an illustration of what happens when mankind misuses its free will. They completely corrupted the world to the extent that Hashem had to completely recreate it. The fact that the *Mabul* didn't affect *Eretz Yisrael* demonstrates that it is a place that exists above free will. It is an aspect of

3 ספר השורשים לרד"ק, ערך חנן - וכל חנם שבמקרא יתפרש כמו חן

4 ר' צדוק הכהן מלובלין, פרי צדיק, שמות עמ' 198-199: "הגורל שהוא רק מרצון העליון מעתיקא, ואין לדעת המגדיל חלק 4 בן, חנה טעם מצוות הגורלות ביום כיפור... בחלוקת ארץ ישראל, שהיה יהושע מטיל גורל, בודאי היה הגורל מעתיקא כנ"ל"

5 See (דברים לב ט) כי חלק ה' עמו on תרגום יונתן בן עוזיאל 5 that when Hashem divided the 70 nations during the *Dor Haflaga*, He cast lots to decide which מלאך/שר will get which nation, and the lot of *Klal Yisrael* fell out to Hashem Himself.

6 This section is based primarily on *shiurim* heard from R' Mottel Zilber *shlit"l*.

7 See *Bava Basra* 122a

8 See *Zevachim* 113a

creation that can't be corrupted by *aveiros*. It is the land that reveals that regardless of what a Jew has done with his free will, that there is a part of him that cannot be defiled. It reveals the fact that every Jew has *chein*. The only person who was saved outside of *Eretz Yisrael* was Noach (and in his merit his family as well), a man who also had *chein* - as the *pasuk* in *Bereishis* 6:8 says 'ונח מצא חן בעיני ה'.

This is the reason why there is an *issur* to sell land in *Eretz Yisrael* to non-Jews. The Torah phrases this as *lo sichanem* - which Rashi in *Devarim* 7:2 explains to mean: לא תתן להם חן. *Chazal* also learn out from this *pasuk* an *issur* to give a free gift to a non-Jew. The connection is obvious. *Eretz Yisrael* reveals the unearned *chein* that every Jew has - a מתנת חנם. A non-Jew has no connection to this level and therefore has no connection to *Eretz Yisrael*. When Moshe *Rabbeinu* davens to enter *Eretz Yisrael* he says "וַיִּאְתָּחֶנֶן" which contains the word *chein*. Rashi explains he requested a מתנת חנם.

Shabbos *Nachamu* always falls out the same week as *Parshas Vaeschanan*. The word comfort - *nichum*, has the same letters as *chinam*. The ultimate *nechama* that we have is that no matter what we've done we can awaken our inherent *chein* in Hashem's eyes. The *haftorah* of *Nachamu* is the first of the *Shiva d'Nechemta* which take us from Tisha B'av through the month of *teshuva*, Elul, up until Rosh Hashana. The messages of *nechama* and *teshuva* are one and the same - it is not difficult to return! We are inherently beloved by Hashem and all we need to do is recognize that our deepest desire is to follow the *Ratzon Hashem*: רצוננו לעשות רצונך.⁹

We're All Good

The source that every Jew is essentially a *tzaddik* and therefore indubitably has a *chelek in olam haba*, is the *pasuk* ארץ ירשו צדיקים לעולם ירשו ארץ. The problem is that this *pasuk* is referring to inheriting *Eretz Yisrael*. What does it have to do with *olam haba*? The answer is that the fact that every Jew has a *chelek* in *Eretz Yisrael* reveals that they have *chein* and therefore no matter what will ultimately have a *chelek* in *olam haba*.

But how does an individual tap into this level of *chein*? The answer is through *emuna*.¹⁰ This is synonymous with humility, which is the recognition that I have accomplished nothing and that everything is in Hashem's control, and as we saw before, an *anav* has *chein*. When one has *emuna* he recognizes that everything is from Hashem, including his own accomplishments. This is often confused with a feeling of low self-esteem, but it is actually the exact opposite - it is being conscious

9 Of course once we recognize this we subsequently need to go through the complete process of *teshuva*, but the most important step is that recognition. See the *Yalkut Shimoni* on *Tehillim perek* 137 that Yirmiyahu told the Jews as they walked into exile בכיתם בכייה וארץ אילו במייתם בבייה 137 that Yirmiyahu told the Jews as they walked into exile אחת עד שאתם בציון, לא גליתם. The *Beis Hamikdash* was destroyed because of murder, *avoda zara* and *gilui arayos*; would one cry really have been enough to rectify that? The answer is that the cry isn't a complete *teshuva*; it is the recognition that we are so distant and that we want to return, and that is the most critical aspect of *teshuva*.

10 Another way is through Torah; see *Likutei Maharan* 1. The prerequisite to *matan Torah* was ויהן שם ישראל, which can also be understood as referring to *Klal Yisrael* accessing their *chein*.

of the fact that my true essence is a חלק אלוך ממעל and that any feeling of ego or self-centeredness is completely false. A true *anav* is the most confident person in the world - he approaches life with the knowledge that he has infinite spiritual power within. In the words of Rebbi Tzadok:

כשם שצריך אדם להאמין בהש"י, כך צריך אדם להאמין בעצמו כי נפשו ממקור החיים יתברך שמו. (צדקת הצדיק קנד)

The biggest *anav* who ever lived, Moshe Rabbeinu, was also the greatest *ma'amin*, as the *pasuk* states, בכל ביתי נאמן הוא.

Humility is associated both with *chein* and *Eretz Yisroel*:

וענוים יירשו ארץ. (תהילים לז:יא)

A Tale of Two Trees

In Gan Eden there were two trees. The *Etz Hada'as* was the tree of free will. The *Eitz Hachaim* was the tree that was above *bechira* - the tree of *emuna*. If Adam would have had perfect *emuna* he would have ignored all the rationale for eating from the *Eitz Hada'as* and just listened to Hashem. His *emuna* would have revealed his *chein* and his *avoda* would have been complete. Hashem wanted Adam to eat from the *Eitz Hachaim* but He could not command Adam to do so because *mitzvos* are only possible in a world of choice and the *Eitz Hachaim* is above choice.¹¹ Had Adam used his *emuna* he would have recognized that the *Ratzon Hashem* that is above logic is to eat from *Eitz Hachaim*. By doing that he would have tapped into his *chein* which is rooted in Hashem's *ratzon*. This is beautifully hinted to by the fact that *Eitz Hachaim* has the same *gematria* as *goral* (233). It is the level of *ratzon* which is symbolized by a *goral*.

Day of Chein

Yom Kippur is a tremendous gift. Hashem tells us to say the 13 *Middos* of *Rachamim* and thereby ורחמתי את אשר אחון ורחמתי את אשר ארחם. Hashem will shower us with *chein* way beyond what we deserve based on our actions - as the *gemara* in *Brachos* 7a says: ורחמתי את אשר אחון - אע"פ שאינו הגון.¹² The *goral* of Yom Kippur shows that we are accessing a level that is way beyond choice - we want to tap into the level of *Eretz Yisrael*, of שיערי צדיקים, ועמך כולם צדיקים, that comes from the deepest *ratzon* of Hashem.

May we be *zoche* to have *emuna* in our Father in Heaven as well as recognize the incredible *chein* that every single Jew has in the eyes of Hashem.

¹¹ Hashem did hint to Adam that He should eat from the tree by saying תאכל תאכל. There is one tree that was the root of all other trees - the *Eitz Hachaim*. It is the tree that is 50= "כל". The *Eitz Hachaim* is שיערי בינה which is also the level of *ratzon*.

¹² *Shemos* 33:19

סוכות

Shaving on Chol Hamoed: An Analysis of Rav Moshe's Novel Approach

Gedaliah Wielgus

The restriction on shaving on Chol Hamoed appears to be an open and shut case. The *mishna* in *Moed Katan* 13b lists unique situations in which one would be permitted to shave on Chol Hamoed, with the implicit assumption that shaving is generally prohibited. And indeed, the *gemara* makes that assumption, and the Rambam and *Shulchan Aruch* explicitly codify this prohibition.¹ Today, however, shaving is a far more regular occurrence than in the times of the *mishna*. Does that matter? Is there any basis for concluding that the nearly universally-observed restriction is no longer applicable?

Machlokes Between Rabeinu Tam and the Tur and the Opinion of Rav Moshe

The *gemara* on 14a explains that *Chazal* instituted the restriction on shaving כדי שלא יכנסו לרגל כשהן מנוולין, to ensure that one did not come into the Yom Tov unkempt. As the Tur elaborates:

אם היה יכול לגלח במועד לא היה חושש לגלח ערב המועד ונמצא נכנס למועד מנוול ומצוה על כל אדם לגלח קודם המועד לכבוד המועד וכיון שהוא אסור לגלח במועד יהא זהיר לגלח קודם המועד. (טור א"ח תקלא)

If it was permitted to shave on Chol Hamoed one could avoid shaving prior to Yom Tov and would then enter Yom Tov unkempt and not fulfill the mitzva of shaving prior to Yom Tov.

Seemingly, if one were to shave immediately prior to Yom Tov, there would be no reason to restrict shaving on Chol Hamoed itself. Indeed, that is the opinion of Rabeinu Tam, quoted in the Tur O"C 531. The *Tur*, however, disagrees with the ruling of Rabeinu Tam and rules that even one who shaved on *erev* Yom Tov would be prohibited from shaving on Chol Hamoed. The *Mordechi*, *Ohr Zarua* and *Hagahos Maimon* all concur with the *Tur's* opinion and the *Shulchan Aruch* rules in accordance with the stringent view.²

In a novel *teshuva*, however, Rav Moshe Feinstein concludes that the *Tur* would concede to Rabeinu Tam in a country where frequent shaving is commonplace.³ This

1 רמב"ם הל' שבייתת יום טוב ז"ז; שו"ע א"ח תקלא:ב

2 מרדכי סימן תתע; הגהות אשר"י בשם האור זרוע פרק ג'; שו"ע א"ח תקלא:ב

3 שו"ת אנרות משה א"ח א' סימן קסג

article will explain the basis of Rav Moshe's opinion and will discuss a few difficulties with Rav Moshe's approach.

Understanding the *Tur's* Opinion: The Documented Exemptions

The *Mishna* on 13b lists the following scenarios in which one is permitted to shave on Chol Hamoed: if one was released from captivity or prison, if one's *nidui* or *neder* was nullified or if one travelled from overseas, in each case, without enough time to shave before Yom Tov. Rashi (*d"h eilu megalchin*) explains that in all these examples, the individual could not shave before Yom Tov because he was in a situation of *ones* and was therefore not included in the restriction on shaving.

The *gemara* entertains another possible exemption to the restriction by citing a query posed by Rav Zeira to Abaye: if one is unable to shave prior to Yom Tov because he is searching for a lost item, does he also qualify for an exemption from the restriction on shaving? On the one hand, such a case is comparable to the exemptions in the *Mishna*, because it is a situation of *ones*. On the other hand, it is not self-evident to an outside observer that the individual was an *ones* and people may assume he negligently waited until Chol Hamoed to shave.

In his response, Abaye references the discussion of why it is prohibited to make one's *matzos* in a decorative shape on Pesach.⁴ The *gemara's* rationale for this prohibition is that we are concerned that the dough will become *chametz* because the baker will have to spend extra time shaping the *matzos*. Boethus, who was a baker, asked why he couldn't simply use a mold to make the decorative *matzos*, which would not take any extra time. The Sages responded with the principle of אמרו כל השריקין (hereinafter: *yomru*)- people will say, all the *srikin* are prohibited from decorating their bread, but the *srikin* of Boethus are permitted to do so? Rashi (*d"h eilu yomru*) explains that most bakers did not have the molds that Boethus had and only he would be able to make decorative *matzos*. The basic principle of *yomru*, as articulated by the Ritva, is that we if we make an exception for one individual, people may mistakenly assume that the exception applies universally.⁵

Abaye uses this same principle to resolve Rav Zeria's query. Although an individual who was searching for a lost item qualifies as an *ones*, we cannot allow him to shave because of *yomru*; an observer would not realize that this individual was in a situation of *ones*, and he may come to the conclusion that there is no prohibition on shaving on Chol Hamoed.

In contrast, the *gemara* on 13b allows one who only owns one shirt to wash his clothing on Chol Hamoed, despite the general restriction on doing so. The *gemara's* rationale for not using the principle of *yomru* is that "איזורו מוכיח עליו"- his belt indicates to others that he is in a situation of *ones*. Rashi explains that this individual will wear a belt while he is washing his shirt because he does not have any other shirt that

4 עיין פסחים לו.

5 ריטב"א מועד קטן יג: ד"ה אמר ליה

he can wear while his sole shirt is being washed.⁶ Thus, it is evident to any outside observer that he only has one shirt. Because it is self-evident that the individual is in a unique situation, there is no concern for *yomru*, as an observer would understand the uniqueness of his situation.

Rav Moshe's View of the *Tur's* Rationale

Rav Moshe understood the *Tur* as saying that *Chazal's* rationale for not creating an exemption for someone who shaved prior to Yom Tov is because of the principle of *yomru*. If one were to see someone shaving on Chol Hamoed, he would not realize that this individual shaved prior to Yom Tov. This is only an issue, however, in a situation where most people do not shave regularly. In a place where people shave regularly, there is no concern of *yomru*, as when one sees someone who has shaved on Chol Hamoed, he will assume that person shaved prior to Yom Tov in accordance with common practice.

Thus, Rav Moshe concludes, the *Tur's* rationale is not applicable in modern times, and the *Tur* would agree that one who has shaved prior to Yom Tov may shave on Chol Hamoed.

Rav Moshe's View of the *Tur's* Proof

In addition to citing the principle of *yomru*, the *Tur* uses the *gemara* in his attempt to disprove Rabeinu Tam's opinion that one may shave on Chol Hamoed if he shaved prior to Yom Tov. Later commentators differ on where exactly in the *gemara* the *Tur* finds support for his opinion. Rav Moshe concludes that the *Tur* finds support from the *gemara's* ruling that one may wash his clothing on Chol Hamoed if he only has one shirt. In Rav Moshe's view, the *Tur* is of the opinion that this *hetter* only applies if the individual washed his shirt prior to Yom Tov.⁷ If Rabeinu Tam were correct that shaving before Yom Tov allows one to shave on Chol Hamoed, the *gemara* should have cited that as support for the similar ruling on washing one's clothing. The fact that the *gemara* did not is proof that there is no such leniency with respect to shaving.

This proof is only valid with respect to the *hetter* of Rabeinu Tam that any individual who shaved prior to Yom Tov can shave on Chol Hamoed, even if that individual resides in a place where it is not customary to shave often. However, says Rav Moshe, when dealing with a universal exemption in a place where people shave frequently (hereinafter, "Rav Moshe's *hetter*"), the *Tur's* proof no longer works. The *gemara* could not use Rav Moshe's *hetter* as support for its *hetter* of washing clothing. Rav Moshe's *hetter* only applies in a situation where people shave regularly and it would be typical for one to shave prior to Yom Tov and then again on Chol Hamoed. No comparable situation exists when it comes to washing clothing. Most people have more than one shirt and would not need to wash their clothing both prior to Yom Tov and on Chol Hamoed.

6 רש"י שם ד"ה איזורו; אבל עיין רש"י תולין קח. ד"ה איזורו שמפרש בענין אחר
7 עיין תוס' מרו"ק יח. ד"ה אע"ג, שמסופקים בזה

Analyzing Rav Moshe's Opinion: Breaking Down the *Tur*

Rav Moshe understood the *Tur's* opinion to be based primarily on the theory of *yomru*. A close analysis of the *Tur's* words, however, appears to indicate that *yomru* was merely one part of the *Tur's* approach to the opinion of Rabeinu Tam. The *Tur* writes:

ור"ת פל' כיון שזהו הטעם אם כבר גלח קוד' המועד מותר לגלח במועד וקשה מאד להתיר וגם אינו נראה כן מתוך הגמ' דאם איתא הו"ל לפורטה בהדי הנך דתנן ואלו מגלחין כי היכי דקאמר גבי כיבוס כל מי שאין לו אלא חלוק אחד מותר לכבסו במועד משום דאפילו אם כבסו קודם המועד הוא חוזר ומתלכלך ה"נהו"ל לפרושי היתר דאם

גלח קודם המועד ועוד מי יודע אם גלח קודם המועד דכה"ג קאמר בגמ' על הא דבעי מי שאבדה לו אבידה בערב המועד אם מותר לגלח במועד מפני שהיה אנוס שלא היה לו פנאי לגלח קודם המועד וקאמר מי יודע שהיה אנוס הלכך נראה שאין להתיר אלא לאותם שמפרש בהדיא.

Rabeinu Tam explains that because [the concern of entering Yom Tov unkempt] was the gemara's reasoning, if one shaved prior to Yom Tov, he is permitted to shave on Chol Hamoed. It is very difficult to permit such a thing, even if it was permitted by law. Furthermore, it does not appear that way from the gemara, because if [Rabeinu Tam's hetter] was correct, it should have been listed together with those [exemptions] listed in the mishna of Vi'elu Migalchin, just as [the gemara] says with respect to the prohibition of washing that one may wash his clothing if he only has one shirt, because even had he washed his shirt prior to Yom Tov, it would have become dirty once again. Here too, [the gemara] should have explicitly permitted shaving if he shaved prior to Yom Tov. Furthermore, who would know if he had shaved prior to Yom Tov? The gemara uses similar reasoning with respect to its query regarding one who lost an item on erev Yom Tov and did not have time to shave before Yom Tov and the gemara says, "who would know that he is an ones?" Therefore, it seems that we cannot permit [shaving] except for those explicitly listed. (emphasis added)

The *Tur* appears to be making three distinct points in his argument against Rabeinu Tam: (1) It is "very difficult" to allow one to shave in accordance with the opinion of Rabeinu Tam, (2) the *gemara* implies that there is no such *hetter*, and (3) who will know if this individual shaved prior to Yom Tov, i.e. the principle of *yomru*.

Difficulties With Rav Moshe's Opinion

A. The *Tur's* Opening Argument

Rav Moshe's *teshuva* focuses exclusively on 2nd and 3rd points of the *Tur*, the proof

from the *gemara* and the principle of *yomru*. Rav Moshe omits any mention of the *Tur's* opening critique of Rabeinu Tam's opinion, "וקשה מאד להתיר." The *Tur's* use of "וגם" immediately subsequent to "וקשה מאד להתיר" implies that this was an argument in it of itself against the opinion of Rabeinu Tam. Rav Moshe does not explain why the *Tur* felt it was difficult to permit shaving for one who shaved prior to Yom Tov and why the *Tur's* reasoning would not similarly apply to Rav Moshe's *hetter*.

The *Bach* explains the *Tur* as follows,

כיון דכל ישראל נוהגין שלא לגלח במועד היאך נתיר לאחד לבדו דבר זה קשה
מאד להתיר אפ' היה מותר מן הדין ועוד דבגמרא משמע דמדינא אסור ...
*Because all of Israel is accustomed not to shave on Chol Hamoed, how
can we permit one person alone to shave? This matter is very difficult to
permit. Furthermore, the gemara implies that this is prohibited by law.*

The *Bach's* use of לבדו appears to provide some support for Rav Moshe's understanding of the *Tur*. The *Tur's* issue was merely permitting something for one person while prohibiting it for someone else, the issue of *yomru*. This is only an issue in Rabeinu Tam's *hetter*. Rav Moshe's *hetter* allows all people to shave on Chol Hamoed and thus there is no issue of להתיר מאד לקשה.

However, the *Bach* cannot be understood as simply restating the principle of *yomru* because the *Tur* himself quotes the principle of *yomru* in this third argument against Rabeinu Tam. There must be a distinction between the *Tur's* first and third arguments.

Although the *Bach* cannot be restating the principle of *yomru*, Rav Moshe can still argue that whatever להתיר מאד לקשה means according to the *Bach* would not apply to Rav Moshe's *hetter*. The *Bach* makes clear that the *Tur's* issue is focused on לבדו אחד, on making a one-off exemption. In Rav Moshe's *hetter* there is no one-off exemption. Everyone in a place that is accustomed to shave often would qualify for the *hetter*.

Although Rav Moshe does have support from the words of the *Bach*, this still requires further clarification. Why is it להתיר מאד לקשה for an individual who shaved but not להתיר מאד לקשה for an entire community if their custom is to shave often? Again, we cannot simply invoke the principle of *yomru* and say the *Tur's* issue is with making one-off exceptions, because the *Tur* clearly does not invoke *yomru* until his final argument. If the *Tur* is making a meta-halachic argument against permitting an *issur* that is commonly adhered to, why should it matter if it's a one-off *hetter* or a *hetter* for an entire community?

It should be noted that the *Taz* and the *Gra* only cite the principle of *yomru* to explain why the *Shulchan Aruch* does not accept Rabeinu Tam's opinion and, like Rav Moshe, they do not mention the *Tur's* argument of להתיר מאד לקשה.⁸ However, Rav Moshe's *teshuva* focuses exclusively on the language of the *Tur* and Rav Moshe does not refer to the *Taz* or the *Gra*.

8 ט"ז אר"ח תקלא ס"ק ב'; הגהות הגר"א שם ס"ק ב'

B. The Tur's Proof

As mentioned above, the *Tur's* second argument against Rabeinu Tam is a textual one from the wording of the *gemara*. Rav Moshe understood the *Tur's* proof to be from the fact that the *gemara* did not use Rabeinu Tam's *hetter* to support the ruling that one who only has one shirt may wash his shirt on Chol Hamoed. Such a proof only works when discussing Rabeinu Tam's *hetter*. The *gemara* could not, however, have used Rav Moshe's *hetter* to support its ruling with respect to washing one's shirt because most people have more than one shirt and thus the two situations are not comparable.

The language of the *Tur*, however, דאם איתא הו"ל לפורטה בהדי הנך דתגן ואלו מגלחין, כי היכי דקאמר גבי כיבוס כל מי שאין לו אלא חלוק אחד מותר לכבסו במועד, seems to indicate that the *Tur's* proof is either from the *mishna's* or the *gemara's* omission of Rabeinu Tam's *hetter*. Indeed, this is how the *Beis Yosef* understands the *Tur's* proof.

This same argument, though, can seemingly be made against Rav Moshe's *hetter* as well. If Rav Moshe is correct, the *mishna* or the *gemara* should have mentioned it. Rav Moshe does indirectly address this issue by saying that it was probably highly uncommon, if not completely non-existent, in the times of the *gemara*, to have a place where frequent shaving was commonplace. Rav Moshe could conceivably argue that the *gemara* omitted mention of Rav Moshe's *hetter* simply because it was non-existent in those times.

In a slightly different vein, the Gra finds support for the *Tur's* opinion from the *gemara's* statement of ושאר כל אדם מאי טעמא אסורין. The Gra understands this statement to be an indication that the *mishna's* list of exemptions is an exclusive list. Even if Rav Moshe is correct that the *gemara* did not mention his *hetter* because it was non-existent at the time, the Gra would presumably still argue that it should be prohibited simply because it is not listed in the *mishna*. It is hard to argue that the *mishna's* list was only exclusive with respect to exemptions that existed at the time, but that the *mishna* left the possibility open for other exemptions to be added at a later date.

Furthermore, if the *Tur's* proof is either from the *mishna's* and *gemara's* omission or from the statement of ושאר כל אדם מאי טעמא אסורין, that means the *Tur* understood the *gemara* as disagreeing with Rabeinu Tam before it makes any mention of the principle of *yomru*. How could the *Tur's* opinion be based on the principle of *yomru* when the *gemara* already ruled out Rabeinu Tam's *hetter* before addressing the principle of *yomru*? It must be that the *Tur's* view is based on another factor, that of וקשה מאד להתיר, and *yomru* merely provides additional support.

C. When is *Yomru* Suspended?

The basic premise of Rav Moshe's position is that the only reason to prohibit shaving when one has shaved prior to Yom Tov is because of the principle of *yomru*, and that there is no issue in a place where the custom is to shave frequently. In order to

understand this, we must explore when the *gemara* chooses to say *yomru* and when *yomru* is suspended.

The only explicit exception to the principle of *yomru* is the aforementioned case of someone who only owns one shirt. In that case, it is self-evident to anyone who sees this individual washing that he is in a unique situation. Inherent in this individual's washing is the fact that he only has one shirt. His belt is clear proof of that. In contrast, when one sees an individual shaving on Chol Hamoed, there is nothing in the act of shaving itself that would indicate that he had shaved prior to Yom Tov. It is true that most people shave often and it is quite possible that an observer would assume this individual shaved prior to Yom Tov, but that is not all comparable to *איזור מוכיח עליו*. Where does Rav Moshe see that merely because an observer would probably assume the individual had shaved prior to Yom Tov that this would alleviate any *yomru* concerns? The only explicit exception to *yomru* is an entirely different situation.

While it is probably accurate to say that an observer can tell the difference between someone who has shaved recently to one has not, can the observer tell with certainty that the individual shaving had shaved immediately prior to Yom Tov? And even if the observer would be able to tell that he had shaved recently, that same argument would apply with respect to the *Tur's* case and yet the *Tur* still says there's an issue of *yomru*.

The exemptions listed in the *mishna* may provide stronger support to Rav Moshe's understanding of the narrow scope of *yomru*. In the cases of the *mishna*, there is nothing intrinsic about the individual's shaving that would explain why he qualifies as an *ones* and yet he is allowed to shave. Indeed, the Ritva does seem to understand the *mishna's heterim* to be as a result of the suspension of *yomru*. Because the individual's *ones* is well-known, no observer would draw the conclusion that shaving is permissible for everyone.

Even according to the Ritva, however, there is no comparison between the *mishna's heterim* and Rav Moshe's *heter*. In the case of the *mishna*, everyone knows the individual was in prison, that he was overseas etc. In the words of the *Mishna Berura*, it is "מפורסמין וגלויין לכל"⁹. The same does not apply to an individual who lives in an area where frequent shaving is commonplace. Does everyone know this individual shaved prior to Yom Tov? On the contrary, most people shave frequently- whether this person shaved immediately prior to Yom Tov or five days earlier would be of little concern to an outside observer. If anything, the argument can be made that in the time of the *Tur* if someone shaved immediately prior to Yom Tov and then shaved again on Chol Hamoed that would be more well-known considering the oddity of such an occurrence!

Moreover, where does Rav Moshe know where to draw the line as to what percentage of people must shave regularly? In the opening paragraph of the *teshuva*, Rav Moshe says that *במדינתנו שכל אלו הרגילים בתספורת הזקן מסתפרים בכל יום ואף אם רק*

9 שם ס"ק ה'

רוב מהמסתפרין, that the custom by all who shave is to shave every day, but [the *hetter* to shave] would apply even if the majority of those who shave, [shave every day]. Where does Rav Moshe see that the cut-off is 51%? Even if it's less than half of the population, the outside observer may still be able to draw the conclusion that the individual is a member of the minority who shaves often. Rav Moshe provides no guidance as to why the line is drawn at the majority.

Perhaps an alternative approach would be to say that the entire principle of *yomru* does not begin when the majority of society would qualify for a *hetter*. If, for example, more than half of bakers had the same mold as Boethus had, *Chazal* would never have restricted making decorative *matzos*. This approach find support in the words of Rabeinu Gershom.

The *gemara* in *Chullin* (107b) restricts two individuals who are familiar with one another from eating cheese and meat on the same table because of the fear that one may take from the other and eat milk and meat together. Abaye ruled that because of the principle of *yomru* this restriction applies to two brothers eating together even if the brothers have a relationship in which they do not allow the other to partake in their meal. Rabeinu Gershom (*d"h yomru*) explains, מפני שסתם אחין אין מקפידין זה על זה. The clear indication from Rabeinu Gershom is that if most people did not allow their brothers to partake in their meal, then there would be no concern of *yomru*. *Chazal* only applied *yomru* in a situation where most people would not qualify for the *hetter*. This would explain why Rav Moshe chose 51% as the cutoff. *Chazal* would not apply the principle of *yomru* in a situation where more than half of those who shave do so regularly.

The problem with this approach is that Rav Moshe does not appear to be making this argument. Rav Moshe's words, וא"כ במדינה שכל המסתפרין מסתפרין בכ"י. . . In a country where all those who shave, do so daily, **it is known that even one who shaved on erev Yom Tov, would shave now** (emphasis added), clearly indicate that Rav Moshe's *hetter* is based on the fact that the observer will know he shaved prior to Yom Tov and not because *Chazal* didn't apply *yomru* in a situation where most people qualify for a *hetter*.

Lo Plug Rabanan

Rav Moshe entertains the possibility that by creating the *issur* of shaving on Chol Hamoed, there would now be an *issur melacha* to shave on Chol Hamoed. If that were case, Rav Moshe suggests that the argument can be made that even though there is no issue of *yomru* in a place where frequent shaving is commonplace, the *issur melacha* remains in place because such a custom did not exist at the time the *issur* was created. Rav Moshe proves, however, that there was no *issur melacha* for shaving and the entire prohibition of shaving was a new *gezeira*. Thus, in a situation where the *gezeira* is not applicable (i.e., where frequent shaving is commonplace), there is no *issur* in shaving on Chol Hamoed.

Rav Moshe does not, however, directly address the possibility that while there is no *issur melacha*, Chazal nonetheless instituted the *gezeira* as a *lo plug*. While there may be no reason to prohibit shaving in a place where people shave often, who is to say that Chazal did not insert a flat prohibition because they did not want to differentiate between different locales?

Rav Moshe does mention in passing that we see Chazal did not use the principle of *lo plug* with respect to the *issur* of shaving by virtue of the fact that the *mishna* provides for certain exemptions. But isn't it possible that Chazal included a *heter* for a well-known *ones* while using the principle of *lo plug* to prohibit shaving everywhere else? Do we only apply the principle of *lo plug* where no exemptions are made in any situation?

In fact, it seems possible that *lo plug* is precisely the point the *Tur* was trying to make. As mentioned above, in his opening argument against Rabeinu Tam, the *Tur* cryptically says *וקשה מאד להתיר*, without explaining why it is difficult to permit shaving. The most likely explanation is that it is difficult to start making exemptions to a flat prohibition against shaving, i.e., *lo plug*. That is the *Tur's* first and foremost reason for not allowing one to shave even if he shaved prior to Yom Tov. Only then does he proceed to bring textual support to his opinion from the *gemara* and raise the issue of *yomru*. If *lo plug* is indeed the *Tur's* principle argument, then he would presumably say the same thing for Rav Moshe's *heter*.

Furthermore, we can use the principles of *lo plug* to explain the *Bach's* aforementioned understanding of the *Tur*. Perhaps when the *Bach* said, *היאך נתיר לאחד, לברו*, he was saying that precisely the principle of *lo plug* is what makes it very difficult to permit "one person" to shave while everyone else is prohibited from shaving. The *Bach* focused on "one person" simply because only a small minority of people would be included in Rabeinu Tam's *heter*, but that same concern would apply if it was more than one person, as is the case with Rav Moshe's *heter*.

Conclusion

The opinion of Rabeinu Tam is that if one shaved prior to Yom Tov, he is permitted to shave on Chol Hamoed. The *Tur* takes issue with this opinion and the *halacha* is in accordance with the *Tur*. Rav Moshe, however, contends that the *Tur* would allow someone who shaved prior to Yom Tov to shave on Chol Hamoed if the local custom is to shave at least once every third day. Nonetheless, it appears as if the general custom is to refrain from shaving on Chol Hamoed, despite the fact that common practice is to shave often. It would seem that there is indeed a strong argument to be stringent on this matter and Rav Moshe himself only advised those with a pressing need to rely on his opinion.

The Interdependence of the *Arba Minim*

Yosef Moskowitz

When we hold the *arba minim* on Succos, do we really think about the message that these four seemingly random species represent? The truth is it is anything but random as to why we take these four species at this specific time of year. The *mishna* in *Rosh Hashana* (1:2) states:

בארבעה פרקים העולם נידון, בפסח על התבואה, בעצרת על פירות האילן, בראש השנה כל באי העולם עוברין לפניו כבני מרון שנאמר היוצר יחד לבם המבין אל כל מעשיהם, ובחג נידונין על המים.

On Succos, the world is judged for the rainfall in the coming year. The *arba minim* are solely reliant on water to survive. By using these *minim* it allows us to understand and express our feelings of reliance on *Hakadosh Baruch Hu* with respect to our survival in the upcoming year. Once the *Yamim Noraim* pass, it can be difficult to still feel that sense of appreciation and dependency towards Hashem; however, the *arba minim* remind us to recognize who we turn to for all our needs and the true source of everything we desire.

The Symbolism and Message of the *Arba Minim*

The *Sefer HaChinuch* (*Mitzva* 324) further explains:

ועוד יש בארבעה מינין אלו ענין אחר, שהם דומים לאיברים שבאדם היקרים. שהאתרוג דומה ללב שהוא משכן השכל לרמוז שיעבוד בוראו בשכלו. והלולב דומה לשדרה שהיא העיקר שבאדם, לרמוז שיישיר כל גופו לעבודתו ברוך הוא, וההדס דומה לעינים, לרמוז שלא יתור אחר עיניו ביום שמחת לבו. והערבה דומה לשפתים, שבהן יגמור האדם כל מעשהו בדבור, לרמוז שישים רסן בפיו ויכוון דבריו, ויירא מהשם אף בעת השמחה.

Each species of the *arba minim* represents a different organ of the body. The *esrog* is likened to the heart and reminds us to serve Hashem with all our heart. The *lulav* is compared to the backbone which ensures we are standing straight before Hashem. The *hadassim* are shaped like the eyes which reminds us to only see the good in everyone. The *aravos* are similar to the lips which is a reminder to watch how we speak.

The theme of interdependence continues when we understand why each *min* is used and the reason the *esrog* stands alone in one hand while the other three species are held together in the other hand. The *Midrash Rabba* (*Emor* 3:12) expounds:

פרי עץ הדר אלו ישראל מה אתרוג זה יש בו טעם ויש בו ריח כך ישראל יש בהם בני אדם שיש בהם תורה ויש בהם מעשים טובים, כפות תמרים אלו ישראל מה התמרה הזו יש בו טעם ואין בו ריח כך הם ישראל יש בהם שיש בהם תורה ואין בהם מעשים טובים, וענף עץ עבות אלו ישראל מה הדס יש בו ריח ואין בו טעם כך ישראל יש בהם שיש בהם מעשים טובים ואין בהם תורה, וערבי נחל אלו ישראל מה ערבה זו אין בה טעם ואין בה ריח כך הם ישראל יש בהם בני אדם שאין בהם לא תורה ולא מעשים טובים ומה הקב"ה עושה להם לאבדן אי אפשר אלא אמר הקב"ה יוקשרו כולם אגודה אחת והן מכפרין אלו על אלו ואם עשיתם כך אותה שעה אני מתעלה הה"ד הבונה בשמים מעלותיו ואימתי הוא מתעלה כשהן עשויין אגודה אחת שנאמר ואגודתו על ארץ יסדה לפיכך משה מזהיר לישראל ולקחתם לכם ביום הראשון.

The *esrog*, which has a pleasant smell, represents those in *Klal Yisroel* who are constantly doing *mitzvos* and learning Torah. The *lulav* has great taste but doesn't smell and therefore represent those *yiddin* who learn Torah but don't do *mitzvos*. The *hadassim* are the opposite of the *lulav*. They smell great but do not have any taste and it represents those who do *mitzvos* but don't learn Torah. The *aravos* have neither quality and thereby are a reflection of *yiddin* who don't learn Torah or do *mitzvos*. One might think it wouldn't make sense to have the *aravos* around but the *midrash* goes on to say that the best course of action is bringing them together, as we do during *hallel*. This enables each to atone for one another.

This message is very relevant to our times. There are many people in *Klal Yisroel* that are on various levels and the *arba minim* teaches us that sometimes we have to separate and do *prishus*, as the *Mesilas Yesharim* states, to be able to attain the level of the *esrog*. However, once we are on the *madraiga* of being involved on a daily basis of learning and doing *mitzvos*, it's important to come back together as the *arba minim* do and influence those that may not see the beauty of getting to that *madraiga*.

One Without the Other

The troubling thought that arises from here is the fact that the *lulav* and *haddasim* are paired with the *aravos*. If the *lulav* represents one who learns Torah and the *haddasim* represent one who does *mitzvos*, why do they start off in the same hand as the *aravos* which represents the Jew without Torah or *mitzvos*, implying that they need the *esrog* to have the positive *roshem* on them as well? Don't they have the mental capacity and awareness to begin with the *esrog* in the first place?

I would like to suggest that when you have an individual who is extremely focused and can essentially be cognizant of learning Torah with regularity but doesn't have the awareness of, or seemingly, the desire to do *mitzvos* at all, clearly this Jew is lacking balance, as the Torah he has learned has not penetrated to the point where it has improved his actions and performance of *mitzvos*. Within the context of learning Torah, it is evident that if somebody cannot realize the importance of doing *mitzvos*, they need to be influenced by someone who does have that understanding.

The same goes for the hadassim, representing someone who is *oseik* in *mitzvos* but doesn't learn Torah. If his performance of *mitzvos* is just by rote and does not increase his learning of Torah, such *mitzvos* must be lacking. It is only the one with the spiritual makeup to constantly be involved in both Torah and *mitzvos* that can improve those who are only focused on one but not the other. This is why the *lulav* and hadassim are paired with the aravos. For Torah without *mitzvos* and vice-versa is a flawed system and will lead one to gravitate to those with neither Torah nor *mitzvos*. Further, this is why the *esrog* stands alone and needs to come together to not just uplift the aravos but the hadassim and *lulav* as well and make the *arba minim* whole.

Conclusion

The *achdus* and interdependence of the *arba minim* are extremely prevalent here but this is a common theme in our history, whether it be by the Pesach Seder with regard to the *Arba Banim* - ואחד רשע, ואחד חכם, ואחד תם, ואחד שאינו - or even just simply having a positive effect on non-affiliated Jews in our times. Hashem should give us the continued strength to strive to "smell" and "taste" as good as the *esrog* and come together as the *arba minim* do. This should allow us to see everyone in *Klal Yisroel* flourish in ways that are unimaginable and enable us to bring *Mashiach*, *bimihara v'yameniu amen*.

Z'man Simchaseinu – A Time of Achdus

Sruly Perlow

While there are many days that we naturally associate with happiness, Succos is the one time of the year that is classified in *tefilla* as *Zman Simchaseinu*, as the *pesukim* in *Parshas Re'eh* mandate: ...שמחת בחגך. והיית אך שמח. This is surprising as one would first think to perhaps associate *Zman Simchaseinu* with a *chag* such as Purim, where good food, music, happiness, and a healthy degree of inebriation define the entire holiday. I heard a poignant *vort* many years ago that has always stayed with me and helps explain why Succos, above all other times, is classified as *Zman Simchaseinu*.

Succos – a time of Achdus and Simcha

Imagine that we have just gone through the entire *teshuva* process (for those reading this before Succos then you just have!). Starting from Rosh Chodesh Elul, when our minds automatically starts to reflect upon and take account all of our actions, we immediately start to pay more attention to our daily activities in an effort to avoid any *shemetz aveira* and in order to maximize our quantity and quality of *kiyum mitzvos*. We then stay up late on *Leil Slichos* and *daven* to Hashem that He forgive us for all of our iniquities. Next comes Rosh Hashana, a day that we proclaim Hashem as the *Melech Malchei Hamlachim*. After Rosh Hashana we are immediately thrown into the *Aseres Yimei Teshuva* – where the Arizal teaches that each day can be *mechaper* the wrongs done on each corresponding day (i.e. Yom Rishon is *mechaper* all of the Yom Rishons of the year). This trepidation and reflection then culminate with Yom Kippur, when we pour our hearts out to Hashem. Once *neila* is over we immediately have a deep sense of joy knowing that we have been forgiven for our faults – ויאמר ה' – סלחתי כדברך.

Through our intense journey of spiritual cleansing we are left with three clear observations: (i) we are naturally imperfect beings who are prone to sin, (ii) Hashem is the One who decides everything, and (iii) He has made each of us with a unique, specific set of qualities and shortcomings that inform and define our individual purpose and form our *Avodas Hashem*.

These three items fuse together to explain the root of contention in our world. For example, we are left bitter when we see our neighbor driving his beautiful new car when tuition is constantly on our mind. Instead of remembering that Hashem gave us our specific portion for a reason, we quell our own insecure thoughts by imagining the illicit ways he may have earned his money.

There are other, equally ugly examples that arise from time to time as well: For instance, we are quick to feel “holier than thou” when we see our “friend” come in late to *shacharis* or be critical when an *ashir* doesn’t give the poor man as much *tzedaka* as we did. One may think to himself of that person as lazy, cheap, or selfish. We think it is up to us to balance the scales of justice even though all we are doing is creating a perpetual cycle of slander.

What is going on here? Why are these thoughts even in our mind? If left to our own intellectual devices and cool, thoughtful deliberation, none of us would want to jump to such awful interpretations or condemning conclusions. Obviously, our *yeitzer hara* embeds an adverse mentality into our psychology. The *yeitzer hara* tricks us into thinking that it is up to us to balance the scales of justice. However, really all this behavior does is foster a perpetual cycle of *sinas chinam*, *lashon hara* and *rechilus*.

We can only begin to feel comfortable in our own skin once we internalize the essence of the Hashem/human relationship. Hashem, the Creator and Decider of all fortune, has given us our specific lot because it is what is best for us. It is only after an intensive and successful *zman teshuva* and *Yomim Noraim* that we realize that none of us is “better” than the other. Rather, we are all made with a different portfolio of attributes. Once we have attained this realization, that we are each uniquely endowed with virtues and shortcomings by Hashem as a basis for our own individual *avoda* in this world, can we begin to be truly confident in ourselves which leads to being *besimcha* with our friends and creates an atmosphere of happiness. It is this *achdus* that ultimately elevates each of us individually and all of *Klal Yisrael* collectively.

This awareness is discussed at length by the *Tzemech Tzedek* in *Derech Mitzvosecha*, where he explains the deeper meaning the *pasuk* in *Parshas Kedoshim*, 'ואהבת לרעך כמוך אני ה'. He explains that true *ahava* can only be attained when we realize that Hashem has invested Himself in each and every one of us. That is what the “*Ani Hashem*” is coming to signify, that He himself is the One that is binding us together – the common denominator between us all.

The lesson of the *Arba Minim*

Now that we have explored the necessary mindset needed to achieve *achdus*, I would like to further examine why *achdus* and a realization that we each have our own *tafkid* in this world are the necessary key in order to attain true happiness.

The Lubavitcher Rebbe said that we need look no further than the *arba minim* to see how every Jew is an important piece of the puzzle. The *Midrash Rabba* in *Parshas Emor* explains that each of the *arba minim* have their own unique characteristics.

The *esrog* has both a pleasant smell and taste. The *lulav*, which grows along with dates, comes from a tree that has taste but no smell. The *hadassim* have a pleasant aroma but no taste. Lastly, the *arvos* do not contain either smell or taste.

Taste is comparable to Torah as they both give a concrete, identifiable pleasure. Smell is comparable to *mitzvos* since there are certain *mitzvos* that we do without

understanding the full reason and we unable to get the same level of enjoyment. The Rebbe compares this to the different levels of enjoyment one gets from smelling a cake vs. the pleasure of actually biting into the warm, moist cake.

Using the above formula, the *midrash* concludes that the *esrog* is comparable to both Torah and *mitzvos*. *Lulav* contains the trait of Torah. Hadassim are comparable to *mitzvos*. Lastly, arovos are like neither. We see from here that the only perfect *min* is the *esrog*, and still we see that one needs the other three *minim* to be *mikayeim* the *mitzva*. An interesting and somewhat surprising conclusion from the *midrash* is that the imperfect species, i.e., those symbolically lacking Torah or *mitzvos*, are still nonetheless essential to the *mitzva*. Why is that? Why does the *mitzva* by definition mandate imperfection? Let us put this first question on the side for now and continue to examine the *arba minim*.

The Rebbe further expounds upon this concept explain that each of the *minim* grow or are used in a manner reflecting unity. The *lulav*, in order to be kosher for use, must be bound. The hadassim need three leaves that all reach up to touch the row above, to signify the congruence and relationship between the lower and higher leaves. One also notices that arovos do not grow alone but rather in bunches. Lastly, the *esrog*, unlike most other fruits, does not grow in one season. Rather it must spend a complete year on the branch. The *esrog* draws from the inherent qualities from each of the four seasons, taking each of their unique elements, integrating their particular strengths and weaknesses in order to create a perfect fruit.

The lesson here is important. Every one of us was born with innate characteristics. Naturally we each gravitate to different areas of *Avodas Hashem*. Some achieve their sense of *dveykus* by adopting a simple lifestyle in order to spend more hours learning than working. Others will spend a hard day at work in order to provide for their families and yet still find the time and be *moser nefesh* to learn at night when they are exhausted. Yet for others, it means contributing their one free hour to a *chesed* organization. We must classify all of these various lifestyle in one simple way. True *Avodas Hashem* is different for each person, using their strengths to become closer to Hashem. One cannot survive without the other.

In fact, it is when we do not appreciate our differences and unite around them that we are rendered vulnerable to our enemies. We see this unfold in *Parshas Balak*. After Bilaam fails to successfully curse *Bnei Yisrael*, Balak revises his strategy. He suggests:

לך נא אתי אל מקום אחר אשר תראנו משם, אפס קצהו תראה וכלו לא תראה
וקבנו לי משם (במדבר כג:יג)

*Go now with me to a different place from where you will see them;
however, you will see its edge but all of it (B'nei Yisrael) you will not
see...*

What was Balak trying to signify about the benefit of only seeing part of *Bnei Yisrael*, and why would it make this second attempt at the curse successful?

The reason is that Balak understood that *Bnei Yisrael's* strength comes from our *achdus*. We were able to repel Bilam's first attempt because it was against our entire nation. The *achdus* acted as a shield from his curse. However, if we were to lose our cohesiveness, that would turn our greatest defensive asset into a weakness, one that sadly, our enemies have exploited throughout history.

In truth, we do not have to look further than the *mitzvos* in the Torah to see the proof that we need *achdus* in order to achieve true perfection. No one *yid* alone could perform all 613 commandments. In fact, if a *yisroel* does try to complete a mitvah that is designated for a *kohen* it is a grievous sin. This theme plays out with many of the *mitzvos*. Obviously Hashem is teaching us a lesson that even if you are the *melech* (king) your *Avodas Hashem* cannot be considered complete without the rest of *Klal Yisroel*.

Now that we have taken a deeper look at what *achdus* means and how to attain it, the *esrog's* veil of perfection has been lifted. We can now answer our earlier question of why the *esrog*, even though it embodies the perfection of Torah and *avoda*, still needs the other *minim*. Even though one item can personify both Torah and *mitzvos*, both taste and smell, one still cannot perform the *mitzva* by bringing it alone. Whether it be a perfect *esrog* or someone that feels they have excelled in all areas of *avoda*, we need each other to be considered whole. Thus the *mitzva* of the *arba minim* teaches us that perfection without unity is both oxymoronic and impossible.

What makes a Kosher *Lulav*?

Avi Sipzner

The *mishna* in *Succa* discusses the specifications for the *arba minim*. The *mishna* states the following:

לולב הגזול והיבש פסול. של אשירה ושל עיר הנדחת פסול. נקטם ראשו, נפרצו עליו פסול. נפרדו עליו כשה רבי יהודה אומר יאגדנו מלמעלה. ציני הר הברזל כשירות. לולב שיש בו שלשה טפחים כדי לנענע בו כשה. (סוכה כט.)

I would like to focus on one specific qualification for the *lulav* mentioned in the *mishna*, *niktam rosho*, the top being clipped off. I have always gone shopping for *lulavim* and observed many people examining the upper areas of the *lulav*. Hopefully we can shed some light on this area of *halacha* as it relates to the *lulav* to further explain the details regarding a kosher *lulav*.

Before we get into the discussion, it is important to describe the physical makeup of the *lulav*. There are three components to a *lulav*, the *shidra*, or spine, the *alin*, or leaves and the *tiomes*, or twin leaf. Everyone is familiar with the spine as it is the thick green stalk that grows in the center. The leaves grow out of the spine on either side from the bottom all the way to the top. The twin leaf is the central double leaf stemming from the top of the spine.

Rashi comments on the *mishna* in regards to *niktam rosho* that the *lulav* is invalid if the top is clipped off because the *lulav* lacks the required characteristic of being beautiful. He does not describe the physical aspect of what is missing and how to determine what physical characteristics invalidate the *lulav*.

Tosfos explains *niktam rosho* to be referring to the central double leaf of the *lulav*, but based off a *gemara* on 32a (*nitla hatiomes pasul* - if the twin leaf is removed the *lulav* is invalid) there is some question as to what exactly defines a *lulav* because of the potential difference between *niktam rosho* and *nitla hatiomes*. The question within *Tosfos* is what is the exact criterion for the *lulav*; is it defined by the twin middle leaf only or does it include the top portions of a majority of all its leaves? On the surface it would seem that all of the leaves make up the *lulav* but there are a number of *rishonim* who hold that the *lulav* is defined by the twin leaf coming from the spine.

The Rosh (3:2) explains that *niktam rosho* is dealing with a situation where the top of a majority of the leaves were clipped off but adds that the language is difficult if you are describing all of the leaves because the word "*rosho*" implies that is talking specifically about the top twin leaf.

The Ritva (*d"h niktam*) quotes the explanation of the Raavad who says the top of the *lulav* is the top of the spine and the essence of the *lulav* is the spine. The leaves, including the middle twin leaf, do not invalidate the *lulav* if they are broken since

they are similar to the leaves of a hadas or arava where even if leaves are cut off they would not be invalidated. The Ritva disagrees with the opinion of the Raavad and says that the *lulav* has to be the spine with the leaves because without the leaves the *lulav* is not considered anything.

The Ran (*d"h niktam rosho*) quotes the Raavad but holds that if the top of the twin leaf is clipped off the *lulav* is invalid.

The Rambam (*Hilchos Lulav* 8:3) states that a *lulav* that is *niktam rosho* is invalid. The *Maggid Mishna* there says that *niktam rosho* refers to the top uppermost leaf where the *lulav* ends being cut off (in line with the explanation of the Ran).

Based on the explanation of the Ritva and the addition the Rosh (who said the description was difficult when you refer to all of the leaves), the *Tur* (O" C 645:6) clarifies the halachic application of the leaves versus the spine by quoting the Rosh and stating: ברוב קטימת העלין העליונים מיפסיל, when a majority of the top leaves are clipped off the *lulav* is invalid.

The *Beis Yosef* (*d"h v'af al pi*) explains the Rosh to mean that *ktimas ha'alim ha'elyonim* is referring to the middle leaves which are made up of three leaves and once two of the three (majority) are cut the *lulav* is invalid. The *Mordechi* (746) states in the name of the *Yereim* that when we said *niktam rosho*, the invalidation is only on a *l'chatchila* level and in fact if you cannot find another *lulav* you can make the *bracha*.

The *Mechaber* (645:6) holds that you need a majority of the uppermost leaves to be clipped for the *lulav* to be invalid. The Rama adds on that if the top middle leaf of the spine is clipped off then the *lulav* is invalid. The *Mishna Brura* comments and quotes the *Taz* and the *Gra* who believe that the Rama is adding on an extra stringency following the opinions of the *Maggid Mishna* and the Ran that *niktam rosho* refers to the clipping of the uppermost middle leaf coming out of the spine.

Finally, the Rama adds, based off a *Mordechi*, an interesting point in regards to a situation where one does not have another suitable *lulav*, stating that he would be allowed to make a *bracha* on the *lulav* that has a top which is clipped off. The *Mishna Brura* clarifies the point to say that the intention of the Rama to allow a *lulav*, which at first glance would be invalid, is only regarding a situation where only the top leaf by itself is clipped. Since there are a number of commentaries who are lenient with regards to the uppermost leaf, there is room to be lenient, but obviously not in a situation where a majority of the leaves are clipped (as stated earlier in regards to the opinion of the *Mechaber*). The *Mishna Brura* does say that even with the opinion of the Rama, there are commentators who hold that one should not be lenient in regards to saying a *bracha* if the middle leaf is clipped at all.

Hopefully this brief overview has provided some of the basics for understanding the intricacies of the laws regarding what a kosher *lulav* is and how the different parts of the *lulav* join together to form the "spine" of the *arba minim*.

The *Ptur* of *Mitztaer*

Ariel Jeidel

The *gemara* in *Succa* 25b says:

ואמר רבי אבא בר זבדא אמר רב אבל חייב בסוכה פשיטא מהו דתימא הואיל
וא"ר אבא בר זבדא אמר רב מצטער פטור מן הסוכה האי נמי מצטער הוא
קמשמע לן ה"מ צערא דממילא אבל הכא איהו הוא דקא מצטער נפשיה איבעי
ליה ליתובי דעתיה.

An *avel* is *chayiv* in *Succa* and we don't say he is *patur* because of *mitztaer* because he should calm himself.

Rashi explains:

מיבעי ליה ליתובי דעתיה - חובה עליו ליישב דעתו למצוה.

The implication from Rashi is that one who is *mitztaer* is not allowed to sit in the *Succa* because being in a state of *tza'ar* is a contradiction to the *Succa*. Therefore, an *avel* is required to calm himself to sit in the *Succa*. However, if he cannot then he is *patur*, because in his current state he is *mitztaer*.

What comes out according to Rashi is that if someone who is *mitztaer* will also be *mitztaer* in his house, he is still *patur* from *Succa*. The Rosh in *siman* 7 of *Succa* argues:

דאבל חפץ הוא להיות מתבודד ויושב במקום צער ואפילה כדי להיות טרוך
בצערו קמ"ל הנ"מ צערא דממילא אבל הכא איהו קמצטער נפשיה ומבעי ליה
ליתובי דעתיה.

Clearly the Rosh hold that the *ptur* of *mitztaer* is only if you will not be *mitztaer* in your house, otherwise you are obligated in the *mitzva* of *Succa*.

Rashi and the Rosh seem to be arguing about how to understand the *gemara*. Rashi understands that since an *avel* is experiencing internal discomfort, (as opposed to from the *Succa*), he has an obligation to calm himself, and if he cannot then he is *patur*. Whereas the Rosh understands that only when the discomfort is because of the *Succa* is one *patur*, but a *tza'ar* that comes from oneself is not a *ptur*.

The Rosh in *siman* 12 quotes the *pturim* of *mitztaer* and states:

ומיירי באכסניא דאי בביתו היאך עשה סוכה מתחלה בדבר שהיה מצטער לישן
בה ויפטר משום מצטער.

The Rosh understands that the *ptur* is only for a guest. If one built a *Succa* for himself in a way that he will always be in discomfort, he is negligent.

Lechora the Rosh is *l'shitaso* that *tza'ar* is not always a *ptur* and building a *Succa* in a way that will cause *tza'ar* is analogous to an internal discomfort and would not be

a *ptur*. Whereas Rashi holds that you are *ptur* because at the end of the day you are in *tza'ar* and that is a contradiction to the *mitzva* of sitting in the *Succa*.

The *Shar Ephraim* and *Korbon Nesanel* seem to have the same *machlokes* as Rashi and the Rosh based off a *gemara* in *Erchin* 3b:

הכל חייבין בסוכה כהנים לויים וישראלים. פשיטא? אי הני לא מחייבי מאן מיחייבי? כהנים איצטריכא ליה סד"א הואיל וכתוב (ויקרא כג, מב) בסוכות תשב ויאמר מר תשב שבעת ימים כעין תדורו מה דירה איש ואשתו אף סוכה איש ואשתו והני כהנים הואיל ובני עבודה נינהו לא ליחייבו קא משמע לן נהי דפטירי בשעת עבודה בלא שעת עבודה חיובי מיחייבי.

We see from this *gemara* that a *kohen* is *ptur* from *Succa* while doing the *avoda*, as he is at that moment *asur* to his wife. If so, asks the *Shar Ephraim* in *siman* 34, why is an *avel* obligated in *Succa* if he is *asur* from his wife?

The *Korbon Nesanel* (*ois* 90) answers that while an *avel* is *asur* to his wife he can still fulfill *teishvu k'ein taduru* since in his house he would still be *asur* to his wife, as opposed to a *kohen* who can opt out of his *avoda* and then be permitted to his wife. Seemingly, the *Korbon Nesanel* holds like the Rosh, that just as an *avel* is obligated in *Succa* since his *isur* to his wife applies at home as well, so too a *mitztaer*, who will also be in *tza'ar* at home, will be obligated in *Succa*. As the *Shar Ephraim* did not answer this way, he must hold like Rashi that even if he is *mitztaer* in his house he is still *ptur* from *Succa*.

3 Reasons for the *Ptur* of *Mitztaer*

In order to better understand the *machlokes* Rashi and the Rosh, we need to understand and define the *ptur* of *mitztaer*. *Tosfos* in *Succa* 26a *d"h holchei* writes:

וכן מצטער דפטרו לעיל מן הסוכה היינו מתשבו כעין תדורו דאין אדם דר במקום שמצטער.

The reason for the *ptur* of *mitztaer* is that the *Succa* experience is supposed to be one of *teishvu k'ein taduru*, and sitting in discomfort doesn't accomplish that. If so, why does Rashi hold that even when one is *mitztaer* in his house he is *ptur*, as his sitting in the *Succa* could certainly be called *teishvu k'ein taduru*?

It is possible that Rashi holds like the Ramban quoted in the *Ritva* on 28b who writes that one is only obligated to sit in the *Succa* if it will be pleasant, as opposed to one who is traveling or in pain. According to this Ramban, it does not matter if you would also be in pain at home, you are not obligated to sit in the *Succa* when it will not be pleasant for you. This definition of *mitztaer* is similar to how we explained Rashi earlier, that being in *tza'ar* is a contradiction to sitting in the *Succa*.

Additionally, *mitztaer* could be defined more broadly. Generally a positive commandment does not push away another positive commandment. However, if one is more stringent than the other, that one does take precedence. When one is in *tza'ar*, one has two contradictory positive commandments. On the one hand, he

has a *mitzva* of *Succa* and on the other hand he has a *mitzva* of *simchas Yom Tov*. Seemingly *simchas Yom Tov* is more stringent as it applies on all *Yomin Tovim*, and many *poskim* hold that women are obligated as well. Therefore, a *mitztaer* is *patur* as the obligation of *Simchas Yom Tov* trumps it.

Mitztaer on the First Night

The Rama in *siman* 639 discusses the *ptur* of rain on *Succos*:

וכל זה דווקא בשאר ימים או לילות של סוכות אבל לילה הראשונה צריך לאכול
כזית בסוכה אף אם גשמים יורדין.

The *Mishna Berura* in *sif katan* 35 explains the Rama and quotes *rishonim* that argue:

דאף שהוא מצטער מחמת הגשם וכל מצטער פטור מסוכה סבירא ליה להרמא
כדעת הפוסקים דסוברין דבליילה ראשונה אף מצטער חייב וטעמם דכיון דגמרינן
טו טו מחג המצות לגמרי גמרינן מה התם בכל גוויי חייב אף בסוכות כן. ודע דיש
עוד מגדולי הראשונים דסבירא להו דגזרה שוה זו לאו להכי אתיא ואין לחלק בין
לילה הראשונה לשאר ימים.

The *Harerei Kedem siman* 129 writes that one year on the first night of *Succos*, Rav Moshe Soloveitchik and his family were in the *Succa* when it started to rain and it quickly became a situation of *tza'ar*. Following the Rama, they ate a *kezayis* in the *Succa* and then went inside to finish their *seuda*. Rav Moshe waited up until the rain stopped and then woke up his children and went back down to the *Succa* to eat another *kezayis* because of the other *shittos* that a *mitztaer* is *patur* on the first night, which would mean that they were not *yotzei* with their first *kezayis*. His children argued that either way he should not have woken them up. According to the Rama, they were already *yotzei*, and according to the other opinions quoted in the *Mishna Berura*, the *Shulchan Aruch* writes in *sif* 7 that when the rain stops you do not have to go back to the *Succa*.

Rav Soloveitchik answered that everyone holds that one is obligated in the first *kezayis* on the first night. The exemption when it is raining is not because of *mitztaer*, but rather because, as the Gra writes in *ois* 5, a *Succa* that is not fit for sitting because it is raining does not have a status of a *Succa*. Therefore, when they sat in the *Succa* and ate the first *kezayis* in the rain, according to those other opinions they were not sitting in a *Succa*. Once the rain stopped they had to eat a *kezayis*, even though they were sleeping and waking up is a *tza'ar*, as the first *kezayis* is an obligation on the first night even in *tza'ar*.

Is there an *Isur Hana'a* to sit in the *Succa* while it is Raining?

The *gemara* in *Succa* 9a says that a *Succa* is *asur b'hana'a* during *Succos*, and is only permitted to be used for the *mitzva*. Based on this, the *Oneg Yom Tov* in *siman* 49 says that it should be prohibited to sit in a *Succa* while it is raining since he is currently not

fulfilling any *mitzva* while sitting in the rain?

According to Rav Soloveitchik's understanding of the *ptur* of rain based on the Gra, perhaps we can suggest that since it loses its status of a *Succa* when it rains there is no prohibition to sit in it. However, as most *poskim* hold like the Rama that one must sit in the *Succa* for a *kezayis* on the first night even in *tza'ar*, against the Gra, we need another answer to the question of the *Oneg Yom Tov*.

Rav Asher Weiss in *Minchas Asher* (*siman 34 ois 3*) answers as follows: when someone who is *mitztaer* sits in a *Succa* he fulfills the *mitzva* of *Succa*; he is just not commanded to do so. *Teshvu k'ein taduru* dictates that someone in *tza'ar* is *patur* from *Succa*, but of course he gets the mitva if he chooses to do so anyway. Once there is still a *mitzva* then of course there is no *isur hana'a* anymore.

The 70 Bulls of Succos

Moshe Buchbinder

The *pesukim* in *Parshas Pinchas* detail the *korbanos* brought on all of the *Yomim Tovim*, including the *Yom Tov* of Succos. The Torah states that on the first day of Succos, 13 bulls are brought as part of the extensive list of *korbanos*. Each subsequent day, one less bull is brought. For instance, on the second day, twelve bulls are brought, on the third day, 11 bulls are brought, etc. Therefore, the total number of bulls brought on the seven days of Succos is 70 (i.e., $13+12+11+10+9+8+7=70$). On *Shemini Atzeres*, only one bull is brought.

The *gemara* in *Succa* 55b states:

הני שבעים פרים כנגד מי? כנגד שבעים אומות. פר יחידי למה? כנגד אומה יחידה.

These 70 bulls correspond to what? They correspond to the 70 nations. And why the one bull? Corresponding to the single nation (Klal Yisrael).

The purpose of this *d'var Torah* is to explore three inter-related topics raised by this *gemara*:

First, what is the intrinsic significance of the number 70? Why do we see it so many times in the Torah and *Maamarei Chazal*? Where did the *umos haolam* stem from and why / how are there exactly 70 of them?

Second, *korbanos* are typically associated with *Klal Yisrael's* worship of Hashem. So why would we bring *korbanos* corresponding to the other 70 nations? Why do we do so on Succos in particular and not on any other holiday? Also, why does the number of bulls decrease every day?

Third, how do all of the other daily *korbanos* of Succos (14 sheep, 2 rams and 1 goat) as well as the water offering - *nisuch hamayim*, conceptually connect to the 70 bulls / nations?

Part I. The number 70

Many occurrences of the number 70

Seventy is an uncommonly common number in the Torah. In fact, the *Sefer Otzar Hamisparim*, an encyclopedic reference-*sefer* on numbers in the Torah compiled by Rav Yisrael Zeligman *zt"l* lists 108 instances in *Tanach* and *aamarei Chazal* where the number 70 arises. Some of the classic examples include: (i) the שבעים פנים that the Torah can be interpreted, (ii) the 70 descendants of *Yaakov Avinu* who entered *Mitzrayim*, (iii) the 70 elders who were the leaders of *Klal Yisrael* under *Moshe Rabbeinu*, (iv) the 70 members of the Sanhedrin, (v) the 70 languages, (vi) the 70

years between the first and second *Beis Hamikdash*, and (vii) the 70 years of a man's life – ימי שנותינו בהם שבעים שנה. These and many other instances collectively beg the question, what is the intrinsic significance of the number 70? And when we see it, what common message or theme is the Torah conveying?

Seven Lower *Sefiros*, Each Comprised of Ten Parts

The single most fundamental instance of the number 70 stems from a central numerical system discussed throughout the *Zohar HaKadosh*, the 10 *Sefiros*, spiritual emanations or *Midos* of Hashem that together form the building blocks for all of creation. The 3 highest *Sefiros* of *Kesser*, *Chochma* and *Bina* reflect divine forms of intelligence. The seven lower *Sefiros* of *Chessed*, *Gevurah*, *Tifferes*, *Netzach*, *Hod*, *Yesod* and *Malchus* are the 7 *Midos* through which Hashem operates the world. This master system of 7 universal, functional conduits underlies many of the 7-count systems that we see in the Torah. Obvious examples include the 7 day week culminating in Shabbos, the 7 years in the *Shemita* cycle, 7 *Shemitos* in a *Yovel*, and 7 weeks in *Sefiras HaOmer*.

But digging one layer deeper, each *Sefira* has 10 subcomponent *Sefiros* as well. For examples, *Chessed* has its own 10 subcomponents of *Kesser*, *Chochma*, *Bina*, etc.¹ As such, the seven lower *Sefiros* which collectively provide the framework for the operation of all of the *olamos* are actually comprised of 70 subcomponents. The number 70 therefore relays a granular and complete perspective through which the Torah conveys the notion of totality.

Rav Moshe Cordovero (the Ramak), the preeminent *mekubal* and 16th century contemporary of the Arizal in Tzfat, explains how the 10-multiplier conveys totality or expansiveness within the realm of the *Sefiros* (*Pardes Rimmonim*, *Shaar* 8, *Perek* 2):

וכפי אשר יגדל המספר יורה על רוב הכללות... ולפעמים נרכיב ב' המספרים
ונאמר שהשבעה התחתונות נכללו בעשר ועתה יעלו שבעה פעמים עשר שהם
שבעים או שבע מאות הכל לפי התגברות הכללות.

Loosely translated, 7 provides the starting point to demonstrate a complete system, but when we see the 10-multiplier employed, and the exhibition of the number 70 (or 700) we know the Torah is seeking to convey an even greater/deeper level of totality. Let us look at a few other *maamarei Chazal* that will shed light on this idea, which extends well beyond the mystical realm of *Sefiros*.

70 = Completeness

In numerous places, the Torah records that Hashem instructed Moshe *Rabbeinu* to gather 70 *Zekeinim*. The Ramban (*Behaalosecha* 11:16) explains why exactly 70 elders:

וצוה המספר הזה בשופטי ישראל, כי המספר הזה יכול כל הדעות בהיותו כולל
כל הכחות ולא יפלא מהם כל דבר.

¹ It should be noted that each subcomponent *Sefira* has 10 of its own, and each of those has 10 of its own, infinitely.

The number 70 reflects all perspectives and encompasses all powers; so nothing could escape the perspectives of the 70 *Zekeinim* (who physically were the representation of the 70 perspectives).

The Ramban is telling us that 70 is not only the maximum number of metaphysical components (as the Ramak explained), but that the number 70 also expresses the maximum/total quantity of alternatives that can potentially be realized on a human level.

With an interesting twist, the Maharal (*Hilchos Yayin Nesech Ve'Isuro*, printed at the end of *Gevuros Hashem*) frames the notion of totality from a qualitative rather than quantitative point of view:

בעבור שמספר סוד הוא במספר שבעים מורה על מדרגת המספר הזה העליונה הפנימית. וכל זה כי המספר השיעור מן הדברים הגלים, ויותר ממספר שבעים אין גלוי ושעור, ולכן בא מספר סוד בגמטריא שבעים להורות על מדרגה הפנימית של מספר שבעים ואין אחריו דבר.

The gematria of the word sod, which means "secret," is 70, which tells us that the number 70 conveys the highest, innermost point. In other words, the number 70 does not merely express a tally of 70 discrete elements, but rather paints a broad picture which reflects the intrinsic essence of the matter under discussion, a qualitative completeness.

Rav Eliyahu Dessler (*Michtav M'Eliyahu, Chelek 3*, page 212) uses perhaps the most direct language to convey the totality expressed by the number 70:

ענין שבעים הוא, הסיכום השלם של כל הפרטים, מכל צד ובחינה האפשריים, אשר בהצטרפותם מושגת שלמותו של אותו הענין בבחינה מקיפה של כלל שלם.
The concept of 70 is that it is the total of all individual nuances, every possible facet and aspect which when taken together expresses a complete, all-encompassing whole.

Having now seen the source of the number 70 stemming from the *Sefiros* (the Ramak), and three additional sources quoted from the Ramban, Maharal and Rav Dessler to demonstrate that the number 70 represents totality, we can now turn to one specific application of the number 70: the 70 nations.

The Genesis of the 70 Nations

As a matter of background, it is important to know how, when, and where the 70 nations originated. Rav Moshe Chaim Luzzato, the towering early 18th century kabbalist known as the Ramchal, who is perhaps best known for authoring the classic *musar sefer Mesilas Yesharim*, provides the backstory (*Derech Hashem, Cheilek 2, Perek 4*). Originally, there was only *Adam HaRishon*, who lived in Gan Eden – a perfect spiritual environment. When he ate from the *Eitz Hadaas*, he created serious destruction to the spiritual environment which required repair (*tikun*). This new

universal goal of repair generated a new paradigm in *Avodas Hashem* which mandated a new spiritual framework in which the world could exist and pursue this new goal.

From Adam *HaRishon* until the *Dor Haflagah*, Hashem allowed new spiritual roots (*shorashim*) to emerge. During this time, the *shorashim* evolved in different ways and 70 *shorashim* took hold at varied levels of spirituality. However, they were all fundamentally weak in their spiritual strength. At the time of the *Dor Haflagah*, Hashem locked the number of *shorashim* in place, and all future offspring were designated as branches (*anafim*) of the *shoresh*. Each *shoresh* became a nation and Hashem appointed an angel (*sar*) to provide regular oversight (*hashgacha*) over each. Rav Yosef Gikitilla, (*Shaarei Orah, Shaar 5*) notes that in *Parshas Noach* (*Perek 10*), the Torah lists the 70 descendants of Noach which correspond to the 70 nations.

While all of those lower-level *shorashim* were taking hold, *Avraham Avinu* emerged on a much higher spiritual plane and he was given 600,000 branches, which correspond to the total number of *neshamos* in *Klal Yisrael*. Hashem personally is *mashgiach* on *Klal Yisrael*.

The Ramak (*Pardes Rimonim, Shaar 13, Perek 3*) discusses one of the hints to this metamorphosis in the Torah:

כי אם לא חטא אדה"ר היה לו כתנות אור באלף שהוא רומז לאחדות השם ויחודו. אבל כשחטא וערבב קדש בחול וחול בקדש ובא נחש על חוה והטיל בה זזהמא, נתערב הקדש והוליד לקין קינא דמסאבותא והיה העולם הולך ומתקלקל והפת מתעפש ולכן נתלבש בכתנות עו"ר שהוא שבעים אומות [כמניין ע' שבעור]. ולא חלקם הקב"ה לכבוד שמים שעדיין לא זרח אור אברהם עד דור הפלגה וחלקם הקב"ה כאו"א לפי מקומו הראוי לו. ונטיל לחלקו אברהם שהוא אור ונתקן כתנות אור באלף.

In this passage, the Ramak refers to the *pasuk* (*Bereishis 3:21*) which states ויעש וילבשם After Adam ate from the *Eitz Hadaas* and he and Chava were expelled from Gan Eden, Hashem made for them garments of leather – עור and He dressed them. The *midrash* (*Bereishis Rabba 20*, quoted by Rabbeinu Bachya) records: אור - כתנות אור - מאיר מצאנו - כתנות אור. In other words, Rabbi Meir taught that the letter ע – numerically equivalent to 70, was to be alternately interpreted to an א, numerically equivalent to the number 1.

The Ramak explains this teaching. In that moment, the world changed from a world order where there was just 1 spiritual existence – that of *achdus Hashem*, to one in which good and evil were intertwined, giving rise to the new order of an existence with 70 nations, expressed by the word עור with an ע. These 70 elements remained dormant until *Avraham Avinu* emerged, at which time he became the single representation of the light of Hashem, denoted by אור with an א. The Ramchal (*Adir Bamarom*, Rav Spinner printing, page 200) also notes that *le'asid lavo*, we will return to this heightened reality of אור.

70 as a number that at times expresses a lack of Kedusha

Famously, the Maharal (*Tifferes Yisrael*, Perek 1) adds another dimension to why specifically 70 nations were generated:

ומפני כי עכו"ם הם מן העולם הטבעי לכן הם שבעים אומות, כי עולם הטבע נברא בשבעת ימי בראשית. וכנגד שבעה ימי עולם הטבע הם שבעים אומות, כנגד כל יום – עשרה. והאומה היחידה היתה על הטבע, והיא כנגד השמיני, כי השמיני היא על הטבע.

The 70 nations stem from the realm of nature, teva, which itself was created during the 7 days of Bereishis, each day representing 10 nations. But Klal Yisrael, the unique nation, is above the natural order, and is reflected by the number 8, which reflects a status above the natural order.²

From the number 7 representing nature and the emergence of the 70 nations, we therefore see a second fundamental characteristic of the number 70. It does not just convey totality, but also, at times, is used to reflect a lack of spirituality (*teva*), which is why exactly 70 nations which lacked spirituality were generated as part of the new system. This creates a complication: numerous instances of 70 demonstrate *kedusha*, such as the 70 *Zekeinim* or the שבעים פנים לתורה, but others demonstrate nature and the mundane, such as the 70 nations. How are we to understand this paradox?

The 70 Nations and the 70 Descendants of Yaakov

The *pasuk* (*Haazinu* 32:8) states: יצב גבלת עמים למספר בני ישראל. *Targum Yonason* explains:

אקים תחומי אומיא בסכום מנין שובעין נפשא דישראל דנחיתו למצרים.
Hashem established 70 nations corresponding to the 70 descendants of Yaakov that went down to Mitzrayim.

Likewise, the *Zohar HaKadosh* (*Tikkun* 32, 76B) writes: ולקבל שבעין אומין שבעים – נפש – to parallel the 70 nations are the 70 souls. In other words, Hashem created a balance between us (70 descendants of *Yaakov Avinu*) and them (70 nations), the holy against the secular. This demonstrates the broader principal of זה לעמת זה, balance between the forces of good and evil, which permeates many of the *sifrei machshava*.

Rav Moshe Shapiro *shlit" a* (*Afikei Mayim, Succos U'Shemini Atzeres, Inyan* 27) explains:

ואמנם ע' כחות האלה כנגד שבעה מדותיו ית' הן (מחסד עד מלכות) אשר כל אחד הוא בהתפשטות של עשרה, והרי ניתנה האפשרות להתייחס להם בצד הטוב או ח"ו בצד הרע. והנה הצד הטוב של הע' כחות הוא השבעים נפש של יוצאי ירך יעקב, ואלו הצד הרע הוא השבעים אומות העומדים לנגדם.

² Why 10 nations were generated corresponding to Shabbos, a day of *kedusha*, requires further עיון beyond the scope of this discussion.

The 70 forces connoted by the *Sefiros* are not inherently automatically good (as one might think). They are actually uncharged forces which can take on either a good or bad character. The 70 forces of good are expressed via those 70 souls that came from *Yaakov Avinu*, while the 70 forces of bad are expressed through the 70 nations.

The Netziv (*HaEimek Davar* on that *pasuk*) notes that this system of balance of 70 good against 70 bad persisted even after the population of the nations increased and that of *Klal Yisrael* exploded in *Mitzrayim*. The Netziv writes:

כמו בדור הראשון של אומות העולם שהיו רק שבעים שרים מחולקים, כך היו בישראל שבעים נפש במצרים, גדולי המעלה... וכמו שאחר כך נעשו שבעים גויים, כן אחר כך במדבר נתחלקו לשבעים משפחות.

Initially, the balance was 70 nations corresponding to the 70 descendants of Yaakov Avinu. When Klal Yisrael left Mitzrayim (with 600,000 nefashos) the balance was not thrown off. Rather, the yidden were counted into 70 distinct families, to preserve the 70 to 70 balance.

To summarize, the number 70 stems from the 7 lower *Sefiros* comprised of 10 *Sefiros* each. It therefore represents totality. It is an inherently uncharged number, and therefore can express either the holy, as in the case of the *Yaakov's* descendants, or unholy, like the *umos haolam*.

Part 2. The 70 bulls brought on Succos

Why do we bring *Korbanos* corresponding to the *Umos HaOlam*?

Knowing now that the 70 nations are therefore a germination of the secular matter in the universe, it is surprising that we bring *korbanos* corresponding to them on Succos.³ So why do we bring them at all?

One perspective on why we bring these *korbanos* is offered by the *Zohar HaKadosh* (*Emor* 103B) which states:

כולא אתברכן וחדוותא דישראל באבוהון דלעילא יהבי חולקא דברכאן לאל אינון שאר עמין דאית לון אחידו ואתאחדו להו בישראל, וכל אילין קרבנין למיהב מזונא לאינון ממנן לשאר עמין, דהא מגו רחימו דקא רחים קב"ה לבנוי, בעי דכולא יהון רחימו דלהון, ורזא דא, ברצות ה' דרכי איש גם אויביו ישלים אתון, אפילו כל אינון מקטרגי עילאי כולהו אהדרן רחימו לישראל, כל אינון דלתתא על אחת כמה וכמה.

The *korbanos* are brought on behalf of the nations so that they may share part of the *simchas Yom Tov* that *Klal Yisrael* enjoys on Succos. Furthermore, the *korbanos* provide spiritual sustenance to the angel of each nation, which reduces their

³ For various explanations for why in general Hashem commanded *Klal Yisrael* to bring *korbanos* see Ramban – *Moreh Nevuchim* 3:46; Ramban – *Vayikra* 1:9; and *Kuzari* 2:26.

animosity to *Klal Yisrael*.⁴ The *Zohar HaKadosh* cites the *pasuk* (*Mishlei* 16:7) which states *אתו גם אויביו ישרים* – When Hashem favors a man's ways, even his foes will make peace with him. In other words, when Hashem provides favor/sustenance to the *umos haolam*, it ultimately benefits *Klal Yisrael*. As such, we are not bringing the *korbanos* for their sake, as much as we are bringing them for ours.

Why Bulls?

Rav Shmuel Bornstein, in *Shem Mishmuel* (Succos 5674), raises an interesting question. Why does the Torah command us to bring 70 bulls rather than 70 rams or any other animal? What is the significance of a bull?

In *Parshas Naso*, the Torah records the many animals brought by the *Nesi'im* as part of the *Chanukas HaMishkan*. The *pasuk* (*Naso* 7:21) lists: *פר אחד בן בקר איל אחד* - one bull, one ram and one sheep were brought (in addition to several other *korbanos*). Rashi quotes from Rebbi Moshe HaDarshan:

פר אחד כנגד אברהם אבינו שנאמר בו ויקח בן בקר, איל אחד כנגד יצחק – ויקח את האיל, כבש אחד כנגד יעקב - והכבשים הפריד יעקב.

The bull corresponds to Avraham who brought meat from a bull to the *malachim* when they came to visit him. The ram corresponds to Yitzchak, in light of the ram brought at the *Akeida*. The sheep corresponds to Yaakov, in light of his deal with Lavan who would pay Yaakov certain types of sheep in exchange for his shepherd work.

The *Shem Mishmuel* explains that this provides a profound insight into each of the animals when brought as *korbanos*. The bull, represented by Avraham, is the symbol of *chessed*, since Avraham was the paradigm of *chessed*. The ram represents Yitzchak/*gevura*, and the sheep represents Yaakov/*tifferes*. Therefore, consistent with the *Zohar HaKadosh* cited above, since we bring *korbanos* which provide spiritual sustenance and function as a *chessed* to the *umos haolam*, it is appropriate that a bull is the animal for these *korbanos* rather than a ram or sheep.

Why specifically on Succos?

No other holiday has a construct in which we bring *korbanos* corresponding to the other nations. So why is it done specifically on Succos?

The *Tur* (O" C 417) explains that the 3 *Regalim* correspond to our 3 *Avos*. Pesach corresponds to Avraham, when the 3 angels visited him and he prepared *matza* for them. Shavuot corresponds to Yitzchak, alluded to by the fact that the *tekios* at *Mattan Torah* where from the *ayil* of Yitzchak. Succos corresponds to Yaakov, as the *pasuk* states *עשה סכות* – and for his flock he made huts - Succos.

This *pasuk*, which refers to the animal huts made by Yaakov *Avinu*, is recorded

⁴ The *Zohar HaKadosh* notes that this last element is not *chas veshalom* a *korban* to the angels, but rather a *korban* to Hashem from which He provides benefits to the angels. See also the Ramban on *Se'ir LaAzazel* which provides a similar idea of a *korban* to Hashem which is directed in a way toward the prosecuting Satan with the goal of reducing the Satan's prosecution of *Klal Yisrael* on Yom Kippur.

in *Parshas Vayishlach* (33:17). The context was that Eisav came to attack Yaakov and one of the three ways that Yaakov prepared for the encounter was by sending Eisav gifts. At their reunion, Eisav suggested to Yaakov that they henceforth travel together – נסעה ונלכה ואלכה לנגדך. But Yaakov replied that the children and flocks were too weak. After Eisav tried unsuccessfully to convince him, Eisav went back to the land of Se'ir and Yaakov went to a place called Succos. The *pasuk* in its entirety reads:

ויעקב נסע סכתה ויבן לו בית, ולמקנהו עשה סכת, על כן קרא שם המקום סכות.
And Yaakov went to Succos and he built a house, and for his flocks he built huts, therefore he called the name of the place Succos.

Based upon this, Rav Michoel Borenstein *shlit"a* (*Beis Shaar Al Yerach HaEisanim*, Succos, 18) explains that since the entire genesis of the *Yom Tov* of Succos began with *Yaakov Avinu* providing gifts to Eisav in order to placate his wrath, it is appropriate that on the *Regel* which represents Yaakov, we continue to use his strategy to minimize their persecution of *Klal Yisrael* by bringing *korbanos* for them.

Decreasing the number of bulls by one each day

With 7 days of *Yom Tov*, intuitively one would have thought that the 70 *korbanos* should be distributed evenly, 10 per day. Such an intuition would have been consistent with a teaching of the Arizal (*Likutei Torah, Parshas Shemos*) which states that there is an even distribution in *Klal Yisrael's* interactions with the אומות העולם on Succos:

וכן ענין ז' ימי החג נגד ע' שרים, ובכל יום נצולין מיד שר א' שהוא כולל עשרה וגולין ליד שר א', וכן בכל יום ויום נצולין מיד זה ונופלין ביד אחר, היום הז' ניצולו מיד כולם לכן הוא יום הושענא רבה.

The 7 days of Succos correspond to the 70 angels of the nations, and on each day, we (Klal Yisrael) are saved from one angel which encompasses 10, and are exiled to the hands of the next angel. This goes on each day until the seventh day in which we are redeemed from all of them. That day is therefore Hoshana Rabba (the big redemption).⁵

In light of this teaching, why is the number of *korbanos* reduced each day, rather than held constant at 10 per day?⁶

One answer is offered by Rashi and Rabbeinu Bachya (*Pinchas* 29:13) who explain that the reason that the number of bulls decreases each day is to symbolize

⁵ Additionally, the Arizal states that the *gematria* of גוג ומגוג (a reference to the final battle at the end of days) is 70, corresponding to the 70 nations of the world, because at the end of the battle, גוג ומגוג will reign over all 70 nations, and then all will together attack *Klal Yisrael*. *Klal Yisrael* will be saved from them on Hoshana Rabba. The *Tur* (O"C 490) states that the battle of גוג ומגוג will be in Tishrei and the *Midrash Talpiyos* (ענין גוג ומגוג) states that the final battle of גוג ומגוג will occur on Hoshana Rabba. See *Afkei Mayim* quoted earlier.

⁶ The Maharal (*Gur Aryeh*, on the *pasuk*) also raises the question why the decreasing number of *korbanos* does not violate the principal of *maalin bakodesh velo moridin*.

the reduction and successive destruction of the *umos haolam* which will take place *le'asid lavo*.⁷

An alternative answer is suggested by Rav Michael Borenstein *shlit"a* who explains that after our successful *tefillos* on Yom Kippur, the *umos haolam* see the splendor of *Klal Yisrael* and therefore want to stick with us, just like Eisav wanted to stay with Yaakov after their encounter. However, we don't want them to stick with us and are therefore trying to escape their company. As such, we give them presents to placate them and avoid their persecution, but the number of presents is reduced each day so that we can gently slip away as their affinity and attachment to *Klal Yisrael* wanes.

Why start with 13 bulls?

Having established that the total number of bulls necessary is 70 to correspond to the 70 *umos haolam* and a reduction is appropriate for the aforementioned reasons, one might be inclined to conclude that to achieve this outcome, mathematically, the Torah would "need" to start from the number 13 to make the math work (i.e., $13+12+11+10+9+8+7=70$, and starting from any number other than 13 would not yield exactly 70). But we know that each detail in the Torah is by divine design, not "forced" in any way. As such, the question becomes, what is the significance of starting from the number 13?

The *Zohar HaKadosh* (*Hashmatos HaZohar* 1:261A, *Siman* 25) records that the system starts from the number 13 to correspond to Hashem's 13 *middos harachaim*—merciful attributes. His *rachmanus* (mercy) is what sustains the entire world which includes the *umos haolam*. As such, the divine mandate of the *Parei HaChag*, a symbolism of Hashem's mercy on *umos haolam* as a proxy for the entire world, begins its countdown specifically at the number 13.

Part 3. The other *Korbanos* of Succos and their Thematic connection to the 70 bulls / nations

Thus far we have seen that the 70 bulls are one manner through which the *umos haolam* are referenced / incorporated into our *avoda* on the *Yom Tov* of Succos. Delving a bit deeper into the daily *korbanos* of the *chag* (14 sheep, 2 rams and 1 goat, as well as the *nisuch hamayim*), it is clear that each and every one somehow also contains a hidden reference to the *umos haolam*.

⁷ The *Zohar HaKadosh* (*Pinchas* 256A) notes that this reduction theme of the *פרי הרוג* is alluded to earlier in the Torah, by the flood waters receding in the times of Noach. The *pesukim* (*Noach* 8:4-5) state: ותנח התיבה בחדש השביעי... והמים היו הלך וחסור – and the ark rested on the seventh month... and the waters were continuously diminishing. Both the receding floodwaters and diminishing number of bulls, (i) occur in the seventh month – Tishrei, (ii) symbolize the reduction of the power of our enemies, and (iii) contain an identifiable element that acts as a safe-house which protects *Klal Yisrael*, i.e., the *Teiva* and the *Succa*.

כבשים בני שנה ארבעה עשר

The *pesukim* in *Parshas Pinchas* state that 14 sheep were to be brought each day – כבשים בני שנה ארבעה עשר תמימים יהיו, for a total of 98 sheep brought over the course of 7 days of Succos. Rashi notes several important nuances.

First, the sheep correspond to *Klal Yisrael*, which is referred to as a *שה פזורה* (*Yirmiah* 50:17). Also, the number of daily sheep remains fixed throughout *Yom Tov*, in contrast to the decreasing number of bulls which correspond to the *umos haolam*, in order to demonstrate that Hashem's attachment to *Klal Yisrael* is permanent and never wanes.

Second, Rashi quotes from the *midrash* that exactly 98 sheep of Succos were brought to offset the 98 *klalos*, curses, found in the *Tochacha* of *Parshas Ki Savo*. However, Rashi does not explain the relevance or connection between the *klalos* and the bulls of Succos.

The *Avnei Neizer* (quoted by his son, the *Shem MiShmuel*, Succos 5673) explains the connection. The Torah explicitly states the reason why the curses of the *Tochacha* would befall *Klal Yisrael* (*Ki Savo* 28:47): *חחת אשר לא עבדת את ה' אלקיך בשמחה – ובטוב לבב* – the curses will come as a result of not serving Hashem your God with happiness and a good heart. Succos is the *zman simchaseinu*, the time of year that our *Avodas Hashem* is characterized by the disposition of *simcha* (unlike other times of the year where our *avoda* may be expressed differently, through fear or mourning, etc.). As such, the *Avnei Neizer* explains, by bringing the 98 sheep on Succos in a state of *simcha*, we actually extinguish the 98 *klalos*.

אלים שנים

The Torah also commands us to bring 2 rams, אלים שנים, per day for a total of 14 throughout the 7 days of Succos. What is unusual about this is that the *korbanos* of every other *Yom Tov* include only 1 ram per day. Why does Succos have 2 rams?

Rav Chaim Cohen *shlit"a*, known as the *Chalban*, provides a profound insight into the overall framework of the *Yomim Tovim* (*Talei Chaim, Elul VeTishrei*, page 112). The *Chalban* explains that there are two main systems of the *Yomim Tovim*. System number one is that of the *Shalosh Regalim* - Pesach, Shavuot and Succos. System number two is that of the *Chagei Tishrei*, which includes Rosh Hashana, Yom Kippur, Succos and Shemini Atzres. Each system has a different function. The *Chalban* writes:

יש מקום לומר, שאם מתבוננים בסדר החגים ניתן לראות שיש שני מסוללים של חגים... שבניגוד לשלש הרגלים פסח שבועות סוכות, שבו הנושה העיקרי הוא היחס של ישראל אל העולם ותפקיד ישראל בו, הנה בציר חגי תשרי הנושא העיקרי הוא היחס בין ישראל לקודשא בריך הוא.

Perhaps it can be said, that if we think about the system of the Yomim Tovim, it can be observed that there are two paths of holidays... The main focus of the Shalosh Regalim is Klal Yisrael's connectivity to the

rest of the world and its purpose in it. By contrast, the main focus of the Chagei Tishrei is the relationship between Klal Yisrael and Hashem.

In other words, the *Chalban* suggests, that there truly are two different, but overlapping systems of *Yomim Tovim* with totally different functions. Based upon this idea, some have suggested that Succos is unique in that it alone is part of both systems – it is one of the *Shalosh Regalim* and also one of the *Chagei Tishrei*. So while a “standard” *Yom Tov* warrants one ram only as part of its cadre of *korbanos* to fulfill its single systemic role, Succos, which has a dual identity, needs a second ram to fill both of its mandates.

What emerges from this duality is that one of the two rams of Succos is brought specifically for the purpose of highlighting the relationship between *Klal Yisrael* and the rest of the world, inclusive of the *umos haolam*.

ונסכה / ונסכיהם / ונסכיה **and** כמשפט / כמשפטם

If one pays careful attention the *krias haTorah* of Succos, one will notice that the while the *korbanos* of each day sounds almost identical (other than the number of bulls), there are a few tiny differences. One such difference is the way the Torah describes the wine libations that accompanied each *korban*. On days 1, 3, 4 and 5, the Torah says ונסכה מלבד עלת התמיד מנחתה ונסכה. However, on day 2 that last word is changed to ונסכיהם, and on day 6 it is yet a third formulation, ונסכיה. Why the change?

A second difference is that on days 1-6, the Torah tells us that the נסכים were done in accordance with the standard procedures. The word the Torah uses is כמשפט. But, on day 7, Hoshana Rabba, the Torah uses the word כמשפטם with an extra *mem* at the end. Why the change?

The answer to both of these questions relate to the connection between the *korbanos* of Succos and the *umos haolam*. The *gemara* (*Taanis* 2B) records:

דתניא רבי יהודה בן בתירא אומר נאמר בשני ונסכיהם, ונאמר בששי ונסכיה, ונאמר בשביעי כמשפטם, הרי מ"ס יו"ד מ"ס, הרי כאן מים, מכאן רמז לניסוך המים מן התורה.

It was taught in a braisa, Rabbi Yehuda ben Beseirah says, on the second day it says v'nischeihem (with an extra mem), and it says on the sixth day unesacheah (with an extra yud), and it says on the seventh day - kimishpatam (with an extra mem). These letters create the word mayim, water, which provides the source for nisuch hamayim in the Torah.⁸

The Maharal (*Gur Aryeh, Parshas Pinchas*) asks, why specifically are the letters changed on day 2, 6 and 7 rather than any other days? The Maharal writes:

ומה שרמזו זה בשני ובששי ושביעי, מפני שהסימן הוא בו"ז מים, רמז למה

⁸ It should be noted that the *gemara* in *Taanis* 3a and *Succah* 34b state that the source of *nisuch hamayim* is *halacha l'Moshe miSinai*, and the Rambam (*Temidim U'musafin* 10:6) notes it as such.

שכתוב (שיר השירים ח'ז') מים רבים לא יוכלו לכבות האהבה אם יתן איש כל הון ביתו באהבה בו"ז יבוזו לו, ומפני שאנו מקריבין בחג הפריים שהם נגד האומות, וכן ניסוך המים ההם נגד האומות, שהם נקראים "מים רבים" והם סבורים מאחר שמקריבין נגדם – אם כן הם יכבו האהבה בין ישראל לאביהם שבשמים, הראה הכתוב שאף על פי כן נרמז לך, בו"ז – רצה לומר בוז יבוזו לו.

The reason days 2, 6 and 7 were chosen is that they correspond to the letters *beis*, *vuv*, and *zayin*. Together, these letters create the word בוז, which means embarrassment. That *pasuk* in *Shir Hashirim* is conveying the message that there is no comparison between the love one has for money and one's love for Torah, which is obviously much greater. Even the thought of such a comparison is an embarrassment, i.e., silly and nonsensical. Here, since we bring the 70 bulls and the *nisuch hamayim*⁹ corresponding to the *umos haolam*, they might think they can extinguish the love between *Klal Yisrael* and Hashem. Therefore, the *pasuk* notes that such a suggestion is בו"ז – an embarrassingly silly idea to Hashem.

כמשפטם

Notwithstanding the role that the ending mem of *כמשפטם* plays in the *drasha* for *nisuch hamayim*, it is still somewhat curious that the Torah chooses to edit its base word of *כמשפט*, rather than just adding another ונסכיהם on day 7 (simply continuing the *nisuch hamayim drasha* solely on the נסכים words). So question number one is, what is the lesson/essence of *כמשפטם* that loops it into this framework? Additionally, how do the ונסכיהם/ונסכיהם on the one hand and the *כמשפטם* on the other hand conceptually connect in a way that warrants their linkage and usage in the same *drasha*?

Rav Kalonymous Kalman Epstein (an 18th century *talmid* of Reb Elimelech MiLizhensk) writes in his *sefer Meor Vashemesh (Parshas Pinchas – d"h venireh)*:

על כן בכל יום לא כתיב גבי הקרבנות רק *כמשפטם*... לאפוקי ביום ז' שהוא כלליות השבעים אומות, על כן כתיב *כמשפטם*... ולפי זה שפיר בראש השנה גם כן שהוא משפט כללי על כל באי עולם כתיב *כמשפטם*.

In contrast to the first 6 days of Succos, where there is merely a reduction in the 70 nations, Hoshana Rabba provides the finale in which Hashem judges and redeems us from all 70 *umos haolam* (see Arizal quoted earlier). Therefore, the Torah adds the letter *mem* to *כמשפטם* only on Hoshana Rabba, a grammatical change to connote the plural, and reflect freedom from all of our oppressors. Furthermore, the only other *korbanos* for which the Torah uses the word *כמשפטם* are brought on Rosh Hashana, where likewise, Hashem judges all inhabitants of the world.

On a *pshat* level, *כמשפטם* therefore denotes multiple reference points, while *כמשפט* denotes a single reference. But additionally, from this we see that the word *כמשפטם* is yet another subtle hint at this theme that is present throughout all the

⁹ See *Zohar Hakadosh, Metzora* 54B.

korbanos, i.e., some form of reference to the *umos haolam*. As the Maharal noted, *nisuch hamayim* is brought corresponding to them, and this explanation of the *Meor Vashemesh* elucidates that the *כמשפטם* refers to our final emancipation from their oppression. The two sets of words are therefore not wholly independent, but rather, related facets of an integrated theme, which explains why the *drasha* rightfully incorporates both elements.

שעיר and שעיר עזים

The final *korban* brought each day is the single goat - שעיר. On days one, two and four, the last *pasuk* refers to the one שעיר as follows: ושעיר עזים אחד לחטאת. However, on days three, five, six and seven the Torah writes: ושעיר חטאת אחד. Notably, the word עזים is missing. Why is that?

The *Vilna Gaon* (*Kol Eliyahu, Parshas Pinchas*) explains that all 70 *umos haolam* fall under two master nations of either Eisav or Yishmael. Eisav heads 35 of the nations and Yishmael heads 35 of the nations. The Gra also quotes from the *Zohar HaKadosh* that the Torah uses the term שעיר עזים to refer Yishmael and שעיר (unqualified) to refer to Eisav.

With this information, it is clear that the Torah is precise in how it expresses the *korbanos* of each day. Looking at the number of bulls brought on the days noted as שעיר עזים which are day-one (13 bulls), two (12) and four (10), i.e., days, the total is 35 bulls which correspond to the 35 nations of Yishmael. Likewise, the bulls of days three (11), five (9), six (8), and seven (7) on which the Torah uses only the word שעיר also equals a total of 35 bulls and correspond to the nations under Eisav.

Through this we see yet again that the Torah is incorporating another reference to the *umos haolam* in the *korbanos* of Succos.

Conclusion

May we be *zoche* to experience the *geula* speedily in our days, and realize the words of the *Navi* (*Yeshaya 56:7*):

והביאותים אל הר קדשי ושמחתים בבית תפלתי עולתיהם וחביהם לרצון על
מזבחי כי ביתי בית תפלה יקרא לכל העמים.

דברי תורה

בעברית

ומבקש שהשנה הבאה תתחדש עליו לטובה ולברכה, שתהיה השנה בה"א הידיעה, ולזה מקווה ומצפה, אבל באחרית בסוף השנה, בקושי יכול לומר האדם "שנה", שעברה עוד שנה סתם. ואף על פי שדברים אלו ברושם ראשון הם דברים מעוצבי, לפי דרכנו יכול לומר שאם התחיל את השנה בדרך של אין עניות ברגש ובזירוז ובהה"א הידיעה אף על פי שבזמן החורף ההתלהבות עבר והידור חסה מכל מקום עיני השם בו כי התחיל את השנה בכל כוחו ובכוונה מעולה.

יה"ר ששנה זו יהיה לנו ולכל בית ישראל שנה של אין עניות בין בגשמי וברוחני וכמו שאין אנו חסים על הקב"ה בימי רצון אלו כן הקב"ה חס עלינו ונבנה בית שלישי במהרה בימינו.

חלק מן הבית וצריך לעשות קודם פתיחת הבית ולכן אומרים אין עניות גם כן לגבי השמן או שיער השמן היא כמו המנחות והלחם הפנים ומלבד שדבר גדול אין לעשות זה קודם השכמת הבית ואם כן אומרים חסה. ואפשר שזה גם כן מדוע צריך את הפסוק לגבי פי הנר דדילמא אין צריך את פי הנר קודם השכמת הבית כמו שיש פלוגתא לגבי שיעור השמן ולפיכך אין יכול לומר אין עניות כסיבה שהפי צריך לעשות מזהב טהור קא משמע לן הביא את הפסוק והדרשה שגם פי הנר הם בכלל המנורה ולפי כן גם כן צריך לעשות מזהב טהור.

בנוגע לימים אלו

ודבר זה שאין יכול לחסה על הבסיס וצריך שהבסיס יהיה בגדר של זהב טהור שייך מאד לימים של העשרת ימי תשובה וחודש תשרי, וכמו שהביא מורינו הרב ברוך סימון שליט"א (אמרי ברוך פרשת כי תצא מאמר א) שהכל הולך אחר ההתחלה. והביא את השם השמואל (פרשת כי תצא שנת תרע"א) לגבי הקשר של בן הבכור לפרשה שאחרו וזה הבן סורר ומורה וז"ל כל זמנו של בן סורר ומורה אינו אלא שלשה חדשים הראשונים שבא לכלל עונשין, והוא הראשית של ימי חייו, והכל נמשך אחר הראשית. וכמו טעם הבכור הנוטל פי שנים, כי כל אחיו הבאים אחריו הכל נמשכין אחריו, וכאילו הוא היה סיבה להם, עם כן נוטל פי שנים. וכן זה הענין בבן סורר ומורה, באשר הראשית שלו מקולקלת הכל נמשך אחר הראשית ונהרג על שם סופו, כי חשבינן רשעתו שבסופו כאילו היתה בפועל בתחילתו. ומאחר שהתחיל בו הקלקול, ובודאי יבוא לכך שיתחייב מיתת ב"ד באשר הקלקול הוא בראשית ימיו כנ"ל, שוב הו"ל כאילו כבר בא עליו החיוב, ולזה מורה מצות הבכורה ליתן לו פי שנים.

זה לימוד גדול לכל אדם להשגיח היטב על הראשית שלו, ראשית בואו לכלל מצוות בהיותו בן י"ג, וכן בהיותו אדם שלם ע"י הנשואין, אז מתחילה תקופה חדשה וישגיח היטב על ראשית שנותיו אז. וכן בכל שנה ראשית השנה ראש השנה יום הכיפור וסוכות, שיהיה בתשובה ודביקות, וימשך אחר זה כל השנה כולה. והרב סימון הוסיף שזה מה שאנו אומרים לעיל שאם היסוד חזק אזי כל הבנין עומד איתן ומקיים לאורך ימים, מה שאין כן אם היסוד מקולקל אזי כל הבנין שעומד עליו הוא רעוע.

וגם בפרשת כי תבוא הביא (אמרי ברוך פרשת כי תבוא מאמר א) את קושיית התולדת יעקב יוסף (ראש פרשת כי תבוא) דכמו שהקדוש ברוך הוא נצחי היה הוה ויהיה, כך תורתו נצחי ומצוותיה גם כן נצחיים, ועם כן מצוה זו נוהג בכל זמן, וקשה עתה שאין מקדש ואין הבאת ביכורים וכי ח"ו בטלה מצוה זו עתה? וזהו על דעת שנתבאר, כי ענין הביכורים מורה את גודל החשיבות לקדש את הראשית להשי"ת, כי אם הראשית קודש לה' אזי כל השאר נמשך אחריו ונעשה גם כן קודש לה', לפיכך הורונו חז"ל שבזמן הזה כאשר בעוה"ר חרב בית המקדש ופסקו הביכורים, יש לנו עדיין אפשריות לקיים מצות ביכורים על ידי שהנקדש את ראשית היום וחודש ושנה לה'

התורה הק' כותבת (פ' עקב יא, יב) "עיני ה' אלוך בה מראשית השנה עד אחרית שנה", ומדייקים בספה"ק מהו הלשון מראשית "השנה" בה"א הידיעה ועד אחרית "שנה"? והתרץ המפורסם היא מהייטב לב מסאטמה שמתרץ שבתחילת השנה האדם מקווה ושואף שהשנה הבאה תהיה הרבה יותר טובה ממה שהיה עד עתה, ובתחילת השנה הוא עומד

שהשתמשות בדרך קבוע או אומרים אין עניות אבל אם החפצא היא רק עוזר להעבודה או שהוא דרבנן או שהשתמשות היא בדרך לא רגיל אז אומרים חסה.

אבל כשחוזרים על כל הסוגיות רואין שסברת הריטב"א אינו מועיל לגבי מותר שירי הלשכה והשקאת תמיד בכלי זהב (שאומרים אין עניות אף על פי שאינו דאורייתא וגם אין צורך להעבודה) וגם לגבי הלחם הפנים והשמן במנחות (שאומרים חסה אף על פי שהם דאורייתא וקבועה ולשם עבודה).

בס' מי השלוח מהרב ר' מרדכי יוסף מאיוביצע זצ"ל (שהובא בקונטרס הדרום שנת תשל"ח מהרב חיים אורי ליפשיץ דף 78) הסביר את החילוק של השופר של זהב בראש השנה לנגד השופר של כסף של תעניות וכתב כי החצוצרות משמשים לתעניות או בזמן מלחמה שאז ישנו צער בעולם לכן כביכול עמו אנכי בצרה ושייך חסה על ממונם של ישראל, אבל כשישראל בנייחא מצינו אין עניות במקום עשירות. ולמרות שזה חילוק טוב לגבי הסוגיא של שופר של זהב תמהתי איך סברא זו חל על הסוגיא של הקלפי של עץ והמחתה של זהב ששתי עבודת אלו הם ביום כיפור ואם יום כיפור היא עת רצון אז שתיהם צריך להיות מעץ ואם יום כיפור היא זמן של שמחה ונייחא אז שתיהם צריך להיות מזהב. והשדי חמד (חלק א, קכח) מביא מקורות שמתעסקים בענין זה ובסוף מביא את דברי שמות בארץ ובקונטרס יום תרועה ומסיים דהא והא איתנהו יש דברים שצריך להתיר בהם פיסת יד דאין עניות וכו' ויש דברים שצריך לדקדק בהוצאה דהתורה חסה והדבר מסור לחכמים בשיקול דעתם להבדיל בין דבר לדבר.

ויש לומר

ולולא דמסתפינא הייתי אומר שהחילוק בין התורה חסה לאין עניות היא תלוי אם החפצא נדרש או מבוסס ביום ראשון של הקמת המקדש כי נתינת הראשית בכל דבר היא היסוד לכל הבנין, ואפילו אם החיסה על הדפנות או הגג הבית עדיין עומד, אבל אם חיסה על היסוד אף על פי ששילם מאוד כסף בשביל החלונות והחדרים הבית עדיין רעוע ומסוכן ליפול. ואם נחזור על הסוגיות נראה שסברא זו הגיוני. הסוגיות של אין עניות הם הבגדי כהונה, עשיית המשכן, מותר שירי לשכה, והשלחנות שבבית המקדש ובסוגיות אלו קל מאד לראות שהם דברים שצריך לעשות לפני חנוכת המקדש והם נקרי הבסיס של המקדש וצריך להיות בגדר של עשירות בלי גרעון. וגם לגבי ההשקאת תמיד בכלי זהב נראה שזה קודם העבודה וצריך להיות בדרך מהודה והסוגיות של חסה הם הקלפי, ושופר של תענית, חיתין של הלחם הפנים, שמן סתם לגבי המנחות, והמחתה של כסף, שבכל אלו מלבד שהם במקדש והם דברים חשובים אין צורך להם בשעת פתיחת הבית ואם כן אין הם נקראים הקרן של הבית ומשום כך היתר לחוס על דמו. והגמ' הביא איביעי לחוס על פי הנר של המנורה ומסקנת הגמ' היא שאין אומרים חסה במקום זה. ולפי דרכינו הסיבה היא כי המנורה צריך להיות במקדש בפתיחת הדלתות ביום ראשון ואם כן אין חסה על זה.

אבל יש להקשות מדוע הגמ' צריך להביא פסוק ודרשה לומר שצריך להיות מזהב טהור הא יש לנו סברא של אין עניות. ומה לי קרא, סברא הוא? וגם יש להקשות מדוע דוקא לגבי השיעור של השמן יש פלוגתא מפורשת של אין עניות נגד התורה חסה? ועל זה צריך לומר שמחלוקת היא אם העבודה לשייער את השמן היא כמו השלחן והמנורה שהם

וכלי שרת שנקבו אין מתקנין אותן במסכת זבחים דף פח: היינו שהוא כלי שרת ואמרינן אין עניות כו' ופי גרות של זהב טהור אף ששייך התורה חסה היינו משום שהוא גזירת הכתוב זהב טהור ולא כמו שחשבת אתה משום אין עניות דהא היו יכולין לעשות של כסף ועוד אפשר בענין זה שכל המנורה של זהב טהור ופיות הנרות יעשו של כסף משום דמשחרי בזה אפשר אפילו בשל כסף שייך אין עניות כיון שגוף הכלי של זהב והמנורה היא כלי שרת. וכתית למאור ולא כתית למנחות שאמרו במסכת מנחות דף פו: שהתורה חסה על ממונן ש"י היינו טעמא שלחלק בין מנחות יחיד למנחות ציבור לא אפשר שזה קדש קדשים כמו זה ואם היה צריך כתית למנחות היה הפסד ליחידים המביאים מנחות וביחיד לא שייך אין עניות במקום עשירות. ונמצא לפי זה שאין שום פגיעה באין עניות אם עושים את המחטה מכסף במקום זהב כי כסף גם כן בגדר עשירות. והקלפי צריך לומר שאין זה כלי שרת. והחיטה שבמקום הסולת בלחם הפנים גם כן אין פגם באין עניות כי כשקונין אין כאן קדושת הגוף רק קדושת דמים.

וכל זה קו ונקי אם אומרים שכסף אין מקרי עניות אבל הבית אהרן (חלק ח דף תרכד) הביא ראייה מפורש שכסף מקרי עניות וזה לשונו: אמנם ראה במפרש במס' תמיד כס'. בד"ה בעומד ה' סאין שכתב ולכך צריך שני כלים לפי שלא היה חותה בשל זהב כדאמר ביומא (מד): שהתורה חסה על ממונן של ישראל ובכלי של כסף שהיה חותה לא היה יכול להכניס הגחלים בפנים דגנאי הוא להכניס כלי כסף בפנים שאין עניות במקום עשירות ע"ש, והרי דגם בכסף שייך עניות ואין עניות במקום עשירות וזה דלא כהנודע ביהודה. אמנם י"ל דהמפרש לא כל כך דק לענין להכניס כלי כסף בפנים ששם היה הכל משל זהב ואם יכניס לשם כסף מחזי כעניות. אבל בחוץ להיכל ל"ש אין עניות במקום עשירות לענין כסף, אמנם מדברי הגו"ב שכתוב שם בתשובה מאהבה סי' ז' וז"ל ועוד אפשר בענין זה שכל המנורה של זהב טהור ופיות הנרות יעשו של כסף משום דמשחרי בזה אפשר אפילו בשל כסף שייך אין עניות כיון שגוף הכלי של זהב והמנורה היא כלי שרת עכ"ל מבואר דלא נחית לסברא. ויכול לומר שהפלוגתא תלוי בהבנת סברא של אין עניות במקום עשירות. אם הלימוד היא שאין לעשות שום דבר של עניות במקום של עשירות או אומרים שכסף נמי מקרי אין עניות כי סוף סוף מאוד יקר. אבל אם הלומד היא שאין עניות במקום עשירות ולפי כך צריך כל מה שעשה צריך לעשות בדרך עשירות או כסף לא מקרי עשירות כי יש מחתות יותר יקר מזה.

שיטת הריטב"א

הריטב"א (מסכת יומא דף מד: ד"ה התורה) פסק כמו רש"י לגבי המחטה של כסף שאין אומרים אין עניות כי חתיית גחלים שוחקת את הכלי ומחסרתו, ובכי האי גוונא ליכא למימר אין עניות במקום עשירות. ודבר זה רחוק להבין כי מפורש שאין הפסד ממונן יכול להיות סברא לומר אין עניות. והרי נמצא שאומרים אין עניות לגבי הבגדי כהונה והרי הם התלכלכו. והריטב"א עצמו לגבי הקלפי הוסיף שלא די אם רק יש הפסד לומר חסה התורה ולא אומרים אין עניות אלא אם יש הפסד וגם שלשה עוד סניפים וז"ל (מסכת יומא דף לט. ד"ה התורה) דכיון דלאו מידי דעבודה היא כולי האי ואינו אלא פעם אחת ואין הקלפי עצמו דאורייתא. ונמצא שהחילוק היא שצריך להיות לשם העבודה וגם שהוא דאורייתא וגם

הקרבת משום שבשר מרתיח על הזהב או על הכסף (מסכת תמיד דף לא:). ובכל מקרה (חוץ מהשולחנות) יש מאן דפליג על שיטת אלו, אבל אף פעם הביא את הטענה של חסה על ממונם. ויש להקשות מתי אומרים חסה על ממונן של ישראל ומתי אומרים אין עניות במקום עשירות?

קושי ה"תשובה מאהבה" ותירוצים

הראשונים והאחרונים השתדלו להגדיר את ענינינו ולהקים תנאים וכללים לשתי סברות אלו. השו"ת תשובה מאהבה, התלמיד מובהק של ר' יחזקאל לנדא, בעל שו"ת נודע ביהודה, (חלק א סימן ד) עוסק בשאלה זו וז"ל דברי התלמודא צריכים אצלי תלמוד גדול פעמים מנוי גמורה מפי חכמי התורה אין עניות במק"ע ופעמים הסכימו בשפה אחת התורה חסה כו' ופעמים העמידו פלוגתא בזה ורבינו הגדול סתם וכתב פעם בכה ופעם בכה והמה כדברים הסותרים זה את זה והדבר קשה לחלק בין הפרקים בין פרק קומץ רבה לפרק קומץ זוטא כלומר בין הפסד להפסד קטן אמרינן אין עניות במקום עשירות ובהפסד גדול אמרינן התורה חסה. ולפי דברו הכל לפי ההפסד. וקשה זה כי לכאורה ההפסד עם עושה את הקלפי מזהב במקום עץ יהיה הרבה זול מלהתיר כיבוס להבגדי כהונה שהתלכלכו.

שיטת הטורי אבן

הטורי אבן (מסכת ראש השנה דף כז. ד"ה התורה) הקשה על המאן דאמר במנחות לגבי שיעור השמן שחסה על ממונם היא עוקף את הדין של אין עניות מן הסוגיא של שופר של ראש השנה שאף על פי שבשאר תעניות תוקען בשל כסף מטעם החסה, בראש השנה תוקען בשל זהב משום כבוד יום טוב ואין מאן דאמר דפליג על זה. ותרין הטורי אבן וז"ל דאע"ג דהיה במקדש לא שייכי כל כך למקדש דוקא דהא עיקר התקיעות נוהג נמי בגבולין אלא שנתוספת במקדש לתקוע בשניהם יחד. נמצא לפי שיטת הטורי אבן שאומרים אין עניות דוקא לגבי דינים שיש שייכות לגבי העבודה שבבית המקדש. ואפשר שזה הטעם שהגמרא דוקא אמר שתוקעין בראש השנה בשופר של זהב מטעם כבוד יום טוב ולא אמר מטעם אין עניות כי שתי דינים נפרדים הם ואין שייך לומר אין עניות לגבי שופר כי אין זה ענין של מקדש. ולפי דברי הטורי אבן יש להקשות שאם הכלל של אין עניות נמצא דוקא לגבי המקדש מדוע הסגויות של הקלפי ביום הכיפור והמחטה בבית המקדש והחיטין שבלחם הפנים לא מצינו מאן דפליג ואומר שהקלפי והמחטה צריך לעשות מזהב והלחם הפנים צריך סולת, וכמו שיש מחלוקת לגבי שיעור השמן שהוא במקדש מדוע אין מחלוקת בענינים אלו?

הנודע ביהודה כותב (מהדורא תניינא קונטרס אחרון סימן ז) וזה לשונו דע לך שמה שהוא מוכרח בכלי שרת אמרינן ב' אין עניות במקום עשירות. וגם דע כי כסף לא מקרי עניות ולחם הפנים קונים אותן חטים במסכת מנחות דף ע"ו ע"ב משום התורה חסה התם בשעת שקונין אין כאן קדושת הגוף רק קדושת דמים וכשמתקדשת קדושת הגוף כבר היא סולת ובכל יום היה חותה בשל כסף דמפורש במס' יומא דף מ"ד ע"ב התורה חסה וכו' היינו משום דשל כסף לא מקרי עניות (וגם חצוצרות אינן כלי שרת) וכן במס' ר"ה חצוצרות של כסף משום התורה חסה גם משום דשל כסף לא מקרי עניות וגם חצוצרות אינן כלי שרת

ישראל. א"ל רב נחמן בר יצחק לרבה ר' שמעון וסכנת נפשות ואת אמרת התורה חסה על ממונם של ישראל.

וגם נמצא בפרק בהמה המקשה (דף עז).

הנהו גידין רכין דאתו לקמיה דרבה. אמר רבה למאי ליחוש להו? חדא דאמר ר' יוחנן גידין שסופן להקשות נמנין עליהן בפסח ועוד התורה חסה על ממונם של ישראל. א"ל רב פפא לרבה ר"ש בן לקיש ואיסורא דאורייתא ואת אמרת מאי ליחוש להו?

ונמצא בשלשה מקורות אלו שרבה פסק לקולא אם שלב של היתר וגם הוסיף עוד סברא של חסה על ממונם של ישראל להתיר. ועל זה טען הבעלי פלוגתא שאין אומרים חסה על ממונם של ישראל במקום של חשש איסור דאורייתא ובמקום של סכנה. ואם כן אין להביא ראייה להגדרת הדין של חסה על ממונם של ישראל אלא שאין אומרים דין זה לגבי סניף להקל בשאלה של חשש איסור דאורייתא ובמקום של סכנה.

ויש להקשות מדוע לא הביא הגמרא הסברא של אין עניות במקום עשירות לנגד הסברא של התורה חסה על ממונם של ישראל? כי המקור השביעי היא גמרא במנחות (דף פט.) לגבי קביעות שיעור השמן שבמנורה והגמרא הביא את שתי הסברות ההפוכים.

דתנו רבנן ומערב עד בקר תן לה מדתה שתהא דולקת והולכת מערב עד בקר. דבר אחר: מערב עד בקר אין לך עבודה שכשירה מערב עד בקר אלא זו בלבד, ושיערו חכמים חצי לוג מאורתא ועד צפרא. איכא דאמרי: מלמעלה למטה שיערו, ואיכא דאמרי: ממטה למעלה שיערו. מאן דאמר ממטה למעלה שיערו, התורה חסה על ממונם של ישראל; ומאן דאמר מלמעלה למטה שיערו, אין עניות במקום עשירות.

ונמצא שיש פלוגתא האיך משערים את שיעור השמן האם בפעם ראשון היה נותן הרבה שמן ופוחת והולך עד שמצא השיעור והשאר בכל לילה לילך לאיבוד (אין עניות) או היה נותן פחות ממה שחושב השיעור יהיה ובכל לילה הוסיף שמן עד שמצא השיעור (חסה על ממונם). ומדוע לא ראינו מחלוקת אלו בשאר סוגיות הש"ס? ואף על פי שראינו כעין זה לגבי השופר של ראש השנה שכבוד יום טוב דחה את סברת חסה על ממונם, מכל מקום אין שום מקום בש"ס שהביא שתי הסברות אלו אחד נגד השני חוץ משיעור השמן שבמנורה. וכמו שלא מצינו את הסברא של אין עניות במקום עשירות לגבי הסוגיות של התורה חסה על ממונם של ישראל רק בנידון לשיעור השמן כמו כן לא מצינו את הדין של חסה על ממונם של ישראל לגבי הסוגיות של אין עניות במקום עשירות.

הסוגיות של אין עניות

אין עניות במקום עשירות נמצא חמשה פעמים בש"ס מלבד הפעם שמדובר לעיל לגבי שיעור השמן. והם לגבי בגדי כהונה שאין מכבסים אותם (מסכת זבחים דף פח:), ואין עושין מלאכת המשכן בצמצום אלא עשו די והותר (מסכת שבת דף קב:), ואין שוכרים מותר שירי לשכה (מסכת כתובות דף קו:), והשקאת תמיד בכלי זהב (מסכת תמיד דף כט.), כל השלחנות שבבית המקדש היה של זהב או כסף חוץ מאלו שהעמיד עליו בשר

אעשה לך שתי חצוצרת כסף. ואיבעית אימא התורה חסה על ממונך של ישראל. התם נמי נעביד דכסף? אפילו הכי כבוד יום טוב עדיף.

נמצא מתרץ השני שכמו שחס לגבי הקלפי חס לגבי השופר של תענית וגם יש הוה אמינא לחוס גם בשופר של ראש השנה אבל כבוד יום טוב עדיף מהכלל של התורה חסה על ממונך של ישראל.

הפעם הרביעי וחמישי הם סוגיות במנחות. לגבי הלחם הפנים נמצא (דף עו): תנו רבנן: סולת ואפית אותה מלמד שנקחת סולת. ומנין שאפילו חיטין? תלמוד לומר ולקחת מ"מ. יכול אף בשאר מנחות כן? תלמוד לומר אותה מפני החיסחון. מאי מפני החיסחון? אמר רבי אלעזר התורה חסה על ממונך של ישראל. היכא רמיזא? דכתיב: בוהשקית את העדה ואת בעירם.

ולפי זה מעיקר הדין הלחם הפנים צריך לקנות סולת כמו בשאר מנחות אבל משום חסה על ממונך של ישראל שלחם הפנים צריך לאפות בכל שבוע די בחיטין. וכמו כן נמצא לגבי השמן שבמנחות (דף פו):

תנו רבנן זך - אין זך אלא נקי. רבי יהודה אומר: כתיב - אין כתיב אלא כתוש. יכול יהא זך כתיב פסול למנחות? ת"ל: ועשרון סולת בלול בשמן כתיב, אם כן מה ת"ל למאור? אלא מפני החיסכון. מאי חיסכון? אמר רבי אלעזר: התורה חסה על ממונך של ישראל.

ונמצא בגמרא זה שמעקיר הדין המנחות צריך להביא עם שמן זית זך כמו שזה חיוב לגבי המנורה אבל משום החסה על ממונך של ישראל היתה בשמן סתם. וכמו שחס לגבי הלחם הפנים שדי אם חיטין ואין צריך להפסיד ממון לקנות סולת, כמו כן לגבי השמן שבמנחות שאין צריך להיות זך, בניגוד להמנורה שצריך זך משום שהמנחות צריך הרבה שמן יותר משיעור שבמנורה.

הששית היא גמרא לגבי כלי המנורה. הגמרא פסק (דף פח): שאף על פי שפי הנר אשחורי משחר ויש סברא לומר שתורה חסה על ממונך של ישראל וליעבד זהב כל דהו קא משמע לן שהתורה צוה שפי הנר צריך לעשות מזהב טוהה. ונלמד מזה שאין יכול לומר התורה חסה אם היא נגד דין דאורייתא ורק סברא לומר כן אם אין מפורש או דרשה בקרא נגד סברא זו.

וכמו כן מצינו בשלשה פעמים בחולין. בפרק אלו טריפות (דף מט): נמצא: ההוא נקב דסתמה חלב טמא דאתא לקמיה דרבא. אמר רבא למאי ניוחוש לה? חדא דהא אמר רב ששת חלב טמא נמי סותר ועוד התורה חסה על ממונך של ישראל. א"ל רב פפא לרבא רב ואיסורא דאורייתא ואת אמרת התורה חסה על ממונך של ישראל.

ומיד הביא הגמרא עוד מעשה כעין זה.

מניומין כנדוקא איגלי ליה בסתקא דדובשא אתא לקמיה דרבא. אמר רבא למאי ניוחוש לה? חדא דתנן שלשה משקים אסורים משום גילוי היין והמים והחלב ושאר כל המשקים מותרים ועוד התורה חסה על ממונך של

בגדר מתי אומרים התורה חסה על ממונן של ישראל ומתי אומרים אין עניות במקום עשירות

יונתן זאב קירשנער

כשאנו חושבים על יום הדין והעבודה בבית המקדש ביום שנקרא שבת שבתון אנו נדמיין על ההוד והתפארת שביום זה; על הבגדי לבן ובגדי זהב של הכהן גדול ועל הקודש הקדשים והפרחת שפתוח וראיית הארון הקודש בקודש הקדשים. ועל זה תמה ממה שכתוב בגמרא ביומא (דף לט.)

אמר רבא: קלפי של עץ היתה, ושל חול היתה, ואינה מחזקת אלא שתי ידיים. מתקיף לה רבינא בשלמא אינה מחזקת אלא שתי ידיים כי היכי דלא ליכוין ולישקול. אלא של חול נקדשה - אם כן הוה לה כלי שרת של עץ, וכלי שרת דעץ לא עבדינן? ונעבדה דכסף ונעבדה דזהב? התורה חסה על ממונן של ישראל.

הקלפי היתה קופסה שהכהן גדול משתמשים בו להגורל של שתי השעירים. ויש להקשות שביום הקדוש ומפואר כזה מדוע חס על הממונן? וכי מצינו כזה - כל כלל ישראל רואים את העבודה ואנו אומרים אין מצוה זו צריך זהב, די בעץ? והרי יש כלל בש"ס של "אין עניות במקום עשירות" וקל וחומר ביום איום ונורא שכל ישראל שם בעזרה ויש ענין של רוב עם הדרת מלך. ומדוע ההלכה מבטל כלל זה? וכדי להבין צריך להשתדל להגדיר את שתי עניינים של (א) התורה חסה על ממונן של ישראל ואת העניין (ב) אין עניות במקום עשירות.

הסוגיות של חסה

הענין של התורה חסה על ממונן של ישראל נמצא מפורש בגמרא שבע פעמים. האחד הנ"ל. השני גם כן בפרשת העבודה. במשנה הקודם הביא (דף מג:) שבכל יום היה חותה בשל כסף ומערה בתוך של זהב, והיום חותה בשל זהב ובה היה מכניס. ועל זה הקשה הגמ' (דף מד:) מאי טעמא לא היה חותה בשל זהב כל השנה? ומתרץ שהתורה חסה על ממונן של ישראל. והיום חותה בשל זהב ובה היה מכניס. מאי טעמא? משום חולשא דכהן גדול. נמצא שבכל השנה היה עושה העבודה אם מחתה של כסף ולא של זהב משום חסה אבל ביום הכיפורים משום חלשת הכהן גדול היה עושה אם זהב ואין צריך לשפוך מהמחתה של כסף להמחתה של זהב.

השלישית היא גמרא בראש השנה (דף כז.) לגבי השופר של תענית:
ובתעניות בשל זכרים כפופין ופיו מצופה כסף. מ"ש התם (בראש השנה)
דזהב ומ"ש הכא דכסף? איבעית אימא כל כינופיא דכסף הוא דכתוב

ועיין עוד בשו"ת תורה לשמה (שאלה לא) דמיבא המנהג לנער כנפי הגלימה בשעה שאומרים "ותשליך במצולות ים כל חטאותם". והוא מקשה מה פשט במנהג זה, הלא העיקר הוא התפילות שאנו מתפללים? והוא מקשה גם כן אמנהג לנער כנפי הגלימה לאחר ברכת הלבנה ועל המנהג לפתוח את הידים בשעה שאומרים "פותח את ירך" באשרי? ותירץ ר' יוסף חיים שאין להרהר אחר מנהג ישראל, והביאר של המנהג הוא דכל מעשה אנו עושים למטה הוא כדי לחזק הדבר למעלה. ואנו מוציאים גבי אלישע במלכים ב' (יג, טו) שצוה ליואש המלך ישראל לעשות פעולה למטה וכדי לחזק מה שה' יעשה למעלה. וממילא בסדר התשליך שאנו מנערים גלימותינו הוא פועל דמיוני, וכוונותינו הוא על העונות והחטאים שיתנערו מן הנפש ויושלוכו הם וגם המקטרג העליון למצולות ים העליון.

זריקת העונות

בתחילת תשליך אנו אומרים הפסוק במיכה (ז, יט) "ישוב ירחמנו יכבוש עונותינו ותשליך במצולות ים כל חטאותם". ולכאורה אין הפשט בתשליך שאנו זורקים חטאותינו לים, אלא הפשט הוא אם אנו עושים תשובה יש לנו הבטחה שעונותינו אינם מוחזקים לנו, היינו שאנו זורקים חטאותינו אם התשובה שאנו עושים.

והיה מעשה אם החוזה מלובלין בחזרתו מתשליך ראה שראה את הרב נפתלי מ'רופשיץ שהיה הולך לתשליך. והחוזה שאל ר' נפתלי לאן הוא הולך? וענה הר' נפתלי שהוא הולך לתפוס החטאים שהשליך החוזה. והפשט בזה הוא שהצדיקים מדקדקים אפילו על המצוות שהם עושים, ומשום הכי ה"עבירות" שהחוזה השליך, ר' נפתלי הלך "לתפוסם", דר' נפתלי חשבם למצוות גמורים.

ויש מקום אחר שאנו הולכים למים, והוא שאיבת המים שאנו עושים למצות בפסח. והגמ' במס' יומא פו: כתב דבתשובה מיראה הזדונות נעשה לו כשגגות אבל בתשובה מאהבה הזדונות נעשה לו כזכויות. ממילא בימים נוראים בפחד התשובה הוא תשובה מיראה, אבל בפסח מאהבת ה' שהוציאנו ממצרים התשובה הוא תשובה מאהבה, וממילא בפסח אנו חוזרים למים ואנו לוקחים העבירות שהלשלחנו בראש השנה שעבר.

טעמי מנהג תשליך

שלום בלובשטיין

מקור למנהג

יש טעמים שונים להסביר המנהג של תשליך שעושים בראש השנה לאחר מנחה. המהרי"ל בהל' ר"ה כתב שהוא זכר לעקידת יצחק שכשעבר אברהם אבינו בנהר באו המים עד צאורו, והוא קרא לה' (תהילים סט, ב) "הושיעה ה' כי בא מים עד נפש". וע' בילקוט שמעוני (פרשת וירא רמז צט ס"ק ק"ה) דשאל וכי מאחר שאין דרך מרובה למה נתעכב ג' ימים עד שבא אברהם אבינו להר המוריה? והוא מפרש דמאחר שראה השטן שאברהם אבינו לא שמע לדבריו, השטן עשה נהר גדול שלא יכול אברהם אבינו לעבר, ואף על פי כן נכנס אברהם אבינו לנהר עד שבאו המים עד צאורו, ובאותו זמן הוא קרא לה' ובא ה' וגיער בשטן, ואחר כך היה יכול אברהם אבינו לעבור לעשות העקידה. ובזוהר הקודש פרשת ויקרא כתב דמשום זה אנו קוראים פרשת העקידה בראש השנה דעקידה היתה בראש השנה. ומהאי טעמא המהרי"ל סבר דאנו עושים תשליך בראש השנה זכר להמים שנכנס אברהם אבינו במסירת נפש לעשות רצון ה' בהעקידה.

אם המים צריכין דגים

ולפי זה אין צריך שהמים יש דגים אלא בכל כינוס של מים יכול לומר תשליך. אבל הרבה פוסקים סוברים שיותר טוב שיאמר תשליך אצל כינוס מים שיש בהם דגים. ועיין בלבוש שהטעם שתהיה בו דגים הוא לזכור שאנו משולים לדגים חיים הללו שנאחזים במצודה, וגם אנו ביום הדין של ראש השנה כאילו במצודה, דהחיים שלנו תלויים או לחיים או למוות. ולכאורה לפי זה מובן למה יכול לעשות תשליך כל עשרת ימי התשובה, דאין תשליך רק זכר לעקידה, אלא גם הוא עבודה לעורר אותנו לעשות תשובה, וזמן זה נמשך עד יום הכיפורים.

לגבי הזמן

בספר שו"ת תורה למשה (שאלה קנט) מר' יוסף חיים מבבל כתב דהטעם שסבר האריז"ל לומר תשליך אחר מנחה סמוך לשקיעת החמה, ולא בתחילת היום (שמסתבר שהוא יותר עת רצון, מאחר שאנו יודעין שעיקר הדין בראש השנה הוא בתחילת היום קודם חצות) הוא על פי המדרש בויקרא רבה פרשה כט, דכתב דביום ראש השנה בשעת י"ב ביום יצא אדם הראשון בדימוס (בשעת י' הוא חטא) היינו במחילה, והמדרש אומר "אמר הקב"ה לאדם זה סימן לבניך, כשם שעמדת לפני בדין היום הזה ויצאת בדימוס, כך עתידין בניך לעמוד לפני בדין ביום הזה ויוצאין לפני בדימוס. אימתי? בחודש השביעי באחד לחודש." לפי זה מובן היטב למה מסוגל לומר תשליך בראש השנה אחר מנחה סמוך לחשיכה שהוא י"ב שעות (בשעות זמניות).

וא"כ מבואר מדברי התוס' שהחויוב חינוך מוטל ג"כ על האם.
ובאמת גם רש"י בחגיגה ב. מבואר כדברי התוס' בעירובין דהחויוב חינוך מוטל על
האב והאם, דבמשנה איתא דקטן פטור ממצות ראייה, איזהו קטן? כל שאינו יכול לרכוב על
כתפיו של אביו. וכתב רש"י אבל מכאן ואילך אע"פ שאינו חייב מן התורה, הטילו חכמים
על אביו ועל אמו לחנכו במצוות.
ונמצא שיש ג' שיטות בדבר:
א: ר' אליעזר ממיץ שסבר שמצות חינוך מוטל על כל אדם.
ב: הר"י שסבר שמצות חינוך מוטל רק על האב.
ג: רש"י בחגיגה ותוס' בעירובין שסוברים שהחויוב מוטל על האב והאם.
ונראה לבאר שיטת ר' אליעזר ממיץ בהא דחויוב חינוך מוטל על כל אדם (וכן מצאתי
בספר זקני, אמרי שפר, חלק א' סימן מ"ט) דהנה בברכות מח. איתא אמר ר' חייא בר אבא
אמר ר' יוחנן לעולם אינו מוציא את הרבים ידי חובתן (בברכת המזון) עד שיאכל כזית דגן.
וכתב רש"י מכי אכל כזית דגן מיהא מפיק אע"ג דכזית דגן שיעורא דרבנן הוא, מיהו כיון
דמחייב מדרבנן, מחויוב בדבר קרינן ביה ומוציא רבים ידי חובתן. והק' רש"י א"כ למה בגמ'
כ: בקטן שהגיע לחינוך לא אמרינן הכי? דהתם הגמ' מקשה איך קטן מוציא אביו בברכת
המזון אם אינו בר חיובא. ולמה לא – הא מחויוב מדרבנן מטעם מצות חינוך ויכול להוציא
אביו כמו מי שלא אכל אלא כזית דגן! ותי' רש"י דההוא אפילו מדרבנן לא מחייב דעליה
דאבוה הוא דרמי לחנוכיה. וביאור דבריו הוא דהמצות חינוך אינו על הקטן שיהיה הוא
מחויוב בהמצוה מטעם חינוך, אלא אביו מחויוב לחנך אותו לעשות המצוה, אבל הקטן עצמו
אינו מחויוב כלל, ולכן הק' הגמ' איך קטן מוציא אביו.
וע"ז חלקו התוס' וכתבו דודאי הקטן עצמו שפיר מחויוב בדבר משום מצות חינוך
וביאר הקה"י דסברו התוס' דודאי על אביו לחנך בנו אבל מוסיף לזה גם הבן עצמו מחויוב
בהמצוה מטעם חינוך.
ואפשר דבזה נחלקו הר' אליעזר ממיץ והר"י. בתוס' ישנים ביומא פב., דר' אליעזר
ממיץ סבר כשיטת התוס' דהמצות חינוך מוטל על הבן עצמו, ולכן ראוי לאחרים לראות
שהוא עושה חיובו, ובפרט ב"ד. אבל הר"י סבר כשיטת רש"י דהמצות חינוך מוטל רק על
האב, ולכן אין שום טעם לב"ד לראות שהבן עושה מצוה או פורש מאיסור, שאין שום חיוב
עליו! רק על האב לחנך אותו.

בענין מצות חינוך

יוסף פרידלר

מי מחויב לחנך את הקטן?

סוכה שהיא גבוהה למעלה מעשרים אמה פסולה, ורבי יהודה מכשיר עד ארבעים וחמישים אמה. אמר רבי יהודה, מעשה בהילני המלכה בלוד, שהייתה סוכתה גבוהה מעשרים אמה והיו זקנים נכנסין ויוצאין לשם ולא אמרו לה דבר! אמרו לו, משם ראייה?! אשה היתה ופטורה מן הסוכה. אמר להן והלא שבעה בנים היו לה? סוכה ב:

ביאר הגמ' שכיון ששבעה בנים היו לה, אי אפשר שאחד מהן לא הגיע עדיין להיות מחויב במצות חינוך של מצות סוכה. וכיון דהסוכה היה גבוהה מעשרים אמה, והיו בה קטנים שהגיע לחינוך ומחויב בהמצוה, למה לא אמרו חכמים דבר כשהיו רואים שהסוכה גבוהה מעשרים אמה? אלא ע"כ הטעם משום שסוכה גבוהה מכ' אמה כשרה! והגאון רעק"א בגליון הש"ס מציון תוס' ישנים ביומא פב. דשם בגמ' איתא שמחנכין את הקטנים להתענות ביום הכיפורים. והק' הת"י בהא אמר'י בכל דוכתא שהקטן אוכל נבילות אין ב"ד מצווין להפרישו, השתא חנוכי מחנכין אפרושי מאיסורא מיבעיא?! כלומר, אם ב"ד רואין קטן שעושה עבירה כגון שאוכל נבילות, אינו מחויב להפרישו מאיסור. וקשה, אם אנו מחנכין אותו לעשות מצוות כ"ש שאנו צריכין לאפרושי מאיסור מטעם חינוך! ועל זה מביא ב' תירוצים (וכן הובא בתוס' נזיר כה:).

א- ה"ר אליעזר ממיץ מתרץ דחינוך לא שייך אלא שיעשה מצוה, ולא לאפרושי מאיסור, והא דמחנכין להתענות אינו מטעם אפרושי איסורא של אכילה ביו"כ אלא לחנך לעשות המצוה של "ועיניתם את נפשותיכם".

ב - ור"י אומר דמצות חינוך לא שייך אלא באב, אבל באדם אחר לא שייך ביה חינוך, הילכך אין נזהרין לאפרושו מאיסור ג"כ. והק' דאם החיוב הוא רק על האב למה בהילני המלכה היו הבנים יושבים בסוכה? ות' דשמא היה להם אב שהיה מחנך אותם בהמצוה או שמא היה הילני המלכה מחנך אותם למצוה בעלמא.

היוצא מדבריהם של התוס' ישנים שר' אליעזר ממיץ ור"י נחלקו על מי מחויב לחנך את הקטן. ר"א ממיץ סבר דהחיוב לחנך את הקטן הוא על כל אדם, ולכן היה קשה לו למה אין ב"ד מצווין להפריש את הקטן מאיסור אם יש מצות חינוך, ולא חילק בין אב לאדם אחר. אבל הר"י סבר שמצוות חינוך הוא רק על אביו, עד שהיה קשה למה האם (הילני המלכה) היה מחנכת את בניה.

ובס' קהלת יעקב מביא מתוס' עירובין פב. דהחיוב חינוך הוא ג"כ על אמו. דהתם איתא דאין מערבין עירובין תחומין שלא לדבר מצוה. ואמר ר' אסי, קטן בן שש יוצא בעירוב אמו. והק' בתוס' דהא אין מערבין אלא לדבר מצוה, וקטן אינו מחויב במצוות, וא"כ איך יוצא בעירוב אמו? ות' שני בתוס' דמצוה לחנכו, והתם מוקי דברי ר' אסי שאין אביו במתא.

דברי תורה בעברית

בענין מצות חינוך

יוסף פרידלר

ב

טעמי מנהג תשליך

שלום בלובשטיין

ד

בגדר מתי אומרים התורה חסה על ממונן של ישראל ומתי אומרים אין עניות

במקום עשירות

יונתן זאב קירשנער

ו

קונטרס

קול תורה

ותפילה

כרך א • תשרי תשע"ז • קהילת קול תורה ותפילה