

# Shavuot

“at” *Bnai Yeshurun*

תיקון ליל שבועות תש"פ  
Tikun Leil Shavuot 5780

## Teen Department Source Packet

Sponsored by **Cara & Ron Aduculesi**

in loving memory of Cara's parents Vivian and Robert Freund,  
grandparents of Lauren, Rebecca, Gabrielle, and Hannah

### FEATURING



Rabbi Jonathan Schachter

*“Risking One’s Life for Minyan”  
The halachic dilemma the Jews  
of the Kovno ghetto faced in 1942*



Rabbi Ben Krinsky

*“10 for 10”  
10 Ramban’s Relating to the  
Aseres Hadobros*

Shavuot night learning by CBY members

Sponsored by Mona & Itzy Weinberger, their children & grandchildren  
in commemoration of the yahrzeit of Frances Freed a”h on Shavuot

## Rabbi Jonathan Schachter

### Risking one's life to daven with a minyan

**General Introduction:** It has been 3 months since we've been able to daven with a minyan. Closing our shuls was a painful decision, but it was the halachically correct one. To quote the Rabbinical Council of Bergen County, in its most recent letter to the community: "We remain committed to the principle that safety far exceeds the obligation of communal tefilla."

In the very near future though, we hope to have the opportunity to, once again, daven with a minyan. Obviously, this will be a very positive development for the nation, but for many individuals, who have now gotten used to the conveniences of davening from the comforts of their own homes, it will be a challenge to fully embrace the return of tefilla b'tzibur.

In order to strengthen our commitment to tefilla b'tzibur, I want to study with you a question that arose in the Kovno ghetto in Lithuania in Elul of 1942. The ghetto contained almost 30,000 Jewish people. Every day, the men were forced into backbreaking slave labor. At night, they would return home, sapped of their strength, knowing that tomorrow would be the same all over again. In order to escape this bitter life, some deeply committed Jews would come to shul at night to learn and daven. When the Nazis realized the strength that the Jews were receiving from the shul, they immediately outlawed all gatherings of prayer or study, and the punishment for the violation of this decree was death.

The Jews of the ghetto approached their rav, Rav Ephraim Oshry, to ask for a *psak* in this serious matter, and I would like to study with you his response to this question. We are fortunate to have access to Rav Oshry's response, in his own words, because he survived the Holocaust, with God's help, and compiled a 5 volume set of the many questions that he had to address during his years as the rav of the Kovno ghetto. The set is titled "שו"ת ממעמקים" and this particular question is from volume 2, responsa 11.

#### Part 1 – The question asked to Rav Oshry –

שו"ת ממעמקים חלק ב' :יא

אם מותר להכניס עצמו לסכנה בגלל  
תורה ותפלה בצבור.

שאלה: ביום י"ג אלול תש"ב הוציא הצר הצורך הנאצי  
ימ"ש את הצו שאסור ליהודים כלואי הגיטו לברך את  
ה' במקהלות, ולהתאסף בכתי כנסיות ובתי מדרשות לתורה ולתפלה  
ולזעוק לה' בצר להם, ולהפיל לפניו תחינה, שיעזור להם ויושיע לחלץ  
נפשם מן המיצר ולפדותם מרדת שחת.

Translation – On the 13<sup>th</sup> of Elul, 5708 (1942), the evil enemy issued a decree that it was forbidden for the Jews, imprisoned in the ghetto, to bless HaShem in public, and to gather in shuls and study halls for learning and davening, and to cry out to HaShem in their suffering , and pour out their supplications before Him, that He should help them and save their souls from danger, and redeem them from falling into the depths.

ואז בזמן ההוא בא אלי ר' נפתלי וויינטרויב הי"ד, גבאי בית הכנסת של גפינוביץ הי"ד, ושאל אותי כדינה של תורה, אם מחויב הוא להסתכן בסכנת גוף ונפש לילך להתפלל בציבור "בְּקְלוּי" שהיה רגיל בו להשכים ולהעריב? האם מחוייב הוא למסור את נפשו על תורה ותפלה או לא?

Translation – At that time, Reb Naftali Weintraub, (may HaShem avenge his blood), the gabbai of the Gafinowitz shul (may HaShem avenge his blood too), came to me and asked what the Torah law is. Does he have to risk his body and soul to continue to daven with the community of "Kloyz" as he had previously been doing in the mornings and evenings? Is he obligated to sacrifice his life for Torah and tefilla?

**Part 2 – The main Gemara & its commentaries on the topic**

**1. סנהדרין דף עד – קידוש ה' - When must a Jew give up his/her life for a מצוה?**

<p><b>Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yehotzadak:</b></p> <p>The Sages <b>counted</b> the votes of those assembled and <b>concluded in the upper story of the house of Nitza in the city of Lod:</b></p> <p>With regard to <b>all other transgressions in the Torah, if a person is told: Transgress this prohibition and you will not be killed, he may transgress that prohibition and not be killed</b>, because the preserving of his own life overrides all of the Torah's prohibitions.</p> <p>This is the <i>halakha</i> concerning all prohibitions <b>except for</b> those of <b>idol worship, forbidden sexual relations, and bloodshed</b>. Concerning those prohibitions, one must allow himself to be killed rather than transgress them.</p>	<p>א"ר יוחנן משום ר"ש בן יהוצדק:  נימנו וגמרו בעליית בית נתזה בלוד:  כל עבירות שבתורה, אם אומרין לאדם "עבור ואל תהרג" יעבור ואל יהרג  חוץ מעבודת כוכבים וגילוי עריות ושפיכות דמים</p>
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**Introduction to second part of source #1** - There is one more very relevant part of this Gemara in סנהדרין which we must see before we can really address Rav Oshry's predicament. The Gemara asks – if one can never do a public עבירה, then how could אסתר publicly marry אחשוורוש? Marrying a non-Jew is not considered עריות, but it is certainly a big עבירה, and we just learned that public situations require Jews to give up their lives even for Jewish customs?

<p>The Gemara raises a difficulty: <b>But wasn't</b> the incident involving <b>Esther</b>, i.e., her marrying Achashveirosh, <b>a public sin</b>? Why then did Esther not surrender her life rather than engage in intercourse?</p> <p>The Gemara answers: <b>Abaye says: Esther was</b> merely like <b>natural ground</b>, i.e., she was a passive participant. The obligation to surrender one's life rather than engage in forbidden sexual intercourse applies only to a man who transgresses the prohibition in an active manner. A woman who is passive and merely submits is not required to give up her life so that she not sin.</p>	<p>והא אסתר פרהסיא הואי!!</p> <p>אמר אביי אסתר קרקע עולם היתה</p> <p>רש"י ד"ה קרקע עולם היא - אינה עושה מעשה, הוא עושה בה מעשה</p>
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**Summary & Introduction to sources 2&3:** Because אסתר was passive, and “did nothing”, she was not obligated to give up her life. This was said regarding public עבירות, but many ראשונים apply this principle to all situations in which one must give up one's life – whenever one can just remain passive and do nothing, one does not have to give up one's life. **Tosfos** discusses being passive in the context of murder. The **Nimukei Yosef** applies “קרקע עולם” to all of the “Big 3” and to times of persecution as well.

**2. תוספות ד"ה והא אסתר פרהסיא הואי**

<p>Even in a case of murder, when is it that one must give up one's life? That is only before killing actively, but when one does not “do anything”, such as they throw one upon an infant, it seems logical that one would not have to give up one's life.</p>	<p>ורוצח גופיה, כי מיחייב למסור עצמו, הני מילי קודם שיהרג בידיים, אבל היכא דלא עביד מעשה, כגון שמשליכין אותו על התינוק ומתמעך, מסתברא שאין חייב למסור עצמו</p>
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**3. נמוקי יוסף – סנהדרין דף יז: - Spain, 14<sup>th</sup> -15<sup>th</sup> century**

<p>The principle of being passive like the ground ... applies even for the 3 most severe sins ... and <u>even in times of persecution</u></p>	<p>והא דאמרינן קרקע עולם ... ואפילו בשלשה עבירות חמורות ... ואפילו בשעת השמד</p>
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**Introduction to source #4** - The **Ritva** takes this idea to its logical conclusion – if one can remain passive, even for the “Big 3” and even in times of persecution, then one must **not** give up one's life for any positive mitzva, since one can always “sit back” and remain passive.

<p>Based on all this, you will not find any case in which one must give up one's life other than negative commandments, but if the non-Jews command you to "sit and do nothing", one does not give up one's life.</p>	<p>מעשה לא תמצא בשום מקום שיהרג ואל יעבור אלא באונסין על מצות לא תעשה, אבל כשאומרין לו "שב ואל תעשה" אין לו ליהרג</p>
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**Question:** Now how would you paskin if you were Rav Oshry?? Should the Jews defy the decree and go to shul & the beis midrash or should they remain passive and stay home? (Ans. – be passive and stay home)

**Part 3 – Three famous stories which contradict this!!!!!!**

**Introduction to source #5** - Sefer Daniel takes place during the 70 years of exile between the first and second Beis Hamikdash. At the very end of this period, there ruled a king from Madai named Daryavesh, and he was convinced by his advisors to make the following decree: For 30 days, no one in the whole Persian -Madai empire could pray or petition any God. All requests would have to come straight to the king, to demonstrate his great power. Anyone who violated this decree would be thrown into a lion's den. Daniel was the highest ranking advisor to the king at the time, but he chose not to remain passive and instead violated the king's decree, and was thrown into the lion's den overnight. (Spoiler Alert – A miracle took place!)

**5. דניאל פרק ו: יג, יד, יז**

<p>The officers then approached the king and reminded him of the royal ban: "Did you not put in writing a ban that whoever addresses a petition to any god or man besides you, O king, during the next thirty days, shall be thrown into a lions' den?" The king said in reply, "The order stands firm, as a law of the Medes and Persians that may not be abrogated."</p> <p>Thereupon they said to the king, "Daniel, one of the exiles of Judah, pays no heed to you, O king, or to the ban that you put in writing; three times a day he offers his petitions [to his God]." ...</p> <p>By the king's order, Daniel was then brought and thrown into the lions' den. The king spoke to Daniel and said, "Your God, whom you serve so regularly, will deliver you".</p>	<p>בְּאֲדִין קָרִיבוּ וְאָמְרִין קְדָם מַלְכָּא עַל-אֶסֶר מַלְכָּא הָלֵא אֶסֶר רְשַׁמְתָּ דְּי כָּל-אִנְשׁ דְּיִיבְעָה מִן-כָּל-אֱלֹהִים וְאִנְשׁ עַד-יוֹמִין תְּלַתִּין לְהֵן מִגְּדָּ מַלְכָּא יִתְרַמָּא לְגֹב אַרְוִיתָּא עֲנָה מַלְכָּא וְאָמַר יְצִיבָּא מַלְתָּא כְּדַתְּמַדִּי וּפְרָס דִּילָּא תַּעֲדָּא</p> <p>בְּאֲדִין עָנּוּ וְאָמְרִין קְדָם מַלְכָּא דְּי דְּנִילָּא דְּי מְרַבְּנֵי גְלוּתָּא דְּי יְהוּד לָּא שָׁם עֲלִיד [עֲלִיד] מַלְכָּא טַעַם וְעַל- אֶסֶרָּא דְּי רְשַׁמְתָּ וְזַמְנִין תְּלַתָּה בְּיוֹמָּא בְּעָא בְּעִיתָּה ...</p> <p>בְּאֲדִין מַלְכָּא אָמַר וְהִיתִּיו לְדְנִילָּא וְרַמּוּ לְגַבָּא דְּי אַרְוִיתָּא עֲנָה מַלְכָּא וְאָמַר לְדְנִילָּא אֱלֹהֵּי דְּי אַנְתָּה [אַנְתָּה] פְּלַחְלַח בְּתַדִּירָּא הוּא יִשְׁיִבְגְּדָּ:</p>
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**Introduction to source #6 #7** – Rabbi Akiva and Rabbi Chanina ben Teradiyon lived 500 years after Daniel, and a generation after the Romans destroyed the 2<sup>nd</sup> Beis Hamikdash. Even after the חרבן, the Romans continued to embitter our lives and make decrees against Torah study and Torah observance. Rabbi Akiva and Rabbi Chanina were both warned that if they were to continue to teach Torah, they would be executed mercilessly. Their decision to continue to teach Torah instead of staying home and remaining passive was obvious to them, although not at all obvious based on our first source from Sanhedrin 74b.

**.6 ברכות דף סא:**

<p><b>The Sages taught: One time, after the bar Kokheva rebellion, the evil empire of Rome decreed that Israel may not engage in the study and practice of Torah.</b></p> <p><b>Pappos ben Yehuda came and found Rabbi Akiva, who was convening assemblies in public and engaging in Torah study. Pappos said to him: Akiva, are you not afraid of the empire?</b></p> <p>Rabbi Akiva answered him: <b>I will relate a parable. To what can this be compared? It is like a fox walking along a riverbank when he sees fish gathering and fleeing from place to place.</b></p> <p>The fox said to them: <b>From what are you fleeing?</b></p> <p><b>They said to him: We are fleeing from the nets that people cast upon us.</b></p> <p><b>He said to them: Do you wish to come up onto dry land, and we will reside together just as my ancestors resided with your ancestors?</b></p> <p>The fish said to him: <b>You are the one of whom they say, he is the cleverest of animals? You are not clever; you are a fool. If we are afraid in the water, our natural habitat which gives us life, then in a habitat that causes our death, all the more so. So too, we Jews, now that we sit and engage in Torah study, about which it is written: “For that is your life, and the length of your days”, we fear the empire to this extent; if we proceed to sit idle from its study, as its abandonment is the habitat that causes our death, all the more so will we fear the empire.</b></p> <p>The Sages said: <b>Not a few days passed until they seized Rabbi Akiva and incarcerated him in prison... they were raking his flesh with iron combs, and he was reciting Shema, thereby accepting upon himself the yoke of Heaven.</b></p>	<p>תנו רבנן : פעם אחת גזרה מלכות הרשעה שלא יעסקו ישראל בתורה.</p> <p>בא פפוס בן יהודה ומצאו לרבי עקיבא שהיה מקהיל קהלות ברבים ועוסק בתורה. אמר לו : עקיבא אי אתה מתירא מפני מלכות ?</p> <p>אמר לו : אמשול לך משל, למה הדבר דומה? לשועל שהיה מהלך על גב הנהר, וראה דגים שהיו מתקבצים ממקום למקום.</p> <p>אמר להם : מפני מה אתם בורחים?</p> <p>אמרו לו : מפני רשתות שמביאין עלינו בני אדם.</p> <p>אמר להם : רצונכם שתעלו ליבשה, ונדור אני ואתם, כשם שדרו אבותי עם אבותיכם?</p> <p>אמרו לו : אתה הוא שאומרים עליך פקח שבחיות?! לא פקח אתה, אלא טפש אתה! ומה במקום חיותנו, אנו מתיראין, במקום מיתתנו על אחת כמה וכמה? אף אנחנו עכשיו שאנו יושבים ועוסקים בתורה, שכתוב בה : "כי הוא חייד וארד ימיד", כך, אם אנו הולכים ומבטלים ממנה — על אחת כמה וכמה !</p> <p>אמרו : לא היו ימים מועטים, עד שתפסוהו לרבי עקיבא ... והיו סורקים את בשרו במסרקות של</p>
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<p><b>His students said to him: Our teacher, even now, as you suffer, you recite <i>Shema</i>?</b></p> <p><b>He said to them: All my days I have been troubled by the verse: With all your soul, meaning: Even if God takes your soul. I said to myself: When will the opportunity be afforded me to fulfill this verse?</b></p> <p><b>Now that it has been afforded me, shall I not fulfill it? He prolonged his uttering of the word: One, until his soul left his body as he uttered his final word: One. A voice descended from heaven and said: Happy are you, Rabbi Akiva, that your soul left your body as you uttered: One.</b></p>	<p>ברזל, והיה מקבל עליו עול מלכות שמים.</p> <p>אמרו לו תלמידיו : רבינו, עד כאן!!</p> <p>אמר להם : כל ימי הייתי מצטער על פסוק זה "בכל נפשך" אפילו נוטל את נשמתך. אמרתי : מתי יבא לידי ואקיימנו, ועכשיו שבא לידי, לא אקיימנו?</p> <p>היה מאריך ב"אחד", עד שיצתה נשמתו ב"אחד". יצתה בת קול ואמרה : "אשריך רבי עקיבא שיצאה נשמתך באחד".</p>
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.7 עבודה זרה דף יח –

<p><b>The Sages taught: When Rabbi Yosei ben Kisma fell ill, Rabbi Hanina ben Teradyon went to visit him.</b></p> <p>Rabbi Yosei ben Kisma <b>said to him: Hanina my brother, do you not know that this nation has been given reign by a decree from Heaven? The proof is that Rome has destroyed God's Temple, and burned His Sanctuary, and killed His pious ones, and destroyed His best ones, and it still exists.</b> Evidently, all of this is by Divine decree. <b>And yet I heard about you that you sit and engage in Torah study, and convene assemblies in public, and have a Torah scroll placed in your lap?</b></p> <p><b>The Roman notables went ... and found Rabbi Hanina ben Teradyon, who was sitting and engaging in Torah study and convening assemblies in public, with a Torah scroll placed in his lap. They brought him to be sentenced, and wrapped him in the Torah scroll, and encircled him with bundles of branches, and they set fire to it. And they brought tufts of wool and soaked them in water, and placed them on his heart, so that his soul should not leave quickly...</b></p> <p><b>His students said to him: Our teacher, what do you see?</b></p> <p>Rabbi Hanina ben Teradyon <b>said to them: I see the parchment burning, but its letters are flying to the heavens</b></p>	<p>תנו רבנן כשחלה רבי יוסי בן קיסמא, הלך רבי חנינא בן תרדיון לבקרו.</p> <p>אמר לו "חנינא, אחי, אי אתה יודע שאומה זו מן השמים המליכה, שהחריבה את ביתו, ושרפה את היכלו, והרגה את חסידיו, ואבדה את טוביו, ועדיין היא קיימת, ואני שמעתי עליך שאתה יושב ועוסק בתורה ומקהיל קהלות ברבים וספר מונח לך בחיקך?"</p> <p>... והלכו כל גדולי רומי ... מצאוהו לרבי חנינא בן תרדיון שהיה יושב ועוסק בתורה ומקהיל קהלות ברבים וס"ת מונח לו בחיקו. הביאוהו וכרכוהו בס"ת והקיפוהו בחבילי זמורות והציתו בהן את האור והביאו ספוגין של צמר ושראום במים והניחום על לבו כדי שלא תצא נשמתו מהרה ...</p> <p>אמרו לו תלמידיו רבי מה אתה רואה?</p> <p>אמר להן גליון נשרפין ואותיות פורחות</p>
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**Introduction to source #8 & #9** – Here is one more source that seems to indicate that one must give up one’s life during a time of persecution, even for a מצות עשה. It is an excerpt from the מכילתא (the book of midrash halacha on Sefer Shemos), and the context is the 2<sup>nd</sup> of the 10 commandments, עבודה זרה. The Torah warns that those who serve “other gods” will be punished for 4 generations, while those who show great love for HaShem will be rewarded for thousands of generations. To whom does this second category refer? The מכילתא tells us that it refers to people less famous than Rabbi Akiva, but ones who also gave up their lives at the time of the Roman persecution in order to fulfill positive mitzvos.

8. שמות פרק כ:ד, ה - לא-תשתחווה להם, ולא תעבדם: כי אנכי ה' אלקיך, א-ל קנא--פֶקֶד עֹן אֲבֹת על-בָּנִים על-שְׁלֹשִׁים וְעַל-רִבְעִים, לְשָׁנָאִי. ה וְעָשָׂה חֶסֶד, לְאֱלֹפִים--לְאַהֲבֵי וּלְשֹׂמְרֵי מִצְוֹתַי

9. מכילתא דרבי ישמעאל יתרו –

Rabbi Nattan says: “Those who love Me and observe my mitzvos” – this refers to Jews living in Israel (during the Roman persecution) and sacrifice their lives for mitzvos.	רבי נתן אומר, “לאוהבי ולשומרי מצותי” - אלו ישראל שהם יושבין בארץ ישראל ונותנין נפשם על המצות.
“Why are you being executed?” “Because I gave my son a bris.”	מה לך יוצא ליהרג? על שמלתי את בני,
“My why are you being set on fire?” “Because I read the Torah.	מה לך יוצא לישרף? על שקראתי בתורה,
“Why are you being crucified?” Because I ate matzah.	מה לך יוצא ליצלב? על שאכלתי המצה?
“Why are you being whipped with the vine shoot?” “Because I took the lulav.”	מה לך לוקה מאפרגל? על שנטלתי את הלולב

**Summary of sources 1-9; Follow up question** – It is clear from sources 5-9 that there were קדושים who gave up their lives for positive mitzvos, choosing to not sit back like קרקע עולם, and instead actively protest the decree against the תורה. However, sources 1-4 indicated that we can remain passive like אסתר in situations of קידוש ה'. How can we resolve this contradiction? We will have 3 different answers to this question. (If you only have time for one of them, please skip to source 13, for the final answer)

**Part 4 – 3 Resolutions to the contradiction**

**Resolution #1 & Introduction to sources 10 & 11** - The simplest way to resolve this contradiction is to say that sources 1-4 teach us that one can remain passive, while sources 6-9 teach us that one is allowed to give up one’s life. The halacha leaves the choice up to you. This is in fact one view brought in Tosfos (source #10). However the Rambam (source #11) strongly argues with this approach and states that one is forbidden from giving up one’s life unless the law absolutely demands it. Thus, according to the Rambam, we will still be left with a question.

10. תוס' עבודה זרה דף כז: ד"ה

<p>If one wants to be strict upon oneself, even for the non-big 3, one is permitted, like the case brought in the Yerushalmi, where R' Abba was by a non-Jew, and the non-Jew said "Eat this non-kosher food, and if not, I will kill you." To which R Abba replied "If you want to kill me, kill me." Apparently he was being strict upon himself because this was in private.</p>	<p>ואם רצה להחמיר על עצמו אפי' בשאר מצות, רשאי, כמו ר' אבא בר זימרא דירושלמי, שהיה אצל עובד כוכבים, א"ל אכול נבלה, ואי לא, קטלינא לך, א"ל אי בעית למיקטלי קטול, ומחמיר היה, דמסתמא, בצנעא הוה.</p>
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11. רמב"ם הל' יסודי התורה ה:ד – 1100's Spain, Egypt, Israel

<p>Anyone regarding whom the law is that they must violate the Torah and not die, but chooses to die and not violate the law – such a person is held accountable by God for their own death!</p>	<p>כל מי שנאמר בו יעבור ואל יהרג, ונהרג ולא עבר, הרי זה מתחייב בנפשו,</p>
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**Resolution #2 & Introduction to source #12** – The **Ramban** (on Chumash) draws a distinction between a time of persecution and everything else. For the "Big 3" and for public עבירות like אסתר, one can and should remain passive. However, a time of persecution has its own set of rules, and these rules are stricter than the other cases, since Judaism as a religion is under attack. Then it is incumbent upon each of us to fight for Judaism, and we cannot remain passive. The context of this Ramban is the same as sources 8 & 9, discussing the "אוהבי ושומרי מצותי" who are rewarded for thousands of generations. They are the ones who risk their lives for positive מצות such as מילה, מצה & לולב during the Roman persecution, as ר' נתן explained in the מכילתא.

12. רמב"ן – שמות כ:ה – 1200's Spain & Israel

<p>We see that R' Nattan explained that love for God is being willing to die for a mitzvah.</p> <p>And even though the text is referring to avodah zara, that is because that is always a case where one must give up one's life.</p> <p>But R' Nattan expanded the idea to all mitzvot, because in a time of persecution, we are killed over all of them, based on a different passuk "Don't profane My holy name"</p>	<p>הרי פירש רבי נתן כי האהבה מסירת הנפש על המצוה.</p> <p>והכתוב ודאי על ע"ז, כי בה נתחייבנו ב"יהרג ואל יעבור" בכל הזמנים לעולם,</p> <p>אבל הרחיב הענין לכל המצות, לפי שבשעת השמד אנו נהרגין על כלן, מן הכתוב האחר "ולא תחללו את שם קדשי"</p>
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**Resolution #3 & Introduction to source #13** – The **Sefer Hachinuch** is a book which explains each of the 613 mitzvos. When he explains the mitzvah of קידוש ה' (#296) he agrees with the Rambam that a Jew should not give up his / her life when the law doesn't demand it. He also agrees with the original approach of the Nimukei Yosef that even for times of persecution, one is allowed and therefore required to remain passive and not do a positive mitzvah. So how could Rabbi Akiva and others volunteer to sacrifice their lives when they could have remained passive?? Come read his approach

<p>The Rishonim write that we only require you to give up your life for negative mitzvos, but to refrain from a positive mitzvah one should not give up one's life...</p> <p>The fact that we find stories of pious people being killed for doing positive mitzvos ... <u>this was an extra degree of piety, because they saw that the generation needed inspiration, and these were leading scholars worthy to make such a decision.</u></p> <p>But were this not the case that they were the leading scholars, they would not have been permitted to give up their lives in cases which the law does not require such measures, and God would hold them accountable.</p>	<p>וּכְתַבּוּ הַרְאוּשׁוֹנִים דְּלֹא אִמְרִינָן יִהְרַג וְאֵל יַעֲבוֹר לַעֲוֹלָם אֲלֵא לַעֲבוֹר עֲבִירָה, אֲבָל לְהַבְטִיל מִמִּצְוָה, יַעֲבוֹר וְאֵל יַעֲשֶׂה הַמִּצְוָה, וְאֵל יִהְרַג...  וּמָה שֶׁמִּצִּינוּ מַעֲשִׂים לְחֹסֵידִים הַרְאוּשׁוֹנִים שֶׁנִּהְרָגִים עַל בִּיטוּל מִצְוָה... מִדַּת חֲסִידוֹת עֲשׂוּ הֵם, וְרָאוּ שֶׁהַדּוֹר הָיָה צָרִיךְ לִכְךָ, וְהָיוּ חֲכָמִים גְּדוּלִים רְאוּיִין לִכְךָ לְהוֹרוֹת עַל זֶה.  שֶׁאֵלְמֵלֶא כֵן שֶׁהָיוּ גְּדוּלִים וְחֲכָמִים, לֹא הָיוּ רְשָׁאִין לְמַסּוֹר נַפְשָׁם לְמוֹת, שֶׁלֹּא לְכָל אָדָם יֵשׁ רְשׁוּת לִיהָרַג בְּמָה שֶׁלֹּא חַיִּיבוֹנוֹ זְכוּרוֹנָם לְבִרְכָה לִיהָרַג עֲלָיו, וְלֹא עוֹד אֲלֵא שֶׁמִּתְחַיֵּב בְּנַפְשׁוֹ הוּא.</p>
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**Summary of 3 answers of why Rabbi Akiva and his peers gave up their lives -**

1. **10) תוספות** – One is always allowed to give up one's life for a mitzvah, whether you are Rabbi Akiva or anyone
2. **12) רמב"ן** – One usually can't choose to give up one's life, but a time of persecution calls on every Jew to fight for the religion, and here alone we don't allow קרקע עולם
3. **13) ספר החינוך** – One cannot usually give up one's life, and that applies even to a time of persecution. But there is an exception for a leader who sees that his nation is in dire need of חיזוק, and he is allowed to give up his life to inspire his generation.

**Part 5 – Rav Oshry's answer** – should the people of the ghetto risk their lives to go to shul?

**Introduction to source #14** – Whenever we decide halacha, we look to the two leading poskim of the 16<sup>th</sup> century, **Rav Yosef Caro** and **Rav Moshe Isserless**. Here Rav Yosef Caro follows the Ramban (#12) – at a time of persecution, one must always give up one's life. The Rama follows the Sefer Hachinuch (#13), that one is allowed to remain passive, but if the generation needs chizuk, one may choose to give up one's life. But the Rama goes further than the Sefer Hachinuch. The Sefer Hachinuch permitted only the leaders of the generation to choose to give up their lives. The Rama allows anyone to do so, if the generation needs inspiration. This will be the basis for the final verdict of Rav Oshry.

**14. שולחן ערוך יורה דעה הלכות עבודת כוכבים סימן קנז**

<p><u>ש"ע</u> - ואם הוא שעת הגזירה ... יהרג ואל יעבור.  <u>רמ"א</u> - ודוקא אם רוצים להעבירו במצות לא תעשה, אבל אם גזרו גזרה שלא לקיים מצות עשה, אין צריך לקיימו ושיהרג. מיהו, אם השעה צריכה לכך, ורוצה ליהרג ולקיימו, הרשות בידו</p>
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**אולם להורות לאחרים הלכה למעשה שחייבים הם למסור את הנפש על תורה ותפלה בודאי שאי אפשר, ומדניאל וחבריו חנניה מישאל ועזריה שמסרו את עצמם למות על קידוש השם אין להביא ראיה כלל. דבאמת גם**

Translation – To instruct to others that they must give up their lives for minyan, certainly I cannot do that, and one cannot bring real proofs from the cases of Daniel and his peers ...

לדרוש עליו „וחי בהם ולא שימות בהם”, אבל מאידך גיסא לא אסרתי עליו לעשות כן מטעם מה שכתב הרמב"ם בפ"ה מה' יסודי התורה ה"א, שהרי כל ישראל קדושים הם ובעלי נפש שחוצבה משמי מרומים ממעלות הכי עליונות, כי מצד הדין יש להשאיר את הדבר הזה להכרעת כל אחד ואחד כפי גודל הרגשתו ומעלתו אהבתו ויראתו, ובודאי שבעל הדין והרחמים יורה לו את דרכו, דרך החיים.

Translation – But on the other hand, I did not forbid them to give up their lives ... and my verdict was to leave it up to each individual to decide, according to the level of his love and fear of HaShem ...

על התפלה למרות שידע שיטילוהו ויזרקוהו לגוב של אריות, וכן נהגו זרע קודש בני אל חי שהמשיכו לנהוג כמנהגם מקדמת דנא ללמוד ולהתפלל בצבור, וכמו שדניאל הוא מצלא ומודא קדם אלהה כל קבל די הוא עבד מן

Translation – And this is what the holy nation of the Living God did; they continued to conduct themselves exactly how they had done before this, to daven in a minyan

וגם בראש השנה של שנת תש"ג לא פחדו היהודים שהגרמנים ימ"ש ישמעו את קול השופר שהם תוקעים בשעת תפילתם לקרוע את השטן הצר המשחית מעליהם, ולא רק התכנסו בצבור להתפלל במקומות התפלה שקבעו אלא אפילו בבית החולים שבגיטו התפללו בצבור בראש השנה והיוזמים את הדבר היו דוקא הרופאים המתבוללים שלא חשו לגזירה זו בהיותם נכונים למסור את נפשם על מצות התפלה.

Translation – And even on Rosh Hashana of 5703, The Jews did not show fear that the Germans would hear the shofar that they blew to tear up the decree of this evil enemy. And it wasn't only in shuls that they gathered. Even in hospitals in the ghetto, they had minyanim, and the main organizers were the assimilated doctors, who were prepared to give up their lives for the mitzvah of davening.

**Conclusion** - The Gemara in שבת (130a) teaches us that any mitzvah for which the Jews gave up their lives, that mesirus nefesh ensures that the mitzvah will be preserved for all future generations. We see from Rav Oshry how much the Jews were ready to sacrifice for minyan during the Holocaust, and it is therefore my hope, that soon enough, when minyanim are allowed again, that we fully embrace the return to tefilla betzibur.

**Important Clarification** - To be clear, I am not promoting rushing back to minyan when there is still a health risk. That is against halacha. This shiur was limited to when an outside nation wants to eradicate the idea of minyan, and that is what Rav Oshry permitted his people to fight against. In our current crisis, we are not facing a religious battle against minyan. Rather, it is a choice between two halachik values – that of *tefilla betzibur* versus that of preserving our health. For that, the halacha is clear that our health takes precedence.

## Rabbi Ben Krinsky

### 10 for 10 – 10 Ramban's relating to the Aseres Hadobros

Moshe ben Nachman, known as the רמב"ן, is without a doubt one of the most significant figures in the history of the Jewish people. (if you don't believe me, listen to Rabbi Pruzansky's "[The Centurions 13th Century Ramban](#)"). The writings' of the רמב"ן are some of the most widely studied in Yeshivas around the world. Far be it from me to rank the significance of his works, but I will refer you to a well known story of R' Aharon Lichtenstein. R' Aharon was once asked, if he were stuck on a desert island and could only have one Torah work with him to study (although considering the vast library of Torah he had stored in his memory the questions seems a little moot) what would it be? R' Aharon answered that he would want to have the full set of רמב"ן's commentary to the Torah. רמב"ן's comments range from simple explanations of the text, to complex halachic analysis, to fundamental Jewish philosophy, to deep secrets of Kabbalah. Contained within his words are significant fundamentals of our religion. Any person who takes the time to learn his comments will walk away with a greater appreciation of Hashem and his Torah. In preparation for the acceptance of Torah, which we relive on Shavous morning, I thought it appropriate to study some of the רמב"ן's comments on and about the דברות themselves. On the following pages I have included selections from רמב"ן's commentary, with translation and some explanation. While I cannot claim that any of these are the most significant or fundamental, I can claim that they are the pieces that struck a significant chord with me. Most importantly, I hope to whet your appetite and convince you to undertake a significant study of רמב"ן's works.

The text selection has been copied from [www.sefaria.org](http://www.sefaria.org). The translations are mostly my own, using Rabbi Dr. C. B Chavel's translation as a guide. The introductions and summaries are also my own. All typos are obviously the fault of the author.

#### 1) First Things First.

רמב"ן is sometimes known as the great defender. Many of his works are written with the stated goal of defending earlier Rabbinic greats from the attacks of later Rabbis. One such work is רמב"ן's commentary to ספר המצוות רמב"ם. רמב"ן wrote his count of the 613 commandments because he felt that the רמב"ם's list of 613 was inaccurate. רמב"ן came to the רמב"ם's defense in ספר המצוות לרמב"ם. The first mitzvah that רמב"ם lists is the mitzvah to believe in Hashem. רמב"ן does not count belief as a mitzvah. For a more detailed discussion, you can and should look up רמב"ן's comments there. In his first comments to the עשרת הדברות, רמב"ן sides with רמב"ם but also subtly defends the position of רמב"ג.

<p><b>"I am Hashem your God:"</b> This statement is a positive commandment. He said "I am Hashem" teaching and commanding them to know and believe that there is a Hashem and he is their God. That is to say, he exists in the present, preceded all, from Him came everything by means of his will, and that we are obligated to serve him ...</p> <p>This mitzvah is called by our Rabbis "accepting</p>	<p>פסוק ב: אנכי ה' אלקיך הדבור הזה מצות עשה, אמר אנכי ה', יורה ויצוה אותם שידעו ויאמינו כי יש ה', והוא אלהים להם, כלומר הוה, קדמון, מאתו היה הכל בחפץ ויכולת, והוא אלהים להם, שחייבים לעבוד אותו.</p> <p>...</p>
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<p>the yoke of heaven”</p> <p>These words that I have mentioned are like a king speaking to his nation.</p> <p>As it says in Mechilta:</p> <p>Why does it say “you shall not have any other gods”? Since it says “I am Hashem your God”. A parable of a king who enters a country.</p> <p>The servants say to him “Make decrees upon us!”</p> <p>He responds “No. When you accept my sovereignty, I will issue decrees. If you don’t accept my sovereignty how will you fulfill my decrees?”</p> <p>So to Hashem said the Yisrael, “I am Hashem... you shall not have”</p> <p>I am the One whose sovereignty you accept in Egypt.</p> <p>They said “Yes”</p> <p>“Just as you have accepted My sovereignty, accept My commandments.</p> <p>Meaning after you accept Me and admit that I am your God [since Egypt], then accept My commandments</p>	<p>וזו המצוה תקרא בדברי רבותינו (ברכות יג:) קבלת מלכות שמים,</p> <p>כי המלות האלה אשר הזכרתי הם במלך כנגד העם</p> <p>וכך אמרו במכילתא (בפסוק הבא)</p> <p>לא יהיה לך אלהים אחרים על פני למה נאמר, לפי שהוא אומר אנכי ה' אלקיך, משל למלך שנכנס למדינה,</p> <p>אמרו לו עבדיו גזור עלינו גזירות,</p> <p>אמר להם לאו, כשתקבלו מלכותי אגזור עליכם גזירות, שאם מלכותי אינכם מקבלים גזירותי האיך אתם מקיימין</p> <p>כך אמר המקום לישראל אנכי ה' אלהיך לא יהיה לך, אני הוא שקבלתם מלכותי עליכם במצרים,</p> <p>אמרו לו הן,</p> <p>כשקבלתם מלכותי קבלו גזרותי,</p> <p>כלומר אחר שאתם מקבלים עליכם ומודים שאני ה' ואני אלהיכם מארץ מצרים קבלו כל מצותי:</p>
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רמב"ם in these comments clearly sides with רמב"ן, as he says at the beginning that this statement is a mitzvah. However, his explanation of the mitzvah can be used to explain the opinion of the ג"ה. The mitzvah of belief is not a mitzvah like any other mitzvah in the Torah. This mitzvah is the prerequisite for the other 612. Before you can fulfill the other 612, there must be an acceptance of Hashem as the one and only true God. This is the defense of the ג"ה, as רמב"ן explains elsewhere. ג"ה absolutely believes that one must believe in Hashem. However, he believes that this prerequisite is not a commandment. It precedes all commandments, for without it any commandment is worthless.

Even though רמב"ן understands that belief in Hashem is a mitzvah, it is still a precondition to all the other mitzvos. If I don't shake a lulav on Succos I can still fulfill the mitzvah of matzah on Pesach. However, if I don't believe in Hashem, I can't fulfill any mitzvos whatsoever. If you don't believe in Hashem, explains רמב"ן, then there is no true fulfilling of his

decrees. Doing mitzvos because you want to is not service to Hashem, only doing them because you accept the yoke of heaven is. If you aren't doing the mitzvos because you believe in Hashem and you want to serve Him, then you are truly fulfilling them.

## 2) Why Mention Egypt Now?

While it is true that Hashem has had a long standing relationship with Bnei Yisrael, beginning from the time of Avraham, He has never actually spoken directly to most of the nation. To start His first (and only) speech to the entire nation, Hashem introduces himself. It's like when you meet your great aunt for the first time. Even though you know who she is, she is still going to say something like "Hi, I'm Aunt Greta, you grandfather's older sister", or if she wants you to like her she might say something like "Hi, I'm Aunt Greta, the one who gave you \$100 for your last birthday." (No I don't have an Aunt Greta. I chose a name from a Google list).

There are many ways that Hashem could have introduced himself. He could have said that He is the God who created the world, or that He is the God of our forefathers (both of which He says in other places). He could also have not added anything and just said, "I am Hashem". So why specifically here does Hashem feel the need to remind us that He is the one who took us out of Egypt? רמב"ן explains exactly why Hashem chose this point and how that affects the commandment in which it appears.

(These comments are actually the ones that were replaced with the ellipses in the first section **First Things First**. I split them out to talk about them separately)

<p>It says "Who took you out of the land of Egypt," because the taking from there teaches</p> <p>1) the existence and will [of Hashem], because it was with His knowledge and providence we left there,</p> <p>2) and to teach about the newness, (meaning that God has the power to change the rules of the world) because if the world preceded [Him] its nature would never change</p> <p>3) and to teach you about what He can do,</p> <p>4) and what he can do which will teach you about His uniqueness,</p> <p>like it says [Shmot 9:14], "so that you will know that there is no one like Me in all the land."</p> <p>And this is the reason for [the phrase] "Who took you out" - for they know of and bear witness to all of these [ideas.]</p>	<p>ואמר אשר הוצאתיך מארץ מצרים, כי הוצאתם משם תורה על</p> <p>המציאות ועל החפץ, כי בידיעה ובהשגחה ממנו יצאנו משם,</p> <p>וגם תורה על החדוש, כי עם קדמות העולם לא ישתנה דבר מטבעו,</p> <p>ותורה על היכולת,</p> <p>והיכולת תורה על הייחוד,</p> <p>כמו שאמר (לעיל ט יד) בעבור תדע כי אין כמוני בכל הארץ.</p> <p>וזה טעם אשר הוצאתיך, כי הם היודעים ועדים בכל אלה:</p>
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If Hashem wanted to tell us that He is the most powerful, He would have said that He is the God who created the world. If He wanted to tell us that we have a relationship then He would've said that He is the God of Avraham, Yitzchak and Yaakov. But that wasn't what Hashem was going for. What He wanted to say was that he is the one true power, and the only power that is worth worshipping. As רמב"ן explains earlier in his commentary (a worthwhile read in its own right), the point of the plagues was not just to destroy Egypt and free Bnei Yisrael. In fact, the plagues had an educational goal. What Hashem demonstrated was His multilayered power. In theory, there could have been one god who created the world and a totally different one who ran it. Think of the world as a car. The scientists and engineers who build your car aren't the same ones who maintain it; that would be your mechanic. During the 10 plagues Hashem demonstrated that He was both of those powers, the Creator and the Maintainer. When those two are put together, says רמב"ן, the realization that Hashem is the only true power in the universe becomes quite clear. Hashem wasn't just doing this to teach these facts to the Egyptians. He was teaching His people as well. Remember what was done in Egypt. Bnei Yisrael witnessed it. We saw it. He is the only one who can truly do and accomplish all. There is no pantheon, there are no other forces, there is only Hashem. That is the basis of our אמונה.

### 3) You Talking to Me?

One of the most significant aspects of the giving of the Torah was that it was given to the entire people. The fact that there was a mass revelation is one of the ultimate proofs to the truth of the Torah. However, if Hashem was speaking to the entire nation, why are the people addressed in the singular? רמב"ן uses this grammatical point to explain an individual responsibility.

(These comments of the רמב"ן are the end of the ד"ה quoted in 1. Again I split them off to discuss separately)

<p>All the commandments are in the singular "Hashem your God that took you out"</p> <p>And not like it started "you saw etc. and you heard"</p> <p>[This is] To warn that every individual will be punished for [violating] the commandments. He is speaking with everyone, everyone is commanded that he should not think that He will judge accordingly to the majority and the individual will be saved with them.</p> <p>This idea is explained by Moshe at the end of the Torah in parshas Netzvim</p>	<p>ונאמרו כל הדברות כלן בלשון יחיד "ה אלקיך אשר הוצאתיך", ולא כאשר התחיל להם אתם ראיתם וגו', אם שמע תשמעו (לעיל יט ד ה)" להזהיר כי כל יחיד מהם יענש על המצות, כי עם כל אחד ידבר, ולכל אחד יצוה שלא יחשבו כי אחר הרוב ילך והיחיד ינצל עמהם  ויבאר להם משה זאת הכוונה בסוף התורה בפרשת אתם נצבים</p>
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Hashem phrases each sentence in the singular to demonstrate that He is not speaking to a group of people, but rather to one person millions of times. רמב"ן explains that Hashem is trying to warn us away from hiding behind the righteousness of our community. While it is true that we believe in the power of the ציבור, that does not exempt each person from their individual obligations. Let's imagine, for example, a basketball team. The coach would not expect every player to be a dead eye shooter, prodigious scorer and dominant defender. Rather, he would likely task some

players to lead in scoring, some to carry the defense and some to get all the rebounds. However, he would still expect the entire team to play offense and defense. No successful team has players who are allowed to say “I play offense not defense” or vice versa. They are allowed to focus most of their talents on one or the other but are not allowed to ignore a whole facet of the game. The same is true for our community. While not everyone is expected to give millions of dollars to help support those in need, everyone is expected to contribute something. Similarly, not everyone is expected to spend the whole day immersed in Torah study, but everyone is still obligated to learn some Torah. It is an easy trap to fall into. Hashem is warning us implicitly as Moshe does explicitly in Parshas Netzavim. Parshas Netzavim follows the conclusion of the blessings and curses that appear in Parshas Ki Tavo. The ברכות are communal rewards while the curses are communal punishments. Moshe Rabbenu warns the people not to feel that as long as they live in a righteous community, they will be spared punishments. Moshe reminds us that if we violate Hashem’s will we will be punished as we deserve. Our judgment is personal, between each individual person and Hashem. As we say in our davening on Rosh Hashana and Yom Kippur:

וְכָל בְּאֵי עוֹלָם יַעֲבְרוּן לְפָנֶיךָ כְּבָנֵי מְרוֹן. כְּבִקְרַת רוּעָה עֲדְרוּ. מֵעֵבִיר צֹאנוּ תַּחַת שִׁבְטוֹ. כֵּן תַּעֲבִיר וְתִסְפֵּר וְתִמְנֶה. וְתִפְקֹד נַפְשׁ כָּל חַי.

*All mankind passes before You like young sheep. As a shepherd inspects his flock, making his sheep pass under his rod, so do You cause to pass, count, number, and review the soul of every living being,*

We should never think that since the community gives tzedaka, I don’t have to donate. If the community has wonderful attendance at shiurim, I don’t have to go. The community has beautiful tefilos, I don't have to participate. That is not how the Torah works. I still have personal obligations, responsibilities and requirements. This, however, should not be seen as a burden. We were each privileged to be spoken to individually by Hashem. Hashem charged each and every man and woman when he spoke directly to us. Therefore, we all have a personal mission from God to improve ourselves and the world around us.

#### 4) Who Said That?

A careful read of the pesukim shows an interesting shift of speaker over the course of the commandments. The first 2 commandments are in the first person, *עַל-פְּנֵי ה', אֲנִכִּי ה', I am Hashem, upon my face* etc. However the latter commandments are in the third person, *לֹא תִשָּׂא אֶת-שֵׁם ה' אֱלֹהֶיךָ*, do not take the name of Hashem your God. If Hashem was speaking the whole time, shouldn’t it be don’t take *My* name? רמב"ן uses this grammatical anomaly to show a significant point of history.

(these comments of the רמב"ן appear at the end of the 3rd commandment)

<p>The language of the pasuk, “the name of Hashem your God” makes it seem as if Moshe is speaking, and similarly the rest of the commandments.</p> <p>In the first two pesukim Hashem is speaking. “I ... that I took you out ... before Me ... because I ... to the keeper of the My commandments.”</p> <p>Because of this our Rabbis said that the “I am” and “You shall not have” (i.e. the first two commandments) were heard from the mouth of God for they are the source of everything</p>	<p>פסוק ז: והנה לשון הכתוב הזה את שם ה' אלקיך, כאלו משה ידבר, וכן בכל הדברות אחרי כן,</p> <p>ובשנים הפסוקים הראשונים השם ידבר אנכי, אשר הוצאתיך, על פני, כי אנכי, לאוהבי ולשומרי מצותי</p>
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<p>...</p> <p>I will explain to you the tradition of our rabbis.</p> <p>Certainly all 10 commandments were heard by Yisrael from the mouth of God like the simple understanding of the pasuk.</p> <p>However, the first 2 were heard the words and understood as they would understand from Moshe, like a master speaking to his servant ...</p> <p>From there, for the rest of the commandments, they heard the sound of the words but could not understand them and therefore needed Moshe to translate every word for them until they understood from Moshe. ...</p> <p>The reason for this is that they should all be prophets [on the issues of] belief in Hashem and the prohibition of idolatry, since they are the foundation of the Torah and the mitzvos.</p> <p>...</p> <p>However, the rest of the commandments they received the explanation from Moshe after having heard a voice of words, while all the other [603] mitzvot they believed Moshe completely.</p>	<p>ומפני זה אמרו רבותינו ז"ל (מכות כד.) אנכי ולא יהיה לך מפי הגבורה שמענום, שהם עיקר הכל.</p> <p>...</p> <p>ואני אפרש לך קבלת רבותינו  בודאי שכל עשרת הדברות שמעו כל ישראל מפי  אלקים כפשוטו של כתוב,  אבל בשני הדברות הראשונות היו שומעים הדבור  ומבינים אותו ממנו כאשר יבין אותם משה, ועל כן ידבר  עמהם כאשר ידבר האדון אל עבדו, ...</p> <p>ומכאן ואילך בשאר הדברות ישמעו קול הדבור ולא  יבינו אותו, ויצטרך משה לתרגם להם כל דבור ודבור  עד שיבינו אותו ממש... ..</p> <p>והכונה היתה בזה כדי שיהיו כלם נביאים באמונת ה'  ובאיסור ע"ז, כאשר פירשתי (שם ט), לפי שהם העיקר  לכל התורה והמצות, ...</p> <p>אבל בשאר הדברות יקבלו מפי משה ביאורן עם  שמיעתם קול הדברים, ובשאר המצות יאמינו במשה  בכל:</p>
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The Gemara in מסכת מכות explains how we know that there are 613 mitzvot. As part of the calculation the Gemara says that we heard 2 mitzvot from Hashem and the rest from Moshe. The Gemara knows this since the first 2 commandments are in the first person while the rest is in the third person. However, as the רמב"ן points out, this is against other pesukim which say that Hashem said all 10.

In order to really understand what רמב"ן says we need to take a quick detour into prophecy. Not everyone is worthy of having Hashem speak to them directly. For the most part if Hashem wants to tell you something he sends a prophet. מתן תורה was different. Even though not everyone was necessarily worthy, every single member of am Yisrael received

prophecy. However, they only received the necessary amount, and nothing more. רמב"ן explains that what was required for the first 2 was more than the latter 8. For the first 2 commandments it was necessary to hear and comprehend the entire commandment. As we explained earlier (**in First Things First**) the first commandment is the prerequisite to the entire Torah. Therefore every single person needed to hear and understand what Hashem was saying. The same is true for the second commandment, not to commit idolatry. (רמב"ן elaborates more in pieces not quoted here). For the other 8 commandments, Hashem accomplished the goal of having them be part of the 10 by saying the words, even though only Moshe understood what they meant. For the other 8, it was as if the people heard a foreign language. They knew words were being spoken but did not know what they meant. Therefore Moshe had to repeat them, and that is the way it is recorded in the Chumash. (For an explanation of why these other 8 were also included see the last piece **Are You Sure That These are the Ones You Want?**)

This idea emphasizes what רמב"ן said earlier about the importance of belief in Hashem in relation to the other mitzvot. Without belief the whole rest of the Torah loses meaning. If there is a thought that other powers can override the will of Hashem, then the whole rest of the Torah cannot be understood. Only once you have the first two commandments can the rest of Torah be made clear.

### 5) What Did it Say?

When Moshe retells the story of מתן תורה in Sefer Devarim there are some changes made to the text of the דברות. The most famous of these changes is the first word of the mitzvah to keep Shabbos. The Gemara explains that each set, from Shemos and from Devarim were said by Hashem simultaneously. Hashem uttered both sets of words in a way that is impossible for any human to do. But what was written on the luchos? When Moshe came down with the two tablets what was written on them? רמב"ן suggest what he believes to be the case.

<p>Here it says "Remember the Shabbos and sanctify it", while in Sefer Devarim it says "Guard the Shabbos and sanctify it"</p> <p>Our Rabbis explained that Remember and Guard were said with one utterance</p> <p>...</p> <p>It is possible that the first and second tablets said "Remember", and Moshe explained to Yisrael that Guard was said with it.</p>	<p>פסוק ח: ואמר זכור את יום השבת לקדשו ובמשנה תורה (דברים ה יב) כתוב שמור את יום השבת לקדשו. ורבתינו אמרו בזה (ר"ה כז.) זכור ושמור בדבור אחד נאמרו</p> <p>...</p> <p>ויתכן שהיה בלוחות הראשונות ובשניות כתוב זכור, ומשה פירש לישראל כי שמור נאמר עמו.</p>
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While there is no way to know for sure exactly how the הלוחות were written without having ever seen them, the רמב"ן posits a logical hypothesis. The luchos said זכור not שמור. The רמב"ן doesn't explain his reason, however, I believe that this is based on something the רמב"ן explains later on (**Yah but Which is Better**). רמב"ן believes that positive commandments are greater than negative ones, therefore it would make sense, given the need to write only one, that Hashem would choose זכור.

## 6) Yah but Which is Better?

Shabbos has two mitzvahs attached to it, one positive and one negative, one do and one don't. In an extremely important piece, רמב"ן uses this as a springboard to explain the relationship between the positive and negative commandments in general.

(These comments of the רמב"ן are the end of the ד"ה quoted in 5. I split them off to emphasize the point)

<p>The attribute of "remembering" is alluded in a positive commandment.</p> <p>This stems from the attribute of love and that of mercy.</p> <p>Because when one does the commandments of the master he loves that will lead his master to have mercy upon him</p> <p>The attribute of "guarding" is a negative commandment, which stems from the attribute of justice which and that of fear.</p> <p>Because when one guards himself against doing an something that is evil in the eyes of his master he does so because he is afraid of him</p> <p>Because of this positive commandments are greater than negative commandments, like love is greater than fear.</p> <p>For when someone keeps and does his master's will with his body and money, he is greater than someone who guards himself from doing something evil in his [masters] eyes.</p> <p>This is the reason that we say positive commandments override negative commandments.</p> <p>And because of this the punishment of negative commandments is greater.</p>	<p>כי מדת זכור רמזו במצות עשה,</p> <p>והוא היוצא ממדת האהבה והוא למדת הרחמים,</p> <p>כי העושה מצות אדוניו אהוב לו ואדוניו מרחם עליו,</p> <p>ומדת שמור במצות לא תעשה, והוא למדת הדין ויוצא ממדת היראה,</p> <p>כי הנשמר מעשות דבר הרע בעיני אדוניו ירא אותו,</p> <p>ולכן מצות עשה גדולה ממצות לא תעשה, כמו שהאהבה גדולה מהיראה,</p> <p>כי המקיים ועושה בגופו ובממונו רצון אדוניו הוא גדול מהנשמר מעשות הרע בעיניו,</p> <p>ולכך אמרו דאתי עשה ודחי לא תעשה,</p> <p>מפני זה יהיה העונש במצות לא תעשה גדול</p>
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There are two motivations to do something, because you want to or because you are afraid not to. In the realm of mitzvos these are the categories of אהבת ה', love of Hashem, and יראת ה', fear of Hashem. רמב"ן explains that the reason that in truth, fear is the main motivator not to do something, while love is the motivator to do something. As a result when we refrain from an action because of a mitzvah that is an expression of our fear of Hashem, but when we do an action it is an expression of our love of Hashem. Imagine two teachers. The first is feared by the students. Everyone refrains from talking for fear of reprisal, but no one is really interested in what the teacher has to say either. The second teacher is beloved by the students. Everyone focuses and does their work because of the relationship with the teacher. The same is true in our relationship with Hashem. We are afraid of Him so we don't violate his will, and we love him so we perform the actions that He wants of us.

Based on Chazal's idea that serving Hashem through love is greater than serving through fear, we can conclude that fulfilling mitzvos aseh is greater than mitzvos lo saseh. The רמב"ן suggests that this idea is the philosophical underpinning of a known halakhic concept of עשה דחה לא תעשה, a positive mitzvah overrides a negative mitzvah. רמב"ן is not suggesting that anytime we have a choice we should always choose the positive mitzvah over the negative one. There are strict parameters as to the application of this rule. Nor is רמב"ן suggesting that we could have derived this rule on our own. After all the mishna in Pirkei Avos (ב:א) tells us

הוֹי זְהִיר בְּמִצְוֹת קֶלֶה כְּבִחְמוּרָה, שְׂאִין אֶתָּה יוֹדֵעַ מִתֵּן שְׂכָרְךָ שֶׁל מִצְוֹת, be careful with lighter mitzvos like the graver ones, since we don't know the reward for mitzvos. What רמב"ן is saying is that once we learn this rule from a derasha (see first perek of יבמות) we can explain the rationale behind it.

## 7) Shabbos Every Day

Shabbos is only one day a week. While we may prepare for it during the week, the actual observance is only in that specific 25 hour period from candle lighting to havdalah. And yet Shabbos is everyday of the week. In Hebrew there are no names of days like there are in English. Rather, we just count the days in relationship to Shabbos. Why do we do that? רמב"ן answers by explaining the fundamental underpinnings of Shabbos.

(These comments of the רמב"ן are the end of the ד"ה quoted in 5. Again, I split them off to emphasize the point)

<p>The simple explanation, they explained that there is a mitzvah to remember Shabbos everyday, that we not forget it, nor exchange it with other days,</p> <p>Because when we remember it, we will always remember creation, and admit at all times that there is a creator, and he commanded us in the sign</p> <p>...</p> <p>In the Mechilta R' Yitzchak says</p> <p>"Do not count like others count, but rather count with reference to shabbos."</p> <p>The explanation is that the non-Jew count the</p>	<p>ועל דרך הפשט אמרו (במכילתא כאן) שהיא מצוה שנזכור תמיד בכל יום את השבת שלא נשכחה ולא יתחלף לנו בשאר הימים,</p> <p>כי בזכרנו אותו תמיד יזכור מעשה בראשית בכל עת, ונודה בכל עת שיש לעולם בורא, והוא צוה אותנו באות הַזֶּה</p> <p>...</p> <p>ובמכילתא (כאן) רבי יצחק אומר,</p> <p>לא תהא מונה כדרך שהאחרים מונים, אלא תהא מונה לשם שבת.</p>
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<p>days of the week, for themselves with a name for each day, or with a name based on heavenly bodies, like the Christians, or whatever name they give them.</p> <p>Yisrael counts all the days with reference to Shabbos, the first day since shabbos, the second day since shabbos, this is part of the mitzvah of to remember it every day.</p>	<p>ופירושה, שהגוים מונין ימי השבוע לשם הימים עצמן, יקראו לכל יום שם בפני עצמו, או על שמות המשרתים, כנוצרים, או שמות אחרים שיקראו להם,</p> <p>וישראל מונים כל הימים לשם שבת, אחד בשבת, שני בשבת, כי זו מן המצוה שנצטוינו בו לזכרו תמיד בכל יום.</p>
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רמב"ן explains that the Torah specifically says to remember Shabbos, not just keep or sanctify it. Shabbos is meant to remind us that Hashem created the world. This fact isn't just something that we need to remember only once a week. This is a fact that we should remember always. Therefore, we need to have some aspect of Shabbos every day of the week. רמב"ן quotes one simple way that we can accomplish this. By naming our weekdays by their relationship with Shabbos, we remind ourselves of Shabbos, and by extension that Hashem created the universe every time we reference a day of the week. In fact, when we say the שיר של יום at the end of davening we fulfill the mitzvah of remembering Shabbos.

### 8) Why Do I Have to Do This Again?

When Hashem explains the mitzvah of Shabbos in the first דברות, He says that it is to remember the creation of the world. On the other hand, in the second דברות, the reason is to remember leaving Egypt. Which is it? The רמב"ן teaches us about the true nature of Shabbos, which is something we should think about when we observe it.

(These comments of רמב"ן appear in Sefer Devarim in his comments to second version of the דברות)

<p>Rather it is a remembrance to the creation of the world, that we rest on the day that Hashem rested.</p> <p>It is more fitting to say that since the exodus from Egypt teaches of the eternal God, who creates through his will, and is all powerful, as I explained in the first commandment. Therefore, if there should arise any doubt concerning Shabbos which teaches of the creation through his will and his all powerfulness, remember what you saw with your own eyes at the exodus from Egypt, and this shall be a proof and a reminder.</p> <p>Therefore Shabbos reminds us of the exodus, and the exodus is a reminder of Shabbos.</p> <p>Because when we remember it and they shall say "it is Hashem who makes new signs and wonders</p>	<p>דברים ה:טו: אבל יהיה בו זכר למעשה בראשית שנשבות ביום ששבת השם וינפש</p> <p>והראוי יותר לומר כי בעבור היות יציאת מצרים מורה על אלוך קדמון מחדש חפץ ויכול כאשר פירשתי בדבור הראשון (שם שם ב)</p> <p>על כן אמר בכאן אם יעלה בלבך ספק על השבת המורה על החדוש והחפץ והיכולת תזכור מה שראו עיניך ביציאת מצרים שהיא לך לראיה ולזכר</p> <p>הנה השבת זכר ליציאת מצרים ויציאת מצרים זכר לשבת</p> <p>כי יזכרו בו ויאמרו השם הוא מחדש בכל אותות ומופתים ועושה בכל כרצונו כי הוא אשר ברא הכל</p>
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<p>and does everything according to his will, because he is the one who created all is the ...</p> <p>And he explained to them that because of the exodus from Egypt they know that He was the one who said and created the world and then rested.</p> <p>And in truth we can add that this commandment of "Guard" is to fear His honorable, and awesome Name. Because of this we are commanded to remember the strong hand and outstretched arm that we saw in Egypt, and because of this we feared as it says "and Yisrael saw the great hand that Hashem had done to Egypt and the nation feared Hashem"</p>	<p>במעשה בראשית ...</p> <p>ובאר להם כי מיציאת מצרים ידעו שהוא אמר והיה העולם ושבת ממנו</p> <p>ועל דרך האמת נוכל עוד להוסיף בזה כי הדבור הזה בשמור ליראה את השם הנכבד והנורא ועל כן יצונו שנזכור את היד החזקה והזרוע הנטויה שראינו ביציאת מצרים וממנו לנו היראה כמו שאמר (שם יד לא) וירא ישראל את היד הגדולה אשר עשה ה' במצרים וייראו העם את ה'</p>
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רמב"ן explains that the main purpose of Shabbos is to remind us that just as Hashem created the world. The problem is that we weren't there and can't really remember it. We can know that it is true through education, but not personal experience. However, we were there when he took us out of Egypt. Therefore, Hashem told us to remember leaving Egypt, and use that as a tool to realize that He was the one who created the world. This is the same reason that Hashem introduces himself in the first commandment as the God who took us out of Egypt, not the God of creation. Creation was the true testament to His power. But we weren't there. So we use leaving Egypt as a stand-in to help us realize and understand Hashem's true power. At the end of the piece רמב"ן also adds that if we remember Egypt then we will also fear Hashem. Since the 2nd version contains the negative commandment, it is therefore linked to our commandment to fear Hashem (see earlier **Yah but Which is Better**). Therefore if we remember the way that Hashem destroyed Egypt because they disobeyed His will, we will also come to fear Hashem.

### 9) You Haven't Forgotten, Have You?

Following davening in most standard editions of the siddur is a list of the שש זכירות, the 6 remembrances. On the list is the requirement to remember the giving of the Torah. This, at first glance, seems a little strange. Isn't the important thing the Torah itself? Why do I need to remember the event of the giving of the Torah also? (this selection from the רמב"ן is not taken from his comments to the דברות. It is taken from the introduction Moshe gives before he retells them in Sefer Devarim)

<p>And now, before he mentions the commandments that were said there</p> <p>he warns them of a negative commandment not to forget the revelation itself and never remove it from our hearts.</p> <p>And he commanded us in a positive command to</p>	<p>דברים ד:ט והנה, קודם שיזכיר הדברות שנאמרו שם,</p> <p>הזהיר במצות לא תעשה שלא נשכח דבר מן המעמד, הוא ולא נסירה מלבנו לעולם,</p> <p>וצוה במצות עשה שנודיע בו לכל זרענו מדור לדור כל</p>
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<p>inform our children about it for every generation about everything that was there, the sights and the sounds.</p> <p>The purpose of this mitzvah is vitally important, because if the Torah came to us from Moshe alone, even though his prophecy is believed by us because of signs and miracles,</p> <p>if a prophet or seer comes and commands us the opposite and also gives us a sign or miracle there will be a doubt in the hearts of people</p> <p>But since the Torah came to us directly from the mouth of Hashem to our ears and we saw the signs with our eyes without any middleman, we can contradict all arguers and doubters and declare him to be false.</p> <p>...</p> <p>Because we will not testify falsely to our children nor cause them to inherit worthlessness</p> <p>and they will have no doubt of the testimony that we give them and they will believe with certainty that we saw with our own eyes what we explained to them</p>	<p>מה שהיה שם בראיה ובשמיעה.</p> <p>והתועלת במצוה הזאת גדולה מאד,</p> <p>שאם היו דברי התורה באים אלינו מפי משה בלבד, אע"פ שנבואתו נתאמתה באותות ובמופתים,</p> <p>אם יקום בקרבנו נביא או חולם חלום ויצונו בהפך מן התורה ונתן אלינו אות או מופת יכנס ספק בלב האנשים;</p> <p>אבל כשתגיע אלינו התורה מפי הגבורה לאזנינו ועינינו הרואות אין שם אמצעי, נכחיש כל חולק וכל מספק, ונשקר אותו, ...</p> <p>כי לא נעיד שקר לבנינו ולא ננחיל אותם דבר הבל ואין בם מועיל,</p> <p>והם לא יסתפקו כלל בעדותנו שנעיד להם אבל יאמינו בודאי שראינו כולנו בעינינו וכל מה שספרנו להם.</p>
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The event at הר סיני was of monumental importance, not only because we received the Torah. The number of mitzvos that we heard was relatively small if you compare it to the greater corpus of Torah law. רמב"ן explains that what was truly important was the experience of hearing Hashem speak. Most people are not worthy of receiving prophecy, of having a direct clear communication with Hashem. For us to hear Hashem in our daily lives takes effort. However there was one time in history when this was not the case, and that was at הר סיני. When Hashem revealed Himself and spoke to every single member of the nation, it proved for all eternity to the truth of His Torah. Once that event occurred, it became an historical fact that there was a God and that He chose the Jewish people. It is no longer deniable. Therefore the event must be remembered and passed on to every generation so that we will always know the truth.

## 10) Are You Sure That These are the Ones You Want?

The Gemara in מסכת ברכות says that there was a practice to recite the עשרת הדברות daily. However, the Rabbis nullified this practice when they realized that some people thought that these 10 mitzvos were more important than the other mitzvos of the Torah. It is clear from this Gemara that these mitzvos are not more important than any other mitzvos. If that is the case, what was the point of having 10 commandments in the first place?

(These comments of רמב"ן are taken from the beginning of Parshas Terumah)

When Hashem spoke the 10 commandments to Yisrael face to face, and commanded them through Moshe some mitzvos which are general principles of the Torah - like the Rabbinic practice with converts who come to become Jewish - and Yisrael accepted upon themselves to fulfill all that they were commanded through Moshe and establish a covenant with each other	כאשר דבר השם עם ישראל פנים בפנים עשרת הדברות, וצוה אותם על ידי משה קצת מצוות שהם כמו אבות למצויותיה של תורה, כאשר הנהיגו רבותינו עם הגרים שבאים להתייחד וישראל קבלו עליהם לעשות כל מה שיצוהם על ידו של משה, וכרת עמם ברית על כל זה
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רמב"ן subtly references 2 statements of Chazal to explain why these 10 commandments. First he says that they are the general principles of the Torah. רמב"ן is referencing the midrash that Rashi quotes that each of the 10 is really a category into which every single one of the rest of the mitzvos can be placed. While the midrash does not explain the exact breakdown, many different works have been written to figure it out. In fact רמב"ן himself wrote a work called תרי"ג מצוות, in which he explains how every mitzvah fits into one of the categories. רמב"ן also references the halachos of conversion. The Gemara in יבמות מסכת says that when someone comes to convert we start by teaching them *some easy mitzvos and some hard mitzvos*. Once the convert learns these mitzvos he can then join the covenant with Hashem. It seems that this is exactly what happened at הר סיני. Hashem wanted to make a covenant with the people, so he followed the rules and told the people some hard mitzvos and some easy mitzvos (although you can for sure debate which mitzvos fall into which category).