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Dedicated in memory of Nachum Inlender

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Nitzachon

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ראש וראשון

- RABBI DOVID REVAH: *The Menora and the Forgetfulness of Triumph*
..... p. 19
- RABBI PINI DUNNER: **Guest Contributor** *Yom Kippur and the Power of Collective Aspiration*
..... p. 23

שפתי ישנים

- RABBI SIMON DOLGIN ZT”L: *Seeing The Voices*
..... p. 31

ROSH HASHANA

- RABBI YAAKOV SIEGEL: *What’s Wrong with the Most Elegant Answer to the Age of the Universe Question?*
..... p. 37
- MENDY MILLMAN: *The Yom Tov of Rosh Hashana: A Day of Terua (Blowing)*
..... p. 51
- EVAN SILVER: *The Importance of the Chazan*
..... p. 55
- ELI SNYDER: *Who am I?*
..... p. 61
- DANIEL MARGOLIES: *A Clever High Holiday Hack*
..... p. 65
- YONI TUCHMAN: *Lord of the Flies: Killing Flies on Yom Tov and the Limits of Ochel Nefesh*
..... p. 71

YOM KIPPUR

- RABBI PINCHAS GELB: *Teshuva and the Capacity for Human Progress*
..... p. 81
- SARAH PACHTER: *I Know a Great Dry Cleaner*
..... p. 87
- DAVID R. SCHWARCZ: *Repentance: Spiritual Makeover vs. Spiritual Rebirth*
..... p. 91
- ROBERT MILLMAN: *The Necklace*
..... p. 101
- YAAKOV RICH: *The Second Day of Yom Kippur*
..... p. 105

CHANUKA

DR. RON NAGEL: <i>Maoz Tzur, Pach Shemen & the Miracle of the Six-Day War</i>	p. 115
---	--------

HALACHA AND MACHSHAVA

RABBI AVNER SHAPIRO: <i>The "Issur" To Eat Without A Bracha</i>	p. 123
MOSHE AND OREN NEIMAN: <i>Guiding the Perplexed: Understanding how the Rambam Could Omit Living in the Land of Israel from his Sefer Hamitzvos</i>	p. 131
LEIGH GREENBERG: <i>Ivri: The Shem-Ever-Avraham Connection</i>	p. 137
ADIV PACHTER: <i>The Power of Kedushas Shabbos on our Daily Lives</i>	p. 141
ZAC GRODZINSKI: <i>Targum MiSinai: History or Ideology?</i>	p. 145
STEPHEN KIRSCHENBAUM: <i>The Power of Music Nowadays in Thought and Practice</i>	p. 155
ISAAC KLEINMAN: <i>Hungry? Why Wait?</i>	p. 163
DR. DANIEL WOHLGELERNTER: <i>Chazaras HaShatz: Is Anyone Listening?</i>	p. 175

Editors' Preface

חש בראשו יעסוק בתורה. חש בגרונו יעסוק בתורה. חש בכל גופו יעסוק בתורה.
If your head is sore, study Torah. If your throat is sore, study Torah. If your whole body is sore, study Torah. (Eruvin 54a)

Our pained *kehilla* is sore from crying over the loss of two of our beloved members, Howard Madris and Ben Grossman, *aleihem hashalom*, who were taken from us this summer. Two fathers, role models, friends, husbands, *mevakshei Hashem*, who accomplished so much over their short lives – and could have accomplished so much more. To honor their memory as a community, we can increase the *chesed* that we do to one another. *L'ilui nishmasam*, we can improve our *tefilos* and our connection to Hashem. And in their *zechus*, we can learn Torah together.

We also mourn the *petira* of Mr. Nachum Inlender *alav hashalom*, a truly beloved father and grandfather who was taken from his family far too soon. He relished his role as patriarch and grandfather, and got to experience real *yiddishe nachas*, imparting so much to his family in the short time he was given in that role.

We are dedicating to Howard, Ben and Mr. Inlender, all of our community's *limud Hatorah* that surrounds this volume of *Nitzachon* – the writing, the reading, and the *pilpul chavairim*. We *daven* to Hashem that these *zechuyos* bring *chizuk* and *nechama* to their families.

Toras Hashem temima, meshivas nafesh, may the pure Torah that we learn together console and comfort all of us mourning the loss of our dear friends.

Michael Kleinman

Yaakov Siegel

Yaakov Rich

**This edition of *Nitzachon* is dedicated *l'iluyi nishmat*
Nachum ben Aryeh (Leon) Inlender
29 Tamuz 5708 – 16 Marcheshvan 5777**

My *abba*, Nachum Inlender, was taken away from this world at the young age of 68. He was born to Holocaust survivors in a displaced persons camp in Austria on August 5, 1948. My *sabba* (originally from Zamosc, Poland) and *savta* (originally from Tomaszow-Lubelski, Poland), then moved with their baby son to Herzlyia, Israel in 1949, where my father was raised in a one-bedroom house with a chicken coop in the backyard.

Having grown up poor to parents who were all too familiar with war, and after having fought in the Six-Day War of 1967, my father made his way to Los Angeles, where he had relatives living in the San Fernando Valley. He would go on to study business at California State University Northridge, and end up an entrepreneur in many industries – from computer parts, to a stint as a kiosk and gift shop owner, but mainly real estate. He loved being his own boss and was never too busy for anyone.

Most of all, my father loved life. The *mishna* in *Pirkei Avos* states: *Ezeihu ashir? Hasameah B'helko* – Who is rich? He who is

happy with what he has. According to the simple meaning of this text, my father was the richest man on earth. His infectious smile and boisterous greetings were a sight not to be missed. I remember as a child him always reminding me “don’t worry, be happy.” I always look back at the very beginning of my wedding video, and him saying “My son is getting married” with that huge smile and excitement in his eyes. Indeed,



anyone who ever met my father, would walk away from the experience feeling happier than before they met him.

Relationships with family and friends were of paramount importance to my father. Before Shabbat every week, he would have a huge list of people who he would call to wish them a Shabbat Shalom. Without fail, he would call friends – old and new, family – near and distant. For those not lucky enough to be on his Shabbat call list, there was a Rosh Hashana and Pesah list as well. Those lists were even longer than the Shabbat ones and would extend his reach even further.

The truth is, however, I could never appreciate the amazing father who had raised me until I had children of my own. His uncompromising love and affection for my wife, Rachel, and our three children, Rimmon, Aviel and Livia, was something unparalleled. He would call them “his children” and his number one concern was for their happiness and well-being. Not long after Rimmon and Aviel were born, he instituted the Friday afternoon ritual known as “*pappa-sabba* day” where he and my father-in-law would jointly spend the afternoon taking the kids out for food (or dessert) and an activity. Whether it be Nagila, Toppings, or the Maimonides carpool line, everyone knew Friday was the day they would see my father and his big smile – and most importantly, my children received the gift of a most precious relationship with their *sabba*. Even when he was diagnosed with pancreatic cancer, *papa-saba* day continued every Friday that he could muster the energy to go out. Rimmon, Aviel, and Livia are so blessed to have these special memories with my father.

As we enter this upcoming new year, and approach my father’s first yahrtzeit on 16 *Marcheshvan*, I ask Hashem to allow me to emulate my father’s amazing characteristics, his ability to live life to its fullest, and provide a source of inspiration to me, my family, and all those who knew him.

May his *neshama* have an *aliya*, and may his memory be for a blessing – *Yehi Zikhro Barukh*.

Shana Tova.

Aaron and Rachel Inlender

Reflections on Howard Madris z"l

Written by an Adas Torah shul member who feels tremendously privileged to have gotten to know Howard in recent months.



Jews throughout the Diaspora have died *alkiddush Hashem*, “for the sanctification of God’s name.” Possibly the most famous example is that of Rabbi Akiva, who explained to his students, “All my life I agonized over the verse, ‘...and you shall love Hashem..with all your life.’ Rabbi Akiva goes on to explain that the verse means to love Hashem both in life and in the midst of one’s life being taken and he ponders, ‘When will this come to me so I can fulfill it?’”

Howard Madris’s z”l life and death was in a similar category.

Howard didn’t die 70 years ago in the gas chambers because of his Judaism, he wasn’t burnt at the stake, or by the sword for learning and teaching Torah. His *neshama* went back to *Hashem Yisborach* on a typically warm and peaceful day in Los Angeles in the middle of the afternoon. There was no drama, no flames, no communal *teffilos*.

However, Howard was totally immersed in the most holiest of tasks, and what *Chazal* teach us is in fact the entire purpose of Creation; to make our best efforts to bring Hashem into our lives in the most intimate, meaningful and profound way. In the midst of Howard’s sublime efforts to fulfill his obligations of family, Torah and work, his holy *neshama* was returned to Hashem.

Against the background of Los Angeles’ grid-like streets, and an outlook focused so excessively on the smoothest of externalities, the authentic and deeply warm disposition of Howard was a welcome contrast.

Chazal teach us that each person is an entire world, but in the presence of Howard you really felt it. It was possibly his spectacular intellect that gave you a sense he was only partly present, and yet at the same time deep in reflective thought. It was possibly the astounding breadth of his knowledge and interests that made you feel that he was someone with real depth, wisdom and life experience. Or his ever-present humor and his sweet smile, wedded with his humility, that made you feel so at ease. Or his tremendous kindness and patience; this was a person who had truly worked on his character. For example, he was one of the last to leave on Shabbos morning, letting his beloved children play extra long in the children’s room. He was a totally dedicated husband and father.

Howard seemed to have a deep contentedness and an underlying joy with everything he did, and a harmonious and satisfied expression had become etched onto his face after many years of healthy, positive decisions. His dutifulness stemmed from his boundless love and deep affection for Hashem and Torah. He understood that simcha in life isn't gleaned from the moments we escape, in trying to carve out an atomized, separate existence, but in aligning ourselves with Hashem's plan for the whole world; in contributing the unique qualities we possess to the grandeur and beauty of Creation. The *Chazon Ish* wrote that someone who understands this secret may be at times sad or pained, but is never depressed, for despite the far reaching challenges of life, they know Hashem is truly guiding every detail, and this gives them an inner dimension of true joy.

One trait in particular that seemed to stand out was Howard's *zrizus*, his diligence, industriousness, and zeal to do the *ratzon Hashem* with such purity and *menschlichkeit*. With *gedolim*, we always see they are the ones who make the most superhuman efforts, that push themselves the most, put in the most hours for Torah, care the most for those around them and the world at large. Turning around to see Howard *daven* each week, it felt like seeing a nine-year-old *davening* with an intense *yashrus*, sweetness and sincerity. And each week, Howard would appear for a few moments at *shalosh seudos*, only to disappear again back to the *beis hamedresh* and his demanding learning schedule. It was like he was present but not so, he had such a strong sense of personal obligation to Hashem. He was in the midst of a program of serving Hashem, and everything was magnificently aligned with that mission.

It was this extraordinary unique combination of authenticity, sensitivity, care, and a complete dedication and childlike yearning to do what is right that we will all miss so greatly. It sometimes can feel we are surrounded by sleepwalkers, where people are unable to look left or right, just aimlessly straight, and Howard seemed so awake and alive. Everyone felt Howard was their friend because, despite his goals and immense focus, or perhaps because he truly understood what those goals were and how they were part of an overriding vision, he was open, genuine and really friendly.

Yet, the unique and fascinating person that was Howard also encapsulated the fragile and ordinary contours that define each of our lives, as we try to balance this world of dichotomies. Howard decided to join *daf yomi* a few months ago, and when I asked him a short time later how many *dafim* he had been through, I was amazed by what he had covered in just a short time. Suri explained at the *shiva* that he didn't simply turn up to the *shiur*, but spent hours preparing. With care and consideration he helped get the children ready in the morning, he prioritized making time with

Suri, and they had a magical relationship built on love, respect and care; Howard made time at work to help people for free, something he was very modest about.

Howard's humble and lofty efforts were so so precious to Hashem, the mark he has left so profound and unassuming. Rambam describes a person who is devoted to Hashem for all the right, genuine reasons, and in return, Hashem, like with Avraham Avinu, considers them His beloved. This was unquestionably Howard. Rambam elsewhere describes a person who has become this being that is so consumed with goodness and holiness that other people simply see them and feel more connected to spirituality. They become a walking *kiddush Hashem*, and Howard's life story crystalizes what we each aspire to. Like so many in the community and beyond, when we met Howard we understood what it meant to have a complete, authentic commitment to Hashem; a desire to bridge multiple worlds while being true to our unique selves even in the face of immense growth; to never settle and accept the status quo, but to live life to the maximum. Not through striving to impress people that simply don't care, with trivial externalities, but by serving Hashem with such an intense love. Howard loved Hashem so much.

Just before Shabbos, there is much intense activity, and then Shabbos arrives and everything freezes and the holiness of Shabbos imbues our world. The transition is sudden and the contrast tangible for even one spiritually insensitive. *Chazal* tell us that this is precisely the story of our lives, where we have a few precious years of 'becoming,' and then those efforts are frozen and we transition to experience the deepest pleasure of 'being,' that are the direct result of our efforts. When we look through a narrow prism of the family's loss and the community's loss, Howard's passing is a terrible tragedy. But from a broader perspective, the knowledge that Hashem saw in Howard's *avoda*, in his process of becoming, something complete and perfect and the suddenness in which he joined all the purest of souls, and how this brought the world closer to its own Shabbos, its own ultimate redemption, is comforting. How many people merit to truly taste one moment of a mission-driven life in this world, or the unfathomable reward that awaits? How many people merit to both genuinely live and die *al kiddush Hashem*?

The last time I saw Howard I walked past Suri and him in the street on Shabbos and turned to them and said "Howard is such an inspiration." Little did I know these would be my parting words to him. But people like Howard don't become a 'memory.' Rosh Hashana, referred to as Yom HaZikaron, is not a day of memory. Rabbi Weinberg of the Old City explains that it is a day of consciousness and awareness where we

reflect on how the multitude of threads of our intertwined lives are moving towards one magnificent whole. Howard's being and what he embodied is forever embedded into each of our consciousnesses as an anchor. His outstanding *eizer kenegdo*, Suri, and his beautiful, sweet children will *beH*, have the strength and fortitude to continue the holy work of this magnificent family *ad Moshiach tzidkeinu*.

The LA community is deeply grateful to have merited this gentle, loving giant, this lofty *tzaddik* and prince, whose sublime greatness stemmed from simply doing what is right, to have walked amongst us with so much awesome care and devotion. *Yehi zichrono baruch*.

In Memory of Ben Grossman: On the Ultimate Humility

HARRY NELSON



On Monday, my friend, Ben Grossman, died. He was 37.

Ben taught everyone around him many lessons in the way he lived and in the way he responded to getting sick. I've been reflecting the last couple days in particular on what I will remember most.

Ben had a calm, patient energy. He had an easy smile. Living across the street, seeing him throughout the week, the memories I will hold onto all share the thread of his kindness. I will remember Ben walking with his kids to synagogue. I will remember Labor Day afternoon hiking with our families in Franklin Canyon, just ten months ago, before illness took away his mobility.

I will remember the seriousness with which Ben took prayer and connecting spiritually. I will remember the countless times when I got to hear his beautiful voice singing, on Friday nights and Shabbat afternoons, at gatherings with friends. I will remember Ben's devotion to the rabbis around him, and the way he was moved by stirring words of Torah. I will remember Ben preparing himself physically for treatment by first preparing himself spiritually, getting on a plane to Israel to visit the most learned, holy teachers he could find.

I will remember specific moments: davening with Ben on Rosh Hashana a few years ago, his voice full of emotion with a terrifying understanding of the life-and-death content of the liturgy. It was hard not to be moved by his purity of intention, advocating not only for himself but for a whole room of people who were with him. And I will remember the many moments when Ben, in turn, was moved by the kindness of people around him, even little things.

More recently, I will remember dinner this past Rosh Hashana, when we sat with our families until the physical challenges made it hard for him to stay. I will remember hoping against hope that there would be a miracle and that there would

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be good news.

Ben was so positive that it was easy to get the misimpression that things were going well, that he had a chance to beat a disease that no one seems to beat. I remember his same positivity even when he shared the story of his younger brother, Avinoam, an eighteen-year-old boy who tragically lost his life, swept away by a wave. What I remember is not the dark story, but the positive hope that filled Ben as he talked about naming his son after his beloved brother.

What I will remember is that, at all times, Ben lived in reality, accepting and dealing with what was. Even when he was struggling and as the disease was taking his words away, he was worried about everyone around him. It was little surprise that those who eulogized him talked about how, even as people tried to support him, Ben was the one who strengthened all of us.

There is so much to learn from Ben. Personally, I will carry his lesson about the ultimate humility.

What does it mean to be humble? The Torah recounts that “the man Moshe was very humble, above all the men that were upon the face of the earth.” (*Bamidbar* 12:3) Why was Moshe, the celebrated leader and prophet, described in this way?

The story of the daughters of Zelophchad, read in synagogues across the world this past week, offers a clue.

“Then drew near the daughters of Zelophchad . . . And they stood before Moses . . . and all the congregation, at the door of the tent of meeting, saying: ‘Our father died in the wilderness, and he was not among the company of them that gathered themselves together against the Lord in the company of Korach, but he died in his own sin; and he had no sons. Why should the name of our father be done away from among his family, because he had no son? Give unto us a possession among the brethren of our father.’ And Moses brought their cause before the Lord.” (*Bamidbar* 27:1-5)

Moshe had received the Law at Mount Sinai and delivered it to the Children of Israel. The daughters, whose father suffered an ignominious death, are the first people with the audacity to challenge the content of the law and specifically their exclusion under the laws of inheritance. And how does Moshe respond? He listens and, without delay, brings their case before God, leading to the first explicit amendment of the law given at Sinai.

What can we take away from this? The daughters are unafraid to assert themselves in the face of an unfortunate circumstance. Moshe, in turn, does not hesitate to bring their petition before God. How many of us respond the same unflinching way to the

challenges we encounter?

As human beings, we are born storytellers. Stories help us make sense of the world and keep memories alive. We tell ourselves stories all the time, and share some of them with the people around us. Sometimes we are right. Sometimes we are deceiving ourselves. There is a natural temptation to convince ourselves we are in control or that we know what is true. We believe our own stories and discount other people's stories, especially when they conflict with our own. No, that's not the way I remember it. That's not what was really happening. The truth is ...

Sometimes we go beyond just telling ourselves stories and tell stories that put on a show for other people. There is a *chasidic* story told of a king who, in an effort to show his humility, refused to ride in his royal carriage. Instead, he would walk behind it — until a wise man taught him that the proper way was to be humble riding inside the carriage.

The highest form of humility is not the external action on display for everyone else, but the internal; how we think and encounter the terrain inside ourselves. True humility is an awareness of and sensitivity to the limits of our own perspective. It is about accepting that we are not in control, avoiding the mistake of taking for granted that our stories are true, and not worrying about trying to persuade ourselves or others. Ultimately, the core is epistemological modesty — appreciating the limitations of our own finite perspectives and being unafraid to admit that we don't know, that we are uncertain, that we are even wrong, that we have a limited ability to know what is really going on or why anything is happening. The philosopher Isaiah Berlin quoted Joseph Schumpeter on this challenge: "To realise the relative validity of one's convictions, and yet stand for them unflinchingly, is what distinguishes a civilised man from a barbarian."

I think Ben's humility grew out of his *emuna*, his faith, in the only One who knows what is true. *Tehillim* 93 begins, "*The Lord reigns; he is robed in majesty.*" The word for "majesty" applied to God in the Hebrew is *ge'ut*. When the same root is applied to human beings, the quality is not *ge'ut*, majesty, but (in the more familiar *Yiddish*) *gai'va*, arrogance. In other words, that which is regal and fitting for the Holy One is unbecoming for us. God knows everything. We, on the other hand, only make the mistake of pretending or thinking we do.

As someone who gets riled up easily over petty conflicts and minor setbacks, I will carry forward the inspiration of Ben's steadfast way of dealing with what was happening. When I catch myself deep in the act of telling myself stories, when I feel victimized or righteously indignant, I will think of Ben and do my best to remember

that anger does no good, and that all we can do is think about where we could do better, where we have gone wrong, and where we can be more modest about what we know.

Ben, Dorit and I are just two of the countless people who will carry your lessons and your memory forward in our lives. I write this with tears in my eyes that time ran out on the opportunities to connect. I hope you know how much we loved you and how grateful we were for your love. Above all, I hope your children and your family know how much you loved them. For my part, I will honor your memory by doing my best to keep you in mind and live with more equanimity in the face of the things I can't control. Goodbye, my friend.

Dedicated in honor of our children,
Adina, Aryeh, Avi, and Eitan.



Rivka and Sam Ross

מוקדש לזכרם של
נפתלי בן צבי ז"ל
חוה גולדשען בת יעקב ז"ל
אפרים בן אהרן ז"ל
תהיו נשמותיהם צרורות בצרור החיים

Dedicated in loving memory of
Harvey and Eva Rich z"l Kurt Marcus z"l
May their memories be blessed



Alan and Marilyn Rich

ראש וראשון



Rabbi Dovid Revah

Rabbi Pini Dunner
Guest Contributor

The Menora and the Forgetfulness of Triumph

RABBI DOVID REVAH



In the beginning of *Hilchos Chanuka*, the Rambam elaborates on why we celebrate *Chanuka*. The Rambam writes:

וגברו בני חשמונאי הכהנים הגדולים והרגום והושיעו ישראל מידם, והעמידו מלך מן הכהנים וחזרה מלכות לישראל יתר על מאתים שנים.

The sons of Chashmonai, who were Kohanim Gedolim, defeated and killed the Greeks and saved Klal Yisrael. And they appointed a king from the Kohanim and reestablished a kingdom in Israel for over two hundred years.
(Hilchos Megila v'Chanuka 3:1)

The Rambam's opinion is that the decision of the *Chashmonaim* to take over the leadership of *Eretz Yisrael* was correct, and is an integral part of our celebration of *Chanuka*.

The Ramban disagrees, writing that Yaakov Avinu designated *Shevet Yehuda* for the leadership of *Klal Yisrael*, and by taking the leadership for themselves the *Chashmonaim* were disregarding Yaakov's *bracha*. The Ramban says that as a result the *Chashmonaim* were severely punished; many of the kings suffered military defeats, and eventually the entire lineage was massacred by Herod.

I would like to explore why disregarding the *bracha* of Yaakov would result in such a harsh punishment.

Chanuka commemorates two miracles – the military victory over the Greek army and the oil in the *Menora* that lasted for eight days. Generally, whenever there are two reasons for something, one is the primary reason and one is secondary. If so, what is the main reason why we celebrate *Chanuka*, the victory or the *Menora*?

The primary sources are contradictory. The *gemara* in *Shabbos*, which tells the story of *Chanuka*, focuses on the miracle of the *Menora*. However, the *tefilla* of *al*

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and *Mara D'Asra* of Adas Torah since 2005.

hanissim is primarily about the military victory.

The Maharal suggests that *Chazal* would never establish a Yom Tov just for a one-time miracle which enabled us to perform a mitzva. Only the defeat of the Greek army would warrant a long-term commemoration. Clearly, Chanuka is principally about our military success. However, the Maharal explains, if not for the miracle of the *Menora*, *Chazal* could not have instituted a Yom Tov. There would be a risk of Chanuka turning into a nationalistic holiday focused on our strength, army and power. Rather than being about Hashem's deliverance—how Hashem assisted a small band of untrained *kohanim* to defeat the superpower of the world—it might instead become about the success of insurgency and mountain warfare. It was the miracle of the *Menora* which assured them that Chanuka would be commemorated in the proper manner, putting the military victory in its proper context. The oil burning for eight days was clearly the hand of Hashem, and served as a stark reminder of His *hashgacha*. Just like we could not take credit for the oil burning longer than usual, we could not take credit for the extraordinary military victory. They were both the *Yad* of Hashem. It was only because we had the miracle of the *Menora* that we could now be confident that Chanuka would be a time of *hoda'a* to Hashem for our victory.

The Maharal needs some clarification. How could the *Chashmonaim* have thought that their victory was anything but the clear hand of Hashem? The Greeks were a superpower with the world's most sophisticated army. The *Chashmonaim* were untrained, inexperienced, vastly outnumbered, and had only rudimentary weapons. Had you asked the *kohanim* what their plan was to defeat the Greek army, their answer would have been that there was none. Rav Yerucham Levovitz explains that their resistance was, in fact, not an act of war. War would imply that they had a fighting chance. Rather, this was an act of *mesiras nefesh*. They realized that *yahadus* could not continue under such circumstances, and therefore the proper response was to be *moser nefesh* for it. If Hashem accepted their sacrifice and made a miracle, they would survive, but if not, they were prepared to die. There was no other strategy. Hashem felt that their act was the correct response and performed a miracle. How would it be possible for them to take credit for their military success and deny that it was the hand of Hashem?

A simple answer would be that, although that the *Chashmonaim* themselves wouldn't have made that mistake, subsequent generations who didn't experience the miracle first-hand might have, and over time, Chanuka could have turned into a military holiday. Only the focus on the *Menora* kept Chanuka in its proper perspective.

I would like to share a different answer that I heard. It is possible that the lesson

of the *Menora* was not only necessary for future generations, but equally vital for the *Chashmonaim* themselves. For while it is true that before the *Chashmonaim* began their campaign they could not see a path to victory, ultimately no open miracle occurred. Every move they made was successful and every move the Greeks made failed. A reporter covering the war would have been able to detail every event of the war without mentioning the hand of Hashem. Although a truly discerning person would remember that just days earlier, everyone recognized the impossibility of victory and acknowledged the *Yad Hashem*, for many people the exhilaration of success and triumph would cause them to forget. We have very short-term memories. What just a short time ago was an act of *mesiras nefesh*, an endeavor that had no path to victory, could easily be rewritten into an act of courageous warriors, who, although vastly outnumbered, used their homefield advantage, ingenuity, skill and perseverance to win. It was for the *Chashmonaim* themselves that the miracle of the *Menora* was necessary to ensure that they would remember that the military victory was also a miracle.

Perhaps this is why the *Chashmonaim* were punished so severely for taking over the political leadership. Successful generals often become political leaders. Had the *kohanim* returned to the *Beis Hamikdash* and the *Beis Midrash*, it would have been a clear statement that it was not their victory and not their credit, but rather the *Yad Hashem*. Taking the political leadership for themselves undermined the people's recognition of the miracle. It seemed closer to accepting the other version of the story – that it was their skill which won the war and therefore, they should be rewarded with leadership. Without the Hand of Hashem there would have been no victory at all, and they would have all been quickly annihilated. By rejecting the miracle, their punishment was that they received what would have happened had there not been a miracle.

Of course, this forgetfulness happens all the time. Think about how we feel when we are working on a new project or deal. We recognize that multiple things could go wrong, and we worry about how many things have to come together to make the venture happen. We see that we need *siyata d'shmaya* for the project to be successful and we *daven* with *kavana* for it. And then everything works out. Do we now thank Hashem for answering our *tefilos* and give Him the credit, or do we quickly forget the myriad of potential problems and instead congratulate ourselves and start believing in the praise we receive about what a great entrepreneur or manager we are? One of the lessons of Chanuka is that we must create our own “*Menora*” each time to remind us about the *siyata d'shmaya* we are constantly receiving.

Yom Kippur and the Power of Collective Aspiration

RABBI PINI DUNNER



I recently read an op-ed article written by a former prison administrator from the UK, who gave his thoughts on the rising problem of radical Islam in British prisons. In July 2015, he was asked by the British government to officially investigate the problem, and to make recommendations for dealing with it. For six months, he visited jails across the UK and in other countries, speaking to prison staff and other stakeholders, including ex-prisoners, in an effort to understand the scope and depth of this growing phenomenon.

His conclusions, although not entirely surprising, are nonetheless alarming. Over and over again he discovered that “a small number of highly charismatic prisoners were given far too much latitude to preach messages of hatred to others and [to] mobilize gangs to dominate and control their environment.”

While this is not an unusual situation in the intense atmosphere of a prison, he discovered that the influence and power of Islamist radicals in prisons posed a clear and present threat to UK civilians on the streets of Britain. While ordinary prison kingpins seek only to exercise power in their own setting, Islamist kingpins are “intent on trying to convert others to violent anti-British beliefs in support of terrorism,” which means that when petty criminals who are Muslim become radicalized and are later released, they are almost certainly potential terrorist time-bombs.

As a result of his report, the UK government has just announced that dangerous Islamic extremists will from now on be incarcerated in isolated high-security prisons to prevent them from radicalizing others. The report also recommended a ban on radical literature in jails, and the removal of Islamic fanatics from weekly Muslim prayer meetings – to prevent them from influencing other Muslims, or from intimidating them into submission and silence.

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Most Muslim prisoners in the UK are not jailed for terrorist related offenses, and have no prior interest in fundamentalist Islam. Many are interested in rehabilitation, or at least have no intent to be influenced by the violent doctrines of Islamic extremism. But that can change when they come into contact with Islamist radicals whose appeal can have a domino effect across a Muslim prison population. And thanks to the report, Muslim prison chaplains will now be carefully vetted before they are hired, so that a more benign influence can become the norm for incarcerated Muslims.

The op-ed was not only striking in its exposition of the dangers posed by giving radical individuals the power to corrupt others, but also because it highlighted the importance of group dynamics in terms of generating change.

In the early twentieth century, three distinguished mental health professionals on the East Coast of the United States came up with the concept of group psychotherapy. One particularly effective form of group psychotherapy is something known as “milieu therapy.”

The idea behind this particular version of the group model is to encourage participants to take responsibility for themselves as well as the others within the group, based on a hierarchy of collective consequences. If one member of the group violates the group’s rules, other group members who were aware of the violation and failed to intervene are “punished” based on a scale that measures their culpability in the rule infringement. The underlying theory is that belonging to a group can either foster individual growth, or, as is most common, result in the decline of acceptable behavior across the group, resulting in negative behavioral changes in previously blameless individuals.

The most extreme example of group deterioration can be seen in the incredible success of Nazi antisemitism in pre-war Germany, where ordinary Germans were swept up by the malign influence of individual Nazis within their social groups, until the vast majority of Germans became virulent antisemites who then became complicit in the Holocaust.

Milieu therapy uses this dynamic to generate positive instead of negative change in a group, as it becomes clear to participants that passive association is not truly passive, and will result in unpleasant consequences. Meanwhile, positive growth is rewarded across the group, and everyone benefits when individual participants progress in an upward spiral. These milieu therapy groups are just a microcosm of society-at-large, and the same rules clearly apply in a wider setting.

It is for this reason that we have two types of *vidui* that we say on Yom Kippur. The Hebrew word “*vidui*” is usually translated as “confession,” but it is more

accurate to translate the word as “sin acknowledgement,” with the caveat that this acknowledgement is an integral part of a self-improvement process. The *vidui* prayer is repeated ten times during the course of Yom Kippur, five of those times silently and privately, and the other five collectively as a congregation.

I am not sure when the formula for this prayer was finalized, and when the decision was made for it to be articulated by everyone at the same time, but the power of this group confession is cathartic. It allows us to acknowledge, as a group, that all of us are guilty of something, and that we all want to be part of a group that desires to improve and perfect itself.

On Yom Kippur, we are not just out for ourselves, we are also there for each other, giving our fellow community members a hand so that we are all elevated by the power of collective aspiration. And in the same way that we recognize how one bad apple can drag us all down, we know how beneficial it is when we all aim higher together.

שפתי ישנים



Rabbi Simon Dolgin *zt"l*

RABBI SIMON DOLGIN ZT"l

Rav Simon Arthur (Avraham Yeshayahu) Dolgin grew up in Chicago in the 1920s where he attended the illustrious Hebrew Theological College of Chicago, and received *semicha* there in 1939. Shortly thereafter, his *rebbe*, Rabbi Oscar Fasman, encouraged him to travel to Los Angeles for the *Yamim Noraim*, where a small shul called Beth Jacob Congregation, located in the West Adams area, was in need of a Rabbi. Although Rav Dolgin fully intended to return to Chicago afterwards, Rabbi Fasman urged him to stay and nurture the Jewish community in Los Angeles. And that he did - for 33 years.



Rav Dolgin was extremely dedicated to his community and to his shul. He worked tirelessly to increase Torah knowledge and observance among the members of his community. He knew that a strong sense of Jewish tradition and commitment to *halacha* were the key to the continuity of the Jewish community, and he did everything in his power to promote growth in these crucial areas. Putting a strong emphasis on education, he founded a day school and *talmud Torah* in the shul, which went on to become Hillel Hebrew Academy; by the time the school expanded into its own building in 1949, it was educating hundreds of students. Not only was Rav Dolgin a mentor and role model for his community, but many of his congregants considered him also a friend and a confidant. In this way, he was very connected to his community members and helped them grow personally and spiritually.

In the 1950s, the Jewish community in L.A. was slowly moving westward, and Rav Dolgin felt that the time had come for the shul to move, so long as a *minyan* of families agreed to move with it. In 1954, a building was purchased for the shul in Beverly Hills, where there had never before been an Orthodox shul. It is clear today that Rav Dolgin's vision for a vibrant Jewish community in this area of Los Angeles has been successfully realized, mostly due to his dedication and sacrifice.

Rav Dolgin was passionately in love with the land of Israel, and felt that it was the duty of the Jewish people to contribute to the building up of the land according to the values of Torah and our *mesora* in the best way that they could. In the early 1950s, he exchanged several letters with Prime Minister David Ben-Gurion about the newborn state of Israel, expressing his desire that the state be built on the values of Torah and the Jewish religion, and his conviction that this was possible. He was concerned about the relationship between the Jews of the Diaspora and the state of Israel in future generations, if it were to be built without a religious foundation. This

collection of letters has been published several times both in Hebrew and English.

In 1971, Rav Dolgin and his wife Shirley fulfilled their lifelong dream and moved with their family to Israel, where he soon became the rabbi of the community in the Ramat Eshkol neighborhood and built a shul, also called Beth Jacob. He was encouraged to take the position of Director General of the Ministry of Religious Affairs, which he accepted with enthusiasm. He later also became the chairman of the World Mizrachi - Hapoel Hamizrachi organization. He felt that it was extremely important to bridge the gap between the secular and religious Jews in Israel, and worked hard to introduce institutions and programs towards this goal.

Wherever Rav Dolgin went, he made an impact, and it is difficult to overemphasize the lasting impact that he made on Orthodoxy in Los Angeles.

Seeing The Voices

RABBI SIMON DOLGIN ZT"L



וכל העם רואים את הקולות
And all the people saw the sounds.

הנה האש ועצים ואיה השם לעולה
Behold the fire and the wood, but where is the lamb for the offering?

Doubtlessly the outstanding ceremony of this Rosh Hashana observance is the sounding of the shofar, in fulfillment of the Biblical command. The shofar's call, we are told by the great Maimonides, is to arouse us from our lethargy, *Uru y'shanim mishanaschem*. But is this call necessary? Can we not be alert to our responsibilities without the shriek of the ram's horn? Are ceremonies so necessary to convey to us the message which we can read or think about? If we have fallen into spiritual slumber, why the shofar... a little preaching should suffice.

Perhaps, friends, the answer to this query can give us the essence of true Judaism... that essence which makes it a way of life, not merely of thought and idea, which distinguishes our faith from so many other great faiths. The answer lies in the Hebrew term, *mitzvos maasiyos*, commanded deeds or performed commands. Somehow we must clothe our sacred obligations with performance. Not only is the call of the shofar important, but the shofar itself is important. Even as there are laws that relate to the unseen tones, there are laws that regulate the seen instruments. The tangible expression of the *mitzvos* is as significant as the principle it represents.

How different this concept is from the ideas that many of us have! I know a multitude of people who tell me that they are Jews at heart; that they are good Jews. They suffice with pious pronouncements. They feel that preaching great ideals makes them righteous. How many a person says, "I Believe in God." My subconscious reaction is, "So what. So God is 'glücklich.'" If you believe in God, how does that belief

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reflect itself in life? Is your life any different than if you did not believe in Him? Is God only a refuge in an hour of distress, to whom we call when all other avenues of rescue are closed?

And even the name “Jew,” what does it mean? Is it only a label, a badge of shame, an affiliation with a minority? Is it only a tie with what was years ago, an identification with a “has been”? In other words, is the Jew in us merely something ephemeral and of doubtful value, or is it something visible and concrete in our pattern of life? Can our conduct be recognized as being Jewish, even as a Mason is recognized by the pin or ring he wears, as a soldier is recognized by the uniform he wears? Our Jewish uniform is the act of living Jewish values and disciplines.

Friends, as the salute to the flag is essential to invisible patriotism; as the kiss and the physical embrace enhances the abstract feeling called love; as the ritual is important to the cohesiveness of the lodge membership; so is the performed mitzvah, fundamental to the belief in God and to the identification with eternal Israel. Every command fulfilled is another reinforcement in our Jewish life. Each observance carries with it a recognition of God, a consciousness of His presence, a humility that says we must submit to His will. The difference between the practice of Torah and the practice of the ritual of any order, is that Torah practice is related to a God consciousness, a link with the eternal life, with all that is highest in morality because it is Godly; while other rituals are admittedly man-made and hence limited by the reaches of man. The *mitzvah* is, as Michael Blankfort notes in his *The Strong Hand*, “a prayer in action.”

This we must recognize. A religion that cannot command our commitments and behavior, to which we do not offer submission and obedience, is not a religion. It is at best an ethical expression which we choose to accept, or find convenient to accept. It is not grounded in faith, not related to God, but to ourselves. As Dr. Arthur H. Compton recently wrote, “Faith is beyond the nature that science knows.”

Hence why the shofar, why the dietary laws, why the candles, wine, prayer and rest of the Sabbath...because these are the concrete forms for abstract faith, for abstract ideals of God and the Godly life. Perhaps for this reason the Torah peculiarly describes the scene at Sinai, where lightning and thunder, prevailed, with the words וכל העם רואים את הקולות, “And all the people *saw* the sounds” instead of *shom'im*, *heard* the sounds. The sounds took on more tangible form, not just invisible waves, but concrete forms that could be seen. Our spiritual values must be more than can be heard, they must be seen in *mitzvos maasiyos*.

Our Rabbis have long said, “*eino domeh shmiya l'reiya*, hearing does not

compare to seeing.” Was it not Abraham Lincoln who uttered the important words at Gettysburg, “The world will little note nor long remember what we say here, but it can never forget what they did here.” “Deeds are fruit, words are leaves,” is an ancient proverb that should guide us in life of the New Year.

And there is another observation I should like to make about our ideals in this modern day, an observation that I believe young Yitzchak made when his father Avraham led him on Mount Moriah for an offering, as we read today, Yitzchak saw his father carrying the tools for sacrifice, the torch and the cord of wood and he commented “*hinei ha’eish v’haetizim, v’ayeh haseh l’ola*, behold the fire and the wood, but where is the lamb for the offering?” So often do we build institutions with wood and the light of fire, but how often do we render sacrifices on their behalf. We prepare the surrounding structures, the outer garbs of religion, but fail to strike at the core, the essence, the commitment of our way of life to the ideal, so that it colors our behavior.

This demand is not unique to religious values alone. It is the demand that Ben Gurion makes of Zionists whom he calls for *aliya*. To him a Zionist is not one who merely provides the fire and wood, the membership and demonstrations of Zionism, but actually brings the *olah*, the personal offering. It is the observation made by the young rabbi in Michael Blankfort’s book, *The Strong Hand*, who, though living an observant life, notes that he really never made a sacrifice for his faith. He has lived and loved all the forms of his life, but he has not been claimed for true offering.

Will Herberg, in his essays on *America’s New Religiousness*, to be incorporated in his book, *America’s Religious Sociology*, clearly analyzes the situation of our present religious attitude and concludes that they are “poles apart from authentic Jewish-Christian spirituality”. Religion is “not something that makes for humility or an uneasy conscience”, it is something that reassures him about the essential rightness of his nation, his culture, and himself.” Instead of making a personal sacrifice to meet God, we want God to sacrifice greater truths to meet us. The *seh l’olah*, the lamb for a sacrifice, we do not stand ready to bring.

How truly this approach is reflected in the field of Jewish education, which every intelligent parent must realize is essential to the healthy life of their American-Jewish child. A knowledge of one’s self as a Jew is most important to the self-respect of your child. We build fine classrooms, try to secure proper teachers, provide the wood and the fire - but want to send our child once a week. After all there are the cub scouts, music lessons, dancing and elocution; there is need for play; when can there be time for the Jewish school. The element of sacrifice that Yitzchak called for, we fail to offer, essential as it is. Let us realize that Jewish learning is most important to the life of our

child, his direction and self-respect. Let us bring an offering on its altar.

Nor is this personal withdrawal limited to Zionism or Judaism. Even the area of charity has come to reflect the elaborate shell, the wood and the fire, but is empty of personal dedication and sharing with the needy. We have set up great campaigns and institutions with great means, but we ourselves are not involved. No longer do we have the *oreyach* at our table, we don't sit with the sick and attend them, we have no direct relationship with the orphan. We have machines of wood and fire, to attend these needs; we provide the fuel, the dollars, but are removed personally. How often do I find people who are chagrined because they are called upon to contribute to some worthy cause, although they have plenty of time and money for Las Vegas. And speaking of Las Vegas - there we have plenty of personal dedication. No one seems to be willing to play the games of chance by remote control. If causes of charity could master the attention and concentration that the wheel of Las Vegas masters, many of our social problems would long be solved. And this refers to the overly-much involvement by our own Jewish people in these establishments.

Friends, as we hear the call of the shofar on the threshold of this new year, let us carry with us this message. We must be able to see in concrete representation the "sounds", the voices, the ideals, the "*kolos*", we all espouse so beautifully. God, Jewish values, righteousness and charity must be actual strands in the warp and woof of our conduct. And we must seek these values, not with forms, institutions and dollars alone; but with personal dedication, sacrifice and devoted interest. We must be prepared to bring offerings of ourselves, our time and energy, not only our means. For the shofar is the horn of the ram, the ram that Avraham offered on Mount Moriah, where his son placed that immortal question, "*ayeh haseh l'ola*, where is the lamb for a sacrifice."

Such a path in life, friends, builds Jewish life and Jewish people, so that it can rise to Godly heights and point the way to the peoples of the earth, whereby together we can build under one God, the integrated individual and one world.

Amen.

Rosh Hashana



Rabbi Yaakov Siegel

Mendy Millman

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Daniel Margolies

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What's Wrong with the Most Elegant Answer to the Age of the Universe Question?

RABBI YAAKOV SIEGEL



According to the Torah tradition, the world was created 5,778 years ago.¹ The current consensus of the scientific community, however, is that the age of the earth is approximately 4.5 billion years and the age of the universe is approximately 13.8 billion years.² Anyone who trusts the Torah tradition but also respects scientific opinion has surely thought about this apparent conflict.

The *olam hatorah* began discussing the age of the universe question in earnest in the 19th century, particularly with the discovery of dinosaur bones, which even before carbon dating (an early 20th century invention), so obviously seemed to be much older than 6,000 years. Many of the *gedolei* Torah of the 19th century – including Rav Samson Raphael Hirsch, the Netziv of Volozhin, Rav Shalom Mordechai Schwadron (the Maharsham), Rav Shlomo Elyashiv (the *Leshem*), Rav Dovid Tzvi Hoffman, and Rav Yisrael Lipschitz (the *Tiferes Yisrael*) – addressed this question and have presented solutions to this dilemma.

At the core of the question is the fact that Torah seems to clearly state (*Bereishis* 1) that the entirety of the creation of the world took place over the course of six days of twenty-four hours each. The Ramban (*Bereishis* 1:3) says this explicitly:

ודע, כי הימים הנזכרים במעשה בראשית היו בבריאת השמים והארץ ימים ממש,

1 Our exact date comes from the chronology of Rabi Yosi ben Chalafta, a *tana*, in his work *Seder Olam Rabba*, written approximately 160 CE. Even if one wanted to challenge the authenticity or reliability of the historical chronology of *Seder Olam Raba*, the world would still have been created no more than 6,000 years ago using the timeline of biblical sources and non-Jewish historians.

2 Over the last 150 years, as scientists have made more discoveries, their estimates have changed numerous times, increasing and decreasing wildly, ranging from 18 million years to infinity. By the time you read this, more discoveries might have dramatically changed their estimates from the numbers quoted herein.

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מחזורים משעות ורגעים, והיו שישה כששת ימי המעשה, כפשוטו של מקרא.
*And know, that the “days” described in the description of creation of the
 heavens and earth are real days – made up of minutes and seconds, just like
 the days of the work week – like the simple reading of the verses.³*

The scientists, meanwhile, have simple reasons why they believe the earth and universe are billions of years old. One is radiometric dating which can measure the rate of decay of carbon or other minerals. This can be used to determine that some fossils and rocks were formed billions of years ago. Another is that astronomers can detect the rate that the universe is expanding, which can be used to deduce when the universe was formed. But at a much more basic level, anyone can see the pace that a river erodes a canyon, or the light from stars that are billions of light years away, and simply deduce that the earth is much older than a few thousand years.

Many of the most important and popular approaches presented by *gedolei* Torah solve our question by suggesting that the six days of creation were much longer than the 144 hours that six days would be today.⁴ On the other hand, others⁵ favor the approach of the British (Christian) 19th century scientist, Phillip Henry Gosse, who argued that God created a world that looks much older than it really is.⁶ While any

3 This is supported by the description in the Ten Commandments (*Shemos* 20:11), “*ki sheshes yamim asa Hashem es hashamayim v’es ha’aretz.*” Rashi, in one of his most often repeated comments in his Torah commentary, points out that phrases like *shloshes yamim* or *shivvas yamim* do not mean three days or seven days – but rather a three-day period or seven-day period. Thus the simple translation of the *pasuk* is “because in a period of six days Hashem formed the heavens and earth.”

This is further supported by the *gemara* in *Chagiga* 12a that says that there were ten things created on the first day of Creation, including “*midas yom u’midas layla*” which Rashi explains to mean that the day and night together equal twenty-four hours. There are numerous other statements of *Chazal* that are clear that at least the sixth day of Creation was twenty-four hours (see *Sanhedrin* 38b et. al.)

4 See, for instance, Rav Shlomo Elyashiv’s *Leshem Shevo V’achlama* (*Sefer De’ah* 2:3:22), or a somewhat similar idea from Rav Shimon Schwab (“How Old is the Universe?” reprinted in *Selected Speeches*).

5 See for example the Lubavitcher Rebbe http://www.chabad.org/library/article_cdo/aid/435111/jewish/The-Age-of-the-Universe.htm

6 In Gosse’s book *Omphalos* (Greek for “navel,” as Gosse suggested that Adam was created with a navel), he argues that if one assumes that God created a mature world (i.e. plants, animals, and people were created as fully grown – which *Chazal* do assume in *Rosh Hashana* 11a and *Chulin* 60a), then God would have had to make the world look older than it really is. Trees would look hundreds of years old, even if they were created yesterday. And if we could see the light of the stars – the farthest of which is approximately 14 billion light years away – that would mean that God would have to have created the world appearing to be at least 14 billion years old. Thus any evidence of an old world would be completely irrelevant.

Many critiques have been leveled against Gosse’s theory. Perhaps the simplest would be that creating a mature universe would require creating trees and people and stars that look much older than a day old. But it does not require burying fossils in the ground that look millions of years old. It would require creating Adam with hair on his head, but it would not require him to have a navel, which would tell a story of his birth that was simply not true.

of these suggestions could be the most correct, many people find them unsatisfying since they seem to reject either the *pshuto shel mikra* or the prevailing scientific consensus.

The *Tiferes Yisrael*, Rav Yisrael Lipschitz (1782-1860), one of the great Polish *gedolim* of the 19th century, suggested what could be considered the most elegant answer to the age of the universe question. In his *Drush Ohr Hachaim*, printed in his *Tiferes Yisrael* commentary on *mishnayos* after *Maseches Sanhedrin*, Rav Lipshhitz presents the *midrash* (*Bereishis Rabba* 2:7) that says that Hashem was “*boneh olamos u’macharivan*,” He repeatedly built worlds and destroyed them until He found one that He liked. The *Tiferes Yisrael* suggests that the 144 hour timeline of creation laid out in the simple reading of the *chumash* is correct, as is the scientific estimate of billions of years, since the *chumash* is describing the creation of our current world, whereas the evidence the scientists use in their calculations date back to previous worlds that have already been destroyed.

This answer was immediately controversial; many *gedolei Yisrael* voiced their appreciation of the *Tiferes Yisrael*’s approach, while others voiced strong opposition. The purpose of this essay is to study some of the opposition to the *Tiferes Yisrael*’s approach, and understand why one of the most understandable and relatable answers to one of the most difficult questions remains so controversial.

Science has already taken dramatic steps toward accepting the Torah’s timeline

Before beginning any analysis of the conflict between Torah and science regarding the age of the universe, it is important to point out how 20th century discoveries have led the scientific community to completely abandon the position about the age of the universe it held for millennia, and how it has now basically adopted the Torah approach to the age of the universe. For more than two thousand years, dating back at least to the time of Aristotle (4th century BCE), the scientific consensus was that the universe and earth had existed forever. This Steady State Theory, (called *kadmus ha’olam* by the *rishonim*) said to be incontrovertibly proven by Newtonian physics, is obviously incompatible with the Torah’s description of Hashem creating the world *yesh me’ayin* – ex nihilo, which is a fundamental principle of Jewish belief. Much of the philosophical writings of the *rishonim*, including Rambam, Ramban, and Rabbeinu Bachya ibn Paquda in *Chovos Halevavos*, focus on proving *chidush ha’olam*, that the world had a beginning point, and that the entire scientific (and non-religious philosophic) community and their belief in *kadmus ha’olam* was flat-out wrong. In fact, the Ramban writes in his *Drashas Toras Hashem Temima* (Chavel edition pg. 141) that one of the main purposes of the Torah is to prove *chidush ha’olam*, that Hashem created world *yesh me’ayin*.

In the 1920's, however, astronomers such as Edwin Hubble began to notice that the universe was expanding, which could imply that it had a beginning point in time. In the mid 1960's, American radio astronomers Arno Penzias and Robert Wilson discovered the Cosmic Microwave Background radiation which was seen as strong evidence to the Big Bang Theory, which holds that the universe did have a finite beginning – *chidush ha'olam*. By 1965, the Big Bang Theory had become the nearly unanimous consensus within the scientific community, and after thousands of years of taking a scientific stand against *chidush ha'olam*, the entire scientific community did a stunning about-face, and almost overnight admitted that the Torah had been right all along. And this isn't ancient history, this was 1965 when airplanes and televisions existed, we were sending people into space, and Beth Jacob was already on Olympic Boulevard in Beverly Hills. Now these new discoveries did not cause mass numbers of non-believing scientists to suddenly start going to church or shul, especially since the scientific age of the universe is 13.8 billion years old – still a long way from 5,778. But if you do the math, by moving their age estimate from infinity to 13.8 billion, the scientists of 1965 admitted that in 1964 the age of the universe held by the Torah tradition was infinitely more accurate than their estimate. Compared to infinity, the difference between 13.8 billion and 5,778 is a rounding error, and perhaps in the near or distant future, with new discoveries the scientific community will further adjust its estimate.

The Approach of the Tiferes Yisrael

Even before the development of radiometric dating, the study of fossils in the 18th and 19th century provided ample evidence for an old earth. Fossils of sea creatures were found high up in mountains and skeletons of prehistoric creatures such as mammoths and dinosaurs were unearthed, seemingly telling stories of life long before the date given by Chazal for *bri'as ha'olam*. The *Tiferes Yisrael* addressed these developments in a *drasha* which was subsequently printed in his commentary on *mishnayos*.

He begins by quoting the *midrash* in *Bereishis Rabba* 3:7:

ויהי ערב ויהי בוקר [דק'] וכי מאחר שלא היה עדיין שמש בעולם, ערב ובוקר מניין
א"ר אבוה מכאן שהי' סדר זמנים קודם לזה וכו', מלמד שהי' הקב"ה בונה עולמות
ומחריבן, בונה עולמות ומחריבן ואמר דין הניין לי ודין לא הניין לי.
"It was evening and it was morning" [the midrash is bothered how there
is evening and morning if there is still no sun in the world]. Rabbi Avahu
says – from here we learn that there was an entire history prior to this. This

*teaches that Hashem built words and destroyed them, built worlds and destroyed them. He would say, 'this one I like, this one I do not like.'*⁷

The Tiferes Yisrael continues:

גלה לנו רבינו בחיי סוד נעלם בשם המקובלים בפרשת בהר, בפסוק ושבתה הארץ שבת לה' וגו', דזה ירמז על סוד נפלא, שיהיה העולם נבנה ונחרב ז' פעמים, כנגד ז' שמיטות שביובל, שהם יחד מ"ט אלפים שנה. וסוד ה' ליראיו, שנמסר להם שאנחנו כעת בהקפה הד'...

*And Rabbeinu Bachaye has revealed to us in his commentary on Parshas Behar, a hidden secret told in the name of Kabbalists. The pasuk (Vayikra 25:2) "and the world will rest a sabbatical for Hashem" hints to a wondrous secret that the world will be built and destroyed seven times, corresponding to the seven shmitos of the yovel, which together will be 49,000 years. And the secrets of Hashem are revealed to those who fear him that we are now in the fourth cycle.*⁸

ועתה אחי ידידי ראו על איזה בסיס אדני תה"ק מונחים, כי הסוד הזה שנמסר לאבותינו ורבותינו, והם גלוהו לנו זה כמה מאות שנים מצאנוהו שוב שהטבע ברורה לעינינו בזמנים המאוחרים כבזמנינו הבהירה ביותר... מצאו בשנת אלף ותת"ז למספרם, במדינת זיביריען בקצה צפון של העולם תחת הקרח הנורא אשר שם תמיד, פיל א' גדול מאד בכמו ג' או ד' פעמים מאשר מצאנו עתה, ושופי עצמותיו עתה עומדים בצאלאנישען מוזעאום בפעטערסבורג

And now my brothers and friends, see the strong base on which the pillars of our holy Torah stands. For this secret was told to our forefathers and teachers, and they revealed it to us a few hundred years ago. And now this secret had been found by the definitive science that has become clear to us of late... For example, in 1807 in Siberia, in the northern extreme of the world, under the permanent ice, they found a giant elephant that is three to four times larger than the ones that exist today, and its bones are displayed at the Zoological Museum in St. Petersburg.

וכן מצאנו מין בריאה אבניית שקראוה איגואנאדאן שגבהה ע"ו רגל וארכה עד צ' רגל ... ועוד מין חיה אחרת מצאו שקראוה מעגאלאזוירוס, שהיתה רק מעט קטן איגואנאדאן אבל היתה חיה טורפת, ואוכלת בשר. מכל האמור נראה ברור שכל

⁷ An alternative version of this *midrash* can be found in *Shemos Rabba* 30:3, and will be discussed below.

⁸ This is the fourth cycle because it is the cycle in which the Torah was given, and the Torah spreads light like the sun.

מה שמסרו לנו המקובלים זה כמו מאות שנים, שכבר היה עולם פ"א ושוב נחרב וחזר ונתקומם זה ארבע פעמים, ושכלל פעם העולם התגלה בשלימות יתירה יותר מבתחלה, הכל התברר עכשיו בזמנינו באמת וצדק.

*And we have also found a type of fossilized creature called Iguanadon that is 76 feet tall and 90 feet long... And they found another type of animal that they called Megalosaurus, that was only a little smaller than the Iguanadon, but it was a carnivorous predator. **From all this it is clear that all that the Kabbalists have taught us hundreds of years ago – that the world had already been once, and it was destroyed and re-established four times already, and that each time the world is revealed to have a greater amount of perfection than the previous time – it has all been clarified now in our times to be true and correct.***

So while others viewed the discovery of dinosaur bones as a challenge to the Torah tradition, the *Tiferes Yisrael* sees it as a proof to the Torah tradition. Furthermore, he sees the literal understanding of this *midrash*⁹ to be explicit in the first few *pesukim* in *Bereishis* describing the creation of the world:

והתאמינו אחי שסוד הנפלא הזה נכתב באר היטיב בפרשה הראשונה ..., בראשית, ר"ל בהתחלות כל התחלות, ברא אלהים את השמים הוא העטהער, הממלא כל חלל העולם הנראה, ואת הארץ הוא כל כדור הארץ. אח"כ תדלג התורה על הקריות שנתהוו בסדרי העולם הקדום, שאין נפקא מנה לנו השתא בזה כלל.

And believe, my brothers, that this amazing secret is written explicitly in the first parsha in the Torah ... "In the beginning" meaning in the beginning of all beginnings, "God created the heaven" meaning the matter that fills the visible sky and universe, "and the earth," which is planet Earth. Afterwards, the Torah skips everything that happened in the previous histories of the earth, because they make no difference to us at all.

אבל סיפרה לנו והארץ היתה תהו ובוהו וגו', ר"ל חזרה ונתהווה חריבה ושוממה, וכמ"ש בתרגום יונתן בן עוזיאל, וארעא הוות צדיא ורקניא מבני אנשא, שכוונתו שלא נחרבה ונתבלה ממציאאות לגמרי, רק ש...נתבללו סדרי הטבע הקדום באש ובמים, ונתהווה חושך ע"פ תהום.

But then the Torah tells us "and the earth was tohu vavohu" meaning that the earth returned to being destroyed and desolate. This is like the way Yonasan ben Uziel translated the pasuk, "and the earth was desolate and

⁹ As we will see, others do not accept the literal reading of the *midrash* that the world was actually destroyed.

empty of any people," with which his intention was that the earth was not completely non-existent, but rather the order of nature was upended with fire and water, and there became "darkness across the depths."

The *Tiferes Yisrael* is noting the Torah did not use the simple expression "*vayehi ha'aretz tohu vavohu*," the earth was *tohu vavohu*, but instead used the expression "*v'haaretz haysa*," which the *Tiferes Yisrael* translates as "the earth became" *tohu vavohu*. Accordingly, the first *pasuk*, "*Bereishis bara*" is describing Hashem's first and only action of creation *yesh me'ayin*, ex nihilo – which took place much more than six thousand years ago, perhaps even billions of years ago – while the second *pasuk*, "*v'haaretz haysa*" begins the narrative of the history of our world – and that history began only 5,778 years ago.

The elegance of the *Tiferes Yisrael's* approach is that it allows for the premise of the scientists that the earth and universe are billions of years old, and it accepts the Torah tradition that the creation narrative in *Bereishis* took place 5,778 years ago. Furthermore, his approach does not try to reinterpret Torah in light of scientific discoveries of an old universe – just the opposite – it sees these discoveries as modern-day proofs to an ancient Torah tradition.

Some of the contemporaries of the *Tiferes Yisrael*, as well as *gedolei Torah* of subsequent generations, embraced his approach and answer. Rav Samson Rapahael Hirsch approvingly quoted the *Tiferes Yisrael's* approach in a letter in 1873.¹⁰ The Maharsham (Rav Shalom Mordechai Schwadron, 1835 – 1911, one of the great *ge'onim* and *poskim* of Galicia) also presents the *Tiferes Yisrael's* approach as a worthy response to heretics.¹¹ Rav Menachem Mendel Kasher wrote (*Torah Shleima Bereishis* 1:422) that it is a *mitzva* to publicize the *Tiferes Yisrael's* answer. Also, *mori v'rabi* Harav Aharon Feldman *shlit"a*, Rosh Yeshiva of Ner Yisrael, endorsed the *Tiferes Yisrael's* approach in a published essay (*Eye of the Storm* pg. 149-150).¹²

10 "Judaism is not frightened by the hundreds of thousands and millions of years which geological theory of the earth's development bandies about so freely... The sages of Judaism discuss the possibility that earlier worlds were brought into existence and subsequently destroyed by the Creator before he made our own earth in its present form and order." (*Collected Writings Vol. VII* p. 265),

11 At the beginning of *Techeiles Mordechai*, the Maharsham's commentary on *Chumash*, he writes "*umizeh yesh teshuva lanimin shematz'u alila mima shenimtz'u bi'omek ha'aretz biru'im gedolim* - from here there is an answer to the heretics who have found an attack from the giant creatures that have been found in the ground."

12 Harav Feldman's view is particularly important since in 2003 he spent a considerable amount of time with Rav Yosef Shalom Elyashiv *zt"l* discussing seeming contradictions between Torah and science, and formulating which answers were considered acceptable and appropriate.

Objections to the *Tiferes Yisrael's* Approach

Elegance notwithstanding, the *Tiferes Yisrael's* idea that dinosaur bones are millions of years old and are proof to the *midrash* that describes how Hashem built worlds and destroyed them, was and has been very controversial, with many *gedolei Torah* objecting in very strong terms. Without offering a full explanation, the Munkaczer Rov, Rav Chaim Eluzar Spira, writes in passing while addressing an unrelated issue raised by the *Tiferes Yisrael*:

ואין הס' תפא"י על משניות תח"י כי הוסר מביתנו בעת שראינו דרוש קראו אור החיים שנדפס שם ממנו בסוף נזיקין ויש בו דעות נפסדות נוטות למינוח ר"ל בענין חידוש העולם. ואולי המחבר נקי כי מפורסם ה' לאדם גדול וכשר ובנו זיף בשמו. עכ"פ שם נמצאו הדברים זרים ומרים ע"כ אינו אתנו רק אם נצטרך לראות בו בעתים רחוקים בענין הלכה נשלח אחריו לשואלו ולהחזירו.

I don't have the sefer Tiferes Yisrael on mishnayos because it was removed from our house when we saw his Drush Ohr Hachaim that was printed at the end of Nezikin, and in it are damaging ideas that are bordering on heresy, God forbid, regarding the Creation of the world. And maybe the author is innocent of wrongdoing, because it is well known what a great and reliable person the Tiferes Yisrael was, and maybe his son wrote this and signed his father's name. Regardless, there are strange and bitter ideas there. So the sefer is not in our house, and if we need to look up a halacha in it, we will borrow it and then return it. (Minchas Eluzar 1:64:2)

So what's so damaging and bitter about the idea of *boneh olamos umacharivan*?¹³

Objections of the Steipler Gaon

Rav Yaakov Yisrael Kanievsky, known as the Steipler Gaon, raises a few objections to the *Tiferes Yisrael* in a letter he wrote in 1955 published in *Krayna D'igrisa* (no. 46). After quoting the *midrash* that describes Hashem being *boneh olamos umacharivan*, the Steipler writes:

ולא נתבאר כלל שעה"ז הלז היתה מלפני ששת ימי בראשית ח"ו חלילה וחלילה, אלא שהיה סדר זמנים ובריאת עולמות אחרים אם באופן רוחני כענין שדים וכיו"ב או

¹³ It is reasonable that a Jew who believes in the eternal truth of the Torah and its sages would be offended by the entire premise of the age of the universe question. If the Torah sources say one thing, and the scientists say another, it should be upon the scientists – not the Torah scholars – to ask the question and suggest solutions, since after all, the words of the Torah and its sages are eternally true. This line of criticism might be a factor in the strong criticism *gedolei Torah* have leveled at the *Tiferes Yisrael*, but this might not be fair. The *Tiferes Yisrael* does not present his approach as a response to a scientific attack against the Torah – just the opposite – he is using scientific discoveries to bolster faith in the literal explanation of a *midrash*.

באופן גשמי ובכל אופן אינו קאי על עוה"ז, היעלה עה"ד שח"ו חז"ל יכחישו חלילה פרשת מעשה בראשית. וענין מאמרם ז"ל שהי' בונה עולמות ומחריבן מתבאר היטב בספר הקבלה והוא ענין מלכין קדמאין שבסוף פרשת וישלח ואין לנו עסק בנסתרות. *It is not at all correct that this description of our world took place prior to the six days of creation – God forbid. Rather there was an order of times and creation of other worlds – whether spiritual like shedim and the like, or physical. But certainly it is not talking about our world. Would you ever think, God forbid, that Chazal would contradict the parsha of maaseh Bereishis? ... Rather this idea that He created worlds and destroyed them is explained well in the Zohar (Idra Rabba p. 128) as the idea of the earlier kings (of Edom) described at the end of Parshas Vayishlach, but we should not be studying such secrets.*

The Steipler's first objection begins with the recognition that the *pshat*, the most direct reading of the creation narrative, is that the entirety of creation, from "Bereishis", the very first act of creation, until "vayhei erev vayehi voker yom hashishi" took place during the six days of Creation.¹⁴ And since the *Zohar* provides an alternative understanding of the *midrash* that does not contradict the *pshat*, one is obligated to read the *midrash* in that way. The Steipler says that the *Zohar's* explanation of this *midrash* in fact is referring to worlds that do not pre-date the six days of Creation, and therefore we must accept this interpretation of the *midrash*, and not the *Tiferes Yisrael's*.

The Steipler presents another objection:

איכא איסור מפורש בריש פ"ב דחגיגה במתני' כל המסתכל בד' דברים וכו' מה לפנים ע"ש בפירש"י ותוס' שמבואר להדיא בדף ט"ז שאיסור להרהר במה שהי' לפני ששת ימי בראשית, אלא שהתפא"י על משניות בראותו קלקול הדור ראה לקרב אותם ע"י מאמרו המפורסם אור החיים שנדפס סוף משניות סדר נזיקין והרבה יש לדון בדבריו אבל כבר אסרו חז"ל לדון בזה כנ"ל.

There is an explicit prohibition in the mishna at the beginning of the second perek of Chagiga that one is not allowed to think about "what came before."
See Rashi and Tosafos that explain explicitly on page 16a that one is

14 The Lubavitcher Rebbe (*Igros* 7 p.132) agrees with the Steipler that the world was created in six 24 hour periods. He adds that he believes that the *Tiferes Yisrael* didn't even necessarily believe that Hashem was *borei olamos umacharivan* prior to our six days of creation, but rather he was offering apologetics to show the nations of the world that even their beliefs are found in the Torah. The Lubavitcher Rebbe continues to offer precedent by saying that very often the Rambam presented ideas in the *Moreh Nevuchim* that were inconsistent with his *halachic* opinions in *Mishna Torah*, and he did this as apologetics to make it easier for non-believers to appreciate the Torah. (See previous footnote).

forbidden from thinking about what was before the six days of creation.¹⁵ But when the Tiferes Yisrael on the mishnayos saw the struggles of his generation, he wanted to bring them closer with his well-known sermon “Ohr Hachaim” printed at the end of mishnayos Nezikin. There is much to discuss about his words, but our sages have already forbidden it like we said.

Here the Steipler objects to the *Tiferes Yisrael* because his destroyed worlds existed prior to our six days of Creation. Since one is not allowed to contemplate the world prior to the six days of Creation, one may not consider this approach, and therefore this could not be the correct explanation of the *midrash*.

We could offer possible suggestions as to how the *Tiferes Yisrael* might respond to the Steipler’s challenges. First, the *Tiferes Yisrael* believes that his explanation of the *midrash* is in fact consistent with the *pshat* of the *pesukim*. As we mentioned before, he understands “*viha’aretz haysa*” in the second *pasuk* to mean that the earth became *tohu vavohu*, meaning that Hashem had destroyed everything on the earth prior to the six days of Creation of our world, but leaving the earth itself intact.¹⁶ Next, the *Tiferes Yisrael* would probably argue that his explanation of the *midrash* of *boneh olamos umacharivan* is not “what came before” at all. He understands that all of the worlds that were built and destroyed came before our “*vayomer Elokim yehi ohr* – God said let there be light” but after the “*Bereishis bara Elokim*,” after Hashem’s creation of our heavens and earth, *yesh me’ayin*, that still exists today. The *Tiferes Yisrael* would hold that the prohibition of contemplating “what came before” only prohibits contemplating what existed before Hashem had created anything at all.

Objections of the Netziv and Rav Moshe Cordovero

Rav Naftali Tzvi Yehuda Berlin, the Netziv of Volozhin, a younger contemporary of the *Tiferes Yisrael*, objected to his explanation based on another similar *midrash* found in *Shemos Rabba* (30:3):

אמר רבי אבהו... בכל מקום שכתוב “אלה” פוסל את הראשונים. כיצד (בראשית

¹⁵ Chazal give a *masnal* comparing this to the disgrace of reminding a king of his simple life before he ascended the throne. Contemplating existence prior to Hashem’s creation of the universe – His ascending the throne – is similarly disgraceful.

¹⁶ It is beyond the scope of this discussion, but the Steipler raises an interesting question about whether *midrash* can conflict with *pshat*. It seems that there are many *midrashim* about the Creation that conflict with the *pshat*. For example, in *Chagiga* 12a, the opinion of the *Chachamim* (quoted in Rashi to *Bereishis* 1:14) is that the sun was created on the first day of Creation. While this could be read into the *pesukim*, it does not seem to be consistent with the *pshat*.

ב, ד) "אלה תולדות השמים והארץ בהבראם". ומה פסל שהיה בורא שמים וארץ והיה מסתכל בהם ולא היו ערבים עליו והיה מחזירן לתוהו ובוהו כיון שראה שמים וארץ אלו ערבו לפניו. אמר אלו תולדות. לפיכך אלה תולדות השמים והארץ אבל הראשונים לא היו תולדות.

Rabi Avahu¹⁷ said... whenever it says "eleh – these" it negates what came before. How? "These are the stories of the heavens and earth when they were created (Bereishis 2:4)": What did it negate? Hashem would create the heavens and earth and He would look at them. And if they were not pleasing to Him, He would return them to tohu vavohu. Once He saw these heavens and earth, they were pleasing to Him. He said, "these will have stories." Therefore "these are the stories of the heavens and earth," but the earlier worlds would not have stories.

The Netziv focuses on the language of the *midrash* in *Shemos Rabba* that says that when Hashem didn't like the heavens and earth that He created, He would return them to *tohu vavohu*, and therefore there cannot be any remains that we could find. (*Ha'emek Davar Bereishis 7:23*):

מכל מקום קשה לדעתי לומר כן שהרי מבואר בשמות רבה "אלה תולדות השמים והארץ מה פסל, שהיה בורא עולמות והיה מסתכל בהן ולא היו ערבים עליו ומחזירן לתוהו ובוהו." ואם כן לא נשתירו מהם שירד ופליט.

Nonetheless, I find [the Tiferes Yisrael's explanation] difficult because of the midrash in Shemos Rabba that says ... 'if they were not pleasing to Him, He would return them to tohu vavohu.' Therefore, nothing at all could have remained from these worlds.

So, the Netziv argues, any dinosaur bones could not have been from previous worlds or creations, and must have been created as part of our *sheshes yimei bereishis*.¹⁸

The Netziv's question could be bolstered by the words of 16th century kabbalist Rav Moshe Cordovero (Ramak) describing how *boneh olamos umacharivan* was understood by *Sefer Hatimuna*, one of the early works of kabbala.¹⁹ The Ramak writes (*Shiur Koma 79b*): "*da'ato eino ela sheyischadesh yesh me'ayin bichol shmita u'shmita*" –

¹⁷ Rabi Avahu is also the author of the *midrash* in *Bereishis Rabba* quoted by the *Tiferes Yisrael*.

¹⁸ The Netziv himself suggests that the dinosaurs lived prior to the *mabul* and were wiped out by the *mabul*. He suggests that Hashem left the bones and fossils for us to find to serve as a reminder not to repeat the *aveiros* done by that generation.

¹⁹ Some ascribe the authorship of *Sefer Hatimuna* to the *tanna* Rabi Nechunia Ben Hakana.

the *Sefer Hatimuna's* opinion is that the world was completely renewed ex nihilo each cycle. Obviously then, there would be no dinosaur bones left behind from previous cycles.

The *Tiferes Yisrael* might give the same answer to the Netziv as he would to the Steipler. While the Netziv assumes that *tohu vavohu* means complete non-existence, the *Tiferes Yisrael* is following the translation of *Targum Yonason* that *tohu vavohu* means empty of people. Therefore, the *Tiferes Yisrael* might argue that even when the *midrash* says in *Shemos Rabba* that the world reverted to *tohu vavohu*, the earth itself could still exist, as could the dinosaur bones buried within it. This explanation would not work for the Ramak, though. Since according to the Ramak each cycle of *boneh olamos* was *yesh me'ayin*, each cycle of *macharivan* returned the universe to nothingness.

Scientific Objections

Even if the *Tiferes Yisrael's* answer could be satisfactory from a Torah point of view, there may still be scientific objections.

First, the *mekubalim* that the *Tiferes Yisrael* himself quotes say that each cycle of the world lasts for seven thousand years. If we are in the fourth cycle, as the *Tiferes Yisrael* states, this would place us at the year 26,778 from the first creation *yesh me'ayin*. This is nowhere near the age extrapolated from radiometric dating, the distance of the stars, or so many other obviously apparent indications that the earth is billions of years old.²⁰

Furthermore, Rav Dovid Zvi Hoffman (1843–1921) points out in his commentary to *Bereishis* (Chap. 2), that the *Tiferes Yisrael's* approach does not fit in many ways with prevalent scientific theory.²¹ According to the *Tiferes Yisrael*, while the earth could be billions of years old, all six days of Creation took place 5,778 years ago. That means as recently as a few thousand years ago, there was no light, no stars or planets, no separation between the oceans and the sky, and the earth was entirely covered by water. While it is possible that these only lasted for one to four days (if there would have been no down-time between the destruction of the previous world

20 Rav Aryeh Kaplan, in an address to Orthodox Jewish Scientists in 1979 suggested that using *boneh olamos umacharivan*, one could calculate the age of the universe at approximately 15 billion years by following the approach of 14th century Kabbalist Rav Yitzchok Mi'Akko. Rav Yitzchok Mi'Akko suggests each day of the 7,000 year cycle is really 1,000 years. Thus each cycle would last 2.56 billion years. If we are approximately 6,000 years into the seventh cycle, the universe would be approximately 15 billion years old. Many have critiqued Rav Kaplan's approach pointing out that while there is one *sefer kabala* that says we are in the seventh cycle (the *Livnas Hasapir*), Rav Yitzchok Mi'Akko himself said we are in the second cycle, and the *Tiferes Yisrael* says we are in the fourth.

21 Rav Hoffman was referring specifically to how the *Tiferes Yisrael's* timeline conflicts with Darwin's theory of evolution, but his point is just as relevant to many other issues.

and the creation of light in ours), it is not scientifically acceptable to argue that a few thousand years ago there was no sun or stars for three days. While a believing Jew should not be excessively bothered by a need to respond to every scientific challenge, nonetheless these issues make the *Tiferes Yisrael's* approach that much less elegant.

So does the *Tiferes Yisrael's* answer pass the test?

In summary, we have discussed four main Torah objections as well as general scientific objections to the *Tiferes Yisrael's* approach that evidence of an old world is really evidence of past worlds that Hashem destroyed:

1. We should not explain the *midrash* of *boneh olamos umacharivan* in a way that conflicts with *pshat* – that these worlds existed prior to our six days of Creation – when the *Zohar* understand *boneh olamos umacharivan* to be after our six days of creation. (Steipler)
2. One may not study what existed prior to the six days of Creation, and the *Tiferes Yisrael's* approach does just that. (Steipler)
3. When the worlds were destroyed, there was no remnant of prior worlds, since the *midrash* says the world returned to *tohu*. (Netziv)
4. When the worlds were destroyed, there was no remnant of prior worlds, since the *Sefer Hatimuna* says the world returned to *ayin*. (Ramak)
5. Even if the universe would be billions of years old, the six days of Creation took place only thousands of years ago, which conflicts with many scientifically accepted facts. (Rav Dovid Zvi Hoffman)

Regarding the first three Torah objections, we can suggest that the debate hinges upon how to understand *pshat* in the words “*tohu vavohu*.” The *Tiferes Yisrael* follows the approach of *Targum Yonason ben Uziel* who translates this as “empty of people and animals”, which could imply that even in the status of *tohu vavohu*, the earth could exist, even with fossils buried within. The Rashbam (*d”h Bereishis bara Elokim*) also follows Yonason ben Uziel, and translates *tohu vavohu* as “*chorvo me’ein yosheiv*” desolate from having any inhabitants. Similarly, the *Taz* in his commentary *Divrei David* on Rashi writes (*Bereishis* 1:2) that Rashi also understood *tohu vavohu* to mean empty of all people and vegetation. Based on this, the *Tiferes Yisrael* would be consistent with *pshat* since “*viha’aretz haysa tohu vavohu*” would simply mean that the earth had all of its inhabitants destroyed – but it would still exist. Similarly, since *tohu vavohu* would not mean *ayin* – absolute nothingness – one would be allowed to study what existed prior, as long as he or she doesn’t study what happened prior to *bereishis bara* – the creation *yesh me’ayin*. Similarly, based on this translation of *tohu vavohu*,

the *Tiferes Yisrael* has no problem with the *midrash* that says the world returned to *tohu*, because even returning to *tohu* would only mean that the surface of the earth was emptied of its inhabitants.

The Steipler and Netziv, however, would likely understand the words *tohu vavohu* like the majority of commentators. Most commentators follow either the approach of Ibn Ezra that *tohu vavohu* means *ayin* – absolute nothingness, or the Ramban that *tohu vavohu* refers to a minute amount of matter from which the heavens and earth were formed. The *Tiferes Yisrael* could not be consistent with either of these approaches.

While it is hard to reconcile the *Tiferes Yisrael* with the Ramak, it is worthwhile to note that the aforementioned Steipler, in his objections to the *Tiferes Yisrael*, flat out rejects the Ramak. The Steipler said “*chalila vichalila*” to consider that the *boneh olamos umacharivan* happened prior to our six days of Creation, yet the Ramak says just that.

And regarding the science, the *Tiferes Yisrael*'s approach does answer the biggest question, by showing how evidence that the world is older than a few thousand years, is not evidence against *maase bereishis*, but is actually evidence for it, as described by the *midrash*. Nonetheless, there are still significant issues with which it conflicts with science. But as science's view of the world consistently changes, it is possible that at some point in the future those conflicts will disappear.

In conclusion, for those who are bothered by the seeming contradiction between the Torah and science's age of the universe, the *Tiferes Yisrael* offers a solution that is creative, plausible, and elegant, yet still somewhat imperfect.

The Yom Tov of Rosh Hashana: A Day of *Terua* (Blowing)

MENDY MILLMAN



We find in the Torah's method of naming the various *Yamim Tovim* that, in addition to their general special status, each one is called by a specific name. This isn't novel; a holiday, is by definition, a day that refers to or commemorates a specific idea, event, or person. However, there is something different about the Torah holidays. When it comes to a cultural holiday, there is one sole idea that this holiday represents. Veterans day, for example, is meant to honor the soldiers that fought for America's security. The name indicates *the* idea that both generated the day and that is supposed to be remembered. When it comes to the Torah's holidays, however, like any of the Torah's *mitzvos*, there are many layers of depth, meaning, and motivation. An example that brings out this point, in the context of Torah holidays, is from Avraham Avinu. The commentators tell us that Avraham "celebrated" Pesach and ate matza, even though the Jews had not yet experienced the miracle of Hashem "passing over" their homes, left Egypt in a hurry, or eaten "poor man's" bread. Thus, the phenomenon of the Torah naming its holidays is more profound than any other system of naming. The Torah focuses on one point out of many, and almost seemingly limits the holiday's meaning. This is not an act of limitation, however, but rather the Torah's method of identifying and revealing, according to the best of our human understanding, the day's essence. This means that any other levels of depth and meaning for Rosh Hashana, although very much connected to its essence, are still, to a degree, subcategories or branches. This deviation from the Torah's general method of commanding *mitzvos*, where it does not reveal their reasons or meaning, requires investigation. We must try and understand what the Torah is communicating to us by referring to what we call Rosh Hashana, and what could have been called The First Holiday of the Seventh Month, as "The Day of *Terua*" (blowing). Somehow,

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this name captures Rosh Hashana's essence. Let us delve into the depth of the unique mitzva by which the day itself is called. By initially addressing the "mitzva" of blowing we hope to unlock the essence of Rosh Hashana itself, "The day of Blowing".

Let us first point out a unique aspect in the Torah's method of commanding the mitzva of shofar. The majority of *mitzvos* are communicated in the form of a command; e.g. eat matza, tie tefillin, and don't steal. The mitzva of shofar, however, is conveyed in a different form. The *pasuk* in *Bamidbar* (29:1) says, "And on the seventh month, on the first of the day, it is a holy day for you, all labor you shall not perform, a day of blowing it is for you." The Torah does not directly command us to blow the shofar, but rather the Torah indicates, through its description of the day, that there must be a mitzva of blowing the shofar. This anomaly is something that requires understanding. Why did the Torah not command the mitzva of blowing the shofar in a direct way like other *mitzvos*?¹

Another difficulty that is present in the mitzva of shofar is from the mishna in *Rosh Hashana* 26a which says, "All types of shofars are valid to be used for the mitzva except for a horn of a cow." One of the reasons that the gemara gives for this halacha is because of the concept known as "A Prosecutor Cannot Be A Defender". This concept is primarily applied in the *halachos* of the Yom Kippur service that was performed in the *Beis Hamikdash* by the *Kohen Gadol*. When entering the the Holy of Holies, his clothing may not contain any gold in them during this special service. This is because gold, so to speak, "reminds" Hashem of the sin of the Golden Calf. The clothing cannot simultaneously serve its role of defending *Klal Yisrael*, in facilitating the special service of atonement by beautifying the *Kohen Gadol*, while also reminding God of the sin of the Golden Calf. It is apparent as to why the Yom Kippur service is categorized as a defender, as its entire function is to achieve atonement for *Klal Yisrael*. However, when it comes to the mitzva of shofar, this concept seems more difficult to apply. Shofar, although it is an act of "serving" God, is not an "*avoda*," a service of atonement. Shofar seems more comparable to any of the other *mitzvos* such as eating matza or shaking lulav, which are simply God's commands for us. (Even if the reasons behind those mitzvos are somehow oriented with achieving atonement, it would still not be what the act of the mitzva is accomplishing, as opposed to a *korban*.) The Ritva on that *daf* addresses this issue by stating, "that the shofar also comes [to accomplish] our becoming beautiful in Hashem's eyes and wanted by Him." Thus the

¹ There is one other mitzva, according to the Rambam, which is also phrased in a non-commanding way; that of "I am Hashem your God". These two *mitzvos* seem to possess a shared point, which shall hopefully be addressed.

shofar's function is to make us beautiful and wanted in Hashem's eyes. This is why a shofar cannot be made from a cow as a prosecutor cannot simultaneously serve as a defender. This explanation of the Ritva needs to be understood. How does the Shofar do this?

In summation, we have two issues which require explanation. Firstly, why does the Torah not communicate the mitzva of shofar in the form of a direct command? Secondly, how does the shofar make us beautiful and wanted by Hashem?

The Rambam, in *Hilchos Teshuva* 3:4 states, "Even though the mitzva of shofar is a decree of the Torah, in it there lies a hint, "Wake up, Wake up, sleepers from your sleep, arise slumberers from your slumber, investigate your ways and return with repentance..." The *gemara* and *midrashim* list many reasons behind this mitzva such as, confusing the Satan, causing Hashem to sit on His throne of mercy, and invoking the merit of *Akeidas Yitzchak*, to name a few. However, the Rambam focuses on the shofar being an "alarm" to change our ways. It seems difficult that the Rambam would prioritize one reason over the many others. In addition, the Rambam is primarily a *halachah sefer*, and not a *perush* on *mitzvos* or *Chumash*, making this comment of the Rambam a deviation from his general approach in the *Yad Hachazaka*. Maybe we can suggest that the Rambam is in fact not choosing a reason over others, but rather expressing what the shofar accomplishes. The core of the shofar is a tool to awaken us to *teshuva*. This is a distinction which we noted by the Yom Kippur service, between reasons behind a mitzva, of which there are always many, vs. a mitzva's essence and its function. As the service on Yom Kippur is inherently a tool of atonement, so too is the mitzva of shofar; a tool to awaken our sleeping hearts to *teshuva*. It seems that the Rambam is expressing the *halachic* point that the function of the shofar is to awaken our hearts to *teshuva*, in line with his general approach in the *Yad Hachaka*. The Rambam has not "prioritized" one reason over another, rather categorized reasons and not functions.

With this maybe we can understand our two points of difficulty. When the Torah does not command a mitzva directly, there is a hint in the Torah's methodology. All *mitzvos*, by definition of their being commandments, must come from a commander. In order for there to be a commander, the recipient of the commands must first recognize and accept his commander's authority. This recognition of authority is a prerequisite to all *mitzvos*. This may be why the mitzva of believing in Hashem is phrased, "I am Hashem your God" and not, "Believe in Me." The mitzva of *emuna*, although technically a "regular" mitzva, requires a special approach, of our, so to speak, accepting it upon ourselves. As the foundation to all other *mitzvos*, it must

stem, so to speak, from our own “choice”. The Torah hints to this “self-made” approach to *emuna* by not commanding it in the classical direct way. Along these lines, we can understand the mitzva of shofar. The Torah is hinting to us that we must, so to speak, “choose” to do this mitzva. We have to awaken ourselves to return to Hashem, and accept Him as our ultimate authority. How can we be “commanded” to return to our “commander” if we ourselves have removed our commander’s authority from us? We must sound the alarm and return to Hashem. This may be why the Torah phrases this mitzva differently than nearly all *mitzvos*. Of course, this mitzva is not “optional”, as we already accepted the Torah at Har Sinai, rather the Torah is telling us to approach it differently than other *mitzvos*.

We can also now answer our second question. Our sins distance us from Hashem. We lose favor and beauty in our Creator’s eyes when we do not act in accordance with our purpose for having been created. How does one regain favor in Hashem’s eyes? Technically, that answer may be to completely change our ways and entirely eliminate the distance between us and Hashem. However, being that we are human and not angels, it is understood that such a process takes time. Yet, the act of beginning that process expresses to Hashem that we are trying. We have sounded the alarm, and recognize that the time has come for a drastic overhaul. This is a truly beautiful thing, and nothing could win more favor in Hashem’s eyes than His creations awakening themselves from the dust of their sleep. The act of arousing *teshuva* through blowing the shofar defends us from the prosecutor’s charges of our sins. Our defense is: Hashem, we are beginning to change, look how beautiful we are now, amidst the dirt, because we are becoming, eventually, fully beautiful.

May we merit to incorporate this understanding of what the shofar’s function is into ourselves in general, and specifically over this yom tov. Even if we struggle with our *Yetzer Hara*, we can always begin the process of change one rung at a time. Shofar is the mitzva of “blowing” that spiritual alarm. The day when we sound this alarm is on Rosh Hashana, the day of *terua*, the day of our becoming beautiful and desirable to *Hakadosh Baruch Hu*. May we merit to eventually hear the sound of the ultimate shofar, gathering us together, to serve Hashem in Yerushalayim.

The Importance of the *Chazan*

EVAN SILVER



Much thought is put in to selecting a *shaliach tzibbur* (*chazan*/cantor)¹ for the *Yamim Noraim* (Rosh Hashana and Yom Kippur). However, we select a *chazan* every day, three times a day. Why isn't the same care expended when selecting our representative each day? As the *shaliach tzibbur*'s primary purpose is *chazaras hashatz* (repetition of the *Shemone Esrei*), the importance of the *shaliach tzibbur* highlights the significance of *chazaras hashatz*. By understanding the value of *chazaras hashatz*, we can also understand the importance of choosing a *shaliach tzibbur*.

In the times of the *gemara*, the term "tefila" referred to *Shemone Esrei*. *Shemone Esrei* is the focal point of *davening*, and by extension, so too is *chazaras hashatz*. Yet, there is an inherent difference between *chazaras hashatz* on the *Yamim Noraim* and the rest of the year which is brought down at the end of *meseches Rosh Hashana*. There is a *machlokes* (disagreement) as to who can be *yotzei* (fulfill one's obligation) through the *chazan's* repetition - is it everyone or just one who is not a *baki* (learned enough to say it themselves)? *Davening* used to be more difficult before they had printed *siddurim*. Most prayers had to be recited from memory. While we *paskin* that everyone who can *daven* themselves must do so both on Rosh Hashana and during the rest of the year, there is an opinion in the *gemara* which states that on the *Yamim Noraim*, when *Shemone Esrei* is longer and people are not as familiar with the prayer, everyone should be *yotzei* through the *chazaras hashatz*. Today, however, the opposite holds true. Since we say *piyutim* on the *Yamim Noraim*, no one can be *yotzei* through the *chazan*. On the contrary, it's during the rest of the year that there are times when one would be permitted to rely on the *chazan* under certain circumstances.²

1 In the times of the *gemara*, *chazan* meant something different.

2 *Ishei Yisrael* 45:43. Maybe that's a reason to remove the *piyutim*? An example given is if one forgot *yaale veyavo* but it's still better not to rely on the repetition.

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Today, the general population is able to recite the *Shemone Esrei* themselves. The *Mechaber* (*Orach Chaim* 124:2) opines that the while the original reason was to be *motzi* those who could not *daven* themselves, we continue the practice to fulfill the *takana* of Chazal. The Rambam (quoted in the *Beis Yosef Orach Chaim* 124) holds that even if everyone can *daven* themselves, we must uphold the *takana*, similar to making *kiddush* in the shul Friday night, which was originally done only to be *motzi* those who slept there. Even though today people aren't sleeping in the shul, we still say *kiddush*. Interestingly, in his own shul in Egypt, the Rambam did away with the silent *Shemone Esrei*, because there was too much talking during *chazaras hashatz* since people had already davened.³ Yet this was an exception to the rule. Not only are we still required to say both silent *Shemone Esrei* and have the *chazan* say the repetition, but the *Shulchan Aruch* says that we need to listen and answer *amen* to each *bracha* of the repetition. If nine people aren't answering, then it is like a *bracha levatala* (blessing in vain).⁴ The *Mishna Berura* (*ibid.* #17) adds that we shouldn't even learn Torah during the repetition, regardless of the fact that, nowadays, we aren't *yotzei* through the *shaliach tzibbur*. All the more so, if it is *assur* (forbidden) to learn Torah, one should not talk or create other distractions during *chazaras hashatz*. The Rama (124:4) adds we should stand.

The *Shulchan Aruch* (*Orach Chaim* 101) rules that we need to have *kavana* in our personal *tefilla* and if don't have *kavana* during the first blessing we should repeat the *Shemone Esrei*. The Rama adds that we don't repeat because if we lacked *kavana* the first time, we probably would not have *kavana* the second time either. Since one can technically be *yotzei* through the *chazaras hashatz*, this is another reason that we should be paying attention. In case our *kavana* is lacking, there is a possibility of being *yotzei* through the *chazan*.

Nefesh Harav (p. 124) quotes from Rav Yosef Dov Soloveitchik that there are two facets of *Shemone Esrei b'tzibbur* (with a congregation). The first is *davening* with the *tzibbur* and the second is the *davening* of the *tzibbur*, which is fulfilled through the repetition. To fulfill the second part, the Rav had the *minhag* to stand with his feet together the entire repetition. The Brisker Rav had the opinion to follow this practice during *mussaf* on Rosh Hashana, as the shofar blasts should be part of the

3 Interesting idea? Adas already doesn't say *kiddush* on Friday night.

4 There seems to be a common misconception that the *chazan* needs to wait for six people to finish their *Shemone Esrei* before beginning the *chazaras hashatz*. This would not be sufficient because you need nine people to answer *amen*. You need six people *davening* with the *minyan*, but still need nine to actually answer. Waiting for six to finish could work if there were four additional people there who could answer the *Shaliach Tzibbur*.

amida, and so too the repetition which had the blasts would be viewed as part of the *chazaras hashatz*.⁵

Now that we have established the importance of *chazaras hashatz*, we can explore the qualifications for the person fulfilling this obligation for both the *Yamim Noraim* and the rest of the year. The *Shulchan Aruch* brings two different sets of qualifications for the *shaliach tzibbur*. The first, (*Orach Chaim* 53:4-5) rather limited, set of requirements appears in the section dealing with the laws of *tefilla*. Later on in the codification, (*Orach Chaim* 581) in the laws of Rosh Hashana, there is a more stringent set of requirements set forth for *selichos* and the *Yamim Noraim*. The *Mechaber* writes that during the year we should choose someone who is free of a sin, has a good reputation, is humble, is skilled at chanting the words, has a pleasant voice and is used to reading Tanach. He goes on to say that if no one has all these attributes then we pick the one who is the most knowledgeable with good deeds. The Rama says that if there's a choice between an elderly person who isn't learned but has a good voice and thirteen-year-old who doesn't have a good voice but is learned, the thirteen year old takes preference. The Rama has added qualifications for the *Yamim Noraim* and *selichos* that requires the *shaliach tzibbur* to be a *gaon* (great Torah scholar), experienced with *davening*, at least thirty years old, and married. For *selichos*, he also should daven the other prayers of that day.⁶ The added set of rules for *Yamim Noraim* are based on the extra qualifications the *gemara* lists for a *chazan* on a fast day.⁷ That *gemara* goes on to chastise those who pick an unworthy *chazan* who was only picked for his voice based on the *pasuk* "My heritage has become to Me as a lion in the forest. She has uttered her voice against Me; therefore, I have hated her." (*Yirmiyahu* 12:8)

What is the reason for the correlation drawn between the davening on a *taanis* and the *Yamim Noraim*? One opinion suggests that the similarities lay within the severity of the day, which would compel us to want the best possible person to be our representative and to help inspire us. Another idea is that in the times before *siddurim*, people would be more likely to need to rely on the *shaliach tzibbur* on days where there was a *davening* they did not know as well. It seems that according to the first answer we should always want the best person leading the congregation. The second answer, however, did not really apply even by the times of the *Shulchan Aruch*.

⁵ According to Rabbi Revah who learned in the Brisk yeshiva.

⁶ There are various reasons for this *minhag* and it has fallen out of practice in most communities.

⁷ *Taanis* 16b. These refer to fast day services that we no longer conduct today. This would explain why this wouldn't apply to modern days fasts.

So why are we so much more lenient the rest of the year? The *Meiri* on the above *gemara* answers that we should always strive to have a *shaliach tzibbur* who is a *zaken*, the higher level reserved for *Yamim Noraim*. He bases this on the *Koheles Rabba's* commentary on the following passage of *Koheles*:

עיר קטנה ואנשים בה מעט ובא אליה מלך גדול וסבב אתה ובנה עליה מצודים גדלים. ומצא בה איש מסכן חכם ומלט הוא את העיר בחכמתו ואדם לא זכר את האיש המסכן ההוא. ואמרתי אני טובה חכמה מגבורה וחכמת המסכן בזויה ודבריו אינם נשמעים. דברי חכמים בנחת נשמעים מזעקת מושל בכסילים. טובה חכמה מכלי קרב וחוטא אחד יאבד טובה הרבה:

There was a little city, with few men in it; and to it came a great king, who invested it and built mighty siege works against it. Present in the city was a poor wise man who might have saved it with his wisdom, but nobody thought of that poor man. So I observed: Wisdom is better than valor; but A poor man's wisdom is scorned, And his words are not heeded. Words spoken softly by wise men are heeded sooner than those shouted by a lord in folly. Wisdom is more valuable than weapons of war, but a single error destroys much of value. (9:14-18)

Koheles Rabba says that this a parable. The town is a *shul* and *HaKadosh Baruch Hu* is the King. The wise man is the *chazan* and his prayers can save us. We should choose such a person as our *shaliach tzibbur*. The *Meiri* says while we really should always do this, we tend to be *meikel*. This could also be similar to people who have a *minhag* to be *machmir* to only eat *pas yisrael* during *aseres yimei teshuva*.⁸

The severity of the responsibility to lead the congregations is demonstrated in the *halacha* based on the *gemara* in *Brachos* 34a which says someone shouldn't accept right away when asked to *daven*. They also shouldn't refuse too much either, so when asked to be *shaliach tzibbur* one should say no the first time, the second time start to move, and agree the third time. This is how the *Shulchan Aruch* (*Orach Chaim* 53:16) rules.

Through the requirements and the role of the *shaliach tzibbur* we can understand its purpose better. On the one hand, we want someone respectable for the congregation, as this person will be praying on behalf of them. We want someone who will have the proper *kavana* and whose prayers will be answered. If the goal is simply to pray for the congregation, having a pleasant voice shouldn't matter, but

⁸ See my article in *Nitzachon* 4:2 for more information on *pas yisrael*.

we also want someone with a voice that will inspire the congregation to pray better. Some attributes fulfill both elements, such as having someone who is free of sin. In addition to their prayers being more likely to be answered, the congregation will have better *kavana* when they respect the person *davening* as opposed to thinking of all the *chazan's* sins.

The *gemara*, *rishonim* and *achronim* put a tremendous amount of importance on *chazaras hashatz*, not just on the *Yamim Noraim* but the rest of the year as well. For this reason, it's important to always have a worthy *shaliach tzibbur* who understands the gravity of the responsibility. Similarly, the congregation should always be careful to listen to the *chazaras hashatz* carefully and allow the *chazan* to both *daven* for them and inspire their personal *tefilla*.

Who am I?

ELI SNYDER



One of the defining opportunities afforded by Rosh Hashana is the ability to remake and redefine oneself from the essence of his or her being. As the new year emerges with a fresh set of opportunities and challenges, man too emerges anew, hopefully equipped for what lies ahead. This idea relates to the disagreement in the *gemara* in *Rosh Hashana* 10b between Rav Yehoshua and Rav Eliezer about when the world was created. While R' Yehoshua posits the world was created in the month of Nisan, R' Eliezer is of the opinion that it was created in Tishrei. The *midrash* explains that the latter opinion actually maintains that Hashem began Creation on the 25th of Elul and that Adam HaRishon, the apex of Creation, was formed on the first of Tishrei, i.e. Rosh Hashana. Following the opinion of R' Eliezer, the idea of recreating oneself on Rosh Hashana gains new light. When Hashem created Adam, there was a specific intent and mission, and Adam was given the personality and tools to perform those goals. By understanding the inherent design of the soul, mind and body of our original ancestor, we too can try to emulate that paradigm in order to fulfill our life's purpose. The challenge is in fact understanding what that design truly is.

In the Summer 1965 issue of the *Tradition* journal, HaRav Yosef Dov Soloveitchik published a lengthy essay titled "The Lonely Man of Faith," which focused heavily on the two versions of Adam's creation in *parshas Bereishis*. While other sources such as the *gemara* and the *Kuzari* discuss the varying accounts, the Rav delves quite deeply into the two divergent personalities that are described. Hence the "Lonely Man of Faith" that emerges. The two Adams, whom he dubs "Adam the first" and "Adam the second" are very different and yet both divinely ordained, and it is the man of faith that recognizes the divine intent in both characters and must perpetually oscillate between both personalities and communities, never finding a resting spot. He is thus, unescapably lonely. Who then are these two Adams and why can there never be respite?

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The Adam described in the first *perek* of *Bereishis* is presented in context of the Seven Days of Creation, which explains why his essence must be inherently tied in with nature. “Adam the first is overwhelmed by one quest, namely, to harness and dominate the elemental natural forces and put them at his disposal” (LMOF 13). His goal is to dominate nature and in turn, earn majesty and dignity. That is why Adam the first was created at the same time as Chava, because “Dignity is a social and behavioral category, expressing not an intrinsic existential quality but a technique of living, a way of impressing society,” (LMOF 24). Adam the first cannot be alone because his entire purpose is to succeed in the social and biological realm, hence, this “natural community” is purely utilitarian, “nurtured... by biological, instinctual pressures” (LMOF 27).

In contrast to Adam the first, Adam the second was created alone. His pursuits are not of a majestic, utilitarian nature, but of personal self-actualization and religious connection. Therefore, in solitude, he is lonely “since loneliness is nothing but the act of questioning one’s own ontological legitimacy, worth and reasonableness” (LMOF 30). In turn, a “natural community” would not suffice for Adam the second. “His quest is for a new kind of fellowship, which one finds in the existential community... there, one lonely soul finds another soul tormented and solitude yet unqualifiedly committed” (LMOF 40). Adam’s relationship with Chava does not come from a need “to work, to produce and to succeed in his undertakings,” (LMOF 29) but from a need to find a partner to share in his existential loneliness and to help him find redemption. Nevertheless, this is not enough; we see that “Adam the first met the female all by himself, while Adam the second was introduced to Eve by God” (LMOF 41). The “covenantal faith community,” as opposed to the “natural community,” has God fundamentally linked to its existence because Adam the second’s existential quandaries of finitude and purpose can only be solved in a community where “God appears as the leader, teacher, and shepherd,” (LMOF 43) and where “finitude and infinity, temporality and eternity, creature and creator become involved in the same community” (LMOF 42). It is in this way that Adam the second finds redemption.

As opposed to the two Adams, who eventually find their actualization, there is a fundamental dilemma of the lonely man of faith, as to which the Rav explicitly admits, “I do not intend to suggest a new method of remedying the human situation... neither do I believe it can be remedied at all” (LMOF 2). The lonely man of faith is caught in “the steady oscillating between the majestic natural community and the covenantal faith community [that] renders the act of complete redemption unrealizable” (LMOF 75-76). The lonely man of faith is unable to pick and choose the best elements of

the two Adams and become a steadfast and confident figure; instead he must live in both communities and never really take root in either. The Rav explains that “this alternation of cosmic and covenantal involvement...represents two kinds of creative and spontaneous activity, both willed and sanctioned by God,” (LMOF 76) and that “He authorized man to quest for ‘sovereignty’; He also told man to surrender and be totally committed” (LMOF 77). Man cannot find that happy medium, not because these differences are too great but because they are both explicitly ordained by Hashem.

While the Rav emphasizes throughout his essay that there is no true escape from the existential loneliness inherent in man’s creation, he does hint at a possible means to bridge the gap; and that is via *halacha*. “*Halakhah* has a monistic approach to reality and has unreservedly rejected any kind of dualism” (LMOF 79). In principal, *halacha* is the means to utilize and improve the physical world, like Adam the first, but also connect religiously while performing a divinely ordained act. This nod to *halacha* takes an even further leap in what is perhaps the Rav’s most famous work, *Halakhic Man*.

Published in 1983, nearly twenty years after “The Lonely Man of Faith,” *Halakhic Man* also speaks of two diametrically opposed individuals, cognitive man and *homo religiosus*. Very succinctly, cognitive man is the typical logician, mathematician or scientist. He is of the belief that anything in the natural world will follow a series of set laws and that enough study and contemplation will reveal all the “secrets” of the universe. “He desires to establish fixed principles” (HM 5), and therefore transcendence, which is inherently unquantifiable, is of no interest to cognitive man. In contrast, the core of *homo religiosus*’ being is directed towards the mystery that transcends this world, and all the finite quantifiable aspects of nature just increase his awe and wonder. This world is temporary, fleeting, and in stark contrast to the attitude of cognitive man, for *homo religiosus*, it has no value in and of itself. Even more, “The mystic sees the existence of the world as a type of ‘affront,’ heaven forbid, to God’s glory; the cosmos, as it were, impinges upon the infinity of the Creator” (HM 49). Between these two attitudes lies Halakhic Man. However, in clear contrast to LMOF, Halakhic Man does not perpetually have to waiver between these two extremes. “In some respects he is a *homo religiosus*, in other respects a cognitive man. But taken as a whole he is uniquely different from both of them (HM 3).” *Halakhic* man shares cognitive man’s affirmation of the world and *homo religiosus*’ recognition of transcendence. For cognitive man, “In order to overcome the mystery in existence, he constructs an ideal, ordered and fixed world, one that is perfectly clear and lucid (HM 18);” and *halakhic* man does the same but his “ideal, ordered and fixed world” is designed by Hashem. “When *halakhic* man comes across a

spring bubbling quietly, he already possesses a fixed, a priori relationship with this real phenomenon: the complex laws regarding the *halakhic* construct of a spring (HM 20).” Here we also see *halakhic* man’s similarity to *homo religiosus* in terms of recognition and even a longing for the transcendent realms. “His soul, too, thirsts for the living God” (HM 40), but, “the only difference between *homo religiosus* and *halakhic* man is a change of courses; they travel in opposite directions” (HM 40). While *homo religiosus*’ longing for transcendence leads to negation and dissatisfaction with the finite world, *halakhic* man wants to bring down the fixed laws of God into the world through the practice of *halakhah*.

If *halacha* is the key to a unified and redeemed life, why is it that “the dilemma is insoluble (LMOF 7)?” The answer might lie in that while *halakhic man* is dealing with idealized and hypothetical constructs, the two Adams and he who lies between are very, very real. We are all physical and spiritual descendants of Adam HaRishon and his two apparent sides are too essential to deny either one. This triggers the next question, why would Hashem create man with such a high degree of internal opposition? The answer lies in where and when Adam(s) was created; in Gan Eden prior to Mankind eating the forbidden fruit. In the idealized state and an idealized world, before sin was introduced, there is no opposition. Adam would have been able to concurrently “fill the earth and subdue it” (*Bereishis* 1:28) and “to serve it and to keep it” (*Bereishis* 2:15) by keeping to Hashem’s command. The world was created and built as a means for man to connect with Hashem and by following the Divine Will, the world is perfected in its purpose. Such is no longer the case. By eating from the Tree of Knowledge, the physicality of the world became more manifest and indeed grew to oppose us. Adam the first tries to conquer it, Adam the second tries to rise above. In the world we have today, the closest means of accomplishing both goals at once is by keeping *halacha*.

Halacha allows us to partner in Creation and bring the world closer to its design. *Bris Mila* is on the 8th day of the baby’s life because the world was created in 7 days; on the 8th, we further the goal of perfection. The most important blessing on food we make is not on naturally occurring fruits and vegetables, it is on heavily involved, man-made bread. On Rosh Hashana, as we create ourselves anew, modeled after Adam’s design, we must remind ourselves that *halacha* is the primary means to bring the intended goal of Creation into fruition. By doing so we can bring the world back into that ideal state, no longer lonely and no longer disjointed, “*BaYom Hahu Yihiyeh Hashem Echad U’Shmo Echad*.”¹

¹ *Zecharia* 14:9. It can’t be *Zecharia* is saying that one day Hashem will be One because Hashem always was, is and will be One. Rather it is Hashem’s creation that will be unified, no longer in constant opposition.

A Clever High Holiday Hack

DANIEL MARGOLIES



The days of judgement are approaching. People are scared. The verdict awaits. All those fluffy lectures about how much God loves us seem to not hold up so well this time of year - at least for some of us. So if you're in the camp of people who dread the *Yamim Noraim* more than you look forward to it, you're probably looking for a hack. Yes, an ingenious shortcut to make it all ok. The good news is I've found one. The bad news is you'll have to read this article to get it.

As a preface, this article was inspired by a sefer called *Kaf Zchus*, written by contemporary author Rav David Kuja, which I highly recommend purchasing from your local random traveling bookseller guy. You know, that guy that you run into once every few years in shul and who's selling just one book (At least that's how I got mine. I honestly never thought I was going to read it, but I felt bad giving the guy a buck when he was trying to earn a living so I decided to buy the book instead. It has since made more of an impact on me than any book I can recall). In this sefer, the author relates a teaching of the *Baal Shem Tov* that goes as follows: When Noson the prophet came to rebuke Dovid HaMelech in *Shmuel II perek 12*, he presented him with the following parable: There were two men, one rich and one poor. The rich man had a wealth of cattle and sheep, while the poor man only had one small sheep to his name. However, the rich man coveted this poor man's one sheep and took it from him. What should be the rich man's judgement? Immediately upon hearing this, Dovid became incensed and exclaimed "This rich man is deserving of death!" Noson then revealed to him that the story was merely a parable, and Dovid was actually the rich man, who took Batsheva for himself, leaving Uriah without a wife. The *Baal Shem Tov* gleams an amazing insight from this story. According to the *Baal Shem*, by judging this rich man as being deserving of death, Dovid in fact sentenced himself to death. The reason for this is that Hashem judges a person the way he judges others. Dovid essentially

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sealed his own fate. Therefore, explains the *Baal Shem*, when Hashem is determining the proper judgement for a person's sin, Hashem shows him another person who did a similar sin, and then determines the sinner's judgment in accordance with how the sinner judged that other person. This is why our *chachamim* teach us to be very careful regarding how we judge others, because through our judgement we will be determining how Hashem judges us. If we judge others favorably, Hashem will judge us favorably, and the converse it true as well.

The *gemara* in *Shabbos* 127a relays several beautiful stories which illustrate this concept, one of which is elaborated here:

The rabbis taught in beraisa: One who judges his fellow man favorably is himself judged favorably. And there was the incident involving a certain man who went down from the upper Galilee and entered the employ of a certain homeowner in the South for three years. On the eve of Yom Kippur following his three years of work, [the worker] said to the [homeowner]: "Give me my wages, and I will go and provide for my wife and children." [The homeowner] replied to him: I have no money." Said [the worker] to him: "Then give me my wages in the form of produce". He said to [the worker] "I have none". "Then give me land" said the worker. "I have none" replied the employer. "Then give me livestock" said the worker. "I have none" replied the employer. "Then give me pillows and cushions" said the worker. "I have none" replied the employer. Unable to obtain any of the wages due him, [the worker] slung his belongings over his back and returned home dejectedly. After the festival, the homeowner took [the worker's] wages in his hand along with three donkey-loads of goods: one donkey load of food, and one of drink, and one of various sweet delicacies and traveled to his former worker's house in the Upper Galilee. After they had eaten and drunk, he paid [the worker] his wages. He then said to [the worker]: "When you said to me, 'give my wages', and I said, 'I have no money', of what did you suspect me?" The worker replied: "I said to myself that perhaps underpriced merchandise came your way and you bought it with [the monies] that you would have otherwise used to pay my wages." The employer pressed on: "And when you said to me, 'give me livestock,' and I said to you, 'I have no livestock,' of what did you suspect me?" The worker replied: "I said to myself that perhaps they were leased to others." Continued the employer: "And when you said to me, 'give me land,' and I said to you, 'I have no land,' of what did you suspect me?" The worker replied: "I said to myself

that perhaps it was leased to others.” The employer asked further: “And when I said to you, ‘I have no produce,’ of what did you suspect me?” The worker answered: “I said to myself that perhaps you could not give it to me because it was not tithed.” The employer continued: “And when I said you, ‘I have no pillows or cushions,’ of what did you suspect me?” The worker replied: “I said to myself that perhaps [my employer] has consecrated all his possessions to heaven.” Whereupon [the employer] exclaimed to him: “By the Divine service! So it was! I had vowed all my possessions to Heaven because of my son Hurkanus who did not occupy himself in Torah study, so I did not wish him to benefit from them. And when I came to my colleagues in the South, they annulled for me all my vows. And as for you – just as you have judged me favorably, so may the Omnipresent judge you favorably.”

This is the first of three stories that the *gemara* presents which all bear a similar theme and conclusion. Each story presents a situation in which an onlooker saw someone do something that on the surface seemed very suspect, yet the onlooker chose to judge the suspicious action favorably. In each of these stories, the suspicious action was indeed not as it seemed, and the favorable judgement was actually the correct one. Finally, these stories all end with those who judged favorably receiving the following *bracha*: “Just as you have judged me favorably, so may the Omnipresent judge you favorably.” We now understand that this blessing is more than a mere wish, but rather a statement of fact: Hashem judges us the way we judge others, and those that judge favorably will be judged favorably by Hashem in return.

There are many reasons why people struggle to judge others favorably, but according to the *sefer Kaf Zchus*, one of the main reasons stems from pride and jealousy. When people see others being successful, it is much easier to attribute their success to luck or dishonesty than it is to hard work or talent. I would propose that in a similar vein, when we see someone commit what appears to be an *aveira*, there is a certain satisfaction in castigating this person as it can make us feel superior and distract ourselves from our own shortcomings. Therefore, the challenge of being *dan lekaf zchus* is rooted deep within our psyche, having its origins within pride and competition.

The challenge of judging favorably is especially apropos to our generation, since technology allows rumors and bad news to spread at the speed of light, entering every household almost immediately after it occurs, and allowing it to remain there permanently. I sometimes wonder how many of the great leaders of past, whom

we reverently learn about in history class and whose characters are above scrutiny, would still be considered giants in today's day and age, where nearly every misstep of those in the public eye gets published online to be permanently displayed and commented on. There are sites that are devoted solely to exposing people's misdeeds and shortcomings, focusing especially on those in leadership roles. The anonymity of the internet has created a forum where anyone can say anything about anyone with impunity and no fear of recourse. One could argue this has certain advantages, such as publicizing the names of those whose actions threaten the safety of the community, but it has also created an unprecedented wave of judgement in which the people who are being exposed find themselves subject to a level of shame and ridicule that is historically unprecedented. It only bleakens the picture when one contemplates that many of these people may actually be innocent victims of a misunderstanding, yet their perceived misdeeds are now accessible for eternity to anyone with an internet connection and the ability to spell. Imagine a great-grandchild who wants to learn more about his beloved late great-grandparent, whom he heard so much about, but upon Googling his name discovers pages of gossip and slander that have outlived the deceased. What is this child supposed to think? Does this child have any way of corroborating whether the information is true or not? And even if it is true, are there pages that discuss this person's subsequent remorse and *teshuva*? Of course not. His perceived sins are recorded in perpetuity, remaining as fresh as the day they occurred, yet his *teshuva* is hidden from the public, never to be seen. His *shem tov* is lost forever. The saying "it takes a lifetime to build a good name and a second to destroy it" has never been more true than in our time, where the internet has become the judge, jury and executioner of a person's name and reputation, with little regard for facts or any kind of due process.

While we can't change the reality of how people's reputations are built and destroyed, we can do our part to ensure that we maintain our Jewish trait of compassion in the face of cruelty and callousness.¹ First, we must not rush to incriminate. The Torah tells us explicitly the importance of being *dan lekaf zchus*,² and the *gemara* in the fifth *perek* of *Sanhedrin* makes very clear the lengths to which judges go to try and acquit people for crimes that are sometimes quite severe, as true judgement is in Hashem's hands, and each person will receive his fair judgment in *shamayim*, absolving us of the responsibility to mete out the full judgement in this

1 As the *mishna* in *Pirkei Avos* 5:19 writes, compassion is found in the students of Avraham Avinu.

2 See Rashi on *Parshas Kedoshim*, 19:15

world. Secondly, we must reinforce our belief in the power of *teshuva*, believing that even if what we hear about a person is true, they can, and most likely will, do *teshuva*. As the *gemara* in *Brachos* 19a tells us: “If you see a righteous person do a sin, know that he did *teshuva* that night”. We also believe that *teshuva* can be done in a moment, even with a thought, as is evident in the *gemara* which discusses the case of a *rasha* who marries a woman on condition that he is a *tzaddik*. Repentance doesn’t require years of hard time or solitary confinement, as our punitive legal system can lead us to believe, but rather a sincere remorse and resolve to change.

We must also try our best to not sit and gloat when we hear of another person getting in trouble for some kind of misdeed, be it financial or otherwise, while we liken ourselves to *tzaddikim* who would never in a million years do what that person did! Are we really so holy that we can judge this person? When we take an honest look at our actions, our thoughts, our *midos*, is it not apparent that we carry our own share of baggage and misdeeds that if published on the internet would bury us in the same shame and guilt? For some of us, the only difference between us and that person is that he was unlucky enough to have his sins publicized whereas ours remain hidden. We are all in need of mercy due to our shortcomings, and therefore we need to heed the advice of *Chazal* and be very careful not to judge others harshly, lest we invite that same judgement upon ourselves.

There are several useful insights to keep in mind that will help us to judge others favorably. The first is that, because humans are so complex, we are not able to see the full picture of what a person is and therefore have no idea of the true magnitude of that person’s struggle. There is a big difference between the person who eats a cheeseburger without thinking twice about it and the person who struggled all day with his inclination, and only gave in after putting up a valiant fight. Yet all we see is the person eating the cheeseburger. The truth is hidden from us.

A second insight come from a *rebbe* of mine, Rav Yaakov Mermelstein z”l, who once explained to me that people are not objects that can be measured. For instance, you can never say, so and so is valued at a nine, and that guy is a ten, because a person’s makeup is comprised of too many factors to be given a single value. It is simply impossible to “measure” a person up like we would a car or a watch. Because people are so vastly complex, when we see a person who is lacking in a certain area, all we are seeing is a tiny slice of an overwhelmingly huge picture. To judge a person as “bad” or a “*rasha*” based on seeing only one, or even several different misdeeds or shortcomings, is like looking at a company that sells thousands of products and determining the company is worthless based on the one or two products that aren’t

selling well. The overall performance of the company could be excellent despite these failing products. Similarly, a person can have tremendous value and worth despite their shortcomings and misdeeds.

But don't I have an obligation to try and get to the truth of a person, to see the overall big picture which includes both that person's good and bad qualities? To this I would simply answer: no. The complexity of our make-up, combined with our limited intellectual capability means that we will never arrive at the full truth of who a person is, therefore to make that our goal is futile. Our only choice is whether we want to invest our limited intellect and energy in uncovering as much good of the person as possible, or whether we would rather take that energy and use it focus to some degree on that person's shortcomings. Neither of these approaches are more "truthful" than the other in terms of bringing us to the full understanding of who this person is (because we can't ever get there), but at least the former will help us fulfill the *midda* found in *Pirkei Avos* of having an *ayin tov* towards others, and is therefore a better use of our limited resources.³

In the words of Leonard Cohen: "There is a crack in everything, that's how the light gets in." We all have our "cracks", our imperfections. It's these imperfections that unite us all in our humanness, and it's through working on them that we achieve greatness. *Chassidus* teaches that in accordance with the amount of darkness is the amount of light. When we see darkness within ourselves, when we see challenge and struggle, it's a sign that there is concealed greatness within. "*Even maasu habonim haysa lerosh pina*, the brick that builders despised became the cornerstone" (*Tehillim* 118:22). I believe we can apply this to our personalities. That which we despised in ourselves, the *middos* we fought with, the struggle that robbed us of our sleep and peace, ends up being the source of our true greatness, the cornerstone. However, we don't succeed right away. *Sheva yipol tzadik vikam* (*Mishlei* 24:16). We fall and get back up, and fall and get back up, and this happens again and again for our whole existence.⁴ Therefore, let us not judge the shortcomings of our fellow, but rather show him compassion and love, for we all rise and fall together.

3 See Rav Nachman discussing the concept of "*nekuda tova*" where he explains that by seeing the good in someone, you have the ability to uplift that person spiritually. This is another strong argument for why it makes the most sense to use our insight to focus on a person's good.

4 Some commentators explain that seven is metaphorical and means "continuous."

Lord of the Flies: Killing Flies on Yom Tov and the Limits of *Ochel Nefesh*

YONI TUCHMAN



It was September, 1996. I went for a walk with my brother in the Judean hills. It was hot, but the air was crisp and the landscape spread out before us like a familiar quilt, a patchwork of rocky brown sweeps and snaking olive terrace greens colliding with the same azure skies into which our *Avos* gazed years before. I was a newbie and eager to impress my prestigious visitor. What was a visit to the Gush, after all, without a walk to the eponymous Tree, the namesake of Alon Shvut (Oak of Return)?¹ But to get to the Tree, we had to leave the protection of the settlement's *eruv*, and I had a couple of tissues in my pocket. Could I carry them to the Tree?

Yes, I was reminded. It was Rosh Hashana, after all, not Shabbos. Carrying tissues outside of the *eruv* on Rosh Hashana (like any other Yom Tov) is permitted. But why? Don't the same 39 *melachos* that apply to Shabbos apply equally to every Yom Tov? Didn't we already learn in *Megilla* (7b) that there is no difference between the laws of Shabbos and the laws of Yom Tov except that food preparation (*ochel*

¹ The cluster of Israeli communities known as Gush Etzion is often symbolized by the "Tree," a 700 year-old oak standing at a strategic Judean road junction. In the waning days of the British Mandate period, the families of Gush Etzion sent their women and children to the relative safety of Jerusalem, leaving behind approximately 130 men and a handful of women to defend their homes. The Gush Etzion defenders were soon overtaken by the Jordanian Legion and massacred, leaving only four survivors. For the next 19 years, the wives and children of the slain defenders gazed longingly from a hill in Jerusalem at the Tree in the far distance. The Tree came to symbolize all that was lost but also served as a symbol of their desire to return to Gush Etzion and to rebuild, a dream realized in 1967, when Gush Etzion was returned to Jewish hands.

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nefesh) is permitted on Yom Tov but not on Shabbos?² Why should I be permitted to intentionally carry my tissues outside of the *eruv* on Rosh Hashana? I was not planning to eat my tissues, after all.

Fast forward twenty years. Sivan and I are enjoying a festive Rosh Hashana meal with our family in Pico. It is lovely. But it is also hot outside and the flies are everywhere. Who can enjoy a Yom Tov *seuda* with the constant buzz of those six-legged pests as they dive bomb one's plate and hike one's food? I reached for the fly swatter. But was I permitted to kill a fly on Yom Tov? I froze.

Let's understand why I was allowed to carry my tissues to the Tree that fateful Rosh Hashana of 1996, and in doing so, let's explore whether this coming Rosh Hashana I can take my fly swatter to those pesky flies.

***Ochel Nefesh* - Universal Dispensation or Local Exception?**

The Torah permits performing *melacha* on Yom Tov for the sake of food preparation. But how far does that permission go? Is it a universal dispensation that applies to all 39 *melachos*? Or is it a local exception that applies only to a subset of *melachos* that are generally associated with food preparation? If *ochel nefesh* only applies to a subset of *melachos*, would that include the *melachos* that are implicated in carrying tissues outside of an *eruv* (*hotza'a*, which we'll refer to as carrying) and killing flies (*shechita*)?³

It is apparent from *Meseches Beitza* that the *heter* of *ochel nefesh* applies to some *melachos* (e.g., cooking and kindling) but not others (e.g., trapping and reaping).⁴ The Talmud never articulates a rule for how one might go about determining whether or not a given *melacha* is permitted because of *ochel nefesh*.

The *rishonim* struggle to draw this line for us, and in doing so they invariably seek to understand the difference between those *melachos*.

Drawing the Line - Where *Ochel Nefesh* Ends

Rashi (*Beitza* 23 "*ein tzadin*") explains that the distinction depends on whether the

2 Rashi (*Megilla* 7b "*ein bein*") points out a second difference between the laws of Shabbos and the laws of Yom Tov: the punishment for violation the laws of Yom Tov are less strict than Shabbos. Violating Yom Tov is a mere transgression of a negative precept (punishable by lashes) but Shabbos is an *issur skila* (if violated intentionally following requisite warning and witnesses) or *kares* (absent requisite warning and witnesses).

3 The *melacha* of slaughtering (*shechita*) prohibits the killing of any living creature by any means. According to most *rishonim*, the biblical prohibition would only apply in the case where one killed an animal to benefit from its meat or hide (or other parts), and the killing of flies would therefore only constitute a rabbinic violation. See *Orchos Shabbos* 14:23.

4 See General Introduction to *Meseches Beitza*, Schottenstein Talmud, for a succinct overview of *ochel nefesh*.

melacha in question can be done just as well before Yom Tov. If the *melacha* could have been performed before Yom Tov without diminishing the quality of the Yom Tov experience, then one must do so and the *heter* of *ochel nefesh* would not apply. If not, then - and only then - does the principle of *ochel nefesh* permit one to perform the *melacha* on Yom Tov.

A fish can be trapped before Yom Tov, for example, kept in water and prepared and eaten on Yom Tov and it will taste just as delicious. However, food that is cooked yesterday will not be as tasty as freshly cooked food.

From Rashi, it would appear that to perform a *melacha* on Yom Tov for the purpose of food preparation (*ochel nefesh*) that could have been done just as well before Yom Tov (e.g., trapping, reaping) would violate a biblical prohibition; the *heter* of *ochel nefesh* simply does not apply in that case and we are left with a full-fledged biblical violation of a *melacha* on Yom Tov.⁵

Rambam (*Hilchos Yom Tov* 1:5-8) agrees with Rashi that the distinction depends on whether the *melacha* can be done just as well before Yom Tov, but argues that performing a *melacha* on Yom Tov for the sake of food preparation that could have been done just as well before Yom Tov would only amount to a rabbinic violation. According to Rambam, on a biblical level, the *heter* of *ochel nefesh* applies to all *melachos*. The rabbis forbade relying on the *heter* of *ochel nefesh* in a case where the *melacha* could have been performed just as well before Yom Tov because they feared that absent such a rule one would spend all of one's Yom Tov in the kitchen working to prepare food and would not have as much an opportunity to spend time in the dining room enjoying the food. To safeguard one's *simchas* Yom Tov, the rabbis limited the *heter* of *ochel nefesh* to *melachos* that could not have been done just as well before Yom Tov.

Rosh (*Beitza* 23b) agrees with Rambam that on a biblical level all *melachos* are permitted for the purpose of food preparation on Yom Tov and it is the rabbis who disqualified certain *melachos* from *ochel nefesh*. But Rosh argues that the reason the rabbis prohibited these *melachos* is not because they could have been done just as well before Yom Tov, but rather because they are *melachos* that are "Costco"-style *melachos* - often performed in bulk and large-scale. The rabbis forbade doing *melachos* on Yom Tov that are generally performed on a large-scale because such *melachos* resemble

⁵ See Rosh and Ran (*Beitza* 23) who understand Rashi this way. They both challenge Rashi by citing *Beitza* (28b), where the rabbis argue whether a preliminary act intended to lead to *ochel nefesh* (*machshirei ochel nefesh*, e.g., sharpening a knife) is permitted if it could have been done just as well before Yom Tov. Apparently, then, it is only in the case of preliminary acts of food preparation where the rationale of "it could have been done before Yom Tov" arises, but not in the case of *ochel nefesh* itself.

weekday activities (*uvda d'chol*). One typically reaps a field, not a handful. And once a “Costco”-style *melacha* is excluded from *ochel nefesh*, we don’t make exceptions for one who wishes to perform the *melacha* in a more limited manner (e.g., to catch a fish with a solitary line instead of using a fisherman’s net).

Ran (*Beitza* 23b) generally agrees with Rosh (that (i) the exclusion of certain *melachos* from *ochel nefesh* is rabbinic, and (ii) the types of *melachos* that are excluded are those that are typically done on a large-scale) but proposes that the rationale behind the rabbinic exclusion is not *uvda d'chol*, but is rather a concern that one will come to perform “Costco”-style *melachos* in a “Costco”-style manner on Yom Tov, resulting in performance of more *melacha* than is necessary for Yom Tov (effectively resulting in performing *melacha* on Yom Tov for the next day, *chol*).

We have seen that the dispensation of *ochel nefesh* does not apply to all *melachos*. And we have seen that there are several views among the *rishonim* regarding (i) the rationale behind why certain *melachos* are excluded from the *heter* of *ochel nefesh*, and (ii) whether performance of those excluded *melachos* on Yom Tov for the sake of food preparation are biblically or only rabbinically prohibited, as summarized in the following table:⁶

	<i>Melachos</i> excluded from <i>ochel nefesh</i>	Violation
Rashi	<i>Melachos</i> that could have been done just as well before Yom Tov	Biblical
Rambam	Same as Rashi	Rabbinic
Rosh	“Costco”-style <i>melachos</i> that are typically done on a large scale (because <i>uvdah dichol</i>)	Rabbinic
Ran	“Costco”-style <i>melachos</i> that are typically done on a large scale (lest one come to perform the <i>melacha</i> for <i>chol</i>)	Rabbinic

So what about carrying and slaughtering? Are those (according to Rashi and Rambam) *melachos* that could have been done just as well before Yom Tov (in which case, *ochel nefesh* would not apply) or are those best performed on Yom Tov itself

⁶ *Sefer Hachinuch* (298) appears to agree with Rashi both that only *melachos* that could not have been done as well before Yom Tov are permitted because of *ochel nefesh* and that performance of any other *melacha* would constitute a biblical prohibition. See also *Tosafos* (*Beitzah* 3a “*gezaira*”) who cites a *Yerushalmi* that appears to hold (like Rashi) that on a biblical level *ochel nefesh* does not include all *melachos*, although not necessarily for the same reason as Rashi.

(in which case, *ochel nefesh* would apply)? Are they (according to Rosh and Ran) “Costco”-style *melachos* that are typically done on a large scale (in which case, *ochel nefesh* would not apply) or are they just as typically done on a small scale (in which case, *ochel nefesh* would apply)?

Luckily, the Talmud has answered this question, by stating unequivocally that both carrying and slaughtering are included within the *heter* of *ochel nefesh* and are therefore permitted on Yom Tov for the sake of food preparation (according to Rashi and Rambam, because they cannot generally be done just as well before Yom Tov; according to Rosh and Ran, because they are not typically done on a large-scale).⁷

But what if one is carrying tissues or slaughtering flies? Does *ochel nefesh* serve to permit a particular *melacha* only for a particular purpose (food preparation), or, once it permits a particular *melacha*, does it permit performance of the *melacha* for any purpose (even non-food related)? This is the subject of a dispute between Beis Hillel and Beis Shammai in *Beitza* (12a).

Mitoch (and its Limits)

According to Beis Hillel, one is permitted to carry a small child in the street on Yom Tov without an *eruv*. They reason is that the *heter* of *ochel nefesh*, once applied to a *melacha* (it does not apply to all *melachos*, after all, as we’ve seen), is “supercharged” by the principle of “*mitoch*” (“since” the *melacha* is permitted for purposes of food preparation, it is also permitted for other purposes as well). Beis Shammai reject the principle of *mitoch* completely, but according to Beis Hillel, the principle is sound and serves to permit carrying, for example, a *lulav* or a *Sefer Torah* outside of an *eruv* on Yom Tov as well. But how far would this go? Does *mitoch* extend the *heter* of *ochel nefesh* without any limits, permitting the *melacha* to be performed for any or no reason whatsoever on Yom Tov (e.g., carrying rocks in the street)? Or does *mitoch* only extend the *heter* of *ochel nefesh* outside of food preparation for so long as the *melacha* is still being used to enhance one’s *simchas* Yom Tov or for another *bona fide* mitzvah purpose? This is the subject of a dispute between Rashi and Tosafos.

1. Rashi (*Beitza* 12a “*ela*”) writes that, on a biblical level, the principle of *mitoch* extends the *heter* of *ochel nefesh* to allow the *melacha* to be performed for any or no

⁷ *Beitza* 12a. One could ask within the view of Rashi and Rambam: Is it true that carrying is something that could not be done just as well before Yom Tov? Rambam (*Hilchos Yom Tov* 1:6) seems to admit that carrying could often have been done just as well before Yom Tov. Nonetheless, he writes that carrying in general is such an important feature of *simchas* Yom Tov that it is included in *ochel nefesh* because the basis of *ochel nefesh* is protecting one’s *simchas* Yom Tov (whether by permitting food related *melachos* that could not have been performed just as well before Yom Tov or by permitting carrying).

purpose whatsoever. The rabbis, however, limited the *heter* only for so long as the *melacha* is being performed for some Yom Tov or other mitzva-related purpose. On a biblical level, then, one could carry rocks around the street without an *eruv* and without any reason, but on a rabbinic level, carrying rocks is prohibited.⁸

2. *Tosafos* (ibid, “*hachi garsinan*”), on the other hand, hold that the principle of *mitoch* only extends the *heter* of *ochel nefesh* to allow the *melacha* to be performed for the purpose of doing *mitzvos* and enhancing *simchas* Yom Tov. There must always be some “*tzorech ketzas*” - some minimal Yom Tov or other mitzva-related purpose.⁹ Otherwise, the *melacha* would constitute a biblical - not merely a rabbinic - violation.¹⁰

Borrowing from the language of *Tosafos*, the Rama (*Hil. Yom Tov* 518:1) rules that *mitoch* only works if there is some “*tzorech ketzas*” (i.e., a Yom Tov or any other mitzva-related purpose). A *melacha* done without such a purpose would either constitute a biblical (according to *Tosafos*) or a rabbinic (according to Rashi) violation of the sanctity of the day.¹¹

8 According to Rashi, then, are there in fact fewer than 39 *melachos* that apply on Yom Tov (since the principle of *mitoch* permits its included *melachos* to be performed on Yom Tov for any or no reason whatsoever)? *Acharonim* suggest that even according to Rashi all 39 *melachos* apply on Yom Tov, albeit within a narrower set of circumstances, for example, when the *melacha* is being performed on Yom Tov for the sake of a gentile (*Meromei Sadeh*, 12a), or when the *melacha* is being performed for the sake of after Yom Tov (*Korban Nesanel*, 12a).

9 A mitzva-related purpose would also include a purpose related to a rabbinic mitzva. See *Tosafos Kesubos* 7a “*mitoch*”.

10 Rambam (*Hilchos Yom Tov* 1:4), as understood by the *Maggid Mishna*, and Rif (*Beitza* 12a), as understood by the Ran, concur with Rashi. However, the majority of *rishonim* agree with *Tosafos* that performing a *melacha* on Yom Tov without any Yom Tov or other mitzva-related purpose (e.g., carrying rocks) is prohibited on a biblical level. See *Biur Halacha* (*Hilchos Yom Tov* 518:1) for a tally of how the *rishonim* line up on this point. Note that the principle of *mitoch* only applies to permit universally accepted behaviors (“*shav’e lichol nefesh*”), (which the *Pri Migadim* (511:4) explains to mean “majority” accepted behavior even if not “universally” accepted). See *Kesubos* 7a. For example, the Talmud restricts one from employing *mitoch* to permit the burning of incense (to perfume one’s clothing or body), since it was not universally accepted behavior. This principle comes up in the literature concerning the permissibility of smoking and showering on Yom Tov (see *Mishna Berura* and *Biur Halacha* to *Hilchos Yom Tov* 511:2). Introducing the principle of “*shav’e lichol nefesh*” into our equation would appear to dictate that, according to our *Tosafos*, one’s subjective benefit (*tzorech ketzas*) would presumably also need to be objectively beneficial (*shav’e lichol nefesh*) in order for *mitoch* to apply. It is worth considering what Rashi - who applies *mitoch* even in the absence of a *tzorech ketzas* would do with the requirement that *mitoch* must advance a purpose that is objectively beneficial (*shav’e lichol nefesh*).

11 The Rama further rules that one may carry on Yom Tov without an *eruv* even items that serve no positive Yom Tov or other mitzvah purpose if the item is one that the carrier fears to leave unattended lest it be stolen or lost (for example, a key to one’s safe), because the worry of leaving it unattended would interfere with one’s *simchas* Yom Tov. The *Mishna Berura* notes that this last point (i.e., whether worry for the risk of monetary loss constitutes the requisite “*tzorech ketzas*” necessary to justify application of *mitoch*) is disputed among the *poskim* and recommends being *machmir*.

It should be noted that the threshold for what constitutes a “*tzorech ketzas*” (a slight need) is not a very high bar. Anything that reasonably enhances one’s *simchas Yom Tov* would appear to qualify. Indeed, *Tosafos* write that when Beis Hillel permit carrying a small child outside of an *eruv* on Yom Tov in reliance on *mitoch*, they do not mean only to carry an eight-day old baby to his circumcision, but would permit any parent to hold one’s child for the sake of going on a stroll (“*li’tayel*”), and they write further that for this same reason one may play ball in the street without an *eruv* on Yom Tov.¹²

Of Tissues and Flies: Our Conclusion

So can one carry tissues on Yom Tov without an *eruv* and can one swat to kill dive-bombing flies that are disturbing one’s Yom Tov meal? Based on what we’ve now learned, it appears that the answer to both is “yes” as illustrated in the following table:¹³

	Carrying Tissues	Killing Flies
Is the <i>melacha</i> one that is included within <i>ochel nefesh</i> ?	Yes (<i>Hotza’a</i>)	Yes (<i>Shechita</i>)
Can we extend <i>ochel nefesh</i> by virtue of <i>mitoch</i> (is there a Yom Tov or mitzvah related need, a <i>tzorech ketzas</i> ?)	Yes (If one has a reasonably foreseeable use for the tissues)	Yes (If the flies are interfering with one’s <i>simchas Yom Tov</i>)

Let us examine what some of the contemporary *poskim* write about killing bothersome insects on Yom Tov:

1. Rav Shmuel Kamenetsky writes that if one is bothered by mosquitos in the Sukka on Yom Tov (not Shabbos), one is permitted to kill them based on the principle of *mitoch*. He writes that this was also the view of his father Rav Yaakov, his cousin Rav Yaakov Yitzchok Ruderman and of the *Sefer HaNiyar*.¹⁴

¹² *Tosafos Beitza* 12a “*hachi garsinon*” and *Kesubos* 7a “*mitoch*”. Regarding the propriety of playing ball in the street on Yom Tov, one should consult one’s local orthodox rabbi.

¹³ Note, however, that Rambam (*Hilchos Yom Tov* 1:4, 15) appears to hold that *mitoch* only applies to two solitary *melachos* - carrying and kindling. See *Lechem Mishna* (there, 1:15) and *Pri Migadim* (Intro to *Hilchos Yom Tov* 1, 2), that Rambam does not accept the *gemara* in *Beitza* 12a *l’halacha*. According to this, *mitoch* would permit one to carry tissues outside of the *eruv*, but it would not permit one to kill pesky flies.

¹⁴ *Kobetz Halachos* (*Hilchos Sukka*, 16:23). R’ Kamenetsky writes that *Sefer HaNiyar* (a 13th Century French *rishon*), recommends that a “*chassid*” refrain from killing annoying bugs on Yom Tov as if it were Shabbos, not because of any problem applying *mitoch* per se, but in light of the minority view expressed by the *Chayei*

2. Rav Shlomo Zalman Auerbach writes somewhat more hesitantly that killing mosquitos should be permitted on Yom Tov because of *mitoch*, but is reticent to permit it *l'chatchila* because of a concern that in indiscriminately killing bothersome bugs one might also inadvertently kill innocent bugs that are in the wrong place at the wrong time.¹⁵ (This concern would seem applicable to an aerosol bug-spray that mists a wide area but would not appear to apply to a surgical fly swatting.)

3. Rav Neuwirth is similarly unsure, reasoning that it is possible that the *tzorech ketzas* of *mitoch* must be a positive benefit, where one benefits affirmatively from the *melacha* (for example, carrying a *sefer* so it can be studied) and not a negative benefit, where the *melacha* merely serves to remove a hindrance (for example, extinguishing a light so that one can sleep).¹⁶

In the end, the answer to our original question is (not surprisingly) not 100% clear. There certainly are authorities that permit the killing of pesky bugs on Yom Tov but there is also reason to hesitate. If we can derive any certainty from this exercise it might be this: it is better to kill bugs on Yom Tov than to actively trap them.¹⁷

Epilogue

No fly was seen in the place where the meat was butchered in the *Beis Hamikdash*. So records the *mishna* in *Pirkei Avos* 5:7 in recounting ten miracles associated with the Holy Temple. The survivors of Gush Etzion waited with hopeful hearts for the day when they would return to their homes and to the Tree that symbolized all that was lost but also all that was yet to come. May our studies of the laws of flies on Yom Tov help accelerate our return to a place where killing flies will be unnecessary, because, miraculously, there will be none.

Adam (89:1) that although *ochel nefesh* permits *shechita* on Yom Tov, it does not permit any killing that is not done through *shechita* (a somewhat difficult proposition on an insect). R' Kamenetsky also writes that killing disturbing bugs is certainly *shav'e lichol nefesh*, see note 10 above.

15 *Minchas Shlomo Tinyana* 61:28. My thanks to Rabbi Revah for bringing this, and the writing of R' Shmuel Kamenetsky, to my attention (and to my home).

16 *Shemiras Shabbos K'hilchisa*, Intro 2 (fn 43) and 2 (fn 40). My wife, Sivan, raised this distinction between positive and negative benefits in her review of an early draft of this article, a point I later learned was raised by Rav Neuwirth, based on *Kobetz Shiurim*, *Beitza* 56. My thanks to Rabbi Asher Brander of the LINK Kollel & Shul for bringing these sources to my attention (as well as the *Pri Migadim* cited in footnote 13).

17 The violation for trapping bugs on Yom Tov and for killing them on Yom Tov are both only rabbinic. Like killing, the *melacha* of trapping only applies on a biblical level to trapping animals that will be used for a positive benefit (like trapping a deer to eat). See *Orchos Shabbos*, 14. But, as we have seen, there is a good argument to permit killing annoying bugs on Yom Tov (*mitoch*). Trapping, however, is not included in the *heter* of *ochel nefesh* to begin with and would therefore certainly constitute a violation on Yom Tov.

Yom Kippur



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Teshuva and the Capacity for Human Progress

RABBI PINCHAS GELB



Halacha is emphatic that human spiritual progress is possible and can be accomplished on a society-wide basis. The obligation (according to the Ramban) or the promise (according to the Rambam) of *teshuva* is central to Jewish thought, emphasizing *halacha's* belief in the possibility of human progress. Indeed, as *Hilchos Teshuva* is the capstone of *Sefer HaMadda*, the Rambam underscores that little, if anything, is more laudable or lasting.

Yet, not many cultures agree with this. For instance, Will Durant—who, with his wife, wrote an 11 volume work called *The Story of Civilization*—attested to the rarity of belief in human progress.

Never before had man so believed in mankind, and perhaps never again since. Search through all ancient Greek and Latin literature, and you will find no affirmatory belief in human progress. Not until the Occident brought into the Orient the [idea of] progress can you find in any Hindu or Chinese thinker any belief in the notion that man marches forward through the years. It is a relatively new idea for men to have and to hold.¹

Still, *halacha* insists upon the capacity for *teshuva* and thereby asserts that human spiritual progress is possible, even though the process of cultivating spiritual development only occurs incrementally. This is shown by a significant shift between the generation who left Egypt and the one who entered the land of Israel.

Two Generations with a Common Complaint

The generation that left Egypt complained about their lack of water.² They also

¹ Will Durant, *The Greatest Minds and Ideas of All Time* (2002), p. 90

² Shemos 17:1-7

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wondered whether or not Hashem was in their midst (*hayesh Hashem bekirbeinu im ayin*), which is amazing given that Hashem had just redeemed them from Egypt. In addition, they viewed themselves as disparate individuals rather than a purposive group, registering their complaint in the first person: “Why is this that you have brought us up from Egypt to kill me and my children and my livestock through thirst?”

Forty years later, the generation who stood on the cusp of entering into the land of Israel, likewise, complained about their lack of water.³ But this time they viewed themselves as a cohesive group—indeed, as the “*kehal Hashem*”—stating: “Why have you brought the congregation of Hashem [the *kehal Hashem*] to this wilderness to die there, we and our animals?” This is a remarkable shift in focus from the first person to the collective identity and from a people who, right after being redeemed from Egypt, could not maintain their awareness of Hashem’s presence in their midst to a people who, forty years later, self-defined as the *kehal Hashem*.⁴

In addition, when the earlier generation complained about the *mon*, they specified that they missed the vegetables that they had associated with Egypt: “We remember the fish that we ate in Egypt free of charge, the cucumbers, the melons, the leeks, the onions and the garlic.”⁵ But when the people complained about lack of water decades later they stated: “And why did you bring us up from Egypt to bring us to this bad place [which is] not a place of seed, or fig, or grape or pomegranate; and there is no water to drink.”⁶ When the spies surveyed the land they had found figs, grapes and pomegranates.⁷ Now, the people yearned not for the vegetables of Egypt but for these signature fruits of the land of Israel.⁸ This marks a significant change from the people’s prior desire to return to Egypt, with its specific produce, to their aspiration, decades later, to go into the land of Israel which they expressed by their yearning for its characteristic fruits.⁹

³ *Bamidbar* 20:1-6

⁴ See Rabbi Reuven Spolter, “Dealing with Tragedy in Jewish Life” (YUTorah.org, 2009)

⁵ *Bamidbar* 11:5

⁶ *Bamidbar* 20:5

⁷ *Bamidbar* 13:23-24

⁸ See *Devarim* 8:8

⁹ This was not just a question of the prior generation having experienced Egypt, because the spies likewise had gone in to the land of Israel as part of the prior generation and saw the figs, grapes and pomegranates. Four decades later, the people chose to remember the fruits of Israel, even though these had only been glimpsed momentarily, instead of the vegetables of Egypt.

The people perhaps were wrong to complain about water again, especially in the manner they did: “If only we had perished as our brethren perished before Hashem. ... And why did you bring us up from Egypt to bring us to this evil place?”¹⁰ Indeed, they might have realized, after forty years of being cared for in the desert by Hashem, that He would provide them with water. In addition, this was right after Miriam had passed on.¹¹ The midrash says that Moshe and Aharon were arranging for her burial when they saw the people approaching, and Aharon thought that they were coming to assist them or at least to offer their condolence—but in fact they were not.¹²

Yet, even in their complaint (and although this complaint might have been improper and poorly timed), the people still had shifted significantly from viewing themselves as disparate individuals to now defining themselves as the “*kehal Hashem*.” Furthermore, they no longer sought the produce of Egypt but, rather, the fruits of the land of Israel. While still complaining, their complaint was no longer primarily focused on why they had left Egypt but, now, why they had not yet reached the Promised Land.

The Measure of Inner Change

In *Hilchos Teshuva* 2:1, the Rambam quotes from *Yoma* 86b that *teshuva* is effectuated and spiritual progress becomes actualized when people find themselves in similar situations as before but respond differently and better. The Rambam writes:

איזו היא תשובה גמורה. זה שבא לידו דבר שעבר בו ואפשר בידו לעשות ופירש ולא עשה מפני התשובה, לא מיראה ולא מכשלוך כח.

What is complete teshuva? When the thing through which he [previously] violated comes again and he is able to violate and he refrains and does not do so—because of the teshuva, and not because of external fear or incapacity.

This applies not only in cases when a person previously sinned and now has changed completely, but also where the person’s character and action have improved appreciably. For *teshuva* to be enduring, a person’s inner life and resulting actions need not be perfect as long as they are fundamentally better.

At the beginning and again at the end of their sojourn through the desert, the people complained using the same basic challenge: “Why did you bring us up from

¹⁰ *Bamidbar* 20:1-6

¹¹ *Bamidbar* 20:1

¹² See *Alshich* on *Bamidbar* 20:2 (quoting *Yalkut* 247:763)

Egypt?” This was the common circumstance. Yet, at the beginning they complained in the first person (“to kill me and my children and my livestock through thirst”), suggesting that they were isolated from one another and from their shared purpose. Indeed, they (incredibly!) wondered whether or not Hashem was in their midst, and they pined for the produce, notwithstanding the servitude, of Egypt. At the end, the language shows a subtle but critical change—the people defined themselves as the “*kehal Hashem*,” and they yearned for the characterizing fruits of the land of Israel. Their primary complaint no longer was why they could not enjoy the cucumbers, melons, leeks, onions and garlic of Egypt, but, rather, why they had not yet reached the land signified by its figs, grapes and pomegranates, which now had become what would occupy the center of their national memory and aspiration.¹³

This significant change—which is accentuated by the comparable circumstance of the people’s same complaint—reflects the incremental but genuine inner movement and progress from the generation who left Egypt to the one who would merit entering the land of Israel.

Discerning Between “*Techeiles*” and “*Charesi*”

This shift in the consciousness of the people is alluded to in *Torah SheBe’al Peh* by the second *mishna* of *Meseches Brachos*. The *mishna* states:

מאימתי קורין את שמע בשחרית. משיכיר בין תכלת ללבן. רבי אליעזר אומר בין תכלת לכרת.

From when do we recite Shema in the dawn? When one can discern between blue and white; Rabi Eliezer says between blue and green.

The word that the *mishna* uses for this green color is “*charesi*.” Onkelos uses this same Aramaic word in *Bamidbar* 11:5 to translate the Hebrew word “*chatzir*” (a leek),

13 It is difficult to understand why Moshe Rabbenu missed this significant shift in the people’s complaint. Yet, maybe it was because he had just lost Miriam. Indeed, my father-in-law Rabbi Levi Meier zt”l points out that the phrase which Moshe Rabbenu uses to respond to the people, “שמעו נא המרים,” “Listen now, O rebels,” is noteworthy. The word “*morim*” more typically would have been “*mordim*” if it meant rebels. Although the word “*morim*” sometimes does mean rebels (see, e.g., *Bamidbar* 17:25, *Is.* 30:9), the more usual word for rebels is “*mordim*” (from the root “*limrod*”). This caused Rashi to conclude that the word used by Moshe Rabbenu comes from a different root—*lehoros*, to teach—and means that the people were attempting to teach their teachers (“*morim es moreihem*”). It also is possible that the word “*morim*” is used to allude to the loss of Miriam which has the exact same letters. In this sense, Moshe Rabbenu was saying: “Listen now—*haMiriam*! Do you not realize that Miriam has just died?” During this difficult time, perhaps even Moshe Rabbenu—although he was the *adon ha-neviim*—did not appreciate for the moment how much the Jewish people had, in fact, changed and developed.

which is one of the five vegetables that the people identified with a desire to return to Egypt.

Thus, the *mishna* states that in order to recite the morning *Shema*, it must be light enough to differentiate between the blue and white strings on the *tzitzis*, or, according to Rabi Eliezer, a little bit later in the day when it is light enough to discern between blue and green. However, in his choice of the word “*charesi*,” Rabi Eliezer perhaps also is making a deeper distinction:

From when are we able to accomplish Kabbalas Ol Malchus Shamayim during a new dawn? When we can discern between an aspiration toward “techeiles”—which the gemara says should remind us of the sea, which should remind us of the sky, which should remind us of the sapphire heavenly throne (the kisei ha-kavod)—and a pining for “charesi,” which typifies the people’s desire to return to Egypt.

Leaving Egypt is not a simple event. Even afterwards the people wanted to return. Around the world today entire societies are structured around a model of servitude similar to ancient Egypt, not only because the leaders impose it on their societies, but also because the people in those societies are more comfortable with the certainties of that model than with the aspiration toward something higher. But actualization of *Klal Yisrael* comes when we aspire upward, toward the *techeiles* (with the collective definition as the *kehal Hashem*) and toward the signature fruits of the land of Israel (which was the other great insight of the generation who first entered the land), rather than pining toward the *charesi*, which was the earlier generation’s mistake that they had to correct during their sojourn in the desert.

Fortunately, in correcting this error and achieving *teshuva* the people effectuated genuine change. They established that human spiritual development is possible on a society-wide basis, and that it can be enduring and impactful.

I Know a Great Dry Cleaner

SARAH PACHTER



One of my biggest pet peeves is when a favorite article of clothing gets an irreparable stain. You know the kind I'm referring to. It could be the skirt that matches with everything, or the blouse that is just so flattering.

You send it into the dry cleaners with the hopes that they will return it to you with the obvious stain removed—but alas, no luck. They're sent back with that dreaded note: Sorry, we tried and tried, but just could not remove that stain...

Oh, the frustration!

It's interesting... God bestows to each of us a precious and priceless soul that our body "wears." We spend our days as imperfect humans; we make mistakes, sometimes we even make messes, slowly soiling that soul with our iniquities. Yet every morning after slumber, He returns that soul to us in pristine condition.

This sentiment is found in the prayer *Modeh Ani* that we recite upon awakening every morning:

I thank You, living and enduring King, for You have graciously returned my soul within me. Great is Your faithfulness.

No stain is too tough for Hashem, for His dry cleaning skills are out of this world!

For the really tough stains, there is a special time of year for a deep cleaning of our souls: The Jewish New Year, Rosh Hashana. To celebrate the secular New Year, most of the world throws parties. Yet, the Jewish New Year is a time of repentance and renewal. The time period between Rosh Hashana and Yom Kippur is a particularly auspicious time as we are cleansed from our iniquities. No stain is too severe for God to handle.

When God "dry cleans" our souls, they come back even nicer than they were when we first received them. "The place that a *Baal Teshuva* (someone who repents) stands, no *tzadik* ever stood." (*Berachos* 34b, *Sanhedrin* 99a)

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I always wondered how that was possible. It was one afternoon while I was receiving a haircut down in Atlanta, Georgia, that I finally understood.

As an observant, married woman, I cover my hair and therefore asked the salon if they would accommodate a private room. In their sweet, Southern twang, they agreed.

When we headed into a back room, the hairdresser expressed to me that she had never met a Jewish person before. She appeared to be very intrigued by all the laws and details that accompanied Orthodox Judaism.

In her southern accent, she asked, “So... what happens when you sin?”

I looked at her somewhat confused and responded, “I’m not sure what you mean?”

“You know, like what happens when you commit a sin? Does lightning strike, or something?”

I was shocked by her question, but was happy to answer it. I said, “Judaism doesn’t view God as a big bad wolf-type figure looking to punish us whenever we sin.” I continued to explain that nothing physical happens, and that it’s always the person’s choice as to whether or not he wants to follow God’s command.

The deeper meaning hit home as I watched her style my hair. I watched as my hair was cut off from the source of growth—the root. So too, when we do an *aveira*, we distance ourselves from Hashem, severing our natural relationship. When a person does *teshuva*, or repents, she reconnects, or re-ties that relationship back up.

Using different imagery, it is similar to a rope hanging from the sky. When we sin, we cut the rope. When we do *teshuva*, we tie the rope back together. Once tied, the rope might be bumpy and might not be perfectly smooth, but it’s shorter. In other words, the bottom of the rope is closer to the source in the sky than it was before. As *Baalei Teshuva*, our road to closeness with God may not be perfectly smooth. It may be bumpy like the rope, but after mending our relationship we are closer than we were before.

So too, in a certain sense, someone who repents is on a “higher” or closer level to God. Every one of us is truly a *Baal Teshuva*, since each day we make mistakes. Hashem does not want or expect us to be angels—we are humans. Rather, He wants us to recognize our imperfections, and desires for us to try to strive for a closer connection to Him each day.

A parable explains this in a deeper way.

There once was a king who had three bottles of vintage wine. This wine had been passed from generation to generation, and was counted amongst his most prized

possessions. The king was leaving town for a week and wanted to guard his precious wine. Therefore, he entrusted one bottle to each of his three best friends.

While the king was away, the first friend could not contain himself and opened the bottle. After smelling the wine, he took a sip, and enjoyed it immensely. After tasting a wine so delicate, he was overcome and chugged the rest down. Horrified by his own actions, he left the bottle completely empty.

The second friend was curious as well, but had such a deep love for the king that he did anything possible not to open the wine. He gave it to his wife and asked her to hide it from him so that he would not even be tempted to open it.

The third friend lived alone and was overcome with desire to taste the wine. He opened it up and took one sip. Although he was smitten with the wine and wanted more, he forced himself to close it up and never took another sip.

When the king returned, he was furious with his first “friend” and sentenced him to death. He then gave ten thousand dollars to his second friend as reward for not even tasting the wine.

With the third friend, he did something surprising: He gave him one million dollars as reward.

The second friend approached the king and said, “I don’t understand! I didn’t have any of the wine. He sipped it! Why didn’t you punish him, let alone reward him with so much more than me?”

The king responded, “Ah, my friend, you are good to me. Your love for me is strong. You never tasted the wine or experienced how sweet it was. Yet this man tasted the wine. He knew just how good it was, but still managed to stop himself because of his love for me. That wine was simply irresistible—anyone who could stop themselves after tasting it is truly expressing great devotion. That is why he earned such a reward.”

As *Baalei Teshuva*, we have all experienced the taste of “sin.” When we are still able to walk away, that shows a higher level of devotion to Hashem than someone who has never experienced sin at all.

We culminate this time period with the holiday of Yom Kippur. It says that on Yom Kippur we wear the *tallis* (prayer shawl) of Hashem, and therefore we wear white to signify the day. (*Rosh Hashana* 17b) What is the deeper lesson of this prayer shawl analogy?

Imagine seeing a young toddler who is covered in dirt and filth. Food is smeared in his hair and ears. His nose is filled with mucus. Most adults would pass him by with their noses in the air, all while silently judging his mother. But how does the mother

react when seeing her child? She gently picks him up, places him in the bath, and carefully cleans his smooth skin. Then she lifts him from the tub using a fresh, white towel. She wraps him in the towel, while only his little face peeks through.

On Yom Kippur, we are all that baby, scooped up lovingly in God's arms. We have dirtied ourselves and are covered in stains, but God, our parent, scoops us up in our white garb and holds us closely. Anyone else would judge at our sins, perhaps with disgust, but Hashem loves us, picks us up, and cleanses us. After the days of awe between Rosh Hashana and Yom Kippur, we are clean, and left stain-free. A much better job than my dry cleaner could ever accomplish.

Repentance: Spiritual Makeover vs. Spiritual Rebirth

DAVID R. SCHWARCZ



I was recently asked to speak to a recovery group regarding the Jewish perspective on the Alcoholics Anonymous' 12 Step Program. At first, I was completely at a loss to explain whether the Torah's perspective is compatible with this program. Upon further examination I found an article published by Rabbi Dr. Abraham J. Twerski entitled "Mussar and The 12 Steps: (The TorahWeb Foundation 2010)" where he surprisingly and aptly observes that: "While it may be argued that the first of the 12-step programs, Alcoholics Anonymous, was the outgrowth of a Christian group. This is true. However, as we shall see, the content of the 12-step programs is not only compatible with Torah, but actually seems to have been adopted from Torah sources. I cannot understand how the founder of AA, Bill Wilson, had access to concepts that we find in the Talmud and the *mussar* writings. The fact that they were adopted by a Christian group hardly disqualifies them, just as the *kedusha* in the *amida* was not disqualified by its adoption into the Lord's Prayer."

Eager to discuss the novel support for the Torah view of the 12 Step Program, I met with the program's sponsor and inquired about why he asked me to address the group and present the Torah's perspective. He responded that there are various treatment centers in the Los Angeles community sponsored by Jewish organizations with a host of Orthodox Jews in attendance. He asked me to speak to the group because I present as a modern person with some Jewish sensibility. I was a little taken back by his answer but agreed to make the presentation.

The following is a brief summary of the presentation with additional source material based on the Rambam's Laws of Repentance. It should be noted that in light of the widespread opiate addiction, the advent of many states legalization of

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marijuana, and widespread alcohol abuse, community awareness and intervention is needed to help addicts and their families cope with these issues.

Background

Rosh Hashana, the Ten Days of Repentance, and Yom Kippur are truly a guide and roadmap for recovery and correction of errant behavior. The prophets reprimanded the Jewish people by comparing their errant behavior to that of alcoholics, e.g. “they were drunk, albeit not with wine; they staggered, albeit not with ale” (*Yeshayahu* 29:9). People sinned, giving in to the temptation for immediate pleasure, ignoring the long-term destructive consequences. All the rationalizations and psychological defense mechanisms that people use for committing a sin are similar to those used by the alcoholic and addict.

Rabbi Twerski points out that *mussar* begins with Moshe Rabbeinu, and is followed up in the Talmud. It is expanded by the classical *sifrei mussar*, namely *Reishis Chochma*, *Chovas Halevavos*, *Orchos Tzaddikim* and *Mesilas Yesharim*. Rabbi Yisrael of Salant established the school of *mussar*, requiring formal courses on the subject, and his disciples greatly enriched the field. Contemporary mussar works, *Michtav Eliyahu* by Harav Dessler and *Alei Shur* by Harav Wolbe, are of particular value, since they speak to our generation.¹

Based on the foregoing, I re-examined the Rambam’s ten chapters on the Laws of Repentance and compared it with the 12 Step Program and ‘lo and behold,’ there were substantial similarities which led me to the conclusion arrived at by Rabbi Twerski that “the 12 Step Program was adopted from Torah sources,” mainly the Rambam.

The Step Program as Interpreted By Rabbi Twerski

Let us now examine the twelve steps and compare it to the Rambam’s ten chapters of the Laws of Repentance:

Step #1: We admitted that we were powerless over alcohol - that our lives had become unmanageable.

Rambam in the first chapter of the Laws of Repentance identifies the biblical commandment to confess before God any violation of a biblical commandment.²

¹ Twerski, Rabbi Dr. Abraham, The TorahWeb Foundation (2010).

² Rabbi Dovid Revah posed the following question regarding this law in the Rambam: whether the Rambam only obligates one to confess for violations of biblical commandments and not for violations of rabbinic commandments. Rabbi Revah did not provide a definite answer to this question. One may surmise that since rabbinic commandments derive its force from the Torah it should require confession for violation of such commandment.

In 2:2 and 7:4, he mandates that a person must eliminate and eradicate sinful and negative thoughts from his mind as the integral step in preventing errant conduct. According to the Rambam, “sinful thoughts lead to sinful behavior.”

Step #2: Came to believe that a Power greater than ourselves could restore us to sanity.

This is essentially the Talmudic statement (*Kiddushin* 30b) that one’s *yetzer hara* (evil inclination) increases in strength every day, and were it not for the help of God, one would not be able to withstand it. In other words, without the help of God, we are powerless over the *yetzer hara*. Indeed, the Talmud relates that two of our greatest *tzaddikim* were tempted by Satan and were actually in the process of submitting to the sin, and were saved only by the intervention of God. (*Kiddushin* 81a).

The Talmud states that sin is due to temporary insanity (*Sota* 3a). Thus, just as we are powerless to resist the temptation to sin without God’s help, so too the alcoholic, addict and habitual sinner is powerless to resist the temptation to sin, and only a Power greater than oneself (which we define as God) can prevent the insane behavior.

According to Rabbi Twerski, “Our powerlessness over sin is primarily due to two factors. (1) The overwhelming power of the *yetzer hara*. This is well described in what I consider a frightening essay by Rebbe Yeruchem, “The Land is Given Over to Evil,” in which he describes the extraordinary powers of the Satan (*Daas Chochama Umussar*, vol.2 p.139). This essay was written in 1928, long before Satan greatly expanded his already formidable powers by means of the internet and television! (2) Our vulnerability to self-deception. Like a judge who takes a bribe, our judgment is seriously compromised by our desires, which are powerful bribes. Harav Dessler addresses this in his essay on “The Perspective of Truth” (*Michtav M’Eliyahu* vol. 1).”

According to the Rambam, without *siyattya dishmaya* (Divine assistance), we are helpless. The Rambam avers that once the penitent submits to the higher power, Hashem in turn testifies that the penitent’s resolution not to return to his sinning ways is sincere and enduring.

Step #3: Make a decision to turn our will and our lives over to the care of God as we understood Him.

According to Rabbi Twerski, the phrase “God as we understood Him” has been a source of confusion. It was meant to avoid reference to the deity of any religion. The Jew should say, “Made a decision to turn our will and our lives over to the care of Hashem.” This step expresses two Torah concepts. (1) “Set aside your own will in

favor of the will of Hashem” (*Pirkei Avos* 2:4) and (2) “Cast upon God your burden, and He will sustain you” (*Tehillim* 55:23).

Moshe Rabbeinu warns us not to assume that we are in control of our fate. “Lest you say in your heart, ‘my strength and the might of my hand made me all this wealth.’ Then you shall remember Hashem, which it is He Who gives you strength to make wealth.” (*Devarim* 9:17).

Indeed, Rambam challenges this Step by interposing the objection that “a decision to turn our will and our lives over to the care of God “undermines man’s free choice.³ Rambam thus explains that man’s free will is not not in any way diminished by God’s foreknowledge. This is a unique blessing that God bestowed on humans in order to encourage man to employ proper discretion and take full responsibility for his actions.

Step #4: Made a searching and fearless moral inventory of ourselves.

The first five chapters of the Rambam’s Law of Repentance emphasizes the importance of *chesbon hanefesh*, a personal accounting that could not be expressed any better than “a searching and fearless moral inventory of ourselves.” According to Rabbi Twerski, this must indeed be fearless, because it takes great courage to honestly search oneself and confront parts of our character and personality, whose existence we may be reluctant to acknowledge. King Solomon says, “Every way of a person is right in his own eyes” (*Mishlei* 21:2). It is so easy to rationalize and justify our actions.

When conducting a moral inventory, we must list our assets as well as our liabilities, our merits as well as our faults; because only this way can we achieve a true self-awareness. The *mussar* authority, Rabbi Yeruchem Levovitz, said that if a person is unaware of his faults, he does not know what he must correct. However, one who is unaware of one’s character strengths is in an even more sorry state, because he is unaware of the tools he has to live a proper life.

3 See Rambam, *Hilchos Teshuva* 5:5 where he cites *Hilchos Yesodei Hatorah* to support the theory that God’s foreknowledge does not preclude man’s free choice. Ravad demurs to the Rambam’s interposition of an open-ended philosophical paradox without providing the reader any solution to this issue but for ‘blind faith’. This in itself according to the Ravad leads to skepticism and doubt. Thus, according to the Ravad a more acceptable solution is that God constricts His power over future events in order to allow for man’s free will. Accordingly, God knows the future by such foreknowledge does not determine man’s conduct. God’s foreknowledge is thus akin to an astrologer who can predict future events but such knowledge does not govern man’s action. In contrast to the Ravad’s position, Rambam posits that God’s foreknowledge and His essence are one and can’t separated from each other. Accordingly, man cannot know or access such knowledge, as it is unknowable.

Step #5: Admitted to God, to ourselves, and to another human being the exact nature of our wrongs.

According to Rabbi Twerski “this step has been misconstrued as being the Catholic confession. This is not so. In his guide to proper living, Rebbe Elimelech of Lizensk says that a person should avail oneself of a trusted friend to whom one can admit everything he has done, and even the objectionable thoughts and desires one has harbored. Verbalizing these breaks the hold of the *yetzer hara*.”

The Rambam states that private moral offenses should not be aired publicly, but we should share our interpersonal foibles.⁴ These are generally due to our acquisitive drives that lead to envy and dishonesty.

Step #6: We are entirely ready to have God remove all these defects of character.

The Rambam, in *Hilchos Teshuva* 7:7, introduces a revolutionary concept of spiritual rebirth via the process of redemptive repentance.⁵ He acknowledges, in the first five chapters, the limitation of man’s ability to reform his errant conduct without correcting negative thought patterns, bad habits and deficient character traits, Rambam thus introduces the novel concept of redemptive repentance wherein we beseech Hashem to remove our defects which allows us to forge an intimate connection with God. God thus acts as our redeemer after we earnestly engaged in the penitent process of moral accounting, confession(s), regret for our misdeeds, removal from transgressive conduct, and resolution not to repeat the sin. Indeed, Steps 1 through 6 can be referred to as ‘spiritual scaffolding’ leading towards the penitent’s ‘spiritual makeover’. While Steps 7 through 12 stated herein evince the transition from ‘spiritual makeover’ to ‘spiritual rebirth’.

Step #7: Humbly asked Him to remove our shortcomings.

We generally control our behavior, but we may have little or no control over some of our feelings. It is evident from the Talmud that we are born with some character traits, some of which we can sublimate and redirect to positive goals. We may not be able to extirpate some undesirable traits.

The saintly Chafetz Chaim was known to pray tearfully at the ark of the Torah that God relieve him of his feelings of anger. The Chafetz Chaim never exhibited

⁴ Rambam, *Hilchos Teshuva* 5:5, where he emphasizes that public confession for transgressions between man and God are forbidden while confessions for interpersonal transgressions must be directed to the victim.

⁵ See P. Pelli, *On Repentance* (1972), p. 106, where he explains Rav Soloveitchik’s identification of the Rambam’s transition from corrective repentance to redemptive repentance.

anger, because he was in control of his behavior, but he could not eliminate feeling angry, and he prayed that God remove these.

Obviously, we must do our homework to rid ourselves of objectionable traits, and this is how one becomes “ready to have God remove all these defects of character.” Once one has done whatever is within one’s power, one can then “ask God to remove our shortcomings.” The Rambam identifies this process as inviting Hashem to act as our redeemer and free ourselves from the confines of our innate character flaws.⁶

Step #8: Make a list of all persons we had harmed, and became willing to make amends to them all.

The Talmud says that whereas a person’s sins are forgiven on Yom Kippur, this does not apply to offenses committed against another person. Divine forgiveness is granted only if one has genuinely sought forgiveness from the person he harmed or offended.⁷

Step #9: Make direct amends to such people wherever possible, except when to do so would injure them or others.

Rabbi Twerski posits “it is of interest that there is a difference of opinion between ethicists whether a person should seek to make amends if doing so would be displeasing to the victim. A man asked me to forgive him for having spread a bad rumor about me. I did forgive him, but I wished that he had not told me about this, because now I was worried about what bad rumors might be circulating about me.”

In such cases, Rabbi Yisrael of Salant said that one would be better off not asking for forgiveness, because this aggravates the person. The Chafetz Chaim, however, said that one must ask forgiveness nevertheless.

“Make direct amends to such people wherever possible.” The latter is an interesting qualification. What can you do when the person whom you offended has moved to another country and there is no way you can find and reach him? *Siduro Shel Shabbos* says that when you genuinely regret your action and have exhausted every possibility at personally contacting the person you offended, you may assume that Hashem will put it in his heart to forgive you.

Step #10: Continue to take personal inventory, and when we were wrong, promptly admit to it.

In *Alei Shur*, Rabbi Shlomo Wolbe says that one should carry a notebook and record

⁶ See Rambam, *Hilchos Teshuva* 7:5

⁷ See Rambam, *Hilchos Teshuva* 2:9

occurrences of a moral or ethical nature, and review them at the end of the day. We may so easily forget things we do not like to remember, but it is precisely these things that require our attention. Keeping a running accounting - *chesbon hanefesh* is the best way to identify mistakes and correct them

One cannot emphasize strongly enough “when we were wrong, promptly admitted it.” The natural tendency is to defend a mistake and rationalize it. This is a gross error. Recent political events have proven that “cover-ups” do not work. One will have much better results if one overcomes the tendency to defend a mistake, and admits it promptly.

One of the Torah commentaries points out the greatness of the patriarch, Avraham. The Torah sharply condemns human sacrifice, “For everything that is an abomination of Hashem, that He hates, have they done to their gods; for even their sons and their daughters have they burned in the fire for their gods” (*Devarim* 12:31). For decades, Avraham had preached against this pagan worship, stating that God detests human sacrifice.

Indeed, Avraham understood that Hashem wanted him to sacrifice Yitzchak, and he was actually eager to fulfill the Divine will. But how would he face the scores of people to whom he had so vehemently condemned human sacrifice? He would have to say, “For the past sixty or more years, what I told you was wrong.” Avraham was willing to admit that all his life, he had been wrong. That was the greatness of Avraham.

Step #11: Seek through prayer and meditation to improve our conscious with God, praying only for knowledge of His will and the power to carry it out.

The *mussar* and *chassidic* literature is replete with this principle.

Rather than praying for personal needs, King David says, “One thing I ask of Hashem, that I shall seek; That I dwell in the house of Hashem all the days of my life” (*Tehillim* 27:4). When God appeared to King Solomon in a dream and offered to grant him a wish, Solomon asked only for wisdom.

In his fervent *Tefilla Kodem Hatfilla* (Introductory prayer), Rebbe Elimelech of Lizensk pled for Divine assistance in praying. He closes his prayer with, “If we lack the wisdom to direct our hearts to You, then You teach us that we should know in truth the intention of Your good will.”

Step #12: Having had a spiritual awakening as the result of these steps, we try to carry this message to others in need, and to practice these principles in all our affairs.

The Torah informs us of our duty of *arvus*, of mutual responsibility for one another.

There is a biblical mitzva of *tochacha*, of giving reproof for improper behavior. Indeed, if one has the possibility of positively influencing another person and fails to do so, one is held responsible for the other person's misdeeds.

The Talmud says that there is one verse on which all of Torah depends: "Know God in all your ways" (*Mishlei* 3:6), Torah rejects the idea "Give unto God that which is His and unto Caesar that which is his." We do not have two standards, one for religion and the other for the secular. We are required to practice the principles of Torah "in all our affairs."

Conclusion

The Rambam posits that true repentance is achieved when "Hashem, who knows the innermost secrets of one's heart, will testify that the person will never again commit this sin" (*Hilchos Teshuva* 2:2). Commentaries, such as the *Lechem Mishna*, ask how the Rambam can make that statement. A person always has *bechira*, the freedom to do good or to sin. If Hashem testifies that the person will never again commit that sin, then either he loses his freedom of choice or Hashem's testimony was not correct. Neither of these is acceptable.

Based on this quandary, Rabbi Twerski related the following story: "I attended a meeting of recovering alcoholics at which the speaker said, 'The man I once was drank. And the man I once was will drink again. If I ever go back to being the man I once was, I will drink again.'" Suddenly, the Rambam's words were clear. A sin does not occur in a vacuum. A sin occurs when a person is in a spiritual state that allows that sin to occur.

For example, a *frum* person would not eat *treif*. He is at a level of Torah observance where eating *treif* is just not a possibility. Let us suppose that he discovered that he inadvertently had spoken *lashon hara*. He regrets this deeply and resolves, "I must now be more careful with my speech."

Good *teshuva*? No, says Rambam. Speaking *lashon hara* is a grievous sin, just as is eating *treif*. Yet, although it was impossible that this person would inadvertently eat *treif*, it was not impossible for him to inadvertently speak *lashon hara*. True *teshuva*, says Rambam, is when the person elevates himself to a level of *kedusha* where inadvertently speaking *lashon hara* is as impossible as eating *treif*.

It is, of course, possible that a person may slip from that level of *kedusha*, in which case he may indeed repeat the act. Thus, Hashem does not testify that the person will never again commit the sin, but rather that he has succeeded in attaining a level of *kedusha*, where, at this level, that sin is not a possibility. That is why the Rambam,

uncharacteristically, chose to refer to Hashem as, “who knows the innermost secrets of one’s heart”, i.e., He knows that this person has achieved the level of spirituality.

This why the Rambam continues that with this kind of *teshuva* the person can say, “I am no longer the same person that committed that sin” (ibid. 2:4).⁸

In sum, God instructs the prospective penitent to embark on a transcendent journey towards self-rectification. The first half of the journey requires honest assessment, confession of errant conduct, true regret and shame for our actions, and resolution not to repeat such transgression(s). This human effort grants us access to Hashem’s grace that initiates our spiritual transformation. This transformation is a lifelong endeavor wherein we encounter the Divine majesty, which elevates our mundane existence into the rarefied realm of holiness.

In line with this theory, *Nesivos Shalom* elucidated the mitzva of building a fence on one’s roof⁹ by observing that when a person builds a new house which represents his ‘inner self’ he should reorient his six senses – eyes, ears, nose and mouth – towards positive thinking and heighten awareness of the Divine presence. Moreover, the *Noam Migadim* (Reb Eliezer of Tarnigrod, died 1806) commented that if one builds a fancy new house he should keep his ego in check by placing a protective gate around the roof which represents his ego. If not, one’s inflated ego may cause him to fall into a spiritual morass.

On this Rosh Hashana, may we merit to free ourselves from sin so we may enter the Kingdom of Hashem!

⁸ *Parshas Shoftim* 22:8

The Necklace

ROBERT MILLMAN



“Teshuvah – does not come to embitter life but to sweeten it and the sweetness of life that comes about through teshuvah emerges from all those waves of bitterness in which the soul is embroiled when it takes its first steps upon the path of life of teshuvah.”

These words were written by Harav Avraham Yitchak Hacohen Kook in 1925, in a work entitled “Oros HaTeshuva”. Oros HaTeshuva is a journey back to Hakodosh Boruch Hu and to the quintessential essence of who we are. It was written for one primary reason, to inspire us and energize personal growth. This work is known as a Jewish classic, replete with brilliance, warmth, depth and holiness.¹

Rabbi Moshe Weinberger translates a poem early in his work, words that challenge the entire world to the whispers of our existence:

*All existence whispers to me a secret:
I have life to offer, take it, take it –
If you have a heart and in the heart red blood courses,
Which despair has not soiled.
But if your heart is dulled
And beauty holds no spell to you – existence whispers –
Leave me, leave,
I am forbidden to you.
If every gentle sound,
Every living beauty,
Stir you not to a holy song,
But to some alien thought,*

¹ In 2011, Rav Moshe Weinberger wrote *Song of Teshuvah*, a commentary on Rav Kook’s masterpiece. Rabbi Weinberger’s *sefer* is recommended to all who read the story that follows.

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*Then leave me, leave, I am forbidden to you.
 And a generation will yet arise
 And sing to beauty and to life
 And draw delight unending
 From the dew of heaven.
 And a people returned to life will hear
 The wealth of life's secrets
 From the vistas of the Carmel and the Sharon,
 And from the delight of song and life's beauty
 A holy light will abound
 And all existence will whisper,
 My beloved, I am permitted to you.
 (Oros HaTeshuva, Ohr Etzion edition, pp. 157-58)*

With these themes and thoughts in mind, what follows is a story of redemption and extraordinary *hashgachah pratis*. When I first read it, I did not know whether or not it was true.²

As we focus our lives, our *teshuva*, our growth and our hope for the ultimate *geula*, please focus on the Jewish woman featured in the story and her life's complete transformation. May we all be *zoche* to a worldwide transformation this upcoming year with the coming of Mashiach.

When a train filled with a large transport of Jewish prisoners arrived at one of the Nazi killing centers, many Polish gentiles came out to watch the latest group as they were taken away. As the disoriented Jews were gathering their possessions to take with them into the camp, a Nazi officer in charge called out to the villagers standing nearby, "Anything these Jews leave behind you may take for yourselves, because for sure they will not be coming back to collect them!"

Two Polish women who were standing nearby saw a woman towards the back of the group, wearing a large, heavy, expensive coat. Not waiting for someone else to take the coat before them, they ran to the Jewish woman and knocked her to the ground, grabbed her coat and scurried away.

Moving out of sight of the others, they quickly laid the coat down on the ground to divide the spoils of what was hiding inside. Rummaging through the pockets, they

² The research on the story did not reveal whether the story is authentic or not. It is so remarkable that I find it difficult to believe that it may be fiction. I respect that others may have a different view.

giddily discovered gold jewelry, silver candlesticks and other heirlooms. They were thrilled with their find, but as they lifted the coat again, it still seemed heavier than it should. Upon further inspection, they found a secret pocket, and hidden inside the coat was ... a tiny baby girl!

Shocked at their discovery, one woman took pity and insisted to the other, "I don't have any children, and I'm too old to give birth now. You take the gold and silver, and let me have the baby." The Polish woman took her new "daughter" home to her delighted husband. They raised the Jewish girl as their own, treating her very well, but never telling her anything about her history. The girl excelled in her studies and even became a doctor, working as a pediatrician in a hospital in Poland.

When her "mother" passed away many years later, a visitor came to pay her respects. An old woman invited herself in and said to the daughter, "I want you to know that the woman that passed away last week was not your real mother ..." and she proceeded to tell her the whole story. She did not believe her at first, but the old woman insisted.

"When we found you, you were wearing a beautiful gold pendant with strange writing on it, which must be Hebrew. I am sure that your mother kept the necklace. Go and see for yourself."

Indeed, the woman went into her deceased mother's jewelry box and found the necklace just as the elderly lady had described. She was shocked. It was hard to fathom that she had been of Jewish descent, but the proof was right there in her hand. As this was her only link to a previous life, she cherished the necklace. She had it enlarged to fit her neck and wore it every day, although she thought nothing more of her Jewish roots.

Some time later, she went on holiday abroad and came across two Jewish boys standing on a main street, trying to interest Jewish passersby to wrap Tefillin on their arms (for males) or accept Shabbos candles to light on Friday afternoon (for females). Seizing the opportunity, she told them her entire story and showed them the necklace. The boys confirmed that a Jewish name was inscribed on the necklace but did not know about her status. They recommended that she write a letter to their mentor, the Lubavitcher Rebbe *zt"l*, explaining everything. If anyone would know what to do, it would be him.

She took their advice and sent off a letter that very same day. She received a speedy reply saying that it is clear from the facts that she is a Jewish girl, and perhaps she would consider using her medical skills in Israel where talented pediatricians were needed. Her curiosity was piqued and she traveled to Israel where she consulted

a rabbinical court (*Beis Din*) who declared her Jewish. Soon she was accepted into a hospital to work, and eventually met her husband and raised a family.

In August 2001, a terrorist blew up the Sbarro cafe in the center of Jerusalem. The injured were rushed to the hospital where this woman worked. One patient was brought in, an elderly man in a state of shock. He was searching everywhere for his granddaughter who had become separated from him. Asking how she could recognize her, the frantic grandfather gave a description of a gold necklace that she was wearing. Eventually, they finally found her among the injured patients. At the sight of this necklace, the pediatrician froze. She turned to the old man and said, "Where did you buy this necklace?"

"You can't buy such a necklace," he responded, "I am a goldsmith and I made this necklace. Actually, I made two identical pieces for each of my daughters. This is my granddaughter from one of them, and my other daughter did not survive the war."

And this is the story of how a Jewish girl, brutally torn away from her mother on a Nazi camp platform almost sixty years ago, was reunited with her father.

May we all be blessed with a sweet, healthy and successful new year, one dedicated to spiritual growth and increased learning, and may this hasten the coming of the *geula*.

Kein yehi ratzon.

The Second Day of Yom Kippur

YAAKOV RICH



Here in the Diaspora, our custom is to observe two days for each Biblical yom tov; Rosh Hashana, Sukkos, Pesach, and Shavuot. Noticeably absent from that list, though, is Yom Kippur. You may have wondered why we don't observe two days of Yom Kippur every year, but in fact, we find that there have been people in the past who actually have.¹

The *Tur* records:

וחסידים ואנשי מעשה באשכנז רגילין לעשות ב' ימים י"ה שמתעניין ב' ימים ולפעמים
היה מהן עשרה והיו מתפללין ב' ככל סדר י"ה וא"א הרא"ש ז"ל היה מוחה בידם.
*The pious and meticulous men of Germany were wont to observe two days
of Yom Kippur; they would fast for two days, and sometimes they would
have a minyan and pray the full liturgy of Yom Kippur. But my father, the
Rosh z"l would protest their actions. (Tur Orach Chaim 624)*

In particular, the *Hagahos Maimoni* cites sources that Rav Yitzchak HaLevi (one of Rashi's teachers in Worms) and his students, among others, fasted and observed the *halachos* of Yom Kippur for two days.² The *Hagahos Maimoni*, firstly, sources their behavior to Rava, the *amora*, who we find did the same.

¹ It is difficult to discuss people who have kept two days of Yom Kippur and not mention the Jewish refugees during World War II who found themselves in Japan for Yom Kippur of 1941. A desperate attempt was made to gain a consensus on the *halachic* dateline, but because the *Chazon Ish* differed in his opinion from the other *gedolim*, a few were *machmir* to observe the yom tov for two days. Of course, that is a different issue from the one that we are discussing, which is the classic *sfeika d'yoma* based on *kidush hachodesh*. It is noteworthy, though, that Rav M. M. Kasher discusses several of the sources that we will be looking at in this essay in their relation to the issue of the dateline, as he believes that crossing the dateline would have been *halachically* similar to crossing on Yom Kippur from a place where the *shluchim* from *Eretz Yisrael* had not yet reached to a place where they had reached. See "*Torah Shleima* Vol. 13: *Sod Ha'Ibur*" pp. 124-128.

² See also *Machzor Vitri* (Berliner, 1893) p. 381. There, the author states that if one is able to accomplish two days of fasting, then it is a good thing to do.

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רבה היה רגיל דהוה יתיב בתעניתא תרי יומי זימנא חדא אשתכח כוותיה.

Rava was accustomed to engaging in fasting [for Yom Kippur] for two days. One time, it occurred like his practice [i.e. Yom Kippur was found to be on the second day]. (Talmud Bavli Rosh Hashana 21a)

Secondly, the *Hagahos Maimoni* gives the reason why, besides for these select few who were exceedingly *machmir*, we do not fast on “the second day” of Yom Kippur.

ומה שלא נהגו כל ישראל לעשות שני ימים יוה“כ מפני הסכנה.

That which everyone is not accustomed to have two days of Yom Kippur is because of the danger. (End of Hilchos Shevisas Asor)

It’s too dangerous to have everyone fast for two full days. As the source for this, he cites the *Yerushalmi* in *Maseches Challa* (1:1).³

תמן חשין לצומא רבא תרין יומין. אמר לון רב חסדא למה אתם מכניסין עצמכם למספק הזה המרובה חזקה שאין ב“ד מתעצלין. בר אבוי דשמואל בר רב יצחק חש על גרמיה וצם תרין יומין איפסק [כרוכה] ודמך.

There [in Bavel], they observe the great fast [Yom Kippur] for two days. Rav Chisda say to them: “Why do you bring yourselves into this great doubt [of life and death]; there is a chazaka that Beis Din will not delay.” The father of Shmuel bar Rav Yitzchak was stringent with himself to fast two days; he began to eat and immediately died.

Rav Chisda was protesting against the practice in Bavel. We do have some evidence in the *Bavli* as to the practice there, which we’ll examine below, but first, let’s delineate Rav Chisda’s position. At that time, of course, there was no fixed calendar as there is today,⁴ and people would rely on appointed messengers who came several

³ This passage is also found in the *Yerushalmi* in *Rosh Hashana* (4:1). There, it is included after another story regarding Rav Yehoshua ben Levi:

אמר ר' יהושע בן לוי אנא עריב לאילין דאולין לנימורין דלית חד מינהון מיית מי אול תמן חשין לצומא רבה תרין יומין.

Said Rav Yehoshua ben Levi: I guarantee for those going to Nimorin that not one of them will die, for those that go there observe Yom Kippur for two days.

It seems that there were places (or at least this place that Rav Yehoshua ben Levi is referring to) where everyone, not just the *machmirim*, fasted for two days.

⁴ At some point in the *amoraic* period, the fixed calendar was introduced, and it’s not clear precisely when nor how long it took to gain full acceptance. There are several traditions recorded as to who introduced it; the tradition that has become accepted, initially quoted from Rav Hai Gaon, is that the *amora* Rav Hillel introduced the fixed calendar. See S. Stern, “*Calendar and Community*” (2001) pp. 175-181.

times per year from *Eretz Yisrael* to the Diaspora to relay when *Beis Din* had declared the new month. Because there were areas in Bavel to which these *shluchim* were not able to reach before yom tov (Pesach in Nisan, for example) there was a doubt in those places as to when yom tov actually began. The custom was therefore to observe both potential days as if they were both yom tov.

Now, when it came to Yom Kippur, Rav Chisda argued against this practice. Even though we have a *safek de'oraisa* on our hands, involving *issurim* that carry a punishment of *kares*, since we also have a *safek sakanas nefashos*, we can observe Yom Kippur only on the first of the two days. Rav Chisda gives a reason for this: *ein Beis Din misatzlin* - *Beis Din* will not delay in sending out messengers to arrive before Yom Kippur if indeed Elul was a full thirty days instead of the usual twenty-nine.⁵

Rav Chisda seems like he is giving two reasons not to observe Yom Kippur for two days: (1) the *chazaka* that *Beis Din* will send messengers beforehand, and (2) the potential danger of fasting for two days. But are both reasons necessary to prevent a two-day Yom Kippur, or is each reason sufficient on its own? We cannot know for sure, but when the *Hagahos Maimoni* gives the reason for our only keeping one day of Yom Kippur, and cites the *Yerushalmi*, he writes merely that the reason is “*mipnei hasakana*,” implying that that reason is enough to keep one day only.

The *She'iltos*

Rav Achai Gaon (also known as Rav Acha of Shabacha) was one of the greatest Torah giants of the *geonic* period in Bavel, and then in *Eretz Yisrael* when he moved there toward the later part of his life.⁶ He is known for writing the first known *halachic* work after the completion of the *Talmud Bavli* - the *She'iltos*.

In 1882, Rav Yaakov Reifmann published a series of groundbreaking scholarship on the *She'iltos* in the journal *Beis Talmud*.⁷ Among other issues, he discussed the earlier sources that are evident in the *She'iltos*, sources that Rav Achai seems to have used. One important source is the *Talmud Yerushalmi*.

⁵ The *gemara* in *Rosh Hashana* (19b) discusses a statement of Rav that “since the days of Ezra, Elul has never been *me’ubar*”, which the *gemara* understands to mean that Elul had never been longer than twenty-nine days. This, if it remained true, may strengthen the *chazaka* offered by Rav Chisda.

⁶ This we know from the letter of Rav Sherira Gaon. In the Raavad’s *Shalshelos HaKabbala*, we find the story that Rav Achai was not appointed as gaon of Pumpedisa because the *rosh hagola*, Shlomo bar Chisdai, appointed instead Rav Natronai Gaon, who may have been Rav Achai’s secretary. Rav Achai left Bavel shortly afterwards to *Eretz Yisrael*. See Rav Asaf, “*Tekufat HaGeonim V’Safruta*” p. 154

⁷ *Beis Talmud*, *Shana Shlishis* (1882) p. 52

The Torah world is enriched with two *Talmudim*, the *Bavli* and the *Yerushalmi*. The *geonim* of Bavel deserve most of the credit for establishing the canonical status of the *Talmud Bavli*, a status which affects our lives to this day. But what relationship did they have with the *Talmud Yerushalmi*? Rav Hai Gaon, around the turn of the eleventh century, explicitly laid out his approach:⁸ We can use the *Talmud Yerushalmi* as a source of *halachic* information only when the *Talmud Bavli* is silent on the subject, and certainly not when it conflicts explicitly with the *Bavli*. But the approach of earlier *geonim* remains mysterious. If we are able to identify places in the *She'iltos* in which Rav Achai Gaon - some four hundred years earlier - used the *Yerushalmi* as a source of information, then perhaps we can learn something about how the earlier *Geonim* related to the *Talmud Yerushalmi*, whether they considered it on equal footing with the *Bavli*, or perhaps not even worthy of study.

Rav Reifmann cites several instances in the *She'iltos* for which the source seems to be the *Yerushalmi*. Let us take a look at the second one:

ויומא דכיפורי משום דלא איפשר למינקט תרי יומי דתרין יומין ותרין לילותא כדלא
אכל איכא דאתי לידי סכנה נקיטין חד יומא ולא חיישינן למילתא דילמא מליוה
לאלול.

But Yom Kippur, since it's not possible to have two days, because when one does not eat for two days and two nights there is that which can cause danger,⁹ instead we have one day, and we are not concerned that maybe Elul was made full. (She'ilta 49)¹⁰

Rav Reifmann cites the above as evidence of influence from the *Yerushalmi*. He points briefly to the *Hagahos Maimoni* which we just saw above, as well as the *Beis Yosef*, who both cite the *Yerushalmi* as the source of the reason for a single day of Yom Kippur being the danger involved in a fast of two days. Rav Achai, concludes Rav Reifmann, must have known - and used - the *Talmud Yerushalmi*.

At first glance, he seems to be correct. Would the *Hagahos Maimoni* cite the source for this idea as the *Yerushalmi* if the same idea could be found in the *Bavli*?

⁸ See *Teshuvos HaGeonim Mitoch HaGeniza* (Asaf, 1929) pp. 125-126. The reason he gives there is because the Jewish community in *Eretz Yisrael* underwent a long period of persecution, and the *halachic* discussion was concluded mostly by the community in Bavel. Similar reasoning is given by Rav Sherira Gaon as well.

⁹ Rav Yeshaya Pick Berlin, in his *She'ilas Shalom*, understands the words "*ika d'asi li'ydei sakana*" as meaning that there are some people for whom it would be dangerous. He infers from this that the *She'iltos* would agree that if a person felt that they could fast for two days without danger, they could do so. However, I think it is more probable that the *She'iltos* means that with fasting for two days, there is that which can lead to danger.

¹⁰ This appears in *she'ilta* 49 in the Mirsky edition. In some earlier editions, it appears in *she'ilta* 46.

Sources in the *Bavli*

In fact, the *Bavli* also mentions the practice of the Jews in Bavel with regard to Yom Kippur.

לוי אקלע לבבל בחדסר בתשרי אמר בסיס תבשילא דבבלאי ביומא רבה דמערבא
אמרי ליה אסהיד אמר להו לא שמעתי מפי ב"ד מקודש.

Levi arrived in Bavel on the eleventh of Tishrei. He said "How tasty is the Babylonian food on the [day that is the] great day [Yom Kippur] in the West!" They said to him, "Testify [that today is actually Yom Kippur]." He said to them, "I did not directly hear from Beis Din 'mekudash' [that the new month is established]." (Talmud Bavli Rosh Hashana 21a)

This story of Levi arriving in Bavel on the eleventh of Tishrei¹¹ - which he knew was really the tenth in *Eretz Yisrael* - is quoted as well in the *She'iltos* as proof that when it comes to Yom Kippur, we do not rely on testimony that Elul was made *malei* (thirty days) unless the witness actually heard *Beis Din* establishing the new month.¹² At first, it might seem like this story implies, contrary to the *Yerushalmi*, that it is acceptable to observe Yom Kippur for two days. If Levi indeed would have testified that he heard *Beis Din* being *mekadesh* the new month of Tishrei, the *gemara* implies that the people in Bavel would have fasted another day.

But, in truth, this story does not give any implication one way or another as to whether the *Bavli* agrees with Rav Chisda in the *Yerushalmi*. The straightforward understanding of the story is that Levi arrived in Bavel well into the eleventh day of Tishrei (according to their count), and they would have certainly had time to eat since their Yom Kippur had ended the evening before.¹³ So even if Levi had come with acceptable testimony and they would have established that day as Yom Kippur, it would not violate Rav Chisda's injunction recorded in the *Yerushalmi*.

11 There are many other *girsas* that are found for this particular passage. See Rav Kasher *ibid*. The *She'iltos* has a *girsa* in which the protagonist is not Levi, but rather Rav Aivo bar Nagari and Rav Chiya bar Abba, who, in our printed version, are the subjects of the following story in the *gemara*.

12 The *She'iltos* presents this as an extension of the *halacha* concerning keeping Yom Kippur for only one day. In other words: We keep Yom Kippur for one day only because of *sakana*, and even if a witness comes to testify that Elul was *malei*, we don't believe him unless he heard *Beis Din* himself. But the only connection between these two cases would be if such a witness came on Yom Kippur itself (according to the *chaser* count), which must be what the *She'iltos* means by bringing this case.

13 According to *Tosafos* (*ibid. s.v. Levi*), however, there is a possibility that the *gemara* means that Levi arrived on the Yom Kippur according to their count (which was really *erev* Yom Kippur according to him) close to sunset, though the *gemara's* statement that it was the eleventh of Tishrei would be somewhat inaccurate.

The *gemara* there continues with the story about Rava which we quoted above. This is the precedent that the *Hagahos Maimoni* brings for the *chasidei Ashkenaz*. Interestingly, the *gemara* does not comment except to say that one time Rava ended up fasting on the correct day (the eleventh of Tishrei by everyone else's count); the *gemara* makes it sound like it approves of Rava's practice for this reason. The implication is also that most people did not fast for two days, but that Rava (and perhaps other exceptional people) was *machmir* to do so.¹⁴ It is likely that this is what the *Yerushalmi* is referring to when it says "תמן חשין לצומא רבא תרין יומין"; i.e. some people were *choshesh* to fast for two days, and this is what was concerning to Rav Chisda.

One more episode is brought in the *gemara* there concerning Yom Kippur:

ר"נ יתיב בתעניתא כוליה יומי דכיפורי לאורתא אתא ההוא גברא א"ל למחר יומא
רבה במערבא א"ל מהיכא את א"ל מדמהריא א"ל דם תהא אחריתו קרי עליה קלים
היו רודפינו.

Rav Nachman fasted all of Yom Kippur. In the evening, a man came to him and said "Tomorrow is the great day [Yom Kippur] in the West." Rav Nachman said to him, "Where are you from?" He answered, "From Demeharia." He said, "Blood (dam) will be (tehei) his end" He said of him "Our pursuers were swift." (Eicha 4:19)

Rav Nachman is being a bit ambiguous and it's not clear what he means. Rashi's explanation is that Rav Nachman is using the phrase "blood will be his end" as a euphemism to mean "blood will be my end", i.e. I will surely die from having to fast for another day. Professor Louis Ginzberg, in his book "*Geonica*"¹⁵ points to this passage to reject Rav Yaakov Reifmann's proof. Don't we see from Rav Nachman that there is mortal danger in fasting for two straight days of Yom Kippur? The source for the *She'iltos*, says Ginzberg, could therefore be from this *gemara*, and there is no need to rely on the *Yerushalmi* as a source.

Two Approaches to Rav Nachman's Case

It seems, though, that the inference that Ginzberg is attempting to make is not so simple. Following Rashi's interpretation of the *gemara*, it is pretty clear that Rav Nachman

14 And perhaps also the people of certain areas had the custom to do so. See note 3 above.

15 *Geonica* (1909) Vol. 1, pp. 80-81. Ginzberg spends much effort in dismissing all the previously proposed proofs of Rav Achai Gaon's utilization of the *Yerushalmi*. This, combined with his analysis showing that the *She'iltos* was written after Rav Achai Gaon moved to *Eretz Yisrael*, allows him to propose that the purpose of the *She'iltos* was to introduce the *Talmud Bavli* and its ideas to the populace of *Eretz Yisrael*.

actually intended to fast for two days. If the *Hagahos Maimoni's* understanding of Rav Chisda in the *Yerushalmi* is correct, that the reason of *sakana* alone precludes fasting for two days regardless of *chazaka*, then isn't Rav Nachman acting contrary to Rav Chisda? Doesn't this show an approach not consistent with the *Yerushalmi*?¹⁶

I think that there are two approaches that we can take to understanding the case of Rav Nachman and its relationship with the *Yerushalmi*. The first approach is to maintain the assumption that we have until now, and which was implied by the *Hagahos Maimoni*, that Rav Chisda is against fasting for two days in any case. In general there is a *chazaka* that if *shluchim* do not come before Yom Kippur then Elul was *chaser*; but even if that *chazaka* is challenged by evidence to the contrary, then just the reason of *sakanas nefashos* alone would prevent one from keeping Yom Kippur for a second day. The latter is precisely what happened to Rav Nachman. He had kept Yom Kippur as if Elul was *chaser*, but then was presented with evidence that it was in fact *malei*. But instead of foregoing a second day of fasting because of *sakana*, as Rav Chisda would have advised, Rav Nachman seems to have opted for a two-day Yom Kippur. So Rav Nachman and Rav Chisda, the *Bavli* and the *Yerushalmi*, are in this case at odds. The *She'iltos*, which mentions only the reason of *sakana* for why one day is kept, implies that only that reason is relevant, which seems to follow the *Yerushalmi*. According to this approach, it would seem that Ginzberg is in error, and, like Rav Reifmann originally proposed, the *She'iltos* did indeed use the *Yerushalmi* as a source.

The alternative approach is to argue that in fact, Rav Chisda and Rav Nachman were completely on the same page. Rav Chisda was protesting only against those who, like Rava, fasted for two days every year. Since there is *sakanas nefashos* involved, one can rely on the *chazaka* that *shluchim* will show up on time if Elul is *malei* and keep only one day. If, however, this *chazaka* is challenged, even Rav Chisda would agree that the *sakana* is not a good enough reason to violate a *safek* Yom Kippur. Rav Nachman, when presented with precisely this scenario in which the *chazaka* was challenged by a witness, also did not use the *sakana* as a reason to forego observing two days of Yom Kippur. With this approach, it is reasonable to assume that the reason that in general

16 This is the argument leveled against Ginzberg by Rav Tzair (Chaim Tchernowitz) in *Toldos HaPoskim* (Vol. 1; p. 59). Rav Tzair does not wish to accept Ginzberg's proposition as to the overall purpose of the *She'iltos* (see previous footnote), as his contention is that the *She'iltos* was written primarily as a polemic (or at least a guardian) against Karaism. With this, Rav Tzair is assuming that Karaism was already prominent in Rav Achai's time, and although we do not have the evidence to support that, it is possible (as Rav Asaf suggests) that this can be true for other earlier non-rabbinic sects.

people would not observe two days (why they would rely on the *chazaka* for Yom Kippur specifically) is because of the *sakana* involved. We can infer as much from Rav Nachman's response to the visitor from Demaharia. That could also be what the *She'iltos* is referring to when he invokes *sakana* as the reason for a single day.¹⁷

Following this second approach, Ginzberg is correct; the *Bavli* is no different in theory from the *Yerushalmi*, and there is no reason to think that the *She'iltos* is using one over the other as a source. The *Hagahos Maimoni*, we can assume, quotes the *Yerushalmi* as the source for the *sakana* reason simply because in the *Yerushalmi* it's more explicit than inferring it through Rav Nachman's words.

Conclusion

Most of the proofs that have been proposed to show that the *She'iltos* engaged the *Yerushalmi* as a source text are not much less ambiguous than the one that we have just discussed. Many issues that the *She'iltos* mentions that can be found in the *Yerushalmi* can also be traced to the *Bavli* or to other earlier sources. It is probably safe to conclude, as did Rav Simcha Asaf,¹⁸ that we cannot determine one way or another whether Rav Achai Gaon was influenced by the *Yerushalmi*.

As for a two-day Yom Kippur, we can consider ourselves lucky that the practice of Rava, and later the *chasidei Ashkenaz*, did not become the mainstream; perhaps partially thanks to the *Rosh* for discouraging such a practice. The *poskim* discuss what should be the procedure for someone who would like to be *machmir* to observe two days of Yom Kippur, but although they allow for the possibility, generally, the consensus is to advise against such a *chumra*.

¹⁷ It could be, of course, that the *She'iltos* only mentions the reason of *sakanah* because that is the only reason that is still applicable today. But truthfully, the whole idea that the *She'iltos* is presenting is that we observe two days of every yom tov because that is what the previous generations of Diaspora Jews have done. We keep Yom Kippur for one day because previous generations also kept it as one day. So the reason presented here would have to be for why the Jews in previous generations kept Yom Kippur for only one day, for which the *chazaka* - if it were a necessary reason - should also be relevant.

¹⁸ *Tekufat HaGeonim V'safruta*, p. 159

Chanuka



Dr. Ron Nagel

Maoz Tzur, Pach Shemen & the Miracle of the Six-Day War

DR. RON NAGEL



There is an apocryphal story regarding the many *nissim* that occur daily in *Eretz Yisrael*. There was a sign posted on the office door of an ophthalmologist in Yerushalayim that read, “If you don’t SEE that Israel is a miracle I can’t help you, but if you are having trouble reading these words, please come in.”

What is a miracle? *Chazal* differentiate between two types of *nissim*: *nes nigleh* and *nes nistar*.

A *nes nigleh* is an open miracle, such as *Maase Bereishis*, *Maamad Har Sinai*, the Ten Plagues, *Krias Yam Suf*, *Manna*, *Bilaam’s donkey* and so many other Biblical events that totally defy nature and transcend the course of natural events.

A *nes nistar* is a hidden miracle; the classic example is the story of Purim that on the surface appeared as a series of coincidences that naturally resulted in the salvation of Persian Jewry. These hidden miracles are elegantly woven into the fabric of nature so that one may perceive them as being natural.

In our times we rarely see a *nes nigleh* of the kind that the *Dor Hamidbar* experienced daily. But make no mistake. We do see *nissim* today. However, Hashem causes these miracles to occur through natural means so that the event itself does not contradict the laws of science.

Chanuka demonstrates both a *nes nistar* of the defeat of the Syrian-Greeks and a *nes nigleh* of the *pach shemen* lasting eight days. After lighting the Chanuka candles, Ashkenazic Jews sing the *zemer* of *Maoz Tzur*, written by the 13th century *paytan* Mordechai. The *paytan* was inspired by the holiday of Chanuka to reflect on the four exiles that the Jewish people have endured over our history, *Mitzrayim*, *Bavel*, *Paras* and *Yavan*. In the fifth stanza, he alludes to the story told in *gemara Shabbos* 21b. The Syrian Greeks breached the walls of the *Beis Hamikdash* and defiled all of the *shemen* used in the daily lighting of the *menora*. “*Bnei bina ymei shmona kavu shir*

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urinanim.” It was the “*bnei bina*” who established the eight days of Chanuka for all future generations.

Why does the *paytan* choose “*bnei bina*” and not *bnei chochma* or *bnei daas*? What is the difference between these three types of wisdom? In *Mishlei* 1:2-4, the Malbim explains that *chochma* is the lowest level of wisdom since it is the beginning of what the mind grasps and is basic knowledge. *Bina* is the next level and involves taking that knowledge and extrapolating it. *Daas* is the deepest level of wisdom.

We need *bina* to understand the miracle of Chanuka. The most famous question on Chanuka is asked by the *Beis Yosef*. Since the *Chashmonaim* already had one *pach* of oil for one day, why do we celebrate for eight days rather than seven? One answer is that the first day oil was a miracle on its own.

One of the most well-known Rambans in the Torah can be found in *Parshas Bo* 13:16 which discusses the purpose of the Ten *Makos* in *Mitzrayim*. Hashem manipulates nature to show that not only is He the *Borei Olam* but He is **always** in the “driver’s seat” and can manipulate nature every day. Each *maka* was unique, and Hashem demonstrated that not only can He change nature but that He is the only One who controls nature on a daily basis. The Ramban explains that it is easy to learn from open miracles that Hashem controls and changes nature at will, but the challenge for us is to realize this from everyday occurrences.

The *nes* of Chanuka begs us to apply *bina* to this Ramban. The very fact that oil burns while water, vinegar and wine do not burn is proof of Hashem’s control over nature. A chemist can provide an extensive explanation of combustible oils and flash points. While the layman may not understand the intricacies of the laws of physics, he has to understand that it is Hashem who established these very laws. Olive oil burns because Hashem created it this way! Even as we appreciate the miracle of seven days of *nes nigleh*, we must appreciate the first day of olive oil burning as a *nes* that serves as a testimony that Hashem controls everything. How much more so in our daily lives should we have an appreciation for the “gift” of electricity, computers, cellphones and modern medicine? It takes a very special person to have the right *emuna* to appreciate this and show *hakaras hatov*.

While, as the Ramban says, Hashem doesn’t perform open miracles for all generations, He did for ours. In 1967, the state of Israel was facing a second Holocaust, just 19 years after its founding and 22 years after the greatest Jewish tragedy in modern history - the *Shoah*. The Arab block (Egypt, Jordan, Syria) headed by Gamal Abdel Nasser of Egypt had double the number of soldiers, three times the amount of tanks, and four times the number of fighter jets.

We are all familiar with long wars from history. No war has ever been over in six days. One cannot help but compare the Six Day War of 1967 to the six days of Creation. Just as Hashem rested on the seventh day, so too did the state of Israel “rest” after creating new borders in six short days. The new borders of *Eretz Yisrael* were three times larger than its pre-war size, from Mt Chermom in the north through the entire Jordan valley to the Suez Canal and the shores of the Red Sea. To call the Six Day War a *nes nistar* is not recognizing the full impact of what occurred. Many have said that they saw “*etzba Elokim*” in this war, a *nes nigleh*.

The war began Monday, June 5th 1967 at 7:45 am and ended Motzei Shabbos. Israeli military experts feared the Israeli death toll would be as many as 100,000. The IDF equipped with only antiquated military weapons defeated the Arab world equipped with the finest Russian weaponry including the Soviet MIG jets.

Rabbi Benjamin Blech writes:

Military analysts are still stunned when they study what actually happened. Generals at West Point have been quoted as saying that Israel's victory can simply not be understood from the perspective of strategy in historic warfare. One officer, who understandably chose not to be quoted by name, simply said “there is no way we can teach the reason behind Israel's success because Israel was clearly aided primarily by God and we are not permitted to teach God at West Point.

Rabbi Berel Wein agrees that the US military academy does not study the Six Day War as it is interested in teaching strategy and tactics, not miracles.

Some authorities disagree and say the US Air Force Manual does study, review and analyze the tactics of the Six Day War. However, they will all agree that Tzahal did not adhere to the “*teva*,” the basic principles, of warfare. Their strategy was one of a suicide mission given their enemy was the powerful Arab army.

Nes Nigleh #1

It is ludicrous to deploy 200 of your 212 jet fighter fleet on a suicide mission to knock out the Egyptian fleet. Nevertheless, in three hours the IDF destroyed 300 Soviet MIGs and paralyzed the Arab army. The miracle occurred while all of the Egyptian soldiers “just happened” to be at breakfast at the same time that early Monday morning. The IAF planes were flying very low so as not to be detected by Arab radar, but, in fact, a Jordanian radar facility detected a large number of aircraft heading towards Egypt. The Jordanian officer on duty sent a message to Jordan headquarters in Amman who encoded it and sent it to the Egyptian defense minister in Cairo.

Miraculously, the Egyptian coding frequencies had been changed the previous day, but the Jordanian military had not been notified. This gave Tzahal the element of surprise, and it destroyed six airfields and over 300 planes. Another miracle was that the Egyptian anti-aircraft ammunition was never launched, so this mission was accomplished with little resistance.

Nes Nigleh #2

The nations of the world exerted political pressure on Israel to accept a ceasefire proposed by King Hussein of Jordan. At the last minute, it was King Hussein who rescinded the ceasefire, and this allowed the IDF to finish the task of completely annihilating the Jordanian military infrastructure and to bringing the Old City of Jerusalem under Israeli control. The Old City was captured. Motta Gur's famous line "*Har Habayit beyadenu*" echoed throughout the world.

Nes Nigleh #3

The conquest of the city of Shechem was expected to be the bloodiest battle. However, a miracle occurred when the armed Arabs mistook the Israeli platoon for Iraqi reinforcements, and the city fell easily into Tzahal's hands. Even Chevron was conquered without one bullet fired, as Chief Rabbi Shlomo Goren and his jeep driver entered the city to the scene of Arabs waving white flags. The Sheikh of Chevron was waiting at *Maharas Hamachpela* and handed Rav Goren the keys with a letter of surrender.

Nes Nigleh #4

Once thought to be impossible to capture because of the difficult terrain and strong Syrian fortifications, the Golan Heights also fell into Tzahal's hand. After sustaining significant losses while ascending the Golan Heights, Commander Musa Klein and his remaining miniature platoon of only 25 soldiers miraculously captured the Golan Heights. Unaware that the area they were attacking was heavily fortified with antitank guns, trenches, bunkers, and a huge contingent of Syrian infantry, they charged the position. The Syrian captain Khalili gave instructions not to fire until "the Jews reached the fortified wire." Once again, a miracle occurred, and the Israeli platoon eluded detection and breached the wire. The panicked Syrians immediately surrendered.

Hashem conducts the world according to a set pattern which we call *teva*. Wars also follow *teva*. When there is a greater need that necessitates Hashem going beyond or outside these "natural " set plans, a *nes nigleh* results. When we are privileged to witness a *nes nigleh* such as the Six Day War, we must ponder why we merit such

a *zechus*. Even when the *Shechina* is *nistar*, we still need to be aware that the *Borei Olam* is behind the scene. However most of the world will interpret these facts as fortuitous, coincidence, luck, or just being at the right place at the right time.

Furthermore, Ramban, discussing the blessings and curses of the *tochacha* in *Bechukosai* (26:11), asserts that what the world perceives as coincidence is in fact a *nes nigleh*:

אבל שתהיה ארץ אחת כולה ועם אחד תמיד ברדת הגשם בעתו ושובע ושלוה ושלוה
ובריאות וגבורה ושברון האויבים בענין שאין כמוהו בכל העולם יודע לכל כי זאת
היתה זאת.

But to have one entire land or one nation that always has rain fall in its best time, always has plenty, tranquility, peace, strength, and dominance over its enemies in a way that exists nowhere else, it will be publicized to all that this is all [a miracle from] Hashem.

While all of these – rain, plenty, peace – are natural events, when they all occur simultaneously, one sees *Yad Hashem*, a *nes nigleh*, at work. This is certainly true about the “natural events” that we witnessed during the Six Day War.

While we do not know why our generation merited this *nes nigleh*, we do know its positive repercussions. The *Baal Teshuva* movement was kick-started after this miracle. On Yom Yerushalayim this year in Jerusalem, the Russian refusenik Natan Sharansky said that when his fellow refuseniks heard that David beat Goliath (Soviet Russia was entirely involved in the training and providing military weaponry to Egypt) the refuseniks became even more insistent in demanding their request for *aliya*.

So what difference does it make whether the Six Day War was a *nes nigleh* or *nes nistar*? A *nes* is a *nes*. A major difference between these *nissim* is the fact that *Yad Hashem* or the *ha'aras panim* of Hashem is evident in a *nes nigleh*. When Hashem so obviously comes down from *shamayim* to manipulate nature or naturally occurring events as in the case of the Six Day War, He has a reason. We may not comprehend His purpose, but we can grasp the message that He is here in our world. He is not whispering softly as He does with a *nes nistar*. He is yelling so loudly that we cannot possibly shy away from His presence any longer. Speaking only for myself, I hope my special *kavana* in my *tefilllos* and singing *shira* on Yom Yerushalayim may serve as an answer when I am asked in *shamayim* the question לישועה, did you wait in hope for Messianic salvation?

May we all be *zoche* to see the building of the third *Beis Hamikdash* and *yemos hamashiach* in our lifetime.

Halacha and Machshava



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The “*Issur*” To Eat Without A *Bracha*

RABBI AVNER SHAPIRO



Part A: The *Halachic* Concept

Statements in the *Gemara*

In the beginning of the sixth *perek* of *Brachos*, *Perek Keitzad Mevarchim* 35a, there are three statements applying the concept of “*issur*” in relation to eating without a *bracha*.

אמר רבי עקיבא, אסור לאדם שיטעום כלום קודם שיברך.

Rabbi Akiva says, it is assur to taste anything before making a bracha.
(*Brachos* 35a)

תנו רבנן, אסור לו לאדם שיהנה מן העולם הזה בלא ברכה וכל הנהנה מן העולם הזה בלא ברכה מעל.

The Rabbis taught (in a Tosefta, Brachos perek daled), it is assur for a person to have benefit in this world without a bracha, and one who benefits from this world without a bracha has transgressed mei'la (partaking from sanctified property of the Mikdash for one's personal mundane use).

אמר רב יהודה אמר שמואל כל הנהנה מן העולם הזה בלא ברכה כאילו נהנה מקדשי שמים.
Rav Yehudah said in the name of Shmuel, one who benefits from this world without a bracha is considered to have benefitted from that which is sanctified to Shamayim.

This article is presented with *hakoras hatov* to Rabbi Asher Rosen of the Harkham Hillel Academy and the Teachers on Fire Kollel Mechanchim. The *gemaras* in the sixth *perek* were initially learned with Rabbi Rosen in the Kollel.

Hakoras hatov as well to Beth Jacob Congregation and to the young men in the Beth Jacob Summer Kollel. The ideas in this article were first learned and discussed together with members of the Summer Kollel.

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Two Ways to Understand the Concept

The *rishonim* and *acharonim* have different ways to understand the *issur* to benefit from this world without making a *bracha*. The two main ones are as follows:

- a. The word “*assur*” is meant to be taken at face value. The *din d’raban* of eating without a *bracha* should be classified as an *issur*, an *aveira* like other *issurim*. It is a *d’raban* in the category of a formal *lo sa’ase*.
- b. The word “*assur*” in this context does not connote a formal *issur*. One is not allowed to eat without making a *bracha*. However, this would not be an *aveira*, in violation of a *din* categorized as *issurim*. Rather, eating without a *bracha* is ignoring the *mitzvas aseh* of making a *bracha*. The term “*assur*” here is used to emphasize the severity in ignoring the *aseh* to make a *bracha*, but is not meant as a term which categorizes the *mitzva* of *bracha*.

This first approach, that there is a formal *issur* here, is bolstered by a statement in the *gemara* of Rav Chaninah bar Papa:

אמר רב חנינא בר פפא כל הנהנה מן העולם הזה בלא ברכה כאילו גזול להקב"ה
וכנסת ישראל.

Rav Chaninah bar Papa says, one who benefits from this world without a bracha is considered to have stolen from Hakadosh Baruch Hu and from the community of Klal Yisrael. (Sanhedrin 102a)

By stating that benefitting without a *bracha* is like stealing from what belongs to Hashem, it appears that the *gemara* understands that benefitting without a *bracha* constitutes a formal *issur*.¹

On the other hand, there are two striking comments of Rashi that seem to indicate that he adopted the second approach, that there is no formal *issur*, but rather that one is not allowed to eat without the *aseh* of making a *bracha*:

- In explaining the term, “אסור לאדם שיהנה מן העולם הזה בלי ברכה,” Rashi does not use the word *assur*. He writes, כיון דנהנה, צריך להודות, since he benefitted, he needs to be thankful. Essentially, Rashi replaces the word “*assur*” with צריך להודות, required to be thankful. Clearly, Rashi goes with the second way above of understanding the issue of making a *bracha*. There is no formal *issur* here, but rather a strong requirement to make a *bracha*.
- By Rav Chaninah bar Papa’s statement quoted above, that one who steals is equivalent to stealing from *Hakadosh Baruch Hu*, Rashi’s explanation

¹ See Rashi for an explanation of why it constitutes stealing from *Klal Yisrael*.

of the theft from HKBH here is unexpected. One would assume that Rav Chaninah Bar Papa is referring to theft of the food from HKBH when not making a *bracha*. By not making a *bracha*, it is considered taking food without permission, and hence equivalent to stealing the food. However, Rashi explains differently. Rashi explains the words in the *gemara*, גזול כאילו, "את ברכתו." When eating, one has a chance to recite a *Bracha* to HKBH, and by ignoring the *bracha*, it is "stealing" away from HKBH that *bracha*. By staying away from equating a lack of *bracha* to actual stealing of an item, Rashi seems to be saying there is not a formal act of *aveirah* here. Rather, one is eating and has ignored the required act of making a *bracha*.

Bracha by an *Onein*

An *onein* is one who has lost a relative they will sit *shiva* for, before the burial. During this period, he or she is exempt from *mitzvos asei*. The *onein* is not allowed to violate any *issurim*, such as doing *melacha* on Shabbos or eating non-kosher. However, positive *mitzvos*, such as *tefilla* and *tefillin*, are not performed.

The issue of an *onein* making a *bracha* comes up in a *beraisa* in the beginning of the third *perek* of *Brachos*:

אינו מברך ואינו מזמן.

[The *onein*] doesn't make a *bracha* or partake in a *zimun*. (*Brachos* 17b)

Many *rishonim* there adopt the straightforward way to learn the *beraisa*, that an *onein* does not make any *brachos*. However, the *Kol Bo*, a work of *halacha* from the time of *rishonim*, learns differently. He writes that when the *beraisa* states *eino mevarech*, it means that the *onein* cannot make a *bracha* for others. However, since the *gemara* states that it is *assur* to eat without a *bracha*, the *onein* must make a *bracha* for himself before eating.

At first, everything seems to be clear-cut. If one holds that an *onein* doesn't make *brachos*, it's because there is no formal *issur* to eat without a *bracha*, but rather one should not ignore the positive *asei* of making a *bracha* before eating. If one learns that an *onein* does make *brachos*, there must be a formal *issur* to eat food without reciting a *bracha* which an *onein* cannot violate. However, there is a third way to understand the statements of an *issur* to eat without a *bracha*, which has a bearing on understanding *onein* and other related issues. To help understand the third approach, it is worthwhile to deal with a case in the first *perek* of *Brachos*, *daf* 12a.

Pasach Bechamra Vesayim Bedishichra

The *gemara* discusses a case where one is drinking a cup of beer, *shichra*. However, when he starts reciting the *bracha*, he thinks it is a cup of wine, *chamra*. By the time he gets up to the words *melech haolam*, he realizes it is beer. Therefore, instead of reciting the wrong *bracha* of *borei pri hagafen*, he recites the correct *bracha* of *shekol nihiye bidvaro*. However, in the beginning of the *bracha*, when reciting the initial words, he had intended to make the wrong *bracha*. The *gemara* suggests that maybe this erroneous intention invalidates the *bracha*, even though all the words he recited were correct, and leaves it as a *safeik*, as an unresolved issue. It is up to the *rishonim* to determine what the *halacha* should be.

Tosafos *ibid. dibbur hamaschil* “lo” quotes the Rif who says one should be lenient, and consider it a valid *bracha*, and the R”I, who says one should be stringent and make another *bracha*.

Just like by *onein*, the *machlokes* here could be connected to the two ways of understanding the nature of the “*issur*” to eat without a *bracha*. If it is an actual prohibition, then this is a *safeik issur*, where one should be *machmir*.² If, however, it is not a formal *issur*, but rather an *asei* that should not be ignored, then one would be inclined to be *meikel*. Therefore, the R”I would hold that there is an actual *issur* to eat without making a *bracha*, and the Rif would understand that there is no *issur*, just an obligation that should not be ignored.

A Third Approach, To Help Understand the R”I

Based on the analysis so far, we would be compelled to say that the R”I would agree with the *Kol Bo* that an *onein* would be obligated to make *brachos*, since he seems to put *brachos* in the category of *issurim*. The problem with this is that *Tosafos* in the beginning of the third *perek* doesn’t bring down the R”I as learning this way. On the contrary, it seems like the *Kol Bo* is a minority opinion. However, based on an approach in the *achronim*,³ there is an alternative way to understand the statements about eating without a *bracha*. One can treat the case of the cup of wine as a case of *safeik issur*, but still say that an *onein* isn’t obligated in *brachos*. Until now, the understanding that eating food without a *bracha* would be a formal *issur* is based on it being the “property” of *Hakadosh Baruch Hu*. The *gemara* in the beginning of the sixth *perek* says the phrase in *Tehillim* “*Hashamayim Shamayim LaHashem*” refers to

2 See Maharsha quoted in the *Gilyon Hashas* on the *daf*.

3 *Emek Bracha Birkas Hanehenin* 2, *Minchas Shlomo* 18:8, Rav Soloveitchik *Reshimos Shiurim Brachos daf* 17b

food before a *bracha*. The “formal *issur*” approach takes this *gemara* at face value; just as it is *assur* to take property of others without permission, it is also *issur* to take food from HKBH without the “permission” of reciting a *bracha*. However, the above mentioned *achronim* have a more nuanced understanding. They agree that there is a formal *issur* to eat without a *bracha*. However, that formal *issur* does not originate from the fact that the food is the “property” of HKBH, but rather from the legislation, *takana*, to make a *bracha*. The food itself is not *assur*. Rather, the legislation to make a *bracha* carries with it not just an obligation, but also a formal *issur*. In the words of R’ Shlomo Zalman Auerbach in *Minchas Shlomo*:

איסור הנאה בלא ברכה איננו כלל איסור עצמי אלא מסתעף רק ממה שחייבוהו
חכמים בברכה.

*The prohibition to benefit without a bracha is not an inherent prohibition,
but rather derives from the obligation of the Chachamim to make a bracha.*

According to this, one can understand the R”I by *onein*. The R”I sees that there is a *takana* for one to make a *bracha* before eating or drinking, which then carries with it a formal *issur*. If there is a *safeik* whether a *bracha* was made, it is treated as a *safeik issur*, and we are *machmir*. However, when it comes to *onein*, the R”I would hold that no *bracha* is made. The formal *issur* derives from the *takana*, and the *takana* to make a *bracha* does not apply to an *onein*! If an *onein* is not obligated in the *asei* to make a *bracha*, then the formal *issur* derived from that obligation also does not apply to him!

Summary

In conclusion, we find three approaches to the statement of the *issur* to eat without a *bracha*, with *nafka minas* for our two cases:

1. Formal *issur* from the food itself: Eating without a *bracha* is categorized as an *aveira* of taking food in the domain of HKBH without the “permission” of a *bracha*, similar to stealing. According to this, the case of the mistaken *bracha* on the cup of beer would be looked at as a *safeik issur*, and we would be *machmir*. An *onein*, who is bound by *issurim*, would be required to make *brachos*. This appears to be the opinion of the *Kol Bo*.
2. Not a formal *issur*, but ignoring the requirement to make a *bracha*: The *gemara* is using a strong way of stating one must make a *bracha* before eating (similar to stating it is *assur* to wear a four cornered garment without putting on *tzitzis*). According to this approach, the case of the mistaken *bracha* on the cup of beer would not be a case of *safeik issur* and we would be lenient.

Similarly, an *onein* would not make *brachos* as he would not be violating *issurim* in such an instance. From the above analysis, this seems to be the opinion of Rashi, based on his explanations in the beginning of the sixth *perek*, and the opinion of the Rif, based on the different cases.

3. A formal *issur*, stemming from the *takana* to make a *bracha*: There is a formal *issur*, but it is not based on taking the food without permission. Rather, the formal *issur* is a result of the *takana* to make a *bracha*. In the case of the cup of beer, there is an obligation to make a *bracha*. Therefore, the case is one of *safeik issur* where we would be *machmir*. However, an *onein* is not obligated in the *takana* of making a *bracha*. Therefore, there is also no *issur* to eat without a *bracha* and he would not make *brachos*. From the above analysis, this appears to be the opinion of the R"l.

Part B: The *Hashkafic* Message

Rav Avraham Yitzchak Hakohen Kook, in his commentary *Ein Aya* on *Brachos*, discusses the *issur* of eating without a *bracha*. The following three insights of Rav Kook, to three of the statements at the beginning of the *perek*, provide fundamental ideas regarding the obligation to make a *bracha*.

אמר רבי עקיבא, אסור לאדם שיטעום כלום קודם שיברך.

Rabbi Akiva says, it is assur to taste anything before making a bracha.

(*Brachos 35a*)

Rav Kook writes that by making a *bracha*, one recognizes *Hakadosh Baruch Hu* in the wonders of His creations of food. Upon making a *bracha* and reflecting on those wonders, one can achieve heightened levels of spiritual inspiration. It is that inspiration which is the true *hana'a*, pleasure, of the *birchos hanehenin*, more than the physical *hana'a* of eating.

Rav Kook discusses two aspects of the wonders in HKBH's creation of food. One aspect is that food nourishes a person. Upon reflecting on the intricacies of how food provides for a person, one is inspired by a *bracha*. However, a second aspect of the creation of food that is recognized in a *bracha* is the pleasure derived from the taste of food. That too is as an aspect of the wonders of Creation that we take note of, and are inspired by, when making a *bracha*. Therefore, Rabbi Akiva states that it is assur to taste, *sheyitom*, before making a *bracha*. Even if one is merely tasting, and

deriving pleasure from that without having enough to nourish, then they recognize the wonders of HKBH in the pleasure of taste by making a *bracha*.⁴ Ultimately, through these pleasures of nourishment and taste, one gets to the pleasures of recognizing HKBH in this world, which is the ultimate objective of the *birchos hanehenin*.

תנו רבנן, אסור לו לאדם שיהנה מן העולם הזה בלא ברכה וכל הנהנה מן העולם הזה בלא ברכה מעל.

The Rabbis taught, it is assur for a person to benefit from this world without a bracha, and one who benefits from this world without a bracha has transgressed mei'la (partaking from sanctified property of the Mikdash). (Brachos 35a)

אמר רב יהודה אמר שמואל כל הנהנה מן העולם הזה בלא ברכה כאילו נהנה מקדשי שמים.

Rav Yehudah said in the name of Shmuel, one who benefits from this world without a bracha is as if they have benefitted from that which is sanctified to Shamayim. (Brachos 35a)

These two statements equate eating food without a *bracha* with the *aveira* of partaking of something belonging to the property of the *Mikdash*. The *aveira* by the *Mikdash* involves taking something designated for sacred use, and using it for one's own personal mundane use.

Rav Kook explains the similarity as follows. As mentioned above, partaking of food has the potential for the *mevarech* to recognize the *niflaos Haborei* in the experience of tasting and being nourished from what they are eating. Rav Kook explains that together with the nourishment and taste of food, this spiritual recognition is part of the full purpose for the existence of food in this world. Only when one sees the *Yad Hashem* in the world when eating has food's purpose in this world been completely realized. When one ignores this intention, and only uses the food for one's own cravings, they have ignored this sacred purpose for food, thereby degrading it to merely a mundane object. If food has this potential, then using it without making a *bracha*, and everything that entails, is like using an object consecrated for the *Mikdash* for one's own personal benefit instead. There too, by using the object for a mundane purpose, they are degrading the object and ignoring what it is meant for.

⁴ See *Shulchan Aruch Orach Chaim* 210:2, and the commentaries, for the parameters of when *tei'ma* requires a *bracha* and when it does not.

תנו רבנן אסור לו לאדם שיהנה מן העולם הזה בלא ברכה וכל הנהנה מן העולם הזה בלא ברכה מעל, מאי תקנתיה? ילך אצל חכם..... אמר רבא, ילך אצל חכם מעיקרא וילמדנו ברכות.

The Rabbis taught, it is assur for a person to have benefit in this world without a bracha, and one benefits from this world without has bracha has transgressed mei'la (partaking from sanctified property of the Mikdash). What is his solution? He should go to a chacham... Rava says (explains), he should go to a chacham, and he will teach him brachos. (Brachos 35a)

The concept of going to a *chacham* to make a *bracha* can be understood that the *chacham* will teach the person the necessary *halachos* to make proper *brachos*. However, Rav Kook sees in this statement another idea. As he explained, a *bracha* is not merely reciting words. A *bracha* is reflecting on the food, and being inspired by the *Yad Hashem* that is behind its creation. When the *tosefta* says to go to a *chacham* to teach about *brachos*, it means to go to a *chacham* who will be able to guide and inspire, to enable the person to see the full wonders of Hashem's Creation when reflecting on the food he is eating.

Guiding the Perplexed: Understanding how the Rambam Could Omit Living in the Land of Israel from his *Sefer Hamitzvos*

MOSHE AND OREN NEIMAN



והורשתם את הארץ וישבתם בה כי לכם נתתי את הארץ לרשת אתה.
*You shall possess the land and you shall settle in it, for to you have I given
the land to possess it. (Bamidbar 33:53)*

From the simple reading of the *pasuk* in *parshas Masei*, it certainly seems that the Torah is telling us that living in the Land of Israel is a not just a nice thing to do, or a gift from Hashem, but rather that there is a command to settle in the land of Israel. Indeed, the Ramban, in his *Hasagos HaRamban* where he lists *mitzvos* that he feels the Rambam's *Sefer Hamitzvos* “forgot” to count, understood the words of *vayishavtem ba* as a commandment to settle the land.¹ He lists the mitzva to live in Israel as the fourth “forgotten mitzva” of the Rambam, separate and apart from the mitzva to conquer the Land of Israel.

The Ramban writes that we are commanded to live in the land that was promised to our forefathers, Avraham, Yitzchak and Yaakov, and were also commanded to not leave the land desolate, based on the afore-mentioned *pasuk*, as well as several others.² The Ramban continues and writes that as a nation we are never allowed to

1 In that addendum he also includes a list of *mitzvos* that he thinks the Rambam erroneously included because all *rishonim* hold that the total amount of *mitzvos* in the Torah must be 613.

2 ובואו הר האמורי ואל כל שכניו בערבה בהר ובשפלה ובנגב ובחוף הים... באו ורשו את הארץ אשר נשבעתי לאבותיכם (דברים א:ז-ח) עלה רש כאשר דבר ה' אלהיך לך אל תירא ואל תחת (שם א:כא) ובשלוח ה' אתכם מקדש ברנע לאמר עלו ורשו את הארץ אשר נתתי לכם וכאשר לא אבו לעלות במאמר הזה כתוב ותמרו את פי ה' אלהיכם ולא האמנתם לו ולא שמעתם בקולו (שם ט:כג)

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settle another land or make a “Jewish State” in any other country. The Ramban quotes other sources that indicate how strongly one should feel about living in Israel. The *Sifra* in *parshas Reeh* 12:29 states that settling the Land of Israel is equivalent to all other *mitzvos* in the Torah. The *gemara* in *Kesubos* 110b declares that one who leaves the Land of Israel to live in the Diaspora is like an idol worshiper.³

When the Ramban wrote his “*Mitzvos that the Rambam Forgot*,” he was well aware that the Rambam had not “forgotten” any *mitzva* and that was simply the Ramban’s humble approach to argue with the Rambam. So, why didn’t the Rambam include this *mitzva* in his *Sefer Hamitzvos*? One approach suggested by the *Megillas Esther*⁴ is that the Rambam didn’t count this *mitzva* because it wasn’t commanded to all generations, but rather just to Moshe, Yehoshua, and Dovid HaMelech and throughout the *Bayis Rishon*, but once *Klal Yisrael* were expelled from Israel there was no longer a *mitzva*. The Rambam writes in his introduction to the *Sefer Hamitzvos* that in order for something to be counted as a *mitzva* it must be a continuous commandment for all generations that never ceases.

One of the major problems with the approach of the *Megillas Esther* is that the *gemara* in *Gittin* 8b states that one is allowed to violate the *issur d’rabanan* of *amira l’nochri* on Shabbos in order to acquire land in Israel. The *gemara* there discusses a case where a Jew is afraid that a gentile will be leaving the country on Shabbos and will not be willing to sell his property on Sunday. The Jewish purchaser may instruct a non-Jew to purchase the property for him on Shabbos and agree to pay him back on Sunday. According to the Ramban’s approach, the *gemara* is telling us that *Chazal* allowed a person to violate in *issur d’rabanan* in order to fulfill the very important *mitzva* of settling the land of Israel. The Rashba, who was a *talmid* of the Ramban, explains that we would only allow this leniency of violating *amira l’nochri* for the *mitzva* of settling the Land of Israel but not for any other *mitzva*.

Perhaps the easiest way to reconcile the Rambam with the *gemara* in *Gittin* would be to suggest that there are other contradicting *gemaras* that the Rambam holds like. Later commentators point out that when there are seemingly contradictory *gemaras*,

3 Interestingly, the Rambam himself in *Hilchos Melachim* 5:12 quotes this *gemara l’halacha* to teach the concept that one should choose to live in Israel in a town populated mostly by *goyim*, rather than live in *chutz laaretz* in a city with mostly Jews.

4 The *Megillas Esther* was written by Rabbi Yitzchak Leon who lived in Ancona, Italy sometime in the 16th century. Rabbi Yitzchak Leon was known for his commentary on the Rambam’s *Sefer Hamitzvos*, which defends the Rambam’s position against the Ramban’s criticisms. It was first published posthumously in Venice in 1592, and has since been included in most printings of the *Sefer Hamitzvos*.

the Rambam generally sides with one of them in his *Mishna Torah* and rejects the other, rather than attempt to reconcile them.⁵ The problem is that the Rambam, in *Hilchos Shabbos* 6:11, does in fact rule according to the *gemara* in *Gittin*. If the Rambam holds that there is no mitzva to live in Israel, why would it be permitted to violate the *issur d'raban* of *amira l'nochri* to buy property in Israel on Shabbos through a non-Jew?⁶ A further problem is that the Rambam writes in *Hilchos Melachim* 5:9 that it is *assur* for one who is living in Israel to leave the country unless it is to learn Torah, find a *shidduch*, or out of fear of an attack from enemies. The Rambam also writes in *Hilchos Ishus* 13:19 that one can force a spouse to move to Israel and refusal to do so is a legitimate reason for a divorce. If there is no mitzva to live in Israel, what would be the basis for these two *halachos*?

Rav Kook *zt"l* suggested a different approach (quoted by Rav Goren in *Toras Hashabbos VeHamoed* pp. 149-154) as to why the Rambam didn't count the mitzva to live in Israel as one of the 613 Commandments. Rashi in *parshas Reeh* 11:13 states that even in exile we should still continue to perform *mitzvos*, so that the *mitzvos* will not be new to us when we return to Israel. The implication from Rashi is that one who performs a mitzva in Israel is on a much higher level than one who performs a mitzva in *chutz laaretz*.⁷ The Ramban in *parshas Emor* 18:25 explicitly states that performing a mitzva in Israel is on a much higher spiritual level than one done outside of Israel. This point is taken *l'halacha* by Rav Avigdor Nebenzahl *shlit"a* who *paskins* that if a person is on a plane traveling from *chutz laaretz* to Israel and will *daven* *shacharis* on the plane, but will arrive in Israel before sunset, he should make a point to don *tefillin* again once he arrives in Israel. He reasons, similar to the Ramban and Rashi, that because the mitzva was initially performed while in *chutz laaretz* it is considered on a lower level and should be repeated upon arrival to the *Eretz Hakodesh*. Based on this notion, Rav Kook suggested that the Rambam did not count the mitzva to live in

⁵ In contrast to *Tosafos* and other *rishonim* who always try to reconcile every *gemara* throughout *Shas*.

⁶ Some *achronim* suggested that the Rambam would hold like the *Or Zarua* (*Shabbos* 2:84) quoted by the Rema in *Orach Chaim* 306:11. He writes that the case in *Gittin* would only be permissible if one asks the non-Jew to write the document in any language other than Hebrew which is only an *issur d'raban*, so it would be a *shvus deshvus bemakom mitzva*. Even if living in Israel would not be a *mitzva deorisa* it would still be a nice idea to live there (or potentially a *mitzva d'raban*) so we could still say that a *shvus deshvus* for living in Israel would be permitted. The problem is that the Rambam himself writes that writing in any language on Shabbos is an *issur deorisa*.

⁷ While the extreme implication of this Rashi is that *mitzvos* do not apply outside of Israel, that cannot have been Rashi's true intention and he must have been raising awareness to the enhancement of doing *mitzvos* in Israel.

Israel because it is a *mitzva kolleles*, a general mitzva which is included in many other *mitzvos* which the Rambam doesn't count in his 613.

At first glance, the approach of Rav Kook would seem to answer many of our questions. The Rambam holds that living in Israel is a *mitzva kolleles*, one so important that a person can violate the *issur d'rabanen* of *amira l'nochri* on Shabbos, or divorce his wife, in order for to fulfill. However, there are still difficulties with this approach. Rav Goren points out in *Toras Hashabbos VeHamoed* that the Rambam includes believing in God as the first mitzva. The mitzva to believe in God is an even more fundamental example of a *mitzva kolleles*, and yet it is counted as one of the 613 *mitzvos*. Can we argue that living in Israel is more of a *mitzva kolleles* than believing in God to warrant not being included in the 613?

Rav Goren was so troubled by this question that it led him to reject Rav Kook's conclusion and suggest an approach that could lead to there being 614 *mitzvos*. Rav Goren writes that the Rambam in his commentary to the mishna in *Chullin* 7:6 writes that we are only commanded to do *mitzvos* because they were given to us at *Har Sinai*. Any mitzva that was given to our forefathers, but not reiterated at *Har Sinai*, is not a commandment on the Jewish people.⁸ Rav Goren writes that the one exception to this principle is the commandment to live in Israel. Rav Goren suggests that because the Torah continuously requires the Jewish people to inherit the land that was given to Avraham, Yitzchak and Yaakov, it counts as a mitzva commanded by the Torah. However, Rav Goren goes on to suggest that the mitzva was not repeated at *Har Sinai* and so it isn't included in the 613 *mitzvos*, but could be viewed as commandment number 614.

The approach put forth by Rav Goren is difficult for several reasons. First, getting into a situation with 614 *mitzvos deorisa* is difficult to accept. No matter how the *rishonim* count their *mitzvos*, they always get to 613. Second, according to the Rambam himself, commandments given prior to *Har Sinai* still remain *mitzvos* when determining *mitzvos deorisa*. Lastly, the mitzva of living in Israel was repeated in *parshas Massei* (after the giving of the Torah) and seemingly should count as one of the 613 *mitzvos*.

Rav Tabory *shlit"a*, quoting Rabbi Yehuda Gershuni, a student of Rav Kook, suggests a different approach. Rav Tabory suggests that there are certain Torah values that should be ingrained in a Jew, but need not be mentioned in the Torah.

⁸ This is true for the *mitzvos* that were mentioned prior to *parshas Yisro*. The Rambam would argue that all *mitzvos* given prior to *Har Sinai* were repeated again at *Har Sinai*.

For example, the prohibition of *tzaar baalei chaim* is unquestionably a Torah value, but is not listed as a *mitzva d'oraisa*. Rav Tabory suggests a similar approach for the mitzva of living in *Eretz Yisrael*. Rav Tabory speaks about the notion that every nation wants a homeland in order to identify with fellow nationals, in addition to the other added benefits of living among brethren. The *Meshech Chochma*, in his discussion on the mitzva of *pru urevu*, is enamored with the idea that only men are obligated in the mitzva to have children, yet women who carry the baby for nine months and are actively raising the child are not commanded to have children. He explains this phenomenon by suggesting that the maternal instinct is so strong that women yearn to have children desperately no matter the situation, and therefore there was no need for a woman to be commanded in the mitzva of *pru urevu*.⁹ Rav Tabory suggests that the Rambam felt that it is an inalienable right of a nation to have their own country, and instinctive of a nation to yearn for their own land, and so the Torah did not need to list living in the land of our forefathers as one of the 613 *mitzvos*. The idea of living as a people in the land of Israel is such an important concept that it can append certain rabbinic commandments even without being formally counted as one of the 613 *mitzvos*.

⁹ Similarly, the Ramban in *Shemos* 21:9 writes that the obligation of a husband to care for his wife is not listed as a mitzva *d'oraisa* because it is his natural instinct to do so.

Ivri: The Shem-Ever-Avraham Connection

LEIGH GREENBERG



ויבא הפליט ויגד לאברם העברי.

Then there came the fugitive and told Abram, the Ivri. (Bereishis 14:13)

In the Book of Genesis, after Noah, the Flood and the genealogy of Noah, we have the oldest account of kings and wars which history has to relate. In the context of the War of the Kings or the Hamito-Semetic war,¹ the Torah refers to Avraham as “Abram the *Ivri*” (עברי) This is the first time the word *Ivri* occurs in the Torah.

The midrash in *Bereishis Rabba* 42:8 offers three explanations for why the Torah refers to Avraham as an *Ivri*:

1) That it alludes to the fact that if the entire world would be on one “side” (*ever*) of a scale and Avraham would stand on the other, then because of Avraham’s great stature the scale would balance.

2) It explains that Avraham was called an *Ivri* as a genealogical marker to show that he descended from Eber (*Ever*), who was a great-grandson of Shem.

3) It explains that Avraham was referred to as an *Ivri* because of his Mesopotamian origins from the other “side” (*ever*) of the Euphrates River,² and because he spoke the *Ivri* language (*Lashon Ivri*). Most commentators understand that this *Ivri* language is *Lashon HaKodesh*, and in fact, the English language refers to this as Hebrew, the Anglicized form of the word *Ivri*.

The common theme uniting these three explanations is that the term *Ivri* refers to Avraham differing from everyone else in Mesopotamia, whether in terms of

1 “Hamitic” is named after Ham, son of Noah, whose descendants are understood to be the native inhabitants of Africa, “Semetic” is named after Shem.

2 In *Yehoshua* 24:3, God Says, “And I took your forefather Avraham from across the river and I journeyed with him in the entire Land of Canaan”. *Targum* translates “across the river” as “across the Euphrates”.

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Avrahams's unparalleled great stature, his uniqueness amongst fellow descendants of Ever, or his distinctiveness in leaving Ur and Charran for the Land of Canaan and speaking *Lashon Ivri*. The bottom line is that Avraham was different. Rav S. R. Hirsch states, "he remained isolated in his own distinct character."

ולשם ילד גם הוא אבי כל בני עבר.

"And unto Shem, the father of all the children of Eber" (Bereishis 10:21)

The special recognition that the Torah gives to Ever does not begin with the title of *Ivri* used to describe Avraham. Rather, it begins earlier, when the Torah introduces the genealogy of Shem's family. The Torah singles out Ever by mentioning that Shem is the forefather of all his children. Rashi explains that Shem was the "father of all the people from the other side of the river." This phrase refers to the fact that Shem was the genealogical forefather of the Jews.

Abarbanel explains that the Torah wanted to teach who exactly Shem was and where his affiliation lay. Shem fathered many children and grandchildren who were the progenitors of various nations. However, the only one whom he truly loved and approved of was his great-grandson Ever (son of Shelah, son of Arphaxad, son of Shem), because he saw that Ever was a wise and righteous person who spent his time engaged in admirable intellectual pursuits.

Shem himself was a wise and righteous person who followed the path of God, and he saw Ever as his successor. Consequently, Shem identified with Ever, his only descendent to follow in this path, to the exclusion of his other offspring. We find many examples of Ever's righteousness, and of his connection with Shem. The *midrash* in *Tanna Dvei Eliyahu perek 24* says that Shem served as an important prophet for four hundred years, and so too *Bereishis Rabba 37:7* says that Ever was a great prophet. One example of Ever's prophetic powers was that in *Bereishis 10:25* he named his son "Peleg"³ (which means "split" in Hebrew), thus prophetically foretelling the division of languages at the Tower of Babel, which occurred in his lifetime.

The *midrash* refers to the influence of Shem and Ever on numerous occasions. Each time, Shem and Ever appear as the spiritual guides of the forefathers and mothers. Malki-Tsedek, the priest who blesses Avraham, is in fact identified in *Bereishis Rabba 44:7* as Shem. The Torah in *Bereishis 25:22-23* describes Rebecca's pregnancy, explaining that "the children struggled in her womb." To understand this abnormal occurrence, she "went to inquire of the Lord and the Lord answered her."

3 In Assyrian, *palgu* means "canal", and it is believed that "division of the land" refers to the introduction of a system of canals into Babylonia.

The *midrash* in *Bereishis Rabba* 45:10 explains that she went to the *Beis Midrash* of Shem and Ever.

The *midrash* in *Bereishis Rabba* 48:20 similarly claims that conversations that Sarah and Hagar had with God took place through the mediation of Shem. However, Shem and Ever are not merely intermediaries between man and God; the *midrash* explains that they were figures of justice as well. In the *midrashic* read of the story in *Bereishis Rabba* 67:8, Esav feared killing Yaakov because he knew Shem and Ever would judge him for this sin.

Finally, Shem and Ever are presented as teachers. *Bereishis Rabba* 56:11 writes that after the *akeida*, Avraham sent Yitzchak to learn Torah from Shem. Rashi, quoting the *gemara* in *Megilla* 17a, says that Yaakov also studied at the Yeshiva of Shem and Ever for fourteen years before he came to the house of Lavan. The *midrash* in *Bereishis Rabba* 84:8 teaches that Yaakov taught everything he had learned from Shem and Ever to his son, Yosef. In addition, *Shir ha-Shirim Rabba* 6:2 states that one who studies Torah in this world will be brought to the *beis midrash* of Shem, Ever, Avraham, Yitzchak, Moshe, and Aaron in the world to come.

We have seen that Ever was the religious, spiritual and moral heir of Shem. Abarbanel mentions Ever as the perpetuator of Shem's path in a discussion about the survival of *Lashon HaKodesh*, that following the destruction of the Tower of Babel, only Shem preserved *Lashon HaKodesh*. Shem taught it to Ever, the most esteemed of his descendants, after whom the language is called "Hebrew." Ever in turn taught it to his great-great-great-great-grandson and pupil Avraham. Ever was a major stepping-stone in the transmission of Shem's tradition to Avraham. We can now understand that the Torah referred to Avraham as an *Ivri* because of Ever's role in transmitting Shem's tradition to Avraham. For the same reason the Torah specifically referred to Shem as the father of Ever because Ever was the only one of Shem's descendants to follow in his path.

Avraham was called an *Ivri* because he was a full descendent of Ever, not because he was simply a genealogical descendent of Ever, but because he was the spiritual heir to the religious tradition that Ever had received from Shem. In fact, the *midrash* in *Bereishis Rabba* 52:11 says that during Avraham's encounter with Shem, he revealed certain secrets of the Torah to Avraham.

Thus, we find that Shem viewed Avraham as a continuation of his tradition, someone worthy of accepting the secrets of the Torah. Avraham was also called an *Ivri* because, as part of that religious continuation, he was charged with preserving the unadulterated version of *Lashon HaKodesh*. Therefore, the title *Ivri* alludes to

two components of Avraham's role in furthering Shem's tradition: continuing the tradition of Shem transmitted to Ever and continuing the holy language of *Lashon HaKodesh*, which exemplifies this tradition.⁴

⁴ Rabbi R. C. Klein, *Lashon Hakodesh: History, Holiness & Hebrew*

The Power of *Kedushas* Shabbos on our Daily Lives

ADIV PACHTER



The *Baal Chelkas Yehoshua* of Biala writes about the *kedusha* of Shabbos. Reb Moshe Leib of Sossov is quoted as commenting on the *pasuk* in *Eicha* 5:15. “*Shavas misos libeinu, nehefach l’ewel m’choleinu.*” Literally translated to mean that “Gone is the joy of our hearts, our dancing has tuned into mourning.” The Rebbe explains that *Shavas* can also be read as Shabbos. Shabbos should really be the joy of every Jewish person’s heart. On Shabbos we should feel the holiness of the day permeating our souls. But, all too often we do not tap into the spirituality of the day and let it permeate our essence. The reason, explains the Rebbe, is based on the continuation of the *pasuk*. It all stems from *m’choleinu*, which can be understood as “from our *chol*, our weekday.” How do we act during the six days of the week? If we forget about Shabbos during the week, it is no wonder that we will not become vessels to receive its holiness.

The commentators point out that *teshuva* and Shabbos share the same root letters: *shin*, *beis* and *taf*. The *Be’er Mayim Chaim* quotes the *pasuk* in *Tehilim* 51:5: “*V’chatasi l’negdi tamid*, My sin is before me always.” Did Dovid HaMelech not have faith that Hashem accepted his *teshuva*? Why would he not let go of his sin? The *Be’er Mayim Chayim* explains that Dovid HaMelech is teaching us that when we sin, we have a certain burning passion and desire that accompanies the sin and is actually the driving force behind our sinful act. It is this *cheyshek* that Dovid HaMelech is teaching us that we need to keep close to our hearts at all times. We need to channel this energy for good but the energy itself is powerful. It is our choice in how we make use of this energy.

The *Yerushalmi* in *Dmai* states that even an *am haaretz* is believed on Shabbos to testify if a certain food is *tevel* or not [as opposed to during the week] because he is

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afraid to lie. The *gemara* attributes this to the fact that “*eimas Shabbos alav*,” the fear of Shabbos is upon even the simpleton. What is the connection between Shabbos and lying? In the *pesukim* discussing the *kerashim*, beams, of the *Mishkan*, it says “*V’asu li mikdash, v’shachanti besocham*.” Each and every Jew is considered a *mikdash mi’at*. Shabbos Kodesh is the time for us to recharge and build our own spiritual *mikdash*. Interestingly the letters of *kerash* and *sheker* are the same. When we guard ourselves from *sheker* we enable ourselves to strengthen the *kerashim* of our own *mikdash mi’at*. The *gemara* is teaching us that Shabbos *kodesh* gives us the strength to cling to truth and distance ourselves from *sheker*. This is also alluded to in the *pasuk* in *Yeshaya* 58:13 when we say “*Im tashiv mishabas raglecha*.” The *roshei teivos* of *Im Tashiv Mishabas* are *EMES*. The *navi* is teaching us that when we cling to *emes*, then, and only then, do we have *raglecha*. The *mida* of truth, which we acquire on Shabbos, is the foundation of our souls, just like our legs are what our bodies stand on.

It is taught that if we tap into the *kedusha* of Shabbos, it will have a positive effect for the week that follows. This can be explained by the fact that for every mitzva that we perform, an angel is created. The extent of the development of the angel is commensurate with the level of the performance of the mitzva. We should all strive to perform the *mitzvos* to the fullest and as a result, complete and healthy angels will be created in the world to guard us and all of *Klal Yisrael* in the honor of Shabbos *kodesh*.

On the note of fulfilling *mitzvos* to the fullest with alacrity, Rabbi Yaakov Vosoghi quoted the following lesson from Rav Chaim Schmulevitz found in *Sichos Mussar*. Rav Chanina attended the wedding of Rav Shimon Bar Yochai, the author of the *Zohar Hakadosh*. The norm at the time was for men to study in yeshiva after their wedding for a certain period of time. Rav Shimon asked Rav Chanina if he would wait for him to conclude the *sheva brachos* after which they would travel together to go learn. Rav Chanina said that he couldn’t wait and he left without him. Rav Chaim Schmulevitz asks why Rav Chanina refused to wait for Rav Shimon. What a great opportunity it would have been to learn with Rav Shimon. And surely Rav Chanina would have maximized his time while waiting for Rav Shimon. What we see from this is the great danger of postponing a mitzva. When an opportunity presents itself, we must take advantage of it, lest we lose the chance.

It is important to ensure that no matter how much *zerizus* we have, that we remember that it must always be accompanied by *anava*, humility. Most importantly, we need to have a healthy balance between humility and *zerizus*. The *mishna* in *Avos* 5:7 says that one of the miracles in the *Mikdash* was that even though the *mizbeyach* was outdoors and the rain should have put out the fire, the fire was never extinguished.

Rav Baruch Simon quotes from the *Lev Aharon*, the Saptmar Rebbe, who explains that fire represents *hislahavus*. Water represents humility because it goes from a high place to a low place. Sometimes a person can feel humble especially if he is in the *Beis Hamikdash* where there was tremendous *gilui Shechina*. Those experiences can paralyze someone to inaction. The *chidush* is that in the *Mikdash* there was a tremendous amount of *anava* but that *anava* never took away the *aish*, the *hislahavus* to serve Hashem.

May we all be *zoche* to serve Hashem with *zerizus*, *anava* and *kedusha* and merit to the *Yom Shekulo Shabbos* with the building of the *Beis Hamikdash* speedily in our days.

Targum MiSinai: History or Ideology?

ZAC GRODZINSKI



While collecting various teachings said in the name of Rabbi Yirmeya or Rabbi Chiyya bar Abba, the *gemara* (*Megilla* 3a) goes into a discussion regarding the authorship of the two primary¹ *targumim* on Tanach;

¹ Many other *targumim* exist on the Torah in addition to *Targum Onkelos*. Some of the more famous ones include: a) A very *midrashic* *targum* attributed to Yonasan ben Uziel. It is clear however, from the *gemara* in *Megilla* that Yonasan ben Uziel only authored the *targum* on *Nevi'im*. This *targum* is therefore sometimes referred to as Pseudo Jonathan. This error was caused by the incorrect expansion of the *Rashei Tevos* ר"ת of *Targum Yerushalmi* for *Targum Yonasan*. B) *Targum Yerushalmi*: An incomplete *Targum* which appears in many standard *Mikraos Gedolos*, sometimes referred to as Fragment *Targum*. C) Another *midrashic* *targum* referred

This article was written in memory of HaRav Raphael Posen *zt"l* (1942-2016) who was a professor of *Mikra* at Bar Ilan University and spent the majority of his scholarly life studying *Targum Onkelos*. Among his many writings, he was in the middle of writing *Parshegen*, a monumental multi-volume commentary on *Onkelos*, with *chiddushim* on almost every *pasuk*. He passed away after having completed *Sefer Vayikra*. In addition to his learning and scholarship, he was also the *chazzan* for the Yamim Noraim at Yeshivat Kerem B'Yavneh, where I was privileged to learn and enjoy his extremely uplifting and unique davening.

The following article is based off an article HaRav Posen wrote in 1999, originally published in the Bar Ilan Journal *Sidra*. (Rafael B. Posen. "Targum" Onkelos from" Sinai?—An Examination of the Sinaitic Origins of" Targum Onkelos", *Sidra: A Journal for the Study of Rabbinic Literature* (1999): 95-110.) While the original article is much more extensive and elaborate, I chose to present his main points as a way to give a small taste of some of the Torah he taught. Any reference made to Posen or a specific footnote refers to the aforementioned article.

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Targum Onkelos and Targum Yonasan Ben Uziel.

וא"ר ירמיה ואיתימא רבי חייא בר אבא תרגום של תורה אונקלוס הגר אמרו מפי ר' אליעזר ור' יהושע תרגום של נביאים יונתן בן עוזיאל אמרו מפי חגי זכריה ומלאכי.
Rabbi Yirmeya said, and some say [that it was] Rabbi Chiyya bar Abba [who said]: The [Aramaic] translation of the Torah was composed by Onkelos the convert based on [the teachings of] Rabbi Eliezer and Rabbi Yehoshua. The [Aramaic] translation of the Prophets was composed by Yonasan ben Uzziel based on [a tradition going back to the last prophets], Chaggai, Zecharia, and Malachi.²

Apart from a short *aggadic* story regarding what happened when Yonasan ben Uziel 'said' the *targum* on the books of *Nevi'im* and 'revealed' the secrets contained therein, the *gemara* is happy with the opinion of Rabbi Yirmeya / Rabbi Chiyya bar Abba regarding the authorship of the *targum* on the books of *Nevi'im* and ends the discussion.

However, when discussing the authorship of *Targum Onkelos*, the *gemara* begins a discussion, presenting a dissenting opinion.

ותרגום של תורה אונקלוס הגר אמרו? והא אמר רב איקא בר אבין אמר רב חננאל אמר רב מאי דכתיב (נחמיה ח, ח) ויקראו בספר תורת האלקים מפורש ושום שכל ויבינו במקרא. "ויקראו בספר תורת האלקים" - זה מקרא, "מפורש" - זה תרגום...!?
The gemara asks: Was the translation of the Torah [really] composed by Onkelos the convert? Didn't Rav Ika bar Avin say [that] Rav Chananel said [that] Rav said: What is [the meaning of that] which is written [with respect to the days of Ezra]: "And they read in the book, the Torah of God, distinctly; and they gave the sense, and they caused them to understand the reading" (Nechemia 8:8)? [The verse should be understood as follows]: "And they read in the book, the Torah of God" - this is the [scriptural] text; "distinctly," - this is the translation, [indicating that they immediately translated the text into Aramaic, as was customary during public Torah readings.]

to as Neophiti. It was discovered in the Vatican library in 1957. D) *Targumei Geniza*: A group of *midrashic Targumim* written in an Galilean Aramaic dialect similar to that of the *Gemara Yerushalmi* as opposed to *Onkelos* which more closely resembles a Babylonian Aramaic dialect. E) *The Peshiteta*: An extremely literal *Targum* written in the Syriac dialect. (see Posen, *Parshegen*, Introduction).

2 The English translation of the *gemara* texts are taken from the Steinsaltz edition available at Sefaria.org.

The *drasha* brought in the name of Rav Ika bar Avin seems to imply that the *targum* already existed at the time of Ezra (5th Century B.C.E). How then are we to understand the tradition of Rabbi Yirmeya or Rabbi Chiyya bar Abba that the *targum* was authored by Onkelos who lived at the time of Rabbi Eliezer and Rabbi Yehoshua (2nd generation *tannaim* living in the 1st Century)? In three words, the *gemara* quickly resolves the issue:

שכחום וחזרו ויסדום.

The [original targum] was forgotten and then [Onkelos] reestablished it.

Simply put - so simple Rashi doesn't even comment on it - the *targum* on the Torah was originally written at the time of Ezra, then forgotten, and later reestablished at the time of Onkelos.

Date of The Targum - Codified?

The *gemara* (*Brachos* 8a) establishes the practice to study the weekly Torah portion with the *targum*. This practice was later codified in the *Shulchan Aruch* (OC 285:1,2) with some additional points:

אע"פ שאדם שומע כל התורה כולה כל שבת בצבור, חייב לקרות לעצמו בכל שבוע פרשת אותו השבוע שנים מקרא ואחד תרגום אפילו עטרו ודיבן. אם למד הפרשה בפירוש רש"י חשוב כמו תרגום, וירא שמים יקרא תרגום וגם פירוש רש"י.

Even though a person has heard the entire weekly Torah portion at Shul, he is nevertheless required to read it to himself each week - the pasuk twice and the targum once, even "Ataros Vedivon" [pesukim which have no unique targum]. If a person learns the weekly Torah portion with Rashi's commentary, it is considered as [he fulfilled his requirement of] the targum. A yarei shamayim [however], should read the targum and Rashi's commentary.

Even though we see that the *Shulchan Aruch* accepts the study of Rashi's commentary in place of the *targum*, the idealized and oft-typified "yarei shamayim" is expected to learn both Rashi and the *targum*.

What is it about the *targum* that warrants its study, even after having already completed Rashi's commentary, which the *Shulchan Aruch* ruled is equally as acceptable as the *targum* itself? Sensing this problem, many of the classical commentaries on the *Shulchan Aruch*³ - beginning with the *Taz* - provide identical answers:

³ After the *Taz*, see comments of the *Gra*, the *Shulchan Aruch Harav* and the *Mishna Berura* (S.K 6).

כי התרגום יש לו מעלה שניתן בסיני.

[The reason] the targum has a special status is because it was given at Sinai.

The difficulty of this dating is immediately apparent, since just above we saw the *gemara* in *Megilla* and its relevant discussion which simply showed that the earliest dating for *Targum Onkelos* is from the time of Ezra, with no mention of any Sinaitic origin. From where did they get this idea?

An Interesting Rashi

The *gemara* asks an interesting question regarding a conditional marriage:

תנו רבנן: על מנת שאני קריינא? כיון שקרא שלשה פסוקים בבית הכנסת הרי זו מקודשת. ר' יהודה אומר עד שיקרא ויתרגם. יתרגם מדעתיה? והתניא ר' יהודה אומר המתרגם פסוק כצורתו הרי זה בדאי והמוסיף עליו הרי זה מחרף ומגדף?! אלא מאי תרגום - תרגום דידן. (קדושין מט.)

The Sages taught: [If one said to a woman: Be betrothed to me] on the condition that I am literate [with regard to the Torah,] once he has read three verses in the synagogue she is betrothed. Rabbi Yehuda says [that she is not betrothed] until he reads and translates [the verses. The gemara asks: Does Rabbi Yehuda mean that] one translates [according to] his own understanding? But isn't it taught [in a] baraisa (Tosefta, Megilla 3:21) [that] Rabbi Yehuda says: One who translates a verse literally is a liar, [since he distorts the meaning of the text], and [conversely], one who adds [his own translation] is [tantamount to one who] curses and blasphemes [God]? Rather, [to] which translation [is Rabbi Yehuda referring? He is referring to] our [accepted] translation. (Kiddushin 49a)

Rashi, commenting on the phrase 'harei ze mecharef' writes the following fascinating comment:

מבזה את המקום משנה את דבריו. ואונקלוס כשהוסיף לא מדעתו הוסיף שהרי בסיני ניתן אלא שנשתכח וחזר ויסדו כדאמר' במגילה (דף ג.) ושום שכל זה תרגום. He degrades God and distorts His words. Onkelos [however], when he added [words to the plain text of the Torah] he didn't do it from his own understanding since [the text of the targum] was given at Sinai but [it was then] forgotten and reestablished [by Onkelos] as it says in *Megilla* [see above] "And they gave the sense" - this is the translation.⁴

⁴ Notice the discrepancy between Rashi in *Kiddushin* and the *gemara* in *Megilla* with regard to which phrase in the *pasuk* refers to the *targum*.

Where did Rashi get this dating from? Comparing all other places in the *gemara* that use the phrase שְׂכָחוּם וְחָזְרוּ וַיִּסְדּוּם consistently shows that after debating whether the source of a certain law came from time A (earlier) or time B (later), the concluding phrase שְׂכָחוּם וְחָזְרוּ וַיִּסְדּוּם always places the שְׂכָחוּם phase at time A and the וַיִּסְדּוּם phase at time B.⁵ Never is the שְׂכָחוּם phase assumed to be at a time before time A (such as in our case based off Rashi in *Kiddushin*). Additionally, if we were to assume that the *targum* was given at Sinai, we would be claiming that the spoken language of the *Bnei Yisrael* at the time of *Matan Torah* was Aramaic. In the words of Posen this is a “bold *chiddush* without any basis”.

That being said, what drove Rashi to write such a statement? Was there any basis to his comment?

The Geonic Tradition

Rabbi Moshe of Coucey, the *SeMaG* (*Asin*, 19), recounts an interesting story which has preserved the Geonic tradition regarding our topic.

אמרין בברכות פ”ק [דף ח’] שחייב אדם להשלים פרשיותיו עם הציבור שנים מקרא ואחד תרגום... ואני דנתי לפני רבותי שהפירוש מועיל יותר מן התרגום, והודו לי רבותי ולא נראה לרבי יצחק וכן רב עמרם שהשיב רב נטרונאי דוקא תרגום שזכה לינתן בסיני כדמשמע פ”ק דמגילה

It says in the gemara Berachos in the first perek that a person is required to complete the weekly Torah portion with the congregation - the pasuk twice and the targum once... And I discussed [this topic] in front of my teachers [and claimed] that [Rashi’s⁶] peirush is more useful than the targum. My teachers agreed with me. However Rabbi Yitzchak and Rav Amram don’t agree [with this idea] since Rav Natronai taught “specifically the targum [should be studied for the shenayim mikra requirement] since it merited to be given at Sinai as implied in the first perek of Megilla.”

At this stage it seems that Rashi had a basis for his comment. But where did Rav Natronai get it from? Did he even say it? Tracing this comment back to its source leads us to *Seder Rav Amram Gaon* (2:31),⁷ where a similar yet slightly different comment appears.

⁵ See *Sukka* 44a, *Yoma* 80a, *Shabbos* 104a.

⁶ See the *Beis Yosef* to the *Tur* OC 285 who shows that the *SeMaG*’s “*peirush*” is indeed that of Rashi.

⁷ See footnote 20 where Posen proves that the *SeMaG* knew this teaching of Rav Natronai Gaon from *Seder Rav Amram Gaon*.

וכך אמר רב נטרונאי גאון, אלו שאין מתרגמין, ואומרין אין אנו צריכין לתרגם תרגום רבנן [=תרגום ואונקלוס], אלא בלשון שלנו בלשון שהצבור מתרגמין [=ערבית], אין יוצאין ידי חובתן. מ"ט דהדין תרגום על קראי אסמכוהו רבנן, דאמר רב איקא בר אבין א"ר חננאל אמר רב מאי דכתיב ויקראו בספר תורת האלהים, זו מקרא. מפורש, זה תרגום. ושום שכל, אלו הפסוקים. וכיון דכן הוא לא אפשר דלא מתרגמין בהדין תרגום דרבנן

So said Rav Natronai Gaon, those who do not translate the Torah [using the Targum Onkelos] and say "we don't need to use the rabbinic targum [that is Targum Onkelos] but rather the language that the congregation translates in [that being Arabic]" - [those people] do not fulfill their obligation. Why is this so? Since this targum, the Rabbis attributed to a pasuk, as Rav Ika bar Avin said in the name of Rav Channanel in the name of Rav: "What is [the meaning of that] which is written "And they read in the book, the Torah of God, distinctly; and they gave the sense..." (Nechemia 8:8)? [The verse should be understood as follows]: "And they read in the book, the Torah of God" - this is the [scriptural] text; "distinctly," - this is the translation". Since that is the case, it is impossible not to use the translation which is the rabbinic targum.

While in both sources Rav Natronai Gaon is opposed to using alternate *targumim* or *peirushim* for *shenayim mikra*, in the original source he refers to the *targum* as the "rabbinic targum," but in the *SeMaG* he is quoted referring to it as the "targum from Sinai". What caused the *SeMaG* to make this change?

Karaism and Arabic

In order to understand the Geonim's attitude towards the *targum*, it's important to point out two developments that occurred during their time; the decline of Aramaic as the spoken language in preference for Arabic, and the intense fight against the karaim.⁸

With regards to the language, for example - in response to the increasing popularity of Rav Sa'adia Gaon's Arabic translation of the Torah in the 10th century⁹ - Yehuda ibn Kuraish wrote a scathing critique against people who neglected the *targum*. In his famous *Risalah* (letter in Arabic) he writes:

⁸ These two phenomena were quite interconnected. The karaim, who focused all their energies on the text of the Torah itself with complete disregard to *Chazal* and their interpretations, published many of their writings in Arabic.

⁹ While ibn Kuraish doesn't mention Rav Sa'adia Gaon explicitly, Posen brings a number of sources in footnote 28 which claim that he does so implicitly.

In the name of God, the Eternally Living and Enduring, A letter from Yehudah Ibn Kuraish to the congregation of the Lord at Fez to urge and encourage the teaching of the targum and the enjoyment of its benefits and blame of its rejection.

I see that you have stopped performing the customs of reading the targum in your synagogues...to the point that some men from among you have told me that they have never read the targum...and the targum, may God bring you honor, is something that your predecessors never laid down, nor did your forebears refuse it...nor did those who came before you neglect it in Iraq nor Egypt nor Africa nor Andalus.

Additionally, and this time from Rav Natronai Gaon himself (*Seder Rav Amram Gaon*, 2:80), we see another scathing critique against those who omit all the rabbinic references in the Haggada on Pesach.

וכך אמר רב נטרונאי גאון ריש מתיבתא, מי שאומר בקידוש של פסח אשר קדש את ישראל, וכשגומרין מה נשתנה אין אומר עבדים היינו לפרעה, ואינו אומר מתחלה... וקורא ארמי אובר אבי עד שגומר את הפרשה כלה, פסוקין כמות שהן ואינו אומר מדרש כלל... מי שנוהג מנהג זה אין צריך לומר שלא יצא, אלא כל מי שעושה כן, מין הוא, וחלוק לב הוא, וכופר בדברי חכמים ז"ל, ובזה דברי משנה ותלמוד. וחייבין כל הקהלות לנדותו ולהבדילו מקהל ישראל...

So said Rav Natronai Gaon, head of the Academy: He who says during the kiddush on Pesach "who sanctified Israel", and when he finishes Ma Nishtana he doesn't say Avadim Hayinu and doesn't say Mitchila...and then he reads Arami Oved Avi (the entire parsha) - the plain pesukim but with no midrash at all...He who acts according to this custom, not only does he not fulfill his obligation but rather anyone who does like this - he is a heretic and a "divided heart" and he denies the words of the Chachamim and he disgraces the words of the mishna and the talmud. All the congregations are responsible to excommunicate and separate this person from the congregation of Israel!

This text clearly shows Rav Natronai Gaon's first-hand dealings with the karaim and those influenced by their teachings. Returning to his comment about the *targum* with this in mind, it is easy to understand his concern with those who neglected the use of the *targum*. Furthermore, his use of the phrase "*targum d'raban*" is perfectly fitting for his criticism. The *targum* - that being *Targum Onkelos* - is the authentic

rabbinic *targum* that reflects the true rabbinic tradition as passed down from two of the greatest *tannaim*, Rabbi Eliezer and Rabbi Yehoshua. Neglecting the *targum* is to neglect the true rabbinic tradition is as clear an attack against the karaim as any.

Just to see how intense the fight escalated to between the geonim and the karaim on the topic of the *targum*, we can look no further than the writings of geonim who lived less than 100 years later. Commenting on the *gemara* in *Kiddushin* cited above regarding פסוק כצורתו, המתרגם, Rav Sherira and Rav Hai Gaon (*Otzar Hageonim, Kiddushin*, pages 129-131) bring a number of examples showing that a simple “literal” or “word for word translation” of the Torah is erroneous either because it gives a false interpretation to a verse, or because one can’t know the correct synonym to use when translating a Hebrew word that contains multiple meanings.

They conclude their comments with the following:

אבל להעתיק מלשון ללשון את התורה זולתי תרגומא דילן שנשמע מן הנביאים,
ולאמר זה העתקת התורה – לא נכון. כי אין לנו דרך אחת שאין לזוז ממנה. ויש
בזאת בידוי ויש בה חירוף וגידוף.

*But to copy [that is to translate] the Torah from language to language apart
from our targum [that is Onkelos] that was heard from the Nevi'im, and
to say this is the copy [that is an authentic translation] of the Torah - this is
not correct. For we only have one way from which we cannot deviate. [One
who translates based on his own understanding] is responsible for lying,
cursing and blaspheming.*

As mentioned at the beginning, the earliest possible dating for *Targum Onkelos* found in *Chazal* is from the time of Ezra. It was only with regard to *Targum Yonasan* that the *gemara* states that it was “based on [a tradition going back to the last prophets], Chaggai, Zechariah, and Malachi.” The idea that *Targum Onkelos* was נשמע מן הנביאים lacks historical grounding and was more than likely used by these geonim as a way to give utmost importance to the traditional *Targum* at a time when it was under strong attack from those who opposed the tradition and its teachings.

Targum MiSinai - Ideology

With the above statements of Rav Natronai Gaon in mind, and the even bolder ones from Rav Hai and Rav Sherira Gaon, we can see that Rashi was clearly following a line of great rabbis who attached ideological significance to the *targum* and its study.

It is obvious that Rashi did not believe that the *targum* was given at Sinai since he didn't write it in his comments on the source-*gemara* in *Megilla*. Only in the

gemara in *Kiddushin* which discusses the person who is 'מדעתיה' did Rashi feel it appropriate to comment against this person and remind us that לא ואונקלוס כשהוסיף. Additions and deviations from the literal text found in the *targum* were not simply made up by Onkelos, they rather reflect the teachings of a tradition that originated at Sinai.¹⁰

Now that we have seen the development of the “ideological status of the *targum*” as seen through the sources of the geonim and culminating with Rashi, it is fair to say that if it wasn't for Rashi, the *SeMaG* wouldn't have altered the words of Rav Natronai Gaon and substituted his *targum d'raban* with Rashi's *targum miSinai*. Only once realizing that both were attaching ideological significance to the *Targum* and its study did the *SeMaG* feel it appropriate - and possibly even necessary - to use Rashi's far-reaching phrase when discussing the laws of *shenayim mikra*.

While there were a number of *achronim* who picked up on the non-historical-nature of Rashi's comment (and consequently that of the *SeMaG*) such as Rabbi Shmuel Katzenellenbogen, the *Maharatz Chayes* and Rav M.M. Kasher, most of the classical *halachic* commentaries took the phrase at face value and either quoted it with no source, or cited the words of Rav Natronai Gaon as found in the *SeMaG* or its copy in the *Hagahos Maimaniyos* (*Hilchos Tefilla*, 13:23).

Rashi's Humility

We will close with a beautiful point which only appears in a footnote in Posen's original article (#36).

Since Rashi lived in Western Europe in the 11th century where there were no attacks from the karaim and their teachings, why did he feel it necessary to attach such a significance to the *targum*?

Posen “hesitantly” suggests that Rashi sensed that his *peirush* on the Torah would become too popular and people would begin to neglect the *targum*. In his great humility, Rashi exaggerated the significance of the *targum*, effectively placing it on “*Har Sinai*” in order to prevent the later generations from neglecting it.¹¹ How insightful he was.

10 As an aside, in footnote 36 Posen notes a number of places where *Chazal* use the term “*miSinai*” as in “*halacha leMoshe miSinai*” to refer to rabbinic laws. See for example *mishna*, *Yadayim*, 4:3 and *Rav* ad loc.

11 This point is actually made quite clear by carefully reading the words of Rav Natronai Gaon as they appear in the *Machzor Vitri* written by Rav Simcha ben Shmuel the student of Rashi:

אילו שאין מתרגמין ואומרים אין אנו צריכים לתרגם תרגום דרבנן בלא פירוש אין יוצאין ידי חובתן.

The clever insertion of the “*peirush*” into the words of Rav Natroani Gaon by the student of Rashi reflects the position of his teacher to not substitute his *peirush* for the *targum*.

The Power of Music Nowadays in Thought and Practice

STEPHEN KIRSCHENBAUM



The power of music is not a recent phenomenon, but is already alluded to in various Biblical and Talmudic sources. Elisha HaNavi describes his dependence on music to foster his prophetic visions.¹ Dovid HaMelech remains famous for his contribution of the *Tehillim*, all musical hymns. He even begins many of his psalms describing the musical style in which it should be played.

Moreover, after the splitting of the Red Sea, Moshe Rabbeinu led the Jewish men in *shira* (song) and Miriam likewise led the women. The singing of the Levites in the Beis Hamikdash was of major importance, the absence of which would nullify certain *korbanos* (sacrifices) altogether.² Our daily prayers make prominent mention of this *shira*. Additionally, the *gemara* (*Megilla* 32a) strongly encourages us to sing the Torah we study.

Two sources in particular demonstrate the importance the Torah attributes to music. The beginning of the Torah, in *Bereishis* 4:20-22, delineates some of man's first great achievements. Included in these advances are the breeding of cattle, the use of copper and iron tools, and the development of certain musical instruments. Presumably, the Torah regards music as a fundamental achievement of mankind. Secondly, the Talmud in *Chagiga* 15b (see Rashi in particular) asks how the great *tanna*, Rabbi Elisha Ben Avuyah, lost his faith. How did his deep knowledge of Torah fail to safeguard and protect him from his ultimate abandonment of Torah? The *gemara* answers the reason is because "Greek music never ceased to emerge from his mouth." The message is clear; music is so powerful it can elevate us to spiritual heights and draw us closer to God, or it has the potential to lead us far astray.

¹ See *Melachim* II, *perek* 3

² *Arachin* 11a; Rambam, *Mishna Torah*, *Hilchos K'lei HaMikdash*, 3:3.

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The discussion continues through the early *rishonim*, with the Ramban in the *Sha'ar HaGemul* explaining that the music in the Temple alludes to the comprehension of ideas dependent on the *ruach* (spirit), stating there is nothing in the physical world as fine as music. Rabbi Avraham Ibn Ezra, in his commentary to *Bereishis* 21:4, describes the knowledge of music as “a significant wisdom.” Rabbi David Kimhi (Radak) writes extensively in his commentary to *Tehillim* 4 about the different types of musical variations within the *Tehillim*, and describes the deep wisdom required to compose the varied forms of music. Further, Rabbi Menachem Meiri writes in his commentary to *Tehillim* 47 that music “awakens the heart and gives intelligence to the listeners.”

In the introduction to the *Sefer Pe'as Hashulchan*, Rabbi Yisrael of Shklov cites the Vilna Gaon as saying that most secrets of Torah and of the songs of the Levites in the Temple are impossible to know without the requisite knowledge of music. With its secrets, people can die from its pleasantness, and can bring the dead back to life. Without its secrets, it is implausible to fully comprehend the Torah. This knowledge of music was transmitted to Moshe Rabbeinu at Mount Sinai along with the rest of the Torah. He further writes that the Vilna Ga'on had studied and mastered most wisdoms contained in the world, but the deepest of all is the wisdom of music.

Interestingly, the *Manos Halevi* quotes a question from Rabbi Shlomo Alkabetz asking why Achashveirosh, in his plot to spiritually harm *Klal Yisrael* in the story of Purim, directs his efforts to sully four of the five major senses, but purposely excludes the sense of hearing from his attack. It would seemingly make sense for Achashveirosh to have attempted to penetrate the auditory sense at his parties as well, thereby bolstering the impact the evil inclination would have and increase his chances at accomplishing his goal. Rabbi Matisyahu Solomon quotes the aforementioned words of Rabbi Menachem Meiri, “that music awakens the heart and gives intelligence to the listeners,” and asserts that music of any form has an incredible power of opening one's heart. The only factor relevant in determining the power of music and the effect it may have is within the person listening. If the recipient's heart is pure, music of any form can elevate the person to new spiritual heights; on the other hand, if the recipient's heart is impure, music can have a more negative impact to the other extreme. For this reason, Achashveirosh did not attempt to appeal to the Jews' *yetzer hara* through music, due to the possibility the music would inspire the pure of heart to repent and come closer to God.³

³ *Matnas Chaim*, p. 152.

On a deeper level, the *Zohar* teaches that there is a *heichal* (entranceway) in the Heavens that can be opened only through song. The *Zohar* relates that Dovid HaMelech approached this entrance through his *Sefer Tehillim*. There are seven major musical notes, which are called keys. Each of these seven keys opens a different door to enter the *heichal*, and it is only through these entryways that certain spiritual stature previously unattainable can be realized. The Talmud maintains that the *kinor* (harp) in the Beis Hamikdash had seven strings based on the verse “*sova semachos es panecha*.”⁴ However, in the times of Mashiach the harp will have eight strings based on the verse “*la’menatze’ach al ha’shemini*,” (*Tehillim*, 12) referring to a harp of eight strings.⁵ When these seven strings of the harp play the seven musical keys to form song, each entryway to the *heichal* is opened in conformity with the other. Further, these seven musical notes played by the seven strings of the *kinor* correspond to the seven days of the week culminating with the Shabbos. This parallel signifies culmination and completion, for Shabbos completes the week and the seven strings complete the *kinor*, which in turn encompasses the seven major musical notes. The seven days of the week are actually the seven tunes of Creation. With every day leading to the Shabbos, we participate with God in creating the world anew. When the Shabbos arrives, the week is complete with its destiny fulfilled, just as when the seven strings of the harp are integrated to create song that unlocks the Heavens.⁶ Song and Shabbos are intrinsically connected in the sense that each, individually and collectively, foster the achievement of spiritual heights that would otherwise be unachievable. As a result, song affords one the opportunity to fulfill his or her very unique and ultimate potential.

In the unique words of Rabbi Shlomo Carlebach, “...the holy Reb Klonimus, the author of the holy book ‘*Maor VaShemesh*’ states in the name of the *midrash* that when one sings to Hashem, in that moment all his sins are forgiven as this is the deepest connection to Hashem which reaches such a high place where there is only good. And so, by crossing the Red Sea we reached the highest level as we were singing together one song, being cleansed from everything evil in the world. We had so much love to one another, so much love to Hashem, so much love to our children and family, *gevalt* did we walk as one, because hatred comes from sin. Take

⁴ We read the word “*sova*” in the verse as if it says “*sheva*” (seven). *Tehillim*, 16.

⁵ *Arachin* 13b.

⁶ Some of the *seforim* discuss this idea in the context of the *Shir Shel Yom* we sing every day of the week leading up to Shabbos.

Rabbi Levi Yitzchak of Berditchov, why didn't he hate anybody? Because he never did any sin. Why did the *Ba'al Shem Tov* not hate anybody? For the same reason. So everybody knows that at that moment we all had the same vision, of the Holy Temple, of the coming of Mashiach. Let us once again sing one song together with a heart full of happiness and peace. This will bring the ultimate redemption."⁷

Music in Practice

In light of the above, and to preserve a certain frame of mind, it is not surprising to find that *Chazal* issued a number of safeguards concerning music. The *mishna* in *Sota* 48a records that when the *Sanhedrin* ceased to function in Jerusalem, the Rabbis forbade song in the *beis hamishta'os* (wine houses or taverns). The *Talmud Yerushalmi*, *Sota*, 9:12 explains the reason for this decree, stating at first when the *Sanhedrin* was operative, it was able to impose discipline and prevent the introduction of inappropriate content in song. When the *Sanhedrin* ceased to function however, it could no longer impose precautions, and people would incorporate scandalous lyrics into music. The *gemara Sota* 48a continues this theme and declares that the song of the chip workers and farmers was permitted, but the song of the weavers was forbidden. Rashi explains that the permitted songs were not problematic since they helped the workers and animals perform their tasks. The weavers' song, however, was forbidden because it served no constructive purpose and was deemed an entirely frivolous activity. Moreover, the *gemara* in *Gittin* 7a presents a more sweeping prohibition by indicating *Chazal* simply forbade listening to music altogether. The Rambam writes in *Mishna Torah*, *Hilchos Ta'anis*, 5:14 that this outright ban against all forms of music was due to, and occurred after, the destruction of the Second Temple. However, this opinion of Rambam may not be in conflict with the *mishna* cited above, for one can surmise that the Rambam is not referring to the specific event of the destruction of the Temple itself, but rather to that time frame generally. After all, the *Sanhedrin's* loss of authority and power was an initial stage in the overall process of the *Churban* (destruction).⁸

⁷ Rabbi Shlomo Carlebach on Shabbos Shira, as transcribed by the author.

⁸ There is some controversy as to the date alluded to regarding the *Sanhedrin's* loss of control. The *Doros HaRishonim* contends that the *mishna* refers to the year 57 when the *Sanhedrin* lost its authority. On the other hand, others say this is in reference to the statement in *Sanhedrin* 41a that forty years prior to the destruction of the Temple, the *Sanhedrin* was exiled from its official place. This "exile" reflected a loss of authority that occurred in the year 30. In any event, it seems that the limits set for musical expression were in place prior to the actual destruction of the Temple in the year 70.

Rishonim

The *rishonim* debate the extent to which *Chazal* prohibit the enjoyment of music in the post-*Churban* era. Rashi contends that the prohibition is limited to singing in a tavern.⁹ *Tosafos* support Rashi's contention by citing the aforementioned *mishna* in *Sota*. *Tosafos* argue that the prohibition applies only to playing music in a drinking house, but add two important points. First, it is inappropriate to listen to music excessively. *Tosafos* cite as proof an anecdote that appears in the *Talmud Yerushalmi*, *Megillah* 3:2, in which Mar Ukba reprimanded the *Reish Galusa* for listening to music when going to sleep and waking up, which according to Mar Ukba, was excessive. Second, *Tosafos* state that music played in the context of a mitzva, such as at a wedding celebration, is entirely permissible. The Rambam (*ibid.*) similarly writes that it is permissible to play music of a religious nature, i.e. singing thanksgiving and praise to God. The origin of this exception dates back to the Geonic era, as Rav Hai Gaon among other geonim espouses this approach, which is codified in *Shulchan Aruch Orach Chaim*, 560:3.

Although Rashi and *Tosafos* rule fairly leniently on this issue and permit music to be listened to on a moderate basis outside of taverns, the Rambam (*ibid.*) adopts a more stringent approach. He writes that instrumental music is entirely forbidden (except in the context of religious music), and vocal music without instrumental accompaniment is permitted only if the singing occurs in a setting in which wine is not being consumed.

The *Tur* (*Orach Chaim* 560) cites a responsum of the Rambam in which the Rambam seemingly adopts an even stricter stance than in the *Mishna Torah*, asserting even vocal music unaccompanied by instruments and not sung in the context of drinking wine is prohibited as well. This dispute between Rambam and Rashi/*Tosafos* continues to be debated in the *Shulchan Aruch*, and among contemporary authorities as well. Additionally, one gets the impression from the Rambam, both in the *Mishna Torah* as well as in his responsum, that he is not in full agreement with the exception presented by the geonim as stated above. In the *Yad*, he writes at the end of *Hilchos Taanis*, 5:14: "...It has already become customary for all of Israel to sing songs of thanksgiving to God, and similar songs, over wine." By not incorporating this statement into the basic *halacha* presented in 5:14, the Rambam makes a clear distinction. He does not explicitly state that songs of praise to God are permitted. He says that that is the accepted custom, which would seem that, in principle, these

⁹ See comments to *Gittin* 7a.

songs should have been prohibited as well, since they are over wine. Nonetheless, the practice of *Klal Yisrael* manifested itself to the contrary. Further, in his responsum, the Rambam gives a similar impression by asserting that those who rely on the geonim to permit all sorts of songs at parties are mistaken. The geonim dealt only with songs of praise to God, not secular songs. The manner in which the Rambam refers to the geonim leaves some doubt as to whether he is fully amenable to their position as stated.

Similarly, there is no contradiction between the responsum and the *Mishna Torah*. Songs can be prohibited under the category of the ban against music only if the texts of those songs are undesirable. However, if the texts are desirable, then the moral lesson and the inspiration gained by them transforms these songs. This is true because the ban against music on account of the *Churban* was really a ban against improper gaiety and crudity. If the music conveys a positive moralistic message through the words in the songs, then the ban never applied.¹⁰ However, if such songs were sung while drinking wine, then they ought to have been prohibited not on account of the singing, but on account of the drinking of the wine. This seems to be the Rambam's fundamental opinion. But in practice, he cites custom as authorization for following the opinion of the geonim and permitting songs of praise to God, over wine.

Shulchan Aruch and Commentaries

Rabbi Yosef Karo in the *Shulchan Aruch* *ibid.* 3 rules in accordance with the Rambam's view, that instrumental music is entirely forbidden (except in the context of singing thanksgiving and praise to God), and vocal music without instrumental

¹⁰ The Rambam's commentary on *Avos* states clearly that certain songs are permitted, and even recommended. In his comments to *Avos* 1:17, the Rambam discusses the three varieties of speech: recommended, permitted and forbidden. He then outlines a fourth category, "desirable speech." This category includes words in praise of positive character traits as well as words in defamation of shameful character, as well as "the arousing of the spirit to a deeper appreciation of what is desirable and good through discourses and songs." Obviously, such songs are encouraged. Further, the Rambam continues that what he has written with respect to speech, dividing it into four categories, applies equally to songs. Songs can be permitted, even recommended; they can also be forbidden. It all depends on the subject matter. The language of the song is irrelevant, but rather it is the content of the song that matters. The Rambam comments that he has seen wise and pious Jews who object if they hear songs in Arabic sung at a social gathering or at a wedding, even if the subject matter of such songs is appropriate and proper. Yet these same men will not object, nor find inappropriate, to any song sung in Hebrew, regardless of the subject matter and even if the words are inappropriate or even forbidden. The Rambam considers this distinction between Arabic and Hebrew to be foolishness. Songs which are permissible are permissible in other languages as well, and songs which are forbidden are forbidden even in Hebrew.

It is evident from the above that the Rambam knew of songs which were not forbidden. In truth, it would seem that there are songs which are actually recommended. Likewise, it seems that when he wrote the responsum he was referring to only certain types of songs.

accompaniment is permitted only if the singing takes place in a context in which wine is not being consumed. On the other hand, the Rema cites the opinion of Rashi and *Tosafos* and rules that the prohibition against musical instruments is only for those who listen with regularity such as the kings who arise and go to bed with musical instruments, or for musical instruments at parties and feasts, i.e., where there is drinking. However, for the purpose of a mitzva, such as a wedding celebration, it is all permissible. Further, the *Magen Avraham* 560:9 cites the *Bach*, who rules even more strictly than the *Mechaber* does. Whereas Rabbi Yosef Karo rules in accordance with the Rambam's view as presented in the *Mishna Torah*, the *Magen Avraham* and *Bach* believe that the Rambam's view as presented in his responsum is authoritative. They contend that music is always forbidden unless it is of religious content and nature.

Contemporary Authorities

This issue continues to remain a matter of controversy among the great nineteenth century authorities. While the *Chayei Adam* 137:3 and *Mishna Berura* 560:13 cite the ruling of the *Magen Avraham* and *Bach* as normative, the *Aruch Hashulchan* 560:17 seems to adopt a more lenient approach. He does not cite the opinion of the *Magen Avraham* and the *Bach*, but does cite the opinion of the Rema. Whereas the *Magen Avraham* and *Bach* are critical of women who sang while doing their work, the *Aruch Hashulchan* does not criticize them. The *Aruch Hashulchan* appears to regard the lenient approach of Rashi and *Tosafos* as acceptable.

Modern-Day Authorities

This dispute continues to be debated by modern-day authorities. Rabbi Moshe Feinstein adopts a fairly strict ruling in this matter. Although he writes in *Igros Moshe, Orach Chaim*, 1:166 that it is not required to follow the most stringent opinion of the *Bach* and the *Magen Avraham*, he regards the strict opinion of Rabbi Yosef Karo to be normative. On the other hand, Rabbi Eliezer Waldenburg in *Tzitz Eliezer*, 15:62 endorses the common practice to follow the ruling of the Rema (i.e., the view of Rashi and *Tosafos*) that music in moderation is permitted outside a tavern. Likewise, Rabbi Moshe Feinstein writes in *Igros Moshe, Orach Chaim*, 3:87 that one should not object to one who follows the ruling of the Rema regarding music. In a later responsum, Reb Moshe seems to change his tune (pun intended) and writes "...many are lenient and listen to tapes [of music whose lyrics are from Torah passages], and even in the previous generation people would play records of music whose lyrics were derived from Torah passages, and the rabbis of that generation did not protest. We see today that the majority of Torah observant Jews do in fact listen to such music, including

even the most pious of individuals.” He thus relaxes his strict stance on this matter and advises only those who are *baalei nefesh* (individuals who are extraordinarily meticulous in their observance of *halacha*) to avoid listening to “Torah songs” if it is merely for enjoyment.¹¹

Interestingly, Rabbi Yaakov Breisch in *Chelkas Yaakov*, 1:62 asserts an argument that has been applied in practice by some individuals to the periods of time throughout the year in which it is customary to refrain from listening to music, i.e., the *Sefira* period, the Three Weeks, and twelve-month mourning period for a parent. Specifically, he suggests that this enactment applies only to live music and not to recorded music. However, Rabbi Feinstein (in his aforementioned responsum) indicates he does not subscribe to this approach. Rabbi Hershel Schachter has quoted in the name of Rabbi Yosef Dov Soloveitchik that classical music is not necessarily included in the decree against listening to music based on the Maharshal who writes that listening to music “to hear pleasant sounds or hear something fresh” is permitted. The ban, in Rabbi Soloveitchik’s opinion, applies only to music of joviality and merriment.¹² Rabbi Shmuel Vosner suggests that considering the fact we live in difficult and sad times, and depression is fairly common, one may listen to music to help raise his spirits and overcome feelings of depression. Rabbi Vosner further points out that as previously stated, songs that bring people closer to Hashem are not included in the prohibition, and it is therefore permitted to listen to songs that elevate our spiritual sensitivities and connect us to God.¹³

Conclusion

What emerges from this presentation of music in thought and practice is that care should be taken such that the music we listen to is in harmony with our spiritual goals to ultimately enhance our relationship with God and His Torah. In that regard, we should merit hearing the eighth string of the *kinor* being played to usher the *Mashiach* very soon.

11 *Igros Moshe*, *Yoreh De'ah*, 2:142

12 Heard in lectures and conversations with author. This is not to say Rabbi Schachter necessarily subscribes to this opinion of Rabbi Soloveitchik.

13 *Shevet Halevi*, 6:69; 8:127.

Hungry? Why Wait?

ISAAC KLEINMAN



Anytime we discuss something involving the *halachos* of *tefilla*, I find it very helpful to review briefly the importance of *tefilla* so that the *halachos* learned can be viewed in the proper framework and so that we do not forget the reason for them.

The *gemara* in *Taanis* 2a quotes a *beraisa* that explains a *pasuk* as follows:

דתניא: 'לאהבה את ה' אלקיכם ולעבדו בכל לבבכם', איזו היא עבודה שהיא בלב -
הוי אומר זו תפלה.

[The Torah says]: "To love Hashem your God and to serve him with your entire hearts." What is a service that takes place in the heart? That service is prayer.

From here we see a few important points. First, *tefilla* nowadays has taken the place of the temple service, which was the central focus of Jewish life when the Temple was standing. Therefore, nowadays *tefilla* must take a central role in our lives, because it is the only way that we are still able to communicate with Hashem. Second, *tefilla* is not just a task, it is an *avoda*, a service that requires hard work and dedication to be able to perform it properly. We are obliged to commit constant effort in improving our *tefilla*, because in that way we can strengthen our relationship with our Creator.

A second *gemara* that drives this point home is in *Pesachim* 56a, that states that King Chizkiya did six things, three of which *Chazal* approved of and three of which they did not. One of the acts they approved of was that he hid the book of remedies. This book was a compilation of the cures for any sickness under the sun. If someone acquired an illness, they could merely look up the cure and (voila!) they would be healed. How could it have been a good idea to confiscate that priceless treasure?! Think of all the hardship and suffering we could avoid if we merely had that book! Rashi explains that he hid the book because people were no longer praying for the

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sick, but were merely referencing the book and everyone was healed instantly. We see from this *gemara* that, although it is hard to digest, Hashem gives us hardships so that that we will pray! In some sense, it was worth it for people to die and suffer from terrible illnesses just so that the importance of prayer would be emphasized.

With this understanding, prayer is not to be taken lightly.

The Importance of Specified Times vs. Individuality

Another important point to understand before beginning our discussion is the importance of time in *halacha*. Most *mitzvos* that we do have specified times during which they can or cannot be performed. *Halacha* places an extreme emphasis on these types of minute details. Sometimes that can be slightly frustrating; why can't the Torah just let me do things in the way that I feel helps me connect to Hashem better? For example, I would be able to *daven* with much more *kavana* if I could get a good night's sleep, but because I have to wake up to *daven* before the proper *zman*, I just can't focus!

However, the reason the Torah was given to us with such specific details is that if we could put in our own input to such a degree, there's no end to where our input would stop and Hashem's Will would commence. It would turn out that the "Torah" we would be following would not resemble *Toras Moshe* at all, but *Toras Myself*. Hashem, of course, knows this, and therefore gave over very specific rules and guidelines of how to follow the Torah. Chazal, as His representatives, also prescribe precise laws for us to follow.

This does not mean that the Torah quashes our own individuality, though. It just directs the way that we express our personal identity and forces us to express that within the framework that exists. There are so many ways for us to serve Hashem in our own way while still remaining within the specific framework of the Torah and *halacha*. The details in *halacha* are safeguards to keep us serving Hashem and not distort the Torah so that we are merely serving ourselves.

The Times for *Davening*

Sha'os Zmaniyos

The required times for various *mitzvos* are given, but when we say a certain hour in *halachic* terms, it does not refer to the same hours that we follow in modern times. *Halacha* uses *sha'os zmaniyos*, which are relative hours. In *halacha*, the time between sunrise and sunset is divided into twelve equal parts, and each of those parts is one "hour" of the day. Therefore, in the summer, when the daylight hours are more than

twelve hours, each *halachic* “hour” will be longer than a regular hour, reaching up to ninety minutes. In the winter, when the daylight is short, the *halachic* “hours” will dip below a standard hour, down to only forty-five minutes. In the spring and autumn, *halachic* hours closely resemble standard hours.¹ From now on, in this article, when I refer to hours, I am referring to the *halachic sha’os zmaniyos* hours.

Time for *Shachris*

The *Shulchan Aruch* (*Orach Chayim* 89:1) rules that the main time to *daven shachris* is at sunrise, but if one *davened* after dawn, then he has still fulfilled his obligation. The latest time to *daven shachris* is after four hours of the day have passed, which is a third of the day. If someone erred and did not *daven* before this time, he has lost out on the obligation of *davening* in the proper time, but can still salvage a minor obligation of *tefilla* as long as midday has not passed.

The *Mishna Berura* explains that if you *davened* before sunrise by mistake, you fulfill your obligation, even if you had no good reason for *davening* that early. However, if someone has a reason that he needs to *daven* before sunrise, like to travel early in the morning, then he is permitted to *daven* after dawn (before sunrise) even *l’chatchila* (on purpose). There are differing opinions in the *poskim* about how “valid” your reason needs to be to be permitted to *daven* before sunrise (after dawn), but from the fact that the *Mishna Berura* used travelling as the example of a *sha’as had’chak* (difficult situation), it seems that we can be pretty lenient in determining when extenuating circumstances permit you to *daven* before sunrise.

The *Mishna Berura* (89:4) explains that when we refer to the time for *davening*, we are referring to the time when you can start (or for the end of the *zman*, must finish) your *shemone esrei*. However, *kriyas shema* can be recited before sunrise. In fact, *kriyas shema* has its own earliest time, which is called *misheyakir*, the time when it is light enough to recognize a fairly good friend of yours from about six feet away. The earliest time to don and say a *bracha* on *tefillin* is also *misheyakir*. The *halacha* seems clear that *shema* cannot be recited until *misheyakir*, even if you are in a difficult situation. However, just as *shema* can be recited before sunrise (after *misheyakir*), the other parts of *davening*, such as *pesukei d’zimra*, can be recited before sunrise as well. The emphasis is that one begins his *shemone esrei* after the requisite time has passed. (As we will see, *shemone esrei* and *kriyas shema* are actually very separate entities that we merely sew together in the formulation of our *tefilla*.)

¹ *Mishna Berura* 89:5

I want to ask a simple question: If the proper time to *daven shachris* is sunrise, how do you fulfill the obligation after dawn? If you *daven* before dawn you definitely do not fulfill your obligation! Reciting the *shema* before its proper time (*misheyakir*) does not fulfill your obligation! The answer is that in *halacha*, the day actually begins at dawn, so *shachris*, which can be *davened* from the beginning of the day until the fourth hour, can be recited from dawn. Why, then, is sunrise the preferred time to *daven*? The answer is that, in fact, all daytime *mitzvos* can technically be performed from dawn. However, because dawn is very hard to differentiate from night, if it was permitted to do them after dawn, one could mistakenly do them when it is still night. Sunrise, when the ball of the sun is above the horizon, is a clearly discernable time. Therefore, *Chazal* instructed us to perform all daytime *mitzvos* only after sunrise. One could argue that since nowadays that we have clocks, satellites and *zmanim* sheets, this safeguard should not be necessary. Some have, in fact, argued that, but it has not been accepted, and we still keep the age-old practice of refraining from performing daytime *mitzvos* until after sunrise.

Time for Mincha

The *Shulchan Aruch* (*Orach Chayim* 233:1) rules that one who *davens mincha* 6 ½ hours into the day fulfills his obligation. But the main time for *mincha* is, according to the *Rabanan*, from 9 ½ hours until night, and according to Rabbi Yehuda until *plag hamincha*, which is through 10 ¾ hours of the day.

From the simple understanding of the *Shulchan Aruch*, it seems that you should ideally try to *daven mincha* from 9 ½ hours of the day onward (what we call “*mincha ketana*”) but that if you *davened* from 6 ½ hours onward (what we call “*mincha gedola*”) you fulfill your obligation *b'dieved* (after the fact). Even though the *Shulchan Aruch* seems to discourage *davening mincha* before *mincha ketana*, nevertheless the widespread practice has developed to *daven mincha l'chatchila* anytime after *mincha gedola*. (We will not go into the reasons for that development in this article.)

The latest time to *daven mincha* is also an argument between Rabbi Yehuda and the *Rabanan*. According to the *Rabanan*, one can *daven mincha* until nighttime (which we generally assume to be sunset), and according to Rabbi Yehuda only until *plag hamincha*, 10 ¾ hours of the day (4:45pm on a 6am - 6pm day).

Time for Maariv

The earliest time for *maariv* is actually the same as the latest time for *mincha*, because the latest time for *mincha* is defined by one's definition of the beginning of nighttime, the beginning of *maariv* time. Therefore, according to the *Rabanan* one can *daven*

maariv from nighttime (which would generally be considered sunset), and according to Rabbi Yehuda one can *daven maariv* from *plag hamincha*.

How do we rule in this *machlokes tanna'im*? The *gemara* in *Brachos* 27a attempts to answer that very question.

מדבר מצלי של שבת בערב שבת מבעוד יום - שמע מינה הלכה כרבי יהודה. אדרבה,
מדבר הונא ורבנן לא הוו מצלו עד אורתא, שמע מינה אין הלכה כרבי יהודה! השתא
דלא אתמר הלכתא לא כמר ולא כמר, דעבד כמר - עבד, ודעבד כמר - עבד.

From the fact that Rav davened maariv for Friday night while it was still Friday (light), we see that the halacha is like Rabbi Yehuda. But we could say the opposite! From the fact that Rav Huna and the Rabbis didn't daven maariv until dark, we see that the halacha is not like Rabbi Yehuda! Now that we don't know if the halacha is like the Rabanan or like Rabbi Yehuda, you can follow either one.

This famous statement of the *gemara* that “*d’avid k’mar avid, ud’avid k’mar avid*” is extremely unusual. The *gemara* essentially rules that we are unsure whom the *halacha* follows and therefore every person can choose the opinion they wish to follow.

The *Shulchan Aruch* and Rama (233:1) clarify that it’s not that one day you can follow the *Rabanan* and the next day you can follow Rabbi Yehudah. What the *gemara* means is that you can choose one opinion, but you must follow that permanently.

The *Shulchan Aruch* rules that since nowadays we *daven mincha* until sunset, we have therefore shown that we rule like the *Rabanan* and are not permitted to *daven maariv* between *plag hamincha* and sunset. He adds, however, that if you accidentally *davened maariv* during that time, or you are in a *sha’as had’chak*, then you can *daven maariv* after *plag hamincha*. Interestingly, the Rama (whom *Ashkenazic* practice usually follows) rules the opposite, that since in his places they customarily *daven maariv* between *plag hamincha* and sunset, we have shown that we *paskin* like Rabbi Yehuda and therefore cannot *daven mincha* after *plag hamincha*. However, it seems that common practice even amongst *Ashkenazim* is to *daven mincha* all the way until sunset and to *daven maariv* after sunset.

Even though we just stated that one must consistently follow one opinion, there is one case that has been almost universally accepted as an exception to this rule. On *erev Shabbos* in the summertime, when *Shabbos* begins late, many communities are lenient to bring in *Shabbos* early and *daven mincha* before *plag* and *maariv* after *plag*. This leniency is accepted, because it will enhance the communal enjoyment of *Shabbos* by being able to eat your meal before it gets too late. Some communities are

even lenient to choose an arbitrary time to begin Shabbos for the entire summer, even though many times *mincha* will be after *plag* and *maariv* before sunset, something that follows neither opinion. The *Mishna Berura* (233:11), however, cautions against that practice, as it is a *tartei di'sasrei*, an inherently contradictory practice. Despite this ruling of the *Mishna Berura*, many communities are still lenient in this matter, as they claim that it will encourage more people to come to shul and simply make it easier for people during those summer months.²

Activities Before *Mincha* and Other *Mitzvos*

There is a general prohibition to take part in certain activities prior to performing *mitzvos* that one is obligated to do at that time. This prohibition is sourced in the *mishna* in Shabbos 1:2:

לא ישב אדם לפני הספר סמוך למנחה עד שיתפלל, לא יכנס אדם למרחץ, ולא לבורסקי, ולא לאכול, ולא לדין ואם התחיל, אין מפסיקים. מפסיקים לקרות ק"ש, ואין מפסיקין לתפלה.

One should not start a haircut when it is close to mincha time until he davens. One should not go into a bathhouse or a tanning house or begin eating or begin a court case. However, if he started [even when it was forbidden] he does not need to stop. One must stop to say shema but not to daven.

There are many details in this *mishna* that require further explanation.

- 1) What is the meaning of “close to *mincha* time”?
- 2) Why does the *mishna* list these specific tasks? Are there other tasks that this would also apply to that the *mishna* did not list?
- 3) What does the *mishna* mean when it says one cannot begin eating? Is it forbidden to eat anything before *mincha*?

The *Mishna Berura* 232:5 clarifies many of these questions.

- 1) “Close to *mincha*” means a half-hour before its time. Interestingly, in this context, a half-hour is assumed to mean thirty minutes and not half of that day’s *halachic* hour. This is because this time of a half-hour is based on being “close” to the time of the *mitzva*, and that closeness will not change based on the length of the day.
- 2) The *mishna* lists these tasks, because these are tasks that usually extend for a long period of time and tend to be distracting, and therefore there is a fear that you may forget to *daven* (or perform other *mitzvos*). We could therefore in theory expand

² They may be relying on the *Magen Avraham* cited in *Sha'ar Ha'Tziyun* 233:16.

this list to other long-lasting actions, and conversely could potentially exclude actions in the *mishna* in a place where they were customarily done in a shorter fashion.

3) Now that we understand from the previous answer that the *mishna* is referring to actions that extend for long periods of time, we can safely conclude that the *mishna* does not forbid minor snacking (*te'ima*). It is permitted to take part in snacking prior to *mincha* and other *mitzvos* even after their time has arrived. The only eating-related action that is forbidden once the time for a mitzva draws close is a meal. But what kind of meal does the *mishna* refer to? Additionally, the *mishna* just said “when *mincha* time draws close,” but we now know that there are two different times for *mincha*, *mincha gedola* and *mincha ketana*. To which of these did the *mishna* refer?

The *Mishna Berura* quotes two differing opinions in the *gemara* (and subsequently the *poskim*) regarding this question. Both understand the *mishna* to be referring to *mincha gedola*, but one posits that the *mishna* just forbade beginning a *seuda gedola* (wedding-style meal) from this time, while a *seuda ketana* (normal daily meal, which we assume contains two *k'beitzim* of bread/*mezonos* or anything that would get you full) would either be permitted until a half-hour before *mincha ketana*, or perhaps always permitted. The other opinion rules that the *mishna* forbade beginning even a *seuda ketana* once *mincha gedola* draws near (which would be much more restricting).

The Rama (*Orach Chayim* 232:2) quotes even more possibilities, with one opinion even permitting a *seuda gedola* close to *mincha gedola* time (and only forbidding a *seuda gedola* near *mincha ketana* time), which is the most lenient opinion. The Rama cites the common practice to follow this most lenient opinion to permit beginning any meal, except a *seuda gedola*, close to *mincha ketana*. He qualifies this, however, saying that perhaps the reason people are so lenient to start a *seuda ketana* near *mincha ketana* is that in his time, the *shamash* of the shul would call everyone to *mincha* when it was time to *daven*, and so there was no possibility that one would forget to *daven mincha*. The *Mishna Berura* (28-29), however, makes it clear that one would be obligated to go to the shul immediately after hearing the call. Additionally, if one did not customarily *daven* with a *minyan*, or if the city didn't have this practice (as in our day), one really could not begin a *seuda ketana* close to *mincha ketana*, because of the fear that one would forget to *daven*.

To sum up this fairly complicated section, the basic ruling is that one cannot begin a *seuda gedola* (wedding-style meal) close to *mincha gedola*, nor a *seuda ketana* (a filling meal or two *k'beitzim* of bread/*mezonos*) close to *mincha ketana*. However,

there are possible exceptions to this rule, such as in a place where the *shamash* publicly calls everyone to shul (and they go right away). As we will soon see, there may be modern leniencies as well.

Beginning B'Heter (Permissibly)

The aforementioned *mishna* specifically states that one may not begin these actions close to the time of *mincha*, but the *mishna's* clear implication is that if you begin these actions before this time then you may continue doing them. This implication is further concretized by the *mishna's* later statement, "If you began you do not need to stop." That line in the *mishna* was referring to someone who accidentally began the activity even once it was forbidden,³ and nevertheless the *halacha* states that one need not halt the activity to *daven* (or perform whichever other mitzva). The one exception to this rule, as the *mishna* states, is for *kriyas shema*. If one began a meal (or other activity) once it is already close to the time for *kriyas shema*, then one must stop the meal once the time for *shema* arrives to recite it.

When applying this *halacha* to daily life, this exception is a very practical. If *mincha ketana* on a particular day is 6:30pm, for example, then as long as one begins dinner before 6:00pm, one can continue eating regular dinner and attend *mincha/maariv* at the regular time.

Definition of Beginning a Meal

What constitutes beginning a meal? Do you have to actually begin eating? Or maybe you must wash your hands? Or perhaps even setting the table is sufficient?

The *gemara* in *Shabbos* 9b actually defines when specifically all the actions in the *mishna* are considered to have "begun." In terms of a meal, the *gemara* states two opinions: either when you wash your hands, or when you loosen your belt. However, the *gemara* explains that these two opinions do not argue, they were just stated in different places where the custom varied. In a place where they customarily loosen their belts before eating, loosening a belt is considered the beginning of the meal. Thus, for our purposes, anything that we always (or mostly) do before beginning a meal would be considered the beginning of the meal. Thus, on *Shabbos*, the singing of *Shalom Aleichem* would seem to be considered the beginning of the meal, as it is something that we always do before eating on Friday night.

³ The *Mishna Berura* 232:13 does add, however, that we only permit someone to continue eating past *mincha ketana* when he started *b'issur* after *mincha gedola*. However, if he began his meal close to *mincha ketana*, then since this is a more stringent time period (as it is the main time to *daven mincha*, and as the day is waning) then once *mincha ketana* arrives, he must actually stop his meal to *daven*.

Kulla of Minyan Kavua

If we end our discussion right now, it seems that one may not begin a *seuda ketana* (regular daily meal) from a half hour before *mincha ketana* nor a *seuda gedola* (wedding meal) from a half hour before *mincha gedola*. But does anyone follow that? The widespread practice among religious Jews seems to be against this. Most people come home from work, eat dinner and go to *mincha/maariv*, without worrying about having started their meal before or after *mincha ketana*. How can this be?

There is a leniency used by the *poskim*⁴ that justifies the common practice. If someone has a regular *minyan* that he *davens* at, then that can be considered like that time is programmed inside him, and we assume that he will thus not forget to *daven*. This leniency is termed *minyan kavua*. See the cited sources for more information on this leniency.

This leniency, however, has its limits.

1) It only applies if someone goes to a regular *minyan*. If someone goes to *minyan* at a different time every day, then it is questionable whether they can rely on this leniency.

2) It will not apply to other *mitzvos* such as *kriyas shema*. Therefore, one would not be permitted to start a meal within a half-hour of the time to say *kriyas shema*. This can be practical when one makes early Shabbos and then does not begin the Shabbos meal right after arriving home, since it may very well be within a half-hour of *tzeis hakochavim* (the time when one can and must repeat *shema*) when beginning the Shabbos meal. So too, during the winter months, when *mincha/maariv* is before dinnertime, one cannot begin dinner before waiting until *tzeis hakochavim* and reciting *shema*. The reason for this is that when *davening maariv* immediately after sunset, one has not fulfilled his obligation for *shema* (because it is still too early, as the time for *shema* is about thirty-five minutes after sunset), and when returning home it will be already be within a half-hour of *tzeis hakochavim*.

3) It does not apply to wedding meals, because in those meals drunkenness is much more common, and thus the fear that one will forget to *daven* is much greater. Thus, if one attends an afternoon wedding and the meal is beginning while it is still day, he must make sure to *daven mincha* before beginning the meal. And if one attends an evening wedding, when the meal is slated to begin within a half-hour of dark, one must make sure to *daven maariv* and say *shema* before beginning the meal.

⁴ *Aruch Hashulchan* 232:15-16, *Igros Moshe* 4:99 (cited in *Piskei Tshuvos* 232:3)

Activities Before *Shachris*

Even for those not familiar with the aforementioned *halacha* regarding eating before *mincha* (and other *mitzvos*), most people have heard of the prohibition to eat before *shachris*. This *halacha* is sourced in the *gemara*, *Brachos* 10b:

ואמר רבי יוסי ברבי חנינא משום רבי אליעזר בן יעקב: מאי דכתיב: לא תאכלו על הדם, - לא תאכלו קודם שתתפללו על דמכם. (איכא דאמרי) אמר רבי יצחק אמר רבי יוחנן אמר רבי יוסי ברבי חנינא משום רבי אליעזר בן יעקב: כל האוכל ושותה ואחר כך מתפלל - עליו הכתוב אומר: ואותי השלכת אחרי גויך, אל תקרי גויך אלא גאיך. אמר הקדוש ברוך הוא: לאחר שנתגאה זה - קבל עליו מלכות שמים.

Rabbi Yossi ben Rabbi Chaninah said in the name of Rabbi Eliezer ben Yaakov, what is the meaning of the passuk, "Do not eat on the blood?" It is don't eat before you pray for your lives. Rabbi Yitzchak said in name of Rabbi Yochanan in the name of Rabbi Yossi the son of Rabbi Chaninah in the name of Rabbi Eliezer ben Yaakov: Whoever eats and drinks and then davens is described by the passuk as "And he has thrown Me after his back;" don't read it as back but instead as haughtiness. Hashem is saying: after this one is haughty he then accepts the yoke of Heaven.

This *gemara* seems to give two different reasons for the prohibition to eat before *shachris*. One is that it is improper to eat before praying for that very food, for your sustenance and for your life. The other is that it is a demonstration of *ga'ava*, arrogance, to partake in actions such as eating before recognizing Hashem's Kingship in this world. There are actually differences between these two reasons. The first reason seems to limit the prohibition to eating, whereas the second one would seem to expand it to anything that would demonstrate arrogance, which could include other activities.

We rule like both of these reasons, and therefore eating as well as certain other activities are forbidden before *shachris*.

The prohibition to eat before *shachris* is fundamentally different than the prohibition to eat before *mincha* (and other *mitzvos*). As we explained before, one cannot eat before *mincha* for an external reason, because he may become distracted and forget to *daven*. However, the reason one cannot eat before *shachris* is internal; the very act of eating is the problem itself. There are many *halachic* differences that emerge from this split.

1) With *mincha*, the prohibition only applied to eating a meal, but snacking was permitted. With *shachris*, however, any eating whatsoever, *te'ima*, is forbidden.

2) With *mincha*, if one began the meal when it was permitted, one can continue the meal even after the time for *mincha* has arrived. However, with *shachris*, even if you began when it was permitted you must stop any eating once the time arrives.

3) With *mincha*, the prohibition begins a half-hour before the time, but with *shachris* the prohibition actually does not. Since it is not normal for people to be eating then, the rabbis did not forbid it.

Also, the *Shulchan Aruch* in *Orach Chayim* 89:3-7 notes the “arrogance factor” means that *shachris* carries along further prohibitions that *mincha* does not:

- 1) It is forbidden to do any kind of business or travel before *shachris*.
- 2) One cannot go out of his way to greet a friend before *davening shachris*.
- 3) There is a discussion about whether one can read a newspaper before *davening*.

4) In principle one cannot learn before *davening shachris*, unless they have some way to ensure that they will not forget to *daven*.⁵

Finally, since the prohibition to eat before *shachris* is based on the arrogance or lack of gratitude involved, foods that do not in any way express this negative feeling are permitted. The *Shulchan Aruch* records that water, therefore, is permitted. Modern *poskim* have expanded this to include coffee and tea. So too, if one is sick or if one really feels that they will not be able to concentrate on the *davening* without eating something then they are permitted to eat. That type of eating is taking place to actually help one *daven*, and therefore, in principle, does not show arrogance. However, one must make sure to consult a rabbi to determine whether this leniency applies to them, because it can easily be taken out of proportion.

Conclusion

Chazal knew that in our lives we have many things pulling us in every direction. They realized that with our busy lives it would be fairly easy for us to get distracted and forget to perform certain important time-bound *mitzvos*. If we forget these *mitzvos* and their time passes, we may have lost the opportunity to perform them completely. *Chazal* therefore instituted these safeguards to help us ensure that we would not miss out on these *mitzvos*.

If we think about it, it actually works very well. Biologically, we must eat a few times a day. If every time we want to sit down for a meal we must perform a mental check to see if we need to *daven*, it will be extremely difficult to forget to *daven*! From the introduction to this article, we reminded ourselves how important *tefilla* is.

⁵ 89:6. See further details here.

How could we risk missing out on one of the few chances we have during the day to communicate with Hashem?

If we maintain this perspective and realize that *Chazal* instituted these prohibitions to help us serve Hashem properly and not lose out on potential opportunities, then it will aid us in gladly accepting these seemingly frustrating laws, and perhaps encourage us to improve our observance of these often forgotten *halachos*.

Chazaras HaShatz: Is Anyone Listening?

DR. DANIEL WOHLGELERNTER



Isn't it ironic ? Major League Baseball bans the use of cell phones in the dugout during games, yet cell phones are ubiquitous at weekday *minyanim* at many shuls, most commonly seen during *chazaras hashatz*, the repetition of the *amida*. How and why have we arrived at a point where texting on a cell phone can displace attentiveness to the *shaliach tzibbur*?

Chazaras Hashatz – What For?

Let's review the genesis, rationale, objectives, methods, potential benefits and potential complications of *chazaras hashatz* (CH). Rav Eliezer Melamed, *rosh yeshiva* of Yeshivat Har Bracha, and author of the *Peninei Halacha* series, has written about the origination of CH:

תקנו אנשי כנסת הגדולה, שאחר שיתפללו היחידים תפילות שמונה עשרה, יחזור החזן על התפילה בקול רם, כדי להוציא ידי חובת התפילה את אלו שאינם יודעים להתפלל בכוחות עצמם (ר"ה לד:)...ותקנו, שגם אלו שיודעים להתפלל בעצמם, ישמעו את חזרת הש"ץ ויענו אמן אחר הברכות. וכיוון שתקנו חכמים לומר את חזרת הש"ץ, יש לאומרה גם במקום שכל המתפללים יודעים להתפלל בכוחות עצמם.

The Anshei Knesses Hagedola established that after the individuals have finished their shemone esrei, the chazan should repeat the tefilla out loud, to fulfill the requirement to daven for those who don't know how to do so on their own....and they established that even those that know how to daven on their own should listen to the chazaras hashatz and answer amen after the brachos. Since the sages established chazaras hashatz, it should be recited even in a place where everyone knows how to daven on their own.

Among the accomplishments of the *Anshei Knesses Hagedolah* (AKH) was the

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institution of CH. Although the reason AKH instituted this practice was in order to fulfill the obligation of those who didn't know how to say *shemone esrei* on their own, this practice is still an obligation for a *minyan* of people who are all capable of saying *shemone esrei* themselves. It is for this reason that the Rambam rules that even nowadays, when *amei ha'aretz* no longer frequent shuls, and there is rarely anyone for whom to repeat the *shemone esrei*, we must still observe the *takana*.

As is true for all *mitzvos*, there are mystical, kabbalistic reasons for *chazaras hashatz* as well. Indeed, according to the Arizal, CH is a higher level of *tefilla* than the silent *shemone esrei*. The *Kaf Hachayim* 124:2 writes that this sanctity precludes even learning Torah during CH! Rav Yosef Karo (*Shulchan Aruch* 124:7) reserves uncharacteristically strong language for a person who talks during CH, and refers to him as "a sinner, and his iniquity is too great to bear, and he must be chastised."

Did the Rambam cancel the Chazaras Hashatz?

Misconduct during the repetition is not a new problem. Rambam's (only) son, R' Avraham (*Hamaspik L'ovdei Hashem*, II p.195) records that none of his father's contemporaries objected when the Rambam radically modified the *shemone esrei* format in shuls in Egypt due to the CH being neglected and disrespected by the *tzibbur*. Contrary to the common misconception that the Rambam "cancelled/abolished" CH, the historical record reflects that the Rambam annulled the silent prayer of the *amida*, and maintained the CH, so as to emphasize its importance, and to protect against the sacrilegious misbehavior that he had observed during CH.

In his response to those who questioned the justification for this intervention, the Rambam describes the problem in an answer filled with gloomy, granular detail on quite how badly things were at this most numinous moment in the prayer service, as if the leaden weight of an irremediable idleness descended upon the congregants and provoked scandalous misbehavior:

ומה שחייב אותי לעשות זאת הוא שהאנשים כולם בשעת תפילת שליח ציבור אינם משגיחים למה הוא אומר אלא מסיחין זה עם זה, ויוצאין (החוצה) והוא מברך ברכה לבטלה כמעט, הואיל ואין שומע לה. וכל מי שאינו בקי, כאשר הוא רואה תלמידי חכמים וזולתם מסיחים וכחין ורקין ומתנהגים כמי שאינו מתפלל בשעת תפילת שליח ציבור, עושה גם הוא כזה. ונקבע בלבבות האנשים כולם, שאין תפילה אלא בשעת הלחש. אנו אומרים באיסורי תורה "עת לעשות לה' הפרו תורתך" ומכל שכן בתקנת התפילה. ובזה יש משום הסרת חילול השם שחושבים בנו שהתפילה אצלנו שחוק ולעג.

What forced me to do this was people were generally not paying attention during the chazaras hashatz to what the chazan was saying, and were talking to each other, and would go outside, and the chazan would be making brachos almost l'vatala, since nobody was listening to them. And when those who weren't learned would see talmidei chachamim and the like talking, spitting and acting inappropriately during the chazan's tefilla, they would learn to do this as well. People began to assume that only the individual's shemone esrei was important. There is a rule with Torah prohibitions of "A time to act for Hashem and annull the Torah" and how much more so for tefilla. This will remove the chillul Hashem of people thinking we don't take tefilla seriously.

Rav Yaakov Chaim Sofer (1870-1939) was a sephardic rabbi, kabbalist, talmudist and posek. He is the author of *Kaf Hachaim*, a work of *halacha* by which he came to be known. (He is not to be confused with Rav Chaim Sofer, the Hungarian rabbi and author of *Machne Chaim*). Rav Yaakov speaks firmly and unequivocally about the absolute requirements for proper decorum during CH.

ואם גמר תפלתו בלחש ועדיין הש"ץ אינו מתחיל החזרה, חטא גמור לדבר בין לחש לחזרה.

If one has finished the silent shemone esrei and the chazan hasn't yet begun his repetition, it is absolutely prohibited to speak between the silent shemone esrei and the chazan's repetition.

It is an undeniable sin to talk after completing the silent *amida*, before the beginning of CH. This is not a time for open forum. In the same vein, conversing during CH is prohibited; moreover, learning Torah during CH is not permitted. The focus of the congregation must be on listening to the words of the *shaliach tzibbur* during CH. This is a time of *tefilla*, not a time of *limud Torah*. The *Kaf Hachaim* (OC 124:16) quotes opinions both for and against learning during *chazaras hashatz*, even if they are answering amen to the *chazan*, and sides with those who oppose it, writing that one shouldn't even think about Torah at this time.¹

He then writes a novel *peshat* to the words, *ashrei mi she'amalo baTorah v'oseh nachas ruach le'yotzro*, praiseworthy is the one who learns, thereby bringing *nachas* to his Creator. It's possible, he writes, to learn and not give Hashem *nachas*, by learning

¹ He acknowledges the opinion of the *Rema Mipanu* (quoted in *Be'er Hetev*) who writes that the practice of learning during CH is commendable, as one is fulfilling two *mitzvos* simultaneously.

at the wrong time, such as during *chazaras hashatz*. According to kabbala, *tefilla* and Torah work in different spiritual ways and should not be performed simultaneously. There's a time to learn and a time to daven.

In the *Shulchan Aruch HaRav*, authored by Rabbi Schneur Zalman of Liadi, the laws relating to the appropriate conduct of the *tzibbur* during CH are provided with detailed, undeniable clarity:

כי חזרת הש"ץ נתקנה לאמרה בעשרה וכשאינן ט' מכוונים לברכותיו נראה כברכה לבטלה לכן כל אדם יעשה עצמו כאלו אין ט' זולתו ויכוין לברכת הש"ץ. ויש לגעור באנשים שלומדים בעת חזרת הש"ץ או אומרים תחנונים ואפילו אם מכוונים לסוף הברכה לענות אמן כראוי שלא תהיה אמן יתומה כמו שיתבאר לא יפה הם עושים
For the repetition of shemone esrei by the shaliach tzibbur was ordained to be recited in the presence of [a quorum of] ten, and in the absence of nine men listening attentively to his blessings, it appears that he is reciting blessings in vain. Every individual should therefore act as if there are not nine [listeners] without him and should listen attentively to the blessings of the shaliach tzibbur. People who study or recite supplications while the shaliach tzibbur is repeating shemone esrei should be rebuked. Even if they pay attention to the conclusion of the blessing in order to respond amen appropriately so that it will not be an orphaned amen, as will be explained, they are not conducting themselves desirably. (124:6)

The *Mishna Berura* (124:17) writes that one shouldn't learn during *chazaras hashatz* even when it doesn't prevent him from answering amen, as others may be misled into thinking that it's permissible to talk.

ע"כ יש לזהר מלומר תחנונים או ללמוד בעת חזרת הש"ץ ואפילו אם מכוונים לסוף הברכה לענות אמן כראוי שלא תהיה אמן יתומה כמו שיתבאר ג"כ לא יפה הם עושים שאם הלומדים יפנו ללימודם עמי הארץ ילמדו מהן שלא להאזין לש"ץ ויעסקו בשיחה בטילה ח"ו נמצאו מחטיאין את הרבים:

One should be careful not to daven or learn during chazaras hashatz, even if he is able to listen and answer amen to all the brachos, it's still not proper, because if the learners will learn during chazaras hashatz, the amei ha'aretz ones will learn from them not to listen to the chazan and talk, and so this will cause the public to sin.

Rav Shlomo Ganzfried, the author of the *Kitzur Shulchan Aruch*, also remarks that it is improper to engage in other spiritual endeavors, such as *limud Torah*, during

CH, and offers the a fortiori argument that it is strictly forbidden to engage in *sichas chulin*, mundane conversation, during CH.

This brings us back to the topic of cell phones during CH. There is no need to state the obvious: This must stop! We must protest! If you had a meeting with the President, would you text on your phone while talking to him? It's definitely wrong to do so when talking to the King of kings, *HaKadosh Baruch Hu*.

Researchers at the University of Texas in Austin published a study in June 2017 that demonstrated that one's cognitive capacity is significantly reduced when the smartphone is within reach, even if it is turned off. In other words, the smartphone is a brain drain. We must take advantage of those opportunities during *zman tefilla* when the *Shaarei Shamayim* are open!

Open your eyes and your heart, not your cell phone.