



Adas Torah Journal of Torah Ideas

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in memory of Jack Nagel
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Editors' Preface

We are honored to present this newest issue of *Nitzachon* dedicated in memory of Jack M. Nagel z"l, whose larger-than-life legacy continues to affect Los Angeles, and whose family continues to make an impact in our wider community *bichlal* and on Adas Torah *bifrat*. *Tehei nishmaso tzerura b'tzror hachaim*.

Approaching the Yamim Noraim puts the concept of *tefilla* at the forefront of our minds. *Chazal* tell us that our *tefilla* fills the role that the *avoda* in the *Beis Hamikdash* did *b'zman shehaya kayam*. We are proud to highlight several articles in this issue focusing on the ideas and *halachos* surrounding this *Avoda Shebalev*.

And as we prepare to complete this cycle of *krias haTorah* and begin another, we reflect on the fact that *shivim panim l'Torah* – there are so many perspectives that give us the opportunity to see the *parshiyos* anew each year. With that in mind, we are also featuring a section in this issue entitled *Prisha U'Drisha*, in which the authors share with us characteristics of their favorite *mefarshei haTorah*.

Baruch Hashem, our members do not tire of sharing *divrei Torah* with one another, *ki hem chayeinu v'orech yameinu*. The authors of this 19th issue of *Nitzachon* have spent many hours – days and nights – delving into a *sugya*, organizing their thoughts, and carefully putting them into writing. *U'vahem nehge yomam valayla*. It only remains for their Torah to be read, contemplated, and discussed. *Derosh v'kabel s'char!*

Michael Kleinman • Yaakov Siegel • Yaakov Rich • Steve Kirschenbaum

Divrei Azkara for Jack Nagel z"l

DAVID NAGEL



This year marks the fifth *yahrtzeit* of my father, Jack M. Nagel z"l.

I was blessed to have a father who made an amazing impression on me during his lifetime which impacted every part of my life, from family to community to business. In many ways, he inspires me even more today, as I always endeavor to emulate his teachings. I am taking this opportunity to write down some thoughts that reflect parts of my father's boundless personality and drive.

My father's life was a miracle, and it is humbling to speak about his legacy. My father was a survivor of the Shoah. As such, he never took anything for granted. He considered every day a gift and felt obligated to make an impact on his world knowing that it was *mazal* and the Hand of Hashem that spared him from near-death on countless occasions during WWII. He never understood why he was spared while others were killed, and that "guilt" gave him a sense of urgency to make an impact on this world, and he felt his kids needed to deliver their share as well.

When a census is taken of *Am Yisrael* in *Sefer Bamidbar*, one can see how the population of each *Shevet* grew from when they were first counted upon leaving *Mitzrayim*, with one noticeable exception. *Shevet Levi*, the tribe most synonymous with service to Hashem, remains virtually the same in number. The Ramban notes that the lack of growth seen in *Shevet Levi* is not an accident nor a coincidence. He explains that *Am Yisrael's* wondrous growth and blessing came about because of the trials and tribulations that they faced in Egyptian slavery, not in spite of it. *Shevet Levi* was the one tribe that was never subjected to forced labor like the other tribes. As such, they could not merit the same blessing post exodus in the same manner as the other *Shevatim*. They did not suffer the same pain and therefore could not merit the same gain.

My father and other survivors suffered tremendously at the hands of the Nazis. However, I take note that Hashem showered my father and many other survivors with tremendous blessings after the war - especially as they made their way to this country. Many of these survivors, including my father, saw it as their life's mission to rebuild *Am Yisrael*; first in our city of Los Angeles and eventually in our Jewish homeland,

Eretz Yisrael. My Dad knew that his life needed a purpose and that purpose was being the ultimate “Zevulun” - ensuring that there would be Jewish education and Torah learning available for the next generation of Jewish children.

In Moshe Rabbeinu’s final blessings to the *Shevatim*, he says:

שמח זבולן בצאתך ויששכר באהלך.

Rejoice, O Zevulun, on your journeys, and Yissachar, in your tents.
(Devarim 33:18)

The Ohr Hachaim is intrigued that Zevulun is already rejoicing on his journey, while traveling to do business. After all, who says he will be successful in what he is setting out to do? Our sages teach us that some of the *Amoraim* would be so distraught from travel that they could not even pray for days after their return (*Eruvin* 65a). And yet, Zevulun is rejoicing and does not seem to relate to the perils of travel. The Ohr Hachaim explains that Zevulun knew that he would be successful because the sole purpose of his business dealings was to make sure that *Shevet Yissachar* could stay in their “tents” and through his travels, he was protecting the primacy of Torah learning.

There is a growing ideal in the business world for your business goals to have a deeper meaning and become a framework to address broader ethical and social challenges. My father was very much ahead of his time in this regard. Growing up in my home, it was clear from the earliest age that my parents cherished their responsibility to make sure that there was a vibrant *Shevet Yissachar* in our city. My father saw business as a platform to accomplish his goal of expanding Jewish education in Los Angeles and beyond. It was a partnership. The more he gave to *tzedaka*, the more opportunities in business came to him.

Our sages teach us (*Eruvin* 70b) that a son is *kar'ei d'avuah*, “the knees of his father.” Rav Yitzchak Hutner points out the peculiarity of this term. The point of this *gemara* is to highlight that a son is the extension of his father. To this end, would it not make more sense to refer to a son as the “hand of his father” or the “head of his father?” Rav Hutner answers this question with an interesting commentary on the fundamental difference between people and angels.

Angels are always referred to in our *tefillot* as “standing.” The reason is because an angel is created in its perfection without the ability to grow or come closer to Hashem.

Adam Harishon and all human beings since then are always referred to in Tanach and Chazal with terms reflecting traveling and “going places.” A human being is always *B'derech*, on a path, with the ability to grow closer to Hashem. After a person passes on to the next world, they no longer have the power to walk and grow; now they are also simply standing in place. The part of our anatomy that takes us from a

standing position to a walking position is the bending of the knees.

When our sages teach us that a son is the knees of his father, it is informing us that a child's actions in this world can allow the father to reach higher and grow closer to Hashem even in the *Olam Ha'Emet*. This idea has been a real source of comfort to me and has given me clear purpose since my father's passing. It is why I have taken so much pride in bringing the Jack z"l & Gitta Nagel YU Community Kollel to the city and why I am so committed to strengthening my father's legacy through my commitments to growing and supporting *chinuch* through my efforts at YULA High School.

I want to once again revisit the blessing of Moshe to *Shevet Zevulun*.

שמח זבולן בצאתך ויששכר באהלך.

Rejoice, O Zevulun, on your journeys, and Yissachar, in your tents.

(Devarim 33:18)

Rabbeinu Bahya (1255–1340) writes that the rejoicing of “Zevulun amidst his departure” in this *pasuk* can also be referring to Zevulun's passing into the next world. Zevulun rejoices as he leaves this world because he knows that he lived a life of meaning, by being the mainstay of Torah knowledge through his support of those who engage in it. My father certainly personified this blessing.

Yehi Zichro Baruch!

In honor of Adas Torah, *Nitzachon*
And the Torah it spreads.
With special thanks to
Rabbi and Mrs. Revah.

Wishing everyone a healthy and safe
Ksiva V'chasima Tova



Joey and Tracey Goldstein
and Family

Dedicated in Loving Memory of

Jacob Siegel

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Rabbi Yisroel Casen



Rabbi Jonah Steinmetz

Emes and Rachamim

RABBI DOVID REVAH



After Hashem forgave *Klal Yisrael* for the sin of the *Egel*, He taught Moshe Rabbeinu the Thirteen *Middos* of *Rachamim*. Although Hashem governs the world with a system of reward and punishment, He is willing to demonstrate *rachamim*, knowing that with time and maturity, we will eventually develop into the *mamleches kohanim v'goy kadosh* that we are meant to be. One of the Thirteen *Middos* is *Emes*, truth. The simple meaning of *Emes* is that Hashem gives us what we deserve and what he has promised. If so, why is *Emes* included in the *Middos Harachamim*?

When Yaakov was *davening* to be saved from Esav he said, *katonti mikol hachasadim umikol ha'emes* (Bereishis 32:12). The Ramban explains that Yaakov was saying that he didn't deserve all the *Chesed* and *Emes* that Hashem bestowed on him. The Ramban asks, if *Emes* means truth, how can Yaakov say that he does not deserve what was truthfully given to him? The Ramban explains that *Emes* in the *pasuk* is also referring to *Chesed*, something given for free. Kindness which happens from time to time is called *Chesed*; kindness which is ongoing and continuous is called *Emes*. As Hashem waits for us to do *teshuva*, we still have our health and our livelihood. This enduring kindness is called *Emes*.

However, Rashi (*Shemos* 34:6) says that *Emes* means *l'shalem sachar tov l'osei retzono*, Hashem rewards those who fulfill his commandments. Why would a reward for doing a *mitzva* be part of the *Middos Harachamim*?

The Torah (*Devarim* 10:17) tells us that Hashem *lo yisa fanim v'lo yikach shochad*, does not show favoritism, nor will he accept a bribe. The Rambam¹ questions how it would be possible to bribe Hashem. A human judge needs money, and if he is unscrupulous, he may accept a bribe. But what can you give Hashem? The Rambam answers that a person who has done many *mitzvos* may think that Hashem may be willing to overlook his *aveiros*. Just like a store owner would take some grief from a

¹ *Peirush Hamishnayos, Avos* 4:22

Rabbi Dovid Revah, the *Rav* and *Mara D'asra* of Adas Torah,
has led our *Kehilla* since 2005.

good customer, Hashem may allow some wrongdoing because of the overwhelming good. The Torah is saying that this is not true. Hashem will reward us for all *mitzvos* and hold us accountable for any *aveiros*, and nothing is overlooked.

The *Sefas Emes* (*Likutim*, *Chodesh Elul*) quotes the *mishna* in *Avos* (4:22) which explains that you cannot bribe Hashem because *hakol shelo*, everything belongs to Him. This is difficult to understand according to the Rambam's explanation. A *mitzva* is something I did with my own free will – why would it be called Hashem's? The *Sefas Emes* explains that, in truth, a *mitzva* I fulfill is not wholly mine. If I gave *tzedaka*, Hashem gave me the resources to make that donation. When I spent time learning, it is Hashem Who gave me the intellectual capacity and serenity necessary to learn. My contribution is only the will to do the *mitzva*, but the actual *mitzva* really belongs to Hashem. The *Sefas Emes* adds that even the motivation is not fully mine. When I have a desire to do a *mitzva*, Hashem builds on that desire and gives me the determination to carry it out. We only need to express a desire *k'chudo shel machat* (*Shir Hashirim Rabba* 5:3) and Hashem builds on that. If so, we should only be rewarded for the initial aspiration. However, Hashem gives us a reward for the entire *mitzva*, even the parts that are His. If so, reward for *mitzvos* is not just *din* but also a *chesed* from Hashem.

There is a third explanation of the attribute of *Emes* from the *Shem Mishmuel*, (*Bechukosai*, 5670) based on a Maharal. The *gemara* brings the opinion of Rav:

אם ישראל עושים תשובה נגאליים ואם לאו אין נגאליים.

If Klal Yisrael does teshuva then they will be redeemed, if not they will not be. (Sanhedrin 96b)

The Maharal asks: If the prerequisite for *Mashiach* is *teshuva*, it is possible that *Mashiach* will never come, because we may never do *teshuva*. If so, how can we say that we believe that Hashem will definitely bring *Mashiach*? The Maharal explains that we imagine that we are being pulled in one direction by our *Yetzer Tov*, and in the other direction by our *Yetzer Hara*, and each inclination has equal strength. But that is not true. Our genuine and deep inner desire is to do *mitzvos*. At our core, we have a *neschama* which has an intense desire to connect to Hashem. Every time we do an *aveira*, it is an aberration, as we are acting against who we really are. The Maharal says that *Klal Yisrael* sinning is a *mikreh*, something against our nature, and we can be sure that eventually we will return to our true selves.

The *Shem Mishmuel* says that this is the *midda* of *Emes*. We are asking Hashem to see who we truly are. We hope He will look through our sins which are only external

and see the deep internal desire that we have to serve Hashem. If there is a diamond that is covered in dirt, a novice may throw it away, because he only sees the dirt, but an expert with a discerning eye will see the diamond underneath.

If we are asking Hashem to see us with *Emes*, looking internally, it must begin with us seeing ourselves that way too. We need to be conscious of the *neschama* inside us. *Chazal* tell us:

בתחילה עלה במחשבה לבראותו במידת הדין, וראה שאין העולם מתקיים, הקדים מידת הרחמים ושיתפה למידת הדין.

Hashem initially wanted to create the world with strict judgement and if someone did something wrong, they would immediately be punished, but Hashem saw that the world would not last if it was created that way, so He gave precedence to mercy and joined it with din. (Quoted in Rashi, Bereishis 1:1)

The *Sefas Emes* explains that although Hashem knew that the world would not be perfect when He was planning the world, He had the hope and dream that it would be. We too, at the beginning of the year, must have hope and dream that this will be a perfect year. It is not enough to say that we want to learn and *daven* a little better. Rather we must use the perspective of *Emes* see who we really are, and use that to have the drive to actualize that vision.

But for Hashem to see us with *Emes*, it is not even enough to see ourselves that way. We also must see others with a similar perspective.² It is sometimes easy to realize that our *aveiros* are only a *mikreh* and that they do not represent who we really are. However, when we look at others, we see the *aveiros*, and not their true selves. We have a custom of wearing a *kittel* on Yom Kippur. One of the reasons given is that we want to feel like an angel. I once heard that for us to feel like an angel, a *kittel* is not necessary. When we enter shul on the *Yom Hakadosh* and begin *davening*, we already feel like an angel without any additional props. However, we also need to perceive everyone around us as an angel as well. For that, we may need their *kittels*.

When we stand on Yom Kippur, we ask Hashem:

אל תראוני שאני שחורחרת, ששזפתני השמש.

Do not view me as someone who is blackened with sin, because it is only external, but inside I am still beautiful. (Shir Hashirim 1:6)

² The Rokeach writes that by treating others with the Thirteen Attributes of Mercy, this causes Hashem to treat us in the same way.

If we see ourselves that way and can view others that way, we can expect that Hashem will see us that way too.

Is My Canvas *Sukka* Kosher?

RABBI YISROEL CASEN



In recent years, there has been an explosion of options for easy-to-use, easy-to-build *sukkas*. Every year there are more choices available to the kosher consumer, and in the interest of creating user-friendly options, many manufacturers create *sukkas* out of cloth and canvas materials which are tied to a metal frame. These *sukkas* are easy to build and durable. Indeed, if one takes a stroll through any Jewish neighborhood around the world during the *chag* of Sukkos he will inevitably encounter many cloth *sukkas*, evidence of their appeal to the consumer.

But are these *sukkas* kosher? Walls made of canvas or cloth will inevitably flap somewhat in the breeze; does this in any way invalidate them? Many people tie strings to make alternative *halachic* walls, but is this necessary? Are some materials better than others? What should we look out for when purchasing a *sukka* such as this?

The *gemara* states:

אמר רב אחא בר יעקב כל מחיצה שאינה יכולה לעמוד ברוח מצויה אינה מחיצה.

Rav Acha bar Ya'akov said: Any partition that is not able to stand in a typical wind, but rather is blown to and fro, is not a partition. (Sukka 24b)

A *sukka* must be able to withstand regular wind gusts; if it cannot, its walls are invalid. The *Shulchan Aruch* (OC 630:10) writes that one should refrain from making a *sukka* out of linen sheets, as they will move in the wind, which would invalidate it. Seemingly, the very notion of a wall being considered *halachically* valid is contingent on its ability to withstand normal wind gusts. This concept is not limited to the laws of *sukka*, as it is found elsewhere too.

Building walls on Shabbos is forbidden under the *melacha* of *boneh*, constructing. What type of construction is included in this prohibition? Not only is constructing an actual permanent structure prohibited, but even building a temporary partition is *boneh* if it is a *halachically* valid partition. In other words, a wall's *halachic* functionality

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can determine its status as being a true wall; if it is an effective separation, it is forbidden to be built on Shabbos even if it is not a permanent structure. For instance, one is not allowed to urinate into a bedpan in the same room as *seforim*. One can only do so if a wall exists between the bedpan and the *seforim*. Building such a wall, even a temporary structure, would be prohibited as this wall successfully serves a *halachic* necessity. However, *Magen Avraham* (315:1) writes that if the wall used for this purpose is made of material that billows in the wind, it is permissible to be hung on Shabbos since, due to its flimsiness, it does not serve as a *halachically* valid separation. A flimsy wall is not considered to be *halachically* effective; in this case it will not help the person wishing to use the bedpan, and therefore its construction on Shabbos is permissible.

Similarly, *Shulchan Aruch* (OC 362:1) writes that walls used to create a *reshus hayachid*, a private domain, to facilitate carrying on Shabbos, must also not flap in the wind. If one wanted to create a *reshus hayachid* under the branches of a tree that reach the ground, such as a weeping willow, whereby the branches act as walls, the branches must not move in the wind. This can be accomplished by tying the branches to the ground. Failing to tie them would render the branches invalid walls for these purposes. Again, it is evident that flimsy walls are invalid.

Why are walls that move in the wind invalid? Granted, the *gemara* in *Sukkah* states that *sukkas* must be able to withstand regular winds, but seemingly this refers to a *sukka* that will collapse entirely in the wind. It is quite understandable that walls unable to withstand regular gusts are not kosher. Why would this *halacha* extend to walls that can withstand a wind gust, but only flap in the wind somewhat? To answer this question, we need to analyze when this rule does and does not apply.

In ancient times, homes were not built directly off the street. Rather, a *movui*, or cul de sac, was built off the street, which led into numerous enclosed courtyards shared by many homes. These cul de sacs were essentially enclosed on three sides, with only the entrance to the street being open. Carrying in these areas is permitted on Shabbos provided certain requirements are met. One of those requirements is that there must be some demarcation where the cul de sac ends and the street begins. This can be achieved either by means of a *lechi* (a vertical pole situated at the *movui* entrance), a *koreh* (a horizontal pole placed over the entrance), or a *tzuras hapesach* (a doorframe built out of two *lechis* and a *koreh*). *Shulchan Aruch* (OC 363:5) writes that if a *lechi* is made in a way such that the wind can blow it down, it is not a kosher *lechi* even though it currently is standing. *Magen Avraham* (no. 4) writes that even if the wind is unable to actually topple the *lechi*, but rather it simply sways in the

wind, this too invalidates the *lechi*. Seemingly, the very possibility that something is flimsy enough to sway in the wind invalidates it from being a kosher *mechitza*. (We are assuming that the laws of *lechi* follow the laws of *mechitza*/walls.) This conforms with the *Magen Avraham* quoted earlier that walls that can be blown by the wind do not count as *mechitzos*, even though they remain standing.

However, we do find a scenario where flimsiness is not an issue when it comes to the validity of *mechitzos*. *Shulchan Aruch* (362:11) rules, based on the *gemara* in *Eruvin* 11b, that a *tzuras hapesach* made of two vertical and one horizontal pole must be made from sturdy material that will not sway in the wind. However, this requirement applies only to the two vertical poles; the horizontal one can be flimsy. Indeed, this is common practice when building modern *eruvs*, where we use strong vertical poles, but the horizontal component is made from string which most likely will move in the wind. Why is this distinction true? If flimsiness is an inherent disqualification of a wall, shouldn't it apply across the board? A *tzuras hapesach* is considered a *halachic* wall, so why can the top of it be flimsy? *Pri Megadim* (*Eshel Avraham* 21) writes that flimsiness does not necessarily always disqualify a wall. The source of this issue is the aforementioned *gemara* where the tree branches move in the wind. However, he posits that the issue isn't flimsiness, but rather that the tree branches are blown away from each other which potentially causes a momentary breach in the wall.¹ This is why walls can be made from tree branches, even though the walls are not solid, since the gaps are small. However, if the branches easily move when the wind blows, thereby creating larger gaps between the wall parts, this will temporarily disqualify the wall. Thus, the *gemara* rules that the wall is inherently invalid, even when the wind doesn't blow, due to the potential for it to become actually invalid at any time. This, writes the *Pri Megadim*, is the intent of the *gemara*. According to his understanding, there is no source for wind-blown walls being invalid, unless the wind would create an actual breach in the wall. This is why the top component of a *tzuras hapesach* can be made from string, even if it moves in the wind, as this would not in any way create a disqualification of the *tzuras hapesach*.²

1 A wall does not need to be solid for it to be *halachically* valid. Small separations less than three *tefachim* between wall parts don't pose an issue. These small gaps are considered inconsequential, based on the concept known as *lavud*.

2 It's interesting to note, according to the *Pri Megadim*, if flimsy walls are kosher and hence, the horizontal part of the *tzuras hapesach* can be made from string, why is it necessary for the vertical poles to be sturdy? Why can they not also be made from flimsy material? *Pri Megadim* doesn't address this, but one may argue that this is a practical issue; if all three of the components are flimsy, the entire frame may simply collapse. *Machatzis*

Hence, there is an apparent *machlokes* between the *Magen Avraham* and the *Pri Megadim* as to whether flimsy walls are an inherent issue. *Magen Avraham* says that the *gemara's* discussion about wind-blown branches is evidence of this being an issue. *Pri Megadim* disagrees, asserting that wind-blown walls are only an issue if this causes actual breaches in the wall.

Pri Megadim's approach is understandable. Walls that are easily made *passul* by the wind are not valid. Even when the wind doesn't blow, the very fact that this wall is susceptible to temporary disqualification by the wind renders it invalid. However how do we understand *Magen Avraham's* approach? Why would a good wall, such as one made from canvas and the like, be disqualified simply because it sways in the wind? Why should this create an issue?

If one were to line up many large animals next to each other, this would be a *halachically* acceptable wall. However, *Shulchan Aruch* (362:5) rules that the animals must be tied down for this to work. Rambam cites the same *halacha* and writes that the animals must be tied down to ensure they don't move. *Magen Avraham* (no. 8) asks that presumably even when animals are tied, they can still move somewhat, and if we are trying to create a kosher wall that cannot move, seemingly this will not help. Rather, he explains that the purpose of tying the animals down is to ensure they don't run away. Clearly, if the animals disperse, the wall is no longer extant; tying them down will prevent this. But presumably, even if the animals are tied down, they will still be able to move somewhat; is this still a kosher wall? How does this differ from the canvas wall swaying in the wind? Furthermore, the *halacha* is that walls made from humans standing next to each other are also kosher. Even when the line of people is moving, as long as they move in unison and don't disperse, the wall remains kosher! Why is this any different than a wall swaying in the wind? Clearly, moving walls are not an issue!

Magen Avraham explains that there is an inherent difference between walls swaying in the wind and moving humans or animals. When a wall sways in the wind, this is evidence of a lack of structure, or permanence, to the wall. The fact that it can move in the wind highlights its flimsiness and lack of durability, which renders it not kosher. Walls made of animals or humans, however, do not move due to an inherent

Hashekel posits a more fundamental reason. He essentially agrees with *Magen Avraham* that *halachic* walls may not be flimsy. But in a *tzuras hapesach*, only the vertical poles create the actual *mechitza*. The horizontal pole is necessary to create the semblance of a doorway, but it is not technically part of the wall. The wall is created only by the vertical components, and thus only they must be sturdy.

lack of durability. Rather, it is the animal or human choosing to move, which in no way indicates a flaw in the wall.

Hence, we surmise that in *Magen Avraham's* opinion, the issue with a wall that sways in the wind is its evident lack of durability. Even though no breaches will be created by the wind gust, nevertheless, a wall that cannot withstand even normal wind without moving is considered too weak to be a *halachic* wall. Thus, in his opinion, canvas walls should not be used for a *sukka*, as they are inherently non-durable, and not considered true walls.

So, is there any proviso for building *Sukkahs* out of canvas? According to *Magen Avraham*, they are not kosher. Indeed, this seems to be the opinion of the *Shulchan Aruch* himself, who writes (OC 630:10) that one should not build a *sukka* out of canvas as the wind will move it. *Mishna Berura* comments there that even if the wall does not become dislodged by the wind, but simply flaps, it is considered invalid.

However, *Chazon Ish* (OC 77:6) disagrees and writes that *Shulchan Aruch* is not implying that all types of canvas walls are disqualified. Rather, he takes the approach of the *Pri Megadim* quoted earlier; wind can only disqualify a wall if it is susceptible to disqualifying breaches, like, for instance, if a gap greater than three *tefachim* is created between the sheets of canvas. In this case, like the tree branches, the wall would be rendered momentarily non-kosher and thus even when the wind doesn't blow, the wall is *passul* as it cannot withstand a regular wind gust. However, if the wall retains its integrity even when the wind blows, and simply flaps around, but doesn't become temporarily disqualified, then the wall is *halachically* valid.

So, according to *Chazon Ish*, our canvas *sukkas* are seemingly kosher. Although the walls do flap in the wind, since there is no actual disqualification of the wall created by this phenomenon, the wall is legitimate. According to the *Mishna Berura* however, flapping walls are exactly what *Shulchan Aruch* is ruling to be unusable. If one wishes to satisfy the concerns of the *Mishna Berura* and *Magen Avraham*, what can be done to a canvas *sukka* to make it acceptable?

Most canvas *sukkas* on the market today are built such that the canvas sheets are tied to a frame on the top and bottom of the *sukka*. In so doing, the canvas cannot flap in the wind, and this seemingly solves the issue. The only potential concern would be the ability of the canvas to flap in the center of the wall, where it is not tied down. Does this concern us? Rav Moshe Feinstein (*Igros Moshe* OC 5 40:2) writes that indeed it is a problem. Although it is entirely possible that in other areas of *halacha* this would not be an issue, specifically regarding *Sukkah*, this remains a problem. The requirement of *teishvu k'ein taduru* (you must dwell in your *sukka* as you dwell in your

home) requires not only that we use our *sukka* the same way we do our homes, but also that the walls of the *sukka* must resemble walls of a home. Since generally homes are not constructed of walls that bend and buckle in the center, so too *sukka* walls must not do so.³

This presents more of a challenge with the modern canvas *sukkas*. Granted, the metal frame allows for the canvas to be tied both at the top, the bottom and in the middle, but there still may be some flapping in areas of the canvas further away from the frame poles. How do we compensate for this issue?

Common practice is to tie strings around the frame of the *sukka*, using the principle of *lavud*. As mentioned earlier, any gap less than three *tefachim* is considered insignificant, and is treated as if there is no gap there at all. If we tie strings horizontally around the frame of the *sukka*, such that each string is less than three *tefachim* from the other, we consider this whole area to be filled up. Since *sukka* walls need only be ten *tefachim* high, and do not need to reach the height of the *s'chach*, this series of strings, assuming they are ten *tefachim* altogether, would constitute a kosher wall. If the strings are taut enough, they won't move in the wind, and thus, even if the canvas does move and is invalid, the strings would be the actual *halachic* walls of the *sukka*, with the canvas providing nothing more than privacy.

Although it is common practice to rely on this, one should be aware of the opinion of *Magen Avraham* in this matter. A *sukka* must be comprised of three walls to be kosher, and indeed, one should tie strings on the three sides of the canvas *sukkas*. On the fourth wall, where the entrance is located, it is difficult to tie strings, as this would block the entrance. Seemingly, this should not pose an issue, as the requisite three walls are present. However, *Magen Avraham* (intro to OC 630) posits that walls made of horizontal strings or vertical poles situated within three *tefachim* of each other are only kosher if all four walls are built. *Shevet HaLevi* (vol. 9, 140:3) explains that *sukkas* require only three walls because a three-walled structure is adequate to provide a sense of enclosure. However, this is only true if the *sukka* is built from actual solid walls. If the walls are made of strings or poles, although they are *halachically* acceptable, they do not provide a true sense of enclosure, and to compensate for this we require all four walls to be built. This would pose a problem

³ This distinction between *sukka* walls and Shabbos walls is evident in that which a *tzuras hapesach* is usable as a wall for Shabbos (such as in a city *eruv*) and yet it does not suffice for a *sukka* wall (other than the third wall.) Rav Moshe explains that this same reasoning applies; *sukka* walls must mimic house walls, and a *tzuras hapesach* does not. There is no such requirement with regard to walls used for an *eruv*.

for relying on horizontal strings for the canvas *sukkas*. Most other *poskim* do not agree with this concern and believe that strings tied on three sides are adequate, and indeed it is common practice to rely on them and use canvas *sukkas* with strings on three sides. However, it is noteworthy that these *sukkas* will not be kosher according to *Magen Avraham*, either because of flapping walls, or because the strings used to fix the issue can't actually accomplish that goal.

Why are we so concerned about the validity of the *sukka* walls? Isn't the essence of a *sukka* its *s'chach*? Granted, a *sukka* must have walls so that it is an enclosed space, but why the focus on the nature of the walls? Apparently, the *sukka* should resemble our homes, and homes are not constructed of flimsy material. But why is this necessary? Why should the *sukka* resemble the home?

Performing *mitzvos* can at times be challenging; in fact we are told *lefum tza'ara agra*, we receive reward for *mitzvos* concordant with the level of difficulty we experience performing them. Not so the mitzva of *sukka*; we are specifically told that if it is unpleasant to sit in the *sukka*, we should not perform this mitzva. Why this distinction? *Be'er Yosef* (*Vayikra* 23:42) explains that the mitzva of *sukka* reminds us to what degree Hashem cared for us in the desert. In a harsh, unforgiving environment, we were comfortably ensconced in the cocoon of Hashem's care. So too, our performance of the mitzva of sitting in the *sukka* must mirror this environment. It must be pleasant, inviting and enjoyable, just like our experience in the desert. If it is not, and we sit there anyway thinking we will receive more reward for our tenacity, we are mistaken, as that would not be a proper commemoration of our experience in the desert.

This might explain the need for proper *sukka* walls that mimic our homes. Granted, the *sukka* must be a temporary structure and the roof made from *s'chach* ensures this to be the case. But the *sukka* must also remind us of the comfortable and pleasant atmosphere we basked in during those times, how even in a desert we felt like we were at home. Thus, our *sukka* walls must ensconce us and create a comfortable environment; if they flap easily in the wind, we will lose that all-important ambience.

May we merit to feel that glow of Hashem's care both during Sukkos and beyond.

The Goal of *Teshuva* is *Teshuva*: The Role of Attaining Forgiveness in the Process of Repentance

RABBI JONAH STEINMETZ



The Rambam's Omission

The Rambam opens the first of ten chapters of his *Hilchos Teshuva* with the following words.¹

כל מצות שבתורה בין עשה בין לא תעשה אם עבר אדם על אחת מהן בין בזדון בין בשגגה כשיעשה תשובה וישוב מחטאו חייב להתודות לפני האל ברוך הוא שנאמר איש או אשה כי יעשו וגו' והתודו את חטאתם אשר עשו זה וידוי דברים, וידוי זה מצות עשה, כיצד מתודין אומר אנא השם חטאתי עויתי פשעתי לפניך ועשיתי כך וכך והרי נחמתי ובושתי במעשי ולעולם איני חוזר לדבר זה, וזהו עיקרו של וידוי, וכל המרבה להתודות ומאריך בענין זה הרי זה משובח...

All mitzvos of the Torah – whether it be a positive command or negative command – should a person transgress any of them – whether intentionally or unintentionally, when he repents, and returns from his transgression, he is

¹ Rav Yosef Dov Soloveitchik *zt"l* reported that his grandfather, Rav Chaim Soloveitchik *zt"l*, had the practice of learning one chapter of *Hilchos Teshuva* daily during the ten days of repentance between Rosh Hashana and Yom Kippur. One instance in which Rav Yosef Dov mentioned this was the beginning of his *teshuva drasha* in 1970. (Our Kollel intends to publish this *drasha*, along with others, in future volumes of our Torah Journal, *Amri b'Maarava* (אמרי במערבא). Two *drashos* have already been published in 'א חוברת א'. These writeups are based on the handwritten notes of Rav Hershel Schachter *shlit"a*, who attended the lectures.) See also *Nefesh HaRav*, p. 210. In *Al HaTeshuva* (p. 192), Rav Soloveitchik is reported to have been uncertain as to whether the Rambam intended such a practice when he organized *Hilchos Teshuva* in this way.

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obligated to confess before the Lord, blessed be He, as [the verse] says... This refers to verbal confession. This confession is a positive command. How does one confess? He says: "Please, Hashem, I have sinned, I have transgressed, I have committed iniquity before You, and I performed such and such deeds; and I am regretful and am embarrassed of my actions, and I shall never return to them. These are the essential elements of confession. And whoever extends the confession and elaborates on these matters is praiseworthy.

There is a glaring omission. The Rambam makes no mention of the need for *bakashas ha-mechila* – begging for forgiveness – in his prescribed text for *viduy*. In fact, asking forgiveness does not feature throughout the entirety of the repentance process. This observation holds true not only for the Rambam's presentation of the general *teshuva* process, but also for his ensuing description of the *teshuva* and *viduy* which accompany the offering of *korbanos*.

This is perplexing, given the obvious centrality of achieving forgiveness and atonement through the process of repentance. Being that the granting of pardon is the goal of *teshuva*, one wonders why the Rambam omits the request for such exoneration from his presentation.

This question is underscored by the fact that other *rishonim* do, in fact, include *bakashas ha-mechila* in their prescribed process of *teshuva*. For example, Rabbeinu Bachya ibn Pakuda writes:

אבל גדרי התשובה הם ארבעה: הראשון, החרטה על מה שקדם לו מן העונות, והשני, שיעזוב ויסור מהם, והשלישי, שיתודה בהם ויבקש המחילה עליהם כו'. (חובות הלבבות, שער התשובה פרק ד')

There are four elements of repentance: First, remorsefulness for his previous iniquities. Second, that he abandon [his sins] and leave them. Third, that he confess regarding them and request forgiveness for them...

אבל תנאי גדרי התשובה רבים מאד כו' ותנאי העזיבה גם כן חמשה כו' והרביעי, שיתחנן אל האלהים ויעטף אליו תמיד לכפר עונותיו ולמחל לו ולקבל תשובתו, כמ"ש: חטאתי אודיעך ועוני לא כסיתי וגו', ואמר: על זאת יתפלל כל חסיד אליך לעת מצא... (שם, פרק ה')

*However, the elements of repentance contain many conditions... There are also five conditions to the abandoning [of sin]... The fourth: **that he petition God and constantly beseech him to atone for his iniquities and forgive him and accept his repentance, as the verse states...***

The Meiri (*Chibbur HaTeshuva*, p. 183) includes begging for forgiveness as a necessary step in the process of repentance as well.

This is also the understanding of Rabbeinu Yonah (*Shaarei Teshuva*, *Shaar Aleph*, #40 – 41). His fourteenth principle of *teshuva* is *viduy* – confession. As the fifteenth principle, Rabbeinu Yonah mentions prayer, during which one beseeches God and begs for mercy and atonement for his sins.²

As such, the intuition that begging for mercy ought to be included in the Rambam's presentation of the *teshuva* process is corroborated by the inclusion therein of the other authorities, leading one to wonder what drove the Rambam to neglect this critical point.

The Goal of *Teshuva*

In truth, this divergence may be an iteration or reflection of a broader, more fundamental dispute as to the goal of the *teshuva* process.

Rabbeinu Yonah (*Shaarei Teshuva*, *Shaar Aleph* #2) cites a well-known parable about an individual who was incarcerated by the king and, when given the chance to escape from prison with ease, squandered the opportunity and remained chained in his cell. The king, we are told, was infuriated that this prisoner could be so foolish as to miss his single chance at freedom. Rabbeinu Yonah explains that this story is analogous to one who is granted the opportunity to repent from his sins but neglects to do so. Hashem, as it were, becomes angrier with his foolish laziness which prevents him from seeking and attaining exoneration.

Rabbeinu Yonah understands the goal of the *teshuva* process to be achieving forgiveness, receiving a pardon, or complete exoneration – the analogue to freedom from a prison cell. The target at which *teshuva* aims is purification of the soul and complete atonement. As such, it stands to reason that *bakashas ha-mechila* – the request for forgiveness – is an integral step in full repentance.

By omission, the Rambam implies that he understood the *teshuva* process in a very different manner.³ In electing to exclude *bakashas ha-mechila* from the process

² It is noteworthy that Rabbeinu Yonah not only includes *bakashas ha-mechila* as one of the *ikarei ha-teshuva*, but he counts it as a standalone principle, separate and distinct from *viduy*. It is worth exploring why the request for forgiveness does not fit seamlessly into the confession itself.

³ The Rambam crafted every sentence with such precision that not only is every word worth careful, analytical consideration, but even his omissions need to be rigorously studied and clarified. Rav Soloveitchik (*Ish Ha-halacha*, p. 38) refers to the Rambam as “the master of conciseness” (*baal midas tzimtzum ha-lashon*). Regarding the absolute importance of conciseness, see Rav Soloveitchik's eulogy for his uncle, Rav Velvel Soloveitchik *zt”l* (“*Mah Dodech mi-Dod*,” printed in *Divrei Hagus v'Haaracha*, p. 84). The Rambam's concise precision

of repentance, the Rambam telegraphs that the attainment of forgiveness is not the ultimate goal of *teshuva*. Rather, the *mitzva* to repent is exactly that – to repent. One must express remorse, disavow his sinful ways, and commit himself to a holier future. All this must be represented in his *viduy*. That is the extent of *mitzvas teshuva*.

The Rambam's Approach

Based on this approach, even if the repentant is unsuccessful in achieving atonement for his transgressions – he will still have fulfilled his commandment to repent without any lacking. Should we imagine a world in which atonement was an impossibility, there would still be a commandment of *teshuva*.⁴ True, repentance would not result in the granting of forgiveness, but the two concepts are separate and distinct. Repentance is demanded regardless of whether forgiveness is granted.

Perhaps this understanding sheds light on the story of Elisha ben Avuya, otherwise known as *Acher*.⁵ At one point, *Acher* was considering repentance. However, he heard a *bas kol* which declared “‘return wayward sons’ – excluding *Acher*!”⁶ Therefore, he decided against repentance and was ultimately held accountable for this decision. What was his mistake, though? Didn’t the heavenly voice declare that he, in fact, could not successfully return to Hashem?⁷

simultaneously lends so much weight to his every word, while also obligating us to pay careful attention to that which he did not say. This point is made poignantly by Rav Dr. Yitzchak Asher (Isadore) Twersky zt”l (Perpetuating the Masorah, pp. 94-6), when he explains that “*sh’tika*” in the phrase from *Maseches Avos*, “*seyag l’chochma sh’tika*” does not mean complete silence, rather, that words should be “as sparse as possible.”

[S]ilence actually defines wisdom... Silence here refers to the way you talk, to the mode of speech, to the structure of speech, to the effectiveness and impact of speech. It regulates expression and maximizes effectiveness. It sees to it that the content and the form are commensurate. (*ibid.*)

In a discussion regarding this concept, my *rebbe*, Rav Mayer Twersky *shlit”a*, pointed me to his father’s dedication of his book, *Introduction to the Code of Maimonides*, in which Rav Dr. Twersky says of his wife that she “is attuned to my silences.” See also *Pachad Yitzchak* (*Chanuka* 8:5) for a moving analogy to this principle. Rav Hutner zt”l notes that whereas most students understand the spoken word of their teacher, the finest, most capable and committed *talmid* will be able to learn not only from the *rebbe*’s spoken word, but from his silences as well.

4 My friend and *chavrusa*, Rabbi Scott Hoberman, pointed me to the *Midrash* (*Bereishis Rabbah* 22:13) which relates that Adam Ha-rishon was unaware that man had the power to achieve atonement for transgressions through repentance. He learned that this was possible through witnessing his son Kayin’s atonement as a result of *teshuva*. It turns out that Kayin repented without any knowledge of the concept of atonement and his *teshuva* was still meaningful.

5 I thank Rabbi Hoberman, who, with his classic wisdom and creativity, enlightened me with the following understanding.

6 See *Talmud Bavli*, *Chagiga* 15a; see also *Talmud Yerushalmi*, *Chagiga* 2:1.

7 Above, we assume that Elisha ben Avuya truly heard such a heavenly declaration. My *rebbe*, Rav Schachter

However, with the Rambam's conception of *teshuva*, the understanding becomes clear. *Acher* was held accountable for neglecting to repent even if he correctly understood that his *teshuva* would be "ineffective." To him, it was clear that he would not gain atonement, but it is not the *mechila* which obligates one to repent. Rather, repentance is an inherent *mitzva*, regardless of one's prospects of achieving forgiveness.⁸

This approach may also lie behind another difficult statement of the Rambam. In *Hilchos Teshuva* 7:1, Rambam writes:

הואיל ורשות כל אדם נתונה לו כמו שבארנו ישתדל אדם לעשות תשובה ולהתודות בפיו מחטאיו ולנקור כפיו מחטאיו כדי שימות והוא בעל תשובה ויזכה לחיי העולם הבא.

Since free choice is given to every person, as we have explained, one must strive to repent and verbally confess his sins, and [strive to] cleanse his hands of his sins, in order that he should die as a repentant person and merit life in the world to come.

The Rambam clearly states that the motivation for *teshuva* is "so that he should die as a repentant."⁹ One would have expected the motivation or goal of *teshuva* to

shlit"a, often quotes Rav Soloveitchik as explaining that, in truth, no such declaration was made by the *bas kol*. The *bas kol* simply declared, "return wayward sons!" Elisha ben Avuya, with his *tannaic* training, was attuned to this wording. When heard the word "*banim*" – "sons" – he immediately associated it with the classic *drasha* of "*ben – v'lo acher*" (son and not others). [See *Bavli Kiddushin* 13b, *Sota* 5b, *Bava Basra* 113a.] Based on this, he understood himself – referred to as "*Acher*" – to have been excluded from the calling for *teshuva*. This, however, was a mistake, since he was still included in the category of "*ben*," even in his rebellious state. See *Nefesh Harav*, pp. 291-2. [This discussion of the story of *Acher* is brought in *Al HaTeshuva* (p. 161), as well. However, the author did not complete the analysis or flesh out the connection to the *drasha*. See the 1968 *drasha* as recorded by Rav Schachter, published in our Kollel's *Amri b'Maarava* (Vol. 1) under the title of: "ב' עניני יודי – ב' דרכי: "תשובה".

8 This interpretation of the story of *Acher's* refusal to repent may be grounded in a careful read of the *Talmud Yerushalmi*, *Chagiga* 2:1.

חלה אלישע אתון ואמרן לר"מ הא רבך באיש אול בעי מבקרתיא ואשכחיה באיש א"ל לית את חזר בך א"ל ואין חזרין מתקבלין א"ל ולא כן כתיב [תהילים צ ג] תשב אנוש עד דכא עד דיכדוכה של נפש מקבלין באותה שעה בכה אלישע ונפטר ומת והיה ר"מ שמח בלבו ואומר דומה שמתוך תשובה נפטר.

According to the *Yerushalmi*, it is clear that *Acher's* dismissal of the call to *teshuva* was due to his (mistaken) understanding that his *teshuva* would not be "accepted." It is because of this that he (mistakenly) refused to repent. Furthermore, the *Yerushalmi* reports that he subsequently cried until death, thusly "departing [this world] in the state of repentance." The stress in the story's conclusion is not on the acceptance of his *teshuva*, but rather on his state of repentance, his performance of *mitzvas teshuva*.

9 Compare this to the previous footnote regarding the conclusion of the *Acher* story as per the *Yerushalmi*. The similarity between the wording of the *Yerushalmi* and the Rambam is remarkable if not telling.

be identified as “so that he should achieve atonement before death,” or “so that he should leave this world in a state of exoneration and purity.” However, the Rambam is consistent in that he does not emphasize atonement as the goal of *teshuva*. Rather, he declares that the goal of *teshuva* is *teshuva* itself. A person should repent in order that they should leave this world in a state of repentance. This phraseology is paralleled by the Rambam in *Hilchos Teshuva* 4:6:

אלא אם עשה אדם תשובה מהן הרי זה בעל תשובה ויש לו חלק לעוה"ב.
However, if one does repent from these sins, he is a repentant person and has a portion in the world to come.

The Basis of the Dispute

Rabbeinu Yonah (*Shaarei Teshuva*, *Shaar Daled*) writes:

כדרך שיש לגוף חולי ומדוה, כן יש לנפש כו' ובשוב רשע מדרכו הרעה ירפא ה' חלי הנפש החוטאת כמו שנאמר כו' ונאמר (ישעי' ו:י) ושב ורפא לו.
Just as there are bodily illnesses and diseases, so too the soul... And when an evildoer returns from his ways, Hashem heals him of the illness of the sinful soul as the verse says: He will return and he will be healed.

According to Rabbeinu Yonah, the *pasuk* in *Yeshaya* (6:10) qualifies the sinner as a “*choleh nefesh*” – one who is suffering from a spiritual disease. Through *teshuva*, the sinner “heals himself.” The act of *teshuva*, then, affects a spiritual remedy. Repentance accomplishes forgiveness and atonement – a cleansing of one’s spiritual defilement. This is not only consistent with the above presentation of Rabbeinu Yonah’s approach to the *teshuva* process but may indeed serve as the source for his understanding of the goal of repentance as achieving atonement.

My Rebbe, Rav Mayer Twersky *shlit”a*, noted that the Rambam understood this *pasuk* quite differently. In *Hilchos Teshuva* 6:3, the Rambam writes:

ואפשר שיחטא האדם חטא גדול כו' ואין מניחים לו רשות כו' הוא שהקב"ה אמר על ידי ישעיהו השמן לב העם הזה וכו' ושב ורפא לו, וכן הוא אומר ויהיו מלעיבים כו' עד לאין מרפא, כלומר חטאו ברצונם והרבו לפשוע עד שתחייבו למנוע מהן התשובה שהיא המרפא.
It is possible that a person may commit a great transgression... and he will not be allowed the opportunity... About this The Holy One said through Isaiah, “Fatten the heart of this people... repent and be healed. Similarly, the verses says, “They mocked... until there was no remedy.”

That is to say, they sinned willfully and committed many iniquities, until the point that it was obliged that [Hashem] held back [from them] repentance, which is the remedy.

In stark contrast to Rabbeinu Yonah, the Rambam does not understand *teshuva* as a method by which one achieves spiritual health, but rather that *teshuva* itself is the *refuah*. In other words, Rabbeinu Yonah understands that repentance leads to spiritual healing; whereas the Rambam understands that repentance is spiritual healing, inherently. For Rabbeinu Yonah, *teshuva* is a means to an end; for the Rambam, *teshuva* is an end in itself.

Herein lies the root of the aforementioned *machlokes*. The previously cited examples of the Rambam's approach are thus iterations and reflections of this fundamental understanding of *teshuva*.

This analysis may also account for yet another dispute between the Rambam and Rabbeinu Yonah. Rabbeinu Yonah (*Shaarei Teshuva*, *Shaar Beis* #14) writes that the specific demand to repent on the day of Yom Kippur (in addition to the standard, year-round obligation of *teshuva*) is sourced in the *pasuk* of “*lifnei Hashem tit'haru*” (before Hashem you shall be purified, *Vayikra* 16:30). This verse creates a separate and distinct commandment to repent on Yom Kippur.¹⁰ This is consistent with Rabbeinu Yonah's approach to *teshuva*. Being that repentance is a means to achieve *mechila* and *kappara*, it is obvious to Rabbeinu Yonah that the word “*tit'haru*” – you shall be purified – is a command to do *teshuva*. Afterall, *teshuva* is the means by which one accomplishes spiritual cleansing.

However, the Rambam never brings the *pasuk* in this way.¹¹ It seems the Rambam understood this verse to be a guarantee that there is a special time during which *teshuva* will affect purification and cleansing, as opposed to a command.¹² The Rambam, too, is consistent. Repentance is not a means by which one attains *tahara*. Rather, *teshuva* is an end in itself. As such, the Rambam cannot imagine that the phrase “*tit'haru*” would be a reference to the *mitzva* of *teshuva*, since *teshuva* and *tahara* are fundamentally distinct concepts.

10 See also *Shaarei Teshuva*, *Shaar Daled* #17 where this is reiterated. See also *Chayei Adam* (*Klal* 143).

11 Rav Menachem Krakowsky zt”l (*Avodas HaMelech*, *Teshuva* 2:7) notes this and contrasts the Rambam with Rabbeinu Yonah.

12 See, for example, Rav Mordechai Gifter's *Hirhurei Teshuva* (p. 31, n4).

The Sefer Hamitzvos

Based on the above, the Rambam's omission of *bakashas ha-mechila* is understood. The request for forgiveness and atonement does not feature in the Rambam's presentation of *viduy* and *teshuva* because it is neither the goal nor a fundamental step in the process of repentance.

However, the Rambam seems to contradict himself in his *Sefer Hamitzvos* (*Mitzvas Aseh* #73).

והמצוה הע"ג היא שצונו להתודות על החטאים והעונות שחטאנו לפני האל יתעלה ולאמר אותם עם התשובה. וזה הוא הודוי. וכונתו שיאמר אנא השם חטאתי עיתי פשעתי ועשיתי כך וכך. ויאריך המאמר ויבקש המחילה בזה הענין לפי צחות לשונו. *The 73rd [positive] command is that we are commanded to confess the sins and transgressions which we committed before the Lord, and to verbally express them along with repentance. And this is [called] the confession. The intention is that one say, "Hashem, I implore you, I have sinned, I have transgressed, I have committed iniquities, and I have performed such and such deeds. And he should elongate this monologue and request forgiveness for this matter in accordance with his eloquence.*

Here, the Rambam explicitly includes *bakashas ha-mechila* in his prescription of the course of action for the *teshuva* process.¹³

To resolve this apparent contradiction and glean a deeper appreciation for the Rambam's approach to the *mitzva* and concept of *teshuva*, let us begin with an analogy.

Imagine Reuven kills Shimon. Everyone is well aware of this, but he vehemently denies the accusation. He refuses to admit his crime or acknowledge any wrongdoing whatsoever. Toward the end of his life, Reuven feels remorseful. As such, he publicly announces that he did, in fact, commit the heinous act of murder all those years ago. He provides a detailed description of what he did and how he did it. He even verbally explicates, "I sinned, I erred, I committed the crime. I am embarrassed, I am ashamed." Reuven continues to publicly declare that he will never return to his evil ways. He promises unequivocally that he plans to never murder again. With this, he concludes his confession.

Is that a sufficient confession? Are we satisfied with this as a complete act of

¹³ My *rebbe*, Rav Mayer Twersky *shlit"a*, first called my attention to this apparent contradiction in the Rambam. The ensuing answer, however, is my own attempt at a resolution.

repentance? Technically, it fits the description of *viduy* according to the Rambam (*Teshuva* 1:1):

כשיעשה תשובה וישוב מחטאו חייב להתודות לפני האל ברוך הוא שנאמר איש או אשה כי יעשו וגו' והתודו את חטאתם אשר עשו זה וידוי דברים, וידוי זה מצות עשה, כיצד מתודין אומר אנא השם חטאתי עויתי פשעתי לפניך ועשיתי כך וכך והרי נחמתי ובושתי במעשי ולעולם איני חוזר לדבר זה, וזהו עיקרו של וידוי...

When he repents, and returns from his sin, he must confess before God, as it states (Bamidbar 5:6-7), "If a man or a woman commit any of the sins of man... they must confess the sin that they committed." This refers to a verbal confession. This confession is a positive command. How does one confess: He states: "I implore You, God, I sinned, I transgressed, I committed iniquity before You by doing the following. Behold, I regret and am embarrassed for my deeds. I promise never to repeat this act again." These are the essential elements of the confessional prayer.

On one level, this is a complete confession. However, as we consider the case, it becomes obvious that something integral is lacking in his *teshuva*. He regrets and he confesses, but not once does he ask to be forgiven. Can it be that he caused so much pain and sadness for so many people – the spouse, the children, the siblings, the friends of the victim – and yet Reuven is not moved to beg for mercy? How can we say he repented when he does not even feel the need to kneel before the countless people who he hurt and cry out to them in shame, pleading for forgiveness? Even if nobody would forgive him, it is evident that Reuven's repentance is incomplete if he does not feel the need for *bakashas ha-mechila*.

In *Hilchos Teshuva*, the Rambam established that attaining forgiveness is not the goal of the *teshuva* process. Accordingly, he does not include *bakashas ha-mechila* in his *nusach ha-viduy* or his presentation of the steps of *teshuva*.

However, while it is true that *bakashas ha-mechila* is not an integral step in the process of *teshuva*, it is certainly representative of the truthfulness, completeness, and genuineness of one's *teshuva*. If a person has properly repented, if a person is truly remorseful and committed to changing his ways – then it is impossible that he won't come to beg for forgiveness. *Bakashas ha-mechila* is not a step in the process, per se, but it is the *siman* – the indicator – that the *teshuva* was sincere and whole. A complete repentance culminates in *bakashas ha-mechila*.

The Rambam implies this approach in his inimitably precise formulation in *Sefer Hamitzvos*. There, he writes:

היא שצונו להתודות כו' ולאמור אותם עם התשובה וזהו הוידוי. וכונתו כו' חטאתי עויתי כו' כך וכך. ויאריך המאמר ויבקש המחילה בזה הענין לפי צחות לשונו...

*We are commanded to confess the sins and transgressions which we committed before the Lord, and to verbally express them along with repentance. And this is [called] the confession. The intention is that one say, "Hashem, I implore you, I have sinned, I have transgressed, I have committed iniquities, and I have performed such and such deeds. **And he should elongate this monologue and request forgiveness for this matter in accordance with his eloquence.***

First, he brings the prescribed text of the *viduy*, as presented in *Hilchos Teshuva*. He then says "this is the confession." Those words are what make up the text, the procedural steps of the *teshuva* process. Only then does the Rambam continue to say that the repentant should continue to beseech, elongate his confession, and beg for forgiveness for his sins in accordance with his eloquence.

Even in *Sefer Hamitzvos*, the Rambam was careful not to include *bakashas ha-mechila* in the text of the *viduy*. As discussed, the Rambam does not see *bakashas ha-mechila* as a fundamental part of *mitzvas teshuva*. The goal of *teshuva* is *teshuva*, not *mechila*. Rather, the Rambam indicates that if a person properly performs the *mitzva* of *teshuva* and offers a complete confession, as described, a genuine, sincere *bakashas ha-mechila* will be the organic byproduct, the natural next step. If one confesses properly and continues to elongate their confession before Hashem, it will necessarily culminate in a desperate plea for forgiveness on the part of the repentant. Upon further consideration, it seems the Rambam brilliantly alluded to this in *Hilchos Teshuva* as well. Let us reconsider our original text:

כיצד מתודין אומר אנא השם חטאתי עויתי פשעתי לפניך ועשיתי כך וכך והרי נחמתי ובושתי במעשי ולעולם איני חוזר לדבר זה, וזהו עיקרו של וידוי, וכל המרבה להתודות ומאריך בענין זה הרי זה משובח.

How does one confess? He says: "Please, Hashem, I have sinned, I have transgressed, I have committed iniquity before You, and I performed such and such deeds; and I am regretful and am embarrassed of my actions, and I shall never return to them. These are the essential elements of confession. ***And whoever extends the confession and elaborates on these matters is praiseworthy.***

Here too, the Rambam inserts a dramatic pause to signify the end of the official

recitation of *viduy*. The repentant confessor must declare his admittance of guilt, he must explicate his transgression, he must express shame, remorse, and a conviction to never repeat the action. “*V’zehu ikkaro shel viduy*” – this is the main part, the definitive process of confession. Then, the Rambam continues: “and **one who elongates the confession and continues to confess extensively in this regard**, he is praiseworthy.” In *Hilchos Teshuva*, the Rambam does not explicate what the elongation consists of. He does not spell out how a person extends his *viduy*. How is one “*maarich*” and “*marbeh l’hisvados*?” The answer lies in the juxtaposition between the two sources in the Rambam.

היא שצונו להתודות... וזהו הוידוי... ויארך המאמר ויבקש המחילה בזה הענין לפי צחות לשונו (סה"מ)

כיצד מתודין אומר... וזהו עיקרו של וידוי, וכל המרבה להתודות ומאריך בענין זה הרי זה משובח (הל' תשובה)

Though the latter instance is more veiled, one observes a clear parallelism between the Rambam’s words in *Sefer Hamitzvos* and in *Hilchos Teshuva*. Apparently, the *arichus*, the elongation and extension of *viduy* is the natural progression to *bakashas ha-mechila*. When the Rambam writes “*kol hamarbeh l’hisvados u’maarich b’inyan zeh*,” it is one and the same with “*v’yaarich hama’amar v’yivakesh ha-mechila b’zeh ha’inyan*.”

As has become clear, the Rambam does not view *bakashas ha-mechila* as a step in the process or the goal of *teshuva*. But it is the natural culmination of a sincere, extensive *teshuva*. Only through intense focus on the concise, precise words of the Rambam, can we unearth how, with laser-like accuracy and magisterially crisp formulation, he packs so much depth into such succinct lines.

Sifsei Yesheinim



Rav Pinchos Gruman *zt"l*

Rav Pinchos Gruman zt"l

BY SETH MEREWITZ¹



The *gemara* in *Eruvin* 13b relates that Rabbi Yehudah HaNasi attributed his own greatness to the fact that he had seen “the back” of Rabbi Meir. Rav Pinchos Gruman zt"l has been described by Rabbi Nachum Sauer as “the Los Angeles link in the *mesora* of the Yeshiva World.” With Rav Pinchos Gruman, we at least saw the back of a previous generation. He was an anchor and founder of many Jewish institutions in Los Angeles. In many ways, a lot of the current Jewish infrastructure in one way or another was built together with his efforts and foresight.



He was born in 1930 in the town of Shepetovka in the Soviet Union. His parents, Reb Yisroel and Mrs. Ita Rechter, were staunchly dedicated to remaining *shomer Torah u'mitzvos* even while living under Communist rule. Even during that difficult period, young Pinchos displayed a *she'ifa* for greatness. One day, his grandfather, the Moskover Rabbi, zt"l, appeared sad. “What is wrong?” his grandson asked. “I am a rabbi, and my father was a rabbi. For generations, our family has been *rabbanim*. What will be now?” The young man replied “I will be *mamshich*.”

When his family moved to Samarkand, there were many *gedolim* who made a great impression on the young Pinchos. When it became dangerous to remain in Samarkand, the family escaped to Poland, where they sought to purchase false documents. Yisroel and Ita Rechter procured papers for themselves and their infant son, Nochum, with the name “Stillerman.” However, for the older boy, they procured papers under the name “Kalman Gruman,” which became Rav Pinchos’s legal name.

From Poland, the family made their way to France, where Pinchos, who was a

¹ Excerpts were taken, with permission, from the July 14, 2021 article in *Hamodia* by Devorah Klein.

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teenager by this time, got his first formal yeshivah education under Rav Tzvi Hersh Feldman, *zt"l* (later the Mashgiach in Mir, Brooklyn), and learned under *gedolim* such as Rav Mordechai Pogromansky, *zt"l*, and Rav Aharon Kreiser, *zt"l*. A few years later, when Pinchos was 19, the family finally received visas to enter the United States.

Rav Pinchos went to learn in the recently established Beth Medrash Govoha of Lakewood, under Rav Aharon Kotler *zt"l*, and developed a close relationship with the Lubavitcher Rebbe in Crown Heights, where his parents lived upon arriving in America. He remained in Lakewood for close to seven years and became a *talmid muvhak* of the famed Rosh Yeshiva. He also developed a close relationship with Harav Shneur Kotler *zt"l*, and with the extended Kotler family.

In 1957, he married Miriam (Marilyn) Lapidus. The young couple first settled in Atlantic City where they both taught in the local *Talmud Torah*. Before his marriage, Rav Aharon Kotler sent Rav Pinchos to obtain *semicha* from Rav Moshe Feinstein. Years later, a few months before Rav Aharon was *niftar*, Rabbi Gruman received a second *semicha* in the mail — from the Rosh Yeshiva himself, one of the few *semichos* that Rav Aharon Kotler ever granted.

After a short period in Atlantic City, the Grumans were recommended for an opening in Rambam Torah Institute in Los Angeles. Hesitant to move all the way out to California, Rav Gruman was advised, "Try it for one year." Decades later, he would quip, "I am still trying it!"

When he first arrived in Los Angeles in 1958, he immediately connected to these American boys and gave them a *geshmak* in learning. On Sundays, he invited his students to his home for breakfast and voluntary learning, and every boy came! Although he was a newly arrived teacher, Rabbi Gruman had a profound impact on the school. Rabbi Gruman remained in Rambam for the next 26 years. Through his own love of Torah and his love of his *talmidim*, he was able to instill *ahavas ha Torah* in his students.

In addition to his teaching, Rav Gruman served with distinction for almost 30 years as the Rabbi of the Young Israel of Los Angeles and almost 20 years as Rabbi of Bais Naftali. He was also a co-founder of Young Israel of Hancock Park. Most recently, he was Rabbi of Keshar Torah until his passing.

Among other contributions, he helped revive the Rabbinical Council of California and establish a community *kashrus* committee of which he was the chairman for 13 years, he was the Rabbinic advisor for the Shabbos elevator at Cedars-Sinai, and was a vocal advocate for the current Los Angeles *Eruv*. He was also very involved in establishing the Los Angeles Kollel, and played a key role in the early

years of Bais Yaakov of Los Angeles and Yeshiva Gedola of Los Angeles. Rabbi Yoel Bursztyn has said, “No one in our city has impacted more students and their future Jewish homes in Torah than Rabbi Gruman.”

The Gruman home was known for its legendary *hachnasas orchim*. The family hosted a wide range of guests — many *gedolim* such as Rav Moshe Feinstein, Rav Mordechai Shulman from Slabodka, Rav Ovadia Yosef, and Rav Shneur Kotler - but also those who were less prestigious and not as enjoyable to host, who not only graced their Shabbos table but stayed for weeks or even months. After a while, the Gruman’s added additional rooms to their home to be able to better accommodate the guests. Rebbetzin Gruman was a full partner in this *hachnasas orchim*, cooking for the guests at all hours, listening to their stories, and providing for their myriad needs.

Rav Gruman was known as an expert in the teachings and writings of the Maharal and published new editions and wrote *peirushim* on the Maharal’s *seforim*. He loved gathering knowledge and learning new skills, and went out of his way to obtain them. He traveled to Albany to learn *shechita* and to *Eretz Yisrael* to learn to be *mesader gittin*. Rav Gruman also held a PhD in Philosophy from Clairmont.

After Rebbetzin Miriam Gruman was *niftar*, a few years later Rabbi Gruman married Shulamis Klagsbrun from Brooklyn, who continued the Grumans' tradition of *hachnasas orchim* and was a devoted wife until her own *petira* in 2021.

Rav Gruman was solely devoted to the *frumkeit* of Los Angeles and was responsible for many enhancements in *chinuch* and *kashrus*. He was the strongest link to the previous generation that Los Angeles has seen.

Memories of Rav Pinchos Gruman's words before *Neila*



According to the *gemara* in *Brachos* 6a, the time of the afternoon *Mincha* service is believed to be especially poignant for having prayers answered: “One should always take special care about the afternoon prayer. For even Eliyahu was favorably heard only while offering his afternoon prayer.” As we read of Jonah being answered from the belly of the fish, we are reminded that we too can be saved, even as the day begins to wane.

Then, at sunset on Yom Kippur, when the *Neila* prayer is recited, the Gates of Heaven are said to close, sealing Hashem's judgment for the coming year and bringing to an end the *Aseres Yemei Teshuva*. These special days between (and including) Rosh Hashana and Yom Kippur have a unique energy for receiving atonement for your sins. Though you can do *teshuva* anytime, according to the Rambam, “during the ten days... [words of *teshuva*] are even more desirable and will be accepted immediately.” (*Hilchos Teshuva* 2:6)

Each year, Rav Pinchos Gruman *zt"l*, would rise before the start of *Neila*, exhausted with tears in his eyes, and offer a few words of *hakdama* that he heard as a teenager in Paris from his Rebbe Harav Mordechai Pogramansky *zt"l*.

After the War, Rav Mordechai Pogramansky had nothing. He was forced out of the Kvarno Ghetto where he lost his parents, his siblings and everything else in his life. With *siyata dishmaya* he made his way to a yeshiva in Paris, France, and sat to learn. He would often say, I have nothing left but Hashem, it is only “*Ich un Du*” (me and You).

Rav Gruman would tell this story and remind us as we approach *Neila* that this time is the ultimate personal meeting with Hashem. There is no time, there are no distractions, there is nothing to interfere. You are now like Jonah in the belly of the whale. You are now in the *kodesh hakodashim* like the *kohen gadol* on Yom Kippur. There is only “*Ich un Du*.”

Thank you to Reb Yaakov Rosenblatt for sharing his memories of “*Ich un Du*.”

Rav Gruman would raise his voice and with a trembling voice proclaim, “Hashem, I need Your help... There is no one else... You are the only one... There is only *Ich un Du*. Hashem, we have done our part, fasting and praying and time spent in *teshuva*, but now it is just me and You! No one else can save me, except You. No one else can give me life, except You. No one can give me anything, except You.

‘*Ich un Du*’... me and You. That is all there is at this point.”

Maharal on *Pirkei Avos*

RABBI PINCHAS GRUMAN ZT"l



The following is read as a prologue to each of the six chapters of *Pirkei Avos*.

כל ישראל יש להם חלק לעולם הבא שנאמר ועמך כולם צדיקים לעולם ירשו ארץ.
All of Yisroel has a share in the World to Come as it says: And your people are all righteous (tzadikim); they shall inherit the land forever; they are the branch of My planting, my handiwork in which to take pride. (Artscroll translation)

Exhorts Maharal: Take this maxim literally! Everyone of Israel is to get a share in *Olam Haba* – the World to Come. This share is not a reward for doing *mitzvos*, but simply acquired by being a Jew. *Olam Haba* is his birthright.

Consider, argues Maharal, the Talmud states in *Sanhedrin* 110b: “It was taught: When does a Jewish minor come to *Olam Haba* (i.e. how old must the minor be at death in order to enter the World to Come)? R’ Chiya and R’ Shimon bar Rebbe dispute this matter: one says, from the moment of birth, and one says from the moment of speech...”

You see, concludes Maharal, that solely by the virtue of being born a Jew who is “the branch of My planting,” the child receives a stake in *Olam Haba*.

However, Maharal quotes Rambam, who disagrees with his (Maharal’s) view.

As we conclude learning each of the six chapters of *Pirkei Avos*, we recite the following epilogue: “R’ Hakashiya says: The Holy One Blessed be He wished to confirm merit upon *Yisroel*; therefore, He gave Torah and *mitzvos* in abundance.”

There are some – states Maharal – that question this *mishna*. In the language of Maharal: “And I saw some asked (Rambam in his explanation of the *mishna*, *Ba’al Haikrim* 3:29): would it not be more logical if Hashem wanted to merit *Klal Yisroel* to give them less *mitzvos* rather than more? A multitude of *mitzvos* invites the likely possibilities of violations. Might the merit run the risk of becoming a demerit?”

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Even according to Rambam, the maxim, “All of *Yisroel* has a share in *Olam Haba*,” is a categorical statement. For all of *Yisroel* has an abundance of *mitzvos* from which at least one will grant him a pass into *Olam Haba*.

Yamim Noraim



Rabbi Eitan Lipstein

Rabbi Aryeh Markman

Daniel Weiskopf

David Schwarcz

Robert Millman

Adiv Pachter

Teshuva: Part of Hashem's Justice System or a *Chesed* of the Highest Order

RABBI EITAN LIPSTEIN



What is *Teshuva* and for whom is it for?

Teshuva plays a focal point in *Yiddishkeit*, well beyond *Elul* and the *yemei ha'din*. The *Midrash Rabba* (*Bereishis*, 1:4) teaches that *teshuva* is among the seven things that were created before the *brias ha'olam*. *Pirkei D'Rabbi Eliezer* (3rd perek) tells us that not only did *teshuva* precede creation of the world, it was built into its blueprint, since without it the world is not viable:

עד שלא נברא העולם, היה הקדוש ברוך הוא ושמך הגדול בלבד, ועלה במחשבה לברוא את העולם, והיה מחריט את העולם לפניו ולא היה עומד. משלו משל למה הדבר דומה, למלך שהוא רוצה לבנות פלטרם שלו, אם אינו מחריט בארץ יסודותיו ומובאיו ומוצאיו, אינו מתחיל לבנות, כך הקדוש ברוך הוא החריט לפניו את העולם ולא היה עומד עד שברא את התשובה.

Before the world was created, the Holy One, blessed be He, with His Name alone existed, and the thought arose in Him to create the world. He began to trace (the foundations of) the world before Himself, but it would not stand. They told a parable, To what is the matter like? To a king who wishes to build a palace for himself. If he had not traced in the earth its foundations, its exits and its entrances, he does not begin to build. Likewise the Holy One, blessed be He, was tracing the world before Himself, but it did not remain standing until He created repentance.

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The reason for this is reflected in *Rashi's* third comment in his *peirush al ha'Torah*:

ברא אלקים ולא נאמר ברא ה', שבתחלה עלה במחשבה לבראתו במדת הדין, ראה שאין העולם מתקים, הקדים מדת רחמים ושתפה למה"ד, והיינו דכתיב ביום עשות ה' אלהים ארץ ושמים.

It does not state "The Lord created," because at first God intended to create it to be placed under the attribute of strict justice, but He realized that the world could not thus endure and therefore gave precedence to Divine Mercy allying it with Divine Justice. It is to this that what is written in (Genesis 2:4) alludes — "In the day that the Lord God made earth and heaven".

Rashi explains that while the Torah begins with the term *Elokim* for God, the name "Hashem" is introduced only once man and woman are created. *Rashi* explains that God's initial thought was to create the world with only *din*, judgment, which is what the term *Elokim* represents. However, after the creation of man, He realized that the world could not exist on judgment alone, and therefore introduced the term Hashem, representing His mercy. *Rashi* concludes that, as a result, these two terms of Hashem (mercy) and *Elokim* (judgment) merged, to enable man to be forgiven for his sins and therefore allow both the world and man to continue to coexist.

Rambam, in *Hilchos Teshuva* (1:1), states that *teshuva*, and receiving said forgiveness, is open to all who sin, whether on purpose (*b'meizid*) or by accident (*b'shogeg*):

כל מצות שבתורה בין עשה בין לא תעשה אם עבר אדם על אחת מהן בין בודון בין בשגגה כשיעשה תשובה וישוב מחטאו חייב להתודות לפני האל ברוך הוא שנאמר (במדבר ה ו) "איש או אשה כי יעשו" וגו' (במדבר ה ז) "והתודו את חטאתם אשר עשו" זה ודוי דברים.

If a person violates any of the mitzvos of the Torah, whether a positive commandment or a negative commandment - whether willingly or inadvertently - when he repents, and returns from his sin, he must confess before God, blessed be He, as [Bamidbar 5:6-7] states: "If a man or a woman commit any of the sins of man... they must confess the sin that they committed." This refers to a verbal confession.

However, just three *perakim* later (4:1), *Rambam* discusses four types of people who are not even given the opportunity to do *teshuva*. The first three can be grouped together as people who were responsible for causing or allowing others to sin. The fourth person listed in this category is the enigmatic case of one who says '*echteh*

v'ashuv, I will sin and then I will do *teshuva*.

These two *halachos* brought by *Rambam* seem to directly contradict one another. If *teshuva* is open even to *mezidin*, then why is one who says '*echteh v'ashuv*' excluded, regardless of his twisted intent? He seems to be calculated and intentional, a *meizid* by definition!

Is *Teshuva* a *Din* or a *Chesed*?

To understand this seeming contradiction in the *Rambam*, we have to better delve into what exactly *teshuva* is. Do we view *teshuva* as a *din* and a fixed part of the Divine justice system? Or is *teshuva* a *chesed* and something that Hashem does for us through His infinite kindness?¹

When reading the mitzva as it is found in *Devarim* (30:2-3), *teshuva* sounds like a *din* and that it activates automatically. The Torah first tells us that, in the future, *Klal Yisrael* will return to Hashem. It then informs us that afterwards Hashem will return to them and forgive them:

ושבת עדה' אלקיך ושמעת בקלו ככל אשר־אנכי מצוך היום אתה ובניך בכל־לבבך ובכל־נפשך. ושב ה' אלקיך את־שבותך ורחמך ושב וקבצך מכל־העמים אשר הפיצך ה' אלקיך שמה.

And you return to your God, and you and your children heed God's command with all your heart and soul, just as I enjoin upon you this day, then your God will restore your fortunes and take you back in love. [God] will bring you together again from all the peoples where your God has scattered you.

Yet, the *Ba'alei Machshava* and *Ba'alei Mussar* identify with the other approach, articulating the inherent kindness of Hashem that is represented through the mitzva of *teshuva*. In the fourth *perek* of *Mesilas Yesharim*, *Ramchal* writes explicitly that *teshuva* is a *chesed*. He even clarifies his opinion and states that it is specifically not a part of *midas ha'din*:

ושהתשובה תנתן לחוטאים בחסד גמור, שתחשב עקירת הרצון כעקירת המעשה. וזה חסד ודאי שאינה משורת הדין, אך על כל פנים הנה הוא חסד שאינו מכחיש הדין לגמרי, שהרי יש צד לתלות בו.

That the opportunity of repentance be granted to sinners as a complete

¹ In Hashem's thirteen attributes, the *middos* that describe Hashem, it is of note that *emes*, truth, follows *rav chesed*, abundant in kindness, as though the two are a pair of sorts.

kindness, so that the uprooting of the will be counted as the uprooting of the deed. This is certainly a kindness for it is not according to the letter of justice. But nevertheless, it does not negate the attribute of justice completely for there are ways to consider it justice.

In the opening line of *Sha'arei Teshuva*, Rabbeinu Yonah adopts the same approach as Ramchal. He too is clear that *teshuva* comes from the goodness of Hashem and that one who has sinned deserves punishment. Only through divine kindness, *chesed*, can we erase our past misdeeds:

מן הטובות אשר היטיב הש"י עם ברואיו כי הכין להם הדרך לעלות מתוך פחת מעשיהם. ולנוס מפח פשעיהם.

Among the good things which God, may He be blessed, has bestowed upon His creations is the path which He prepared for them to ascend from the baseness of their actions, to escape the trap of their iniquities.

Practical Ramifications for the Debate of *Chesed* vs. *Din*

There are various practical ramifications, or *nafka minos*, that this debate impacts. Rabbi Gil Student, in an article entitled "Why Does *Teshuva* Work?,"² explores the implications of how we identify *teshuva* and its origin. Whether we consider *teshuva* an act of *chesed* or a *din* can determine numerous *halachic* and *hashkafic* issues. Two examples cited are as follows:

We know that *teshuva* is not a quickly achievable status, nor accomplished in short order. Rambam (*Hilchos Teshuva*, 2:2) lists four steps to *teshuva*, and Rabbeinu Yonah offers an even more detailed twenty-step process. What if one only starts the first step of *teshuva*? Is he forgiven at the beginning or only upon completing all steps? If *teshuva* is a matter of *din*, then only when one has completely changed into a new person can he then achieve forgiveness. However, if *teshuva* is a result of divine mercy, then perhaps anyone who begins the process merits mercy.³

Minchas Chinuch (364:34) quotes an opinion that *teshuva* does not work for gentiles (*teshuva* is a *mitzva*, and only Jews are *chayav* in *mitzvos*). How can we understand the idea that *teshuva* works only for Jews? If *teshuva* is part of divine justice,

² <https://www.torahmusings.com/2020/08/why-does-teshuvah-work/>

³ Rabbi Student quotes *Mabit* (*Beis Elokim*, 2:1) who says that *teshuva* is a function of divine *chesed* and mercy and later (2:2) says that even though Rabbeinu Yonah lists twenty steps of *teshuva*, one receives forgiveness after only the two steps of regretting and stopping the sin.

then that justice should apply equally to all people, as God is just and righteous and He would not deny gentiles their fair opportunity to repent. However, if *teshuva* is due to divine *chesed*, then Hashem can apply that kindness unequally, perhaps due in part to His unique relationship with *Klal Yisrael*.

Implications found within *Shas*

In *Maseches Kiddushin* (49b), we find a case that is often cited in discussing *teshuva*. The *gemara* discusses several alternative phrases that a man may use to betroth a woman. One such phrase given is “You are betrothed to me on the condition that I am a *tzadik* (a righteous individual).” The *gemara* states that in such a case, even if the man was known to be a *rasha*, the woman is betrothed to him, as perhaps he had already had thoughts of *teshuva* in his mind.

“על מנת שאני צדיק” – אפילו רשע גמור – מקודשת, שמא הרהר תשובה בדעתו. “על מנת שאני רשע” – אפילו צדיק גמור – מקודשת, שמא הרהר דבר עבודה זרה בדעתו.
On the condition that I am a righteous man, even if a completely wicked man she is betrothed, as perhaps he had thoughts of repentance in his mind.
On the condition that I am a wicked man, even a completely righteous man, she is betrothed, perhaps he had thoughts of idol worship in his mind.

In general, we are very careful to ensure that every step of the *eirusin* process is done exactly according to *halacha*, without any room for doubt, as an error risks the validity of the *kiddushin*. Nevertheless, our *gemara* allows such a *kiddushin* to occur, merely because we speculate that the man has engaged in the *teshuva* process, and that his *teshuva* has been accepted. It seems from here that *teshuva* always works and is a *din* at its core.⁴

Another *gemara* that supports this school of thought is found in *Maseches Rosh Hashana* (17b):

“ויעבור ה' על פני ויקרא”. אמר רבי יוחנן: אלמלא מקרא כתוב, אי אפשר לאומר. מלמד שנתעטף הקדוש ברוך הוא כשליח צבור, והראה לו למשה סדר תפלה. אמר לו: כל זמן שישראל חוטאין — יעשו לפני כסדר הזה ואני מוחל להם.
“And Hashem passed by before him, and proclaimed” (Shemos 34:6). Rabbi Yochanan said: Were it not written in the pasuk, it would be impossible to say

⁴ Yet, perhaps an argument can also be made that this *kiddushin* is valid since we view *teshuva* as a *chesed* in that can stop sinning and regret the sin, even without having fulfilled the other steps.

this, as it would be insulting to God's honor. The verse teaches that the Holy One, Blessed be He, wrapped Himself like a prayer leader and showed Moshe order of prayer. He said to him: Whenever the Jewish people sin, let them act before Me in accordance with this order, and I will forgive them.

The *gemara* discusses Moshe's plea to Hashem to forgive *B'nei Yisrael* after the *cheit ha'egel*. It states that Hashem wrapped Himself in a *talis* and told Moshe that whenever *B'nei Yisrael* sins, their remedy is to recite the Thirteen Attributes of Hashem and they will be forgiven. This formula points to an automatic process, namely that *B'nei Yisrael* davens, and Hashem's forgiveness ensues. This is painted as certainty, similar to how *teshuva* is portrayed in our previous *gemara*.

However, there are two *gemaros* that may imply the opposing school of thought, that *teshuva* is actually a *chesed*. The *gemara* in *Maseches Sanhedrin* (103a) teaches as follows:

בגלל מנשה דלא עבד תשובה. א"ר יוחנן כל האומר מנשה אין לו חלק לעוה"ב מרפה ידיהן של בעלי תשובה דתני תנא קמיה דר' יוחנן מנשה עשה תשובה שלשים ושלש שנים דכתיב (מלכים ב כא, א) בן שתים עשרה שנה מנשה במלכו וחמשים וחמש שנה מלך בירושלים ויעש [אשרה] כאשר עשה אחאב מלך ישראל כמה מלך אחאב עשרין ותרתינן שני מנשה כמה מלך חמשים וחמש דל מינייהו עשרים ותרתינן פשו להו תלתין ותלת. א"ר יוחנן משום רשב"י מאי דכתי' (דברי הימים ב לג, יג) וישמע אליו ויחתר לו ויעתר לו מיבעי ליה מלמד שעשה לו הקב"ה כמין מחתרת ברקיע כדי לקבלו בתשובה מפני מדת הדין.

"On account of Menashe" because he did not repent. Rabbi Yochanan says: Anyone who says Menashe has no share in the World-to-Come discourages penitents. As taught before Rabbi Yochanan: Menashe repented for thirty-three years, as it is written: "Menashe was twelve years old when he began to reign, and he reigned fifty-five years in Jerusalem... And he did that which was evil... And he made an ashera, as did Achav king of Israel" (II Kings 21:1-3). How many did Ahab reign? Twenty-two years. How many did Menashe reign? Fifty-five. Deduct from them twenty-two, thirty-three remain for him to have repented. Rabbi Yochanan says in the name of Rabbi Shimon ben Yochai: What is that which is written: "And he prayed to Him; and He made an opening for him" (II Divrei Hayamim 33:13)? "And He received his entreaty," should have been. This teaches that the Holy One, Blessed be He, crafted for him a type of opening in Heaven in order to accept him in repentance due to the attribute of justice.

The discussion found in the *gemara* revolves around *Menashe Hamelech*, who ruled for 55 years and was notorious for having placed an idol in the *Beis Hamikdash*. The *gemara* discusses the fact that after 22 years of evil, *Menashe* began to do *teshuva*. Rabbi Yochanan quotes the *pasuk*, “*Va’yechaseir lo*,” that Hashem created an opening for him. The *gemara* concludes that the choice of language used by the *pasuk* indicates that *Menashe* was not worthy of forgiveness, yet Hashem mercifully allowed him to repent “through the back door.” This case seems to imply *teshuva* as a *chesed*, that Hashem can grant and deny forgiveness to whomever He chooses, even *Menashe*, who caused others to sin and was not deserving of forgiveness. The outcome of this *gemara* pushes back on what we understood from the previous two *gemaros*.

Similarly, the *gemara* in *Maseches Chagiga* (15a) tells us about the story of *Elisha ben Avuya*, commonly known as *Acher*. He had been one of the great leaders of his time, and one of four who were *nichnas l’pardes*, who delved into the secrets of the Torah. Yet, we are told that *Acher* was *kotzeit b’nitiyos*, that he went astray off of the proper path. The *gemara* cites conversations between *Acher* and his dear student *Rav Meir*, who was constantly trying to bring his *rebbe* to do *teshuva*. *Acher* would respond, “I have already heard *me’achorai ha’pargod*, from behind the curtain, Return wayward children - except for *Acher*.” *Teshuva* as a *chesed* means that Hashem can grant it to whomever He desires, or deny it to whomever He desires. *Acher’s* sin was not one of those listed by the *Rambam* among those who have no chance for *teshuva*; nevertheless we see that he was not granted the *chesed* of achieving a state of *teshuva*.

Implications found within *Halacha*

Within the confines of *halacha*, there are practical applications of whether *teshuva* is viewed as a *chesed* or a *din*. The *Shulchan Aruch* (OC 128:35), in discussing which *kohanim duchan*, states that a *kohein* who has killed a person may not bless *Am Yisrael*, even if *teshuva* was performed:

כהן שהרג את הנפש אפילו בשוגג לא ישא את כפיו אפילו עשה תשובה.

A kohen who has killed a person, even unintentionally, may not duchan, even if he has repented.

Two *se’ifim* later (128:37), the *Mechaber* adds that the same *halacha* applies to one who had a status of *mumar l’avoda zara*, a person who is known to worship idols:

מומר לעכו"ם לא ישא את כפיו ו"א שאם עשה תשובה נושא כפיו (וכן עיקר) ואם נאנס לדברי הכל נושא כפיו.

An apostate that converted to idol worship may not perform the blessing.

Some say that if he has repented, he may perform the blessing (and this is the primary ruling). If he was forced [to convert to idol worship] everybody agrees that he may perform the blessing.

The *Mechaber* provides a *yesh omrim*, which states that one known to worship idols may perform *birkas kohanim*, provided that he has done *teshuva*. It is of note that one who murdered, even if it occurred by accident, may not *duchan*, whether he has done *teshuva* or not. The discrepancy between the murderer and *mumar l'avoda zara* is puzzling. It would seem that if one of the two would be able to regain his eligibility, it would be the murderer, whose action may have only been a mistake, and not the *mumar*, whose actions are intentional and make him *pasul* with regard to all *mitzvos*! Why is it the *mumar l'avoda zara* who retains eligibility for *teshuva*?

The *Be'er Heitev* (O.C. 128:60) explains that a murderer is always invalid due to the concept of *ein kateigor na'aseh saneigor*, the accuser cannot become the defender. We do not utilize something that was part of our sins to defend ourselves before Hashem or perform *mitzvos* with. One who commits murder has forever tainted his hands with the blotch of sin, whether done intentionally or not, and cannot use those same hands to bless *Am Yisrael*.⁵ Yet, one who has worshiped idols eliminates all traces of his sin when he repents, and does not have to be concerned with his *kateigor* now becoming his *saneigor*. *Avoda Zara* is an internal *aveira*, and the *teshuva* that is performed cleanses the soul and transforms this person anew.

It appears from this case that *teshuva* is guided by a set of fixed rules, and that it can be effective if one avoids making a *kateigor* into a *saneigor*. The rules and limitations that have been outlined seem to support *teshuva* being a *din*, and part of a fixed divine justice system, as a *chesed* would not be governed in the same intricate manner.

We find a similar outcome concerning the *halachos* of who may serve as a *shliach tzibbur*. The *Shulchan Aruch* (OC 53:4), in listing several categories of disqualifications, identifies one who has had a “bad name” or bad rumors spread about him, as a disqualification.

ש"צ צריך שיהיה הגון ואיזהו הגון שיהא ריקן מעבירות ושלא יצא עליו שם רע אפי' בילדותו ושיהיה עניו ומרצה לעם ויש לו נעימה וקולו ערב ורגיל לקרות תורה נביאים וכתובים.

⁵ Rav Yosef Dov Soloveitchik in his *sefer*, *Al HaTeshuva*, develops the idea that each sin requires *teshuva* and a full spiritual cleansing, as each sin is composed of both the actual sin and the “black mark” that it leaves behind even after one has gone through all of the steps of *teshuva*.

The leader must be one who is fit. Who is "fit"? One who is free of sin; who has never had a poor reputation, even in his youth; who is humble; who is acceptable to the nation; who is skilled at chanting; whose voice is pleasant; who is accustomed to reading Torah, Prophets, and Writings.

Mishna Berura (OC 53:16) writes that such a person may only serve as a *shaliach tzibbur* in a *b'dieved* situation; however, *Be'er Heitev* (OC 53:7) says that if he has done *teshuva* he may lead the *tzibbur* (even *le'chatchila*). If *teshuva* is a *din*, then *Be'er Heitev* makes sense, as we can rely on the fact that a person who has done *teshuva* has been cleared and may consequently serve as a *shliach tzibbur*. However, if it is a *chesed*, then we should perhaps be more reluctant in allowing someone to assume such a role even if he has done *teshuva*, per *Mishna Berura*, for perhaps his *teshuva* was not accepted.

Final Verdict

In reality, *teshuva* is both *din* and *chesed*. The very fact that Hashem created the concept of *teshuva* is a *chesed*, a tremendous act of divine goodness. However, as *Rashi* cited above makes clear, both *din* and *chesed* must be partnered together, which would necessitate *teshuva* operating as a *din*. Once we know that Hashem has given us the remarkable gift of *teshuva*, we can assume that He will answer our *tefilos* and grant us forgiveness.

This can help explain the enigmatic case of *echteh v'ashuv* and why he does not get the chance to do *teshuva*. Most sinners desire to do a specific act, and that desire overpowers their sense of what they know to be correct. Nevertheless, they are still deserving of *rachmei shamayim*. However, one who says that "I will sin and then I will repent" is driven by the flaw identified in the system, not by a specific sin. He views *teshuva* as the ultimate trump card, and is going to abuse that gift by assuming that the *chesed* will be granted to him regardless of his actions.

The *shutfus* (partnership) of *midas ha'din* and *midas ha'rachamim*, as cited by *Rashi* above, not only sheds light on the dual nature of *teshuva*, but helps explain the competing emotions of seriousness and *simcha* that we experience on Yom Kippur. Throughout *Yom Ha'din*, we should see *teshuva* as a *chesed*, and feel hopeful that we will receive *mechila*. However, once the day is done and we expend our energy into the *tefilos* of the day, then we are able to view *teshuva* as a *din*. We are able to be confident that our *tefilos* have been heard and that we have received a *kapara*, allowing us to transition to feelings of euphoric joy and gratitude.

Perhaps this is a message we are to glean from our reading of *Sefer Yonah* towards the end of Yom Kippur, at *tefilas mincha*. The *Otzar Midrashim*, *Midrash Yonah*,

describes Yonah's emotional reaction to Hashem's message towards the finale of the *sefer*, showcasing the transformative power of *teshuva* and its duality of *chesed* and *din*. The *midrash* describes Yonah, fallen on his face and overcome with emotion, effusively praising Hashem's balance of *emes* and *rachamim*, the balance that *Rashi* describes as necessary to the endurance of the world:

באותה שעה נפל יונה על פניו לפני הקב"ה ואמר לפניו רבש"ע כלום היא לפניך מדת הדין? במדת רחמים תנהיג את עולמך ונאה לך תהלה ... גבורות רחמין הרבים לא הייתי יודע וחסידיך הרבים לא הייתי מגיד, שאין מי יעשה כמעשיך וכגבורותיך, יפה עשית יפה פעלת יפה רחמת, יפה חננת יפה סלחת, יפה קרעת להם שטר חובתם יפה נחמת על רעתם.

At that time, Yonah fell on his face before God and said before Him, Master of the Universe, do you not consider that attribute of justice? You run Your world with the attribute of mercy and You should be praised for it . . . I did not know the strength of Your great mercy and I did not mention Your great kindness. There is nobody who matches Your actions and Your might. Your actions were splendid, Your performance was splendid, Your mercy was splendid, Your kindness was splendid, Your forgiveness was splendid, Your tearing of their document of debt was splendid and Your forgiving of their evil was splendid.

The *midrash* above perhaps illustrates why the story of Yonah is specifically read at mincha on Yom Kippur.⁶ Mincha, which was established by Yitzchak who was a man of *din*, is the time of day when judgment is at its peak. We ask Hashem to follow His *rachamim*, and to abate His *din*, which allows opportunity for *teshuva*. At this crucial juncture, immediately prior to the final *tefilas Neila*, we are reminding Hashem of His mercy and His purpose in giving us the gift of *teshuva*. In fact, according to *Chazal*, Yonah is the son of the *Isha Ha'Shunamis* whom *Elisha Ha'Navi* performed *techiyas hameisim* on, predicating Yonah's entire existence on Hashem's mercy and allowance for *teshuva*. Similarly, Hashem's gift of *teshuva* on *Yom Ha'din* allows us to be revived as well and begin a clean slate. Recognizing the magnitude of this extraordinary gift called *teshuva*, and internalizing the place of deep love from where it emanates, one cannot help but feel inspired to grab hold of the *chesed* being shown to us by *HaKadosh Baruch Hu*.

⁶ An idea developed by Mrs. Shoshana Schechter, Dean of Torah Studies at Stern College, in her lecture entitled: "The Purpose, Privilege and Paradox of *Teshuva*".

Anthology of Encouragement: Losing the Battle Doesn't Mean you are not Winning the War. Ideas on Effort When all Seems Lost¹

RABBI ARYEH MARKMAN



Rabbi Moshe Weinberger, founding rav of Congregation Aish Kodesh in Woodmere, NY asks; Do you know what a miracle is?

A miracle is when you think Hashem is not there, and then suddenly you can see Hashem, and you can feel Hashem saying *Ani Kan*. I am here! I am here!

Human beings can also do that. We can say to Hashem, I know it looks like I am not here, I know it looks like I haven't been around. But in truth I am still here with You.

The Baal Shem Tov had an illustrious grandson, Rebbe Baruch of Mezhibuzh,

One Friday night, the Rebbe didn't start the *tisch* right away like he normally did. He didn't begin speaking. He was talking about this and that but not focusing on the event. And then finally after some time he started saying some Torah and the *chassidim* began singing and all went as usual.

Afterwards one of the *chassidim* asked him, *rebbe* what was wrong? Why didn't you begin like you normally do?

To that the *rebbe* said, "My custom is when I come into the *tisch* Friday night, I look around the room at the *chassidim* and see what happened to them during the

¹ This article is an anthology of inspiring ideas that I have gathered from various sources. I've done my best to include the sources to the best of my knowledge.

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week. And I see from their eyes what they have seen during the week. And I try to learn from all of you something in my life that I can improve.”

“There was one fellow that came in and his eyes looked so dark. He had seen such terrible things this past week that I simply could not bring myself to come into the *tisch*. What could I learn from this person?”

“Until I finally realized something remarkable. If I would have looked at what he had looked at during the week. If I had done what he had done during the week, I would never ever have come to a Friday night *tisch*. I would never have gone to the *rebbe*. But what I learned from him is, even if you have a setback in life, and even if life is not going the way you want, you still come to the *tisch*! You say to Hashem, *ani kahn*, I am (still) here! I am not giving up. I want to be better. *Ani kahn* and that is a miracle.²

There are many examples of this concept. We just learned one in *Daf Yomi* on *Gittin* 43a. There the verse states in *Yeshayahu* 3:6, “And this stumbling block (the Torah) is under your hand.” Rabbah bar Rav Huna explains the Torah is called a stumbling block because man does not arrive at a full understanding of the words of Torah unless he has first stumbled in interpreting them. Rashi explains that if a sage stumbles and rules incorrectly, and is rebuked by his colleagues, he will concentrate until he fully understands the matter. He doesn’t give up.

Rabbi Yitzchok Hutner, founder of Yeshivas Rabbi Chaim Berlin, writes that your failures and efforts liken you to the *tzaddikim* that you idealize.

...When we observe the greatness and perfection of our sages, we focus on the highest level of their attainments. We discuss how they are complete in many areas of shleimus (spiritual perfection) while failing to mention the inner struggles that they encountered to attain them. A listener gets the impression that these people came out of the hand of their Creator in a complete form.

Everyone is awed by the purity of speech of the Chafetz Chaim and considers it a miraculous phenomenon. But who knows of the battles, struggles and obstacles, the slumps, and regressions that the Chafetz Chaim encountered in his war with the yetzer hara.

Failing to realize a tzaddik’s struggles can cause an ambitious young man of spirit and enthusiasm, who meets obstacles, falls, and slumps, to imagine

² Rabbi Moshe Weinberger, <https://www.torahanytime.com/#/lectures?a=242744>, Vayimaen, I’m Still Here, 6/12/2023.

himself unworthy of being “planted in the house of Hashem.”

The expression “lose a battle and win a war” applies. Certainly, you have stumbled and may stumble again, and in many battles, you will fall lame. However, I promise you that after those losing campaigns you will emerge from the war with the laurels of victory upon your head. Lose battles but win wars.

The wisest of all men said, “כי שבע יפול צדיק וקם – A righteous man falls seven times and rises again” (Mishlei 24:16). Fools believe that the meaning of this verse is to teach us something remarkable - the righteous man has fallen seven times and yet he rises. But the chachamim – the wise men – are aware that the essence of the tzaddik’s rising again is by way of his seven falls.

I beg of you, do not portray great men as being one with their yetzer hatov. Picture their greatness in terms of an awesome war with their yetzer hara. When you feel the turmoil of the yetzer within yourself, know this feeling enables you to resemble great men far more than does the feeling of deep peace that you so desire.

In the areas where you feel yourself falling most frequently you have the greatest potential for serving Hashem.³

Even if we feel that we have not been successful, nevertheless we should not get discouraged and stop trying because, “The winners are the losers who keep trying.”

The following story about Rav Shimshon Pincus illustrates this point:

Rosh Hashana had arrived, and Mayer, a 17-year-old *talmid* of Reb Shimshon Pincus, was disappointed. Reb Pincus’ inspiring *shmuessen* (Torah lectures) had made a distinct impression on Mayer to understand what the awe of the High Holy Days meant resulting in making commitments and resolutions to improve in his *yiras shamayim*, *davening* and learning. However, although he worked very hard to keep these commitments and resolutions, he failed to put them into action and felt that he had not progressed sufficiently for the upcoming Day of Judgment. As a result, he felt like a complete failure.

On Rosh Hashana morning, Rav Pincus stepped outside the Shul for a moment and spotted Mayer in the corner of the hallway sitting on a low chair with his head between his knees. Rav Pincus, with his warm and caring personality, approached

3 Rav Hutner: Adapted from *Pachad Yitzchok, Michtavim* – letters of Rav Yitzchok Hutner, #128, English translation first published in *The Jewish Observer* circa 1980

Mayer and placed his hand on his shoulder asking him why he seemed so depressed.

Mayer looked up into his rebbi's eyes and poured out his frustration. He told him how hard he had tried during this past month to improve but had no success. He had pledged that this Rosh Hashana would be different, but it wasn't. Mayer cried bitterly and hung his head in shame perceiving himself as a total failure.

Rav Pincus sat down next to the boy and related the following incident:

"During the Yom Kippur War, I was sitting in the Emergency Room in the Shaarei Tzedek hospital waiting for one of my children to be seen by a doctor for a cut that apparently needed stitches, when I noticed a commotion taking place. Many doctors had converged in front of the Emergency Room doors and appeared to be discussing an important matter.

"I inquired as to what was the cause of the commotion and I was told a soldier had been shot and had been brought to the hospital. The bullet was lodged in his leg and needed to be taken out. After the doctor had removed the bullet he notified the soldier, who had been awake during the entire procedure, that the surgery was complete, and he was free to go home. The young man, no older than nineteen years, painfully struggled to slide off the operating table. Beads of sweat formed on his forehead, and he looked curiously at the doctor.

'Home? You think I'm heading home? True, I was shot and lost this battle, but there's a war raging out there and my fellow soldiers need me back on the battlefield.' The brave young man hobbled out of the room and headed back toward the front lines."

As Rav Pincus concluded this story he looked into Mayer's eyes and said, "Mayer, I'm not going to convince you that you have not stumbled. But just because you've fallen does not mean you can't get back up. Losing a battle does not mean that you've lost the war. We're fighting a war in there and I don't want to head back into shul without you. We need you to fight alongside the rest of us!"

A shy smile formed on Mayer's face, and he thanked his Rebbe for the warm words of encouragement. Rav Pincus placed his arm around Mayer's shoulder and together they walked back into shul to "fight" alongside one another.⁴

But how should we feel if our progress seems miniscule after weeks of constantly working on resolutions? The following words of the Chofetz Chaim give us encouragement to carry on:

⁴ The story of Rav Pincus is in his *sefer* on the *Yamim Noraim*, אלול ימים נוראים - שיעור דוד פינקוס - אלוף ימים נוראים, p. 242, quoted at <https://dafyomireview.com/article.php?docid=198&style=print>

A talmid of the yeshiva of the Chofetz Chaim in Radin approached the Chofetz Chaim and asked with great concern, "The Zohar states that any mitzva that is performed without fear and love of Hashem does not ascend to heaven. If so, what will happen to the people of our generation in the World to Come? Who can say that we perform the mitzvos with the required amount of ahavas and yiras Hashem?"

The Chofetz Chaim replied softly, "Let me tell you about something that happened a while ago. Before the world war, I met a baker whom I knew and asked him how his business was going. He replied, 'I wish I could say that business was good, but the truth is I work very hard all night making a thousand loaves of bread and rolls. In the morning, when I go out to sell them, I only hear complaints. One customer says the roll is over-baked, another complains that the bread wasn't baked enough, and many complain that they just don't taste good. As hard as I try, I manage to sell only about 600 loaves in the morning, and the other 400, I must sell in the afternoon as animal food for a very cheap price. As a result, I lost a great deal of my profits. Rabbi, can you please give me a bracha for parnassa?' I blessed him and then we parted.

Shortly afterward, the world war broke out and we met once again. This time the baker seemed very happy and content, which surprised me, since everyone else was downcast because of the war. When I asked him how his business was doing, he exclaimed, 'It's just wonderful!'

'But it's war time! How can it be so good?' I asked.

'That's just it,' replied the baker. 'During a war, people will take any bread and rolls that they can get.'

"And that is what Hashem feels about our generation," replied the Chofetz Chaim to his talmid. "We are all involved with a tremendous war with the yetzer hara, and the temptations and tests for every person are staggering. And yet, people perform mitzvos and manage to study Torah. How wonderful! Hashem is ready to accept any of our mitzvos, even if they have not been fulfilled with the highest level of ahavas and yiras Hashem."⁵

Rabbi Chaim Morgenstern, a noted author and lecturer in Israel, shared the following parable/mashal to help us understand what our efforts are creating.

⁵ Also quoted at <https://dafyomireview.com/article.php?docid=198&style=print>

There were once two mice which were looking at a glass of milk.

The mice were intrigued by the milk and eventually they decided to drink from the glass. The next thing they knew, they were drowning in a sea of white foam.

The mice attempted to 'tread milk' however, after a few minutes of being afloat, one mouse said to the other: "I cannot continue, this is useless, I am going under and end this misery sooner than later." The other mouse replied that he is not quitting and not giving in and that he is going to continue to attempt to stay afloat.

The first mouse indeed gave up and under he went, never to be seen again.

The second mouse kept on pumping and pushing, one little foot at a time.

After what seemed like an eternity, the second mouse noticed that he was able to take firm steps in the milk. Indeed, soon he realized that he was now walking on the milk and emerging from the frosty white beverage.

Amazingly, the milk had curdled and had turned into cheese! The mouse had arrived at salvation in a way he never could have imagined, and which never would have occurred if he had not kept on pumping.

He had brought about his own salvation!

The *gemara* teaches us that the *Avos* and the *Imahos* were barren so that they should have to *daven* and *daven* and *daven* again and again!

They knew the secret was about never giving up. They knew the prayer: "*Kavei El Hashem*" / Hope to Hashem, strengthen yourself and He will give your courage; hope to Hashem! (*Tehillim* 27:14)

It is hard to *daven* and *daven* and *daven*. However, in the process you are creating a salvation that you can't imagine in your present circumstances.⁶

And so, it is with us. We try to do *teshuva* with all our heart and soul as we come into the High Holidays but feel we are unprepared or not making the headway we imagined and are totally overwhelmed at the prospect of succeeding. But just to be here. Just to be in the fight. Just to step into shul and exert the effort is saying to Hashem, "*ani kahn*, I am here." And because I am here, please hear me and deliver me for another year of blessing." That is the miracle Hashem can do for you.

⁶ Rabbi Morgenstern resides in Kiryat Sefer, Israel, & has been active in Jewish outreach & education for over two decades. He has authored books on the *parshiyos*, *moadim* & family relationship, and has written numerous articles in Jewish publications.

It Takes a Little *Chutzpa*

DANIEL WEISKOPF



As another Rosh Hashana approaches, I often feel that the most challenging aspect of the *Yomim Noraim* is cultivating the proper mindset. The Rosh Hashana *davening* presents a unique opportunity for self-reflection and divine introspection; however, without the proper perspective around what we are trying to accomplish, we risk missing the true essence of our *tefillos*. *Mitzvos* that have physical actions are pretty straightforward when it comes to properly preparing for them. We learn the intricate *halachos* of that mitzva, find the most *mehudar* way to accomplish it, and then have in mind to do the action for the sake of the mitzva. When it comes to prayer though, the duty doesn't lie in the action and the *halachos* surrounding it. Granted there are *halachos* pertaining to what times and in what state you must *daven*, but the essence of our *tefillos* happen in our minds and our hearts. And preparing for how to think and how to feel is not nearly as easy.

So as we prepare for the holiest days of the year, let's take some time to prime our hearts and minds so that we can properly utilize the beautiful *tefillos* we recite. The following thoughts are intended to help us build a blueprint for not just understanding the *tefillos*, but how to shape our thoughts and feelings around the words that we say.

The Structure of *Tefilla*

The *Shulchan Aruch* (OC 98:1) explains that there are, in fact, two important aspects we must focus on while we are reciting the words from our *siddurim*. First, and most intuitively, we must understand the words we are speaking. Without their meaning, empty utterances have little chance of imprinting their significance on our hearts. But the *Shulchan Aruch* continues that there is another vital aspect to having a successful prayer, and that is our state of mind, more precisely, the feeling of standing directly in front of Hashem and His *Shechina*. In fact, as the *Beis Yosef* further explains, this aspect of imagining Hashem's presence before us is even more important than understanding the linguistic complexities of the words we recite. Even if we don't

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fully comprehend the deep intrinsic meanings of the *tefillos* composed by *Chazal*, as long as we can enter the state of mind and envelop ourselves in the profound spiritual perspective these prayers represent, standing in front of the *Shechina*, we can accomplish the purpose of prayer. Unfortunately, stoking the embers of our repressed emotional connection to Hashem can often be more of a journey than simply reading an English translation of the words from our *siddurim*. It requires us to prepare our minds and inner thoughts for the difficult task of connecting to a realm of spirituality that is absent from our daily routines.

Chazal, in their forethought and wisdom, established a prescribed liturgical framework for our *tefillos*. The challenge with such a formulaic approach to prayer is that it can initially feel difficult to connect with scripted words in an authentic way. However, *Chazal* still chose to assemble *tefilla* in a templated methodology for a particular reason. They understood that the design of our *tefilla* provides us with a structured pathway for spiritual exploration. When approached with sincerity and intentionality, prayer serves as a well-organized scaffold that can systematically arouse particular thoughts and emotions within us. These orchestrated prayers are designed, not merely for recitation, but to guide us on a transformative journey, offering a roadmap for our spiritual growth. The *tefillos* were authored in a way that provides our Jewish communities, centuries later, with a timeless guided meditation that is designed to facilitate a connection with Hashem.

The *gemara* in *Brachos* (33b) provides insight into the intent behind the structure of the *Shemone Esrei*: "One must first praise Hashem, then petition, and finally give thanks." The opening *brachos* are thus designed to prime our hearts and minds, instilling within us a sense of reverence and awe before we present our petitions to Hashem. These blessings facilitate our transition from the mundane to the holy, from our daily concerns to the spiritual realm, guiding us towards the recognition of Hashem's infinite power, majesty, and holiness. They are more than mere words; they are an invitation to spiritual elevation, drawing us into a mindset of awe and reverence, a prerequisite for sincere prayer.

The first three blessings of the *Shemone Esrei*, known collectively as the *Shevach*, or praises, serve a unique role in our connection to Hashem during our *tefillos*. These blessings—*Avos*, *Gevuros*, and *Kedusha*—are carefully constructed to instill within us a profound sense of awe for Hashem.

The *Avos* blessing anchors us in our ancestral lineage, reminding us of the eternal relationship established between Hashem and our *Avos*, Avraham, Yitzchak, and Yaakov. It creates a sense of humility and reverence, helping us recognize the eternal,

unbroken connection between us, our forefathers, and God. When we think about the inspiring character of our ancestors and their unique relationship with Hashem, we are reminded where we come from and how that affects our own personal relationship with Him.

The *Gevuros* blessing elucidates Hashem's mighty and infinite power, emphasizing His capability to resurrect the dead—an awe-inspiring act that reminds us of God's absolute sovereignty over life and death, designed to humble us as we stand before Him.

The *Kedusha* blessing, meanwhile, paints a vivid picture of the angels praising Hashem's holiness, inviting us to partake in this celestial chorus, and engendering within us a profound awe for Hashem's unparalleled sanctity.

This section of the *Amida* asks us to dwell in a space of reverence and humility, acknowledging Hashem's grandeur before we present our personal needs and desires. These opening blessings help us establish the necessary perspective and mindset for prayer, reminding us that we are engaging with the omnipotent, omniscient Creator. Therefore, to preserve the full impact and purpose of these initial blessings, it is essential to focus on praising and acknowledging Hashem's greatness before moving on to express our personal requests.

Personal requests introduced prematurely could dilute this sense of awe, skewing the spiritual trajectory of our prayer. Instead of focusing on the greatness and holiness of Hashem, we may become more preoccupied with our own needs and desires. The distraction of personal pleas in this initial segment could potentially shift our mindset from awe and reverence for Hashem to our individual concerns, thereby disrupting the process of spiritual elevation these blessings are designed to induce.

Tefilla on Rosh Hashana

Taking a closer look at the special *tefillos* we say on Rosh Hashana, the insertion of a plea for a good life during the first blessing of the Rosh Hashana *davening* might appear troubling in the context of the role that these blessings typically serve. As previously discussed, the first three blessings—*Avos*, *Gevuros*, and *Kedusha*—act as the stage-setting prelude for our dialogue with Hashem. They are carefully designed to instill an awe-inspiring reverence for Hashem's majesty, power, and sanctity, grounding us in the covenant with our forefathers and orienting us towards the holiness of Hashem. They are not traditionally intended as a forum for individual pleas or personal petitions.

In this context, the request for a good life during the *Avos bracha* of Rosh Hashana

davening can seem like a deviation, potentially interrupting the process of fostering deep reverence and humility that the first blessings are meant to cultivate. The focus is subtly shifted from the acknowledgement of Hashem's boundless greatness to our individual needs and desires.

Furthermore, the *Uve'chein* paragraphs in the third blessing of *Kedusha* on Rosh Hashana provide another example where our traditional prayer structure seems to diverge from this pattern, as they involve direct pleas for personal and communal needs. These prayers ask for Hashem's compassion, for righteousness and salvation, and even for the building of Yerushalayim. While these are significant and essential prayers within the context of the *Yomim Noraim*, their placement within the framework of the *Shemone Esrei* could be seen as potentially disruptive to the intended purpose of these initial *brachos*. The focus shifts from praise and adoration of Hashem's divinity to the expression of our needs and desires, seemingly prematurely.

Connection Between Esther and Rosh Hashana

The *Avudraham* famously draws a parallel between this strategic use of '*Uve'chein*' in the special Rosh Hashana *tefilla* and the Purim story. In *Megilas Esther* 5:8, Queen Esther uses the term '*Uve'chein*' as she prepares herself to stand before King Achashverosh, not just as his queen, but as a supplicant pleading for the survival of her people. She says, "*Uve'chein avo el hamelech...*," which translates to "And thus, I will go to the king..." Just as Esther, in preparation for her petition to King Achashverosh, creates a favorable context before making her request, we too, through our initial *brachos*, establish an atmosphere of reverence and awe, acknowledging Hashem's greatness before presenting our pleas. This transition serves to remind us of the delicate balance in our conversation with Hashem, a blend of both praise and petition.

But maybe there is more we can learn from why *Chazal* chose to use Esther's words as we begin our petition for a unified world under Hashem's dominion.

Rav Leibel Eiger, the grandson of the famous Rav Akiva Eiger, points out another strong correlation between the events of the *Megilla* and our own situation as we stand before Hashem on *Yom HaDin*.

According to the royal protocols of the Persian court, anyone who approached the king in his inner court without being summoned—be it a courtier or even the queen—was subject to the death penalty unless the king chose to extend his golden scepter as a sign of mercy. Without the proper permission or stature, appearing before the king was seen as a brazen act of defiance, one that was punishable by death. Esther knew that she was not worthy, nor had the proper permission to appear in King

Achashverosh's presence to plead for the survival of her nation, but it was a moment of need that called for the defiance of self sacrifice.

Similarly, as Rav Leibel Eiger points out, as we recite the words of *Uve'chein*, we are approaching Hashem, the King of Kings, without a formal summons. We plead for ourselves and our nation during a moment in the *Shemone Esrei* that is set aside for the recognition of Hashem's grandeur. At a moment that we are supposed to be focused on praising Hashem, we are hijacking the opportunity to make our pleas, but we do it anyway because we must. Every Rosh Hashana is a time of desperation where we must throw ourselves at Hashem's feet and hope for mercy that he will hear our cries and listen to our petitions.

It Takes *Chutzpa*

As discussed above, *Chazal*, in their wisdom, designed a blueprint for the psychological framework of our prayer. But why would they want us to feel this sense of audacity as we make our pleas before Hashem on the holiest days of the year? Why is it important that we feel like we are intruding into Hashem's court without the proper permission asking for pleas at an inopportune time?

The answer is that *Chazal* understood we often feel undeserving of talking directly to Hashem. Our daily lives are busy and distract us from the spiritual world we live in. We try to *daven* every day, but we might not always be successful in reaching the spiritual highs we know we are capable of. So when it comes to Rosh Hashana, there is often a feeling like we don't belong. The spiritual focus of the day feels foreign to us after spending a whole year preoccupied with the material world, and that dissonance can often be a barrier from feeling the awe and grandeur of Hashem.

So to break us out of our own thoughts, *Chazal* ingeniously designed the *tefilla* to evoke within us a defiance, a sensation of imploring Hashem when we feel unworthy of doing so. It is precisely that defiance that empowers us to stand up to our own self-criticism and pour our hearts out to Hashem, despite our own feelings of unworthiness.

On the one hand, we may be hindered by feelings of inadequacy and unworthiness, stemming from our daily distractions and inability to consistently connect with spirituality. On the other hand, it's this very sense of unworthiness that *Chazal* are leveraging to stimulate a profound, transformative dialogue with Hashem. *Chazal* understood that feelings of unworthiness or inadequacy, while they can pose challenges, can also serve as springboards into deeper spiritual connection. By presenting our prayers and pleas to Hashem in an act of defiance against our own

self-doubts, we engage in a form of spiritual resilience. This resilience transcends the surface-level barriers that might prevent us from experiencing the awe and grandeur of Hashem.

In the face of our perceived inadequacy, defiance empowers us to reach out to Hashem, to engage in a personal dialogue regardless of our self-perceived shortcomings. It is a powerful rebuttal to our inner critic, an affirmation of our intrinsic worthiness to connect with Hashem, regardless of our everyday failings. This act of *chutzpa* transforms the perceived obstacle of our unworthiness into a bridge towards deeper spiritual connection.

In essence, this defiant prayer is an act of spiritual audacity—an assertion of our fundamental right to approach and communicate with Hashem, irrespective of our doubts, fears, or perceived inadequacies. It is through this audacity that we are able to defy our self-imposed limitations, to reach beyond our everyday experiences, and to strive towards a heightened level of spirituality, especially during pivotal times such as Rosh Hashana.

If you take a concentrated look at what Esther actually pleaded with Achashverosh when she intruded into his court without permission, you'll see she didn't immediately ask for the salvation of the Jewish people. She asked to further honor the king by making him a banquet.

Similarly, when we ask our direct pleas during *Shemone Esrei*, we aren't asking for our personal pleas of wealth, health, or good fortune. Rather we are asking for Hashem to be the sovereign Leader of the world. We relate our hopes for humanity and the ideal state of the world, one where Hashem's presence and honor is perceived by all.

Similar to Esther, we capitalize on the defiant opportunity to further praise and honor the King in a show of self sacrifice. In our humbling moment of feeling inadequate and undeserving, we accomplish the loftiest goals on Rosh Hashana, to be *mamlich* the King of the world. Sometimes it just takes a little *chutzpa*.

The Shofar Blues: “The Stirrings of the Meditative Heart or the Awakening of the Inner Soul”

DAVID SCHWARCZ



On Rosh Hashana the sounds of the *shofar*, particularly the fragmental *terua* notes awaken our soul's inner spirit of introspection and repentance. What aspect of the *shofar* blasts activate the stirrings of *teshuva* – repentance? To analyze this threshold issue, we must first address the nature and essence of the mitzva of *tekias shofar*.

The *shofar* is so integral to the essence of Rosh Hashana that the Torah refers to the day not as Rosh Hashana but as *Yom Terua*, the day of *Shofar-blowing*.¹ The Rambam writes that although the Shofar-blowing is a Scriptural decree (to be observed whether or not one understands it) there is an allusion in it as if the Shofar were saying, “Awake, sleepers, from your sleep! Slumberers, rises from your slumber! Scrutinize your deeds! Repent with contrition... Peer into your souls, improve your ways and your deeds...”²

Indeed, Rav Saadiah Gaon enumerates ten symbolic allusions associated with the mitzva of *shofar*³ including, among other things, the fact that the *shofar* blasts

¹ *Bamidbar* 29:1

² Rambam *Hilchos Teshuva* 3:4

³ Rav Saadia Gaon's ten allusions of the *shofar* are primarily associated with awakening *Bnai Yisrael* to repent and pray for the redemption and the rebuilding of the Third Temple. Also, the *shofar* blasts recall the giving of the Torah at *Har Sinai* accompanied by thunder, lightning, and continuous increasing *shofar* blasts. The *shofar* also reminds us of *Akeidas Yitzchak* which represents the nation's selfless devotion to Hashem.

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inaugurate *Bnai Yisrael's* coronation of Hashem as our King.

Notwithstanding the above symbolisms for sounding the *shofar* on Rosh Hashana, the Torah does not explicitly provide a reason for *tekias shofar*, the acceptable method for fulfilling the mitzva and whether either the *shofar* blowers and/or the congregations require a proper intention to fulfill the mitzva.

This article addresses the following issues: (1) whether *tekias shofar* requires intent to fulfill the mitzva; (2) if *shofar* requires intent, what is the minimum required intent? (3) Whether either the *shofar*-blower or the listener must have intention or whether both must have intention to fulfill *tekias shofar*; and (4) does the requirement of intent to fulfill positive commandments like *shofar* apply to other biblical commandments like eating matza, *maror* or the *korban pesach* on the first night of *Pesach*?

Background

The *gemara* in *Rosh Hashana* 28a-b discusses whether one must intend to fulfill commandments like *tekias shofar* or eating matza in order to fulfill the mitzva.⁴ The *Shulchan Aruch*, Laws of *Rosh Hashana* §475:8 based on the above *gemara* rules that: “One who is training in the blowing of the *shofar* and one who listens to the practicing of *shofar*-blowing does not fulfill the mitzva of *tekias shofar*. Furthermore, one who blows a *shofar* on *Rosh Hashana* for purposes of playing a song and not for the purpose of fulfilling the mitzva of *tekias shofar* fails to fulfill the positive commandment of *tekias shofar*. Moreover, if one blows a *shofar* on *Rosh Hashana* with the intention to fulfill the mitzva and the listener does not have intention to fulfill the mitzva or vice versa, both do not fulfill the mitzva until both the *shofar*-blower and listener both have intention to fulfill the mitzva.”

The *Mishna Berura*, citing the *Magen Avraham* in the name of the Radvaz,⁵ comments that if a person attends a minyan on *Rosh Hashana* for the purpose of hearing *tekias shofar*, he fulfills the mitzva even though the congregant did not have intention to fulfill the mitzva at the time of hearing the *shofar*.

The Nature and Definition of Intent, *Kavana*, Required To Fulfill a Positive Commandment

To better understand the nature of the *kavana*, intent, required to fulfill positive

⁴ *Orach Chaim* §690 based on §60:4 states that reading the *Megilla*, which is a rabbinic commandment, requires intent.

⁵ *Mishnah Berura* 8:15-16. Baer Hetev 8:3.

mitzvos, the Ran, Rambam and other *rishonim* compare the mitzva of eating *matza*, *maror*, and the *korban pesach* on the first night of Pesach to blowing *shofar* on Rosh Hashana. This method of analogical reasoning provides a framework for one to meaningfully connect and experience the essence of each festival or the *itzumo shel yom*.

The following four cases are referenced in the *gemara Rosh Hashana* 28a-b, *Pesachim* 114a-b-115a, and *Nazir* 23:

- **Matza:** If a person was coerced into consuming the required measure of *matza* on the first night of Pesach, even though he did not intend to fulfill the mitzva, he has fulfilled the mitzva of eating *matza*.⁶
- **Shofar:** One who blows a *shofar* on Rosh Hashana for purposes of playing a song and not for the purpose of fulfilling the mitzva of *tekias shofar* fails to fulfill the positive commandment of *tekias shofar*.⁷
- **Maror:** The *mishna* in *Pesachim* (114a-b) provides that if you eat lettuce for *karpas*, and you eat a second piece of lettuce without dipping for a second time, you do not fulfill the mitzva of *maror*. Based on the foregoing case, if *mitzvos* do not require intent then one should have already fulfilled the mitzva of eating *maror* with the lettuce one ate for *karpas* even though at the time he ate the first piece of lettuce he had no intention of fulfilling the mitzva of *maror*. Indeed, Resh Lakish adduced his proof that “*mitzvos tzerichos kavana*” based on this ruling in the *gemara*.
- **Korban Pesach:** Rav Yochanan, in the *gemara* in *Nazir* (23a) interprets the verse in *Hoshea* 14:9 “Because the ways of Hashem are just, the righteous succeed in the following them and the transgressors stumble” by way of the following parable: Two people roasted a *korban pesach* on the 14th of Nissan. The one that ate the meat with intent to fulfill the mitzva of *korban pesach* is referred to as the righteous who follow in Hashem’s ways, and the other who ate the *korban* to satisfy his gluttonous desire is compared to the transgressor who stumbles. Reish Lakish takes issue with Rav Yochanan’s interpretation and characterization of ‘transgressor,’ wayward, instead of just averring that the ‘transgressor’ is a person that fulfilled the mitzva of *korban pesach* but not in an optimal fashion. However, according to Resh Lakish

⁶ *Shulchan Aruch OC* §475:4; *Mishna Berura* §35 comments that even though the law is that positive biblical *mitzvos* require *kavana* and in this case the person was coerced and certainly did not have the requisite intent, he stills fulfills the mitzva.

⁷ *Rosh Hashana* 28a

who holds that that “*mitzvos tzerichos kavanah*,” wouldn't the above-referenced 'transgressor' indeed have failed to fulfill the mitzva entirely, since he lacked the requisite intent?

Rav Chaim Brisker and *Shaagas Arye* provide the following analytic framework that explains the *gemara's* disparate holdings in the above referenced cases.

Intent (*Kavana*) vs. Preoccupation (*Mis'aseik*)

The Rambam in *Hilchos Chametz U'Matza* 6:3 and *Hilchos Shofar* 2:4 posits the following two seemingly disparate rulings:

- Coerced *Matza* Eater: If a person is compelled by external forces to eat *matza* on the first night of Pesach, the Rambam surprisingly rules that he fulfills the mitzva of “*achilas matza*.”
- The Musical *Shofar*: Unlike the ‘coerced *matza* eater’ who fulfills his mitzva of “*achilas matza*,” the Rambam holds that one who blows a *shofar* on *Rosh Hashana* for purposes of playing a song fails to fulfill the mitzva of *tekias shofar*.

The Rambam holds that “*mitzvos require kavana*”⁸ and if one performs a mitzva without *kavana* he is deemed a “*mis'aseik*,” preoccupied, and does not fulfill the mitzva. The Rambam ruled in *Hilchos Shofar* 2:4 that in the case of one who blew the *shofar* on *Rosh Hashana* for the purpose of playing a song did not fulfill the mitzva since he did not have the requisite *kavana*. However, unlike the case of the *shofar*, the Rambam holds that when one eats the *matza*, he derives enjoyment (*viz.* “*shekein nehene*”) from the eating of the *matza* and accordingly, the *maase mitzva* is attributed to him.⁹

Considering the foregoing analysis of the Rambam, Rav Chaim Brisker¹⁰ posits that it is possible to maintain that *mitzvos* require intent and thus one who performs a mitzva without the requisite intent is deemed a *mis'aseik*, one who had no intent at all to perform the act. Accordingly, as far as the fulfillment of a mitzva is concerned, the act is not attributed to him, and it is as if he never performed the mitzva act.

Notwithstanding the foregoing, it is noteworthy that regarding *issurim*, even though an unintentional transgressor (*shogeg*) is liable to bring a *korban chatas*, a sin offering, a preoccupied individual is exempt, and yet preoccupation relating to eating

⁸ See OC 9:4 “*Hilchos Krias Shma*” wherein the *Beis Yosef*, based on the Rambam, rules *l'halacha* that *mitzvos tzerichos kavana*.

⁹ The *Ran*, citing Rav Aharon HaLevi, asserts that since he does not intend to eat the *matza* for the sake of the mitzva, he must be aware that it is the night of Pesach and that he is eating *matza*. Others disagree and say no *kavana* is required. See *Beis Yosef* OC §475:4, glosses of Rav Akiva Eiger to *Yom Terua*; see *Turei Even*.

¹⁰ *Chidushei Rav Chaim - Pesachim* 114b

forbidden fats or engaging in forbidden relations requires the transgressor to bring a sin offering because he enjoyed the taste of forbidden fats, or he derived pleasure from an illicit intimate relationship (*Kerisos* 19b). Since perforce the preoccupied individual derives enjoyment from the act, he is considered a neutral participant.

Similarly, with regards to *mitzvos* involving consumption (i.e. eating *matza*, or a *kezayis* of the *korban pesach*) the *maase mitzva* is fulfilled without the requirement of specific intent to fulfill the mitzva.¹¹

The ‘Maror Dilemma’

The *Turei Even*, *Rosh Hashana* 29a attempts to resolve the contradiction between Rashi’s opinion that *mitzvos* involving consumption (*viz.* “*achila*”) do not require specific *kavana*, and Reish Lakish’s seemingly contradictory ruling in the *gemara* in *Pesachim* 114a-b regarding the case where one eats lettuce twice, once for the mitzva of *karpas* and the second time for the mitzva of *maror*, he does not fulfill the mitzva of *maror* based on the fact that “*mitzvos* require intent” and he failed to evidence such intent.

According to Rashi’s opinion that *mitzvos* involving consumption (*viz.* “*achila*”) do not require specific *kavana*, one should fulfill the mitzva of eating *maror* when he eats the second piece of lettuce.

Based on the foregoing question, the *Turei Even* theorizes that there is a distinction between *mitzvos* that have different modalities of fulfillment and *mitzvos* that have only one modality of fulfillment. This is based the foregoing *sevara* on the *gemara Zevachim* 2b wherein the *gemara* presents the novel concepts of “*stama lishmah*, general intent” vs. “*stama lo lishma*, specific intent.” Specifically, if one brings a *korban olah*, a burnt offering, without specifically designating the type of *olah*, one has still fulfilled the mitzva. In contrast, if a *sofer* (*viz.* a scribe) writes a *get* (*viz.* a bill of divorce) without designating the name of the specific woman, the *get* is invalid because it must be written for a specific woman, as stated in *Devarim* 24:1 “He must write the bill of divorce for her (i.e. specifically, for her).¹²

Likewise, like the above referenced case of *get* in the case of *maror* where a person can fulfill the mitzva with various types of herbs, he must have specific intent to fulfill the mitzva with a particular herb and thus one cannot use the second piece of

11 Rashi *Rosh Hashana* 28a; see *Hasagos HaRaavad* to the *Rif*, *Pesachim* (25a), and *Kovetz Shiurim Pesachim* §15.

12 Rashi *Zevachim* 2b.

lettuce to fulfill the mitzva of *maror* without specifically designating the second piece of lettuce as *maror*- “*stama lo lishma*”.

In contrast to *maror*, in the case of eating *matza*, like the case of a *korban pesach*¹³ one may fulfill the mitzva with just a general intent – *stama lishma* based on the fact that there is only one modality or way of fulfilling the mitzva of eating *matza*.

Rav Chaim Brisker’s Resolution of the ‘Maror Dilemma’ via the Elucidation of the Term “Shekein Nehene,” Derivation of Enjoyment

The *Pnei Yehoshua* and others address the following question: if¹⁴ according to Rav Chaim’s opinion that ‘consumption *mitzvos*’ do not require *kavana*, then why does Reish Lakish hold in the case of eating two pieces of lettuce at the Pesach Seder that one does not fulfill the mitzva of *maror* when eating the second piece of lettuce¹⁵ if according to Rav Chaim, ‘consumption *mitzvos*’ do not require intent?

The *Pnei Yehoshua* suggests that since *maror* symbolizes the bitterness of the Egyptian slavery, one does not derive enjoyment from the consumption of the *maror*. Accordingly, *maror* is an exception to the rule that consumption *mitzvos* do not require specific intent. In other words, the mitzva of *maror* does not include an aspect of *hana’a*, pleasure. In fact, it’s the opposite; one experiences bitterness when consuming the *maror*. Accordingly, *maror* requires *kavana*.

Conclusion

In conclusion, the requirement of ‘general intent vs. specific intent’ in relation to positive commandments hinges on both the ‘act’ (*maase*) and ‘type’ of mitzva. Except for *maror*, if the *maase mitzva* involves consumption of food like *matza* or *korban pesach*, the minimum requirement is ‘general intent’ even though it is not the optimal way to fulfill the mitzva.

Eating *maror* requires specific intent based on either the *Turei Even*’s *sevara* that *stama lo lishma* is not applicable to a mitzva that may be performed with different ways

13 According to the *Turei Even*, the transgressor fulfilled the mitzva of *korban pesach*, because unlike the case of *maror* where one ate the second piece of lettuce without designating the lettuce for the mitzva of ‘*achilas maror*’ – “*stama lo lishma*”, here in the case of *korban pesach* he fulfilled the mitzva by just eating the meat from the *korban* with a ‘general intent – *stama lishma*.’ Rav Meshulem Dovid Soloveitchik, in his *shiurim* on the *gemara Pesachim Perek Kol Shaa*, queries this *sevara* of “*stama lishma*” that a participant in the *korban pesach* requires specific intent as to which of the many potential portions of the meat of *korban pesach* he will eat. Various answers have been proffered but Rav Soloveitchik appears not to be satisfied with these responses.

14 Chasam Sofer and Pri Migadim on Rosh Hashana 28a-b

15 *Pesachim* 114b

or types of foods or Rav Chaim Brisker's *sevara* that the basic requirement of general intent only applies to *mitzvos* that one derives a modicum of pleasure ('hana'a').

Indeed, unlike *mitzvos* that involve consumption, *tekias shofar* requires specific intent to fulfill the mitzva. The minimum satisfaction of this requirement is specified in the *Shulchan Aruch* §579:8 as specific intent, "*niskavein*," to fulfill the mitzva.

It is interesting to note that the requirement of "intent to fulfill a mitzva" also includes a mystical component. The *Shem Mishmuel* addresses this in his analysis of the term "*niskavein*," to intend, as it relates to the corresponding verse in *Tehillim* 89:16 "praiseworthy is the people who *know* the *shofar* blasts ("*terua*") in Hashem's Righteousness they will be exalted".

The *Shem Mishmuel* observes that the fragmental *terua* note represents the broken heart that prompts each Jew to reflect on their utter dependence on Hashem's grace and love. The *Shem Mishmuel* infers from the specific term "*yodei terua*, specific knowledge of *terua*" instead of "*tokei terua*, blowing of *terua*" that the *shofar*'s fragmental notes open one's mind and soul to connect to Hashem in a meaningful and uplifting way.

The following story illustrates the potent power of the *yodei terua* aspect of the *shofar*: Once it happened in the days of Rabbi Abraham Isaac HaKohen Kook that a group of workers, under pressure to complete a building in one of the neighborhoods of Jerusalem, worked on *Rosh Hashana*. People living in the area sent word to Rav Kook, expecting him to order them immediately to stop. Instead, he sent an emissary to blow *shofar* for the workers. They stopped working to listen. Some began to cry. When the blowing was completed, they decided of their own accord to stop working on the holy day. Some ran home, changed their clothes, and went with the emissary to pray with the Rabbi.¹⁶

¹⁶ See Rav Moshe Zvi Neria, *Celebrations of the Soul, The Holidays in the Life and Thought of Rabbi Avraham Yitzchak Kook*, trans. Pesach Jaffe (Jerusalem: Genesis Jerusalem Press, 1992).

Two Essays

ROBERT MILLMAN



Over the years, I have selected compelling stories to include in *Nitzachon*. (I know many enjoyed them, because often I was told the first submission people looked for when perusing a new edition was “the story”). As we approach the end of Elul and enter into the holiest and most auspicious time of year on the Jewish calendar, I thought it made sense for a change of pace. As you read the two pieces, “The Coronation,” and “Where is God When I Cry,” no, I have not become a *Chabad chasid*. What I did discover was a marvelous, three volume book set, *Inside Time*, about the meaning and messages of our holidays. Many essays are presented that “grip you” and are thought-provoking. They cause a person to seriously think about the meaning of life and the *Yamim Noraim*. So, I apologize to all. No story this time. However, I sincerely hope you enjoy these two essays from *Inside Time*.¹

May we all be blessed with a “*gutten kvittel*” and a happy, healthy, and prosperous 5784.

WHERE IS GOD WHEN I CRY?

Holy Temples are destroyed; sacred sanctuaries are shattered; bodies of peace are desecrated, defiled and dehumanized. There is such darkness in this work, such unbearable pain, such untold suffering.

Where is God in all of this? When the darkness enshrouds and the pain trembles, where is the Creator of these temples, these children, these lives?

“Where is God when I cry” Perhaps we can say that G-D IS IN...THE QUESTION.

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Asking where God is in times of pain acknowledges the fundamental contradiction between God and pain. Pain is darkness and God is light. Asking, "Where is God when I cry?" is tantamount to asking, "How is it possible for pain to exist in such a Divine world?" The question is the dream and belief in the world's potential; and the pain is in the realization that the world is not living up to it.

To ask is the ultimate act of faith. To ask is the first step in overcoming the pain, but we all want answers. However, know that God IS IN...THE SILENCE.

There is no answer other than silence. To question the pain is essential. To answer it is impossible. To question the pain is an act of sensitivity. To answer it is an act of callousness.

Pain reaches the unfathomable recesses of the soul; answers are mere intellectual exercises. Sometimes we are silent because we have not found the right words. Other times we are silent because the right words do not exist.

In times of pain, God is silent. But God is silent not because God has nothing to say. God is silent because God is crying.

And God is crying because G-D IS IN...THE HEARTBREAK.

How is it even possible for a heart to break? How is it possible for human dignity to be destroyed? How is it possible for murder, for illness, for suffering to exist in this world? How can the world be so broken?

Every time a heart shatters, a piece of the Universal Heart shatters as well. Every time a mother feels pain for her child, the pain ripples across all the layers of existence. The grief is magnified and it is unbearable.

The pain is unbearable precisely because of the joy that could be in its stead. Death is so acrid precisely because of the vibrancy of the life it tries to replace. Heartbreak is so painful precisely because hearts are meant to be whole. Divisiveness and hate are so sorrowful precisely because God is complete.

But, just as a part of God is in the heartbreak, so too a part of G-D IS IN...THE LIGHT.

Our hearts are broken, but our broken hearts inspire us to fix the world. When we see darkness, we demand more light. This part of us, this unbreakable spirit, this perpetual resolve, this eternal flame is the most Divine part of who we are. This light, this light that illuminates darkness itself, is where God can really be found. When we demand joy, and create light, it is in this that God is found. For G-D IS IN...THE BRIDGE.

Pain is not rational. Body and soul are meant to be together as one; the division of body and soul is destruction. Pain is a result of the irrational division of body and

soul. It does not have to be this way and when it is, it is a tragedy.

This is why God cries. And this is why we cry together with God.

Death itself is the greatest sin against God; it is the greatest antithesis to God. Death is an aberration. Why should a soul ever have to leave a body?

But then we begin to rebuild the bridge between body and soul, between matter and spirit, between heaven and earth. And it is in this bridge the God is most present.

The bridge may not be our answer to pain, but it is our unequivocal response. And unquestionably, G-D IS IN...THE RESPONSE.

There is no answer to the question. But there is a response – a very emphatic response. We respond to pain like never before, we respond with a light force greater than the dark force.

Answers are rationalizations. However, pain touches the very core of who we are, a place much deeper than rationalizations. Responses too come from the very core.

An answer is philosophical. A response is personal. An answer attempts to cool your hot tears. A response turns your hot tears into hotter fires.

The response ensures that the acute pain does not destroy your life but that your acute life destroys the pain.

Know that God is in the response to pain. What is pain? Pain is a nerve telling you that something is terribly wrong. The response is fixing that wrong. And you fix that wrong by ultimately realizing that G-D IS IN...YOUR ACTION.

Pain occurs when matter and spirit are divided. The antidote is to do everything in your power to unite that divide. For every loss of life, nurture new life. For every death, birth new positive actions. For every extinguished wick, help another person to find his or her own inner light.

Yes, God is with us in our pain. And the proof is in the action we take to eradicate the pain. The question, “Where is God when I cry?” is the same question as, “Where is God?”

The answer is that G-D IS IN...EVERYTHING. (ALL YOU HAVE TO DO IS LET HIM IN.)

THE CORONATION

As the soul fills the body, so God fills the world. (Berachos 58a)

On the eve of Rosh Hashana, all things revert to their primordial state. The Inner Will ascends and is retracted into the divine essence; the worlds are in a state of sleep and are sustained only by the Outer Will. The service of man on Rosh Hashana is to

rebuild the divine attribute of sovereignty and reawaken the divine desire, “I shall reign,” with the sounding of the shofar the kabbalistic masters.²

One night a year, the world succumbs to a cosmic slumber.

On the functional level, the sleeper’s vital signs plod on: the sun still rises, winds blow, rains fall, seeds germinate, animals move about, humans think and feel. But the consciousness of Creation is muted. For its soul of souls – the “inner will” of the divine desire for creation – has ascended, retreated to a place from where it views its body and life with a calculated detachment.

Only the “outer will” – the most external element of the divine desire – remains to sustain the sleeping body of creation.

And then a piercing sound rises from the earth and reverberates through the heavens. A sound that awakens the sleeping universe, stirring its soul to resume its conscious, willful animation of its material shell.

The cry of the shofar resounds. A profound yet utterly simple cry, a note free of the nuances of logical music. An utterly simple cry that rouses the soul of creation to a renewed commitment to the endeavor of life.

Thus the kabbalists describe the cosmic drama which repeats itself each year, as the world “falls asleep” on the eve of Rosh Hashana and is “awakened” the following morning by the sound of the shofar. Indeed, it is told of certain great mystics that on the night and morning of Rosh Hashana they would feel physically weak: so attuned were they to the diminution of divine involvement in the world during this time, that it affected their own souls’ investment in their bodies.

What does it mean that the world is asleep? How does our sounding of the shofar restore the consciousness and totality of creation? Why is God’s inner will withdrawn on Rosh Hashana eve, and why does His outer will remain behind? What, indeed, is the difference between “inner will” and “outer will?” To answer these questions, we must first examine the foundation and the dynamics of “will” in our own lives.

Layers of Will

Will is the soul of deed. Ultimately, no act is ever performed that is not driven by the engine of volition.

But will is a multi-layered thing. There is the outermost layer of will that directly drives our actions. There is a deeper will that underlies this external will, which, in turn, contains yet a deeper will, which is itself an outgrowth of yet a deeper will, and so on.

² Pri Eitz Chaim 24:1; Shaar HaKavanos, Derushei Rosh Hashana; Tanya, Iggeres Hakodesh 14.

Thus, the relationship between will and deed is not static, but subject to changes and fluctuations.

At time, the innermost level of will suffuses our actions, enlivening them with the desire and satisfaction that motivate them. Other times, our deeds may be lifeless and lethargic, sustained only by the most superficial aspect of our will.

To illustrate, let us take the example of a person who owns and operates a business. Our businessman does many things in the course of the day – waking at an early hour, commuting to his office, answering the telephone, meeting with potential clients and so on. On the most basic level, these deeds are driven by the will to do them: he wants to get out of bed, he wants to start the car, he wants to pick up the receiver – if he didn't want to do these things, he wouldn't do them. But why does he want to do these things? Because of an underlying will that his business should survive and prosper. But why does he want his business to survive and prosper? Because it brings him income and prestige – if this were not the case, he would not have desire for a business. Delving deeper, the desire for money and status stems from deeper wants – the desire for food, shelter and acceptance by his fellows – which, in turn, are outgrowths of the desire, intrinsic to every creature, to continue to exist.

This does not mean that every time our businessman picks up the telephone he does so because he senses that his very existence depends on it. Indeed, he need not even be convinced that the act will yield a profit, or even that it is crucial to the functioning of his business. Ultimately, however, his every action is the end-result of this “chain” of wills, each of which is caused by its predecessor. So the act of lifting the telephone receiver “contains” the entire sequence of wills that drive it, including its deepest cause of causes.

This “inner will” is the soul of his action, suffusing it with a life and vitality that reflect how deeply its origins lie in his innermost self. This is why there is a quality to the way that the owner of a business picks up the phone that shows a desire and commitment deeper than that of the most devoted employee.

Assessment

There are times, however, when the soul of a deed ascends a notch, to view its body and life with a calculated detachment.

There are times when a person reassesses what he does. Is the business indeed turning a profit? Is it meeting my needs? Is this what I want to do with my life?

His actual involvement with the business continues as before. He continues to get out of bed in the morning, continues to drive to the office, continues to answer

the telephone. He continues to “want” to do these things on the most external level of will. But the deeper elements of his will are no longer in it. The business can be said to be “asleep,” animated only by the most external layer of its soul.

Then something happens to rekindle our businessman’s desire. Perhaps he sees a lucrative figure on the year’s balance sheet or a most promising projection for the future. Or a certain deal materializes that embodies everything he loves about his business, everything about it that reaffirms his self-vision and furthers his goals. His deeds, dry and mechanical in his contemplative interim, are reinfused with life and vitality. The business awakens from its slumber.

To Will a World

Once a year, the universe enters into a state of suspended animation.

God reconsiders His creation. Is it turning a profit? Is it realizing My goals? Do I still desire to invest Myself in the role of “Creator?”

The sun still rises, winds blow, rains fall, seeds germinate. God’s desire for a world continues to sustain and drive the universe. But God’s desire for a world is but the most external layer of the universe’s soul.

Why does God desire a world? There is a deeper motive beneath this membrane of will, and yet a deeper motive beneath it, and so on. The kabbalistic writings abound with various divine motives for the creation of the universe; the desire that He be known by His creations; the desire to bestow goodness; and others. Each of these “motives” relates to another layer of the divine will, describing the soul of the universe as manifested on another level or reality.

At the heart of it all lies the very essence of the diving will to create: God created a world because He wants to be King.

Defining Sovereignty

God is all-capable and all-powerful. So it would seem a relatively simple matter for Him to make Himself King: all He has to do is create a world, populate it with creatures, and rule over them.

But this alone would not make Him a king, at least not in the ultimate sense of the word.

A shepherd who drives a herd of a million sheep is not a king. A tyrant who rules an empire of a billion terrified subjects is not a king. A benevolent patriarch who extends his authority over dozens of his descendants is not a king. A teacher with a thousand devoted disciples is not a king. All these have one thing in common: their subjects are compelled to submit to them. They may be compelled by their reliance

on the shepherd's devotion to their needs, by their ruler's power over them, by their filial bond to their father or by the appreciation of their master's wisdom – the bottom line is that they are compelled. And true sovereignty cannot be compelled.

A true sovereign is one whose subjects freely choose to submit to him. Not because they need him, not because they fear his power, not because they love him, not even because they appreciate his greatness, but because they choose him as their king.

So to become King of the universe, God created man – a creature endowed with free choice. He created a being that is both the furthest from Him and the closest to Him of all His creation: furthest from Him in that man is a free and independent being – free even to rebel against his Maker; closest to Him in that man is a free and independent being – as only he is free and independent. In the words of the first man, Adam “First and last, You created me.” (*Tehillim* 139:5) God created man, “dust from the earth,” the last and lowliest of His creations, and “blew into his nostrils a breath of life” that is the very “image of God.” (*Bereishis* 2:7)³

There are many aspects of our relationship with God. We relate to God as our shepherd, expressing our gratitude for His providence over and sustenance of our lives. We fear and revere Him, ever mindful of His majesty and power. We love Him with the boundless love of a child, recognizing our intrinsic bond with our Father in Heaven. We gain a student's unique appreciation of his master by studying His wisdom, implicit in His creation and revealed to us in His Torah. Each of these relationships realizes another aspect of “layer” in the divine motive for creation, intensifying and enlivening God's involvement with His world.

But once a year, “all things revert to their primordial state” as God reevaluates the very core of His desire for a world, the underlying “why” of His involvement with us as shepherd, ruler, father and teacher. Once a year, God asks Himself: Why create a world?

The First Coronation

The timing of this cosmic audit is not arbitrary: Rosh Hashana is the day on which God's sovereignty of the world was first realized.

Rosh Hashana is the sixth day of creation, the day on which man was created. God has already created the heavens and the earth, the animals and the angels; He already presided over a world that submitted to His rule, over the creatures who feared

³ See *Sanhedrin* 38a.

Him and loved Him and appreciated His wisdom. But the world was still in a state of suspended animation: its soul of souls had yet to be evoked. Then God created man, the only one of his creations with the freedom to choose or reject his maker.

Moments later, God was king.

“When Adam stood up on his feet,” the *Zohar* (I:221b) tells us, “he saw that all creatures feared him and followed him as servants do their master. He then said to them: ‘come, (*Tehillim* 95:6) let us both worship and bow down, let us kneel before God our Maker.’”

When the first man chose God as his King, the primordial purpose in Creation came to fruition, infusing God’s work with life and vitality.

Every year, “all things revert to their primordial state” as God again relates to His creation as He did prior to Adam’s crowning Him King. On Rosh Hashana eve, the divine “inner will” for creation is retracted and the world is plunged into a state of “sleep.”

Then a piercing sound rises from the earth and reverberates through the heavens. The cry of the shofar resounds: an utterly simple cry, reflecting not the fear of the subject, not the love of the child or the sophistication of the student’s understanding, but simple trumpet blast of a people’s coronation of their King. A cry that reflects the simplicity of choice – true choice, choice that is free of all external motives and influences.

A cry that rouses the soul of creation to a renewed commitment to and involvement in the endeavor of life.

Based on the Rebbe’s talks on numerous occasions.⁴

⁴ *Sefer HaMaamarim Melukat*, vol. V, pp. 4-5; *ibid.*, vol. 1, pp 429-438; et al.

Preparation for the Yamim Noraim

ADIV PACHTER



The *Ben Ish Chai*, in *Peninei Moadim*, gives us tremendous insight into the preparations for the Yamim Noraim.

Our Battle Against the Yetzer Hara

The days of Elul, leading up to the Yamim Noraim through Hoshana Rabba, are very auspicious. Clearly they have their own intrinsic holiness, as it is the time of judgment, but even more so we should realize that how we utilize these days will impact how we fare in our battle against the *Yetzer Hara* throughout the entire year. If we are successful in conquering the *Yetzer Hara* during these days, it will be much easier to overcome it during the year. But if we are lax in our *Avodas Hashem* during these days, we will have a much harder struggle throughout the year against the forces trying to bring us down.

In *Parshas Lech Lecha*, Avraham parts ways from Lot. Avraham Avinu says:

הפרד נא מעלי אם השמאל ואימנה ואם הימין ואשמאלה.

Please separate from me: if you go left, I will go right and if you go right, I will go left. (Bereishis 13:9)

The *Ben Ish Chai* says this exchange between Avraham and Lot teaches us that we need to turn to the *Yetzer Hara* and say: Separate from me! He focuses on the word *na*, please, which has the *gematria* of 51, which represents the 51 days from Rosh Chodesh Elul to Hoshana Rabba. We should go into these 51 days with a mission to combat the *Yetzer Hara* and separate from things that have potential to bring us down. If we focus on the *yamin* (i.e. Torah and *mitzvos*, which are represented by the

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strong right side of *kedusha*) then we will be successful in weakening the *Yetzer Hara* (i.e left, connoting the weak side.)

The Present of Elul, the Key to Rebuilding

Hashem gives us a special present; the month of Elul and the *Aseres Yemei Teshuva*, during which we have a chance to fix all that we have broken during the course of the year.

The *Ben Ish Chai* quotes the *pasuk* in *Haazinu* in:

שחת לו לא בניו מומם...

Unworthy children, that crooked, perverse generation... (Devarim 32:5)

During the year, *shicheis*, we destroy our body and *neshama* with the sins that we do. However, Hashem gives us the month of Elul, which is hinted to in the words *lo lo*. During the month of Elul, we are given the chance to rebuild our body and soul: hinted to in the word *banav*, as *Chazal* teach us, don't read it as *banayich*, rather *bonayich*.

Lesson Gleaned from the Mitzva of Ma'ake as it relates to Teshuva

כי תבנה בית חדש ועשית מעקה לגגך ולא־תשים דמים בביתך כִּי־יפל הנפל ממנו.

When you build a new house, you shall make a fence for your roof, so that you will not place blood in your house if a fallen one falls from it. (Devarim 22:8)

The *Ben Ish Chai* teaches that this *pasuk* is meant to give *chizuk* to *baalei teshuva* and to help us not return to our previous ways once we do *teshuva*. When we build a new house, when we do a complete and sincere *teshuva*, then our *guf*, which is the house where the *neshama* resides, is a new entity. How do we then protect the purified *guf* at that point? The answer is: *v'asisa ma'ake l'gagecha*. We have to create and enforce borders so as to distance ourselves from sin.

One other piece of advice that the Torah hints to is giving *tzedaka*. The *pasuk* says "*velo samim damim b'veisecha*." *Damim* literally means blood. But it is also a reference to money; namely, we should not keep excess money in our homes, but rather have a generous heart and engage in acts of kindness of *tzedaka*.

And we should not be concerned about the seeming "loss" of money when we give it away to *tzedaka* because the Torah teaches us *ki yipol hanofel mimenu*. In *shamayim*, Hashem already decreed what money people will lose. So when you give *tzedaka*, you are merely fulfilling what was already decreed.

A Diyuk in the Title *Ba'al Teshuva*

We know that certain *teshuva* turns our *zedonos* sins only to *shegagos* sins. But with this lower level of *teshuva*, we are not left with any *zechuyos*. A higher level of *teshuva* actually transforms our *zedonos* sins to *zechuyos*. A *ba'al* has a wife who gives him children. Implicit in the title of *ba'al teshuva*, our hope and prayer is that our *teshuva* will be on the level to yield us “children,” namely transform our *zedonos* into actual merits for us.

HaRav Dov Kook has many insights into *teshuva* which are compiled in his *sefer* called *Isalusa*.

Dovid HaMelech says:

תעיתי כשה אבד בקש עבדך כי מצותיך לא שכחתי.

I have strayed like a lost sheep; search for Your servant, for I have not neglected Your commandments. (Tehillim 119:176)

Imagine a sheep gets lost from the herd and ends up deep in the forest. There this sheep is at risk of being attacked and devoured by the wild animals in the forest looking for prey. The sheep may also fall into open pits along the way that is not familiar to him. This sheep will surely ask of his shepherd for a sign to lead him back to his herd, so he can return to a safe place. Surely, this request comes from the depths of the sheep's heart. So too are the dangers that we encounter when we stray from Hashem's path. We find ourselves amidst the thick of *gashmius* of *Olam Haze'h* that is analogous to night. We end up thrust into the dangers of all that lurks at nighttime. So, we cry out to our Shepherd, Hashem, to show us the path to *teshuva*, to return to His path of light, where we will be protected from all dangers.

Within each one of us there lies a hidden gem which is called the *neshama*. Our strong connection to *gashmius* distances us from our *neshama*. After time, we build layers upon layers on top of the cover over our *neshama*. The *avoda* of *teshuva* is not to create something new, rather it is to return to the good that always existed within us but was merely covered up by our connection to physicality. *Teshuva* allows us to uncover and reveal our *neshama*. This explanation gives us a deeper understanding of what the Torah tells us in *Devarim* 30:11-14 when it tells us that *teshuva* is not something that is distant from us: rather it is something that is close to us and within our very reach.

The cornerstone of *teshuva* is for the *ba'al teshuva* to first and foremost *l'hakir es ma'alaso ha'atzuma*, to realize his lofty level. Only after he realizes this should he contemplate how his actions contradict his lofty level.

Hashem Cherishes Every *Neshama*: Never Despair

The *Midrash Rabba* on *Megilas Rus* tells of an incident involving King Menashe, Chizkia's wicked son. Menashe's many sins are summarized in II *Melachim* 21 as well as in II *Divrei HaYamim* 33. Among other sins, he was involved in *avoda zara* and murder.

Rav Levi bar Chaysa said that the Assyrians made a copper cauldron for Menashe, placed him inside of it and lit a fire beneath. Menashe screamed "This idol, that idol, save me!" He beseeched each of the idols that he had worshipped to save him. When he saw that the idols did not help him at all, he said: "I remember that my father Chizkia used to have him recite the following *pasuk* from *Devarim* 4:30–31 "When you are in distress and all of these things have befallen you, at the end of the days, you will return unto Hashem your God, and hearken to His voice. For Hashem, your God, is a merciful God, He will not abandon you nor destroy you, and He will not forget the covenant of your forefathers that He swore to them." So, Menashe said therefore, I will cry out to Him. If He answers me then that is good and I will know that He is the true God. But if He does not answer me, I will conclude that all gods are as one and that the characteristics of them are equal.

The *midrash* continues that at that time, G-d's ministering angels stood up and closed all the windows of heaven. They sealed off the windows through which all prayers enter heaven in an attempt to block Menashe's supplication from reaching God. And they said to God: Master of the world, will You accept the repentance of a man who placed an idol in the Sanctuary?!

God said to them: "If I do not accept Menashe in repentance, I am effectively locking the door before all future penitents." What did Hashem do? He hollowed out for Menashe a tunnel beneath His Throne of Glory, as it were, in a place where no angel could exercise control, in order to allow Menashe's prayers to reach Him. This is as it says in II *Divrei Hayamim* 33:13, "He prayed to God, and He was entreated by him and heard his supplication, and He returned him to Jerusalem, to his monarchy. Rav Levi said in Arabia they refer to a tunnel (*chatira*) as an *atira* (supplication). Rav Levi is asserting that the *pasuk* which says and He was entreated by him could be read as "and He hollowed a tunnel for him," as the *midrash* indicated.

This *midrash* teaches us that even in the face of protest from His ministering angels, Hashem accepted the *tefilos* of Menashe, who committed the worst of sins. Many of us feel that we are not worthy and not deserving of Hashem's kindness. However, through the *koach* of *tefila*, even if it is a prayer in desperation as was the prayer of Menashe, Hashem will still listen and save us!

HaRav David Pinto, in his *Sefer A'ira Shachar* in *Parshas Naso*, notes how *Hakadosh Baruch Hu* cares about each and every *neshama*. He points out that Shlumiel ben Tzurishadai is included in the count of the *nesi'ei Yisrael*. He quotes the *gemara* that states that Shlumiel ben Tzurishadai was really Zimri:

א"ר יוחנן חמשה שמות יש לו זמרי ובן סלוא ושאל ובן הכנענית ושלומיאל בן צורישדי.

Rabbi Yochanan says: Zimri has five names: Zimri, and son of Salu, and Saul, and son of the Canaanite woman, and Shelumiel, son of Tzurishadai. (Sanhedrin 82b)

Why would such a person, who sinned with Cozbi bas Tzur, be listed amongst the *nesi'ei Yisrael*?

He explains that the point is to show us that Hashem waits even for such a wicked person to do *teshuva* and return to Hashem. Not only does He wait for them, He even goes so far as to surround such a person with Holy Names to aid and assist him in his journey of repentance. This is why he is called Shlumiel which comes from *Shalom Kel*. Tzurishadai is also one of the Names of Hashem. All of this is to teach us that every *neshama* is precious to Hashem. Even if it is known that in the future a person will come to sin, Hashem will judge him "*ba'asher hu sham*," in the here and now, and will not focus on any future sins that may be committed, as it taught in the *gemara* in *Rosh Hashana* 16b.

Avoda Shebalev



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For the Love of God: The Five Languages of *Ahavas Hashem*

RABBI YAAKOV AND BRURIA SIEGEL



At least twice a day we recite the mitzva to love Hashem:
ואהבת את ה' אלהיך בכל לבבך ובכל נפשך ובכל מאודך.
*You shall love Hashem your God, with all of your heart, all of your soul,
and all of your capabilities.*

This is one of the Torah's most important, yet difficult *mitzvos*. The *Sefer Hachinuch* (#418) succinctly summarizes why the mitzva of *Ahavas Hashem* is so important:

שרש מצוה זו ידוע, שלא יקים האדם מצות השם ברוך הוא יפה, רק באהבתו אותו.
*The reason for the mitzva is well known; that people will not follow
Hashem's mitzvos properly, unless they love Him.*

But how do we love Hashem? It's far easier to understand what it means to love a spouse, child, parent, or friend, because with people, we can see them, touch them, and hear their voice. But when it comes to the love of Hashem, we can't do any of those, so how do we get to a place of really loving Hashem?

The Rambam's answer to this question, *kidarko ba'kodesh*, is fiercely intellectual:

והיאך היא הדרך לאהבתו ויראתו. בשעה שיתבונן האדם במעשיו וברואיו הנפלאים
הגדולים ויראה מהן חכמתו שאין לה ערך ולא קץ מיד הוא אוהב ומשבח ומפאר
ומתאוה תאוה גדולה לידע השם הגדול.
How does one come to love and fear God? When a person contemplates

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God's great and amazing actions and creations, and sees from them God's boundless wisdom, immediately he will love God, praise Him, and come to a very strong desire to know God. (Hilchos Yesodei Hatorah 2:2)

The ideal, according to the Rambam, is that by using one's intellect - thinking about Hashem – a person will come to a genuinely emotional love for Hashem. For many people, however, it is hard to make that leap from the intellectual to the emotional. So how can the rest of us who struggle to achieve the Rambam's ideal come to love Hashem?

Perhaps if we look more closely at how we love people, and if we look more closely at the first *parsha* of *Shema* – the mitzva of *Ahavas Hashem* itself – we can come up with some suggestions.

The Five Love Languages

One of the more popular contemporary books about relationships is “*The Five Love Languages*,” written in 1992 by Gary Chapman, a marriage counselor and pastor from North Carolina. Chapman's book was originally written about marriages, but he has written subsequent books applying the same ideas to parents and children, friends, co-workers, and nearly every type of interpersonal relationship. The original book was a New York Times bestseller for many years, including for a while, the #1 bestseller, and overall, the series has sold tens of millions of copies.

Chapman's basic idea is that people express and experience love in five different ways, which he calls love languages: **words of affirmation, quality time, physical touch, gifts** and **acts of service**. Chapman argues that people generally have a primary and secondary love language, and that they naturally express their love for another person in their own primary and secondary love languages. Problems could arise, however, if the giver and receiver do not speak the same love language. One party could be trying to express love in their own personal love language, but the other party won't feel loved because it's not being expressed in his or her personal love language.

For example, let's say a husband's primary love language is quality time, while his wife's primary love language is gifts. For the wife's birthday, the husband wants to express his love to his wife, so he takes his wife away for a romantic weekend getaway. But since she expresses and experiences love through gifts, for weeks before her birthday, she was anxiously trying to guess what gift he was going to give her. When she receives no gift at all, she feels disappointed and unloved. Two months later, for her husband's birthday, she spends a lot of time and money coming up with

the perfect customized gift for him, and presents it to him while the family is having its regular supper the night of his birthday. He might hardly even notice the gift and be frustrated that his wife didn't get a babysitter and at least take him out for dinner. If a husband or wife learn to identify the other's love languages, says Chapman, they can be much more effective in making their spouse feel loved.

Chapman's other three love languages are words of affirmation, acts of service, and physical touch. Words of affirmation are expressing affection through spoken words, praise, appreciation, compliments, or simply saying, "I love you." Acts of service are nice things you do for the other person that make them feel loved and appreciated. An example of acts of service could be if a husband borrows his wife's car and fills up the gas tank so she doesn't have to. A wife whose love language is acts of service will feel loved as soon as she sees the gas meter on "full" rather than the yellow "low fuel" light from the night before. Physical touch is the easiest to understand, and can include expressing love through a hug, a kiss, or holding hands.

Understanding another person's love language can strengthen any relationship, not just marriages. Some children, for example, love hugs from their parents, while others burst into smiles from a compliment or a gift. Knowing each child's love languages can help a parent make his or her children feel more loved.

The Five Languages of Loving Hashem

We would like to suggest that these five love languages can also be used to express love for Hashem. Each person can find his or her primary languages of loving Hashem, which can bring them to a closer emotional connection with Him.

Actually, we believe that this suggestion is made by the Torah itself. In the first *parsha* of *Shema*, after we are commanded to love Hashem with all our hearts, all our souls, and all of our capabilities, the subsequent *mitzvos* hint to the five ways to accomplish this:¹

ושננתם לבניך; ודברת בם; בשבתך בביתך ובלכתך בדרך ובשכבך ובקומך. וקשרתם
לאות על-ידך והיו לטטפת בין עיניך. וכתבתם על-מזוזות ביתך ובשעריך.

Teach them to your children, speak about them when you are sitting in your home, when you are walking along the way, when you lie down, and when you wake up. Tie them as a sign on your arm, and make them as tefillin on

¹ These are prefaced with, "והיו הדברים האלה אשר אנכי מצוך היום על לבבך", these words that I command you today, you shall take to heart." While it is not clear which "words" *v'hayu had'varim ha'eleh* is referring to, Rashi, Rabbeinu Bachya, and other commentators say it refers to the mitzva of *Ahavas Hashem*.

your forehead. Inscribe them on the doorposts of your house and on your gates. (Devarim 6:7-9)

Words of Affirmation

One way to enhance a person's *Ahavas Hashem* is *vidibarta bam*, constantly talking about Hashem. *Baruch Hashem, b'ezras Hashem, chasdei Hashem, im yirtzeh Hashem*, thank you Hashem.² However you say it, the more a person talks about Hashem's involvement in every aspect of his or her life, the more it becomes part of how the person thinks. When something good happens in a person's life, and he or she says out loud, "that was Hashem's *hashgacha*," it can greatly enhance a person's *Ahavas Hashem*.

Quality Time

We live frantic lives, and rarely have the opportunity for quality time for anyone, let alone Hashem. But the Torah tells us when we can find the time: *Bishivticha biveisecha uv'lechticha baderech, bishochbicha, uv'kumecha*. There are quiet moments if one finds him or herself alone in the car, or alone in thought right when going to sleep or waking up. During those times one can think about his or her relationship with Hashem. When a person first wakes up and says *modeh ani*, he or she can take a few uninterrupted moments to appreciate the new day Hashem gave them and how it can be used to its fullest. During *krias shma al hamita* as one goes to sleep, one can think about how they fared in their relationship with Hashem that day.

The *Mesilas Yesharim* (Perek 3) says, "I see great need for a person to regularly weigh and measure his ways each day, and fix times for this, so it should not be done haphazardly." One could do this by taking even two minutes during the daily commute to think about his or her mitzva performance and relationship with Hashem. Any of these suggestions could help a person find quality time with Hashem which could help his or her *Ahavas Hashem*.

Physical Touch

Every morning, when a man wraps his *tefillin*, he says the words,

וארשתין לי באמונה, וידעת אתיה'.

And I will faithfully betroth you to Me, and you shall know Hashem.
(Hoshea 2:21-22)

² According to the aforementioned commentators that understand the "words" of "*vihayu hadivarim*" to refer ahavas Hashem, it follows that "*vidibarta bam*" means "speak about *Ahavas Hashem*."

One reason these words are chosen is because wrapping *tefillin* around one's arm, head, neck and hand is meant to evoke the loving embrace between a man and his beloved. *Tefillin*, which contain the parsha of *Ahavas Hashem*, is one of the *mitzvos* with the most physical intimacy with Hashem. This intimate love is reciprocated, as the *gemara* (*Brachos* 6a) tells us that Hashem also wraps Himself in *tefillin*, which contain a *parsha* declaring Hashem's love for the Jewish people, "*Mi k'amcha Yisroel, goy echad ba'aretz.*"

Each morning, as a man himself with his *tefillin*, he can think, "I am being embraced by Hashem." Perhaps this can help a person embrace Hashem right back.

Gifts

The *Sifrei* explains the mitzva of *Ahavas Hashem* as follows:

ואהבת את ה' אלהיך - אהבהו על כל הבריות כאברהם אביך.

"Love Hashem your God:" cause Him to be loved by all people, like Avraham your father. (*Sifrei*, *Devarim* 32)

Avraham Avinu introduced monotheism to the world, and taught many of his pagan neighbors to know Hashem, and come to love Hashem. According to the *Sifrei*, "*v'ahavta eis Hashem Elokecha*" instructs us to follow in Avraham's ways and teach others to love Hashem.

It's hard to think of a greater gift to Hashem than teaching others to love Him. But perhaps the greatest gift of all could be, "*vishinantem livanecha*," for a person to teach his or her own children to love Hashem.

Parents spend years teaching their children to love Torah and *mitzvos*, and there's no question that the more time a parent spends discussing and teaching *Ahavas Hashem* to his or her children, the more the parent's own *Ahavas Hashem* will grow.

And it's not just teaching children. The *Sifrei* (*ibid.*) says the "*vishinantem livanecha*" includes, "*livanecha – eilu talmidecha*," your children includes your students. Any time a person teaches another Jew to love Torah and *mitzvos* – whether in the classroom or around the Shabbos table – it can greatly enhance the teacher's *Ahavas Hashem*.

Acts of Service

One of the many symbolisms found in the mitzva of *Mezuza* is that it reminds us of the Jews in *Mitzrayim* who put blood on their doorposts as a way of declaring, "this is the house of a family that serves Hashem." This is seen in the *Zohar* that describes the *mezuza* as follows:

אמר קודשא בריך הוא לישראל, כמה מקטרגין זמינין לקבלייכו, אשתדלו בפולחני,
ואנא אהא נטיר לכו לבר.

Hashem said to Israel, you have many enemies waiting to greet you. If you involve yourselves in serving me, I will protect you from outside. (Zohar Va'eschanan 17:115)

The Ramban (end of *parshas Bo*) also applies this to our *mezuzos*:

כי הקונה מזוזה בזוז אחד וקבעה בפתחו ונתכוון בענינה כבר הודה ... שחסד הבורא גדול מאד על עושי רצונו, שהוציאנו מאותו עבדות לחירות.

One who buys a mezuzah for just one zuz and fixes it to his door and thinks about its history and purpose is making a declaration as to... the exceptionally great chesed that Hashem does to those who do His will, particularly when he took us out of Egypt from slavery to freedom.

While the *parsha* of *mezuzah* itself does not mention *Yetzias Mitzrayim*, the Ramban sees the purpose of us putting a sign on our doorposts, as to remind ourselves of how in *Mitzrayim*, Hashem saved all those who put a sign on their doorposts to declare that this is a home of a family that “does His will.”

Anyone can greatly enhance their *Ahavas Hashem* by focusing on making their own home a place that declares, “this is the house of a family that serves Hashem.” As the Rambam famously says, even a person’s regular everyday activities that they do at home can and should be to serve Hashem:

ויהיה שבתו וקומו ודבורו הכל לעמית זה הדבר... וכן כשיאכל וישתה ויבעל... נמצא המהלך בדרך זו כל ימיו עובד את ה' תמיד... ואפלו בשעה שהוא ישן אם ישן לדעת כדי שתנוח דעתו עליו... נמצאת שנה שלו עבודה למקום ברוך הוא... והוא שאמר שלמה בחכמתו (משלי ג:ו) "בכל דרכיך דעהו והוא יישר ארחתיך."

When a person sits down, gets up, or speaks, it should all be for this purpose [to serve Hashem.] Even when he eats, drinks, or has intimate relations. One who goes in this path can always be serving Hashem his entire life. Even when one is sleeping, if he is sleeping so that his mind will be rested, his sleep is service of Hashem. And this is what Shlomo said in his wisdom (Mishlei 3:6): "You shall know Him in all of your ways." (Hilchos De'is 3:2-3)

Simple acts of service, like a husband going out to get his wife her favorite coffee, can enhance the husband and wife’s love for each other. So too, one who devotes his life and home in the way of *bechol drachecha da’ehu* – serving Hashem in every aspect of regular life – can greatly enhance his or her love for Hashem.

Relationships Require Consistency

It's interesting that none of the *mitzvos* found in the *parsha* of *Ahavas Hashem* are one-time *mitzvos*. We might have expected *mitzvos* like *bris mila*, writing a *Sefer Torah*, or bringing a voluntary *korban* to be the examples of *mitzvos* that could be used to bring one closer to *Ahavas Hashem*, but they are not. The examples given are all *mitzvos* that need to be done constantly and consistently. On "*vidibarta bam*", Rashi says "*shelo yehei ikar diburcha ela bam*," meaning Hashem, Torah and *mitzvos* should be your main topic of conversation. "*Bishivticha biveisecha u'vilechtecha baderech*," means always – every waking moment. *Tefillin* are worn everyday, and in previous generations they were worn for the entire day. "*Vishinantem livanecha*," teaching your children (or students) is a lifelong endeavor. And a *mezuzah* must be fixed to one's door at all times; one cannot live in his or her home even for a day without a *mezuzah*. All of these *mitzvos* that are given to foster and enhance *Ahavas Hashem* are meant to be done regularly.

This is true for any loving relationship, and all five of the love languages. For a strong relationship, love needs to be expressed constantly and consistently. If a husband's love language is gifts, the wife cannot just give him cufflinks in the *yichud* room, hoping that he will forever feel loved. If a wife's love language is words of affirmation, her husband cannot tell her during *Shana Rishona*, "I think you're beautiful, and I'll let you know if that changes." A successful relationship requires constant expression of love. This is true for personal relationships, and true for *Ahavas Hashem*.

We say the first paragraph of *Shema* twice a day, which means twice a day we remind ourselves to focus on improving our love of Hashem. Perhaps we can take those reminders as encouragement to go out and find which of the five Love Languages can help us achieve our greatest *Ahavas Hashem*.

Words of Pray: Understanding the Mechanics of *Tefilla*

ELI SNYDER



The concept of *tefilla*, prayer, is often condensed down to the simple idea that it is a means to request from Hashem the myriad of needs, both personal and communal, that we hope will lead to a healthier, wealthier, happier life. Whether it is for professional or academic success, recovery from illness for a loved one, forgiveness of a sin or even the arrival of the Moshiach, we spend a few minutes or hours a day asking from the infinite God for things that will improve the lives of ourselves and of those of whom we care. While it is not *incorrect*, per se, this approach to *tefilla* can be considered underdeveloped. In this framework, a very common question presents itself. Of course Hashem is limitless and can grant anyone anything, but what sort of haughtiness can bring a prayerful Jew to think he can, so to speak, change God's Mind? If I get sick, Hashem in His divine wisdom intended me to be sick, so who am I to second-guess His Will? This follows through for any request, big or small, noble or selfish, material or spiritual. What this question then suggests is that there needs to be a more sophisticated understanding of the mechanics of *tefilla*, one that is not an affront to the divine wisdom, *chas v'shalom*, and can fully imbue our minds and hearts with an awareness of the Hashem's presence when we direct our speech Heavenward.

***Tefilla* as Introspection**

There is an episode in the *Navi* (II *Melachim* 4:1-7) that tells of an encounter between Elisha the Prophet and a recently widowed woman. She was in debt to a creditor and Elisha asks what she has in her possession, to which she replied a single jug of oil. Elisha advises her to collect as many containers as possible, shut the door, and begin pouring the oil from the one jug and she miraculously begins filling up every

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jug that was collected. It was not until she ran out of containers that the oil stopped, whereupon she sold the oil and was able to pay her debts. In the incident, the oil coming from its source was not the limiting factor, but rather it was the vessels that were available to receive the divine blessing. When we go up and *daven* to Hashem, the infinite *shefa*, bounty, is primed and ready to be bestowed but it is only when we have crafted ourselves into a suitable *kli*, vessel, then we can receive. To that end, with *tefilla* we are not changing Hashem's Mind, so to speak, as much as we are changing ourselves from people who were previously not *shayach* to a given request into people that now are. Before a genuine and heartfelt prayer, had Reuven completed an enormous business deal, he would have credited his cunning intellect and deft negotiating skills to his success and therefore, Hashem did not allow that deal to go through. However, after a deep introspective dive into his own limitations and a genuine recognition that all success stems from God, Reuven is a different person, one that can now have a professional accomplishment without it corrupting his ego.¹ The verb for *davening* in Hebrew, "*l'hispalet*" is in the reflexive verb form, i.e. a verb that one performs and it reverberates back on the self. For example, "*l'hisragel*," to practice, really means to make regular to yourself. "*L'hischashev*," to consider, is a more internal form of mental exercise than "*lachshov*," to simply think. So in the act of prayer there must be a genuine reformation of self for the *tefilla* to have an effect. To delve further, the deeper sources² describe four layers of defining self – starting externally and moving inwards, there is: 1. *Ma'aseh*/Action 2. *Dibur*/Speech 3. *Machshava*/ Thought 4. *Ratzon*/Will. The first three are self-explanatory. The most external expression of self, i.e. the most revealed to the world, is that of action. Hence why actions speak (to others) louder than words. Actions are also the easiest to control. Speech still takes place outside of a person but it is more subtle, less tangible. The effect speech has is less direct than action and at the same time, speech is harder to control. Take for instance the difficulty of avoiding *lashon hara*. On the level of *Machshava*, there is no external representation of a thought and one's thoughts are that much more definitive of their personality and constitution than words and actions. To that end, they are much harder to control, although it is still possible. The level of *Ratzon* is harder to

1 The concept of discovering one's truest self through *tefilla* is abundantly present on the day spent entirely absorbed in *tefilla*, Yom Kippur. See the article, "The Greatest Goat of All Time," *Nitzachon* 6:1. I would also be remiss mentioning discovery of self and Yom Kippur without also highlighting this idea on Purim. See "The *Klipa* of a *Kippa*: Addressing our Dress through the Custom of Costumes" in *Nitzachon* 2:2.

2 This formulation was presented to me in discussions with one of my *rebbeim* and the concepts can be found in the *Tanya* as well.

describe but in a sense, it is the thought behind the thought. The intention to direct one's *Machshava*, *Dibur* and *Ma'asim* towards whatever it is that person would like to manifest.³ Definitionally, a person cannot change their *Ratzon* on their own; in context of that individual, it is a *primum movens*, a prime mover, a first cause. In order to change *Ratzon*, it needs to be done by the true Prime Mover, Hashem. *Tefilla* is the channel to ask Hashem to change oneself on the most fundamental level. "*Hakol bidei shamayim chutz mi'yiras shamayim*" – "Everything is in Heaven's Hands with the exception of Fear of Hashem," and so, somewhat paradoxically, in order to change oneself at our deepest core, we must ask Hashem for assistance. Again, making ourselves a *kli* in order to fulfill our Divine mission.⁴

***Tefilla* as a Transaction**

One of the first and among the most fundamental questions that haunts a mind inquiring into Divine Providence is, "Why do bad things happen to good people?" The inverse bears just as much weight, "Why do good things happen to bad people?" To answer these questions requires exploration into the World to Come/*Olam Haba*, understanding of *s'char* (reward) and *onesh* (punishment) as well as our limited grasp of good and bad. One of several approaches to answer the latter formulation is that there is no *rasha* that has never done a positive deed, such as *tzedaka*, *kibbud av v'eim*, or *shiluach hakein*. Unfortunately for the *rasha*, they do not have a portion in *Olam Haba*, where the true *s'char* can be meted out and as such, the "repayment" for their finite goodness must come in this world during their lifetimes.^{5,6} However, this leads

3 An oft-heard remark in a post-high school Yeshiva is not just "I want to learn Torah" but rather "I want to *want* to learn Torah." If you really want to do something, you can usually do it, but to want to want to do something is a little trickier.

4 The order of the first *brachos* of the *Shmone Esrei* appear to support this idea as well. The well-discussed groupings of the 19 *brachos* in a daily *Amidah* are 1) First three – Praise for Hashem 2) Middle thirteen – *Bakashos* (requests) 3) Last three – *Hoda'a* (thanks). So following the first group where the *davener* has articulated a recognition of the Greatness to Whom he is speaking, the first *bracha* of the middle group is a request not for material things but for wisdom and understanding. An internal request. The following two are for *teshuva*, again further refining the human character. Only after these three internal "*bakashos*" do we turn our attention to *geula*, *refua* etc.

5 You can answer the first question in reverse. A *tzadik* would rather receive *kappara* in *Olam Hazei* than experience *onesh* in *Olam Haba*.

6 *Kiddushin* 40b, Rabbi Eleazar son of Rabbi Tzadok compares *reshaim* to a tree that stands in an impure place with branches hanging over a pure place. If those branches are cut off, it is entirely in an impure place. As such, Hashem gives *reshaim* reward in *Olam Hazei* so that they will be expelled and banished to the lowest level in *Olam Haba*.

to another question, “why do good things happen to *good* people?” Surely, we do not want to be wasting our *s’char* on trivialities like wealth and health when true reward can only be experienced when we have shuffled off this mortal coil. In this sense, *tefilla* is the vehicle that allows us to receive from Hashem in *Olam Hazei* without “using up” the *s’char* we have earned by performing *mitzvos*.

A slightly adjusted angle can be demonstrated by the following *mashal*. An employee of a company receives a salary and benefits as payment for the work he performs. Now, if the employee needs to go on a business trip on behalf of the company, it is to the advantage of both the worker and his employer that he performs to the highest degree. Therefore, they will pay for a comfortable flight at an appropriate time, a conveniently located and well-appointed hotel, taxi rides etc in order that their employee can do his job without distraction or discomfort. So too, our “salary” is in *Olam Haba* but in order to best perform our *avodas Hashem*, we request that Hashem reduce the distractions of life, e.g. poor health, financial struggles, and the threat of war. This harkens back to the first mechanism of *tefilla*, that of introspection. A request for monetary security, for example, is more likely to be granted to someone that went from someone that would spend frivolously to someone that will use the money to better serve as an *eved* Hashem.

Tefilla as a Conversation⁷

In the *Sefer HaTanya* (Chapter 4), the Alter Rebbe explains the famous Talmudic phrase, “*Ein mayim ella Torah*,” “there is no water besides Torah” as follows,

“The Torah has been compared to water, for just as water descends from a high place to a low place, so has the Torah descended to earth from its place of glory, which is the will and wisdom of Hashem Himself...”

Like water flowing down from a mountaintop to the valleys below, Hashem constricted His wisdom and will, so to speak, into a finite form that descended down to *Klal Yisrael* so we can try to know Him.

“With this, each person will be able to comprehend them through his faculty of understanding, and to fulfill them as far as they can be fulfilled, in deed, speech and thought.”

Rav Dovid’l Weinberg points out that the descent of rainwater only encompasses half the hydrologic cycle. All precipitation that gathers on Earth must then evaporate

⁷ Most of this section comes from sources and ideas found in the beautiful sefer, “*Birth of the Spoken Word: Personal Prayer as the Goal of Creation*” by Rav Dovid’l Weinberg.

and ascend back up to the Heavens. Quoting Rebbe Nachman m'Breslov (*Likutei Moharan* II,25),

"It is also good to turn Torah teachings into prayers. When you study or hear a teaching from a truly righteous person, make a prayer out of it and ask Hashem that you, too, will be able to fulfill this teaching."

In a sense, we are taking the Word of God that descended down to us and through *tefilla*, and reuniting it to its source, completing the cycle.

Continuing along Rav Weinberg's connection between the descent of the Torah and the ascent of our *tefilla*, we can expand on the means we communicate back and forth with Hashem. In ancient times, Hashem spoke to *Bnei Yisrael* quite directly via prophecy. Along with losing *nevu'a*, we also lost open miracles that too demonstrated a very palpable communication to us. Millennia ago, we spoke to Hashem more directly as well, by offering *korbanos*, we can very tangibly send our intentions up high. With the loss of the *Beis Hamikdash*, the tangible is gone and subtle communication must prevail. With the aforementioned Torah, "*eitz chaim hi lamachazikim ba*" (*Mishlei* 3:18), it is alive to those that place their intent to grasp it. We do not need to stop hearing Hashem. However, "*lo bashamayim hi*" (*Devarim* 30:12), the Torah has already descended from above during Har Sinai, so while it is alive, there is an added challenge to apply one's Torah study as a means of personal communication. While not impossible, to hear Hashem speaking to you, personally, as you read through *Daf Yomi* or that week's *Parsha*, requires a very sensitive ear. The other contemporary means that Hashem "speaks" to us is not through open miracles, but through *neis nistar*, hidden miracles. Any time we receive or do not receive what we want, individually or communally, it is Hashem sending us a message.⁸ Reading the second paragraph of the *Shema* (*Devarim* 11:13-21) there is a clear correlation between serving Hashem and receiving rain and the inverse, "*pen yifteh l'avchem v'sartem va'avadtem Elohim acheirim*," if your heart is deceived and you serve other gods, Hashem will close the Heavens and there will be no rain.⁹ It is beyond just

⁸ Even beyond seemingly random experiences and coincidences that infer a slight adjustment of nature in order for Hashem to speak to us, nature in its very essence a grand divine speech to humanity. Rav Weinberg points out the world was not built or crafted by Hashem's "hands," it was literally spoken into existence. "*VaYomer Elohim Yehi Ohr*" "*VaYomer Elohim Yehi Rakia*." The world at the most fundamental level is composed of words. The Hebrew word for an object, "*davar*" shares its root with "*dibbur*" speech. As it says in *Tehillim* 19:2, "*HaShamayim Misaprim K'vod Keil U'Maaseh Yadav Magid HaRakia*," "The Heavens declare the glory of Hashem and the sky tells of his handiwork."

⁹ The degree that rain is specially indicative of our relationship with Hashem is explored in much greater depth

reward and punishment, as discussed earlier, the way the natural world operates is a direct communication from Hashem to us and how we choose to react and direct our intentions is how we communicate in turn.

In the *Pachad Yitzchak* (*Pesach, Ma'amar 14*), Rav Hutner focuses on the verses from *Tehillim* 117:1-2, "I love God because He has listened to the sound of my supplication, for He has inclined His ear to me." The apparent question is that "listening to the sound of my supplication" implies that Hashem granted the request. If so, "He has inclined His ear to me" should come first. You listen to the request then you grant it. The answer then is that the receiving of the item requested is only a means to reach the true ends, to reveal that Hashem is listening.

*"This idea changes our entire conception of petitionary prayer. We should evaluate a good prayer not by whether God granted us our desires but by whether the prayer furthered our relationship with God. The act of a child in pain turning to a parent has value even if the parent cannot remove the cause of pain. This is similarly true regarding our turning to God."*¹⁰

All of the Above

The end goal of *tefilla* is to help us build a relationship with Hashem. Like having a conversation with a loved one, the exchange of thoughts and hopes and needs both demonstrates our care and trust in the other and our desire to connect. Beyond the established daily three prayers, the aim is to create a prayerful mindset in all of our actions and impressions during the day. In this way, all three "mechanisms" of *tefilla* really merge into one. Through introspection we are transforming ourselves via prayer. Not just into someone now worthy of receiving when we previously were not, more so we are transforming into someone that is more willing and able to converse with God. To read the subtle signals in Torah study and in daily living. As Rav Soloveitchik explains in *The Lonely Man of Faith*, Chapter VII, prayer replaced prophecy as our means to speak with Hashem. But it is not a downgrade in quality, it is reversal in direction. Instead of hearing Hashem directly speak to us through *nevu'a*, we now initiate the conversation with Him. So too, as previously mentioned, regarding "*Tefilla* as a Transaction," we use *tefilla* to request from Hashem with an end goal of not just having comfort but in order that discomfort in life does not preclude us from serving

in "When the Rain Comes: The Ambiguous Nature of Rain on Sukkos." *Nitzachon* 2:1

¹⁰ As explained by Rabbi Yitzchak Blau in a series of *shiurim* delving in Rav Hutner's influence on Jewish thought, see *Birth of a Spoken Word*, pp. 149-150

in our highest capacity. As such, our relationship and our conversation grows deeper and more meaningful. The more we are attuned, the better we can hear the nuances of the Divine Will, like a spouse knowing what their partner is communicating in full by just a tiny facial expression or a single word.¹¹ To that end, we should all be *zocheh* that when our Beloved knocks (*Shir Hashirim* 5:2), we have the sensitivity and alacrity to hear the message and answer the door.

¹¹ Rav Weinberg points out that it is not coincidental the first person to have a meaningful conversation with Hashem in the Torah, Avraham Avinu, is the first person in the Torah to have a real conversation with his wife.

The Maimonidean Approach to *Krias Shema*

EITAN GELB



When *rishonim* develop a *mehalech* on any specific mitzva, there is a subtle construction of broader ideas which lie behind the actions. They integrate their ethos into an objective concept.¹ The Rambam, specifically, embeds deep themes into his presentation of the *halacha* in the *Mishneh Torah*, especially within his discussion of daily routines in *Sefer Ahava*. He highlights *tzitzis* as a symbol of the 613 *mitzvos*. He defines *tefillin* as the source for *Yiras Shamayim* and humility. And, in the case of the recitation of the *Shema*, he catalogs two features of *emuna*. It seems that, in the Rambam's view, the *Shema* emphasizes the essential faith that frames our day, "*Beshachbecha UvKumecha*."²

The first paragraph of the *Shema*, as expressed by Rabbi Yehoshua ben Korcha (*Berachos* 13a), encapsulates *Kabbalas Ol Malchus Shamayim*, the complete acceptance of Divine authority. The Rambam categorizes this theme into three sections, Unity of God, Love of God and Talmud Torah.

Focus on these ideas and acceptance of them as imperatives builds a grounded orientation throughout each day.

In addition to being fundamental concepts of *emuna*, these precepts are also rooted in our relationship with the *Avos*. The Rambam emphasizes this in *Hilchos Krias Shema* 1:4 (based on *Pesachim* 56a) based on Yaakov's final conversation with his sons:

1 Parenthetically, this is how a person can "make Torah his own" (*Kiddushin* 30b, cited by the Rambam in his *Hilchos Talmud Torah*). The Torah is so expansive that it can even integrate the limited human perspective into its core.

2 The *Sefer HaChinuch* builds on this theme and says that "concentration on these paragraphs twice daily will save an intelligent person from sin."

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מסרת היא בידינו שבשעה שקבץ יעקב אבינו את בניו במצרים בשעת מיתתו צום חורום על יחוד השם ועל דרך ה' שהלך בה אברהם ויצחק אביו ושאל אותם ואמר להם בני שמא יש בכם פסלות מי שאינו עומד עמי ביחוד השם כענין שאמר לנו משה רבנו (דברים כט:יז) "פן יש בכם איש או אשה."

It is our tradition that when the patriarch, Yaakov, gathered all his sons together in Egypt close to his death, he commanded and urged them regarding the Unity of God and the path of God upon which Abraham and Isaac, his father, had tread. He asked them: "My sons, perhaps there are dregs among you, one who does not stand with me in the Unity of God?" This is comparable to the manner in which Moses, our teacher, said to us: "Lest there be among you a man or woman [whose heart turns this day from God...]" (Devarim 29:17).

He felt uncertain that they were all fully invested in the way that God had set out for the family; perhaps some were only observant as a result of having grown up in the home of Yaakov. The Rambam equates this scene with Moshe's final speech to the Jewish people – he also felt that there could be disengaged Jews amongst them (Devarim 29:17),³ and he expresses this sentiment in his farewell address. The Rambam then details how the *Shevatim* answered Yaakov in unison, "*Shema Yisrael Hashem Elokeinu Hashem Echad*," we perform *mitzvos* for a purpose beyond ourselves. And Yaakov responded with relief: "*Baruch Shem Kevod Malchuso L'olam Va'ed*," I am so relieved to have children who are all devoted and righteous people.

However, the centrality of *Kabbalas Ol Malchus Shamayim* is not unique to *Hilchos Krias Shema*; the Rambam previously developed this theme in *Hilchos Yesodei HaTorah*. There is, however, one significant difference:

ומקדימין לקרות פרשת שמע מפני שיש בה יחוד השם ואהבתו ותלמודו שהוא העקר הגדול שהכל תלוי בו. (הלכות קריאת שמע א:ב)

We begin with the section of Shema since it contains [the concept of] the unity of God, [the commandment of] loving Him and the study of His Torah, for He is the fundamental principle upon which everything is based.

וכל המעלה על דעתו שיש שם אלוה אחר חוץ מזה עובר בלא תעשה שנאמר (שמות כ ג) "לא יהיה לך אלהים אחרים על פני". וכופר בעקר שזהו העקר הגדול שהכל תלוי

³ In this speech, Moshe also calls upon both the merit of our forefathers (29:12) and our own covenant with God (29:13-14). It appears that he also values a balance between historical *emuna* and a personal inner life.

בג. (הלכות יסודי התורה א:ו)

Anyone who presumes that there is another god transgresses a negative commandment - as it states (Shemos 20:3) 'You shall have no other gods before Me' - and denies a fundamental principle [of faith], because this is the great principle [of faith] upon which all depends.

While both statements are rooted in passages from the *Shema*,⁴ and both emphasize the importance of a God-consciousness, "*she'hu*" implies God Himself as the central focus, and *sheze'hu* centralizes faith in God.

Both are the "*Ikar Hagadol*" – a Jew needs to draw upon our rich history and also build his own internal construct of *emuna*.⁵ It appears that the first verse of the *Shema* (which, very precisely, happens to be the Rambam's source in *Hilchos Yesodei HaTorah*) describes the deep faith of the sons of Yaakov. However, the rest of the paragraph applies that faith to our own relationship with Him, instructing us to study and teach Torah and to feel His consistent presence. It is possible that the Rambam sees this progression in the verses, first describing historical faith and then transitioning to *our own relationship*.

Ergo, the Rambam develops dual themes from the first paragraph of the *Shema*. The first is the relationship with Hashem that we inherit through the chain of tradition and the second is the one that we build on our own. The *Hashem Elokeinu Hashem Echad*, the affirmation of *Yichud Hashem* that the twelve brothers declared together – comes from drawing upon the ideas of our forefathers.⁶ But love of God, the "*v'ahavta*," comes from our own engagement of His Torah and His people. We cultivate our own relationship with Hashem and inherit one as well.

This idea that the *Shema* frames our *emuna* each day presents itself in the second chapter of *Hilchos Krias Shema*, which discusses how to engage the strict time-frame

4 In the next *halacha* in *Yesodei Hatorah* (1:7), the Rambam says that the idea that there can't be other gods comes from the first passage in the *Shema*, "*Hashem Elokeinu Hashem Echad*."

5 Rashi highlights this duality of faith in his commentary on the Torah (*Devarim* 14:2):

"כי עם קדוש אתה. קדשת עצמך מאבותיך ועוד וכך בחרה"

6 According to the Rambam, these ideas are based specifically on encounters with the scientific principles on which the universe functions. In the words of Albert Einstein: "But also, everyone who is seriously involved in the pursuit of science becomes convinced that some spirit is manifest in the laws of the universe, one that is vastly superior to that of man. In this way the pursuit of science leads to a religious feeling of a special sort..." The Rambam describes this path in detail through Chapter 2 of *Hilchos Yesodei HaTorah* and alludes to Avraham's discovery of it in Chapter 1 of *Hilchos Avodah Zara*.

in which we recite the *Shema*.⁷ There are two ways to approach *mitzvos* that are constrained by time:

1. The time limits govern our day, and everything else is secondary.
2. The time limits allow for this prayer to *frame* our day, giving purpose to everything that we do.

It seems that the Rambam aligns himself with the second approach. For instance, he encourages people to travel and recite *Shema* from dawn, which is before the proper time to pray (*Hilchos Krias Shema* 1:12).⁸ A person who is walking or working needs only to stop to say the first verse (walking) or the first paragraph (working) with proper focus, and can recite the rest during his activity (2:3-4). Furthermore, a person engaged in mundane daily activities need not stop at all to recite *Krias Shema* when its proper time approaches (2:6)!

On the other hand, it is praiseworthy if a person is both practically and emotionally able to pause his activity and recite the *Shema* with the proper intensity (2:6). The *Shema* is a really strong frame of faith for a person who has the wherewithal to articulate its themes and translate that into a deep relationship with God. Therefore, the Rambam prioritizes it even to Torah study (2:5), obligating a person to stop studying Torah when the time comes to say the *Shema*.

In *Hilchos Mezuzah* (6:13), he summarizes this stability that *Shema* engenders:

חַיֵּב אָדָם לְהִזָּהֵר בַּמְזוּזָה מִפְּנֵי שֶׁהִיא חֻבַּת הַכֹּל תָּמִיד. וְכָל זְמַן שִׁכְנָס וִיצָא יִפְגַּע בִּיחּוּד הַשֵּׁם שְׁמוֹ שֶׁל הַקְּדוֹשׁ בְּרוּךְ הוּא וְיִזְכֹּר אֶהְבֵּתוֹ וְיַעֲזוּר מִשְׁנֵתוֹ וּשְׁגִיטוֹתָיו בַּהֲבִלֵי הַזְּמַן. וְיֵדַע שֶׁאֵין דָּבָר הָעוֹמֵד לְעוֹלָם וּלְעוֹלָמֵי עוֹלָמִים אֵלָּא יָדִיעַת צוּר הָעוֹלָם. וּמִיָּד הוּא חוֹזֵר לְדַעְתּוֹ וְהוֹלֵךְ בְּדַרְכֵי מִישְׁרִים. אָמְרוּ חֲכָמִים הָרִאשׁוֹנִים כָּל מִי שִׁישׁ לוֹ תַּפְלִין בְּרֹאשׁוֹ וּבִזְרוּעוֹ וְצִיצִית בְּבִגְדוֹ וּמְזוּזָה בַּפֶּתַח מִחֻזָּק הוּא שֶׁלֹּא יִחְטֹא שֶׁהָרִי יֵשׁ לוֹ מִזְכִּירִין רַבִּים וְהֵן הֵם הַמְּלָאכִים שֶׁמַּצִּילִין אוֹתוֹ מִלְּחַטָּא שְׁנֵאמַר (תְּהִלִּים ל"ד) "חֲנָה מִלֶּאךָ י"י סָבִיב לִירֵאָיו וְיִחְלָצֵם."

A person must show great care in [the observance of the mitzva of] mezuzah, because it is an obligation which is constantly incumbent upon everyone. [Through its observance,] whenever a person enters or leaves [the house], he will encounter the unity of the name of the Holy One, blessed be He, and remember his love for Him. Thus, he will awake from his sleep and his obsession with the vanities of time, and recognize that there is nothing which lasts for eternity except the knowledge of the Creator of the world. This will motivate him to regain full awareness and follow the paths of the upright. Whoever wears tefillin on his head and arm, wears tzitzis on his garment, and has a mezuzah on his entrance, can be assured

⁷ I.e. which activities override *zman krias shema* and which do not.

⁸ In fact, the Rambam uses the word "*l'chatchila*" to describe this situation.

that he will not sin, because he has many who will remind him. These are the angels, who will prevent him from sinning, as [Tehillim 34:8] states: "The angel of God camps around those who fear Him and protects them."

Those objects that contain the words of the *Shema* should be regularly encountered throughout the day. They are the first step towards accessing the *a priori*⁹ approach of a "*Halachic Man*." The next step is to become enveloped in the teachings and wisdom of the Torah.¹⁰ Only then can a person begin the third step: "cognizing the relationship between that ideal world and our concrete environment in all its visible manifestations and underlying structures."¹¹

Based on these sources, it seems that the Rambam prioritizes daily life over the *Shema* and the *Shema* over *Talmud Torah* for the following reason. These words are not to divert from life, or lead to an inward state of *homo religiosus*; rather, they elevate man's relationship with God and with people. In fact, the only time that the Rambam recommends against saying *Shema* is during a mitzva of intense interpersonal emotions, such as a wedding, a funeral, and the like (*Hilchos Krias Shema* 4:1-6). Accordingly, the *Shema* is a medium for the Jewish people to think about and love God. It elevates the mundane experiences, especially those involving other people.

The Rambam concludes his section on *Krias Shema* with an explanation on why impure people are still obligated to recite it twice per day.¹² The reason is as follows: The words of Torah are pure enough to withstand any interaction with *tumah*, no matter how strong. They uplift the world and do not allow the world to corrupt them. The *Shema*, specifically, is a constant reminder of purpose and meaning and a frame for everyone. Fittingly, the Rambam (*Hilchos Talmud Torah* 1:6) holds that a child's education should begin with the verses "*Torah tziva lanu Moshe*" and "*Shema Yisrael Hashem Elokeinu Hashem Echad*." It is the first thing we learn as young children, and it is the first thing we say in the morning each day. It also represents the end of our day and it is the last prayer we recite in this world.

9 A perspective on life which roots itself in the axioms of *Yiras Shamayim* and the nuanced breadth of the *halachic* system.

10 This statement is based on the Netziv's approach to the *Shema* (*Ha'amek Davar, Devarim* 6:6). It centers around the fact that it is much easier to love something (in this case, God) when you engage it with your soul than when you take an academic approach. Therefore, the Netziv recommends living a life governed by Torah study in order to reach *ahavas Hashem*.

11 *Halachic Man* pp. 19–20

12 Even after Ezra and his *Beis Din* had prohibited impure people from reciting words of Torah.

Reflecting on the Shema enables us to achieve a more nuanced focus and to strive towards broad lives centered on *emuna*.

What is *Kavana*?

ARYEH HOFER



It can be hard for many to focus on *davening*, especially during the longer parts like *Shemoneh Esrei*. Is one expected to maintain *kavana* throughout all of *Shemoneh Esrei*, or even throughout all of *davening*? And if so, how is it possible to reach such an incredible level?

What is *Kavana*?

Before discussing the question of the hypothetical expectation of maintaining *kavana*, we have to first define *kavana*, or at least discover what it means to have it.

Rav Chaim Soloveichik, in his *sefer Chidushei Rabbeinu Chaim HaLevi* describes *kavana* as a two-step process. First, one must realize he is *davening* in the presence of Hashem, and truly contemplate the holiness of the situation. Second, one should learn the translation and *halachos* of *davening* in order to become more connected to his *tefillos*. Rav Chaim also holds that without the first step, a person would be considered to be *davening* as *mis'asek*, without purpose.

However, Rav Avraham Yeshaya Karelitz, in his *sefer Gliyonos Chazon Ish*, disagrees with Rav Chaim regarding limiting the level of *davening* to *mis'asek*, and holds a more lenient opinion. He feels that even if someone just says the words without concentration or meaning, by default, that person will at least recognize that what he's saying connects him to Hashem in some way.

So it seems that according to Rav Chaim, *kavana* must be obtained through recognition and understanding of Hashem and the unique connection each person has with Him; and according to the *Chazon Ish*, each person has some level of *kavana* whenever they *daven*, which can be increased from the base level.

However, there are still other aspects when it comes to the definition of *kavana*. The *Targum Onkelos* translates the *pasuk* "*Miyad Ha'Emori b'charbi uvkashti*" (*Bereishis* 48:22) that Yaakov Aveinu battled "*bitzlosi uv'vausi*," with his sword

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[prayer] and bow [plea]”. The *Targum Onkelos* elaborates and explains that with all of Yaakov's fights with his various enemies, he established two ‘modes’ of *tefilla*; a sword and a bow and arrow.

Rav Avraham Kluger clarifies the *Targum Onkelos* and explains that the two modes of *tefilla* have deep meaning. A sword, as a weapon, requires close contact, the blade itself can be used even without swinging it, and the amount of damage inflicted depends on where the wound is. This can be connected to liturgical *tefilla*, which, similar to a sword, requires deep *kavana* and a close connection to Hashem. In addition, the words of *tefilla* themselves are holy, and the power of *tefilla* depends on the timing of the calendar, or praying with a *minyan*.

On the other hand, a bow and arrow is a long-range weapon, the force of the arrow depends on the person wielding it, and the arrow will always hit the innards and penetrate the body. A bow and arrow can be connected to the second ‘mode’ of *tefilla* - meditation/solitude. In meditation or solitude, even if one feels far from Hashem, he can still reach Him, and words are simple, but are spoken through the heart of the person, and finally, even plain words and requests deeply penetrate the heavens and are heard by Hashem.

The Expectations of Davening

Now that we understand what *kavana* really is, we can return to the original point of maintaining *kavana* throughout all of *Shemoneh Esrei* and all of *davening*. Rav Yechiel Michel Epstein, in his *sefer Aruch Hashulchan*, notes the many tips and insights given by other rabbis about increasing *kavana*. He asks why one should attempt to increase his *kavana* nowadays if our *kavana* can not come close in comparison to the level of *kavana* attained by those in generations past?

He explains that Hashem commanded us to do anything we can to increase our *kavana*, regardless of how weak our *kavana* is. From here one can see that Hashem does not expect us to constantly maintain an incredible level of *kavana*. Rather, all He requests is that one attempts to constantly increase and grow one's *kavana* to the best of his abilities.

Reaching a Higher Level

Now it is time to understand how it's possible to reach such an incredible level. To do so, one can inspect the many teachings that countless *rebbeim* have taught throughout the years that explain and aid one in reaching higher levels of *kavana*.

A common recommendation that many mention in their teachings is having

a basic understanding of the words of *tefilla*. The Chafetz Chaim, in his *Mishna Berura*, defines this level as the basic *kavana* one should have. Similarly, Rav Alexander Ziskin, in his *sefer Yesod V'Shoresh Ha'avoda*, prescribes five things one should practice while *davening* to enhance *kavana*, which include understanding the words. Finally, Rav Yaakov Yehoshua Folk suggests, in his *sefer Pnei Yehoshua*, that one should not even focus on the presence of Hashem or Heaven while *davening*, and instead only pay attention to understanding the meaning of the words.

It is clear that to increase *kavana* from the base level that one has, one must comprehend what he is saying in *davening*, and perhaps even apply his own deep meaning to the words of *davening*.

Another practice upheld by many that can be used to enhance *kavana* is meditation.

Rav Yechiel Michel Epstein, in his *sefer Aruch Hashulchan*, suggests that one spend a few moments before *davening* to gather one's thoughts to be prepared throughout *davening*. The *Shulchan Aruch* suggests a similar process, but writes that when gathering one's thoughts, one should mainly focus on having *kavana* for *Shemoneh Esrei*, rather than all of *davening*.

In Conclusion

To summarize, *kavana* can be defined in two different ways. Rav Chaim Soloveichik holds a more *machmir* approach, stating that *kavana* is a two-step process of first recognizing one's connection with Hashem, and then learning the translation and *halachos* of *davening*. On the other hand, Rav Avraham Yeshaya Karelitz holds a more lenient opinion, and argues that one always has a connection with Hashem while praying, regardless of his knowledge of *halacha* or translation. Therefore, *kavana* has an automatic base level that everyone possesses.

Kavana can also be defined through the two modes of *tefilla* that the *Targum Onkelos* mentions, as symbolized by the sword and bow and arrow. As Rav Kluger explains, a sword can be connected to liturgical *tefilla*, while a bow and arrow is associated with meditation/solitude.

Then, we should remember Rav Yechiel Michel Epstein's point that one is only expected to attempt to increase *kavana*, but not obligated to reach and maintain a certain level.

Finally, to reach a higher level, many give thoughtful insights and recommendations such as meditation and understanding the words.

Prisha U'Drisha



Rabbi Pinchas Gelb

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Rabbi David Mahler

Rashi on the Development of the Inner Life

RABBI PINCHAS GELB



Rashi emphasizes in his commentaries on the Torah and *gemara* – and exemplifies through his own life – that key spiritual events can develop in an integrated fashion with the passage of time. In this, Rashi highlights a dialectic between the fact that the course and direction of future circumstances can be wholly anticipated by pivotal experiences, yet it takes time for them to meaningfully unfold. On the one hand, core spiritual events already contain later outcomes in potential. But a seed is not a tree. So, on the other hand, these central points of the spirit require engagement with life's gritty reality for a long time to become fully realized. The passage of time is essential for them to develop, whether on a personal level or in a broader sphere.

An Individual's Sustained Reflection

An individual's Torah learning takes decades of sustained reflection to mature and crystalize, as Rashi underscores in his comments to *Brachos* 6b and *Devarim* 29:6.

In *Brachos* 6b, Rebbe Zeira states: "The reward for attending a lecture is for running [to it]." Why does Rebbe Zeira focus on the act of rushing to attend the class, instead of the actual learning itself? Rashi explains:

עיקר קבול שכר הבריות הרצים לשמוע דרשה מפי חכם היא שכר המרוצה שהרי
רובם אינם מבינים להעמיד גרסא ולומר שמועה מפי רבן לאחר זמן שיקבלו שכר
למוד.

The main reward received by the people who run to hear the class from a

This article is dedicated in memory of Mr. Luis Sztuden z"l.

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chacham is the reward for the running because the majority of them do not understand how to retain the content and say a teaching from their master after [the passage of] time in order to receive a reward for learning.

HaRav Yitzchak Twersky *zt"l* emphasizes that Rashi's definition of the higher reward for attending the lecture, which eludes most of its participants, depends on the student's ability to maintain the coherence of the ideas through time:

*"What Rashi is saying is ... limmud entails not only being physically present at a shiur, and not only the ability to follow the analysis and to understand the intricacies at the time that they are being presented, but the ability to reproduce accurately, at a later time, 'le'achar zman' ... that which the rebbe said – to retain [and] retrieve in all its vitality and pungency, without any distortion or deflection or dulling of the novel ideas and the new nuances that were heard in the shiur, not to allow time to impinge upon the content, the context or the contours of the shmua."*¹

This requirement does not result simply from how much the person understands initially. Instead, it reflects the student's ability to vividly recall it much later, *"le'achar zman,"* notwithstanding the passage of time.²

Rashi further develops this point in his comment on *Parshas Ki Savo* (*Devarim* 29:6), where he explains the verses in *Devarim* 29:3-4 to mean that it took forty years of continuing reflection for the people in the desert to really understand what they had experienced at Har Sinai:

... ד"א ולא נתן ה' לכם לב לדעת שאין אדם עומד על סוף דעתו של רבו וחכמת משנתו עד ארבעים שנה ולפיכך לא הקפיד עליכם המקום עד היום הזה אבל מכאן ואילך יקפיד. ולפיכך ושמרתם את דברי הברית הזאת וגו'.

... Another explanation of [the verse] and "Hashem did not give you a heart to know [until this day]" [is that] a man does not understand the complete knowledge of his teacher and the wisdom of his teaching until [after] forty years; therefore Hashem has not been strict with you until this day, but from now on He will be strict. So, [the verse continues]: "keep the words of this covenant, etc."

¹ HaRav Yitzchak Twersky, *"Chachamim VeSalmideihem,"* delivered at a Rabbinical Council of America (RCA) convention on June 13, 1994.

² See also Rashi's comment to *Devarim* 12:28.

Hence, in his explanation of *Brachos* 6b, Rashi defines “*limmud*” as the ability to accurately recall one’s learning after a long period of time. In his comment to *Parshas Ki Savo*, he specifies that it takes forty years of ongoing engagement with this prior learning to completely comprehend it.

Rashi grounds his comment to *Parshas Ki Savo* on Rabba’s statement in *Avoda Zara* 5b, but with one significant change. The *gemara* states:

אף משה רבינו לא רמזה להן לישראל אלא לאחר ארבעים שנה שנאמר (דברים כט:ד) ואלך אתכם במדבר ארבעים שנה וכתוב (דברים כט:ג) ולא נתן ה' לכם לב וגו' אמר רבה ש"מ לא קאי איניש אדעתיה דרביה עד ארבעין שנין.

Even Moses our teacher did not allude to the Jewish people until after forty years, as it is stated: “And I have led you forty years in the wilderness” (Devarim 29:4). And it is written: “But the Lord has not given you a heart [to know, and eyes to see, and ears to hear, until this day]” (Devarim 29:3). Rabba said: Conclude from here that a man does not understand the knowledge of his teacher until [after] forty years.

Yet, Rashi adds to Rabba’s statement, formulating it as follows: “a man does not understand [1] the complete knowledge of his teacher and [2] the wisdom of his teaching until after forty years.” By adding the phrase “and the wisdom of his teaching” to Rabba’s statement, Rashi distinguishes between the inner mind of the teacher (*da’ato shel rabbo*) and the content that has been taught (*chochmas mishnas*). Rabba’s statement combines these two aspects (i.e., the quality of the teacher’s mind and the information conveyed to the student), but Rashi separates them, emphasizing that this forty-year process after the initial experience of learning involves not only diligent review of the subject matter acquired, but also sustained reflection on the personality of the great teacher encountered.

Indeed, if we want to be very precise, we can differentiate between the two phrases that Rashi uses: “*sof da’ato shel rabbo*” (the complete knowledge of his teacher) and “*chochmas mishnas*” (the wisdom of his teaching). In *Parshas Ki Sisa* (Shemos 31:3), Rashi defines the word “*chochma*” as information that one person learns from another, and he defines the word “*da’as*” as *ruach hakodesh*.³ No matter how we understand the term *ruach hakodesh*, it necessarily expresses what an individual knows without having learned it from someone else. A teacher might guide the path

³ Rashi there also says that “*tevuna*,” the third term used in the verse to describe Betzalel, means what a person discerns independently based on prior learning.

toward *ruach hakodesh*, but the actual experience of *ruach hakodesh* results from inwardly cultivated insight and perception that enables the individual to directly engage an aspect of *hashra'as HaShechina*.⁴ Applying these specific definitions, Rashi very clearly is interpreting Rabba's phrase "*daitei derabbei*," the "knowledge of his teacher," to express two distinct components: (1) "*chochmas mishnaso*," the information that has been conveyed, and (2) "*sof da'ato*," the complete knowledge of the teacher, meaning nuances in the teacher's Torah personality that continue to inform and instruct the student's ongoing growth.

As a result, "*limmud*" means to actively review one's past learning for at least forty years to increasingly understand both the subject matter provided ("*chochmas mishnaso*") as well as – through continuing inner conversation – the qualities of character that the teacher has shared ("*sof da'ato shel rabbo*"). The passage of time, thereby, emerges as a basic aspect of mature learning because, as Rashi explains, "*limmud*" requires not only ready recollection but also persistent engagement with both the content and the experience of one's prior learning throughout the course of decades.⁵

Although Rashi did not write his commentaries autobiographically, it is poignant to note how closely the elaboration from his comment on *gemara* in *Brachos* to his comment on *Parsha Ki Savo* potentially tracks his own life. Rashi appears to have reviewed and edited his commentaries continually, and it is unclear when exactly he wrote each specific part of them. But he started writing his Talmudic commentary during his early-20's while studying with his revered teachers Rav Yaakov ben Yakar and Rav Yitzchak Halevi,⁶ and his statement there focuses on *future* review and recollection of the material learned. He completed his commentaries toward the end of his life, approximately four decades later,⁷ and the statement in his Torah commentary emphasizes the learning that continues to take place during the forty

4 See Rashi's comment to *Avoda Zara* 20b

5 See also Rashi's comments to *Kiddushin* 49b, s.v. *aniyus deTorah*, that haughty people are impoverished in Torah because a consequence of their arrogance is that they do not review what they have learned, and to *Sukka* 46b, s.v. *davar acher im ata shome'a beyashan* and s.v. *tishma bechadash*, that reviewing one's prior learning increases understanding of it and enables it to become a catalyst for new insights.

6 See, e.g., Avraham Grossman, *Rashi*, trans. Joel Linsider (Portland: The Littman Library of Jewish Civilization, 2012), pp. 15-18, 142, 144.

7 See, e.g., Nechama Leibowitz and Moshe Ahrend, *Rashi's Commentary on the Torah: Studies in His Methodology*, (Tel Aviv: The Open University of Israel, 1990), p. 460.

years *after* an individual first encounters great teachers.

A Family's Emerging Actualization

A family's core constitution can be established by the nature and disposition of its forebearers, as Rashi intimates through his comments to *Bereishis* 48:8-9.

Yaakov Avinu asks Yosef who Ephraim and Menashe are when he prepares to bless them, even though he references them by name just a few verses earlier and notwithstanding Rashi's comment to *Bereishis* 48:1 that Yaakov spent a significant amount of time with Ephraim. In his comments to *Bereishis* 48:8-9, Rashi explains Yaakov's question:

וירא ישראל את בני יוסף. בקש לברכם ונסתלקה שכינה ממנו לפי שעתיד ירעבם ואחאב לצאת מאפרים ויהוא ובניו ממנשה.

ויאמר מי אלה. מהיכן יצאו אלו שאינן ראויין לברכה.

בזה. הראה לו שטר אירוסין ושטר כתובה ובקש יוסף רחמים על הדבר ונחה עליו רוח הקודש.

And Israel saw Joseph's sons. He wished to bless them but the Shechina from him was removed because in the future Jeroboam and Ahab would descend from Ephraim and Jehu and his sons would descend from Manasseh.

And he said who are these. From where do these come who are not suited for blessing?

In this place (literally, by this, or by means of this). He showed him the contract of betrothal and the contract of marriage, and Joseph prayed about the matter and Ruach HaKodesh again rested on him.

Later in the parsha (*Bereishis* 49:1), Rashi uses a phrase similar to “*nistalka Shechina mimenu*” but changes its nuance and possibly its implication. He states:

ואגידה לכם. בקש לגלות את הקץ ונסתלקה ממנו שכינה והתחיל אומר דברים אחרים.
*That I may tell you. He wanted to reveal [to them] the end [of Israel's exile] but the Shechina was removed from him and he began to speak of other things*⁸

⁸ Rashi makes substantively the same comment earlier in the parsha, explaining why the Torah has no dividing space between *Parshas Vayigash* and *Parshas Vayechi*, but substitutes the milder formulation “*nistam mimenu*” instead of the phrase “*nistalka mimenu Shechina*.” (See HaRav Yitzhak (Isadore) Twersky, *Torah of the Mind, Torah of the Heart: Divrei Torah of the Talner Rebbe – Bereishis*,

Three questions arise:

First, why does Rashi formulate the phrase as “*nistalka Shechina mimenu*” in *Bereishis* 48:8 but change the order of these words to state them as “*nistalka mimenu Shechina*” in *Bereishis* 49:1? This question is compounded by Rashi’s comment to *Bereishis* 46:30 where he presents the phrase as “*nistalka mimenu Shechina*” like in his comment to *Bereishis* 49:1, rather than the formulation of “*nistalka Shechina mimenu*” which he uses with regard to *Bereishis* 48:8.

Moreover, in his comment to *Bereishis* 48:8, Rashi explains why the *Shechina* was removed, but he gives no comparable explanation in his comment on 49:1. Why does Rashi specifically add this background regarding *Bereishis* 48:8 that the *Shechina* was removed from Yaakov because he foresaw the aberrances of Yeravam, Achav, and Yehu who would descend from Ephraim and Menashe, when he does not provide a reason for the *Shechina* to have been removed from Yaakov in the other contexts where he uses this phrase?

Also, how was Yosef, simply by showing his own marriage contracts with his own wife, able to alleviate Yaakov’s concern about the future sinfulness of Yeravam, Achav, and Yehu?

Regarding the first of these questions, the differences between “*nistalka mimenu Shechina*” and “*nistalka Shechina mimenu*” might result from slight variations in manuscripts of Rashi’s commentary. But another possibility also presents itself: Rashi appears to be using poetic language with simultaneous dual meanings, as he sometimes does, and is being very exact in changing the way he formulates this phrase, as follows.

The expression that Rashi uses about *Bereishis* 46:30 and 49:1 of “*nistalka mimenu Shechina*” implies that the *Shechina* is external to Yaakov – it is with him sometimes but at other times might feel removed from him. Rashi’s comment on *Bereishis* 45:27 concisely summarizes this experience:

ותחי רוח יעקב. שרתה עליו שכינה שפרשה ממנו.

The spirit of Yaakov revived. The Shechina that had departed from him rested again upon him.

Shemos, ed. Rabbi David Shapiro (Jerusalem: Urim Publications, 2020), p. 99 n.62.) This change in language can be attributed to the fact that Rashi’s comment at the beginning of the parsha closely tracks *Bereishis Rabba* 96:1, while his comment later in the *parsha* is an almost exact quote of the *gemara* in *Pesachim* 56a.

However, in *Bereishis* 48:8, something else troubles Yaakov, namely, he did not recognize the eventualities he perceived in Ephraim and Menashe and he felt that perhaps there was a fundamental deficiency within himself, i.e., “*mimenu*.” Indeed, Yaakov acknowledged that Ephraim and Menashe had been raised outside of his household but, nevertheless, considered them entirely in line with his own spiritual trajectory. As Rashi comments on *Bereishis* 48:5:

הנולדים לך וגו' עד באי אליך. לפני בואי אליך כלומר שנולדו משרשת ממני עד שבאתי אליך.

לי הם. בחשבון שאר בניהם ליטול חלק בארץ איש כנגדו.

Who were born to you, etc., until I came to you. “Before I came to you” signifies “who were born” from when you separated from me “until I came to you.”

They are mine. They are among the total of my other sons to take a portion in the Land, each like his counterparts.

Now, as Yaakov proceeds to bless them, he perceives a spiritual nuance in Ephraim and Menashe that he does not recognize. He fears that this reflects a defect in himself, some absence of spiritual connectedness to *Shechina* within his own soul. In this sense, Rashi’s re-formulation of the phrase “*nistalka Shechina mimenu*” is exactly on point: Yaakov wished to bless Ephraim and Menashe but thought that a connectedness to *Shechina* in himself (i.e., “*mimenu*”) that should be present, in fact, was lacking. The reason that he realized – or mistakenly thought – that he was missing a nuanced but important connectedness to *Shechina* was because he saw the eventual outcome of Yeravam and Achav (vis-à-vis Ephraim) and of Yehu and his children (vis-à-vis Menashe). But Yosef resolved this for Yaakov by showing his *shtar eirusin u-shtar kesuva*, his marriage contracts with his own wife (who was the mother of Ephraim and Menashe), which demonstrated that the spiritual foundation of Ephraim and Menashe stood firmly within the *mesora*.

As a result, the phrase “*nistalka Shechina mimenu*” can mean two things: (1) Yaakov’s experience of closeness with the *Shechina* was temporarily removed from him, and, more subtly, (2) Yaakov perceived that some aspect of his connectedness with the *Shechina*, a portion of the “*Shechina mimenu*,” was missing. When Yaakov then realized that this was not the case and, in reality, the foundation of the spiritual lives of Ephraim and Menashe was whole and well rooted in the *kedusha* of marriage consistent with the *mesora*, then the broad consciousness of *ruach hakodesh*, which

was necessary for Yaakov to bestow a *bracha*, again rested on him.⁹

One beautiful aspect of Rashi's comments on these verses is Yaakov's conviction that his own inner spiritual constitution, and that of his children, endures and develops through subsequent generations, and that eventual manifestations of character are already present in potential. Moreover, the fact that Yaakov is mollified by Yosef showing him the *shtar eirusin u-shtar kesuva* reflects his deeply held belief that adherence to the *mesora* is sufficient in-and-of-itself to contain and temper the various ups and downs of any human inconsistencies, frailties, and moral-spiritual errors that might arise along the way, thereby stabilizing and enabling long standing spiritual continuity.

Rashi exemplified this through his own family. Uniquely among the *rishonim*, he generated a movement of learning within his family that grew for hundreds of years. He had three daughters: Yocheved, Miriam, and Rachel, whose sons – including the Rashbam, the Rivam, and Rabbenu Tam – established the French school of *Ba'alei HaTosfos*. They argued with Rashi on specific and general matters (the Rashbam felt that Rashi did not adhere closely enough to the plain meaning explanation of the Torah's verses and Rabbenu Tam innovated the dialectical approach of understanding *gemara*), but they also built upon and continued what Rashi had started. Thus, besides writing a classic commentary – arguably, “the” classic commentary – on both Chumash and *gemara*,¹⁰ Rashi sparked an enduringly creative center of Torah learning within his own family. This was not by accident. It was based on the spiritual insights that he lived, which his family then appropriated for themselves and brought to ever-increasing fruition.

Tanach's Integrated Formulation

Rashi emphasizes through his comments to *Shemos* 31:18, *Shabbos* 88a, and *Ta'anis* 9a that the spiritual and national history of the Jewish people was wholly anticipated at Har Sinai.

The *pasuk* in *Shemos* 31:18 says that Hashem gave Moshe the *luchos* when He finished speaking with him at Har Sinai. Noting that the word “*kechaloso*” is written

⁹ The fact that Rashi starts by saying “*nistalka Shechina mimenu*” and concludes by saying that, when Yosef alleviated Yaakov's concern, his “*ruach hakodesh*” returned to him reflects Rashi's comment on *Avoda Zara* 20b that identifies the term “*ruach hakodesh*” with a person's capacity to receive “*hashra'as HaShechina*.”

¹⁰ See Eric Lawee, *Rashi's Commentary on the Torah: Canonization and Resistance in the Reception of a Jewish Classic* (New York: Oxford Univ. Press, 2019), at p.1 & n.2.

without a *vav* so it resembles the word “*kala*,” a bride, Rashi comments:

ככלתו. ככלתו כתיב חסר שנמסרה לו תורה במתנה ככלה לחתן שלא היה יכול ללמוד כולה בזמן מועט כזה. דבר אחר מה כלה מתקשטת בכ”ד קשוטין הן האמורים בספר ישעיה (ג:יח-כד) אף תלמיד חכם צריך להיות בקי בכ”ד ספרים.

When He finished. The word “kechaloso” is written defectively [without a “vav” after the “lamed”] to intimate that the Torah was handed over to him as a gift like the bride is to a groom because he was unable to learn all of it in such a short time. Alternatively, just as a bride adorns herself with 24 ornaments – those [ornaments] which are mentioned in the book of Yeshayahu (3:18-24) – so, too, a Torah scholar must be thoroughly versed in the contents of the 24 books of Tanach.

The first of these approaches refers to *Torah SheBe’al Peh*; the second, *Torah SheBichsav*. Rashi cites each of these *midrashim*, interpreting this verse as simultaneously referencing both *Torah SheBe’al Peh* and *Torah SheBichsav*. In the first alternative, the Torah is given to Moshe as a gift because, otherwise, the enormous magnitude of the oral Torah could not be acquired in just forty days. Yet, a question arises with regard to the second alternative that this verse refers to knowledge of the 24 books in Tanach. When the Torah was given, the historical events and spiritual developments described in Tanach had not yet occurred. Most of the *sefarim* were not yet written. So, how could this *pasuk* in *Shemos* 31:18 be referring directly to the 24 books of Tanach?

This same question arises regarding Rashi’s comment on the *gemara* in *Shabbos* 88a, which states:

דרש ההוא גלילאה עליה דרב חסדא בריך רחמנא דיהב אוריגן תליתאי לעם תליתאי על ידי תליתאי ביום תליתאי בירחא תליתאי.

A Galilean taught while standing above Rav Chisda: Blessed is the all-Merciful One, Who gave the threefold Torah to the three-fold nation by means of a third-born, on the third day [of the separation of men and women], in the third month.

Rashi defines the phrase “*orayan telisai*,” the three-fold Torah, as referring to *Tanach*, i.e., Torah, *Nevi’im* and *Kesuvim*. The *Ritva* explains how Rashi could conclude that all of *Tanach* was given at the time of *Matan Torah*. He states: “*kelomar shehakol nirmaz beSinai*,” “this is to say that all of it was alluded to at Sinai.”

Indeed, Rashi states expressly that, according to Rebbe Yochanan in *Ta’anis* 9a,

the *Chumash* implicitly makes reference to everything written in *Nevi'im* and *Kesuvim*:

ולא רמזה. משה באורייתא שהחומש הוא יסוד נביאים וכתובים ובכולן יש סמך
למצוא מן התורה.

*And [is there anything that] Moshe did not hint at in the Torah; for the Chumash is the foundation of Nevi'im and Kesuvim, and there is basis to find everything that is in them within the Torah.*¹¹

Besides explaining Rashi's specific statements, this also informs Rashi's approach in his Torah commentary more generally. For example, his interpretation of the first word in the Torah, "*bereishis*," is that Hashem created the world for the sake of the Torah which *Mishlei* 8:22 calls "*reishis*" and for the sake of Yisrael which *Yermiyahu* 2:3 calls "*reishis*." But how could the meaning of the word "*bereishis*" that was given at *Har Sinai* be premised on the language of verses in the books of *Mishlei* and *Yermiyahu* which would not be written until centuries later? According to Rashi, the answer is that all of the 24 books of *Tanach* were inherent within *Matan Torah*, like a flower that emerges from a seed or a living creature that develops from DNA. In the words of the Ritva explaining Rashi: "*hakol nirmaz beSinai*," the whole *Tanach* was alluded to at *Har Sinai*.

During *Matan Torah*, Moshe received the expanse of *Torah SheBe'al Peh* (per Rashi's first explanation of *Shemos* 31:18) as well as the entirety of *Torah SheBichsav* (per Rashi's second explanation), which contained within it a kernel of core concepts that subsequently took shape through the spiritual and national unfolding of Jewish history. Hence, in his commentary on the Torah, Rashi is able to view *Tanach* as an integrated whole in which each part informs the others because all of it was anticipated by, and contained within, the Torah received by Moshe at *Har Sinai*.

Conclusion

Rashi highlights that, on the personal, familial, and national-historical levels, some inner points of focus become actualized only with time. Enduring concepts and deep-seated convictions continue to develop and make impact long after the

¹¹ This viewpoint is augmented and further borne out by the Vilna Gaon who endeavored to root every *halacha* of the *Shulchan Aruch* in the *gemara* and then find each of these within *Tanach*. Ultimately, the GRA was able to learn *kol HaTorah kula* from just a *Sefer Torah*, as Rav Yisroel of Shklov attests in his introduction to *Pe'as HaShulchan*: "Afterwards [the GRA] said that he knew the entire Torah that was given at Sinai in perfect manner, and all the Prophets and the Writings and the Mishna and the Oral Law, **how they are concealed within it ...**"

initial encounter which first precipitates the concentrated insight has passed. Rashi conveys this by his statements that (1) it takes decades of sustained reflection on Torah acquired from a great teacher for the student's learning to mature and become fully realized (the personal), (2) nuances in the inner character of the *Shevatim* were able to impact their descendants generations later (the familial), and (3) the 24 books of Tanach, which describe spiritual developments and national events in Jewish history occurring over the course of subsequent centuries, were already anticipated during *Matan Torah* (the national-historical). Rashi also was *na'eh doresh ve-na'eh mekayem* by exemplifying each of these statements through his own life and learning.

“Al Derech Ha’emes” The Pursuit of “Truth” in Ramban’s *Peirush al-HaTorah*¹

ANNIE NAGEL



Al Derech Ha’emes: These words are famously used by Ramban in his *Peirush al-Hatorah* when introducing a *kabbalistic* explanation. Ramban’s often opaque *kabbalistic* interpretations are part of his broader multi-faceted approach to

¹ While Ramban’s corpus of Talmudic and Torah writing is extensive, this article will focus on his commentary to the Torah which he wrote in the later part of his life and continued to edit during the final three years of his life in Eretz Yisrael.

It is especially meaningful for me to have the zechus to write this article in a Torah journal commemorating the fifth yahrzeit of Yaakov Elimelech ben Avraham Abba, lovingly known to our family as Zeida. His dedication to ensuring that all Jewish children have a Torah education was inspirational, partly spurring my own career pivot from law into Jewish education. Having been deprived of his Jewish education as a child by the Nazis, Zeida (along with his eishes chayil, Oma, Mrs. Gitta Nagel), dedicated his life to building and growing institutions of Jewish education in Los Angeles and around the world, seeking to ensure that the next generation of Jewish children would be able to learn Torah on a level he never could. The primacy of Torah as the source of knowledge in the works of the great Catalan exegete and kabbalist, Rav Moshe Ben Nachman (Ramban), reflects the primary importance of Torah education that was such a central value to Zeida. May the Torah spread through this journal be a zechus for the aliya of his neshama.

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parshanut ha-mikra, an interpretive schema that would have enormous impact on subsequent generations engaged in Torah study. His multivalent hermeneutical model is generally considered to be fourfold, consisting of *peshat* (the “literal” meaning),² *derash* (i.e. *midrash halacha*), *remez* (typological explanations), and *sod* (*kabbalistic* explanations). Although we will focus on Ramban’s *kabbalistic* interpretations, and thus a detailed analysis of all four interpretive modes is beyond the scope of this article, in a world where Ramban wrestled with intellectual forces both internal and external to the Torah world, it was his pursuit of “*derech ha’emes*” that guided him in all aspects of his Torah commentary.

Ramban’s Intellectual Milieu

To understand Ramban’s complex pursuit of “*derech ha’emes*,” we must first take a step back and look at the broader intellectual milieu in which he found himself. Ramban faced external struggles against those who claimed to be the bearers of the elite corpus of knowledge. The rising prestige of scientific studies in universities across Western Europe in the high middle ages spread into Christian institutions and threatened the status of both Christian and Jewish theology.³ Christian theologians who were contemporaries of Ramban, such as Albertus Magnus and Thomas Aquinas, adopted the position that theology itself was a “scientific” body of knowledge that should be studied above all other branches of science, and this conception of theology as the “crown” of all studies is prominent in their writings. The status of *kabbala* for Ramban, who was deeply scientifically-minded, must also be understood in light of this broader phenomenon. For Ramban, *kabbala* was the loftiest of all bodies of knowledge, with its ability to expand metaphysical horizons,⁴ and should be accorded its proper status above other branches of scientific knowledge.

In addition to cementing *kabbala*’s status vis a vis external corpuses of knowledge, Ramban faced internal challengers who claimed to be the bearers of the most “elite” source of wisdom. Having inherited both the Geonic-Andalusian tradition of his Spanish roots and having received the influence of the Ashkenazi world, Ramban can accurately be described as “the first great Spanish figure belonging totally to the

2 The definition of “*peshat*” is a complex topic beyond the scope of this article, but the term is often simply translated as the “literal” meaning of the text or the “plain sense” of the text.

3 See O. Yisraeli, *Rav Moshe ben Nachman: Biographia Intellectualit*, Magnes Press, 2020 at p.242, citing the work of Jacques Verger.

4 Id. at p. 243

cultural environment of Christian Europe.”⁵ This tension between the philosophical, philologically-focused *parshanut* of the Geonic-Andalusian tradition, as epitomized by Ibn Ezra and the Rambam, and the more *midrash*-centered style of Rashi, can be seen throughout Ramban’s commentary. Although Ramban is not shy about openly disagreeing with the Rambam’s philosophical approach throughout his *Peirush al Ha-Torah*, Ramban’s exegetical commentary was focused even more prominently on another internal foe: Ibn Ezra, who consistently took the position that astrological knowledge was the true way to understand the secrets of the Torah and those who knew these secrets were the true “religious elite.”⁶ Much of Ramban’s commentary is expressly responding to Ibn Ezra’s own commentary, but in this dialogue Ramban is doing far more than simply engaging in exegetical debates, rather as Moshe Halbertal articulates, he is also “battl[ing] Ibn Ezra for control of the Torah’s inner sanctum and the definition of the religious elite.”⁷ For Ramban, *kabbala* is the key to the Torah’s “inner sanctum,” not any external branch of knowledge, be it the science of secular universities, the Christian theology of Albertus Magnus and Thomas Aquinas, the philosophical tenets of Maimonides, or the astrological secrets of Ibn Ezra. For the Ramban, *kabbala*, unlike these other external branches of knowledge, could be gleaned from the Torah itself.

Ramban’s Introduction to his *Peirush al-Hatorah & Bereishis 1:1*

One need look no further than Ramban’s *hakdamah* to his Torah commentary for clear evidence of Ramban’s position that all wisdom and true knowledge stems from the Torah, as he openly states:

הכל נכתב בתורה בפירוש או ברמז.

All is written in the Torah whether expressly or hinted at.

Even if it is not stated expressly in the text, all knowledge is hinted to in the “words, or the *gematriyos*, or the shapes of the letters.” This idea that this hidden wisdom (i.e. *kabbala*), was given to Moshe and ultimately passed down to the sages is fundamental

5 B. Septimus, “Open Rebuke and Concealed Love: Nahmanides and the Andalusian Tradition” in *Rabbi Moses Nahmanides (Ramban): Explorations in His Religious and Literary Virtuosity*, ed. Isadore Twersky (Cambridge, MA, 1983) (11-34), p.11.

6 See M. Halbertal, *Nahmanides: Law & Mysticism*, Trans. by D. Tabak, Yale University Press, 2020, at p.280-301.

7 Id.

to Ramban's conception of an oral tradition of *kabbala*⁸ as he firmly believed that the origins of this *kabbalistic* tradition lay in the Torah itself. Thus, it follows that interpreting the Torah using "external" esoteric wisdom would be problematic for Ramban and valid interpretations of the Torah, certainly of its deeper, esoteric layers, would need to be strongly embedded in the Jewish tradition.⁹ By shifting the source of knowledge back to the Torah, away from those "*ketanei emuna*", "wanting in faith,"¹⁰ Ramban pushed back against both the philosophical school of the Rambam and any secular "scientific" body of wisdom to interpret the Torah.

Ramban's hermeneutical thesis that *kabbalistic* concepts can be used to unearth a secondary, deeper layer of the Torah can already be seen clearly in his commentary to the first *pasuk* of the Torah. When discussing creation in his commentary to *Bereishis* 1:1, Ramban famously states "*in the truest sense Scripture speaks of lower matters and alludes to supernal matters*," indicating that the surface meaning of the Torah reflects another reality that can be understood only through *kabbala*. Once again, despite whatever reservations Ramban had regarding the disclosure of *kabbalistic* details,¹¹ he felt it was important to openly disclose the existence of a "general parallelism between the lower and the supernal worlds."¹² In taking the position that there are "two distinct but parallel ontological levels that correspond to two levels of meaning in the text,"¹³ Ramban is taking a staunchly anti-rationalist approach to the Torah, as *kabbala* is the key to understanding the hidden meaning of the Torah.

Another *kabbalistic* layer of Ramban's interpretation of the Torah is his famous

8 Yisraeli at p. 241.

9 Yisraeli at 210. As Ramban insisted on the *mesorah* of *kabbala*, he would naturally be opposed to the incorporation of "foreign material" into the Jewish tradition.

10 Ramban, Introduction to *Perush al ha-Torah*

11 Ramban famously warns against those looking to discern the details of his *kabbalistic* secrets of the Torah from his commentary:

בל יסבור סברא ואל יחשוב מחשבות בדבר מכל הרמזים אשר אני כותב בסתרי התורה.

The exact nature of Ramban's esotericism when it comes to *kabbala* is a topic of scholarly debate beyond the scope of this article. Much of it revolves around manuscripts that seem to indicate that this warning was only added towards the end of Ramban's life, begging the question of whether Ramban only took this firm position towards the end of his life, and if so, why. (See note 52 below.)

12 M. Idel, "Nahmanides: *Kabbala*, *Halakha* and Spiritual Leadership," *Jewish Mystical Leaders and Leadership in the Thirteenth Century*, ed. Idem et al. (Northvale, NJ 199), pp. 49-50.

13 E. Wolfson, *By Way of Truth, Aspects of Nahmanides' Kabbalistic Hermeneutic* (Cambridge University Press) *AJS Review*, Vol. 24, No. 2 (Autumn 1989), pp. 103-178, at p. 121.

assertion that the entire Torah can be read as the names of Hashem:¹⁴

עוד יש בידינו קבלה של אמת, כי כל התורה כולה שמותיו של הקב"ה, שהתיבות
מתחלקות לשמות בענין אחד.

*We have yet another mystic tradition that the whole Torah is comprised
of Names of the Holy One, blessed be He, and that the letters of the words
separate themselves into Divine Names when divided in a different manner.*

Here Ramban is emphasizing the importance of each letter and signifying an entirely *kabbalistic* way to read the Torah that was passed down from *Moshe Rabbeinu*.¹⁵ For Ramban, this is the reason that any Torah scroll that contains even a small imperfection is invalid. By emphasizing the importance of each letter, Ramban takes a decidedly non-Andalusian interpretive approach, attributing significance to the details that reflect an underlying *kabbalistic* meaning.

Ramban's Use of *aggada* to Authenticate his *Kabbalistic Parshanut*

Relatively conservative compared to other kabbalists of his time,¹⁶ Ramban's *kabbalistic* exegesis nonetheless has a number of distinctive components. One important element is the resolution of *peshat* problems in the text, in the spirit of the Andalusian school of *parshanut*, but doing so by way of his *kabbalistic* exegesis.¹⁷ Ramban's use of *kabbala* to solve *peshat* problems, however, is far more subtle than a more obvious characteristic of his *kabbalistic* exegesis: his ubiquitous use of *aggada*.¹⁸

14 Introduction to *Peirush al ha-Torah*

15 Id. This seems to support Wolfson's position that 13th century *kabbalists*, "for the most part, alleged that they were transmitters of ancient lore rather than innovators" (Wolfson, *By Way of Truth*, p.154). Ramban himself seems very committed to grounding himself in earlier traditions (Id. at p.158).

16 See M. Idel, "Nahmanides: *Kabbala*, *Halakha* and Spiritual Leadership," p.94. Idel argues that Ramban kept a tight rein on *kabbala* while he was in Spain and the innovative modes of *kabbala* that flourished in the "window of opportunity" only happened after his departure. More recently, Y. Lorberbaum has questioned Idel's theory. See also M. Idel, "We Have No *Kabbalistic Tradition on This*" in I. Twersky (Ed.), *Rabbi Moshe Nahmanides (Ramban): Explorations in His Religious and Literary Virtuosity*, Cambridge, Mass. 1983, pp.51-73 in which Idel argues from one instance where Ramban proffers a *kabbalistic* "*sevara*", that Ramban generally did not innovate when it came to *kabbala*.

17 See D. Berger, "Miracles and the Natural Order in Nahmanides" in Isadore Twersky, ed., *Rabbi Moses Nahmanides (Ramban): Explorations in his Religious and Literary Virtuosity* (Cambridge, Mass.: Harvard University Press, 1983), 107-128, p.112 n. 19. For Ramban, sometimes the "plain meaning of Scripture can be explained satisfactorily—or most satisfactorily—only by resorting to *kabbalistic* doctrine." See B. Septimus for a discussion of the influence of the Andalusian *peshat* school on Ramban's writings.

18 For purposes of this paper, "*aggada*" will be used to characterize non-*halachic* *midrash* or rabbinic tradition.

The centrality of *aggada* in Ramban's *kabbalistic* exegesis is hard to miss, so much so that Eliot Wolfson has described this Aggadic exegetical activity as the "lifeblood of Ramban's work in the area of *kabbala*"¹⁹.

One of the most fundamental examples of the phenomenon of Ramban "reading rabbinic texts in light of *kabbalistic* meaning"²⁰ is found in his introduction to the building of the *mishkan* in *Shemos* 25. For Ramban, the building of the *mishkan* and the resting of Hashem's *shechina* there is the climax of the entire arc of the nation's redemption from Egypt.²¹ Ramban explains that the "*sod hamishkan*"²² parallels the "*kevod Hashem*" resting on *Har Sinai*, effectively equating Hashem's revelation at *Har Sinai* and the theophanous quality of the *mishkan*.²³ Just as Moshe heard Hashem's voice on *Har Sinai*, Moshe heard Hashem addressing him in the *mishkan* from between the *keruvim*, as stated in *Bamidbar* 7:89.²⁴ Ramban points to the repetition of the phrase "*daber eilav*" there as evidence for the rabbinic tradition in *Bamidbar Rabbah* 14:22²⁵ that Ramban interprets through the prism of *kabbala*. Per Ramban's *kabbalistic* reading of this aggadic tradition, the "*kol midaber eilav*" in *Bamidbar* 7:89 describes Hashem speaking to Moshe through the *midas harachamim*.²⁶ What is significant here is both the fact that Ramban is interpreting a *midrashic* tradition in a *kabbalistic* fashion, and moreover, that this rabbinic tradition which has been read by Ramban through a *kabbalistic* lens, is used to explain the culmination of the nation's redemption from Egypt: Hashem resting his presence in the *mishkan* and speaking to Moshe there.

19 E. Wolfson, *By Way of Truth, Aspects of Nahmanides' Kabbalistic Hermeneutic* p. 176.

20 Id. p. 162.

21 See Ramban's introduction to *Shemos*, where he calls the book of *Shemos* the "book of exile and redemption", and thus he must define redemption as the resting of God's presence in the *mishkan* beginning in chapter 25. (Since the physical redemption took place already in *Shemos* 12, Ramban needs to broaden the definition of "redemption"). See also M. Cohen, "'Reproducing the Text': Nehama Leibowitz on Traditional Biblical Interpretation (*Parshanut ha-mikra*) in Light of Ludwig Strauss's Literary Theory", *Torah u-Madda Journal* (17/2016-7).

22 Ramban to *Shemos* 25:1.

23 Id.

24 Ramban to *Shemos*, 25:1. Ramban, however, does differentiate between the two in his interpretation on Exodus 25 noting that in the *mishkan*, Hashem's revelation was in a "concealed" manner (in contrast the revelation on *Har Sinai*).

25 See Chavel's edition ad loc. See Wolfson (p. 163 n. 181) who believes Ramban may be referring to *Sifrei Bamidbar* 58.

26 See Ramban's comments there regarding Shlomo's prayer at the Beis Hamikdash, particularly his elucidation of I Melachim 8:32, and see Wolfson's understanding of this *kabbalistic* reference (pp. 162-3).

Another striking example of Ramban interpreting rabbinic *aggada* in *kabbalistic* fashion is his approach to the anthropomorphic reference to Hashem “regretting” his decision to create humanity in *Bereishis* 6:6. After explaining this verse allegorically in true “Andalusian fashion”, Ramban proceeds to his *kabbalistic* explanation, which turns out to be just a reference to a parable in *Bereishis Rabba* of a business agent who causes monetary loss to the king through his business dealings. Ramban labels the meaning of this parable in *Bereishis Rabba* a “*sod*”, a secret that cannot be written down. Nonetheless, Ramban gives the reader a somewhat opaque clue as to the *kabbalistic* nature of the “*sod*” conveyed by this *midrashic* parable by explaining that the “one who knows it will notice the use of the Tetragrammaton in this verse in contrast to the rest of the account of the flood using the ‘Elokim’ formulation,”²⁷ a formulation typically associated with judgment. Here the *midrashic* parable of the king and business agent is understood entirely *kabbalistically* by Ramban, underscoring the convergence of *kabbala* and *aggada* in Ramban’s exegesis. Even when Ramban gives no *kabbalistic* details at all, he often reads rabbinic *aggada* “through the lens of *kabbala*,”²⁸ . He does this also in *Devarim* 21:22 where he disagrees with Rashi’s allegorical reading of a *midrashic* parable of twin brothers; Rashi explains the brothers as a parable for the figurative Hashem and *Bnei Yisrael*, and uses this allegorical interpretation of the *midrash* to explain the prohibition of leaving a corpse hanging overnight as an “affront to Hashem.”²⁹ Ramban disagrees with Rashi’s allegorical reading here, but he does not give the reader anything by way of explanation, instead only saying “*yesh lo sod*”³⁰ about this Rabbinic parable. Although here Ramban gives no hint to what the “*sod*” is, it is clear Ramban believes it is not simply a figurative relationship between Hashem and *Bnei Yisrael*, but a mystical one, once again underscoring the ease with which Ramban incorporates *kabbalistic* understanding into his interpretation of rabbinic *aggada* .

The centrality of *aggada* in Ramban’s *kabbalistic* exegesis is even more striking in the context of the restraint he displays towards *aggada* elsewhere. Ramban generally subjects “non-*halachic* (*aggadic*) *midrash*” to “critical scrutiny,”³¹ as Ramban tended

²⁷ Ramban to *Bereishis* 6:6.

²⁸ Wolfson at p.161.

²⁹ Ramban to *Devarim* 21:22. (See also Wolfson at pp. 161-2.)

³⁰ Id.

³¹ M. Cohen, “*The Rule of Peshat*,” *Jewish Construction of the Plain Sense of Scripture and their Christian and Muslim Contexts, 900-1270* (University of Pennsylvania Press), 2020, p.283.

to limit his reliance on non-*halachic midrash* in light of Andalusian influence. Why then, despite his generally more restrained approach to *aggada*, does Ramban make it the “lifeblood” of his *kabbalistic* exegesis? In the context of the complicated milieu described above, we can explain Ramban’s “frequent linkage of *kabbalistic* truth to an *aggadic* text” because it is on the basis of the convergence of *kabbala* and *aggada* that Ramban can present *kabbala* as the “way of truth” for interpreting the “inner sanctum” of the Torah.³² By linking *kabbala* with the *aggada* of the Jewish rabbinic tradition, Ramban is emphasizing the “authenticity” of *kabbala* as the true esoteric interpretation of the Torah that is grounded in “normative” rabbinic tradition.³³

Now that we have established Ramban’s motive for making *aggada* the “lifeblood” of his *kabbalistic* exegesis on the Torah, we turn to one specific exegetical example where Ramban appears to succinctly but clearly demonstrate this thesis. In *Bereishis* 18:20 when Hashem expresses in anthropomorphic terms, “*erda na v’ereh*”, that He will go down to see the outcry against Sodom, Ramban presents the following *kabbalistic* interpretation:

I will intimate to you the opinion of those who receive the truth (mekablei ha’emes). Our rabbis interpreted in connection with the verse, “For lo! The Lord is coming forth from His dwelling-place, He will come down and stride upon the heights of the earth” (Micha 1:3), that [God] goes and comes from attribute to attribute. He goes out from the attribute of mercy and enters the attribute of judgment. (Yerushalmi, Taanis 2:1) And so is this matter, “God said to His heart “the outrage of Sodom and Gomorrah is so great” (Bereishis 18:20). I will descend from the attribute of mercy to the attribute of judgment, “and I will see” through mercy if “they have acted together according to the outcry that has reached Me” through the attribute of judgment; “if not, I will take note (eda’ah)” (ibid.21) and I will have mercy, in the manner [of the scriptural expression] “and God knew (vayeda Elokim).” ”³⁴

Ramban’s *kabbalistic* explanation here is presented as “nothing but an expansion”³⁵ of the *aggadic* interpretation on *Micha*, that “Hashem descending” is

32 Halbertal at p.297.

33 Wolfson at p. 178.

34 Ramban to *Bereishis* 18:20. See also Wolfson’s explanatory interpolations at p.159.

35 Wolfson at p. 159.

a metaphor for His movement from one divine attribute to another. This on its own is yet another example of the way that *aggada* is integral to Ramban's *kabbalistic* exegesis. However, perhaps most intriguing for our inquiry is that immediately prior to introducing the explanation cited above, Ramban states the following as a segue to his *kabbalistic* explanation:

ורבי אברהם אמר בו סוד מילדי נכרים ישפיקו בו ואני ארמוז לך דעת מקבלי האמת.
דרשו רבותינו...

Rabbi Avraham [i.e., Ibn Ezra] explained [our verse] with a secret
“obtained from the offspring of foreign [minds].” I will now intimate to you
the opinion of those who receive the truth. Our rabbis interpreted...

The juxtaposition of Ramban's rejection of Ibn Ezra's “foreign” esoteric interpretation with his *aggada*-backed *kabbalistic* interpretation is not subtle here. Upon rejecting Ibn Ezra's “foreign” esotericism and proffering his alternative *kabbalistic* explanation, from those “who receive the truth,” Ramban immediately turns to rabbinic *midrash*, “*darshu rabboseinu*,” to authenticate his *kabbalistic* explanation. For Ramban, the authenticity of his *kabbalistic* explanation vis a vis “foreign” competing esoteric interpretations is demonstrated by the support he finds in rabbinic *aggada*.

Even when Ramban fundamentally agrees with Ibn Ezra, as he does a fair amount,³⁶ the difference between the way in which Ramban goes about supporting his *kabbalistic* interpretations reflects how integral his reliance on *aggada* is to his *kabbalistic* exegesis. For example, Ramban fundamentally agrees with Ibn Ezra's interpretation of one of God's names, “*el shaddai*” in *Bereishis* 17:1. Ibn Ezra, however, derives its meaning from the root of “*shoded*”, meaning “vanquisher”, as Hashem “vanquishes” the heavenly constellations, seemingly hinting at some sort of astrological explanation.³⁷ Ibn Ezra cites Shmuel Hanagid, the illustrious 11th-century Andalusian poet and politician, as the source for this definition. Ramban agrees with this definition that Ibn Ezra cites, explaining that this name of Hashem represents “*midas hagvura m'naheges ha'olam*”, the attribute of strength that guides the affairs of the world. But instead of citing a rationalist Andalusian poet as Ibn Ezra does, Ramban cites *Chazal* in *Bereishis Rabba* who explain it as “*midas hadin shel matta*”, the attribute of judgment below, referencing the *kabbalistic* concept behind this divine

36 See Septimus, as noted above, who argues that many aspects of Ramban's commentary are a product of Ibn Ezra's Andalusian exegetical world.

37 Ramban to *Bereishis* 17:1, quoting Ibn Ezra.

name.³⁸ Ramban's reliance on *aggada* here serves to support the authenticity of his *kabbalistic* take on this divine name, and stands in contrast to Ibn Ezra's reliance on a relatively contemporary rationalist poet to explain the astrological implications of this divine name. This example illustrates how Ramban's seamless weaving of *aggada* into his *kabbalistic* exegesis, as opposed to Ibn Ezra's implied astrological approach, is to emphasize how his *kabbalistic* interpretation of the Torah is grounded in Jewish (and not foreign or secular) tradition.

As illustrated above, Ramban's emphasis on *aggada* in his *kabbalistic* exegesis on the Torah is part of the "the scramble for esoterica," as Halbertal artfully describes it, "and for Ramban to openly [stand] his ground in the contest for control of the Torah."³⁹ Whether explicitly or implicitly, Ramban is addressing the esoteric claims of others in his milieu, including the philosophical interpretations of the Rambam,⁴⁰ and in many instances, the "hermetic-astrological disciplines"⁴¹ of Ibn Ezra. It is important to restate here that while in many areas of his exegesis Ramban was largely influenced by the Andalusian tendencies of Rambam and Ibn Ezra,⁴² when it comes to the esoteric layer of Torah, we see Ramban take a different position. Thus far we have relied on the sheer amount of *aggada* interwoven in Ramban's *kabbalistic* commentary, as well as a key statement that expressly lays out Ramban's position that the "enlightened" are those "with a clear grasp of the *kabbalistic* traditions," traditions whose authenticity is supported by their presence in the rabbinic tradition itself. Now, we turn to an internal development within Ramban's writing themselves as indicative of Ramban's evolution against "foreign" esotericism, specifically the astrological esotericism of Ibn Ezra.

Rejecting Astrology, Embracing Kabbala: Ramban's Evolution from Astrology in the *Toras Hashem Temima* to *Agadda*-backed Kabbala in his Torah Commentary

Ramban's replacement of astrological explanations in his earlier work, *Toras Hashem Temima*,⁴³ with *kabbalistic* explanations in his Torah commentary demonstrates his

38 Ramban expands on this *kabbalistic* concept in more detail in his explanation on *Bereishis* 9:12.

39 Halbertal at p. 304.

40 Id. at p. 305.

41 Id. at p.297

42 Septimus at pp. 17-19.

43 For purposes of this article, we will refer to this work as the "*Toras Temima*" from herein out. The *Toras Temima* appears to have been written by when Ramban when he was in his mid-40's, around 1230, whereas Ramban only began writing his Torah commentary in his 50's (from the late 1240's and onwards) and did not

embrace of *kabbala* in favor of other esoteric interpretations of the Torah. Yisraeli insightfully shows that while in this earlier work Ramban may have referenced astrological secrets, by the time he had finalized his Torah commentary towards the end of his life, Ramban had affirmed *kabbala* as the key to understanding the deepest level of the Torah, expressly rejecting some of his previous forays into astrological explanations.⁴⁴

The most prominent and illustrative example of this dramatic development is the evolution from Ramban's interpretation of *Chet Haegel*⁴⁵ in the *Torah Temima* to his approach in his Torah commentary. The primary question that Ramban grapples with in *Shemos* 32 is what the nation hoped to achieve by creating a golden calf. Both in the *Torah Temima* and in his Torah commentary the Ramban forcefully rejects the idea that the golden calf was a means to pagan worship and insists that it was intended as an intermediary to lead the nation in the desert in light of Moshe's disappearance.⁴⁶ In both places the Ramban is focused on providing a scholarly rationale, almost a scientific reason for how the construction of the golden calf would achieve this aim. However, it is in this area where the explanations diverge in a way that is quite significant for our discussion.⁴⁷ In the *Torah Temima* the Ramban explains that the builder of the golden calf intended to deal with the "*midas hadin*" that was powerful in the desolate desert, by "activating" certain astrological practices that would draw down *shefa* from the supernal bodies. According to this explanation, the calf Aharon made was essentially a sort of talismanic tool that was able to be "*mekabel kakoach hazev b'mazalos v'shaos*,"⁴⁸ drawing on the power of the relevant astrological forces to minimize the *midas hadin* and guide them in the desert. Most interesting is the source that Ramban credits for this idea: Ibn Ezra himself. Ramban says about Ibn Ezra, "*asah mimenu sod*," Ibn Ezra hid this astrological secret in his words, but he, Ramban,

finalize it until the end of his life two decades later in the late 1260's. See Yisraeli.

44 Yisraeli at p. 207. An important note of qualification needs to be made here. It is an overstatement to call Ramban's clear shift to *kabbala* in his Torah commentary a "complete transformation," as Ramban already invoked *kabbala* in the *Torah Temima*, and while he rejects astrology in his Torah commentary, it is not entirely absent from it. However, as Yisraeli eloquently formulates it, in his Torah commentary, Ramban elevated the status of *kabbala* to that of the "firstborn" that took center stage in Ramban's interpretive schema. See Yisraeli at p. 208.

45 Ramban to *Shemos* 32:1.

46 Yisraeli at p. 202.

47 Id. at p. 203.

48 Intro to the *Torah Temima*.

will be “*megaleh sodosav*”, reveal Ibn Ezra’s secret, that crafting the golden calf was an attempt to effectively manipulate astrological forces.

In his Torah commentary, Ramban gives a generally similar motive for the building of the golden calf, that the nation was looking to counteract the *midas hadin* which was powerful in the desolate desert. However, instead of drawing on a astrological talisman of sorts, Ramban posits that Aharon chose to create the image of a *shor*, a figure of which is on the North (or left) of the *maase merkava*, to counteract the forces of *midas hadin* in the desert that come from North, as all *midas hadin* is thought to come from the North (left).⁴⁹ Ramban explains that by building an image that reflected the source of this *midda* of Hashem, and by focusing their thoughts on this specific *midda*, “for, it being before them, they would direct their thoughts towards its character”. The nation hoped to obtain Hashem’s favor to mitigate the potential consequences of *midas hadin* that was symbolized by the *shor*. As Yisraeli points out, this “focusing,” – “*yechavnu el inyana*,” in the hope of gaining favor from Hashem on a specific aspect or “*sefira*” during prayers – was well known amongst the first kabbalists in Provence and Girona, and this concentration on the *sefiros* in prayer is precisely the style of *kabbala* practiced by the students of the Raavad at the end of the 12th century in Provence.⁵⁰ It is unsurprising then, that Ramban, who would have been aware of this practice, would use it to explain the sin of the *egel*. Not only does Ramban implicitly reject the astrological explanation he presented in the *Torah Temima* by substituting a *kabbalistic* explanation, Ramban goes on to expressly and emphatically reject Ibn Ezra’s astrological approach that he had previously adopted, effectively rejecting his own approach in the *Torah Temima*. Citing Ibn Ezra once again, this time Ramban expressly disagrees with him, stating “and that is not correct in my view”, and proceeds to explain:

לא נעשה העגל במלאכת חכמת המזלות להיות בצורתו חונה כבוד או הדיבר.

The egel was not made in the practice of astrology to have some glory or influence reside within it.

Ramban is rejecting the idea that the calf was made in the manner of those who were proficient in the art of constellations. This outright rejection of the astrological secret he had once embraced in favor of a *kabbalistic* explanation is “live evidence”⁵¹

49 Ramban quotes Yirmiyahu 1:14—“*Mitzafon tifasach hara'a*”.

50 Yisraeli p.204 and n. 79.

51 Yisraeli at p.205.

that to whatever extent Ramban had accepted Ibn Ezra's astrological explanations earlier in his career, by the time he had written his Torah commentary he had largely abandoned this approach preferred by Ibn Ezra, as Ramban's *kabbalistic* worldview had supplanted it.⁵²

Yisraeli omits a part of Ramban's interpretation of *Chet Haegel* in his Torah commentary, which at first glance appears to be unremarkable, but is truly a linchpin for the thesis presented in this article. In between proffering his *kabbalistic* rationale for the crafting of the golden calf and rejecting Ibn Ezra's astrological take, both of which Yisraeli cites and discusses, Ramban cites a rabbinic *aggada* to back up his *kabbalistic* explanation, once again illustrating how Ramban cites *aggada* to buffer his *kabbalistic* interpretations as the true meaning of the Torah. Ramban here expressly attributes his *kabbalistic* interpretation to *Chazal*, stating "*v'hem shegalu sodo*," emphasizing, that they, *Chazal*, have revealed the esoteric meaning of the Torah here, implicitly denying that those who proffered an astrological esoteric explanation have "revealed" the secrets of the Torah. He proceeds to cite from *Shemos Rabba* as proof that indeed the *shor* was meant to counteract the *midas hadin* coming from the left of the *maaseh merkava*. The fact that Ramban's shift from an astrological explanation to a *kabbalistic* *sod* is buffered by the citation of a rabbinic *aggada* underscores our thesis that Ramban's use of *aggada* was to authenticate his *kabbalistic* explanation as the true esoteric interpretation of the Torah. As he is now abandoning Ibn Ezra's astrological take as the basis for his explanation, Ramban must provide an alternative basis, and he has an ace up his sleeve—*Chazal*, a source whose authenticity is indisputable.⁵³ As

52 The question of why Ramban appears to abandon astrological secrets he had previously embraced is an important one and beyond the scope of this article. I would suggest, however, that Yisraeli's thesis that Ramban was not a staunch esotericist for the bulk of his life and only became one in his later years may provide a clue. (Yisraeli's thesis is based on a manuscript that seems to show Ramban's infamous warning of the esoteric nature of *kabbala* in the introduction to his Torah commentary was only added in the last few years of his life. See O. Yisraeli, "*Mukdam U'meuchar B'Toldot Haavarat Ha-sod B'feirush Ramban L'Torah*," *Zion*, Volume LXXIX.4.2014, p.506. Yair Lorberbaum disagrees with Yisraeli's thesis, arguing that the misuse of *kabbala* was likely not that much more egregious in the last years of Ramban's life. See Y. Lorberbaum, "*Ha'umnam Kabbalat HaRamban hi 'Yeda Sagur'?*," *Zion*, Volume LXXXII.2-3.2017.) If Yisraeli is correct, and Ramban saw a more urgent need to protect *kabbala* later in his life because it was being egregiously misinterpreted and/or not accorded sufficient gravitas, he may have also felt the need to buffer the status of *kabbala* as the sole true esoteric interpretation of the Torah, leading him to reject astrological ideas that previously he could accept as "co-existing" with *kabbalistic* secrets. In other words, in an intellectual climate where there were threats regarding the misinterpretation of *kabbala* and issues of not according to *kabbala* its proper place, it's possible Ramban felt the need both to guard *kabbala*'s secrets as well as elevate its status to the exclusion of other esoterica.

53 As discussed above, even if Ramban did not accept the literal meaning of every *Chazal*, the status of *Chazal*

Ramban's approach to esotericism evolved and crystallized, he pulled out the "big guns" to authenticate what he viewed to be the authentic esoteric meaning of the Torah.

Another example of Ramban's replacement of astrological explanations with *kabbalistic* ones can be seen in Ramban's shift from using astrological language to describe the sin of *dor haflaga* in *Bereishis* 11 to viewing their sin through the prism of *kabbala* in his Torah commentary. Yisraeli observes that like Ramban's approach to *Chet Haegel* in the *Torah Temima* and his Torah Commentary, Ramban's explanation of the sin of *dor haflaga* is in many ways fundamentally similar in both the *Torah Temima* and his *Peirush al-Hatorah* in that the *dor hafalaga's* sin was an improper appeal solely to "forces" that are "lower" on the metaphysical plane, detaching them from the bigger picture of Hashem himself.⁵⁴ In the *Torah Temima*, Ramban casts this sin in astrological terms, condemning this generation for seeking to manipulate astrological powers in a "technical" manner, without recognizing the need for Hashem Himself.⁵⁵ In his Torah commentary, Ramban abandons the description of manipulation of astrological forces in favor of a distinctively *kabbalistic* approach to their sin; he condemns the *dor hafalaga* for being "kotzetzim b'netiyos", which can be understood as a type of violation in the *kabbalistic* realm.⁵⁶ Once again, however, Yisraeli omits the rabbinic *midrash* that Ramban cites here to buffer his *kabbalistic* explanation, a citation that once again underscores our thesis that Ramban strengthened his *kabbala* by interweaving rabbinic *aggada*. His citation of *midrash* in these instances, where the evolution towards a full embrace of *kabbala* is most apparent, supports the thesis that he used *aggada* to authenticate his *kabbalistic* explanations.

In Pursuit of Truth

Despite the multivalence of Ramban's Torah commentary, a reflection of his complex intellectual profile, his insistence on *kabbala* as the sole esoteric interpretation of the Torah highlights his commitment to pursuing "*derech ha'emes*." Ramban's extensive use of *aggada* in his *kabbalistic* exegesis is reflective of his polemic (sometimes overt and sometimes not) that *kabbala* is the authentic tradition and thus the true meaning of the Torah. Sometimes this dialogue is expressly with Ibn Ezra, as is evident

as the authentic bearers of normative Judaism was certainly not in dispute for Ramban.

⁵⁴ Yisraeli at p.206-7.

⁵⁵ Id.

⁵⁶ Ramban to *Bereishis* 11:1.

in *Bereishis* 18:20 or in his Torah commentary on *Shemos* 32, and sometimes it is more subtle. Regardless of its level of subtlety, Ramban's interweaving of *aggada* into his *kabbalistic* exegesis is intended to do more than simply buffer each individual interpretation; rather, he is staking out his claim for *kabbala* as the valid esoteric interpretation of the Torah, an interpretation that can be gleaned from the text of the Torah itself. In a world of competing claims to the "authentic" esotericism that should be used to interpret the Torah, Ramban intentionally chose to make *aggada* the "lifeblood" of his exegesis as a means to claim control of the "Torah's inner sanctum,"⁵⁷ effectively "authenticating" his *kabbalistic* interpretations with *aggada*. Moreover, Ramban was not afraid to evolve in his pursuit of *derech ha'emes*, as we see the development from reliance on Ibn Ezra's astrological interpretations to *kabbalistic* ones backed by *Chazal* themselves.

In many ways, Ramban's search for "*derech ha'emes*" reflects the challenges that any reflective Jew faces in 2023. Like Ramban, our own intellectual milieu contains many competing values and branches of knowledge that all lay claim to the "truth". Like Ramban, we need to decide what values we can embrace that will enhance our Torah learning and observance – as Ramban does with some elements of the Geonic-Andalusian tradition – but simultaneously be careful to reject influences that are foreign and antithetical to our *mesorah*. Also, like Ramban, we need to be willing to develop and grow in the pursuit of the truth, as Ramban evolved from his approach in *Torah Temima* to his approach in his *Peirush al-Hatorah*. It is crucial to remember, however, that even as we grow and evolve, the Torah must always remain front and center, a point Ramban hammers home at the beginning of his *Torah Temima*.⁵⁸ If we place Hashem and His Torah at the forefront of our pursuit of "truth," we will hopefully be *zoche* for Hashem to guide us towards the "*derech ha'emes*."

⁵⁷ Halbertal at p. 297.

⁵⁸ The Ramban insists on the centrality of the Torah as the source of all wisdom at the beginning of the *Torah Temima*.

Aspects of Abarbanel's Commentary

Part I

YAAKOV RICH



The last decades have been kind to students of Rav Yitzchak Abarbanel's commentaries. As recently as 2008, the only full set of Abarbanel's *peirush al hatorah* was a version printed around fifty years ago,¹ which, although it was a great improvement over the previous editions, still suffered from a noted lack of punctuation and paragraph breaks and was difficult to navigate. Since then, the publishers at *Horev* and *Oz Vehadar* have both released beautiful new editions of the *peirush al hatorah*,² and many other writings of Abarbanel have been reprinted in recent years as well.³

1 Ed. *Bnei Arabel*, Jerusalem 1979

2 In addition to being easier to use, the publishers at *Horev* and *Oz Vehadar* were able to use extant *kisvei yad*, which exist for three out of the five *chumashim*, to supplement the original Venice edition (1579) in determining an accurate and more coherent text. Interestingly, for Sefer Devarim, an earlier edition was published independently (under the title "*Mirkeves HaMishna*") in Sabbioneta in 1551, which also serves as one of the bases for the new editions.

One of the most noticeable divergences of the Venice edition (and thus all subsequent editions through 1979) from the manuscripts, was the heavy hand of censorship applied to it. This was already noticed by Dr. Shnayer Leiman in 1968 ("Abarbanel and the Censor", JJS Vol. 19, pp. 49-61), even though the manuscripts were then not yet available, by comparing the Sabbioneta edition of the commentary to Devarim - which was uncensored - to the Venice edition. In Abarbanel's case, words, sentences, and sometimes full paragraphs were censored from the original in the Venice edition, and have only been reinstated in the editions from this century.

It has also come to my attention that the full commentary to the Torah has been published recently by *Machon L'hotzaas Kisvei Abarbanel* as well in 2018 (contemporaneously with *Oz Vehadar's* edition); however, while the text has been re-typeset and made more accessible, the text itself has not been significantly updated from the 1979 edition.

3 The writings that I'm aware of (other than his biblical commentaries) that have been reprinted in the last 30

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Abarbanel's writings are thus more accessible than ever before. And although Abarbanel's loquaciousness can make his commentaries intimidating to the uninitiated, I would like to share some aspects of them that I think are intriguing, original, and to which I don't think sufficient attention has been given before.⁴

Abarbanel thought of himself as a *pashtan*, striving to uncover the primary intended meaning of the *pesukim*; not as arid or pedantic as Ibn Ezra, nor as terse and homiletically-inclined as Rashi,⁵ and most importantly, intentionally avoiding the tendency of Rambam and his followers to project their philosophical ideas into the text⁶. Abarbanel sees the entirety of the Torah as a unified corpus, as one undivided document, and it needs to be explained as such. Perhaps one of the most important and ever-present themes in Abarbanel's commentary is the importance of order - why *parshiyot* or sections are written in the place that they are.

years include: *Rosh Amana* (1993), *Mifalos Elokim* (1999), *Zevach Pesach* (on the Haggada; 2007), *Nachalas Avos* (2013), *Mashmia Yeshua* (2014), *Maayanei Hayeshua* (2017), and *Yeshuos Meshicho* (2018).

In addition, it's worthwhile to point out that Zev Bar-Eitan has brought some of the ideas in Abarbanel's commentaries, in an abridged version, to English readers.

4 With regard to our discussion below, which involves Abarbanel's hypersensitivity to chronological ordering in the Torah, I have not seen this topic sufficiently dealt with before. Dr. Eric Lawee, probably the most prominent expert on Abarbanel's works in recent times, and who deserves credit for expositing many themes and characteristics in Abarbanel's exegetical writings (and correcting many of the errors of previous biographers in this regard), did take note - like others have - of Abarbanel's focus on chronology. (Lawee sees this as one of several examples of Italian Renaissance influence on his approach.) However, when it comes to the ordering of passages in the Torah, Lawee notes, "After weighing earlier opinion, he [Abarbanel] usually concluded, like Nahmanides, that scriptural narrative reflected actual historical sequence." (Lawee, *Isaac Abarbanel's Stance Toward Tradition: Defense, Dissent, and Dialogue*; p.187) As we will show below, there is in fact a divergence in approach between Ramban and Abarbanel. The divergence is noted, although mostly in passing, by Jair Haas (*Divine Perfection and Methodological Inconsistency: Towards an Understanding of Isaac Abarbanel's Exegetical Frame of Mind*, JSQ 17:4, 2010, pp. 302-357; see n. 70 and n. 130), who notes not only the radicalism of Abarbanel's approach relative to Ramban's (and similarly, relative to Sforno's), but also the fact that Abarbanel is likely the first to wholly reject the Tannaic principle of *ein mukdam* (rather than to just limit its application like Ramban did; see note 14 below). [Haas, while positing that this was not solely the result of Renaissance influence on Abarbanel, ties this to his idea that Abarbanel was motivated primarily by his insistence on the literary perfection of the Torah, somewhat in response to Christian polemics to the contrary.]

5 See Abarbanel's introduction to *Yehoshua* - the first biblical commentary that he wrote (save for an earlier version of the commentary to *Devarim*) - in which he describes his own style relative to his predecessors: ואין המלט מהרחבת הדבור בפירוש הזה לא בשפת יתר ודברים מיותרים, כי אם ברבוי החקירה והדרישה והבנה אמתת הענינים ועמקם, כי רע ומר לי המעשה שהרב הגדול רש"י ז"ל נסתפק בפירושו לספרי הקדש ברוב הענינים עם שדרשו חז"ל, והחכם ראב"ע עם דקדוק המלות ושטחיות הפשט, ועם זה היו ספריו יותר קצרים מהפסוק עצמו.

6 See for example in Abarbanel's introduction to *Yechezkel*:

והדרך השני חדשו הרב המורה מחכמתו והתפלספותו... והדעת הזה בפירוש המרכבה הזאת קיימו וקבלו עליהם ועל זרעם כל המתפלספים מבני עמינו שבאו אחריו, לא כן אנכי עמדי שחכמת הרב ומחשבתו בזה מאן ומאן דעתי לקבלה והיא רחוקה ממני.

Chronology as an Important Attribute of the Torah

A common refrain heard when discussing the veracity or literalness of Biblical stories is “the Torah is not a history book.”⁷ What is usually meant by this is that the *purpose* of the Torah is not to teach people about historical events. But whether this is completely true or not, one cannot escape the fact that the Torah is written as a historical narrative. If we think of the Torah as a guide to life, or as a book of law, then this narrative element can be baffling. Indeed, the first comment of Rashi calls into question why the first part of the Torah - before any *halachos* are mentioned - is necessary at all.

But to Abarbanel, the narrative quality of the Torah is extremely important. Not only that, but to say that the Torah is lacking in anything that is an essential quality of a narrative document is something Abarbanel could not bring himself to do. And one of those essential qualities - which will be familiar to even the casual reader of Abarbanel's commentary - is strict chronological order. In Abarbanel's mind, how could one possibly give a historical account out of order? If I were writing a book about American History, would it make sense to begin with a chapter on the Civil War, and then a subsequent chapter on the American Revolution?

We know, however, that in more than a few instances, the Torah does seem to tell things out of order. In fact, already the *tannaim* noted that *ein mukdam u'meuchar baTorah* - there is no chronological order to the Torah.⁸ This was used as a general rule in the commentaries of Rashi⁹ and Ibn Ezra,¹⁰ and the idea of chronological disorder

7 Searching this exact phrase on Google returns close to 9,000 results. For example, Artscroll's *Stone Chumash* begins its introduction to *Bereishis* with:

We begin the study of the Torah with the realization that the Torah is not a history book, but the charter of Man's mission in the universe.

On Aish Hatorah's website (<https://aish.com/torah-the-guide-to-life>), we find:

Rav Weinberg explains that The Torah is not a history book, or a law book, it is an 'Instruction manual' of life.

Rabbi Natan Slifkin notes in *The Challenge of Creation* (p. 211):

The premise of the [Rashi's] question is that the Torah is not a history book. It is toras chaim, a guidebook for life.

Rabbi Jonathan Sacks, in his piece on the story of Shimon and Levi in Shechem, writes:

The Torah is not a history book. It is silent on some of the most important periods of time. We know nothing, for example, about Abraham's childhood, or about thirty-eight of the forty years spent by the Israelites in the wilderness. Torah means "teaching", "instruction", "guidance".

8 See *Sifrei Bamidbar* 64; *Pesachim* 6b; *Mechilta*, *Masechta D'shira* 7:1; *Braisa D'Lamed Beis Midos*. For many other applications of this principle by Chazal, see Menachem Kahana, *Sifrei Bamidbar: Mahadura Mevu'eres*, Vol. 1, p. 157.

9 For example, see Rashi to *Bereishis* 35:29 and *Shemos* 31:18.

10 For example, see Ibn Ezra to *Bereishis* 11:32 and *Bamidbar* 16:1.

in the Torah did not bother them. Notably, though, the Ramban *was* bothered by this idea, and he placed hard limitations on the application of *ein mukdam*. The Ramban was forced to re-explain many instances of seemingly unordered stories in such a way that they are in fact chronological, and according to the Ramban, only a handful of cases remain which are actually unchronological, and even in those instances, (1) the order is for a particular literary reason, and (2) the Torah explicitly specifies in some way that the timeline is unchronological.¹¹

However, even more so than the Ramban, Abarbanel considered chronological disorder to be a terrible violation of the Torah's nature, and therefore even a handful of cases of it is not acceptable in his view. For this reason, Abarbanel had to be even more creative than the Ramban in his exegesis of these passages, and it is clear that he put much effort into explaining these scenarios.

What we will do first is briefly introduce the idea of "*hashlamas ha-inyan*" that the Ramban often uses to explain seemingly unordered passages.¹² Secondly, we will look at another strategy that I call "*hakdamas ha-inyan*" which I believe is original to Abarbanel, and which he uses to further explain several instances of seemingly non-sequential passages. By doing so, Abarbanel diverges from the Ramban's explanations, particularly by enforcing a much narrower view on what is considered acceptable in deviating from strict chronology.

This will show us the interpretive lengths that Abarbanel goes to to preserve the Torah's narrative integrity. Only then will we turn our attention to the "why": why is chronological order so important to Abarbanel? Why is it almost impossible to read through his commentary on even a single *parsha* without encountering a discussion of what happened when?

L'hashlim Ha'inyan: Completing One Storyline Before Starting Another

The truth is that it's usually impossible to convey history in a strictly chronological manner, especially if your history involves various people in different places over the course of hundreds or thousands of years. There will invariably be overlapping storylines, or one

¹¹ See, for example, Ramban (quoted below) to *Vayikra* 16:10 and to *Bamidbar* 16:1.

¹² The term "*hashlamas ha-inyan*" (or "*L'hashlim ha-inyan*") was used influentially by Prof. Yitzchak Gottlieb in *Ein Mukdam U'meuchar B'feirush Haramban L'Torah* (Tarbiz 63:1, pp.41-62), inspired by the language used by Ramban to *Bamidbar* 9:1. Gottlieb differentiates between applications of this principle by Ramban in narrative sections of the Torah and in halachic sections of the Torah, even though Ramban himself does not explicitly do so. In our review of this, we will introduce just the basic concept behind the idea.

In Abarbanel's case, he is quite explicit about how he views the ordering of the halachic sections, which in his view is the order in which the laws were told by Moshe to the people (see Abarbanel to *Vayikra* 25:1). It must also be determined, though, *why* Moshe told the people those *mitzvos* in that order (see Abarbanel to *Shemos* 21:1).

story that spans a very long time and others that span short times within the longer timeline. As a short and concise example of this, consider this passage from the beginning of *Sefer Bereishis* about the generations between Adam and Noach.

ויחי שת חמש שנים ומאת שנה ויולד את אנוש. ויחי שת אחרי הולידו את אנוש שבע שנים ושמנה מאות שנה ויולד בנים ובנות. ויהיו כל ימי שת שתים עשרה שנה ותשע מאות שנה וימת.

ויחי אנוש תשעים שנה ויולד את קינן. ויחי אנוש אחרי הולידו את קינן חמש עשרה שנה ושמנה מאות שנה ויולד בנים ובנות. ויהיו כל ימי אנוש חמש שנים ותשע מאות שנה וימת.

Shes lived for one hundred and five years and fathered Enosh. Shes lived after having Enosh for eight hundred and seven years, and he fathered sons and daughters. The full life of Shes was nine hundred and twelve years, and he died.

Enosh lived ninety years and fathered Keinan. Enosh lived after having Keinan for eight hundred and fifteen years, and he fathered sons and daughters. The full life of Enosh was nine hundred and five years, and he died. (Bereishis 5:6-11)

You'll notice that this passage is not strictly chronological, as Keinan was born before his grandfather Shes died, and yet the *pasuk* tells us of Shes's death before it says that Keinan was born. Yet the reason for this is so obvious, that no one even bothers to ask about it. It makes sense to tell the story of one person and finish everything that needs to be said about that person before beginning the next one, even if technically some of the first story overlaps in time with the second. In this case, Shes's "story" and Enosh's overlap, so the intuitive thing to do is to tell Shes's first, finish it, and then begin about Enosh. This is a simplistic example of what the Ramban calls "*l'hashlim ha'inyan*" - to complete the subject at hand, and it is not considered to be in violation of chronology, since it's just the normal way to tell a story. In fact, to be strictly chronological in this case would involve interweaving the two stories, and it would make the whole thing extremely difficult to read.

The Ramban himself expresses this when he is responding to a *midrash* (quoted by Rashi) which asks why the Torah tells us of Terach's death before it tells us the story of Hashem telling Avraham to go to the land of Canaan. Wasn't Terach still alive when Avraham was told to go to Canaan? Ibn Ezra in this case too invokes the principle of "*ein mukdam u'meuchar baTorah*."

ואני תמה על דבריהם, שזה מנהג כל הכתוב לספר חיי האב והולידו הבן ומיתתו, ואחר כן מתחיל בענין הבן. בכל הדורות כך נהגו הכתובים. והנה נח עצמו בימיו של אברהם עודינו חי, ושם בנו כל ימי אברהם הוא חי.

I am astounded by what they wrote, as this is the practice of the Torah in all places to tell of the life of the father, and how he had children, and how he died, and only after that to begin telling of the life of the son. This is how the Torah does it for all of the generations! In fact, Noach too was still alive in the time of Avraham [even though the Torah tells us of his death before it begins the story of Avraham], and his son Shem was alive too throughout the time of Avraham. (Ramban, Bereishis 11:32)

The same is also noted by Abarbanel in several instances.¹³ He mentions this for

13 In fact, there is a case to be made that Abarbanel is more liberal with the idea of “hashlamas ha-inyan” than Ramban is. The beginning of *Parshas Yisro* tells of Yisro coming to visit Moshe in the *midbar* and the advice that he gives him there. The passage concludes there with this *pasuk* (*Shemos* 18:27):

וישלח משה את חתנו וילך לו אל ארצו.

Moshe sent off his father-in-law and he [Yisro] went to his land.

However, in *Sefer Bamidbar* (10:29-30), before *Bnei Yisrael* travel from Har Sinai, we find:

ויאמר משה לחבב בן רעואל המדיני חתן משה נסעים אנחנו אל המקום אשר אמר ה' אתו אתן לכם לכה אתנו והשבנו לך כי ה' דבר טוב על ישראל. ויאמר אליו לא אלך כי אם אל ארצי ואל מולדתי אלך

Moshe said to Chovav, the son of Reuel the Midianite, Moshe's father-in-law, "We are journeying to the place of which Hashem said, 'I will give it to you.' Come with us, and we will treat you well; for Hashem has spoken good concerning Israel." He said to him, "I will not go; but I will depart to my own land, and to my relatives."

Hadn't Moshe already sent off Yisro in *Sefer Shemos*? How is it happening here again in *Sefer Bamidbar*? Ramban acknowledges that *Chazal* (*Zevachim* 116a) already differed with regards to whether this story of Yisro happened before or after *Matan Torah* (even though it appears in the Torah prior to *Matan Torah*), but he cannot accept the opinion that it happened later than it appears.

ואם כן, נצטרך טעם למה הקדים הפרשה הזאת לכותבה בכאן

If so [that Yisro's visit was after Matan Torah], we would need a reason why the Torah wrote it earlier in this location. (Ramban, Shemos 18:1)

Ramban instead is forced to say that Yisro must have visited *Bnei Yisrael* twice, once before *Matan Torah*, and once afterward before they traveled from Sinai. Abarbanel, however, is comfortable using the idea of *hashlamas ha-inyan* here, and saying that the *pasuk* at the end of the passage (“Moshe sent off his father-in-law...”) really happened later, but is written here to close the story of Yisro and tell you what happened to Yisro at the end of his story, even though more details of his leaving the desert are told in *Sefer Bamidbar*. (The same approach was taken earlier by Ralbag and Akeidas Yitzchak, and later by Sforino and others.) Abarbanel compares this to the *pasuk* at the end of *Parshas Ha-mann* (*Shemos* 16:35) which tells us that *Bnei Yisrael* ate the *mann* for forty years until they arrived in their land, even though of course the forty years only concluded much later, at the end of the period of the Torah. As Shadal notes (*Shemos* 18:1), the application of “*hashlamas ha-inyan*” for Yisro's story is more extreme than its regular application or for the *mann*, since the same “*hashlama*” is not usually repeated later in the Torah like Yisro's departure is in this case. [Even though the *mann* is brought up later in the story of

example, when the *pesukim* tell of Avraham's death in *Parshas Chayei Sarah* before the story of Yitzchak having children, even though Avraham lived to see his grandchildren Yaakov and Eisav into their teenage years.

והנה ספר בזה מיתת אברהם לא מפני שמת בזה הפרק קודם שהוליד יצחק את בניו
כי הנה אחר זה מת. אבל נזכר כאן כדי להשלים ספורו ויזכיר אחר כך ספור יצחק
לעצמו

It tells here of the death of Avraham not because he died in this period before Yitzchak fathered his children, since he in fact died after that. Rather, it tells us here in order to complete Avraham's story, and afterwards it will tell the story of Yitzchak independently.

The Ramban uses this principle in several places to demonstrate that the order in which particular events appear in the Torah does not necessarily challenge the general sequentiality of the Torah as a whole. In other words, there are certain literary necessities which do not violate the general principle that the Torah *is* in chronological order, and one of those is *hashlamas ha-inyan* - finishing the current matter before moving on to the next.¹⁴

Hakdamas Ha'inyan: Preceding the Story with Relevant Context

The key, in several instances, to Abarbanel's solution to a chronology issue, is in the concept of introductory context. To appreciate a very simplistic example of this, consider the following *pesukim* from *Sefer Melachim* (*I Melachim* 1:5-6) which begin the description of Adoniyahu's attempt at inheriting the monarchy:

ואדניהו בן חגית מתנשא לאמר אני אמלך ויעש לו רכב ופרשים וחמשים איש רצים
לפניו. ולא עצבו אביו מימיו לאמר מדוע ככה עשית וגם הוא טוב תאר מאד ואתו
ילדה אחרי אבשלום.

the *mis'onenim* (*Bamidbar* 11), the closing of when *Bnei Yisrael* finished eating the *mann* is not repeated later in the Torah like is the case with *Yisro*. It's also worthwhile to note that the *pasuk* cited above about the *mann* is used by Rabbi Yehuda HaNasi in the *Sifrei* (see note 8) as a source for the principle of *ein mukdam u'meuchar baTorah*.]

¹⁴ There is one important distinction in how Ramban and Abarbanel relate to the principle of *ein mukdam u'meuchar baTorah*. And that is that Ramban appears to accept it as a principle, but interpret where and how it is applied (See Prof. Gottlieb's article cited in note 12 for a detailed analysis of this phenomenon). Abarbanel, on the other hand, rejects the principle entirely, and he consistently uses language which shows that he feels the idea of such a principle is not correct. (See for example Abarbanel to *Bamidbar* 16:1, and to *Bamidbar* 9:1 - part of which is quoted below. However, see also Abarbanel to *Bamidbar* 32:1, which reads strangely and which I suspect may be the result of an error.)

Adoniya the son of Chaggith exalted himself, saying, "I will be king"; and he prepared himself chariots and horsemen and fifty men to run before him. And his father had not pained him all his life by saying, "Why have you done so?" And he was also a very handsome man; and he was born after Avshalom.

Technically, these two *pesukim* are out of order. Adoniyah's birth, and his father's treatment of him happened many years prior. Only now in the present story is he "exalting himself" and saying "I will be king"; and the rest of the story of his attempted kingship continues after these *pesukim*. And yet, no one would consider this a real violation of chronological ordering. Why? Because clearly, the *pasuk* about his birth and his upbringing in his past are meant to serve as *introductory context* to the story about to unfold. So the author includes it here in this location - even though it happened many years in the past - to serve as context to the present story.

Now, we will look at three examples of Abarbanel using this concept to alleviate seeming "problems" of disorder in the Torah.

Example #1: Acharei Mos

Parshas Acharei Mos begins with the prohibition for the *kohen gadol* to enter the *kodesh kodashim* except on Yom Hakippurim, which transitions into a description of the full *avoda* performed on Yom Kippur. The *parsha* starts as follows:

וידבר ה' אל משה אחרי מות שני בני אהרן בקרבם לפני ה' וימתו ויאמר ה' אל משה דבר אל אהרן אחיך ואל יבא בכל עת אל הקדש מבית לפרכת אל פני הכפרת אשר על הארן ולא ימות כי בענן אראה על הכפרת

Hashem spoke to Moshe after the death of the two sons of Aharon, when they drew near before Hashem, and died. And Hashem said to Moshe, "Tell Aharon your brother not to come at all times into the Most Holy Place within the veil, before the cover which is on the ark; lest he die, for I will appear in the cloud on the cover." (Vayikra 16:1-2)

Here the *pasuk* tells us, not just that Hashem told Moshe these *mitzvos* as with most *mitzvos*, but also **when** Hashem told Moshe these *mitzvos* - specifically, after his two sons died by "drawing near" to Hashem.

The story of Aharon's sons' deaths is told in *Parshas Shemini* (Vayikra 10:1-5), and following it is a collection of many *mitzvos*, first the laws about *kohanim* drinking wine or alcohol, then about kosher animals, followed by many rules about different types of *tumah* and *tzaraas*, before we get to this one at the start of *Acharei Mos*. The

question is obvious: Why tell us that this mitzva was told to Moshe at a specific time - after Aharon's sons died? And if it did happen right after Aharon's sons died, why not put this passage immediately after that incident itself - why here?

The Ramban, concerned with this problem, explains as follows: both the mitzva about *kohanim* drinking wine (which was given directly to Aharon) and this mitzva about entering the *kodesh hakodashim* (which was given through Moshe) were delivered at this time after Aharon's sons died. The Torah tells us about the former immediately as would be expected. The latter, the mitzva about Aharon not entering the inner sanctum "lest he die", the Torah wanted to first precede this with the many other *mitzvos* related to *tumah* and *tahara* which were given to Klal Yisrael "so they will not die in their *tumah*, when they defile my *mishkan* that is in their midst" (*Vayikra* 15:31). Presumably, these mitzvos were told to Moshe much earlier, but were nonetheless written here to put "our" mitzva of "*v'lo yavo b'chol eis el hakodesh*" in context. As the Ramban expresses it:

ובאותו היום היתה גם זאת המצוה למשה, אבל הקדים הכתוב האזהרות שהזהיר את ישראל שלא ימותו בטומאתם בטמאם את משכני אשר בתוכם (ויקרא ט"ו:ל"א), ואחרי כן כתב אזהרת היחיד.

On that day [after Aharon's sons died] this mitzva too was [told] to Moshe, but the Torah preceded it with the prohibitions on all of Israel, that "they shall not die in their tumah when they defile my mishkan in their midst". And only after that it writes the prohibition on the individual [the kohen gadol].

The Ramban follows this with a revealing comment about the generality of this approach.

ועל דעתי: כל התורה כסדר, שכל המקומות אשר בהם יאחר המוקדם יפרש בו... ולכן אמר בבאן: אחרי מות – להודיע כי היה זה אחר מותם מיד.
In my opinion, the whole Torah is in order, since all the places in which an earlier event is placed in a later position, it specifies this... And therefore here it says "after they died" - to inform us that this took place immediately after they died.

To the Ramban, is the Torah in sequential order? In general, yes. But occasionally things have to be moved a little for ease of reading and of understanding, but the *pasuk* will always tell us when this is the case, as it does here.

However, to Abarbanel, this is not a sufficient solution. The idea that the Torah

would deviate from its sequentiality simply in order to place some earlier *mitzvos* - even if they are on topic - before the current one, is not acceptable. It must be that if these *mitzvos* are presented here as being told to Moshe in this order, then indeed it must have happened in this order. But then we have to explain why the Torah here says that this was told to Moshe after the sons of Aharon died.

הנה ביום השמיני למלואים שחנך אהרן את המזבח שהוא היה כפי קבלתם ז"ל בח' בניסן כשמתו בני אהרן באו דבורים מתיחסים לענין המקדש ושמירתו. אם מצות יין ושכר אל תשת ואם הטומאות במאכלים ובמגע הנבלות וכן בצרעות ובזבות ושאר הדבורים שבאו שמה כלם מתיחסים לטהרת המקדש ושמירתו מהטומאות. וזכר אחריהם הדבור הזה משמירת המקדש גם מאהרן שלא יבא שמה בכל עת אל הקדש וזה קשור הפרשיות האלה. וענין אמרו וידבר ה' אל משה אחרי מות הוא להודיע שמה רע"ה להיותו מוכן לנבואה בכל עת היה הרצון האלהי וחפצו שיכנס בכל עת אל קדש הקדשים לדבר אתו שם וכמו שאמר ובבא משה אל אהל מועד לדבר אתו וישמע את הקול מדבר אליו מעל הכפורת אשר על ארון העדות ומבין שני הכרובים וידבר אליו. ולכן היה שכאשר מתו בני אהרן שהיתה מיתתם בעבור קרבתם לפני ה' רוצה לומר שנכנסו לפני לפנים אשר לא כדת לא נפסק הדבור ממשה שנכנס ונתקרב אז שמה. אבל וידבר ה' אל משה אחרי מות רוצה לומר שהיה מדבר עמו מיד אחרי מות שני בני אהרן שמתו בקרבתם לפני ה' שבסבת אותה קריבה מתו וזה אמרו וימותו פעם אחרת. הנה א"כ הפסוק הזה הראשון לא בא על מצות דבר אל אהרן אחיך ואל יבא בכל עת אלא להגיד מעלתו של משה שמיד אחרי מות בני אהרן דבר אתו השם באותו מקום עצמו שהם מתו שמה והודיעו שהיתה מיתתם בעבור קרבתם לפני השם ולכן וימותו באותו מקום שנתקברו שם והיה אם כן המקום ההוא גורם למשה הדבור ומעלת הנבואה והיה בזה למוד למשה שיזהיר לאהרן שלא יתקרב שמה פן ימות גם הוא כבניו.

On the eighth day of the miluim, when Aharon consecrated the mizbeach, which happened - according to their tradition - on the eighth of Nisan, when the sons of Aharon died, the laws related to issues of the mikdash and keeping it holy were given. This includes the prohibition against wine and alcohol, and the laws around tumah of food and of corpses, and the laws of tzaraas and zavos and all the other things mentioned - they are all related to the purity of the mikdash and preventing its defilement. After all those, we come to this message regarding protection of the mikdash even from Aharon himself - that he should not enter the kodesh at any time, and that's what ties these parshiyos together.

As for why it says "Hashem spoke to Moshe after the death of..." , this is to

tell us that Moshe, being available for nevu'a at all times, the will of Hashem is that **he** shall enter the kodesh kodashim at any time to speak with Him there, as it says (Bamidbar 7:89), "When Moshe went into the Ohel Moed to speak with Hashem, he heard his voice speaking to him from above the cover that was on the aron, from between the two keruvim; and He spoke to him." Therefore, [even] when Aharon's two sons died... Hashem's word [still] did not detach from Moshe, who was still able to enter; rather, [as our pasuk says], "Hashem [still] spoke to Moshe after they died" - meaning He spoke to him [even] immediately after their deaths, [even though] they died of the very same entering of the kodesh hakodashim [as Moshe]... Thus, this first pasuk is not telling us when the following pasuk, "tell Aharon your brother not to enter at any time..." Rather, it is telling us the greatness of Moshe that in the same place where the sons of Aharon died by "coming close" to Hashem, Moshe, even immediately afterwards, was spoken to by Hashem there... And this information was relevant to tell Moshe so that he should warn Aharon not to enter that place, lest he die like his sons.

The way that Abarbanel reads the *pesukim* is that the introductory line of "Hashem spoke to Moshe after the death of the two sons of Aharon..." is not to tell us when the forthcoming *parsha* happened. If that were the case, it would have written something like this:

וידבר ה' אל משה אחרי מות שני בני אהרן דבר אל אהרן אחיך ואל יבא בכל עת אל הקדש...

Hashem spoke to Moshe after the death of the two sons of Aharon, "Tell Aharon your brother not to come at all times into the Most Holy Place ..."

What it actually says, as we saw above, is:

וידבר ה' אל משה אחרי מות שני בני אהרן בקרבתם לפני ה' וימתו. ויאמר ה' אל משה דבר אל אהרן אחיך ואל יבא בכל עת אל הקדש...

Hashem spoke to Moshe after the death of the two sons of Aharon, when they drew near before Hashem, and died. And Hashem said to Moshe, "Tell Aharon your brother not to come at all times into the Most Holy Place..."
(Vayikra 16:1-2)

The introductory *pasuk* is actually coming to give contextual information before it tells us about what Moshe was told regarding this prohibition about Aharon entering the *kodesh*. Moshe Rabbeinu, the *pasuk* tells us, was spoken to by Hashem

in the *kodesh hakodashim* even right after Aharon's sons died there. Still, Hashem tells Moshe in the subsequent *pesukim*, you need to tell Aharon that he cannot go there like you can, and that he could die like his sons did by doing so.

So Moshe was not necessarily told this *parsha* immediately after Aharon's sons died; presumably the *mitzvos* of *Parshiyos Tazria* and *Metzora* were given first. The *pasuk* here is just giving us context to better understand the upcoming *pesukim*, and by doing so there is no real violation of chronological order.

Example #2: *Korbanos Hanesi'im*

The beginning of *Sefer Bamidbar* tells us of the counting that took place of the entire nation, which happened - according to the first *pasuk* - in the second month (Iyar) of the year after *Yetzias Mitzrayim*. After all the counting is described, including the *levi'im* who are assigned their tasks, we come to the passage relating the special *korbanos* that the *nesi'im* brought on the newly-consecrated *mizbeach*.

ויהי ביום כלות משה להקים את המשכן וימשח אתו ויקדש אתו ואת כל כליו ואת המזבח ואת כל כליו וימשחם ויקדשם אתם. ויקריבו נשיאי ישראל ראשי בית אבתם...
It was on the day that Moshe finished setting up the Mishkan, and he anointed it and sanctified it, with all its furniture, and the altar with all its vessels, and he anointed and sanctified them. The nesi'im of Israel, the heads of their fathers' houses, offered sacrifices... (Bamidbar 7:1-2)

In the Ramban's approach, this is an example of a case where the *pasuk* specifies that what follows occurred at a prior time to the previous passage. Indeed, the Ramban writes that these events happened on the eighth day of the *miluim*, which coincided either with the first or the eighth of Nisan, certainly before Iyar when the census took place in the previous *parsha*. The Ramban provides an explanation for why the census, which is related to how *bnei yisrael* camped in the *midbar* and where the *ohel moed* was positioned, was better positioned immediately after the laws of the *avoda* in *Sefer Vayikra*, which now brings us to the final portion related to the *mishkan* and its consecration - the *korbanos* of the *nesi'im*.

And again Abarbanel is not able to accept that these *parshiyos* in *Sefer Bamidbar* are not in sequential order.

רחוק היא אצלי שתהיה חנוכת המזבח הנזכרת כאן ביום ר"ח ניסן כשהוקם המשכן כשהתחילו שבעת ימי המלואים וגם לא ביום השמיני למלואים כדברי הרמב"ן מהטענות אשר נזכרו בשאלה הראשונה בפרשה הזאת. אבל אחשוב שכאשר הוקם המשכן שהיה בחדש הראשון מיד התחילו ימי המלואים לאהרן ולבניו ובשבעת ימים

מלאו את ידם והקריבו את קרבנם וקרבן העם ביום השמיני וכל שאר ימי החדש
ההוא הראשון נתעסק משה במשיחת המשכן והכלים והמזבח וכליו ושאר הדברים
הצריכים למקדש

ובראשון לחדש השני צוה השם למשה על מנין העם ונקבו בשמות הנשיאים שהיו
בכל שבט ושבט בשעת המנין ואחרי שנמנה העם לשבטיו וכן הלויים ונתמנו הנשיאים
ראו הנשיאים ההם שהיה דבר הגון שהם יתחילו להקריב קרבנות קודם כל שאר יחידי
ישראל ומזה הצד קרא את קרבנם חנוכת המזבח לא מפני שהיה קרבנם הראשון
שנקרב שמה לא מן הכהנים ולא מעדת בני ישראל אלא בבחינת יחידי הצבור שהיו
עתידין להקריב קרבנותיהם וזבחייהם על מזבח השם... והיה אם כן חנוכת המזבח
וקרבן הנשיאים אחרי מנין העם ומתיחס אליו

It is a stretch in my opinion to say that this consecration of the mizbeach (by the nesi'im) was on the first of Nisan when the mishkan was erected, nor on the eighth day of the miluim like the Ramban writes, for the reasons that I mentioned earlier.

Rather, I think that when the mishkan was erected in Nisan, then began the process of the miluim with Aharon and his sons bringing their korbanos and the people's korban on the eighth day. And throughout the rest of the month of Nisan, Moshe was busy with anointing the vessels and the mizbeach and its instruments, and all the other requisite things for the mishkan.

Then, on the first of Iyar, Hashem commanded Moshe to count the people, and at that time the nesi'im were appointed for each tribe. And after all the tribes were counted - and the levi'im - and the nesi'im were appointed, the nesi'im saw it proper that they should be the first to bring individual korbanos (korbanos yachid) before anyone else. And from this perspective their korbanos were called "chanukas hamizbeach" - not because they were the first korbanos brought, but rather the first korbanos yachid that were to be brought there... Thus the "chanukas hamizbeach" - the korbanos of the nesi'im - occurred after the counting of the nation, and is in fact a result of it.

Here again Abarbanel - unlike the Ramban - understands that the *parshiyos* are in chronological order. The introductory *pasuk* is coming to tell us that Moshe had finished the full process of preparing and anointing all the items of *mishkan* so that it was now ready for individuals to bring personal *korbanos*. That leads to the story of the *nesi'im* who felt that it would be proper for them to be the first to do so.

Example #3: Pesach Sheni

In *Parshas Behaalosecha*, not long after the *parsha* of the *korbanos hanesi'im*, comes the *parsha* of *pesach sheni*. At first glance, the introductory *pasuk* appears to explicitly deviate from the chronology of the *sefer* up to this point.

וידבר ה' אל משה במדבר סיני בשנה השנית לצאתם מארץ מצרים בחדש הראשון
לאמר ויעשו בני ישראל את הפסח במועדו

Hashem spoke to Moshe in the wilderness of Sinai, in the first month of the second year after they had come out of the land of Egypt, saying: "Let the Children of Israel keep Pesach in its appointed season."

The *pesukim* continue by telling the story of the people who were *tamei* at that time in Nisan and complained to Moshe that they were not able to participate in the *korban pesach*. Moshe and Aharon consulted Hashem, and Hashem gave them the mitzva of *pesach sheni*.

The first *pasuk* here is so explicit about the timeline that it is from here that the Sifrei learns the concept of *ein mukdam u'meuchar baTorah*.¹⁵ The Ramban, *k'darko*, provides an explanation for why the ordering here is unchronological. And yet again, Abarbanel rejects it.

והרמב"ן נתן טעם בזה האיחור... ואין דבריו אלה נכונים בעיני.

The Ramban gave an explanation for this late placement of the story... but these words of his are not correct in my view.

Abarbanel explains that while the entirety of *Sefer Vayikra* takes place in Nisan of the second year, *Sefer Bamidbar* begins with the purpose of telling us what happened in the second month of that year. As we saw earlier, the counting of the nation as well as the sacrifices brought by the *nesi'im* took place in the first half of Iyar of that year. Now, the Torah wishes to tell us what happened on the fourteenth of Iyar - namely, it wants to tell us about *pesach sheni*. But in order to tell us about *pesach sheni*, a mitzva which was given for the middle of Iyar, the Torah has to give us some context - some backstory - about what occurred a month earlier in Nisan which gave birth to this present event.¹⁶

¹⁵ See note 8 above.

¹⁶ Abarbanel's interpretation hinges on the fact that the primary intention of the *pesukim* here is to tell us about Pesach Sheni, which occurs of course on the fourteenth of Iyar. It is easy to see, however, why others may struggle to accept this *peshat* - because the Torah in this passage tells us nothing explicitly that actually happened in Iyar. The *pesukim* tell us the story of how a group of people were *tamei* when the rest of *Bnei Yisrael*

הנה א"כ נכתב כאן הספור הזה להודיע שבחדש שני ההוא צוה יתברך לעשות פסח שני לטעמים ההם ולא היה אם כן בזה דבר מוקדם ומאוחר אשר לא כסדר כי עם היות טומאתם אשר סבבה הדבר הזה בחדש הראשון הנה מצות הפסח השני שנתחדשה עתה היה שיעשוהו בחדש השני ולא בא אם כן הכתוב הזה להודיענו שצוה השם שיעשו הפסח במועדו אבל היה זה הקדמת ידיעה שלפי שצוה יתברך בזמן החג שיעשו את הפסח וקרה שהיו שם אנשים טמאים לנפש אדם בא עליו הדבור שיעשו את הפסח בחדש השני וזהו החדוש שנתחדש בחדש השני ההוא אשר בעבורו נכתב אותו ספור במקום הזה.

*Thus, this story is written here to inform us that in the second month, Hashem had commanded to bring the pesach sheni for the above reason [i.e. that the month prior, people were tamei and unable to participate]. And therefore there's nothing here out of order or in the wrong place, since although the story of the people who were tamei which caused this thing happened in the first month, the pesach sheni itself - which is occurring now for the first time - is in the second month. So the purpose of the pesukim here is not to tell us that Hashem told the people to perform the korban pesach in its appropriate time; rather, **this is just introductory context** - that because Hashem commanded at the time to bring the korban pesach, and it happened that there were people at that time who were tamei, therefore Moshe was told that they should bring their pesach in the second month. And this was the novelty that occurred in that second month [of that year] for which this story is written here in this place.*

As we see in the above examples, and throughout his commentaries on the

performed the *korban pesach*, and how they complained to Moshe and Moshe said that he will ask Hashem. Presumably, the subsequent "*Vayedaber Hashem el Moshe...*" takes place on that same day, when Hashem tells Moshe the laws of *pesach sheni* **which is to take place next month** on the fourteenth of Iyar. And there this *parsha* ends - without any *pasuk* like "and *Bnei Yisrael* did as Hashem commanded Moshe" or something along those lines which could be interpreted as something which actually occurred in Iyar.

It is possible that Abarbanel understands that although the mitzva of *Pesach Sheni* was given to Moshe in Nisan, he only presented the mitzva to *Bnei Yisrael* in Iyar when it was time for the mitzva to take place. Then, following Abarbanel's general approach (see note 12), the appropriate place to write this *parsha* would correspond to when Moshe told it to *Bnei Yisrael*. But even that is hard to accept, since it would make sense for Moshe to immediately respond to the people who were *tamei* with the new mitzva Hashem gave him to assuage their complaints. (Unless one supposes that Moshe gave the group of *tame'im* a brief response in Nisan, but only in Iyar did he deliver the full *mitzvos* of *pesach sheni* to the nation as a whole.)

It seems that Abarbanel sees this *parsha* as implicitly telling us that *Bnei Yisrael* observed the mitzva of *pesach sheni* in Iyar; the mitzva itself, though, was given to Moshe in Nisan, which the Torah tells us here as context.

Torah and on *Nevi'im*,¹⁷ Abarbanel was very attached to the idea of chronology, that events in the Torah were written precisely in the order in which they occurred.

A Reflection of Reality: Why Chronology is so Important

In a philosophical work that he wrote before much of his commentary to the Torah, entitled *Mifalos Elokim*, Abarbanel poses the question of why the Torah doesn't mention that the stories it tells were told by Hashem to Moshe. In other words, why doesn't the Torah open with something like this:

וידבר ה' אל משה לאמה בראשית ברא אלקים...

Hashem spoke to Moshe saying: In the beginning, God created...

And in answering this question, Abarbanel reveals how fundamental the idea of chronology is in his thinking.

והתשובה על זה אצלי היא שהתורה היתה טופס המציאות ונמוסו וסדרו כפי מה שעברו בו הדברים ראשון ראשון ואחרון אחרון. והנה לידת משה לא היתה כי אם אחרי שעברו יותר מאלפים משנות העולם וזכה לנבואתו במראה הסנה בכמו פ' שנה אח"כ ואיך א"כ יהיה משה ונבואתו נזכר בתורה קודם בריאת שמים וארץ? ותהיה נבואתו קודמת ללידתו ויציאתו לאויר העולם שנים רבות שהנה יהיה כל זה בלתי שומר סדר המציאות ולא יהיו הדברים בתורה כפי האופן שהם במציאות עצמו. לכך התחילה התורה במה שהתחיל המציאות ר"ל בבריאת שמים וארץ וצאצאיהם והסתעפות הדורות וכל הקורות אותם דבר אחר דבר כמו שקרה במציאות עד לידת משה והתחלת

¹⁷ The focus of this article is on Abarbanel's approach to chronology in the Torah. However, I will point out that this extends as well to his commentary on the *Nevi'im*, and I'll offer two examples of this here - one from *nevi'im rishonim* (which, since it retains the narrative style of the Torah, is more obvious that Abarbanel should retain his approach there), and one from *nevi'im achronim* (which, being more of a collection of prophecies with interspersed narrative sections, is less obvious that it should follow a chronological ordering).

The first example is from the end of *Sefer Shoftim*. The last few chapters there (after the period of Shimshon closes in the prior chapters) tell the stories of *Pessel Micha* and of *Pilegsh B'givah*, and in *Seder Olam* (followed by most of the *mefarshim*), it specifies that these stories occurred in the era of Kushan, hundreds of years earlier. Abarbanel, after offering a reason why, according to *Seder Olam*, the *parshiyot* would have been written here at the end of the *sefer*, continues by offering his own alternative (and "more correct") *peshat* in accordance with the position of these passages next to the stories of Shimshon:

אבל כפי סדר הפרשיות נוכל גם כן ליישב הענינים ולהתיר הספקות באופן אחר יותר נכון, וגאמר שענין פסל מיכה ופגלש בגבעה שניהם קרו אחרי שאסרו הפלשתים את שמשון ובהיותו גולה בתוכם...

As a second example, consider the prophecy that Yeshayahu receives "*b'shnas mos hamelech Uziyahu*" (Yeshaya 6:1) in which he sees the *kisei hakavod* and the *serafim* etc. The Mechilta (*Masechta D'shira* 7:1) writes that this *nevuah* is the "*techilas hasefer*", meaning it is chronologically the first to have occurred (see also Rashi to Yeshaya 1:1 and Ibn Ezra to Yeshaya 6:1). Abarbanel, though, predictably disagrees:

הנה פשט הכתובים מורה שלא היתה זאת הנבואה הראשונה אשר ראה ישעיהו כיון שלא נכתבה בתחילת הספר...

נבואתו. ומשם והלאה היה הקול אומר וידבר יי אל משה לאמר כך וכך לפי שכבר יצאו אותם הדברים אל המציאות והיו מסכימים דברי התורה אל אמתת המציאות מכל צד. *The answer to this, in my opinion, is that the Torah is a record of all existence, and its laws and its order of events are according to what actually happened - first things first and later things later. And since Moshe was born thousands of years after the world was created, and he merited to begin his prophecy around an additional eighty years later, how could the Torah mention Moshe and his prophecy (by saying "Hashem told Moshe...") before telling of the creation of the world? That would place his nevua prior to his very birth by many many years! That would be not following the order of reality, and then the words of the Torah would not reflect the way in which things actually happened.*

Therefore, the Torah begins with how reality began, i.e. with the creation of the heaven and earth and their progeny, and the stories that involve them, one thing after the next just as they happened in reality, until Moshe's birth and the beginnings of his nevua. And only after that does the "narrator" say "Hashem spoke to Moshe saying such-and-such", since those things (Moshe and his ability to speak with God) already existed by then and thus the words of the Torah conform with reality in every respect.

If I may encapsulate what I believe Abarbanel means here into one phrase, he is arguing that "the Torah **is** a history book." In other words, the Torah is meant to tell us what happened, from the time of Creation through the time of Moshe, including the laws that God gave Moshe and how that occurred. If the Torah says that something happened, then it must have happened. And the chronology of events is a corollary of this. By the Torah telling story A and then subsequently telling story B, that implies that story A occurred before story B, and to say otherwise would be equivalent to saying that what the Torah says did not happen in the way that it says.

In this sense, this is related to the insistence that we see regularly from Abarbanel that *pesukim* must be interpreted *k'fi peshutam* - as they say, so it was. One of the main discussions that he has around this topic centers on the second chapter of *Bereishis*, the story of the creation of man in Gan Eden. Famously, the Rambam in *Moreh Nevuchim* (followed by the Ralbag) interpreted these *pesukim* as an allegory without giving credence to the *peshuto shel mikra* - that what is described actually

happened. Abarbanel, while still being *melamed zechus* - *k'darko*¹⁸ - on the Rambam and providing the justification for his approach, still strongly disagrees and provides several arguments against it. His conclusion there is illuminating.

ואשר אאמיננו אני בדבר הזה הוא הרכבת שני הדרכים והתאחדותם ר"ל שהפרשה הזאת ראוי שתפורש כלה כפי פשוטה והנגלה ממנה וג"כ לפרשה על דרך הנסתר וכפי הרמז והצורה או הסימן. כי רחוק ממני הדבר מאד לשום ספק בשום דבר ממה שיגידו פשוטי הכתובים שכך היה יקרה. ואם בסלם יעקב וחיות יחזקאל נטינו מדרך הפשט יש מקום לזה לפי שהכתוב לא העיד שהיה הסלם בפועל אלא שראה אותה יעקב בחלומו. וכן חיות יחזקאל ביאר הכתוב שראה אותם במראות אלהי אבל במה שהתור' העידה על מציאותו לא בחלום ולא במראה כי אם בספור פשוט עדות ה' נאמנה שכן היה או נעשה ואין לנו לומר שלא היה ולא נברא אלא למשל היה כי יהיה זה הכחשת הכתובים והכזבת' על כן אמרתי דרך המלך נלך לא נטה ימין ושמאל מפשט הכתובים להצדיקם ולאמתם אך אמנם באמת שמלבד הפשט ההוא הנה נכתב אותו ספור בתורה ללמדנו בו עוד חכמה ודעת ויראת ה'. וזהו היתרון הנפלא הנמצא לתורת האלהים על כל חבורי החכמות והנמוסי' כי יש בהם שיכונו לנגלה ואין בהם רמז למדע אחר ומהם שיכונו אל האמת הפנימי והיה הפשט החצוני דבר רק ואין בו ממש. וזאת התורה אשר שם משה אינה כן אבל החיצוני ממנה הוא האמת' וכמו שהיה והנרמז היא חכמה עליונה.

What I believe in this matter is actually a combination of both approaches, i.e. that this parsha needs to be interpreted in a straightforward way, and also should be interpreted as an allegory and in the manner of remez. Because it is extremely difficult for me in any case to place doubt that what the pesukim say straightforwardly is what actually happened. And if in the case of Yaakov's ladder or the chayos of Yechezkel we stray from the peshat, this is because the pasuk never said that the ladder or the chayos ever existed in reality, but rather just that Yaakov saw it in a dream, and that Yechezkel saw it in his divine visions. But with what the Torah testified as something that actually existed - not in a dream nor a vision, but in a forthright story - "edus Hashem ne'emanah", the testimony of God is trustworthy that that is what occurred. And we cannot say that it never was and never existed or that it is

18 Abarbanel was well known as a disciple of the Rambam - perhaps the greatest of his generation, and although he differed in many respects philosophically (as can be seen not only in his commentaries, but in his philosophical works like *Mifalos Elokim* and *Shamayim Chadashim*), he still ascribed great importance and significance to the Rambam's opinions. (An excellent study of this relationship is provided by Eric Lawee, "The Good We Accept and the Bad We Do Not': Aspects of Isaac Abarbanel's Stance Towards Maimonides", in *Be'erot Yitzhak: Studies in Memory of Isadore Twersky*, 2005, pp. 119-160.)

an allegory, as this would be a denial of the pesukim.

Therefore, I say that we shall not stray from the peshat of the pesukim in their truthfulness. But in truth, this story [of Gan Eden] is written in the Torah to teach us additional lessons of knowledge and yiras Hashem. And this is the great supremacy of the Torah over other works of knowledge or of law: Some of them are meant to be literal, and have no additional meaning other than the topic or content at hand; and there are others that are meant to be parables for some hidden or inner truth, but the external content of the allegory is useless and unimportant. But the Torah of Moshe is not like that - its surface content is truth and meant to reflect reality, and even what is hinted to as deeper meanings are divine knowledge.

This is a theme that arises continually throughout Abarbanel's commentary - whether in the story of Avraham seeing the three *malachim*, or in the story of Yaakov wrestling the stranger - if the *pasuk* says that something happened, then it happened. May the story also symbolize an important lesson or hidden meaning? Of course, but we must not deny the original *peshat* in the process.

The Purpose of the Torah Demands Literalism

What we've learned is one uniqueness of Abarbanel's allegiance to *peshat* which cannot necessarily be ascribed to other *mefarshim* of his time. It is worth pointing out that Abarbanel's focus on the literalism of the *pesukim*, and his insistence on its historicity is tied to the way he understands the very purpose of the Torah and the reason it was given to us. Abarbanel sees the Torah as a historical document in the sense that its purpose is to tell Klal Yisrael their history; to teach about the creation of the world and the events that led up to Klal Yisrael's formation and to *Matan Torah*, and to give our nation the laws that were commanded to Moshe and the beliefs that are our heritage¹⁹. *Torah tziva lanu Moshe, morasha kehilas Yaakov*. Because of this, it is imperative that we see the *Torah Shebichsav* as a testimony of truth, an inerrant record of reality. In Abarbanel's view, this means that the ordering of the Torah must also conform to the *chronological* reality, and this becomes the impetus in many instances for the use of his originality and creativity of interpretation, which I hope we've shown is indeed dynamic and compelling.

¹⁹ There is more to say about Abarbanel's view of the structure and purpose of the Torah, and the aspects of his commentaries that are influenced by those views. *Im Yirtzeh Hashem*, we will have the opportunity to explore more of this topic in the future.

Three Methodologies in the Sforno's Commentary

ZAC GRODZINSKI



Rabbi Ovadia Sforno (c. 1475–1549) was a rabbi, philosopher, and biblical commentator who lived at the height of the Renaissance period in Italy. While we have a number of his *halachic* responsa, a famous work on philosophy which was translated into Latin and dedicated to King Henry the Second of France (*Or Amin*), as well as commentaries on various books in *Tanach*, he is most well known for his commentary on the *Chumash*. The Sforno's commentary on the Torah was first published in 1567, approximately 18 years after his passing, and then a number of times after that. More importantly however, the *peirush* was ultimately included in the standard *Mikraos Gedolos* editions, giving it much more exposure than it would have likely had otherwise. Nevertheless, even with its broad exposure, due to its brevity and unique style, the Sforno's commentary is studied less than many of the other commentaries that appear on the standard *Mikraos Gedolos* page.

In this article, I hope to introduce the reader to a few unique features of the Sforno's commentary and provide a starting point for further study. While there is a lot to discuss about the Sforno's *peirush*, from how it relates to *Divrei Chazal* and earlier commentators (for example Rashi, Ramban and Abarbanel), to common themes that appear throughout the *peirush* (Primacy of Man, *Olam Haba*, Divine Providence etc.) in this article I will focus on three unique methodologies that the Sforno uses throughout his *peirush* to yield interesting, sometimes surprising, yet always insightful and meaningful interpretations.

TRADITION INVERTED

In this section I will provide three examples whereby using a close reading of the

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peshuto shel mikra, the Sforno interprets seemingly straightforward *pesukim* in ways that differ completely from the traditional understanding of the *pasuk*, and uses these interpretations to provide a new perspective on the stories as a whole.

Due to the Sforno's brevity, in all the examples brought in this article I have added additional explanations within the English translations. While I have provided the original Hebrew text for reference and accuracy, I suggest reading the English translation for a better understanding of the Sforno's comments.

The Effects of the Flood

Immediately after the flood, Noach offers sacrifices and Hashem promises Noach that He will never again destroy the world. At the end of the this short covenant, Hashem states:

עד כל ימי הארץ זרע וקציר וקר וחם וקיץ וחרף ויום ולילה לא ישבתו.
For all the rest of the days of the earth sowing and harvest, cold and heat, summer and winter, day and night will not cease. (Bereishis 8:22)

Rashi famously comments that by stating that “day and night will not cease”, this implies that prior to this, “day and night” did cease:

יום ולילה לא ישבתו: מכלל ששבתו כל שנת המבול, שלא שמשו המזלות, ולא ניכר בין יום ללילה.
From this we may infer that they (day and night) ceased during the period of the Flood, for the planetary system did not function, so that there was no distinction between day and night.

While Rashi addresses the change in the “day and night” after the flood, he doesn't explain why the *pasuk* needed to mention the six seasonal times (sowing/harvest, cold/heat, summer/winter) as well. The Sforno, focusing on the placement of “*lo yishbosu*” at the end of the *pasuk* after the eight weather and time related categories, interprets the *pasuk* in the completely opposite way:

עד כל ימי הארץ זרע וקציר וקר וחם וקיץ וחרף, ויום ולילה, לא ישבתו – “לא ישבתו” מלהתמיד על אותו האופן בלתי טבעי שהגבלתי להם אחר המבול, וזה שילך השמש על גלגל נוטה מקו משוה היום, ובנסיתו תהיה סבת השתנות כל אלה הזמנים, כי קודם המבול היה מהלך השמש תמיד בקו משוה היום, ובזה היה אז תמיד עת האביב, ובו היה תקון כללי ליסודות וצמחים ולבעלי חיים ולאורך ימיהם.
“They will not cease” implies they will not cease to function in the non-natural way that I set for it after the flood - that is that the sun will orbit on

a plane that deviates from that of the earth's equatorial plane, and due to this deviation there will be all these changes in seasons. Since prior to the flood, the sun traveled on the earth's equatorial plane - [always at the same distance from the earth's poles] and with that it was always Spring, and with that there would be a general correctness for all foundations, plants and animals for their whole life.

ואמר שיהיה זה "כל ימי הארץ" עד אשר יתקן האל יתברך את הקלקול שנעשה בה במבול, כאמרו "הארץ החדשה אשר אני עשה" (ישעיהו ס"ז:ב), כי אז ישוב מהלך השמש אל קו משוה היום כמאז, ויהיה תקון כללי ליסודות ולצמחים ולבעלי חיים ולאורך ימיהם, כמו שהיה קודם המבול...

And it said that this [non-natural format] would continue for "all the days of the earth" until Hashem will correct the damage that was done during the flood, as it says "the new world that I will make", because then the sun will return to the equatorial plane, and there will be a general correction for all foundations, plants and animals as it was prior to the flood...

Whereas Rashi interprets the *pasuk* as saying from now on the natural world would function in its perfect format without it being affected by another natural disaster on the scale of the Flood, the Sforno interprets the *pasuk* as saying from now on the natural world will function in a sub-par format, with all its changes in seasons and climates. Only in the future will the natural world return to its perfected state that existed prior to the Flood.¹

Yaakov and Yisrael

After Yaakov fights with the angel on his way to meet Eisav, Yaakov asks for a *bracha* from the angel. After providing his name - Yaakov - to the angel, the angel responds:

ויאמר לא יעקב יאמר עוד שמך כי אם ישראל כי שרית עם אלהים ועם אנשים ותוכל.
He said, "Your name will no longer be called Yaakov, but rather Yisrael, because you have striven with God and with men and have prevailed."
 (Bereishis 32:29)

Commenting on the meaning of the names, Rashi famously notes:

לא יעקב יאמר עוד שמך – לא יאמרו עליך עוד שהברכות בעקיבה וברמייה, כי אם

¹ The Sforno uses this understanding to explain two other phenomena that took effect after the flood; the permission for Man to eat meat and the general decrease in human lifespan.

בשררה ובגילוי פנים.

It shall no longer be said that the blessings came to you through supplanting and trickery but through noble conduct (serara) and in an open manner.²

While Rashi provides a notion of trickery to the name of Yaakov, Sforno provides a completely opposite interpretation:

לא יעקב יאמר עוד שמך – לקץ הימין שתהיה קיים אחר אבדן האומות, ובכן יהיה כבר מקיים בך ענין "יעקב", המורה קיים בסוף, ולכן לא יפול עליך אז עוד שם "יעקב" להורות שתהיה בעקב ובסוף כל האומות.

כי אם ישראל, כי שרית – אבל יקראו לך בשם "ישראל" בלבד, להורות שאז כבר "שרית עם אלהים ועם אנשים"...

No longer will your name be Yaakov - at the end of days when you will have triumphed after the destruction of the nations, you will have already fulfilled the idea of 'Yaakov/End' which alludes to something which exists at the End, and therefore you will no longer need the name 'Yaakov/End' to allude to the fact that you will triumph at the end over the nations [since you will have already triumphed!] Rather "Yisrael" - but they will call you only 'Yisrael' which alludes to the fact that you already "struggled with God and Man"...

Rashi understands the name "Yaakov" to indicate something in the past (when Yaakov had taken the blessings through trickery) and the name "Yisrael" to indicate something in the future (when it will be understood that Yaakov was the rightful heir to the *brachos*). Sforno on the other hand understands the name "Yaakov" to be used in the present to describe the time in the future (*Eikev*) when Yaakov will triumph over the nations, while the name "Yisrael" will be used in the future to remind everyone how Yaakov reached his point of triumph (through struggling with God and Man).³

2 This is almost the same wording that Rashi uses in his comment to *Bereishis* 35:9, when Hashem actually changes Yaakov's name:

לא יקרא שמך עוד יעקב – לשון אדם הבא במארב ובעוקבה, כי אם לשון שר ונגיד.

3 It is interesting to note that while the Angel tells Yaakov that his name will be changed to Yisrael and no longer will he be referred to as Yaakov (*Bereishis* 32:29), this will only happen at the "end of days" (see Sforno above). Later, when officially adding the second name, Hashem emphasizes that his name is currently Yaakov, but nevertheless still adds on the second name - Yisrael (*Bereishis* 35:10):

ויאמר לו אלהים שמך יעקב לא יקרא שמך עוד יעקב כי אם ישראל יהיה שמך ויקרא את שמו ישראל.

God said to him. "Your name is Yaakov; no longer will you be called by the name Yaakov but rather Yisrael will

Number of Years in the Desert

After the episode of the *Meraglim*, Hashem tells Moshe and Aharon that as a result of their sins, the current generation (aged 20 and above) would not merit to go into the *Eretz Yisrael*. In order to do this in a gradual manner, Hashem tells them that *Bnei Yisrael* will wander in the desert for forty years until the entire generation dies out. The *pasuk* then notes:

במספר הימים אשר תרתם את הארץ ארבעים יום, יום לשנה יום לשנה תשאו את
עונתיכם ארבעים שנה וידעתם את תנאותי.

According to the number of the days in which you spied out the land, forty days, a day for a year, a day for a year, you will bear your iniquities, forty years, and you will know my alienation. (Bamidbar 14:34)

The traditional understanding of this *pasuk* is that as a result of the Spies' forty-day mission, *Bnei Yisrael* were punished for forty years of wandering in the desert. There are however two difficulties with this interpretation:

- If the punishment was to follow the principle of *midda k'neged midda*, then the forty days of the mission should have only resulted in forty days of punishment, not forty years.
- If each year actually corresponded to each day of the Spies' mission, then the *pasuk* should have been written "*shana l'yom, shana l'yom*," a year [of punishment] for a day [of spying], not "a day for a year".

Addressing these two issues, the Sforno creatively interprets the phrase:

יום לשנה – תשעה באב של כל שנה, כמבואר בתענית פרק בתרא.

A day for a year - the 9th of Av of each year, as it's explained in the last chapter of Taanis.

Discussing the significance of the 15th of Av, Rabbi Yochanan explains (*Taanis*, 30b)

be your name, and he named him Yisrael.

If he was currently in the state of "Yaakov", how was he able to take on the name of "Yisrael" which seemingly is only functional at the end of days once he will have already reached the "End/Eikev"? Addressing this problem, the Sforno comments (*Bereishis* 35:10):

ויקרא את שמו ישראל – ברח אותו שיתחיל קצת ענין שם "ישראל" מעכשיו, שיוכל נגד המתקוממים עליו גם בארץ לא לו, כאמרם זכרונם לברכה: כל מקום שהלכו נעשו שרים לאדוניהם (סנהדרין ק"ד).

And he named him Yisrael - He blessed him [following the vayevearech oso at the end of 35:9] that he will slightly begin actualizing the name of "Yisrael" from now, [which will give him the strength] to triumph over his enemies even outside of Eretz Yisrael, as Chazal said "any place that [Yaakov and his family went] they became princes over their masters.

that on the 15th of Av *Bnei Yisrael* stopped dying as a result of the sin of the Spies. Rashi *ad loc.* provides the backstory:

שכלו מתי מדבר – דתניא כל ארבעים שנה שהיו במדבר בכל ערב תשעה באב היה הכרוז יוצא ואומר צאו לחפור, והיה כל אחד ואחד יוצא וחופר לו קבר, וישן בו שמא ימות קודם שיחפור, ולמחר הכרוז יוצא וקורא יבדלו חיים מן המתים, וכל שהיה בו נפש חיים היה עומד ויוצא, וכל שנה היו עושין כן.

They stopped dying - as it's taught that for all the forty years that they were in the desert, on every Erev Tisha B'Av, an announcement went out and said "go and dig", and everyone would go and dig a grave for himself, and sleep there in case he would die before he dug, and the next day an announcement would go out and call "Separate the living from the dead", and anyone who was alive would stand up, and they would do this every year.

According to the Sforno, the punishment actually was only for forty days, corresponding to the forty days of the Spies' mission (answering question #1 above), but each day only happened once a year on Tisha B'Av. This is why the *pasuk* states that the punishment would take place on "one day per year", *yom lashana* (answering question #2 above).

SEQUENTIAL PESUKIM

It is known that each *parshan* has his own style of writing and interpretation. Rashi and Rashbam are known for addressing slight textual discrepancies and interpreting them each in his own way. As seen above, the Sforno often addresses similar questions and provides his own unique interpretations. In these cases, the *peirush* is often focused on one *pasuk*, or even just one phrase in a *pasuk*, and a reader can simply read that one comment and understand the meaning behind the *parshan*'s comment.

A nice feature which is found very often in more modern commentaries, such as that of the Netziv and Rav Hirsch, is when the *parshan* develops an interpretation that spans multiple *pesukim*. In these cases, the reader gets a better understanding of how the *pesukim* fit together and why they're structured as they are.

While not always mentioned explicitly, the Sforno often employs this method to provide beautiful interpretations of sometimes seemingly disconnected *pesukim*. I will provide three such examples in this section.

Moshe's Call to Action

Moshe is saved by the daughter of Pharoh and grows up in the king's palace. In the span of seven *pesukim*, three episodes then take place:

ויהי בימים ההם ויגדל משה ויצא אל אחיו וירא בסבלתם וירא איש מצרי מכה איש עברי מאחיו.

In those days, Moshe grew up and went out to his brothers and saw their burdens, And he saw an Egyptian man striking a Hebrew man from his brothers. (Shemos 2:11)

ויצא ביום השני והנה שני אנשים עברים נצים ויאמר לרשע למה תכה רעך.
He went out on the second day, and behold, two Hebrew men were fighting, and he said to the guilty one, "Why do you strike your fellow?" (Shemos 2:13)

After realizing that he had to leave Egypt, Moshe runs away to Midyan and meets Yisro's daughters by the well waiting to draw water for their animals. The following then occurs:

ויבאו הרעים ויגרשום ויקם משה וישען וישק את צאנם.
The shepherds came and drove them away, and Moshe rose and saved them and watered the flock. (Shemos 2:17)

Noticing a pattern here, the Sforno beautifully links together the three episodes:

וירא איש מצרי מכה איש עברי מאחיו – ומצד האחוה התעורר להנקם.
[In the first episode] And he saw an Egyptian man striking a Hebrew man from his brothers - and out of a sense of brotherhood he was aroused to take revenge.

ויאמר לרשע – מפני היות כל אחד מהם אחיו לא התעורר להנקם, אבל הוכיח במישור.
[In the second episode] And he said to the guilty one - [in this case] because both of the men were his brothers [i.e. Hebrews] he was not aroused to take revenge [as he was in the first episode with the Egyptian and the Hebrew], but rebuked him based on what was right.

ויקם משה וישען – בהיות שני בעלי הריב נכרים לא התעורר להנקם, גם לא הקפיד לישר ארחותם בתוכחות מוסר, רק קם להושיע את העשוקים מיד עושקיהם.
[In the third episode] since both parties here were gentiles, he was not aroused to take revenge [as he did in the first episode], nor did he try to rebuke them based on what is right and ethical [as he did in the second

episode], but simply arose to save the oppressed party from the oppressors.⁴

Jews in Exile

At the end of *Parshas Behar*, after the Torah finishes discussing the case of a Jew who has to sell himself as a slave to another Jew (*Vayikra* 25:39-46) or even to a non-Jew (*Vayikra* 25:47-55), the Torah brings two seemingly unconnected *pesukim*, so much so that the Christian divider of chapters began a new chapter at the start of these two *pesukim*.

לֹא־תַעֲשׂוּ לָכֶם אֱלִילִים וּפְסֵל וּמִצְבֵּה לֹא־תִקְיְמוּ לָכֶם וּבֶן מִשְׁכִּית לֹא תִתְּנוּ בְּאַרְצְכֶם
לְהִשְׁתַּחֲוֹת עֲלֶיהָ כִּי אֲנִי ה' אֱלֹהֵיכֶם. אֶת־שַׁבְּתִתִּי תִשְׁמְרוּ וּמִקְדְּשִׁי תִירָאוּ אֲנִי ה'.
You shall not make for yourselves any idols, or an engraved image or a pillar, and you shall not place any figured stone in your land, to bow down to it' for I am Hashem your God. You shall keep my Sabbaths, and have reverence for my sanctuary. I am Hashem. (Vayikra 26:1-2)

Noticing the seeming disconnection of these three laws (Idol Worship, Shabbos, and Awe of Mikdash), Rashi - based on the Sifra - comments:

לֹא תַעֲשׂוּ לָכֶם אֱלִילִים – כִּנְגֵד זֶה הַנִּמְכָּר לַגּוֹי, שֶׁלֹא יֹאמַר: הוּאִיל וּרְבִי מַגְלָה עֲרִיּוֹת
אִף אֲנִי אֶגְלָה עֲרִיּוֹת, הוּאִיל וּרְבִי עוֹבֵד עֲבוּדָה זֹרָה אִף אֲנִי כְמוֹתוֹ, הוּאִיל וּרְבִי מַחֲלֵל
שַׁבָּתוֹת, אִף אֲנִי כֵן. לִכְךָ נֶאֱמְרוּ כָאן הַמִּקְרָאוֹת הַלֵּל.
[This command is repeated here] with reference to one who has sold himself as a slave to a non-Jew in order that he should not say "Since my master is promiscuous I will be like him; since my master worships idols, I will be like him; since my master desecrates the Sabbath, I will be like him", on this account have these verses (v. 1 and v. 2) been stated.

While this comment of the *Sifra* obviously has value and provides an ethical

⁴ Rabbi Yehuda Cooperman in his supercommentary on the Sforno's *peirush* (*Shemos* 2:17 Note 17), goes out of his way to attack "those" who classified the Sforno as a Humanist. Rabbi Cooperman writes that as opposed to attributing this to Humanism, this is actually the correct response that would be expected based on *hilchos derech eretz* of Bnei Noach.

In line with this, it is interesting to note that it was reported by a member of Rabbi Cooperman's family that Rabbi Cooperman initially decided to write his supercommentary on the Sforno after having seen a certain "frum academic" writer explain that Sforno was a Humanist and wrote his *peirush* to explain the Torah according to Humanist ideas. Targeting this, Rabbi Cooperman wrote his supercommentary to show that Sforno wrote his commentary based on *Chazal* and traditional ideas (See Seforim Chatter Podcast, Episode #46 with Rabbi Moshe Kravitz at approximately 1:12).

message to the one who has sold himself as a slave to a non-Jewish master, the difficulty with this interpretation of the *pasuk* is that the Torah doesn't actually mention anything related to *gilui arayos*, and the *Sifra* has left out anything related to the third mitzva of *mikdashi tira'u*.

Addressing these problems, the Sforno interprets these two *pesukim* as not related directly to the individual who sold himself as a slave to a non-Jew, but rather to Jews in general who live in Exile among non Jews. In this context, the Sforno tightly links together the three seemingly unconnected laws:⁵

לא תעשו לכם – אף על פי שתשתעבדו לאומות כמו שעשה זה שמכר עצמו לגוים לא תמירו כבודכם בלא יועיל. וזה שלא יטעו...שטעו רבים בעת הגולה שאמרו לנביאים: עבד שמכרו רבו, ואשה שגרשה בעלה כלום יש לזה על זה כלום?! וזה כי אפילו אחר כל שעבוד אתם עבדי...כאמרו "ואף גם זאת... לא מאסתיים... כי אני ה' אלקיהם" (פסוק מ"ד).

Law #1: You shall not make for yourself- Even though you will be subservient to nations, like this person who sold himself to a non-Jewish master, do not substitute your dignified [God] for a worthless cause. And you should not be mistaken... like many had done during time of Exile, when they said to the Prophets, "A slave whose master sold him, or a woman whose husband divorced her, do they have a claim on them?" Since even after you have been under the rule of other nations, you are still My servants. And just like it says "even with all this, I will not despise them... since I am Hashem your God".

את שבתתי תשמרו – אף בימי השעבוד, אף על פי שהמנוחה בהם זכר לחירות.
Law #2: And you shall guard my Sabbaths - even during a time of Exile. Even though [Shabbos] rest is meant to serve as a reminder of freedom [Zecher L'yetzias Mitzrayim, and therefore it wouldn't apply during time of exile when we are not truly free, nevertheless still keep the Sabbath].

ומקדשי תיראו – המקומות המקודשים בגלות והם בתי כנסיות ובתי מדרשות אף על פי שחרב בית המקדש, כאמרו "ואהי להם למקדש מעט" (יחזקאל י"א:ט"ז), ואמרו ז"ל (מגילה כ"ט): אלו בתי כנסיות ובתי מדרשות (שבבבל).

⁵ It should be noted these two *pesukim* are actually the last in a series of *pesukim* from 25:42 that the Sforno interprets using a similar format: "Even though one may have assumed "X", nevertheless the Torah comes to specifically indicate the opposite". These two *pesukim* (26:1-2) also follow the similar format as described above. See the phrase "*af al pi*" repeated in each comment.

Law #3: And you shall fear my Mikdash - [this refers to] the holy places in Exile - i.e. Batei Kenesiyos and Batei Midrashos. Even though the Beis Hamikdash has been destroyed, and as it says "I will be for them a Mikdash Me'at - and Chazal state these refer to the Batei Kenesiyos and Batei Midrashos in Exile - [you might think that these only maintain their status of kedusha as long as the Beis Hamikdash is standing. Nevertheless, still fear my holy places].

In this case, not only has the Sforno addressed the reason behind the selection of these three seemingly unconnected *halachos* and their placement following the laws of a slave who sold himself to a non-Jewish master, but one can see that he is also emphasizing to his own generation the importance and centrality of key religious institutions and beliefs.

Righteous Judges

Sefer Devarim is filled with many *halachos*, each often written with little detail and in close proximity with other seemingly unrelated *halachos*. One such grouping appears at the beginning of *Parshas Shoftim* where the Torah opens by describing the requirement to appoint righteous judges (16:18-20), followed by the prohibitions of planting an *asheira* (16:21), building a *matzeiva* (16:22) and offering a blemished animal as a *korban* (17:1). While the last three *halachos* are all related to some sort of worship practice, the connection between the three is not obvious, and their connection to the appointment of righteous judges is even less apparent.

Addressing both of these points, the Sforno places the mitzva to appoint righteous judges in its larger context within *Sefer Devarim*, as well as the connection between the three subsequent worship-*halachos*, and how they relate to, and shed light on the requirement to appoint righteous judges.

שופטים ושוטרים – אחר המצות להמון, צוה עניני מנהיגיו, והם השופטים (ט"ז:י"ח - י"ז:א'), והמלכים (י"ז:כ'), והכהנים (י"ח:א'-ח'), והנביאים (י"ח:י"ד-כ"ב), אשר בתקונם יתוקן ענין ההמון, ובקלולם יקולקל, כמו שהעיד הנביא...

After [Moshe commanded numerous] mitzvos that applied to the nation at large [see Parshas Re'eh], he [proceeded to] list commandments related to its leaders, those being the Judges (16:18 - 17:1), Kings (17:14-20), Priests (18:1-8) and Prophets (18:14-22), since by them attaining their own [spiritual] perfection [which is attained by each leadership group adhering to their specific mitzvos], the nation at large would also reach

[spiritual] perfection, and [the opposite is true], by [the leaders] neglecting the mitzvos, [the nation] would also decline, as the Prophets explained...

While basic readers of the Torah will focus on the details of a single *pasuk*, and other might even look at the structure of a paragraph, the Sforno is able to zoom out and identify the placement of this *halacha* (appointing righteous judges) within a much larger structure of related *halachos*, in this case those related to leadership.⁶

Adding a more creative level of *parshanut*, the Sforno continues to explain the connection between the three subsequent *halachos* and their relation to the appointment of righteous judges:

צדק צדק תרדף – כשתתן לך שופטים, אתה, הממנה את השופטים, בחר את היותר שופטי צדק, אף על פי שאין בהם כל כך שאר תכסיסים הראויים לדין כמו שלמות הקנין ושלמות הגוף...

When you give yourselves judges, you - the appointer of the judges - [be sure to] choose the most fair judges, even if they don't have the other [external] qualification which are fitting for a judge such as monetary and physical completeness...

לא תטע לך אשרה כל עץ – הביא שלשה דומים בענין דברים שהם נאים כפי החוש, ונמאסים מפני מומם הרוחני.

[The Torah then] brings three things which are similar to each other in the fact they are beautiful according to their [physical] sense, but despised due to their internal spiritual blemish.

ראשונה היא ה"אשרה", שהיא לנוי היכלות, ומכל מקום היא נמאסת לקדש, מפני שהיא תכסיס לעבודה זרה. וכן נקדים העדפת הצדק הרוחני לשלמות גוף הדיין שהוא חושיי וגשמי.

First [the Torah lists] the asheira, which is used to beautify palaces, but is nevertheless despised for kedusha, since it is used as an auxiliary item for avoda zara. And so too we should prioritize internal righteousness over physical perfection of a Judge who is [overly focused on] senses and materialism.

שנית ה"מצבה" (פסוק כ"ב), שאף על פי שהיתה לרצון קודם מתן תורה... וכן יקרה

⁶ For a similar case where the Sforno identifies a higher-level outline of multiple *halachos*, see Sforno to *Vayikra* 19:2.

בענין זקן שאין פרקו נאה שיצא עליו שם רע בילדותו, כשתמצא זקן ופרקו נאה.
Second [the Torah lists] the matzeiva, which even though it was [a] favorable [structure for sacrifices] before the giving of the Torah [it no longer is]⁷...and so too [regarding appointing a judge] who received a bad reputation when he was young, even though he now seems fitting [since it's more preferable to appoint a judge who doesn't have a tainted past].

שלישית, הביא ענין ה"מום" (י"ז:א') הנמאס, אף על פי שתהיה הבהמה יפה כפי החוש ושמנה שוה אלף זוז, ועם כל זה היא נפסלת לקדש מפני מום בלתי מחוסר מדמיה... וכן יהיה בזקן בעל מדה מגונה, כשתמצא שלם ממנו במדות, אף על פי שלא יהיה עשיר ונאה כמוהו.

Third [the Torah lists the prohibition of] a blemished animal which is despised, even though you could have an animal which is beautiful looking and fat, worth a thousand zuz, and nevertheless it could be disqualified for a sacrifice due to an invisible blemish which wouldn't decrease it's regular market value... the same applies to a judge who has a faulty character trait compared to another who has perfect middos, even though the second may not be as wealthy or good-looking as the first.

Based on a strong understanding of the structure of the *pesukim*, coupled with a good level of creative *parshanut*, the Sforno carefully explains these seemingly unrelated opening *pesukim*.

DEVELOPMENT OF HALACHOS

In this section, I would like to briefly introduce a fascinating theme that spans across a large portion of the Sforno's *peirush* on the Torah and is integral to his understanding of many stories, *halachos* and ultimately the entirety of world history.

Not only is the content of this theme interesting in and of itself, but it is developed based on a fundamental methodology of *peshuto shel mikra*. As I have discussed in other articles in this journal in the past,⁸ even if *Chazal* are able to derive *halachos*

⁷ At this point, the Sforno provides a novel understanding as to why *matzeivos* were prohibited after having been "beloved" at the time of the *Avos*. Rashi here (16:22) famously notes that they became disqualified for use after having been adopted by the Canaanites. Sforno (here) however notes that a "*matzeiva*" represents a more permanent and steady relationship with God, and this was lost after the *Chet Ha'Egel* (See Section 4 below regarding changes that occurred after *Chet Ha'Egel*).

⁸ See *Nitzachon* 5:2 (pp. 137-148), 6:1 (pp. 173-186), and especially 6:2 (171-183).

based on multiple words and *pesukim* that appear in different locations across the Torah (using the traditional hermeneutical principles), this only addresses how to work with those *pesukim*, it doesn't explain why those *pesukim* are placed in their locations. A major role of *peshuto shel mikra* - and one that the Sforno places a strong emphasis on throughout his *peirush* - is to explain why a *pasuk* or group of *pesukim* appear where they do.

While there is no official "title" to this theme, for the purpose of this article we can understand it as "How *Halachos* Developed Throughout Biblical History as a Result of the Spiritual Status of *Bnei Yisrael*". While others have worked on this theme in depth,⁹ and I hope to present a more comprehensive overview of it in the future, for the purpose of this article as an introduction to the Sforno's *peirush* as a whole, the following two examples should provide a nice understanding of the content and mechanisms of the theme.¹⁰

***Kashrus* and Purity:**

Addressing the questions of the purpose behind the laws of *kashrus* and sexual purity, and why they were given after the *chet ha'egel*, the Sforno writes:

הנה אחר שהתנצלו ישראל את עדים הרוחני שקנו במתן תורה, אשר בו היו ראויים לשרות שכינה עליהם בלתי אמצעי, כאמרו... כמו שיהיה הענין לעתיד לבא, כאמרו... מאס האל יתברך אחר כך מהשרות עוד שכינתו ביניהם כלל, כאמרו...
The Cause: Behold, after Bnei Yisrael removed their spiritual crowns - [as a result of the chet ha'egel] - that they had received during mattan Torah, with which they would have been worthy to have Hashem's Shechina rest on them without any intermediary - [that is without requiring the whole institution of the Mishkan and its services]... just as it will be in the future... [Because of their sin] Hashem despised [them] and chose to no longer have His Shechina rest on them at all... (Vayikra 11:2)

והשיג משה רבינו בתפלתו איזה תקון, שתשרה השכינה בתוכם באמצעות משכן

9 See Cooperman, *peshuto shel mikra - Al Mekomo Shel peshuto shel mikra B'Shleimut HaTorah Uvkedushata* (2001) Section 1 Chapter 5a and Section 5 Chapter 2a; Kravitz and Jacob, *Emunei Am Segula* (2021), Chapter 6.

10 Note, in both examples, for the purpose of this article to allow for a smoother reading I have removed many of the "supporting *pesukim*" the Sforno brings. For those interested in a more complete understanding of these comments, I suggest reading them from the source in full, preferably with a supercommentary (see Section 4 below).

וכליו ומשרתיו וזבחיו, עד שהשיגו זכו אל "יירא כבוד ה' אל כל העם" (ויקרא ט"ז:ג), ואל ירידת אש מן השמים.

Development #1: [Nevertheless], through Moshe's davening [after the chet ha'egel, on behalf of Bnei Yisrael], he was able to attain some sort of correction and allow for Hashem's Shechina to still rest among them - albeit now through the means of the Mishkan, its vessels, its servicemen [i.e the Tribe of Levi], and its sacrifices - until they merited "and Hashem's Honor appeared to the whole nation" (Vayikra 9:23), and the heavenly fire [descending on the mizbeach].

ובכן ראה לתקן מזגם שיהיה מוכן לאור באור החיים הנצחיים, וזה בתקון המזונות והתולדה. ואסר את המאכלים המטמאים את הנפש במדות ובמושכלות, כאמרו... ואסר הנדה והזבה והיולדת, לקדש את הזרע ולטהרו מכל טומאה...

Development #2: [And as part of these changes as a result of the chet ha'egel, in order for Bnei Yisrael to maintain an elevated spiritual status], Hashem saw it fitting [now] to refine their character - so that they should be ready for eternal life, [and this would be actualized by way of] refining the foods that would eaten and laws governing the reproductive system.

And He prohibited foods that would taint both the soul's character traits and intellect... and He prohibited the Niddah, Zava etc... all in order to sanctify the offspring to purify it from all forms of impurity.

This fascinating interpretation not only provides an interesting reason behind the nature and function of the laws related to food and reproductive purity, but also helps explain why these laws were given at their current location and how they fit into the larger corpus of the Torah. It seems that if not for the *chet ha'egel*, *Bnei Yisrael* would never have required a *Mishkan* to house Hashem's *Shechina*, and would have been able to maintain a heightened level of spirituality without requiring additional limitations on specific food intake or reproductive purity.

Menachos and Nesachim

Moving further along the timeline of Biblical History, *Bnei Yisrael* again commit a national sin, this time related to the *Meraglim*. Here too, the Sforno (*Bamidbar* 15:3) understands that there was an additional decrease in the spiritual status of *Bnei Yisrael*. In order to compensate for this decreased status, Hashem had to introduce additional laws, this time related to personal sacrifices.

לעשות ריח ניחח... והקריב המקריב – הנה עד העגל היה הקרבן "ריח ניחח" בזולת מנחה ונסכים, כענין בהבל ובנח ובאברהם... ובחטאם בעגל הצריך מנחה ונסכים לעולת התמיד שהיא קרבן צבור. ומאז שחטאו במרגלים הצריך מנחה ונסכים להכשיר גם קרבן יחיד.

Until the chet ha'egel, a korban [could reach the ultimate state of] "reiach nichoach" without requiring [an additional] korban mincha and wine for nesachim, as had been the case with [pre-chet ha'egel korbanos such as] Hevel, Noach, Avraham, and [the korbanos that had been brought at Har Sinai before Mattan Torah]...but after their sin with the egel, [in order to reach the ultimate state of "reiach nichoach"] the korban tamid, which is a korban tzibbur, required [an additional] korban mincha and wine for nesachim. And then after they [additionally] sinned with the Meraglim, Hashem now required a korban mincha and wine for nesachim, even for a korban yachid.

Here too, in addition to the fascinating interpretation of the reason behind and function of *menachos* and *nesachim*, the Sforino is able to provide a strong explanation as to why this law related to *korbanos* - which would naturally be placed in *Sefer Vayikra* - appears somewhat unexpectedly in *Sefer Bamidbar* after the sin of the *Meraglim*.¹¹

Conclusion

Based on the few examples presented above, it is clear that more than just a collection of disparate comments, the Sforino's *peirush* is a cohesive work, full of fascinating and meaningful interpretations that are all connected by way of common themes, consistent methodologies, and true integrity to the text of the Torah. Although I only presented three themes from the Sforino's *peirush* on the Torah, I hope that the reader has gained a new appreciation for this often-neglected commentary.¹²

11 Based on the above two examples of *Kashrus* and *Menachos* and *Nesachim*, the obvious question is how to reconcile this theory with the accepted opinion that all of the Torah was given to Moshe at Har Sinai, albeit not in written form (see Rashi *Vayikra* 25:1). As the question is stronger than any of the proposed answers, I will leave the reader with the question, and refer them to the sources for further reading. See the sources in note 9 above.

12 I would like to outline here the four main, popular and accessible editions of the Sforino's commentary that contain supplementary explanations and elucidations, and which would be helpful to those who wish to read further.

Mossad Harav Kook: Zev Gotlieb and Avraham Darom published the first critical edition of the Sforino's *peirush* in 1980. While they cite sources and provide some brief comments, this edition is quite outdated, although there is an extensive introduction to the Sforino's *peirush* at the front.

Rabbi Yehuda Cooperman: Rabbi Cooperman published his edition of the Sforno's *peirush* with an extensive supercommentary in 1992 (updated in 2011). While a number of his comments are only tangential to the Sforno's actual comments, I really enjoy this edition as not only does he provide sources and explain the meaning of the Sforno's more shorthanded comments, Rabbi Cooperman often points out what the Sforno is doing. For example, he will often point out if the Sforno is interpreting the *pasuk* against Chazal or against the *ta'amei hamikra*, or what unique method of parshanut the Sforno is using.

Oz Vehadar: Rabbi Moshe Kravitz (one of the world's foremost experts on the Sforno's Biblical Commentaries) was contracted to produce the *Oz Vehadar Sforno Hamevu'ar* in 2011. This edition also provides a very extensive supercommentary, but is generally more targeted to the Sforno's comments and avoids tangents. The advantage of this edition is that it can be obtained with the Sforno's text and the *biur* on the same page with the text of the Torah, making it easier to learn the *peirush* along with the relevant Torah portion.

Artscroll: Rabbi Rephael Pelcovitz released a translation of the Sforno's *peirush* in English in 1997, however it was published in one volume without the original text of the Sforno in Hebrew. Just recently, in August 2023, Artscroll reissued the same translation, however this time in 2 volumes alongside the Sforno's original Hebrew text.

Reflections on the *Ohr Hachayim*

HENRY PRAW



As a young child, you learn *Chumash* as a series of stories and events that happened to our people. With more time, you are introduced to the Torah as a book, not just of stories, but of laws that Hashem gave to His people to live by. As you continue your journey, you learn even more and realize that there are gaps in what the Torah is telling you; not just in the narrative of the stories, but also in the very laws that are being introduced. For many of these stories, you know that something is missing - sometimes it is years of character development, sometimes it is key aspects of the story. When it comes to some of the most basic laws, it is often impossible to know what to actually do from the descriptions provided. At other times, you find laws that seem contradictory to what we believe Hashem wants from us.

To conceptually understand this, we are introduced at a young age to the concept that the revelation of Torah is more than the written books of the *Chumash*, but also an oral tradition that allows us to understand what is missing and how to understand those laws. When you start to examine things more deeply, you realize that the very words of the Torah, and how much detail is given or not given, are all part of a complex system designed by the highest Wisdom to push us to keep exploring the ever-deeper meaning to be found in the words of the Torah.

Over the centuries, many rabbis and great sages came to record their understandings of the Torah to help us on our journey of discovery. Rashi is one of the most prolific of the commentators, and is often the first commentary that one is introduced to when learning Torah. Rashi generally presents a series of answers, which imply a set of questions. Hidden is a subtle hint that the question is more important than the answer. You often find that he gives you an answer and then discounts it and provides a second answer.

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Other commentaries take other tactics to illuminate the vastness and complexity of our Torah. We have commentators that source our laws and traditions back to each sentence in the Torah (such as *Torah Temima*). The *Baal Haturim* adds his perspective by examining the words themselves, delving into the *gematria* of the words and their significance. I could go on to explain a little bit about all the various commentators and their unique perspectives, but I would like to elaborate on my favorite commentary, the *Ohr Hachayim*, written by Rav Chaim ben Moshe Attar.¹

Rav Chaim is often called by the title of his *sefer* the *Ohr Hachayim*, and that title is often followed with “*hakadosh*” because of his reputation for holiness and mastery of all aspects of Torah. His teachings have touched all major sects of Judaism, including *Sefardim*, *Ashkenazim* and *Chasidim* who all claim them as their holy *Ohr Hachayim*.

I believe that what everyone sees is an amazing understanding of the depth of the Torah, which is clear from the very first page. His commentary is famous for the quantity of interpretations he gives to any given word or sentence. He forces the reader to look at every word critically and from numerous angles. There are even times when he presents conflicting views of a topic, and tells you specifically that both are true - *elu v'elu divrei Elokim chayim*.

Why does he give multiple interpretations, even given the possibility that they conflict? I believe it is to drive home the idea that each person can come to understand the Torah in different ways - and that this is not a problem but in fact what Hashem wants - but also so that you understand the incredible depth that is to be found in the Torah.

There are two shining examples of the *Ohr Hachayim* giving a plethora of interpretations for one *pasuk* and in doing so, he also answers two basic philosophical questions.

Question 1: How did this world come into being?

The Torah begins with the story of Creation. At a surface level the answer to the question of how the world came to be just seems to be is that Hashem created the world. But the *Ohr Hachayim* wants you to understand that there is more to it

¹ Rav Chaim (1696–1743) was born in Morocco during a time of persecution; he was ultimately forced to move from his homeland and ended up in Italy. There he found supporters from the local community who encouraged him to write and ultimately helped publish the *Ohr Hachayim*. He eventually fulfilled his lifelong dream to move to *Eretz Yisrael* where he passed away only a couple years after arriving.

than that simple concept, so he starts off his commentary with twenty-two ways to understand the very first sentence.

Why twenty-two? Twenty-two is the number of letters in the Hebrew alphabet. It's a hint that the essence of the world is contained in the Hebrew alphabet itself. He shows you how this is also alluded to in the fourth word of the Torah. In fact, if you stop reading the Torah at the fourth word it would read: "*Bereishis bara Elokim es,*" "In the beginning, God created *alef* through *taf*." This is echoed by the *Sefer Hayetzira*, which teaches us that Hashem first created the Hebrew letters.

Why is it important to understand the connection between the creation of the world and the letters? Letters can be used to create an unlimited combination of ideas. Hashem created the potential for unlimited understanding but He limited this world in the way that those ideas are expressed when He created it with the building blocks of the Hebrew letters.

King David, when he spoke out to praise Hashem in his prayer of *Ashrei* (*Tehillim* 145) did so using an acrostic of the alphabet. Many later Jewish poets used the same acrostic.² Why? *Chazal* tell us that it is impossible to praise the infinite Hashem, because you would never be able to finish His praises, so we must have some method of doing so. When we use the same limits that Hashem put into this world, namely the letters, and say a praise for each letter, it is clear that it is just one list of the many possible lists, and as such no limits to Hashem are implied, so this method is permitted.

Question 2: What are we supposed to do here?

Knowing that Hashem created the world does not tell you what He wants from you. The *Ohr Hachayim* again uses his device of explaining a single sentence in the Torah multiple times to draw attention to its importance. This time he does so by explaining the opening *pasuk* in *Parshas Bechukosai* with forty-two explanations. This *pasuk* literally tells us to follow in Hashem's path, and the *Ohr Hachayim* is telling us that that path is nothing other than Torah.

Interestingly, a Torah column has forty-two lines, and in Hebrew numbering, forty-two is "*mem-beis*" the "*beis*" represents the written Torah, which begins with the word "*Bereshis*", and the *mem* represents the oral Torah which begins with "*Me'eimasai*" (the first word of the *mishna*).

Forty-two is also the number of stops that the Jews made in the *midbar*

² There is no *pasuk* for "*nun*", but that is beyond this discussion.

(*Bamidbar* 33), the literal journey that defines us as a nation.

The *Ohr Hachayim* is tying it all together for you. He's telling you that Hashem created the world and He did so with his letters, including the *Aleph*, *Beis*, *Mem* and *Taf*. Those letters are part of the makeup of the Torah which is our guide to following a path of understanding and coming close to Hashem. That journey is our reason for being.

Emes L'Yaakov Rabbi Yaakov Kamenetsky¹

RABBI DAVID MAHLER



Though I do not vividly recall the first time I was privileged to learn a piece of Torah from Rav Yaakov Kamenetsky's *Emes L'Yaakov*, I do remember where I first heard the Torah giant's name. My high school *rosh yeshiva*, Rabbi Baruch Majerowicz, a *talmid chacham* in his own right, learned both *Chulin* and *Yoreh Deah* in the early 1960's with Rav Yaakov in Yeshivas Torah V'Daas. Rabbi Majerowicz would often speak about his Rosh Yeshiva in glowing terms – most often about his smile, *ehrllichkeit*, integrity, warmth and *pikchus*. The same picture of Rav Yaakov's beaming smile that adorned our 11th grade classroom in New York hangs on the wall in my home in Los Angeles.

Though I did not become acquainted with Rav Yaakov's magisterial work, *Emes L'Yaakov*, until yeshiva, when I study a piece from the *sefer*, I can palpably sense many of those *middos*.

The *hakdama* to the *sefer* is an important one. In a celebrated introduction, Rav Yaakov emphasizes the importance of learning *Tanach*. Rav Yaakov was known to be a *baki* in *Tanach* and *dikduk*, and from learning the *hakdama* to *Emes L'Yaakov*, one can see that he was a person who practiced what he preached. He begins by quoting the

¹ A brief biography: Rabbi Yaakov Kamenetsky was born in Klaushkove, Russia in 1890. At a young age, he moved to Minsk to study under Rav Mordechai Sender Zimbalist. At age 15, he went to learn in the yeshiva in Slabodka, where he learned under Rav Nosson Tzvi Finkel, the Alter, for 21 years. He left Slabodka to become the Rav of a town called Tzitzovyan, near Kelm, in 1926. In 1937, he traveled to America and took rabbinic positions in Seattle and Toronto, where he tirelessly worked to raise the standards of Torah learning. From 1948 until 1968, he led the great yeshiva, Torah V'daas. As a true leader of the Jewish people, he was involved in worldwide activities on behalf of promoting a Torah way of life to world Jewry, but most specifically, North American Jewry. Much beloved for the warmth of his personality and selfless devotion to Torah and *Am Yisrael*, with his passing in 1986, he left an indelible imprint on Jewish life in America and throughout the world.

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Tur (YD 245) who teaches that one must hire a *rebbe* to teach one's child *Tanach*, but not *mishna* and *gemara*. Using this as his starting point, Rav Yaakov speaks about the goal of knowing and mastering *Tanach*. Through the words of the *Bach*, he concludes that although the word *mikra* usually just refers to *Chumash*, the *Tur*'s addition of the word *kula* demands that one learn *Nevi'im* and *Kesuvim* as well. He bemoans the fact that many people seem to rely on Rabbeinu Tam's comment (*Kiddushin* 30a) that instead of dividing one's day of learning into three equal portions of *mikra*, *mishna* and *gemara*, they learn *Talmud Bavli* which contains within it both *mikra* and *mishna*. Rav Yaakov writes that Rabbeinu Tam's formulation is only after one has learned *Tanach* well and the emphasis on *Talmud Bavli* is in one's adult years of learning.

Throughout the *sefer*, Rav Yaakov's mastery of the entirety of *Tanach* is evident. At one point (*Devarim* 31:11), he suggests an initial approach, but then relents as it is not consistent with *pesukim* in *Sefer Nechemia* and *Divrei Hayamim* II. As opposed to many contemporary *gedolim*, he clearly had all of *Tanach* at his fingertips.

However, my affinity for the *Emes L'Yaakov* is not due to the above. What I personally find most striking about so many of his thoughts on the *parsha* is not that he is sharing a *chiddush* or random *Dvar Torah*, but rather, that his Torah is speaking to the reader. He shares messages that resonate and inspire.

In order to get a sense of the *sefer*'s greatness and why it resonates so deeply with me, I have highlighted ten pieces as well as my own personal takeaway from his Torah.²

***Bereishis* (32:19)**

The Torah teaches that Yaakov was alone when he was confronted by the *saro shel Eisav*. In connection to that *pasuk*, the *midrash* (along with other examples) compares Hashem with Yaakov Avinu. Just as Hashem is alone (*v'nisgav Hashem levado* – Hashem will be elevated alone) so too the Jewish grandfather Yaakov remained alone.

How and why is it that Yaakov being alone in this instance is the catalyst for the *midrash*'s comparison? Rav Yaakov explains that the reason Yaakov was attacked at this juncture was precisely because he was alone.

News outlets worldwide have reported that there is a loneliness epidemic currently taking place. Loneliness is a serious issue on many levels, and Rav Yaakov highlights it on a religious one. Most human beings are unable to maintain their

² I consciously omitted the pieces on *Bereishis* 28:11, *Shemos* 2:7 and *Bamidbar* 1:1 as those are the three comments most discussed in "the *velt*" and therefore would offer the least insight.

spiritual level and stature when they are alone. The overwhelming majority of people need a support system, a society, community and *chevra* to keep them on the straight and narrow. To attempt to stay on course, to tackle life's problems and our *yetzer hara* without both peer pressure and peer support is amazingly difficult. Yaakov, therefore, is compared to Hashem – at that moment – when he's able to maintain his spiritual level without the support of others.

Bereishis (48:5)

Sometimes it is both the question and the answer that resonate so deeply. As Yaakov's life comes to a close, he calls Yosef's two sons Efraim and Menashe to receive a special blessing. In fact, it's not only a blessing, but a promotion. Although Efraim and Menashe are Yaakov's grandchildren, they will now be considered as tribes – like Reuven and Shimon.

Rav Yaakov asks that this action seems preposterous. He is once again favoring Yosef. Father and son were separated for twenty-two years, initiated by Yaakov outwardly favoring his beloved son. This action seemed to ruin the last part of Yaakov's life and, to a certain extent, tore a family apart. Why would Yaakov do this again?

Rav Yaakov addresses this question with many lessons to learn. In short, he says that the *Bnei Yosef* needed more *bracha*. The other grandchildren grew up around their saintly grandfather and had constant access to him. He attended the *siddur* plays of *Bnei Zevulun* and the *Bnei Gad* attended his Pesach *seder*. *Bnei Shimon* sat next to him in *shul* and *Bnei Naftali* received Chanuka presents from their *zeidy*. But the *Bnei Yosef*, growing up miles away in *Mitzrayim*, never had those impactful experiences.

This short answer contains much wisdom. Firstly, there is a difference between fair and equal. The *brachos* were not equal, but the *Bnei Yosef* received what they needed. And if that's the case, we can all treat our children differently, unequally, as long as it is fair because it is in the best interest of each child. Secondly, we see that great impact relationships with grandparents can have. Rav Yaakov, known to be a loving *saba*, lauds the importance of such bonds. Lastly, it wasn't only that the rest of the grandchildren grew up with Yaakov, but also that they grew up in *Eretz Yisrael*. Growing up and living in places of *tumah* or *tahara* can potentially have profound benefits as well as insidious negative consequences.

Bereishis (49:1)

The end of *Sefer Bereishis* is highlighted by the *Birkas Yaakov*, where Yaakov Avinu calls his sons together and speaks to each of them individually. Like many others before him, Rav Yaakov explains that these blessings are not mere wishes bestowed

by Yaakov upon his children. Rather, Yaakov gave instructions to his sons and their descendants to follow for all time. On the one hand, each son was given his own unique directive, including an appraisal of his strengths, unique characteristics, and unique role in the Jewish nation, as well as guidance for that son's future and destiny. This means that each son, and the tribe that would emerge from him, is special and plays his own singular role in the destiny of *Am Yisrael*. On the other hand, Rabbi Kamenetsky continues, Yaakov ensured that each son was present to hear the directive given to the other sons as well. This ensured that the message of uniqueness was understood in the proper context of unity; each tribe is special and can be matched by none other, but all of the other tribes are special as well, and are a vital part of the big picture of the Jewish nation.

Rav Yaakov's point that each son be present and hear the blessings given to each other is so vital. Unity is difficult when one doesn't clearly see the role that another is playing. It is much more attainable when it isn't an opaque belief that others have their roles to play, but rather an exact understanding of what position in the artwork of our nation each particular family plays.

***Shemos* (2:13)**

In a few places in *Chumash*, we see that both Dasan and Aviram despise Moshe Rabbeinu. The most glaring example is that during the Korach's rebellion, they are terribly disrespectful to him.

The first time we hear of the two brothers is near the beginning of *Sefer Shemos*. On the first day Moshe leaves the palace, he sees an Egyptian hurting a Jew and he quietly kills the Egyptian. When he again goes out on day two, he sees two Jews fighting. Rashi (2:13) informs us that the two quarreling men are Dasan and Aviram. Moshe attempts to break up this fight as well and addresses the evil one (the one about to hit). The evil one, who Rashi tells us is Dasan, is offended and responds aggressively to Moshe.

Again, we see Rav Yaakov ask a simple, yet important question. It's understandable why Dasan dislikes Moshe and holds a grudge against him. Moshe involved himself in a situation he was not invited to and rebuked Dasan. However, from this moment on, it seems that Aviram has just as much disdain for Moshe as his brother. Why is that? Rav Yaakov insightfully says that brothers stick together and that's the lesson. Moshe was helping Aviram, and Aviram still chooses to side with his attacking brother. In a small line at the end of his comment, he writes (and anyone with a brother can relate) that brothers can fight. That might be normal or even expected, but once a third party tries to get between them, they instinctively unite as a band of brothers.

This idea is true of brothers and should be true of families as well. A person's first teammate is always family.

Shemos (26:15)

In discussing the construction of the *Mishkan*, Hashem commands us that its boards must be made of special *shittim* wood. Rashi teaches that the wood used for the *Mishkan* came from special trees that Yaakov Avinu planted in Egypt. Just prior to his death, he commanded his children to remove these trees and take the wood with them when they left Egypt. He prophesied that Hashem would, in the future, command *Bnei Yisrael* to construct a *Mishkan*, and the wood from these trees he would become the boards for it.

Rashi's comment is based on a *midrash* that on Yaakov's way down to Egypt, he gathered cedar wood that his grandfather Avraham had planted there many years earlier. Seemingly, this wood had a very long history. Avraham planted an *eishel* in Be'er Sheva (*Bereshis* 21:33). He made his "hotel" there, and at that time he planted these trees. Yaakov, on his way to *Mitzrayim*, stopped in Be'er Sheva and cut down those trees, taking them with him to Egypt, where he replanted them.

The trees from which the wood of the *Mishkan* was taken have a long pedigree. Not only do they go back to Yaakov Avinu, but they go all the way back to Avraham Avinu.

With this background, Rav Yaakov explains the uniqueness of the phrase, "*Atzei Shitim Omdim*". The *gemara* (*Sukka* 45b) explains that Moshe was commanded to use wood that would last forever – that would not burn or be destroyed, warp or rot.

Moshe decided to take the trees that Yaakov planted, which he received from Avraham Avinu. Those trees will last forever since those trees were originally planted and used for a matter of mitzva and *kedusha*. Something that is made "*al taharas hakodesh*," which is built from the beginning with the most pure and pristine of intentions, can last forever.

Rav Yaakov testifies to the fact that something brought up with sanctity and purity from its inception has a special power. This idea resonates especially when thinking about proper *chinuch* – what children should or should not be exposed to. It's not simply whether something is not harmful, but rather more importantly, whether something is beneficial. I believe his comment challenges us to parent and educate not to avoid the unhealthy or impure, but rather to proactively search out the sublime and elevated from the earliest stages. Just as a marriage begins in a state of sanctity, so too other beginnings must be done so as well.

Shemos (32:1)

How could *Am Yisrael* possibly sin with the golden calf shortly after witnessing all the miracles in Egypt, followed by *Krias Yam Suf* and *Matan Torah*? The Ramban

explains that *Bnei Yisrael* were not looking to serve idolatry. Rather, they were seeking an intermediary between themselves and Hashem to replace Moshe, whom they believed was gone forever. They were panic-stricken. Rav Yaakov, acting as even more of a defender of the Jewish people, adds a more personal and human component to consider. He tells us to put ourselves in their shoes: They were standing in the middle of a desert. Their leader was gone, their food was gone, and there were no other options. It was a terrifying moment for them. Their sin, according to Rav Yaakov, was a lack of faith that Hashem was taking care of them. After experiencing all the *nissim v'niflaos*, where was their faith? The great *rosh yeshiva* teaches that, though not excusable, it was definitely understandable.

Am Yisrael had been bequeathed a precious gift of *ayin tova* from Avraham Avinu. It is important to not just judge favorably, but also to see the wider picture, to consider the other person when another falters or missteps. The nation most definitely sinned, but their mistake clearly had justifications.

Vayikra (19:17)

There is a mitzva to give rebuke, *tochacha*, to another individual when they are not living up to the demands and expectations of the Torah. Interestingly, *tochacha* can be thought of as either a mitzva that is primarily *bein adam l'chavero*, as it is conducted between two people, or *bein adam l'Makom*, because the ultimate goal of the rebuke is for the person to repair and correct an aspect of his/her neighbor's relationship with Hashem.

Rav Yaakov disagrees strongly with those who view rebuke as a requirement for us to discipline another for violating a commandment, as if we are to act as Hashem's police force, fighting for His honor and ensuring that everyone abides by His laws, as He desires. If that were the case, argues Rav Yaakov, it would be a purely *Makom* precept. If that's what *tochacha* is about, why then are there limitations on rebuke? The end of the *pasuk* states that, "You shall not bear a sin on his account," which teaches us that one may not embarrass his friend. Rather, they must offer the rebuke sensitively and in private. However, if we were meant to act as Hashem's police, why would it matter how we offered the rebuke? Additionally, if I know that the offender will not accept my corrections, it is forbidden for me to offer it. If my job is to defend God's dignity, I should be required to rebuke nonetheless – irrespective of whether my critique will be accepted.

Based on the above, Rav Yaakov categorizes *tochacha* as *bein adam l'chavero*, an interpersonal command. He then goes on to note that the mitzva of rebuke is

placed immediately before the mitzva of *v'ahavta l'reiacha ka'mocha*, and follows the prohibition of hating another person. *Tochacha* is surrounded by *mitzvos* that are interpersonal, *mitzvos* that aim to engender love and unity and bring people together.³

Real *tochacha* must derive from love and concern. Parents often correct, critique or rebuke their children, yet seldomly rebuke other people's children. The reason is not simply because they do not want to potentially upset or embarrass their own kids, but also because their level of love is clearly not the same. In a world where we often shy away from offering rebuke lest others find us pretentious, pedantic or rude, it might be a good idea to reflect upon how our *tochacha* is given. The recipient should feel like our goal is to help them, like we are returning something they've misplaced or lost. In this case, the person is religiously lost and we are gently and lovingly returning a very precious item to them.

***Bamidbar* (5:15)**

The *parsha* of *sotah* outlines the procedure for a woman whose husband has grounds to suspect her of adultery. As the Torah teaches, she is brought to the *Beis Hamikdash* and made to drink water into which letters from this section of the Torah are dissolved. If she committed adultery, she dies by drinking the water, while if she has not, then her name is cleared.

At first glance, we may be inclined to see the goal of this procedure as that of meting out a just punishment to the woman if she is guilty. However, it is very unlikely that this is actually the goal. Hashem has many ways and means of dispensing punishment for this wrongdoing – as well as any other, for that matter. It is not necessary to have a whole procedure in order for Hashem's justice to be executed. Rather, Rav Yaakov explains that the goal is actually the opposite – to clear the woman's name in the event that she is innocent.

The *sotah* situation begins with a husband seeing his wife spending too much time with another man, and therefore, suspecting her of infidelity. Unfortunately, it is the nature of suspicion that, once aroused, it is difficult to allay. With suspicion, even a lack of evidence will fail to dispel such feelings. Even if witnesses would attest to that fact that nothing transpired with the man, this would not entirely put the husband's concerns to rest. Therefore, it is practically impossible for the husband and wife to move past this episode and live happily ever after. According to Rav Yaakov, it is in Hashem's infinite goodness that she be brought to the Temple and drink the special

³ See *Emes L'Yaakov* (*Bereishis* 29:4) for a similar comment in a different context.

water, because through this procedure, it is as if Hashem Himself is testifying to the fact that nothing happened between the wife and this other man. The husband can now know without any doubt that his wife is innocent.

The idea that Hashem's laws are always working to improve and assist is one that constantly needs strengthening. Many punishments are listed in the Torah and one can incorrectly deduce that Hashem is looking to penalize. However, in Rav Yaakov's soft way, he reminds us that *deracheha darchei noam* – the Torah's ways are pleasant.

Bamidbar (6:6-7)

The Torah states that a *nazir* may not come into contact with a corpse, even of a parent or sibling. These laws closely parallel the prohibitions that apply to a *kohen gadol*. Rav Yaakov raises an obvious question that is easily overlooked. The list of specific people for whom the *nazir* may not become impure does not explicitly include his children. Why are children not listed specifically among those for whom a *nazir* may not become impure? Is a *nazir* in fact permitted to become impure for his children?

Rav Yaakov suggests that although the *issur* clearly includes a son or daughter, they are not explicitly mentioned because *nezirim*, logically and historically, were young people. Taking an oath to become a *nazir* is a bold move, which would have a tremendous impact on one's daily life during the terms of *nezirus*. Only young, unattached people whose path has yet been set can undertake such a challenge. Rav Yaakov, through his masterful knowledge of *Tanach*, supports this idea with a *pasuk* from *Sefer Amos* (2:11) that describe *nezirim* as young men.⁴

He continues by building on Rashi's comment that the Torah juxtaposes the *parsha* of *nazir* to that of *sotah*, as something more apt for a younger person to do. It is much more difficult for middle-aged people to change their lives, as they are exceedingly more set in their ways.

He concludes by suggesting that perhaps this is what the Torah is alluding to by not mentioning the *nazir's* children. No matter what stage of life we are at, we must conquer our natural tendencies. We have to constantly be in a growth mindset and making positive changes and improvements. The message Rav Yaakov is stressing is not that we must become *nezirim*, but rather we must take hold of the attitude of a *nazir* – to be willing to make positive changes to improve ourselves – at every age.

⁴ *HaRav HaNazir*, Rav Dovid Cohen (1887–1972) became a *nazir* at approximately age 20.

Devarim (23:3)

Rav Yaakov begins this piece with a more expansive question. He's not localizing his question to the *pasuk* per se, but rather trying to understand a certain theme in *mitzvos* and their relation to the theme or goal of a particular *sefer*. He notes that the basic Biblical source material for *Masechtos Gittin*, *Kiddushin*, and *Yevamos* are all found in *Sefer Devarim*. This is intriguing to Rav Yaakov because he is working off the premise — which he discusses several times in his work — that the laws in *Sefer Devarim* deal with the Jewish people as a national entity (*tzibur*). *Sefer Devarim* was addressed to *Klal Yisrael* at the end of Moshe Rabbeinu's lifetime. Moshe is aware that he will not be leading them into *Eretz Yisrael*, and wants to tell the people as a community how they are to live there.

The *sefer* opens up with a prolonged *mussar* lecture, chastising the nation for their shortcomings and misdeeds during their time in the desert. He warns them not to follow the sinful ways of the people of the land whom they will displace. The middle of *Devarim* contains laws that affect the Jewish people as a whole.

Based on this premise, Rav Yaakov's question appears. The laws of *Gittin*, *Kiddushin*, and *Yevamos* belong in *Acharei Mos* in *Vayikra*. That is the source of the laws of whom one can and cannot marry. Beautifully and insightfully, he writes that marriage is not a matter that solely affects an individual man and an individual woman, and their families. Marriage affects the Jewish nation as a whole. *Klal Yisrael* is nothing more than a group of families that are married. People coming together to marry, begin families and build *Klal Yisrael*, strengthens the collective. It allows us to spread our value system and perpetuate our legacy as the *Am Kadosh*, the holy nation. The newlyweds are not building their own home but rather a *Bayis Ne'eman B'Yisrael*, a faithful home in Israel. The hope is that this couple will have a national impact.

We are living in a time, specifically in America, where there is an assault on traditional marriage. Marriage rates have been declining rapidly and the institution is being altered and maligned. *Am Yisrael* has never subscribed to this mode of thinking because we don't see building a Jewish home as an isolated result of two people who have happened to "fall in love". Rather, we have always viewed it also as building and strengthening our *tzibur* and legacy-defining. I'm not certain Rav Yaakov had anything contemporary in mind when he penned these thoughts but his words here should be read by today's wider society.

Halacha and Machshava



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Tankless Water Heaters on Shabbos and Yom Tov

RABBI EVAN SILVER



As Los Angeles and other cities continue to push and mandate a switch from gas appliances to electric appliances, one new *halachic* challenge will be with hot water heaters.¹ A standard hot water heater, whether operated by gas or electric heating source, has a tank. It works much like a pot of water; we are generally accustomed to the fact that water heated in this kind of hot water heater cannot be used on Shabbos, but can be used on Yom Tov. However, electric water heaters operate differently than the standard gas hot water heater. While there are electric hot water heaters with a tank, the more efficient and more popular option, especially for large families, is a tankless electric water heater. The way tankless electric hot water heaters operate is different from your conventional tank hot water heater, and these differences create a number of *halachic* issues when it comes to using them on Shabbos and Yom Tov.

There are several *halachic* principles that govern the use of hot water heaters on Shabbos and Yom Tov. It is already well established, and thus unnecessary to go into detail, that any hot water system that heats water past *yad soledes bo* (the point at which a hand would recoil) is considered cooking according to biblical law and such systems, therefore, cannot be used on Shabbos.² Even though cooking is permitted on Yom Tov, lighting a fire or turning on an electric current is prohibited, at least rabbinically. This rabbinic prohibition could render the use of an electric hot water heating system on Yom Tov problematic. However, the use of an electric hot water

¹ See *Nitzachon* 10:1 for my article on electric cooktops.

² There are a range of opinions that place this between 110 and 160 degrees.

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heater is complex; it is not as simple as striking a match or hitting a light switch, and therefore, various categories of actions need to be understood.

The general category of an action that creates an unintended consequence is known as *davar she'eino miskaven*. Rav Yehuda holds that dragging a bench on Shabbos is forbidden because it might make a furrow, but Rav Shimon holds that since it is only unintended and not inevitable, it is permitted.³ We follow the latter opinion in *halacha* and allow an action if it is unintentional and not inevitable.

An exception to this rule arises in the case of cutting off a chicken's head to use as a toy. In this case, Rav Shimon agrees with Rav Yehuda that the inevitable result falls into a category known as *psik reisha*⁴ (inevitable consequence). The standard case of *psik reisha* is when there is some form of benefit, *psik reisha d'nicha lei*. If, however there is no benefit, an action would be considered *psik reisha d'lo d'nicha lei*. While *Tosfos* cites the *Aruch* that permits the latter category, they rule that a *psik reisha d'lo d'nicha lei* is forbidden, and this is the accepted practice.⁵ It should be noted that since this is only forbidden on a rabbinic level, a *psik reisha d'lo d'nicha lei* is permitted when the underlying prohibition is only rabbinic and there is a case of great need.⁶ An example of an inevitable unintended benefit is the light in the fridge turning on when the door is opened. Opening the fridge in this case would be prohibited, as generally one wants the light to turn on. A common case of something that is inevitable, but not beneficial, is the triggering of a neighbor's motion sensor light when walking home from shul. While it's best to avoid the sensor, there is room to be lenient, as it's not really beneficial to the one walking and an LED light would only be rabbinic. Since the person walking can adequately see by the light provided by street lamps, the extra light is merely a security measure for the neighbor.

Finally, there is a category which discusses the case of doing a forbidden act, but with a different intention, *melacha she'eino tzricha l'gufa*. Rav Yehuda says this is also prohibited, and Rav Shimon says it is permitted. The *Shulchan Aruch* states that such an action would be considered a rabbinic prohibition. The Rambam takes this one step further and says that *melacha she'eino tzricha l'gufa* would transgress a Biblical prohibition.⁷ While this specific principle does not apply to our case, understanding

³ *Shabbos* 22a

⁴ *Shabbos* 103a. Literally "cutting the head," but generally interpreted as inevitable consequence.

⁵ *Shulchan Aruch* OC 320:18, *Orchos Shabbos* 30:4 and footnote 11.

⁶ *Orchos Shabbos* 30:5

⁷ *Shabbos* 93b and OC 316:8

this issue helps clarify which actions fall under which category. The Rambam gives the example of *melacha she'eino tzricha l'gufa* when one extinguishes a flame just to save the oil.⁸

Another category is known as *grama*, which is an action that causes something else to happen. The *gemara* allows one to put jars of water in front of a fire knowing that when the fire spreads, the containers will be consumed and thus the water will break free and extinguish the fire.⁹ Even though this is technically permitted, the Rema only allows this in a case of monetary loss, and so it may not be a *halachic* option to allow for *melacha* in most cases.¹⁰ While some contemporary *poskim* suggest being more lenient when it comes to *grama* on Yom Tov, the more common practice is not to differentiate between Shabbos and Yom Tov.¹¹ Perhaps there could be room to be lenient when the underlying labor is only rabbinic or in certain circumstances of need, which is why organizations like Zomet make *grama* devices. It is disputed whether a simple time-delay is enough to be considered *grama*, or if there needs to be more of a disconnect between the action and the effect. Perhaps to be considered *grama*, we need a second source, a *koach sheni*.

There are several strong objections to many of these modern day *grama* solutions. Firstly, Rav Yosef Shalom Elyashiv considered any device designed to do a specific action not to be *grama*, such as an electric scooter, and therefore any pre-made *grama* solution would still be forbidden.¹² Rav Hershel Schachter assumes that as long as electricity is running, it stems from the original actions, regardless of any delay in consequence.¹³ Rav Shlomo Zalman Auerbach allows one to adjust a manual timer to extend a current action, but not make something happen sooner. Given this understanding, one could remove an off-peg on a timer to keep a light on for longer but one may not move a peg up or down on the dial if it would cause a light to turn off sooner. This act would be no worse than any other time-delayed *grama* device, yet it is still forbidden, as the action¹⁴ ultimately causes something to happen sooner.

Given all these principles, virtually all *poskim* agree that using a regular tank hot

⁸ Rambam *Hilchos Shabbos* 1:7

⁹ *Shabbos* 120b

¹⁰ 334:22

¹¹ *Shemiras Shabbos Kehilchasa* 13: 27

¹² *Orchos Shabbos* 29:27, footnote 52 quoting *Shevus Yitzchak* 138

¹³ *B'ikvei Hatzon Siman* 7

¹⁴ *Shemiras Shabbos Kehilchasa* 13 and *Orchos Shabbos* 29 footnote 26

water heater is forbidden on Shabbos and permitted on Yom Tov. When one turns on the hot water faucet, the hot water comes out of the tank and is pushed by new cold water which is entering the system. It is necessary to operate, and thus considered beneficial, for new water to enter to push out the hot water. Therefore, this is a case of *psik reisha d'nicha lei* and it transgresses a Biblical prohibition, even though one is not intending to heat the cold water. Merely turning off the heater before Shabbos does not help as the tank retains its temperature for some time and will still heat the water coming into the tank when the hot water is turned on. On Yom Tov where cooking is permitted, the hot water may be used, as there is no prohibition of heating the new cold water. Using water would cause the temperature to drop in the tank, thus increasing the flame, but in a gas system, the pilot is always lit anyway. When using an electric tank system, nothing happens immediately when cold water enters the tank and this is generally viewed as permitted as an unintended consequence. This is similar to opening a fridge which may cause the compressor to turn on earlier, although some suggest in that situation to only open a fridge when the compressor is running.¹⁵

The downside of a tank system is that it takes time to heat the water so it needs to be large enough to supply enough hot water at the busiest time (like when everyone showers on erev Shabbos). As a result, a lot of energy is wasted keeping all the water hot even when it is not needed. A tankless system, however, can heat the water so fast that there is no need for storage. Tankless systems only run when the water is needed and they will never run out. The system has a flow sensor which turns on when needed, and adjusts to meet the output demand. With either hot water system, gas or electric, there is a delay from the time water is turned on and the hot water from the tank reaches the faucet. The solution is a recirculating pump. A recirculating pump is attached to a loop in the hot water line and constantly pushes hot water through the pipes and then back into the heater. In a tank system the water simply returns to the tank which is constantly retaining its temperature. The goal of a tankless water heater is to only run when needed, to conserve energy and protect the system. If it were constantly running with a recirculating pump, the system would overheat and the water temperature would continue to rise. To prevent this issue, the tankless heater has a temperature sensor which only turns the heater on if the water coming in is below a certain temperature. A recirculating pump on its own often has a similar feature. The temperature would only drop enough to trigger the heater and pump to turn on if someone is using hot water or when enough time has elapsed since the last time the heater turned on.

¹⁵ *Shemiras Shabbos Kehilchasa* 10:12

The *halachic* challenge with a tankless hot water heater is that as soon as one turns on a faucet, the heater turns on. On Shabbos, where a classic hot water heater is forbidden anyway, there is no practical difference to a tankless system *halachically*, which is why the question is more limited to Yom Tov. This question is of rising concern as the technology grows in popularity. While technically cooking the water on Yom Tov itself is not an issue, lighting a fire in a gas system or turning on an electronic system is, at least, rabbinically forbidden, and perhaps even Biblically prohibited, depending on how one categorizes the use of electricity. Turning on a faucet would, essentially, be the same prohibition as turning on a gas or electric stove. The possible solutions try to convert the action to a permitted level of unintended consequences or *grama*.

At first glance, it is easy to view the use of a tankless hot water heater as a situation where one just wants hot water and is not concerned with whether it triggers the system to turn on. However, the only way to get the hot water is for the tankless system to turn on so this would be a clear case of an intended action, just like turning on a light switch, even though the action might not feel the same. One cannot simply rely on the fact that the recirculating pump is running because even if the pump were to always run, the heater only turns on when the temperature drops, which only happens sporadically unless someone turns on the hot water. Furthermore, even if the recirculating pump was causing the tankless system to run, an extra faucet would trigger the flow sensor to change the load.

The other suggested *halachic* solution is to introduce a *grama* to the system which would only be permitted if one relies on the opinions that allow *grama* on Yom Tov on a rabbinic action. Since the tankless system only turns on when the water drops below a certain temperature, adding a reserve supply of hot water would delay the system turning on. Assuming the reserve supply is not sufficient for one's current need, one's intent when turning on the faucet is really for the tankless system to work but with a slight delay. For example, if one were washing dishes for five minutes but the reserve supply only lasted thirty seconds, one's intent is for the tankless system to be triggered, but with a built in time delay. As previously established above, a simple time-delay is not sufficient to be considered *grama*. However, if the reserve supply were so large that it exceeded the need, then perhaps this would be an unintended action. This solution does not seem practical as the large reserve tank size would diminish the benefit of having a tankless system to begin with, which is probably why I have not seen this suggested. The other approach is to have the entire system on a timer and only turn on hot water when the timer is off. For example, if one wants to bathe their kids at 7:00pm they would have a timer turn off the heater from 6:00pm

to 7:00pm. One would need to turn the hot water on before 6:59pm, when the water would then still be cold. The water would only become hot when the timer turns on at 7:00pm. The problem here is that without the person's actions, the system would never have turned on at that time, and the result would be a built-in delay like the situations mentioned above. To illustrate more clearly why this is not recommended, it would be like having a lamp on a timer and then putting the lamp in the on position when the timer is off, causing it to go on when the timer turns on, which no one would think is acceptable without some extenuating circumstances.¹⁶

The last suggested solution is leaving one faucet on, causing a low drip the entire Yom Tov, but that does not work because in addition to wasting water, the flow sensor triggers the heater to increase the output when an additional faucet is used. Even though raising a gas flame is permitted on Yom Tov, this is only when done manually, not using electricing controls.

The only *halachic* solution would be to trick the system to stay on at a constant level regardless of water temperature coming in and the flow level, but I've been told it would overheat and break the heater. The current solution for those who want a tankless heater for their home and want hot water on Yom Tov is to have a separate old fashioned tank for Yom Tov and switch the system to the old tank before Yom Tov begins. The advantage of this over just using the tank all year is that one could get away with a smaller tank because on Yom Tov one probably uses less hot water than normal, and one can use the tankless system when demands are higher. If one is afraid that he might forget to switch to the tank system before Yom Tov, a company, Amnon 18, makes a device that attaches to hot water heaters is preprogrammed to switch the system between a tankless and a tank for Shabbos and Yom Tov.¹⁷ The device limits the temperature in the hot water tank and disables internal sensors, allowing for use even on Shabbos.

New technology, while creating conveniences and benefits, also poses *halachic* challenges. Just like flipping a light switch is forbidden even though one is not literally striking a match, a hot water heater can be forbidden even though turning a faucet is not usually perceived like hitting a light switch. Although turning on a faucet in a house with a tankless system or in a tank system is an identical action and use, the *halachic* implications are different. As seen with the complexities of a hot water heater, knowing the *halacha* is not always enough. One must fully understand the technology and be able to categorize it according to established precedent.

16 An example of when this is utilized is for Hatzalah members to charge their radios on Shabbos by only connecting and disconnecting a radio from the charger when the timer is off

17 Very fascinating system, www.amnon18.com

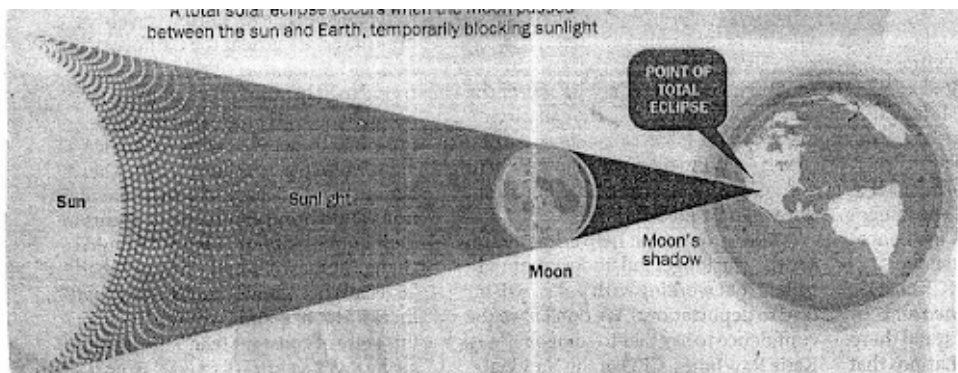
What, No *Beracha* on a Solar Eclipse!?!

DR. RON NAGEL



As one gets older, many people create a bucket list—a compilation of experiences or goals they aspire to accomplish before they “kick the bucket” or as we refer to it, before 120. One of the items on my own bucket list was to witness a total solar eclipse, a phenomenon that occurs somewhere on planet Earth approximately every 18 months. However, the true stroke of luck came when I had the extraordinary opportunity to witness this awe-inspiring event right in my own “backyard” on August 21, 2017, in Eugene, Oregon.

What is a solar eclipse? It is a phenomenon which occurs when the Moon passes between the Earth and Sun, completely obscuring the view of the Sun and creating a shadow on a specific area on Earth. The Sun's corona, which is its outer atmosphere, is normally not visible during the day due to the Sun's brightness. However, during a total solar eclipse, the Moon covers the entire Sun, revealing the corona and creating a captivating pearly glow. This extraordinary event is known as “Totality.”



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In 2017, I was fortunate enough to witness Totality, which lasted an astounding two minutes and forty seconds. As the Moon completely blocked the Sun, the world around me fell into darkness, akin to the biblical *Makas Choshech*, Plague of Darkness. Despite being daytime, the temperature dropped by a few degrees, and I heard all the birds nearby chirping at the same time and animals howling. It was an unforgettable experience that left me in awe of the cosmic wonders that unfold above us.

Now, seven years later, I am eagerly anticipating the chance to re-experience this remarkable event on Erev Rosh Chodesh Sivan, April 8, 2024, in Dallas, Texas. This will be the second total solar eclipse in the continental USA within a span of just seven years. Knowing that I will once again be able to witness the magic of Totality and feel that profound connection to the universe, I want to explore the Torah approach to understanding this celestial phenomenon.

What are the Torah Sources of a Solar Eclipse?

We begin in *Maase Bereishis*:

ויאמר אלקים יהי מאורות ברקיע השמים להבדיל בין היום ובין הלילה ויהיו לאת
ולמועדים ולימים ושנים.

*And Hashem said let there be Meoros in the sky, to separate day from
night, to be signs for set time, days and years. (Bereishis 1:14)*

Rashi states that *yihyu l'osos* refers to the occurrence of a solar or lunar eclipse as being a bad omen for the world and especially the Jewish people.

Rashi then follows with a quote from Yirmiyahu 1:2 that there is a way to avoid this bad sign from Heaven so one should not to be frightened.

מאתות השמים אל תחתו (ירמיה י'), בעשותכם רצון הקב"ה אין אתם צריכין לדאג
מן הפרענות.

*"Be not dismayed at the signs of heaven" — when you carry out the will
of Hashem, you don't need to worry about the punishment heralded from
the eclipse.*

We see from Rashi that this predictable event can be a bad omen, but if society "behaves" then there will be no concern for Divine retribution.

Solar Eclipse as a Bad Omen

For my first eclipse in 2017, I mentioned to a rabbi how excited I was to recite the *bracha* of *Oseh Maase Bereishis* when I see the solar eclipse. To my surprise, the rabbi told me that one should not say **any** *bracha* over a solar eclipse. I was taken aback!

How could I not say a *bracha* on witnessing one of the greatest cosmic events in the world (and especially fulfilling a major item on my bucket list!). It was time to go to the sources.

The *gemara* in *Berachos*, when discussing the *birchos hareiya*, lists no *bracha* for witnessing a solar eclipse. Under the category of *birchos haniflaos*, the *bracha* of *Oseh Maase Bereishis* includes comets, earthquakes, lofty mountains (i.e. Mt. Everest) and lightning. Why would a solar eclipse be any different than these other awe-inspiring natural events?

The *gemara* explains why specifically solar eclipses may be different by stating an analogy:

ת"ר בזמן שהחמה לוקה סימן רע לכל העולם כולו משל למה הדבר דומה למלך
בשר ודם שעשה סעודה לעבדיו והניח פנס לפנייהם כעס עליהם ואמר לעבדיו טול
פנס מפניהם והשיבם בחושך.

*At the time that the Sun is stricken it is a bad omen for the entire world.
An analogy to what can this be compared? It is comparable to a king who
made a banquet for his subjects and placed a lantern before them. Suddenly
the king became angry and said to his servant, "Remove the lantern before
them and let them sit in darkness."* (Sukka 29a)

So solar eclipses are apparently bad omens. That's why we wouldn't make a *bracha* on it.

Indeed, a significant example of a bad omen seemingly linked to a solar eclipse occurred over a century ago. On August 21, 1914, a total solar eclipse passed over Eastern Europe, shortly after the outbreak of World War I. This devastating war exposed humanity to the horrifying reality of modern warfare, with its unprecedented use of aerial bombings, machine guns, and chemical weapons such as mustard gas. That eclipse definitely felt like a fortuitous omen of bad things to come.

What Events Does a Solar Eclipse Portray as Being a Bad Omen?

What is the symbolic message behind it? The aforementioned *gemara* in *Sukka* gives four "sins" for why a solar eclipse might occur:

ת"ר בשביל ארבעה דברים חמה לוקה על אב בית דין ואינו נספד כהלכה ועל
נערה המאורסה שצעקה בעיר ואין מושיע לה ועל משכב זכור ועל שני אחין שנשפך
דמן כאחד.

*It was taught: There are four things that cause the sun to be stricken; when
the Head of the Rabbinical court dies and is not properly eulogized, when*

a young women screams [upon being raped] and nobody helps her, on homosexuality, and two brothers that are killed together.

Let's discuss these four reasons in more detail:

The first is when the *Av Beis Din*, Head of the Rabbinical court, dies and was not properly eulogized. This person, the leader of the community is a "loss of sunshine" to the public since having a proper eulogy be delivered would have inspired the *kehilla* to do *teshuva*.

The next is the sad story of a *na'ara me'orasa*, a betrothed maiden who was raped and screamed out in the middle of the day for help, yet no one from the community came to her rescue. We cannot let her unnoticed scream be unheard.

Homosexuality is a reference to all unsanctioned sexual relationship. It is similar to what happened in the generation of the *Mabul*, when the absence of the sun for forty days was a reflection on the bad deeds committed by society.

Finally, the spilling of brotherly blood at the same time results in ending their potential for procreation in bringing future beings into this world.

Why these four reasons? The *gemara* does not say what the common theme is for each of these "sins." Even Rashi admits that he has no explanation.

I'd like to offer a possible theme: Perhaps these four actions are examples of the lost potential in a human being. Each of these actions has a destructive consequence to society.

When the *Av Beis Din* dies and is not properly eulogized, it shows that the community failed to appreciate this leader's contributions to society. That is a lost potential. The *na'ara me'orasa* who screamed for help and didn't receive it may suffer from mental health consequences in the future. The last two sins are both actions that result in the absence of producing a family. For all of these, there is a potential that is squandered or ruined.

Perhaps Hashem responds to the lack of concern a community has on the loss of these individuals' potential by briefly removing a key feature for sustenance: the Sun. A solar eclipse can remind us how the future is not necessarily guaranteed, as Hashem can "turn off the lights" especially at the time of a solar eclipse. This in turn is meant to ensure that our communities will not engage in actions or inactions that squander people's potential.

The Importance of Studying Astronomy and the Chofetz Chaim

Some of you reading this article, might ask why one should study astronomy, especially about a solar eclipse. Perhaps it is *bitul zman*.

א"ר שמואל בר נחמני א"ר יוחנן מנין שמצוה על האדם לחשב תקופות ומזלות שנאמר "ושמרתם ועשיתם כי היא חכמתכם ובינתכם לעיני העמים." אזו חכמה ובינה שהיא לעני העמים? הוי אומר זה חישוב תקופות ומזלות.

From where do we know that there is a mitzva incumbent upon a person to calculate the seasons and the position of the constellation? For it is stated You shall safeguard and perform them, for it is your wisdom and discernment in the eyes of the nation. What wisdom and discernment are in the eyes of the nation.? You have to say that this is the calculation of the progression of the seasons and the position of the constellations. This is all found in the study of astronomy. (Shabbos 75a)

There is an amazing story about the Chofetz Chaim in 1927 that took place in his town of Radin in Poland that relates to the importance of understanding astronomy and seeing a solar eclipse, published in the Elul 1962 volume of the journal *Beis Yaakov*, by his *talmid* Rabbi Shmuel Pliskin. The Chofetz Chaim instructed the residents of Radin, especially the yeshiva boys, to view a solar eclipse with proper eclipse glasses. The Chofetz Chaim said it was a mitzva to see a stricken Sun. He wanted the Jewish community to see how Hashem can cease the power of the mighty Sun which idol worshipers had served. The Sun was created for humanity to survive, and never to be perceived as a creator of other things.

There is a proof discovered by astrophysicists that when Hashem created the Sun and Moon, the phenomenon of a solar eclipse was an intrinsic part of Creation. The *pasuk* in *Bereishis* 1:15 states that the Sun was made larger than the Moon. So how can the Moon ever cover the Sun during a solar eclipse? The Sun's diameter is 400 times larger than the moon. This is answered by an astronomical fact. The moon is 250,000 miles away from planet Earth while the Sun is 92 million miles away. This ratio is also approximately 400 to 1 just like the size of the Sun in comparison to the moon. Therefore, this creates the perfect set up for a total eclipse.

If this is true, why isn't there solar eclipse every month? This is because the Moon has an elliptical orbit around Earth, resulting in much variation in the distance between the moon to earth. Also, the Moon's orbit around earth is a 5 degree tilt in the Sun-Earth plane. An eclipse will occur only if the Sun, Moon, and Earth line up in the same plane. Therefore a total solar eclipse is an infrequent celestial event and can only be seen around *Rosh Chodesh*, a new moon. It occurs about every 1½ years somewhere on planet Earth.

The Bad Omen Conundrum

If we understand solar eclipses to be a “bad omen” as a response to an individual or humanities inaction resulting in a loss of potential, a very obvious question arises: I started this article by telling you about my plans to see the next solar eclipse on April 8, 2024, in Dallas, Texas. Astrophysics determines the exact date of the next solar eclipse and therefore when the next “bad omen” will happen! How can an entirely preordained natural event be in response to sin and portend punishment? Is humanity not in control of its destiny?

The Rama answers that Hashem can choose whether the solar eclipse is visible to humanity or not, for example by making it cloudy over the area of the eclipse, so it could not be seen on Earth. This way, if the preordained solar eclipse is not witnessed, the bad omen would not be considered. The *Shela Hakodesh* offers another solution that Hashem foresaw all of our sins that would come in the future, and accordingly scheduled the eclipses in advance. A third explanation given by a number of *gedolim* including the *Aruch L'ner*, suggest the following explanation. *Chazal* say that there are certain times in the world that are designated as being “bad *mazel* times” during which sins are punished more harshly. The occurrence of a solar eclipse represents a preordained time of bad *mazel* for the world in response to ongoing sins. It is our specific actions at that time that will dictate whether there will be a negative consequence by Hashem or not. This is what Rashi in *Bereishis* 1:14 we mentioned earlier was referring to with the quote from Yirmiyahu. Humanity has the ability at certain times to overcome nature and have nothing to fear.

Thus, while an eclipse may be perceived as a potential bad omen, it is not a definitive verdict or final judgment. Rather, it is a time of *din*, judgment, serving as a reminder of Hashem's awe-inspiring powers and benevolence towards humanity. The Sun, vital for sustaining life on Earth, enables photosynthesis and allows nature to flourish. Its light, warmth, and energy are essential for our survival. Thus, with infinite wisdom and predetermined times on the calendar, Hashem briefly shields us from the Sun's rays, prompting us to reflect on the miracle of its constant presence, which we often take for granted. This is why the Torah uses the word “*osot*” (sign), emphasizing that we must “take note.” These times urge us to be cautious and mindful of our actions, similar to how drivers slow down when approaching a school or a work zone as indicated by road signs, with double penalties for speeding. The solar eclipse conveys the message that failing to appreciate Hashem's gifts may lead to consequences. It is plausible that the Creator of the universe established these “signposts” (eclipses) based on natural laws as enduring reminders for mankind to

better understand the Talmud's expression, that when the sun is eclipsed, it is a bad omen for the entire world.

Solar Retinopathy and Its Deeper Meaning

It is interesting that observing a solar eclipse as it evolves – meaning before “totality” - without proper eye protection can result in a condition called Solar Retinopathy, a severe form of blindness.

Anyone who stares at the Sun risks permanent damage to the eye. There are three *mitzvos* in the Torah that such an act transgresses:

- וּנְשַׁמְרֶתֶם מֵאֵד בְּנַפְשְׁתֶּכֶם, to protect our bodies. (*Devarim* 9:4)
- רַק הִשְׁמַר לָךְ, take special care of your bodies. (*Devarim* 9:15)
- וַחֲיוּ בָהֶם, strive to live for the sake of the *mitzvos*. (*Vayikra* 18:5)

However, during the precious moments of totality which only lasts a few minutes, when Hashem's grand cosmic event unfolds, we can safely remove our solar glasses, as if Hashem beckons us to gaze upon the Sun and grasp its power only at that specific time. The requirement to shield our eyes when viewing the sun before totality draws a parallel to the same admonition to cover our eyes while reciting the *Shema*. When we contemplate Hashem's uniqueness and greatness, we acknowledge that His splendor surpasses the capacity of our vision. To believe that we can truly perceive His essence with our limited perspective would be to blind ourselves to the reality of His infinite magnificence.

What Does a Frum Jew Perceive and Hope for During Totality

The eclipse serves as a profound reminder of a universe so vast and intricate that it transcends our ability to fully comprehend. We are humbled by the magnitude of the cosmos, acknowledging that there are realms beyond our grasp, and that Hashem's divine creation is beyond the confines of our human understanding. The solar eclipse becomes an awe-inspiring moment to reflect on our place in this vast universe and our intrinsic connection to the Divine.

As David Hamelech says:

הַשָּׁמַיִם מְסַפְּרִים כְּבוֹד ק-ל, וּמַעֲשֵׂה יָדָיו מְגִיד הַרְקִיעַ.

The Heavens declare the glory of Hashem and the sky above produces His Handiwork. (Tehillim 19:1)

What do I hope to experience when I see this solar eclipse in Dallas, Texas, on *Erev Rosh Chodesh*, April 8, 2024 at 1:43pm? The excitement begins thirty minutes before the eclipse, I will see first contact, a tiny “nick” in the circumference of the

western side of the Sun. About twenty minutes before totality, half of the Sun will be covered by the Moon. As the minutes pass, the pace quickens. With fifteen minutes to go, I will appreciate the western sky getting darker than the east. Five minutes to totality, the crescent Sun narrows and the darkening sky around the Sun closes in. Minutes become seconds and at the moment of Totality, I hope to see what is called Baily Beads – points of intense white light which are the last rays of sunlight passing through the Moons' valleys. Eventually there is only one Bead left and that bright light is called the Diamond Ring. Finally, Totality, with the air being cooler, birds stop chirping and complete tranquility.

I will see three planets often not seen during the day; Jupiter, Saturn and Venus. Unfortunately, no *bracha* of *Oseh Maase Bereishis* can be said. But I will bring a new fruit and say *Shehechyanu* on it, perhaps followed by saying some *Tehillim*, *perakim* 148 and 104.

In summary I have tried to explain the meaning of the bad omen when it comes to viewing the solar eclipse and why no blessing is recited. I hope and pray that the beautiful poetic prayer that we sing every Shabbos in *Shacharis*, *Kel Adon*, will come to fruition.

טובים מאורות שברא אלקינו יצרם בדעת בבינה ובהשכל
 כח וגבורה נתן בהם להיות מושלים בקרב תבל.
 מלאים זיו ומפיקים נגה, נאה זיום בכל העולם,
 שמחים בצאתם וששים בבואם, עושים באימה רצון קונם.
 פאר וכבוד נותנים לשמו, צהלה ורנה לזכר מלכותו,
 קרא לשמש ויזרח אור, ראה והתקין צורת הלבנה.

Good are the luminaries which our God created, with understanding, wisdom, and insight. He endowed them with energy and power to dominate within their sphere of the universe. Full of splendor, they radiate brightness, their brilliance adorns the universe. Rejoicing in rising and exalting in setting, with reverence they obey the will of their Creator. Glory and honor they give to His name and sing His sovereignty with joyous praise He summoned the sun, and it shed its light. He set the cycle of the moon's phases.

This poetic prayer reflects on God's greatness on forming the heavenly bodies with an emphasis on the Sun.

We recite monthly on Motzei Shabbos the Kiddush Levanah:

ויהי רצון מלפניך ה' אלקי ואלקי אבותי, למלאת פגימת הלבנה, ולא יהיה בה שום

מעוט, ויהי אור הלבנה, כאור החמה, וכאור שבעת ימי בראשית כמו שהיתה קודם
מעוטה, שנאמר, את שני המארת הגדלים.

May it be Your will Hashem, my God and my ancestors' God, to fulfill the blemish of the moon and may there be no diminishing at all in it; and may the light of the moon be like the light of the sun, and like the light of the seven days of Creation, like it was before it was diminished, as it says "And God formed the two great lights."

We fervently pray for the restoration of the moon to its primeval status during the final Redemption, bringing an end to the temporary diminution it experienced during creation. May this restoration occur very soon, ushering in an era of ultimate redemption and spiritual fulfillment. As we eagerly await the solar eclipse experience, which I wholeheartedly encourage many of you to join me in witnessing, let us view it as a potential sign that the long-awaited days of the *Mashiach* are drawing near.

During this momentous event, may we come to appreciate the symbolic significance of the Moon being once again the same size as the Sun. Let it serve as a reminder that bad omens can be dispelled, replaced by the many blessings resulting from the multitude of mitzvas that *Klal Yisrael* will perform.

Is There a Connection between Solar Eclipses and Rainbows?

This issue of *Nitzachon* is dedicated to commemorate the 5th yartzeit of my father Jack Nagel on the 3rd of Marcheshvan. My father wrote a manuscript titled "Do Not Look for Rainbows" 25 years before his passing and ironically was niftar erev Shabbos at 5:30pm *parshas Noach*. He was a survivor of Aushewitz-Birkenau and Baruch Hashem was *zoche* to raise a beautiful family in Los Angeles with my mother Gitta Nagel. In this manuscript he recounts how he made a deal with Hashem about his *emuna*. During the darkest times of surviving the *Shoah*, my father remembered the tradition that no rainbows appeared during the lifetime of Rav Shimon Bar Yochai. Dating back to the times of Noach and the Flood, Hashem designed the rainbow as a sign to reassure the world that Hashem will never destroy the world again with a flood. The Jewish community during the time of Rav Shimon Bar Yochai were on a such a high level of *emuna* that they did not need to see rainbows to prove the promise of Hashem. So too, my father made a deal with Hashem that he would have complete *emuna* in Him, not questioning how He could allow the destruction of many of his family members and the European Jewish community. Instead, my father accepted on himself the mission to rebuild the Jewish community in the US and Israel. He fulfilled this mission through his involvement in many Jewish community institutions

including Yeshivat Yavneh, Sharrei Tefila Congregation, YULA (RAMBAM), Yeshiva University, Bar Ilan university, and Shaare Zedek Hospital.

Perhaps this level of *emuna* which my father exhibited can be applied as well to the solar eclipse and its bad omen. During an eclipse, we cannot look at the Sun, as this might result in eye trauma and no *bracha* is said because it is a bad omen. However, during totality one can remove his solar glasses and observe the Sun without concern of retinopathy. Perhaps it is at that moment that *Klal Yisroel* should be praying for the coming of the *Mashiach* when the two Great Luminaries in the sky, the Sun and Moon, will become the same size. This will result in no more solar eclipses and thereby remove the bad omen with its divine retribution.

With our hearts filled with hope and anticipation, let us strengthen our commitment to fulfilling the *mitzvos* and acts of kindness that bring us closer to Hashem's divine plan. May the solar eclipse become a celestial sign of brighter days ahead in the year 5784, as we strive to bring about a world filled with righteousness, peace, and redemption for all.

Real Estate's *Yovel* Puzzle: Two ways to Structure Successful Real Estate Investments During *Yovel*

DANIEL NAGEL



The Torah clearly mandates, in *Vayikra* 25:10, the return of lands to their original owners every fifty years. This presents a perplexing challenge – how can my expertise, that of buying real estate, increasing the income, and selling the improved asset at a profit to another buyer, align with the Torah reality that seemingly conflicts with this practice? The Torah seemingly wants land in Israel to remain with its ancestral owners and records many *halachos* that seemingly empower the original owners to maintain long-term ownership of their assets. This article will help CIO's, Acquisition Directors, and any real estate investor understand the potential *halachic* challenges related to buying and selling real estate in Israel during the times *Yovel* is practiced.

Mr. Jack Nagel z"l passed away five years ago, on the 3rd of Cheshvan, erev Shabbos Parshas Noach 5779 (October 12, 2018). In this dedicated Torah journal, commemorating the fifth anniversary of my Zeida's passing, I reflect on the profound impact he had on my life and career. For nine transformative years, from 2009 to 2018, we worked hand-in-hand in the real estate industry, navigating the intricate world of buying and selling multifamily properties. I have always wondered how these acquired skills and experiences, which serve me well today in Los Angeles, will find their place in the future, during the times of Mashiach, when Jews return to Israel and embrace the laws of Yovel.

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Problem 1: Buying and Selling during Fifty-Year Cycles Reduces Value the Closer the Sale Occurs to the Yovel Year

A typical income-producing property is valued based on a capitalization rate (commonly known as a cap rate)¹ which effectively assumes the income being produced by the asset continues in perpetuity. How impactful to a property's value is the fifty year *Yovel* cycle? Does the value of the property drop because it is not sold forever but rather for forty nine years?

Using a discounted cash flow model,² the value of receiving \$1,000,000 fifty years from now (assuming a 10% annual return) is worth only \$8,518 today.³ In other words, I would be indifferent between receiving \$8,518 today or \$1,000,000 fifty years from now (assuming a 10% return rate). Said a third way, a buyer would be willing to pay \$9,914,814 for the right to earn \$1,000,000 every year for the next fifty years. Only \$8,518 of that purchase price is allocated to the \$1,000,000 expected to

1 Cap rate, short for capitalization rate, is a measure used in real estate to understand the potential return on investment. It shows the ratio between a property's net operating income (income generated after expenses like maintenance, insurance, and property taxes) and its current market value. In simple terms, it identifies the unlevered yield (meaning assuming no financing) the income property generates compared to its value. A cap rate can be used in the reverse to calculate the value of the property if the property's Net Operating Income (NOI) is known. $\text{Cap Rate} \times \text{Market Value} = \text{NOI}$ | $\text{NOI} \text{ divided by Cap Rate} = \text{Market Value}$. However, it's essential to note that the cap rate relies on the assumption that the return on the investment will continue indefinitely into the future.

2 Also known as the DCF model. A discounted cash flow model is a way to figure out the current value of money you'll receive in the future. It takes into account the idea that money you get later is worth less than money you have right now. This is because you could use money you have now to earn more or invest more. With discounted cash flow, you "discount" or reduce the value of future money to calculate its present worth. It's like saying, "If I have \$100 coming to me next year, how much would that be worth to me today?" How does one think about answering that question? If a person could earn 10% in a CD, they would be willing to accept anything more than \$91 today. Why? Because they could invest the \$92 into a 10% CD and next year the \$91 would be worth \$100.10 (\$91 of principal plus \$9.10 of interest). Anything less than \$91.00, it would be worthwhile for the person to wait the year and receive the full \$100.00. The DCF models helps people make smarter financial decisions by considering the time value of money.

3 This assumes a 10% discount rate. The way to think about this is, would you rather have \$1,000,000 in fifty years or \$8,518 today? Assuming a 10% discount rate, meaning you are confident you could invest the \$8,518 at a 10% annual compounding return, the mathematical answer (as opposed to the emotional answer) is that you would be indifferent. \$1,000,000 in fifty years equals \$8,518 today. This is similar to big lottery winners choosing to take a lump sum upfront payment versus payment over thirty years. A recent article in Fortune online (www.fortune.com/recommends/banking/common-mistakes-lottery-winners-should-avoid), advised the winner of the \$291 million powerball to take a payment of \$291 million spread out over thirty years versus a lump sum payment upfront of \$147.9 million.

receive in year 50 (less than 0.10% of the entire purchase price).⁴ Selling an income producing property for fifty years compared to selling it in perpetuity does not have a big impact on the value of the property.

However, as we progress closer to *Yovel* the value of the property drops fast. With only ten years left to *Yovel*, a buyer would only be willing to pay \$6,144,567 for the same \$1,000,000 of annual cash flow. A 38% drop in value! So if an owner kept his land for the first forty years of the *Yovel* cycle, does he have any options to sell his land at top pricing, or does he need to wait ten more years until the next *Yovel* cycle when he can sell his land for a full fifty-year cycle?

Solution: Create a 99-Year Ground Lease Structure

The Rambam clearly concludes that selling a field for sixty years, thereby bypassing *Yovel*, is valid and the land does not return to the owners during *Yovel*.⁵ A simple

4 A key assumption is the desired internal rate of return (which in my example I set at 10%). Even if the desired internal rate of return (IRR) was lowered to 1%, the value of the cash flow in year 50 is \$608,000 compared to a purchase price of \$39,100,000 reflecting only 1.55% of the purchase price.

5 Rambam *Hilchos Shemita v'Yovel* 11:2. The Rambam states the land only returns during *Yovel* when the sale contract is silent on the amount of time it is being sold for, or if it is explicitly being sold in perpetuity, in which case, the sale is valid only until *Yovel*. However, selling the land for sixty years is permissible and *Yovel* does not return the land to the original owner. The *Sefer Hachinuch* (# 339) quotes the *gemara* in *Bava Metzia* (79a) and states anytime a specified number of years is explicitly described within the sale contract, *Yovel* does not return the land to the seller. This is based on the Rambam's opinion that both buyer and seller violate the prohibition of *lo timacher l'tzmisus* (*Vayikra* 25:23). Since the buyer and seller are prohibited from a sale in perpetuity and a Jew is unable to create a binding condition that is in violation of the Torah, the sale is only valid up until *Yovel* and then returns the land to the original owner. However, any time the buyer and seller agree to a stipulated time frame for the transaction, let's say 99 years, then the sale is not in violation of the prohibition of *lo timacher l'tzmisus* and the sale is valid. The *Sefer Hachinuch* adds that perhaps this is learned from the phrasing of the prohibition. The Torah does not say *lo timacher elah ad ha'Yovel* [one may only sell it until *Yovel*] but rather it is says *lo timacher l'tzmisus* [it should not be sold with finality.] The phrasing is very important. The *Sefer Hachinuch* goes on to quote the Rambam that if the sale contract states that this is a sale on condition that the land does not return to the owners during *Yovel*, the sale is invalid as it is *masneh al ma she'kasuv baTorah* which is invalid. The *Sefer Hachinuch* points out that this is different from *Shemita*. A lender is allowed to make a loan on condition that *Shemita* does not automatically forgive the debt. Why the difference? The *Sefer Hachinuch* points out that only the lender is warned about collecting on a loan that extends beyond *Shemita*. The borrower is still allowed to pay the loan back if he so desires. Therefore, the borrower can forgo his right to receive forgiveness because it is in his right to pay it back. In contrast by *Yovel*, both buyer and seller are equally prohibited from participating in a sale that is in perpetuity, as such neither one has the power to forgive their right. This distinction of the *Sefer Hachinuch* between *Shemita* and *Yovel* is meaningful only according to the Rambam who holds the prohibition on *Yovel* is the responsibility of both buyer and seller. Rashi (*Vayikra* 25:23) appears to disagree with the Rambam and he views the responsibility of the prohibition only on the buyer. It is prohibited for the buyer to not return the land back to the seller during *Yovel*. In that case, a different answer will need to be given for the distinction between *Shemita* and *Yovel*.

solution would be to structure all sales as long-term ground leases which from a value standpoint would have a very similar economic effect to selling the land in perpetuity.

Long-term ground leases are a very common structure in New York City and in England. One of the most famous ground leases in New York City is the ground lease underneath the Chrysler Building which is owned by Cooper Union College. The ground lease started in 1859 and expires in 2147.

Problem 2: Seller Rescission Rights

The Torah describes the sale of three property types. In all three situations, the seller has a rescission right to reverse the contract. See below for a chart that summarizes the lockout periods and rescission rights associated with these three types of property sales.

PROPERTY TYPE	LOCKOUT PERIOD	RESCISSION RIGHT
Sale of Land	2 YEARS	After lockout period up until <i>Yovel</i> at the unamortized purchase price ⁶
Sale of a House in a walled city	NONE	Up to one year at the purchase price ⁷
Sale of a House in an unwalled city	NONE	Until <i>Yovel</i> at the unamortized purchase price

This rescission right provides a particular challenge in establishing a market value for a property. Three important questions come up:

6 If the seller sold the land for forty years for \$40 million, the seller can buy back the land at \$38 million with 38 years left or \$10 million with ten years left, equal to the unamortized portion of the purchase prices. The buyer has no right to block the “buy back.”

7 See footnote 6 above. The consequence of the seller not buying his home back within a year is severe, as the home remains in the hands of the buyer forever. See *Vayikra* 25:30 and Rambam *Hilchos Shemita v'Yovel* 12:4. Trivia Question: The Jewish calendar typically follows a lunar calendar. In fact, there is almost no reference to a solar calendar in any *halachos* except for one. How many days does the Seller have to exercise his rescission right and buy back his home that is located in a walled city? The *pasuk* says (25:30) “But if [the house] is not redeemed until a full year is completed for him, then the house... shall pass forever to the buyer.” The verse adds in the extra word “*temima*,” “a full year.” The *mishna* in *Arachin* 9:3 says this is to include a leap year which gives the seller an additional thirty days beyond the typical 354 days to exercise his rescission rights. Rabbi argues and says the word “*temima*” teaches us to include the extra 11 days needed to make up the difference between a lunar year and a solar year. This is the one of the few *halachos* tied to the solar calendar. Other examples (as pointed out to me by Yaakov Siegel) include *Birkas Hachama* and *shamor es chodesh ha'aviv*.

1. How should a buyer value a seller's rescission right and what discount is appropriate to account for the seller's right to purchase back the property?
2. Can the seller agree to waive its rescission right in exchange for a higher price?
3. In addition, let's say the buyer invested improvements into the asset, thereby increasing the value of the asset. Is the buyer able to recoup the investment for increasing the value of the asset? How are the improvements valued and is the buyer compensated for his time or just his cost?

Value of Seller's Rescission Rights (Question 1)

This is effectively a finance question and not a *halachic* question. *Halacha* doesn't address how a buyer should value restrictions on his ownership because of the seller's rights post closing. However, it is an interesting discussion to consider whether *halacha* permits a buyer and seller to create additional structure around these rights. For example, a buyer may say to a seller, your land is worth \$10,000,000 to me with your rescission right but I will give you \$11,000,000 if you waive your right up front. Is this allowed? An alternative framework could be for a buyer and seller to agree to a "break-up costs." The Torah already describes what the break-up costs are in *Vayikra* 25:26-27.

The Torah uses a straight amortization model. For example, if the buyer purchased the field for \$10,000,000 with ten years left to *Yovel*, in year three, the seller may exercise its rescission right and purchase the field back for \$7,000,000.⁸

May a Seller Waive Buyback Rights Upfront? (Question 2)

The *Minchas Chinuch* 379:11 addresses this question and is uncertain. He suggests that according to the Rambam (which we quoted earlier in footnote 5) since the seller is permitted to "not exercise" the buyback right, it is within the seller's agency to waive the right upfront. The *Minchas Chinuch* also quotes a disagreeing opinion of the *Nimukei Yosef*, who views the entire prohibition of selling the land in the context of "*ki li ha'aretz*" "the land belongs to Me [Hashem]." As a result, the seller has no agency to sell the land in perpetuity and the seller has no agency to modify any of the laws of *Yovel*. Even though the seller agrees to never exercise the buyback option, the waiver

⁸ The *mishna* in *Arachin* 9:1 discusses if a famine during the first year of ownership counts towards the two year lockout period. This is an interesting concept as most of the *halachos* in this arena favor the seller and lean towards maintaining the seller's rights in the land. In this case, *halacha* is focused on making sure the buyer receives value for its investment in the land and acknowledges that if there is bad weather (or the modern day equivalent, if the economy is in a recession), it does not use up a portion of the lockout period.

is not binding because the land belongs to Hashem and the seller is unable to modify any rights that Hashem - the true landowner - granted the seller.

Buyer Invests New Improvements Into the Asset (Question 3) and Seller Exercises the Rescission Right: What Happens To The Buyer's Investment?

Over the last decade, value-added real estate investments have been the most highly sought after investment opportunities. Renovating a property boosts its appeal and lets the owner charge higher rent. Tenants will pay more for newer improvements. How does *halacha* view these improvements?

The *Minchas Chinuch* in 339:9 clearly differentiates between the value of the property appreciating on its own versus value increasing as a result of the investment of the buyer. The baseline *halacha* is that any appreciation of the asset belongs to the seller, which means the seller only has to pay the buyer the unamortized purchase price of the property. However, if the buyer invested money to renovate the property, the *Minchas Chinuch* is very clear that the seller should pay the buyer back for the money that was invested.⁹

Problem 3: Buyer Demand Increases Value - Selling Property to a Non-Jew

We are all well aware of the Beverlywood effect. More buyers than sellers leads to price increases. Sellers are able to maximize their sale price when they can sell the asset to the broadest buyer pool. Fewer buyers keeps prices lower. If a seller is unable to sell property to non-Jews, who represent approximately 99.8% of the world population, then the highest market price may not be achievable.

Selling Property in Israel to a Non-Jew

According to the Ramban (*Hasagos, Sefer Hamitzvos Lo T'aase* 227) there is a Torah prohibition to sell property to a non-Jew based on *lo timacher l'tzmisus* (*Vayikra* 25:23).¹⁰ This is because if a Jew sells land to another Jew, *Yovel* returns the land to

9 It is not very clear how much the seller has to pay. Does the seller pay for the amount of money the buyer invested into the property, or does the seller pay for the increase in value created by the buyer's improvements? This is a very nuanced question that could have major financial ramifications. The value-add investor's business plan originates from the belief that by investing \$100, they can enhance the property's value by \$200, resulting in a net profit of \$100. So does the seller have to pay \$100 for the cost of the improvements or \$200 for the appreciation in value as a result of the buyer's improvements?

10 Ramban disagrees with Rambam and Rashi (as mentioned above in footnote 5). Ramban thinks *lo timacher l'tzmisus* can not be referring to the permanent sale of Jewish-owned land to another Jew, because that prohibition is already covered under the requirement for the land to return to its original owner during *Yovel*. If a Jewish buyer and Jewish seller would both agree for the land to be sold in perpetuity, it would be *masne al ma*

the seller, but if a Jew sells land to a non-Jew, *Yovel* does not return the land to the seller and then effectively the land has been sold in perpetuity. This appears to restrict a seller from selling its property to approximately 99.8% of the world population and thereby reducing its value.¹¹

Solution: Create a 99 Year Ground Lease

However, the *Sefer Hachinuch* #339 quotes the Ramban and adds the following caveat: “if, as part of the sale contract, the seller conditions the sale to the non-Jew and requires the non-Jew to return the land back to the seller, the sale is valid.”

In other words, the Jew may ground lease the property to a non-Jew for any specified amount of time (similar to the 99 year ground lease structure we suggested above) and the sale would be valid.

Final Thoughts

This article, written *l'hagdil Torah u'leha'adira*, delves into the intricate *halachic* aspects of *Yovel*, refracted through the prism of real estate investment. It is not deliberately seeking loopholes as much as using the seeming conflicts to explore *halachic* nuances. *Yovel* epitomizes the concept that everything belongs to Hashem and ultimately all land will return to the original owner that Hashem gave the land to (See *Sefer Hachinuch* 339). This message is as relevant as ever in today's day and age, and I pray that through the learning of this topic, this message becomes more ingrained inside of me.

shekasuv baTorah and the sale would be invalid. Therefore, *lo timacher l'tzmisus* must be referring to an additional prohibition to sell land to a non-Jew.

11 The more common source prohibiting the sale of land in Israel to non-Jews comes from the issuer of *lo sichanem*. The *gemara* in *Avoda Zara* (20a) expounds the *pasuk* to prohibit *ovdei kochavim* (literally worshipers of stars) from occupying the land of Israel. There is a discussion amongst the *rishonim* whether the prohibition applies on to the seven nations that were occupying the land during the initial conquest to conquer the land of Israel or to all non-Jews (even those that do not worship idols and would have a *halachic* status of *ger toshav*, a friendly non-Jewish resident in the land). Furthermore, whether renting or ground leasing the land to a non-Jew would avoid the prohibition of *lo sichanem* is another interesting question to explore, but is beyond the current scope of this article (which focuses on the *Yovel*).

No Delivery For You

JOSHUA GLETTNER



Circa 1290's, northern Germany in the Holy Roman Empire

The road was blocked off. A tree had been sawed down and cast to bisect the road. Two men loiter beside the fallen tree, glancing helplessly and engaged in friendly conversation. The men are each not so tall, with long beards typical to German peasantry. The peasants' clothes are dark brown tunics, torn at the joints.

At each side stands the high forest and it becomes clear that no way around the obstacle is possible. The dense trees are not passable neither by foot nor by horse.

Tzvi Hersch had spied this obstacle about a half mile back but he had anticipated leaping with his horse. But as he rides forward, both of the men standing behind the log reveal long swords. The inconvenience now seems a dangerous trap.

"Halt here, sir!" one of them shouts. Tzvi pulls the reins quickly and the horse neighs startled.

"I am a courtier," Tzvi Hirsch tells the men. "I have letters to deliver to a man in the city." He points to the leather bag that hangs along the horse's back wherein the afore.

"How long have you ridden?" asks one of the men amicably.

"A whole five days from Spiders. I am sore as a mule."

"A far distance, yes." says the man.

"And in such weather," comments the other man.

"Now, friends," turns Tzvi to the men. "Let me pass, I insist. I have ridden for a long while and it would be a shame that I should waste such work."

"We cannot let you pass," says the man. "The road is closed. On the orders of the count."

The messenger shakes his head and pleads with the men. He offers them the few

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coins he carries. The men scan the coins and then each extends his hand and takes them, quickly pocketing them.

Tzvi smiles at the men and they smile warmly back. Yet Tzvi quickly realises that the men have not changed position, and despite their smiles and their now fuller pockets, the men still hold the long swords.

"You cannot pass, you see. The count has ordered us to close the road. The count has marched to town with an army for a raid, a real feud. The town took some fields that have been the count's and now it is our turn to punish them."

"So, you see," says the man to Tzvi. "We cannot let you pass, message or no. So turn and mind your peace and all will be well. Otherwise, you might get hurt. And don't try the other roads, we've got them all blocked."

1280's, off the coast of Tlemcen

The sky was calm, a sailor's ideal weather. Just enough breeze, but not a wind so powerful as to resist control. The flag of Aragon hoisted high above the ship's stern, ploddingly flapping from side to side. Yet, suddenly, the flag begins to ripple, and the red banner of Aragon is so distorted from movement that it is hardly recognizable. Suddenly the placid air blows faster and faster. The winds of the west are coming and the motley array of clouds in the sky is driven fast apart. With the rising gusts stands higher waves and the vessel plunges up and down. Some of the passengers get seasick. Others are anxious that the ship will sink.

However, The experienced sailors are worried for a different reason—the ship is being driven west when it ought to be headed east. The captain comes by, ordering the sailors to turn sail and then he goes down into the deck where he orders the rowers to row faster to compete with the wind.

"I'll not miss my destination," the captain insists furiously. The coast of North Africa is not so far from here and it shines in the near horizon. In that sense, the backward push of the ship is not merely disappointing but an insult given how close they have come. The rowers beat to a new tune, but the oars make no difference to the speed of the wind. Instead, as is quite perceptible, the vessel is pulled back and any resistance causes only a slight delay.

The captain does not want to admit it, but the ship will have to return to Spain. These powerful winds have a tendency of lasting a long while, for days if one is lucky, and so the captain, sighing in frustration, finally gives the order to adjust sail and make haste for Spain. The voyage must be done at a different time.

The ship has been sent on by the king of Aragon bringing envoys to negotiate

with the Sultan Alwhazid of Tlemcen. The king's ambassador and several high ranking officers have secret business to discuss with the Sultan. Besides the ambassador and several of his retinue there is a translator. The man is an older Jewish merchant, Abraham Abengalel, much experienced in the court of North Africa. He has been brought along as a translator, on the king's own recommendations. It is typical practice in the kingdom to bring Jews along, they speak the dialects of Arabic, and they often have useful connections in the Muslim realms. The translator in turn has hired a young man, Ovadia Aliaga, to be his personal servant over the course of the expedition. Ovadia will carry his bags and arrange his meals, so that the important work of translating will not be distracted by the more mundane and less essential planning of the day to day.

The Ambassador shakes his head. "I knew we left too late. Did I not tell you?" he tells one of his staff beside him. "The king will not be happy."

Ovadia leans over to Abraham. "Are we headed back? All the way to Spain?"

"Yes, we are, although we will be doing our mission soon and you are with me. I have paid you some of the salary already, no?" Ovadia nods. "You are a good worker and I will make sure to recommend you to all of our tradesmen. Don't be disappointed that we didn't make it."

Within a day, the ship, propelled by the speedy wind, has returned back to Spain, to the kingdom of Murcia. While the ship waits in dock, Abraham stays with an old friend, still accompanied by Ovadia. Yet it does not seem the journey will take place—the winds have maintained their strength throughout the rest of the week, and Abraham reports to Ovadia that he feels ill. That night, Abraham dies, and Ovadia takes care to organise his speedy burial.

Both of the aforementioned cases appear in the *sheilos* and *teshuvo*s (responsa) of the *rishonim*. The first case appears in the Mordechai (1250–1298) and the second in the Rashba (Rabbi Shlomo ben Aderes, 1230's–1310). The central question in both cases is the same. A worker is hired to perform a task, and does the work, but due to outside factors he is unable to accomplish the goal set upon. Tzvi Hirsch is sent to carry a letter, but because of the presence of the army, he is unable to deliver it. Ovadia is employed to serve Abraham on the journey, but due to rough weather and Abraham's untimely death, Ovadia never completes the Tlemcen mission. In both cases, the employees demanded their salaries and the employers (in Ovadia's case, the heirs of Abraham) refused to pay due to the lack of completion of the mission. It is nice that workers did their work, but ultimately their employers derived no

benefit. How is one to resolve the situation? Should the employee be paid? Is there any distinction between the aforementioned cases that should result in a different outcome?

In order to answer these questions, we must proceed to examine the sources that discuss how one ought to pay when they performed their task but failed to achieve their goal. The initial source is a *gemara* quoted in *Bava Metzia* 79b. The *gemara* there discusses a case of one who hires a boat to carry a shipment of wine. If the boat sinks with the cargo of wine, must the sum of rent be paid? The *gemara* there states clearly that it depends on the terms of the contract. If one contracted a boatman to provide any boat, while contracting on a specific shipment of wine, if the boat sinks with the wine then the wine owner must pay the cost of employment. Why is that so? The *gemara* explains that the boatman can say “I am able to provide you (the wine owner) with the boat” and the fault in the lack of fulfilment of the contract lies in the wine owner, as the specific shipment of wine is now undersea. In essence, the *gemara* establishes the principle whereby if one party to the contract is able to fulfill the terms and the other party is not, the party that can fulfill is to be paid, even if the boat in the end does not carry wine.

While the *gemara*’s example revolves around boat rental, it should seemingly apply to employment as well. If one hires an employee and the employee is able to do the work, but the fault in lack of fulfilment rests with the employer, then the employee should still be paid. That seems to be the scenario in the second case we discussed. Ovadia is down to work and serves Abraham. The issue of course is that Abraham is dead. It is primarily on this basis that the Rashba awards Ovadia his salary. As long as a worker is able to provide and the failure of the work is not due to the worker, then the worker gets his pay.

However, such a consensus is not universal. *Tosfos* quotes the Rivam and the Rivan who have a dispute in understanding the full level of compensation for the boat owner. Both opinions point out a major difficulty with linking the boat case to that of employment. The *gemara* just a page later states that if one hires a worker to water a field and it later rains that day, rendering the watering unnecessary, the workers are not owed any wages. Both of these Tosafists distinguish between the case of renting a boat and hiring an employee. In the boat case, the wine renter used the boat and it sank. The partial loss of the boat itself seals the deal. In the employee case, the employee suffered no loss besides the potential loss of income otherwise gained. It is on the basis of this opinion that the Mordechai argues the mail courtier of case #1 need not be paid. The mail carrier, in failing his mail delivery, thereby contributed

nothing to his employer and hence the Mordechai states that he need not be paid.

How are we to explain the focal point of this dispute between the Rashba and *Tosfos*? On the simplest level it seems to revolve around whether an agreement for employment binds both parties absent any result. To put it further, in normal purchases it is the item that is acquired. In contrast, with employment, the person themselves are not necessarily acquired but rather a goal is acquired. The basis for payment is not the contract obligating payment, but the real-world reality of fulfilment of the goal. An easy point in connection to the dispute is the famed question over the status of the worker himself. The *rishonim* disagree in their commentaries on the *gemara* whether the employer makes an acquisition of the employee. We might suggest that the dispute there parallels the dispute of the Rashba and *Tosfos*. To the opinion that employment consists of a partial acquisition of the employee, employment without fulfilment still retains inherent meaning because the employer acquires the employee with his employment. In contrast, to the opinion that employment does not result in the employer acquiring the employee properly, the only possible result of employment is its fulfilment.

A similar point might be seen in modern disputes over the status of one who pays another not to work. In such a case, is the do-nothing recipient an employee? The question has serious ramifications, chief of which is that most opinions consider the employer bound to pay the employee from the point the employee begins work, even without a formal act of *kinyan* normally needed to obligate payment. Many opinions argue that the person who is paid not to work is not an employee because he produces and does nothing. This is rejected by other opinions that maintain the act of employment itself is meaningful, even if it is done for no purpose.

The opinions of *Tosfos* that a worker who does not complete his goal need not be paid suffers a serious difficulty. This is pointed out by the *Hagahos Mordechai*, anonymous medieval comments written alongside the Mordechai. The *Hagahos Mordechai* points out that elsewhere in *Bava Metzia*, the *gemara* describes a case of workers who are sent by the Jews of a city to deliver the annual tax of the half *shekel* to the *Beis Hamikdash*. The *gemara* states that if the coins are stolen or lost enroute, the workers must swear they are not responsible. After it is made clear that the coin deliverers bear no responsibility, the *gemara* states that the deliverers are to be paid. The *Hagahos Mordechai* notes that this *gemara* seems to imply deliveries are paid even if they did not fulfill their mission, in contrast to the words of the Mordechai.

How can Mordechai respond to such a serious question? The whole basis of his approach is that if an employee cannot fulfill the task he need not be paid, a clear

contradiction to the case of the *shekalim* deliverers. Luckily for Mordechai, an answer is found in the *teshuvo*s of the Maharam of Rothenburg. The Maharam of Rothenburg states that the case of the lost *shekalim* is a case so unusual and out of the ordinary that the employees are to be paid. However, as for the mail carrier case, noble feuds were not too out of the ordinary, and hence the employee need not be paid.

The *Machane Efraim* notes that even to the opinion of the Rashba that a worker is to be paid even where he did not complete the task in question, that is only because the worker is able to do the work, but the employer is not able to supply the worker. That is not the case here. The mail carrier cannot pass the roadblock. He cannot deliver the mail. There is no getting past that fact. The *shekalim* deliveries can receive a new delivery of *shekalim* and be on their way. In contrast the mail carrier has nothing to offer, the roads are not passable. It is in this way that we may note the opinion of the Mordechai with respect to the case of the mail carrier is not necessarily contradictory to the earlier opinion of the Rashba. The *Nesivos Hamishpat*, in his commentaries on the *Shulchan Aruch*, rings a similar note to the *Machane Efraim*. In the *shekalim* case, the fault rested not with the deliverer of the *shekalim* and his ability, but with the coins themselves since they were lost. In the mail case, the mail carrier cannot travel his route.

To summarize, we have seen a contradiction in the *gemara* whether a worker ought to be paid for working even if the situation renders his work meaningless. We saw two cases that focus on variations of this theme. In the first, a mail carrier fails to deliver. And in the second case, a diplomatic aid is unable to serve his employer because of the ship being turned back. In order to examine this issue we saw two approaches to the issue of the employee whose work bears no fruit. The first approach, that of the Rashba, views the employer as being obligated to pay the employee as long as the employee could have otherwise carried out the task. As a result, the Rashba in case two ultimately required Abraham's heirs to compensate Ovadia. In contrast, the opinion of the Tosafists seems to be that an employer is not obligated to pay his employee absent real results from the work. *Tosfos's* opinion seems to explain the way the Mordechai resolved the first case, by arguing that the mail carrier was not entitled to any salary for his failure to give his employer any benefit. However, we noted that the *Machane Efraim* points out that even the Rashba would agree that in the mail carrier case, that mail carrier need not be paid since the mail carrier did not have the opportunity to deliver the route.

The Risks of Doing Business in the Napoleonic Wars (*Chasam Sofer* CM 156)

JOSHUA GLETTNER



Pressburg, 1809

"Halt!" The shout echoes across the stretch of the plains, and its intended listeners regard the words with some confusion. The wind has slurred the syllables, and the phrase is not understood.

Below on the plains, the intended listeners are two merchants and their employees, separated among a series of wagons that form a train. The head of the train, Mordechai Aberbrit, sits in the front wagon. In the wagon behind him is Heinrich Guerres. Both men, Pressburg merchants, are joined in financial partnership to supply the army, with a third partner, Avraham Moshe, staying behind in Pressburg to organize a second wagon train the next day.

The long series of wagons extend down the otherwise empty road. The ample time and bucolic silence lend a cheerful summer mood to the nearly romantic scene. Yet such cheer is perhaps misplaced, for these men are crossing the front lines to travel to Pest in order to supply the Austrian army. The cheery summer months began with a short series of Austrian victories against the French, but they ended with the French occupying Vienna and Pressburg, the result of a stunning series of victories by Napoleon. There is still hope that the Austrian army will join the battle once more, and the men know that another battle requires further supplies. The men's wagon train is intended as both a patriotic contribution and an exercise in profiteering.

Of course, supplies, as Mordechai and Heinrich understand it, are not the typical bread and butter. Instead, the men are bringing rifles and muskets in the thousand. In the previous weeks, the guns had been scavenged from the battlefields around Vienna by the Austrian peasants. But peasants can only accumulate on a one-by-one basis. These men do wholesale. They have sent agents all around the villages, buying up every gun in sight. And now, these merchants, in an inappropriately calm mood, have loaded their wagons to the top with every rifle in redeemable condition.

"Halt!" is shouted once more, and this time, the men in the wagons can see the speakers, a group of blue-uniformed cavalry on horseback, watching the procession from a nearby hill. For emphasis, one of the cavalymen fires his pistol in the air scaring the horses. They are the French, and it seems that Mordechai's wagons have found themselves on the far ends of the French advance across the Danube. They had expected some danger; they had traveled farther inland to avoid any French.

Mordechai turns to the wagon driver, "We ought to stop," he calls out to the other wagons, and the ox comes to a steady halt. Mordechai straightens his petticoat and hat and then leaps onto the soft ground from the wagon. The cavalymen now ride towards the wagons at a light gallop and position themselves in an arc blocking the road before the wagons.

Heinrich climbs out to join Mordechai, and both men walk towards the officer on horseback wearing the uniform of a Captain.

"What is your business?" the officer asks. Heinrich nervously turns to Mordechai, and Mordechai obliges, "We are a family from Pressburg traveling to our farm in the country."

"Yes?" responds the officer incredulously. "Don't see women or children" notes an orderly.

"Listen, officer, I can offer you good money," says Mordechai, but the officer shakes his head and whispers something to the orderly, who leads a few cavalymen to the first of the wagons.

Heinrich and Mordechai both attempt to project confidence, but the officer cannot fail to spot the shaking of both men's legs and the moist beads of sweat that roll down their foreheads and onto their cheeks. They can hear the banging and rustling of the French checking the cargo, and they know they are done for. To run is impossible; the horsemen can easily outpace them on foot.

Heinrich and Mordechai are tried and imprisoned by the French, and all their cargo is confiscated. The news makes its way back to Pressburg. The arrest of Heinrich and Mordechai and the confiscation of the shipment scared the inhabitants of Pressburg. Everyone knows that Avraham Moshe is involved. He is worried, the financial loss is immense, and he had invested the largest sum. How long can he avoid arrest? Even worse, his attic was full of muskets that were being prepared for shipment. The morning that Avraham Moshe hears of the news, he heads toward the nearest garrison. He tells the French officer that he has muskets he wants to donate to the French cause, that he has long been a French loyalist, and with that, he hands over all the muskets to the French, and any investigation against him stops.

Six months later, Heinrich and Mordechai are sentenced to death on the first day of Sukkos, but after offering an immense series of bribes, both men are released. Avraham Moshe demands the return of his investment from Heinrich and Mordechai. Mordechai responds that the sum was lost with the collapse of the partnership. Mordechai, in turn, sues Avraham Moshe for having given up the guns to the French and for the cost of getting out of prison. The case is brought to the Chasam Sofer, the Rav of Pressburg and the head of its yeshiva. The Chasam Sofer's response is recorded in his responsa.

The Chasam Sofer initially notes there is no issue with Avraham Moshe having handed over the weapons; Avraham Moshe was at mortal risk. On the opposite end, Avraham Moshe is not entitled to a return of the sums he invested because, as a partner, he has to bear an element of loss.

The chief relevant issue is whether Heinrich and Mordechai's cost of being free ought to be borne in part by Avraham Moshe. At this point, money cannot be paid out of the assets of the partnership because all of their merchandise has been confiscated. Rather, the question is whether Avraham Moshe ought to pay out of pocket.

As a general rule, partners are not obligated to free one another from imprisonment. Rabbeinu Asher, the Rosh (1250-1327), establishes this doctrine in a crucial responsa, opining that "partnerships have a financial obligation to one another's estates, but each person has the responsibility for protecting themselves and not the other partner." The Rosh, therefore, concludes that partners do not have fiduciary responsibility when we deal with the bodies of the partners themselves. A straight implication of this rule would imply that Avraham Moshe had no obligation to compensate Heinrich and Mordechai.

That may be true in the typical world of business. But the principle ought to change when the partners join a dangerous industry. The Chasam Sofer states that partners in arm-dealing during wartime enter the business with an assumption to pay for the likely risk of capture. The Chasam Sofer bolsters his suggestion by focusing on the *halachic* precedent of two robbers who form a partnership, a situation well tread in the world of responsa literature.

The situation of robber's partnerships is analyzed in the responsa of Rabbeinu Shlomo ben Aderes, the Rashba (1235-1310). The Rashba raises the case where one partner tells the other to rob on his behalf, offering to pay all potential legal expenses. The Rashba questions the efficacy of their arrangement. If the robber is caught, is the partner liable to pay the legal costs as per the terms of their deal? The Rashba insists that the non-thieving partner is not obligated to pay on the basis that *halacha* does not

recognize agency for criminal acts, a principle known as "there is no agent for sins" (*ein shaliach le'dvar aveira*). This Talmudic principle maintains that a criminal has sole responsibility for his criminal act. The Talmud explains the source of the principle, "To the words of the Master and the words of the Student, who should one hearken," thereby placing the ultimate onus on the doer. We must distinguish between two sources of liability for the partners. First, the partner ought to pay the robber since both individuals split the stolen merchandise. Second, the partner promised to pay all legal expenses for the robber.

The Rashba goes further to suggest that even if the other partner actually received part of the stolen loot, he nevertheless remains exempt, for he can say, "I intended to benefit from permitted items and not that which was stolen." In sum, the Rashba's view limits the liability of the partner not involved in the act, predicating his view on a rejection of a principle of agency in sin.

The Rashba's view is contradicted by the words of Rav Binyamin Zev of Arta, nicknamed the Binyamin Zev (sixteenth century). The Binyamin Zev describes a case where a member of a guild purchases an item that he splits up for each of the guildsmen. Lo and behold, the item had earlier been stolen from the home of a local nobleman. The original guildsman who had purchased the item realized this, and he asked his fellow partners to return the item. The other guildsmen refused and insisted that the purchaser pay for the expenses of the lawsuit with his own money. The purchaser pays off the nobleman, thereby averting catastrophe, and the purchaser, in turn, insists that the other guildsmen split up the cost of the settlement.

The Binyamin Zev determines the case in favor of the purchaser, obligating the guildsmen to pay their share of the settlement. He predicates his judgment on the principal that the partners are obligated to pay because they were "all shared for profit, so they are together for loss," a doctrine best exemplified by the Talmud's insistence that passengers on a sinking ship split up the weight of baggage they throw overboard to lighten the ship.

The Rama, Rav Moshe Isserles, quotes this ruling of the Binyamin Zev in his commentary, the *Darkei Moshe*. The Rama attacks the theory of the Binyamin Zev, arguing that shared benefit is not enough to create shared liability. In particular, the Rama bases his question off of the principle that if one partner deviates from his instructions, then the deviator bears all losses and splits all gains. On this basis, the Rama argues that the Binyamin Zev cannot be understood as rendering liability on the basis of a shared benefit. The Rama explains that the case of Binyamin Zev is where the other partner approved the act of the thief, so therefore, he bears the

burden of the loss as well.

The Rama quotes both the Rashba and the Binyamin Zev in his comments on the *Shulchan Aruch*, a seeming contradiction. The Rashba has no liability for one partner, even if this partner encouraged the other partner to steal while the Binyamin Zev predicates liability if the other person approves of the act. A series of commentators on the *Shulchan Aruch* attempt to resolve the contradiction between the two responses by making distinctions in the cases between both responsa.

Among the most influential of answers emerges in the words of Rabbi Yehoshua Falk (1555–1614), author of the commentary *Sefer Me'iras Enayim* (nicknamed the *Sma*). The *Sma* resolves the contradiction by explaining the Rashba in an unusual manner. Earlier, we had assumed that the Rashba intended to say that the non-robbing partner owed nothing to the robber. However, the *Sma* argues that the Rashba did not mean that the partner owed nothing to the other. Rather, the *Sma* suggests, the Rashba meant the partner did not need to fulfill his deal to pay all legal expenses. However, the *Sma* insists, the Rashba agreed that the partner is liable to pay half the legal expenses since they had both agreed to begin the partnership.

How does the *Sma* deal with the apparent difficulty that there is no agency for sin? At the basic level, the *Sma* may adopt a different interpretation of the principle, or alternatively, the *Sma* assumes that the partnership does not have to be based on the partners being agents for one another. The *Machane Efraim* explains that partnership is not based on the relationship of agency, but rather on each partner serving as an employee for one another. The *Machane Efraim* asserts that this personal status of being an employee overrides the ineffectiveness of agency in relation to sin. When one partner steals for the other, it is as if the first partner also stole, thereby obligating both partners in payment.

Rav Yaakov Reichler, the *Shvus Yaakov* (1670–1733), argues that two partners in thievery are made guarantors on one another, thereby obligating each in the expenses of the other. The previous approaches predicated the liability of the other partner by using variations of agency so that even the non-thieving partner is treated as if he himself robbed. The *Shvus Yaakov* in contrast, highlights the non-thieving partner's liability not because we treat both partners as thieves, but rather because the non-thieving partner accepted the liability for the theft upon himself by their shared receiving of benefit and loss.

In summary, the primary difficulty raised by the Rashba is that agency for sin thereby exempts one partner for the cost of his criminal behavior. There are two potential approaches to resolving the difficulty of the Rashba as per the approach of

the *Sma*; either viewing one partner as completely bound in a non-agency manner which would therefore treat both partners as accomplices (*Machane Efraim*), or rather than treat the partner as an accomplice, we do not view the other partner as an accomplice but merely one who agrees to be a guarantor for the criminals behavior (*Shvus Yaakov*).

We can suggest further that the distinction between these approaches depends on how we envision partnerships. The Rambam argues that two tradesmen are not bound by a partnership agreement because partnership agreements can only take effect on the existing assets of a partnership. *Halacha* does not recognize an act of acquisition on an item not in existence (*davar shelo ba l'olam*). In order to explain how a partnership can take effect, the Rambam views partnership as a shared acquisition on assets.

In contrast, the Raavad, Rabbi Avraham ben Dovid (1125-1198), firmly rejects the views of the Rambam with regards to partnership. "My rabbis rule that a man is able to make an acquisition on himself (to form a partnership) just as a slave may sell themselves." The Raavad views a partnership chiefly as an acquisition on the individuals proper rather than the assets of the partnerships; in essence going so far as to compare a partnership to individuals who establish themselves in a manner similar to slaves. We can understand the primary question as to whether a partnership ought to be understood as taking effect on the partner proper or on the assets of the partnership.

This dispute over the definition of a partnership is especially relevant to the dispute between the *Machane Efraim*. If we adopt the approach of the Raavad in viewing the partners as personally bound, then we can understand the *Machane Efraim*, that partners need no agency because they are considered full extensions of the other. In contrast, to the Rambam, the partnership is not on the partners proper and hence they have to be bound by agency, thereby raising the issue of the Rashba. In order to avoid the issue of the Rashba, one must adopt the approach of the *Shvus Yaakov*, that each partner is guarantor for one another. In essence, the view that sees partnership as based in the shared assets of the partners, therefore requires a separate legal tie to bind the partners to one another and make them liable for the theft.

This doctrine of the *Sma* explains the liability of two partners in crime for the expenses of their criminal activity. The Chasam Sofer therefore concludes that Avraham Moshe ought to be liable for Mordechai's costs to be freed from imprisonment. The Chasam Sofer understands the *Sma* to say that in each industry, the partners accept on one another the liability for common dangers. This is the case

in arms dealing in war, where dangers are prevalent. The Chasam Sofer's view of the "*Sma* Doctrine" seems to fall under the explanation of the *Shvus Yaakov*. How so? The Chasam Sofer seems to view the *Sma* as having varying implicit liabilities depending on the industry even where the nominal rules of partnership do not render one liable. Normally, the partners don't have a liability to contribute to the legal expenses of their partner if the partner steals, according to the rules of agency for sin. But the *Sma* nevertheless insists that the encouragement one partner provides to another renders both partners liable. Normally, in a partnership, neither partner has to ransom one another. Yet here too, the Chasam Sofer would understand the *Sma* to render the partners liable. According to the *Machane Efraim* explanation we suggested earlier, the normal rules of partnership apply, except that the *Machane Efraim* would see an override of the issue of agency for criminal behavior. Within that opinion, the fundamental structure of partnership is standard. In contrast, the Chasam Sofer seems to envision an entirely different rule book for partnership depending on the respective industry in which case we would assume a whole new set of conditions

However, the Chasam Sofer maintains that despite his doctrine, Avraham Moshe would not be liable. The Chasam Sofer points out that Mordechai behaved in a flagrantly negligent way which caused his imprisonment. While Avraham Moshe is liable for normal risk, that is not the case here. In particular, the Chasam Sofer calls into question the public manner in which the transaction was conducted—"Many people conducted business in armaments, but they were not put in danger. Even those businessmen who were jailed were quickly freed." What distinguished these successful arms dealers from Mordechai's flagrant failure? "These businessmen did not carry their merchandise across the border, but rather did business within the country and had the buyer carry the merchandise over the border and he would be in danger not the sellers." In contrast to them, Mordechai seems to have been fated for capture, for not only did he put himself on the line by carrying the forbidden merchandise, but rather "carried in public ceremony to the eyes of everyone, until the inhabitants of the community yelled and screamed like birds." In sum, the Chasam Sofer notes poignantly this extreme neglect had exacerbated the risk far beyond what the partners had agreed. The source of Mordechai's long imprisonment was Mordechai and therein, the costs were not to be split among the partners.

The Chasam Sofer ruled that Avraham Moshe was not liable for the long imprisonment of his partner on the basis that Mordechai had been negligent while fundamentally insisting that otherwise Avraham Moshe would be liable, on the basis of the comparison with a gang of criminals. This concept of liability within a gang is

evidently problematic and subject to a diverse series of disputes.

Yet this ruling was not to be the end of the long saga. The Chasam Sofer's grandson recounts in his retelling of the case that Avraham Moshe submitted the Chasam Sofer's ruling to a French court to ensure that Mordechai would not challenge it. This move proved foolish; the court quickly assessed that both Mordechai and Avraham Moshe were "thieves" and sentenced both men to court martial. In this instance, the Chasam Sofer was implicated as having supported traitors to France by having deigned to rule on the case that rested upon potential treason. Further suspicion was placed on the Chasam Sofer's Germanic heritage (he had grown up in Frankfurt). Ultimately, the court set to try the Chasam Sofer was headed by a French officer who had known the Chasam Sofer as a young man, and the Chasam Sofer was freed.

We can identify in the ruling of the Chasam Sofer the strict desire to maintain justice even in the great unsettling time of war. It is normal among all societies for the normal boundaries that divide man from his fellow to dissolve in the midst of war. The Chasam Sofer did not permit such an attitude of lawlessness to prevail but insisted on maintaining the laws of the Torah despite the evident risk. It is that will to do justice and insist on the right even where it is not easy that characterizes not only the Chasam Sofer, but also my late grandmother, Ellen Glettner, whose seventh *yahrzeit* fell this past year. She, like the Chasam Sofer, worked in Jewish communal organizations her whole life. She dedicated her life to the end to the service of a Jewish community, in particular through the intense traumatic saga of Soviet Jewry and their settlement in the United States. Despite the high stakes of her work she insisted throughout on the strict values of fairness in the ways she dealt with every individual. May this article be a tribute to her soul and may her *neshama* have an *aliya*.

Chanuka Torah from the Lolover Rebbe and Harav David Pinto

ADIV PACHTER



Physical and Spiritual *Mesiras Nefesh*

We know that the main goal of the *Yevanim* was to cause us to distance from Torah and *Ruchniyus*. On Chanuka we say in *Al HaNisim*, "... *lehashkicham Torasecha u'leha'aviram meichukei retzonecha* ..." On Chanuka, as opposed to Purim, our enemies did not seek to physically annihilate us. The focus was a spiritual attack. Interestingly though, the miraculous salvation on Chanuka was a physical one. We were victorious in the war of "*rabim b'yad me'atim* ..." In contrast, on Purim the decree against the Jewish nation was physical in nature; our enemies sought "*lehashmid leharog u'le'abeyd* ..." Even if the Jews would have, *chas veshalom*, forsaken their religion, our enemies would not have accepted us. Yet, the salvation on Purim came through by way of a spiritual manner; we fasted and cried. There was no physical war waged against Haman like we had by Chanuka with the *Yevanim*.

The Lolover Rebbe, in his *Sefer Birkas Moshe*, makes note of this contrast and teaches us an important take-away lesson; In order to bring about salvation for the Jewish people, we have to be ready and willing to be *moser nefesh* both physically and spiritually, depending on the need. We have to be *masiach daas* on the nature of the *gezeira* that we find ourselves looking to overcome. Many times, in the moment, we will analyze the type of hardship that we find ourselves in and we think that we know the best way to combat it. It seems logical that if the decree against us is physical, we should fight it in a physical manner. And vice versa, if the decree against us is spiritual, we should fight it in a spiritual manner. Comes Chanuka and Purim to teach us that we should not pay attention to the specifics of the decree against us; rather, in order

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to be *poel yeshuos* we have to be ready to make whatever sacrifices necessary, even if it seems counter intuitive.

Humility Opens the Door to Chachma

In *Al HaNissim* we say “*ravta es rivam, danta es dinam, nakamta es nikmasam, masarta giborim beyad chalashim, v'rabim b'yad me'atim... v'achar kach ba'u... v'hedliku neiros...*”

We experienced great miracles, yet with all of the great miracles Hashem bestowed upon us, we did not become haughty. This is the *diyuk* of the specific choice of words of *rabim b'yad me'atim*. We always held ourselves as *me'atim*. And it was because we achieved that level of humility that we merited the miracle of being able to light the *neiros* of Chanuka. The Lolofer Rebbe notes that *shemen* is a reference to *chachma*. The *pasuk* in *Iyov* 28:12 says “*vehachachma may'ein timza;*” the trait of humility, when a person holds himself to be *ein*; is what enables him to be able to receive *chachma*.

The Nes of the Hidden Oil Strengthened Emuna

The Lolofer Rebbe quotes the famous question of the *Beis Yosef*; why do we have eight days of Chanuka when there was enough oil to last for one day? The miracle was that the oil lasted for seven days, not eight days! He explains that Hashem revealed to the *kohen gadol* that there would come a time in the future when the *Yevanim* would defile all of the oil in the *Heichal* and as such there would not be any pure oil with which to light the *Menora*. So the *kohen gadol* preempted the “*refua* to the *maka*” and he hid one flask of pure oil so that when they found this oil they would be able to light the *Menora*. However, the Lolofer Rebbe asks, if Hashem revealed to the *kohen gadol* that there would be a time when there would not be any pure oil with which to light the *Menora*, why wouldn't the *kohen gadol* set aside enough oil to last the full eight days? Why did he only set aside oil for one day? He explains that the *kohen gadol* knew that during this time, the *Yevanim* would be attempting to eradicate any sparks of *emuna* that the people may have. So, the *kohen gadol* only prepared one flask of pure oil, so that Hashem would perform a miracle with this one flask of oil for it to last eight days, and thereby this miracle would strengthen the people's *emuna* in Hashem. Therefore, the first day is also included in the commemoration of miracle of Chanuka. Even though there was enough oil to last that first day, and as such there was no miracle with the oil on that first day, we celebrate and praise Hashem for revealing to the *kohen gadol* that there will be a time when the *Yevanim* would weaken our *emuna* and in order to combat that, the *kohen gadol* hid enough oil and Hashem performed a miracle with that oil to strengthen our *emuna*!

As Long as the Candle is Still Lit, We Can Still Fix

Rav Pinto quotes the famous *machlokes* between *Beis Hillel* and *Beis Shamai*. *Beis Shamai* says that we light eight candles on the first day and each day we light one less candle. *Beis Hillel* says that we light one candle on the first day and each subsequent day, we add a candle.

Elaborating on the opinion of *Beis Hillel*, Rav Pinto notes that *Chazal* say that the *Yevanim* entered into the *Heichal* of the *Beis Hamikdash* and placed an idol in every possible location that they could, with the goal to spread their *avoda zara*. Hashem then had mercy and sent the *Chashmonaim* to save *Klal Yisrael*. When they entered the *Beis Hamikdash* they spent eight days cleaning up the damage that the *Yevanim* made. During those eight days they rebuilt the *Mikdash* from new; in line with the opinion of *Beis Hillel*, each day they increased the *kedusha* and obliterated the *koach hatumah* from the *Yevanim*.

Rav Pinto raises a few questions. Why did the *Chashmonaim* need eight days to fix and rebuild the *Mikdash*? Wouldn't it have been possible and more efficient for them to bring more workers and in one day they could have successfully cleaned out the *tumah* and build the *Mizbeyach* anew?

He explains that the *tikun* of the *Mikdash* lasted the amount of time that the *neiros* were burning, for eight days. We learn a very important *yesod* that relates to the essence of our entire religion; “*kol zman she'haner dolek, efshar od lesaken.*” So long as the candle is lit, it is possible to fix.

He relays the story of Reb Yisrael of Salant who was walking in the street late at night when he saw the light on in the store of the shoemaker. He went into the store and asked the shoemaker why he was working so late. The shoemaker answered that he was fixing shoes by the light of the candle and as long as the light was lit he was able to sit by the light and fix the shoes. Reb Yisrael understood this deep lesson and took it to heart, teaching his students that so long as the *ner neshama* of man is lit, we can always fix anything that may be broken.

Rav Pinto explains that this is what the *Chashmonaim* were teaching us. So long as the candles in the *Mikdash* were lit through the *nes*, they continued fixing and rebuilding the *Beis Hamikdash*. They took the fact that the candles were still burning as a lesson and sign that there was still what to fix in the *Mikdash*.

Rav Pinto quotes the *gemara* in *Shabbos* 23b where Rav Huna says that someone who is *ragil b'ner* will be *zoche* to have *banim* who are *talmidei chachamim*.

He asks, why is the *zechus* specifically that someone who is meticulous in the mitzva of *neiros Chanuka* will merit children who are *talmidei chachamim*? Why

wouldn't the *zechus* be that he himself will merit to be a *talmid chacham*?! And furthermore, why is it specifically the *neiros Chanuka* that will enable you to merit children who are *talmidei chachamim*? Why do we not find the same by other *mitzvos*? Why don't we say that if someone keeps Shabbos or if we are careful with *chametz* on Pesach that we will merit children who are *talmidei chachamim*?

Rav Pinto notes that the root of the word Chanuka is from *chinuch*; teaching. In the time of the *Chashmonaim*, *Am Yisrael* was in grave spiritual danger. Many left the *Derech HaTorah* because they were corrupted by the culture of the *Yevanim*. The *Yevanim* had a mission to uproot the foundation of Jewish spirituality. They realized that the adults had built a strong foundation and that it would be more difficult to convince them to join their religion and their perverted ways. So, they made the focus of their target against the Jewish children. However, Hashem empowered Matisyahu and the *Chashmonaim* to prevail over the *Yevanim* and *Am Yisrael* was once again able to be *mechanech* their young children in the path of pure *ruchniyus* and *kedusha* in contrast to the *tumah* of the *Yevanim*.

From this, we see that the entire *chag* of Chanuka revolves around the importance of proper pure *chinuch* of the children of *Am Yisrael*.

A Lesson in *Zerizus* and in the Path to Lasting Growth

As noted above, Rav Pinto explains that the root of the name of Chanuka is from the word of *chinuch*; teaching. One lesson that Chanuka teaches us is to prioritize the pursuit of holiness and spirituality with alacrity, without delay. When the *Chashmonaim* entered into the *Beis Hamikdash* they immediately began looking for pure oil for them to be able to light the *Menora*. They had every excuse to first take a small rest from the war that they had just completed. But nevertheless, they set out on the search for pure oil to light the *Menora* because they knew the importance of lighting up the *Beis Hamikdash*.

When we begin educating our small children, we always start off by teaching them *Modeh Ani*. Afterwards, we progress to *Krias Shema* and *Shemone Esrei*. As they mature and get older, we teach them other, more advanced things. This is the *yesod* of how to properly acquire true lasting spirituality throughout our entire lives; small steps that build upon each other. Once a foundation is set, you can build a great amount on top of this strong foundation. We also can not be content with whatever we have learned and mastered. We always need to build upon what we have learned. Every day we should strive to learn more and increase our spiritual bank. This is the *chinuch* that Chanuka teaches us as *Beis Hillel* teaches us; each day we add upon the previous day!

The Deeper Meaning of *Chalash*

We thank Hashem in *Al HaNisim* for delivering the mighty into the hands of the weak. “*Masarta giborim b’yad chalashim.*” Rav Pinto poses the following question; Were Matisyahu and his children really considered weak?! The *midrash* actually says that their physical strength was beyond comprehension. It says that one of the generals of the *Yevanim* army said that even if they sent all of the strongest of their soldiers, they would still not be able to overpower the strength of Matisyahu. So, we see that they were truly *giborei chayil*. So, why do we call them *Chalashim*?

Rav Pinto explains that we need to understand the true meaning of *gibor* and *chalash*.

Chazal (*Sanhedrin* 26b) refer to Torah as *Tushia* because it weakens [*mateshes*] the strength of a person who engages in its study.

On the other hand, when we study Torah, we weaken the strength of the *yetzer hara* that is within us. This is what the *gemara* in *Kiddushin* (30b) says: I created the *yetzer hara* and I created the Torah as the antidote. When a person learns Torah the evil power that is within him is weakened. This is *pshat* in what we say in *Al HaNisim*; “*Masarta giborim b’yad chalashim,*” we were weak in the sense that the *yetzer hara* within us was weakened through our study of Torah and this is what enabled us to win the battle against the *Yevanim*.

Hakaras HaTov

ADIV PACHTER



The 6th volume of *Nitzachon* (Volume 4:1, 5777) was dedicated in memory of Rabbi Chaim Fasman *zt"l*. Before this past Rosh Hashana 5783, I received a letter from the Kollel Los Angeles with a *Dvar Torah* from Rav Shmuel Fasman *shlit"a*, Rav Chaim's son. In there he quotes that HaRav Uren Reich *shlit"a* related the following idea that he heard from his father in law, HaRav Shneur Kotler, *zt"l* on Yom Kippur.

When Dovid Hamelech was on his deathbed and about to leave this world, he issued parting instructions to his son, Shlomo. One of them was quite surprising. Dovid instructed Shlomo Hamelech to see to it that Barzilai HaGiladi will always be a guest at his meals.

Who was Barzilai? *Chazal* in *Shabbos* 152a describe him in very unfavorable terms, and in fact, Barzilai had previously turned down a similar offer from Dovid Hamelech himself, for the most trivial of reasons. Why then was it so important to Dovid HaMelech that his son Shlomo invite this lowly individual to his table?

Rav Shnuer explained: Dovid was imparting a timeless lesson to his son.

You, Shlomo, are seeing me now, *b'kvodo shel olam*. I am the universally accepted king over all of *Klal Yisrael*, enjoying the power, respect, wealth, befitting a king.

Bear in mind that it was not always so. There was once a time that I was persecuted, despised and humiliated. During that painful period, there were very few who sided, supported and encouraged me. Barzilai was from the select few who stepped forth and put himself out for me (see *Shmuel* II 17:27-29) To such a person, I am eternally indebted, despite his shortcomings.

I heard the following *Dvar Torah* from Rabbi Yaakov Vosoghi.

In *Parshas Haazinu*, Hashem spoke to Moshe Rabeinu *b'etzem hayom hazeh*. He said: You will die there the same way Aaron died through the kiss of death.

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Rashi quotes the *midrash* and says there are three places in the Torah where it uses the word *b'etzem hayom hazeh*, on that actual day:

1. When Noach was about to enter the *Teiva*: The people of the generation wanted to stop Noach from going into the *Teiva*. They wanted to take axes and weapons and destroy it. Hashem said I will see, in broad daylight, on that actual day, and whoever wants to protest, let's see if you can stop him. They tried to stop Noach from going into the *Teiva*.
2. *Yetzias Mitzrayim*: When *Bnei Yisrael* were leaving, the Mitzrim said the same thing. The Jews are trying to leave? No, we will not let them, we will take our weapons and we will kill them. Hashem said let's see who wins. He commanded *b'etzem hayom hazeh* that the Jews should celebrate for *doros* that they left during daylight.
3. Moshe's Death: *Klal Yisrael* were saying that once they sensed that Moshe will die, we will not let that happen. The man who took us out of *Mitzrayim* and split the *yam suf* and brought down the *manna*, and gave us food and water, and gave us the Torah, cannot be allowed to die. So, Hashem did it *b'etzem hayom hazeh*.

In each instance, someone wanted to try to stop something that Hashem wanted to happen and Hashem said let's see you stop it. Let's see who wins, let's see who is right!

The *midrash* begs the following question: Does the third example make any sense? The first two are understandable. In their minds they can try to use force with weapons, But how do you stop Moshe from dying?!

Rav Chaim Schmulevitz asks this question. What was *Klal Yisrael* thinking when they said that they wanted to stop Moshe from dying!? If death is supposed to come, no man can stop that. In fact, it seems that Hashem had to do miracles to have Moshe die, just like the first two cases in the *midrash*. Apparently, *Klal Yisrael* had the power to potentially stop it had it not been for Hashem stepping in.

A *tefila* injected with *hakaras hatov* is the most powerful atomic prayer that we have. *Klal Yisrael* thought that through their *hakaras hatov tefila* they could stop Moshe Rabeinu from dying.

Rav Noach Weinberg, asks, so why didn't it work? What happened? They had the super *hakaras hatov*-backed *tefila*!!

He explains that throughout all the years that Moshe Rabeinu helped them, they never once before felt the need to express their *hakaras hatov* to him. Throughout the years in the *midbar* there were constant complaints. As the *midrash* describes *Klal Yisrael's* reaction, once they sensed that Moshe Rabbeinu would die, then,

they prayed for him. They waited until the day of his death. Hashem says you didn't appreciate him your entire life!! You waited until the day that he died to *daven* for him? Sometimes it is too late! We don't appreciate what we have until *chas v'shalom* it is taken away. We shouldn't have to wait for Hashem to take anything away to realize the *bracha* that we have in our lives.

The *be'er* of Miriam dried up once she died. They only realized once she died. They didn't realize that the entire *Klal Yisrael* was being sustained by the water of the well of this *tzadekes*. They only started appreciating this once she passed away.

By the *bracha* of *Modim*, you are not *yotzei* with the *shaliach tzibur*. Everyone has to say *Modim* because you can not be *yotzei* thanking Hashem through a *shaliach*. You have to thank Hashem personally.

May we merit to reflect on the level of appreciation we have for the myriad *brachos* in our lives and never take them for granted.

Insights into *Bereishis* from the Sfas Emes of Brazzan

ADIV PACHTER



Insight into *U'Nesaneh Tokef* from the Beginning and End of the Torah

The Sfas Emes of Brazzan explains that the Torah ends with the words *L'einey kol Yisrael*. The *roshei teivos* (first letters) of these three words spell KLI. The word KLI also serves as the *roshei teivos* for the *pasuk* in *Devarim* 21:8 which says *Kaper l'amcha Yisrael*. Taking the end of the Torah (KLI) and linking it to the beginning of the Torah with the letter *Beis* for *Bereishis* we get the *roshei teivos* of what we say in the *U'Nesaneh Tokef tefila* that we say on the *Yomim Noraim*: *Ki lo yizke b'Einecha*.

The Sfas Emes of Brazzan explains that this is hinting to the fact that the Torah is beseeching Hashem that if *chas v'shalom* we are not worthy, if we are not *zoche* to upstand His judgement, Hashem should nevertheless find favor in His Eyes for the Jewish People. And the way for us to merit this favorable judgment even when we are not worthy is through the *koach* and *zechus* of the Holy Torah that is called *Reishis*.

The Torah was Given for ALL Generations

Dovid HaMelech says in *Tehilim* 102:19: "*Tikasev zos ledor acharon*," May this be written down for a coming generation. *Chazal* explain that this is a reference to Torah that was given for all generations. The Sfas Emes of Brazzan says that this is why the Torah starts out with the word *bereishis*: The *gematria* of *bereishis* is 913 (2, 200, 1, 300, 10, 400 = 913): this is the same *gematria* as *zos* (7,1,400 = 408) *ledor* (30,4,6,200 = 240) *acharon* (1,8,200,6,50 = 265): 408+240+265=913.

Torah Straightens our Hearts to Go in the *Derech Hashem*

The Torah is called *yishrei lev* because learning Torah straightens the heart of a person to go in the *derech hayashar*, the straight path. This is why the Torah starts with a *beis*

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and ends with a *lamed*, because learning Torah straightens the heart.

Someone who learns Torah is called *yashar* and merits true happiness. This is what Dovid HaMelech said in *Tehilim* 19:9, “*pekudey Hashem yeshtarim, mesamchey lev*,” “The precepts of Hashem are just, rejoicing the heart...” He also says in *Tehilim* 119:32: “*derech mitzvosecha arutz, ki tarchiv libi*,” I eagerly pursue Your commandments, for You broaden my heart (understanding). This is why the Torah starts with the word *bereishis*, as the *gematria* of *bereishis* is 913 (2, 200, 1, 300, 10, 400 = 913) which has the same numerical value as *yeshtarim* (10, 300, 200, 10, 40 = 560) *simcha* (300, 40, 8, 5 = 353).

The Importance of Making our Makom Torah our Makom Tefila

The Sfas Emes of Brazzan notes the connection between *limud HaTorah* and our *davening*. He quotes the *gemara* in *Brachos* 8a which says that despite the fact that Rabbi Ami and Rabbi Asi had thirteen shuls in Tiveria, they would only pray between the pillars where they studied. This comes to teach us that our *makom Torah*, the place where we learn Torah, is *mesugal* for our *tefilos* to be accepted by Hashem. This is hinted to by the fact that the Torah begins with the letter *beis*, which is *roshei teivos* for the *pasuk* in *Yishaya* 56:7, “*beis tefila yikra*,” Where should be establish our *makom tefila* so that our *tefilos* will be accepted? Specifically, in our *makom Torah*!

Sur Meyra V'asei Tov: What we need to do BEFORE Proclaiming that Hashem Made the Heavens

The *pasuk* in *Tehilim* 96:5 says: “All the gods of the peoples are mere idols, but Hashem made the heavens. The Sfas Emes of Brazzan quotes the *pasuk* in *Tehilim* 34:15 which will help explain this *pasuk* in *perek* 96. The *pasuk* in *perek* 34 says “*sur meyra v'asei tov*.” First and foremost we have to rid ourselves of any evil forces that may bring us down and then we can pursue *tov*! We do this so that the evil forces will not have any *achiza* on the good that we intend to do. The Sfas Emes explains: When it comes to recognizing Hashem, we first need to establish the fact that all gods of the nations are idols: once we set that groundwork, we can enter into *kedusha* and proclaim that Hashem made the heavens. This is all hinted to in the first letter of the Torah which is *beis*: *Beis* is the *gematria* of 412: this is the same *gematria* as the words in the *pasuk* in *Tehilim* in 96:5: “*ki (30) kol (50) elohei (46) ha'amim (165) elilim (121) ...*”

The Key to Tap into the Bracha of Hashem

The *pasuk* in *Devarim* 28:2 says: “*U'va'u eilecha kol habrachos ha'eile v'hisigucha ki sishma b'kol Hashem Elokecha*.” All of these blessings will come upon you and overtake

you, if you listen to the voice of Hashem your God. The Sfas Emes of Brazzan explains that the first letter of the Torah starts with a *Beis*, a reference to *bracha*. And when you spell out the letter *beis*, it stands for the *roshei teivos* of *Tishma B'Kol Hashem*. When we delve into the Torah it will guide us on the path to listen to the Voice of Hashem and in that is where we will find the way to tap into all of the *brachos* of Hashem.

Torah Unleashes *Bracha* in All of our Undertakings

The *pasuk* in *Devarim* 28:8 says: “*Yitzav Hashem itcha es habracha b’asamecha u’vechol mishlach yadecha.*” Hashem will command the blessing for you in your storehouses and your every undertaking. The Sfas Emes of Brazzan explains that the first letter of the Torah starts with a *beis*, a reference to *bracha*. And when you spell out the letter *beis* (*gematria* of 412) it has the same *gematria* as *mishlach* ($40+300+30+8= 378$) *yadecha* ($10+4+20=34$) : $378+34= 412$. When we delve into the Torah we will merit to have *bracha* in all of our undertakings.

Learning Torah with Others Brings the *Shechina* into our Lives

The Sfas Emes of Brazzan quotes the *gemara* in *Brachos* 63b.

פתח רבי יהודה בכבוד תורה ודרש: “הסכת ושמע ישראל היום הזה נהיית לעם.
Rabbi Yehuda began to speak in honor of Torah and taught: When Moses took leave of Israel on his last day in this world, he said in Devarim 27:9, “Keep silence [haskeis] and hear, Yisrael: this day you have become a people to Hashem Elokecha.”

The *gemara* goes on and interprets the word *haskeis* in this *pasuk* as an acronym of the words *asu* (make) and *kat* (group.) This means to teach us to form (*asu*) many groups (*kitos*) and study Torah, because the Torah is only acquired when we learn in a group. This is like the opinion of Rav Yosi, the son of Rav Chanina who said: What is the meaning of that which is written in the *pasuk* in *Yirmiyahu* 50:36: “A sword is upon the boasters (*habaddim*), and they shall become fools”? The *gemara* says that a sword upon the “enemies of Torah scholars” (a euphemism for the Torah scholars themselves) who sit alone (*bad bevad*) and study Torah.

The Sfas Emes then goes on to quote the *Mishna* in *Avos* 3:42 which says that the *Shechina* rests among two people who study Torah together.

Before tying it all together, he quotes the *gemara* in *Pesachim* 54a which says that there are several things that were created before the world was created and the first one on the list in the *gemara* is the Torah. After quoting this *gemara*, the Sfas Emes notes that even though the Torah was created before the world was created,

it did not come into the realm of *Torah Sheb'ksav* until *Hakadosh Baruch Hu* taught it to Moshe Rabeinu. Only when Hashem and Moshe learned the Torah together was it able to be written into words. This is hinted to by the fact that the Torah starts with the letter *Beis*, which teaches us this concept that there is a special *inyan* for Torah to be learned by two and in a group.

Furthermore, when you spell out the letter *beis* (*gematria* of 412) it has the same *gematria* as *vayakshev* ($10+100+300+2=412$). This is a word in a *pasuk* in *Malachi* 3:16 which says: "In this vein have those who fear Hashem been talking to one another. Hashem has heard and noted it, and a scroll of remembrance has been written at Hashem's behest concerning those who fear Hashem and esteem the Holy Name." When there are people talking together in fear of Hashem (i.e. learning together), then Hashem is present and hears the dialogue. This continues the theme of the *inyan* to learn Torah together with others.