



# ניצחון

NITZACHON

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Adas Torah Journal of Torah Ideas

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לעילוי נשמות

צבי יצחק הכהן • שיינא בת הינך

פייא בת דוד יהודה לייב • רחל בת דוד יהודה לייב

ליבע טילא בת אריה לייב • שמואל שמעלקא בן משה

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**Nitzachon**

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## Editors' Preface

It's a great pleasure to see our *kehilla* produce its twentieth volume of *Nitzachon*. In the ten years since the first volume, our shul has *baruch Hashem* seen tremendous growth both in numbers and in *ruchniyus*, Torah, *avoda*, and *gemilus chasadim*.

The events in the world around us remind us constantly that we are still in *galus*, and with Purim at our doorstep, we are comforted by the idea, epitomized by the story of the *megilla*, that *Hakadosh Baruch Hu* silently guides the ongoings of the world, *lev melachim v'sarim b'yad Hashem*.

What characterizes our *galus* is that the Jewish people may be spread all throughout the world; we may speak different languages, wear different clothes, and eat different foods. But what binds us together is solely our connection to Hashem through the *Torah Hakedosha*. *Ein shiyur rak ha-Torah ha-zos*. And because of this, *Am Yisrael* are at their strongest when we focus on the Torah which connects us; when we not only learn Torah, but also share the Torah with one another. The authors featured in this volume have done just that. They have taken the time not just to learn *divrei Torah*, but to put their pen to paper and make an effort to share their thoughts and ideas with us. And by reading and pondering and discussing their Torah, we strengthen the bond of *Klal Yisrael*.

Much of our thoughts of late have been on the wellbeing of *acheinu yoshvei Eretz Yisrael* during a time of war. *Eretz Yisrael* plays a central role in many areas of *halacha* and *hashkafa*, and we are proud to feature a section in this volume devoted to *inyanei Eretz Yisrael*. In the *zechus* of this Torah, may Hashem grant *shalom v'shalva* to our brethren in *Eretz Yisrael*, and may we join them soon for the *geula sh'leima*.

**Michael Kleinman • Yaakov Siegel • Yaakov Rich • Steve Kirschenbaum**



# Dedication



Except for one person, each of the people named on the front cover passed away in Nissan just before and after Pesach (9 Nissan, 14 Nissan, 23 Nissan) and the days just before Shavuos (2 Sivan, 4 Sivan). רחל בת דוד יהודה לייב was *nifteres* on an unknown date as she and her sister and niece were fleeing/seeking the relative safety of a displaced person's camp following the end of WWII. She was buried on the side of the road somewhere between Siberia and Poland for lack of any option to have a proper burial, and there is no way to identify where it was in order to recover her body.

It was an uncertain time and there are echoes of that uncertainty in today's world news and experience. The only certainty is *hakol b'ydei Shamayim* (everything is in Hashem's control), and we have the hope that comes from awareness of at least a few powerful statements throughout the Torah:

- In *Bereishis* 18:14 Hashem told Avraham "*Hayipalei mei'Hashem davar*, is anything of wonder beyond Hashem?"
- In *Shemos* 14:13, Moshe told *Bnei Yisrael* "*Hisyatzvu u'reu es yeshuas Hashem*, stand in knowledge and see the salvation of Hashem.
- We cry out to Hashem at the end of *Megillas Eicha*, "*Hashiveinu Hashem eilecha v'nashuva, chadesh yameinu k'kedem*, bring us back, Hashem, to You, and we shall return; renew our days as as of old."

This edition of the journal should be a powerful *zechus* for the *neshamos* of each of these individuals, and a source of *Geula* for each of us still in this world, and all of us seeking true unlimited life.

## לעילוי נשמות

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Dedicated by their family





In honor of Adas Torah,  
the 20th issue of *Nitzachon*  
and the Torah it spreads.

With special thanks to  
Rabbi and Mrs. Revah.

In the *zechus* of a *refua shleima* for  
Gita Rivka Bas Chaya Risa,  
And for the safe return of all the  
hostages, soldiers, and injured.



*Joey and Tracey Goldstein*  
*and Family*

In Memory of our Dear Parents

**Sydney Kleinman • שמואל בן יצחק ע"ה**

On his 28th Yahrzeit, 6 Nissan

**Ilse Kleinman • חנה בת באנדאט ע"ה**

On her 12th Yahrzeit, 3 Iyar

**Effie Gross • אפרים בן אליהו ליב ע"ה**

On his 23rd Yahrzeit, 3 Nissan

In Memory of our Beloved

**Dr. Ronald Kleinman • ראובן ליב בן יצחק ע"ה**

On his 25th Yahrzeit, 16 Tammuz

**Evie Kleinman • חוה בת אברהם ע"ה**

On her 9th Yahrzeit, 28 Nissan

**Helga Herling • הנדא בת באנדאט ע"ה**

On her 2nd Yahrzeit, 14 Sivan

May the inspiration from this journal be a  
*zechus* for their *neshamos*



*Lestey and Brian Kleinman*

Dedicated in Loving Memory of

**Jacob Siegel**

יעקב בן צבי הלוי

**Rose Siegel**

שרה ראסא בת רפאל

**Manfred Raphael Lehmann**

רב מנשה רפאל בן החבר ר' חיים ופייגא

**Sara Anne Lehmann**

שרה בת ר' יצחק משולם פייש וחיה חנה איידל

**Jamie Lehmann**

חיים מנחם בן ר' מנשה רפאל ושרה



*Yitzchok and Barbara Lehmann*

*Siegel and Family*

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

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



*Alan and Marilyn Rich*

# Rosh V'rishon



Rabbi Dovid Revah

Rabbi Yisroel Casen



Rabbi Yisroel Gordon

Rabbi Avrohom Yechiel Hirschman

- Guest Contributor -

Rabbi Daniel Grama

- Guest Contributor -



# Without a Drought: Using Umbrellas on Shabbos

RABBI DOVID REVAH



Umbrellas have been around for thousands of years,<sup>1</sup> but use of the modern foldable umbrella only began in the early 1700's. Soon after umbrellas became popular, we find much discussion in the *poskim* about using an umbrella on Shabbos. The first *teshuva* about umbrellas was written around 1750 by Rav Dovid Pardo.<sup>2</sup> Responding to an argument in the *Bais Medrash* about using an umbrella on Shabbos, he concludes that they are forbidden. Following Rav Pardo, the Noda Beyehuda<sup>3</sup> in 1783 also ruled that they are forbidden, possibly even being an *issur m'deoraisa*. However, not all the *poskim* forbade using umbrellas on Shabbos. The Chasam Sofer<sup>4</sup> wrote that many people used them in Pressburg, and he did not feel the need to stop them. The Chazon Ish<sup>5</sup> disagreed with the reasons of those who forbade umbrellas, although he says that they are forbidden for other reasons.<sup>6</sup>

The discussion about an umbrella on Shabbos centers around the prohibition of making an *ohel arai*, a temporary tent-like structure<sup>7</sup>. One of the thirty-nine *melachos*

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1 Umbrellas were used primarily to protect from the sun. In the 1700's, the material was made waterproof and they began to be used for rain.

2 *Shu"t Mechtam L'David* OC 1

3 *Noda Beyehuda Tinyana* OC 30

4 *Shu"t Chasam Sofer* OC 72. Most of the *teshuva* is disagreeing with the Noda Beyehuda who says that it is an *issur m'deoraisa*. He says that it is probably not even an *issur m'derabbanan*, and since the people in his city would ask a non-Jew to open them he allowed it.

5 *Chazon Ish Hilchos Shabbos* 52:6

6 In practice, the *Chayei Adam*, *Mishna Brura* and *Aruch Hashulchan* all forbid using an umbrella, and that is the accepted *halacha*.

7 The possibility of permitting an umbrella on Shabbos assumes that there is an *eruv*. Everyone would agree that an umbrella could not be used in a place where you cannot carry.

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

on Shabbos is *boneh*, building, and a *tolda* of *boneh* is *asiyas ohel*, making a tent. Making a permanent tent would be an *issur m'deoraisa*, while making a temporary tent would be *assur mi'derabanan*. The question would be – is raising an umbrella over my head considered to be constructing a tent?

Rav Pardo cites a proof that an umbrella should be viewed as a tent. The *gemara* in *Shabbos* 138b says that it is forbidden to wear a wide-brimmed<sup>8</sup> sun hat on Shabbos. Since the brim is made to provide shade, wearing such a hat would be considered making a tent. The *gemara* asks: if so, how can one wear a coat with a hood? The *gemara* explains the difference, that the hat is tightly fitted, while the hood is not. The *rishonim* have two opinions how to understand the *gemara*. Rabbeinu Chananel says that the hat brim is stiff, so it is considered a roof and a tent-like structure. A coat hood is made of material which is not stiff, so even if it temporarily protrudes beyond the head, it is not similar to a tent. However, Rashi says that the *gemara* is retracting the reason for the prohibition of a sunhat. Neither a hood nor a hat is tent-like, and a hat is not forbidden because of *ohel*, but rather for a new reason. Since a hat does not fit tightly on one's head, it may blow off and one may end up carrying it on Shabbos.

Rav Pardo argues that according to Rabbeinu Chananel, if wearing a hat is considered to be making a tent, certainly an umbrella would be prohibited. He adds that even according to the opinion of Rashi, who says that according to the conclusion of the *gemara*, a hat is not considered to be an *ohel*, an umbrella would still be one. The *gemara* only retracted because it compared a hat to a hood. A hood is not an *ohel*, because it is perceived as part of one's clothing, not a separate tent-like structure. However, an umbrella, which is not considered clothing, would be a tent, as the *gemara* initially thought that a hat would be.

The Chazon Ish brings a proof from another *gemara* to permit umbrellas.

מטא כסא טרסקל ואסלא מותר לנטותן לכתחילה בשבת.

*It is permitted to spread out a bed, a folding chair or a folding seat on Shabbos. (Shabbos 138a)*

The *gemara* says a bed which is standing on its side may be placed down on its feet. Although one is creating a covered space under the bed, which could be considered an *ohel*, it is still permitted. The reason is that since the bed was already made, putting it into its place is not perceived as an act of construction. Furthermore,

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<sup>8</sup> A brim the width of a *tefach* – about 3-4 inches. The hats worn these days to shul are permitted, even if the brim is wider than a *tefach*, since they are not meant to create shade.



you can open a folding chair, despite the fact that you are creating an *ohel* underneath the chair. This is permitted even though you are doing more than turning the chair on its side, because the chair is already made and opening it is not viewed as an act of construction. The Chazon Ish argues that carrying an open umbrella should be the same as straightening out a bed, and to open an umbrella should be the same as opening a folding chair. Since everything is already in place, there is no act of construction on Shabbos.

Both Rav Pardo and the Noda Beyehuda address this *gemara* and disagree with the Chazon Ish's comparison. They state that there are two types of tents which are prohibited. The first is when you are making a roof to protect the space underneath it, whether from sun or rain. The second type of tent is when you are not focused on the space underneath, but rather on the space above. When you are spreading out a bed or opening a folding chair, it is only inadvertently that you have created a tent underneath the bed and chair, but this was not your intention.<sup>9</sup> They say that only in the second type of *ohel* do we find the leniency that something that is already made is permitted. But when you are intending to create the space underneath, it is forbidden even if the parts of the *ohel* are already made, and all that is needed is to unfold it. They prove this from the *gemara* that says that a hat could be an *ohel* even though it is all already made. We see that when you intend to make a roof, it is forbidden even if there is no construction involved. An umbrella clearly falls into the first category, as it is intended to protect the person underneath. Therefore, it cannot be compared to a bed and a folding chair, and it would not have the leniency of the *gemara*.

The Chazon Ish points out that this answer is contradicted by the Magen Avraham (OC 315:8) who says that it would be permitted to open a *chuppa* on Shabbos even though you are creating an *ohel*. This is because the cover is already attached to the poles and all you are doing is unfolding the *chuppa*, and it is similar to opening a folding chair. We see that the Magen Avraham extends the *heter* of a chair to all types of *ohalim*, even when you are using the space underneath.<sup>10</sup> The Noda Beyehuda addresses this and says that a *chuppa* is not meant to create a space underneath. It is

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9 The *rishonim* say that when you don't intend to create a space underneath, the halacha is more lenient. According to *Tosfos*, if you make a roof for the use of the space underneath, it is prohibited even if there are no walls. However, if you are not making it for the space underneath, it is only prohibited if you also make the walls. For example, it would be prohibited to spread a tarp on some poles to protect from the sun but it is permitted to put a board on some poles to make a table.

10 Although a *chuppa* is not meant to protect from rain, it is meant to create a space underneath, and would be a similar type of *ohel*.

just spread out as a sign that there is something significant happening and it would be compared to the case of a chair and a bed, where the *ohel* is only created inadvertently.

The answer of the Noda Beyhuda is somewhat difficult. A *chuppa* at a wedding is meant to create a place for a *choson* and *kalla* and is not just a symbol.<sup>11</sup> In addition, the Mishna Berura<sup>12</sup> clearly allows opening a premade *chuppa*, even if you intend to use it to protect the space underneath, while he also prohibits umbrellas.<sup>13</sup> We are left with two *gemaras* which seem to contradict each other. On the one hand, the *gemara* says that wearing a hat could be forbidden because it may be an *ohel*. On the other hand, the *gemara* says that spreading out a fully constructed *ohel* is permitted. What is the difference between a hat and a folding chair? If we can answer this, we can determine whether an umbrella should be forbidden or not.

An *ohel* consists of two parts, a roof and something that supports the roof. This may be actual walls or just some poles.<sup>14</sup> However, a roof without any walls is not considered an *ohel*. For example, a frisbee flying through the air would in no way be an *ohel*.<sup>15</sup> Although there is a roof there are no walls. If so, for a hat to be an *ohel*, there must be a roof and a support. The hat is the roof but where are the supports? It must be that the *gemara* considers the person himself as the support of the *ohel*. By placing a hat on one's head, one has constructed an *ohel* consisting of the person and the roof. We can now understand why a hat is not compared to the case of a folding chair. With the chair, the roof and the sides are already attached. The prohibition of *ohel* is a prohibition of construction. Since the entire *ohel* is already made, there is no act of construction. However, a hat is only the roof of the *ohel*. By placing it on one's head, one has attached the roof to its supports, which is an act of construction.<sup>16</sup>

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11 The Magen Avraham never said why they were opening a *chuppa* on Shabbos. Likely it was not for a wedding since we don't get married on Shabbos. If so, it may just be to demonstrate that something significant is happening and it was not meant to create a space underneath.

12 *Sha'ar Hatziun* 315:35

13 *Biur Halacha* 315:8. The Mishna Berura does say that the umbrella is forbidden because it involves more than unfolding, and it requires some supporting of the roof after unfolding it. According to this, our umbrellas which only need to be unfolded may be different. However, the earlier *teshuvos* do not seem to stress this point, and they compare umbrellas to a hat which is forbidden even though it does not need any additional construction.

14 As mentioned above, there is a difference in *halacha* if an *ohel* is made with walls or just supports.

15 This point is made by the Chasam Sofer.

16 It would be permitted to place a hat on the ground to protect something under the hat. In that case the top of the hat serves as the roof and the side serve as the walls. If so, the entire *ohel* is already made and there is no act of construction. However, when one places a hat on his head, the entire hat is the roof and the person is the supports holding it up. This would be an act of construction.

Based on this understanding, we cannot compare an umbrella to a folding chair. Like a hat, the umbrella needs a support to hold it up. Holding an umbrella, whether it was opened before Shabbos or on Shabbos, would be attaching a roof (the umbrella) to a pole (the person) and would be an act of construction.

However, the *Beis Meir*<sup>17</sup> (OC 315) suggests a strong argument to permit an umbrella. The *Beis Meir* proves that one is allowed to hold up something in his hands to protect himself from the sun or the rain.<sup>18</sup> If one holds up a book to shade himself from the sun, we do not perceive the book and the person as an *ohel*. If so, an umbrella should also be permitted. However, the *Beis Meir* notes that a hat is still prohibited as an *ohel*. What is the difference between a hat, and something held in your hands? The *Beis Meir* says that a hat is left on one's head and doesn't need the person to be actively holding it up, and so could be considered a *ohel*, but something which requires one to constantly hold on to it is not. Based on this understanding, he says that an umbrella, which requires the person to hold it in place, would not be an *ohel* and would be permitted. Those who forbid an umbrella would disagree. They would say that an umbrella has a shaft or a stick and is designed to be held up, and so would be perceived as an *ohel*, with the umbrella acting as the roof and the person as the support. By picking up the umbrella, one has constructed an *ohel*, whereas holding something makeshift over one's head is not.

Although the *teshuvos* have strong arguments either way, three of the *gedolei haposkim* – the *Chayei Adam* (42:6), the *Mishna Berura* and the *Aruch Hashulchan* prohibit umbrellas and that has become the accepted *halacha*.

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<sup>17</sup> By Rav Meir Pozner, published in 1787.

<sup>18</sup> The *gemara* permits making a temporary *ohel* if a *shinui* is used. The *gemara* says that the *shinui* would be to first build the roof and afterwards the supports. This is done by having people hold the roof in place and having someone slip the supports or walls underneath. The *Beis Meir* says that if holding a roof is already considered an *ohel*, this could not be a permitted *shinui*, since even holding the roof up is already prohibited. It is clear that an *ohel* held in your hands is not prohibited.



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# Outsourcing *Mitzvos*: Can the Housekeeper Clean for Pesach?

RABBI YISROEL CASEN



With Pesach rapidly approaching, many of us face a daunting task. Entire homes must be cleaned from top to bottom, kitchens must be cleaned, *kashered* and made usable for Pesach. Cars, offices, and playrooms must all be purged of *chametz*. This is before the actual *yom tov* preparations begin. It is a large undertaking, and one that challenges even the most seasoned of “Pesach-makers.” As with any gargantuan task, delegation is key. This is not a job for a single person alone, everyone in the family must pitch in to make the “*Pesachdig*” home a reality. In many families, housekeepers/cleaning ladies/home staff are tasked with assisting in the Pesach-cleaning process. For many people, this is necessary assistance, as they would be unable to complete this process without help. For others, delegating is more of a time-saving device; they most likely could complete the task themselves but this would mean beginning this process much earlier in the runup to Pesach. While certainly an accepted practice, it begs the question whether delegating to cleaning staff is appropriate. When an individual has the ability to perform a *mitzva*, it is a serious responsibility. Is delegating it to others possibly a shirking of this duty?

Admittedly, some *mitzvos* can and are performed by others on behalf of the *mitzva* observer. For example, when a baby boy is born, it is the responsibility of his father to ensure he is circumcised. Most new fathers lack the skill or are simply reticent to perform a *bris mila* on their child, and outsource the act of the *mitzva* to a trained *mohel*. Prior to the ceremony, the father verbally assigns the task to the *mohel*, ensuring that the *mohel* will be performing the *mitzva* on his behalf. By using the concept of *shelichus*, agency, the father accomplishes the *mitzva* through the actions of the agent. Although the agent performs the act of the *mitzva*, the resultant *mitzva* accomplishment is credited to the father. Other *mitzvos*, however, such as wearing *tefillin*, can only be performed by the

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Rabbi Yisroel Casen is Adas Torah's Rosh Beis Medrash.

actual mitzva observer. Why is *bris mila* able to be outsourced to another, whereas *tefillin* cannot? *Tefillin* is a mitzva incumbent on the body of the individual; we must engage in the physical reality of wearing the *tefillin* on our bodies for this mitzva to be fulfilled. *Bris mila*, on the other hand, is fulfilled by ensuring that our child has been circumcised. It is not so much our act of circumcision that is paramount, but rather the result of having the child circumcised. As such, the act itself can be outsourced, as the desired result is achieved even when performed by an agent.

However, even those *mitzvos* that can be performed by an agent, should ideally be performed by the mitzva observer. The *gemara* says:

אמר רב יוסף: מצוה בו יותר מבשלוחו.

*Rav Yosef says, it is preferable for the act of the mitzva to be performed by oneself rather than through an agent. (Kiddushin 41a)*

Rashi there explains that the effort expended in performing a mitzva has inherent value, and more reward is given to someone who performs it himself. In the case of *bris mila*, clearly the objective is the result of having a circumcised child, but in addition to that, engaging in the act itself has merit. Thus, where possible, it is best to avoid using a *shaliach* and to do the mitzva oneself.

Presumably, this concept of *mitzva bo yoser mib'shlucho* assumes that the act of the mitzva is an inherent aspect of the mitzva itself. Thus, there is merit in the effort expended. But what if the entire mitzva hinges only on the result? If there are scenarios where the act of the mitzva is not necessarily part of the mitzva, but only a technical means to an end, seemingly the above rule should not apply.

Does such a scenario exist? Are there *mitzvos* whose sole purpose is the result, with the process being nothing more than a technicality?

Let's consider the process of cleaning for Pesach. Is it a mitzva at all? Is the process purely to achieve the desired result, which is a *chametz*-free home, or is the process of removing the *chametz* itself a mitzva? Clearly the goal of the process is paramount, we are not allowed to own *chametz* over Pesach and thus we must rid our homes in advance of any *chametz*. But is this process itself an act of mitzva that we ourselves should be engaged in, or is it simply a means of achieving the goal of *chametz*-free homes? If it is merely a means to an end, there should be no issue with delegating to the housekeeper; in no way is the homeowner giving up on the act of mitzva performance. But if the process itself is in some way an integral part of the mitzva, is it appropriate to allow someone else to do this task? Would this be frowned upon under the dictum of *mitzva bo yoser mib'shlucho*?

If the requirement to be *chametz*-free is simply a required status, and the process of *chametz* removal is not part of this mitzva, does this process have any elevated standing at all? Granted, it may not be part of the actual mitzva, but does its preparatory nature in some way upgrade it to mitzva status? The *gemara* (*Makkos* 8a) discusses whether chopping wood for building a *sukka* is a mitzva-act. It is assumed that the actual construction of the *sukka* is a mitzva, but does this include the wood-chopping as well? The *gemara* posits that since building a *sukka* is a necessity for performing the mitzva of *sukka*, it is considered part of the mitzva, whereas chopping wood, which is not absolutely necessary (one could purchase wood cut by someone else) is not. In other words, inescapable preparations for a mitzva do have mitzva-status, but measures that aren't technically necessary do not. Pesach cleaning seemingly is not an absolute necessity; one could keep one's home *chametz*-free throughout the year and not require cleaning. In fact, in many households, certain rooms of the house are kept *chametz*-free, avoiding the need to clean these rooms before Pesach. As such, it would seem that Pesach cleaning is not an inherent part of the mitzva, as its preparatory nature would do nothing to elevate it to mitzva status.

However, this is assuming that Pesach cleaning is purely a preparatory act to achieve the actual requirement of having a *chametz*-free home. Since this preparation is not completely necessary, it is not considered part of the mitzva. But what if the mitzva of having a *chametz* free home includes not just the actual result, but also the process itself of removing *chametz*? If this is the case, the above calculus isn't relevant. We can only assess the status of a preparatory act based on its necessity if the act is merely preparation for the mitzva. If, however, the act is part of the actual mitzva itself, then its possible avoidance may have no bearing on its mitzva status. Granted it can be avoided, but when performed, it is an actual part of the mitzva itself. If it is indeed part of the mitzva, outsourcing it would be potentially problematic, whereas if it is purely a technicality, there would be no issue.

This discussion centers around the *pasuk* of:

אך ביום הראשון תשביתו שאר מבתיכם.

[Before] the first day you shall destroy leaven from your homes. (Shemos 12:15)

*Minchas Chinuch* (mitzva 9) presents the following discussion: What is the essence of the mitzva of *tashbisu*? Is the mitzva fundamentally a directive from the Torah to avoid *chametz* ownership over Pesach? In other words, this mitzva can be performed passively; if one has no *chametz*, he fulfills this mitzva and is not required

to do anything. Or should this mitzva be actively performed? Namely, it is a directive for one to destroy *chametz* prior to Pesach. If this is true, one who has no *chametz* would not accrue an *aveira* of *chametz* ownership but would fail to fulfill the active mitzva of *tashbisu*.

*Minchas Chinuch* writes that the difference between these two approaches is evident in the following scenario: What would happen if one set aside *chametz* to burn and another person burns it without consent? *Shulchan Aruch* (CM 382:1) rules that if one grabs another's mitzva, he is liable to pay a fine for stealing his friend's opportunity. However, writes *Minchas Chinuch*, this only holds true where the physical act of mitzva observance was grabbed away from its rightful owner (such as the mitzva of *kisui hadam*, covering blood of a slaughtered animal). The person who was rightfully about to perform the mitzva has had the opportunity stolen from him, and thus the perpetrator must pay. But, if the mitzva stolen was not one that is performed actively, but rather in a passive manner, this is not something that can be stolen and thus no fine would be levied. Hence, if *chametz* destruction is an active mitzva, when stolen, the perpetrator would be liable to pay. But if it is performed simply by not owning *chametz*, even if one's remaining *chametz* was stolen and destroyed by another individual, the mitzva would still be fulfilled simply by not owning *chametz*, and thus the perpetrator hasn't committed a crime.

Another ramification of this question, writes *Minchas Chinuch*, would be whether the act of destroying *chametz* must be performed at a specified time. If the mitzva requires one to actively destroy *chametz*, then presumably this must be done at the designated time of Erev Pesach. But if the mitzva is observed simply by not owning *chametz*, and the act of destroying the *chametz* is nothing but a means to attain this status, then it would be of no consequence when this act was performed. As long as the *chametz* is no longer extant at the requisite time, we would not concern ourselves with how and when the *chametz* was actually destroyed.

Presumably the above question of whether *tashbisu* is an active or passive mitzva is relevant to the issue of outsourcing Pesach cleaning. If the mitzva is to be performed actively, then it would stand to reason that the process of finding and destroying *chametz* should be performed by the person obligated in this mitzva, namely the owner of the *chametz*. But if the mitzva is performed passively, it would not be of any consequence if the *chametz* removal and destruction was performed by a third party.

However, it seems quite clear that *tashbisu* is an active mitzva. The opinion of Rav Yehuda in the *mishna* in *Pesachim* 21a is that the correct method of *chametz* destruction is specifically through burning. This would imply that there is absolutely



a requirement to actively burn *chametz*. If the mitzva does not require active destruction of *chametz*, why would Rav Yehuda insist on a specific method?

Rav Moshe Shternbuch explains that there are in fact two distinct ways to perform the mitzva of *tashbisu*:

1. The mitzva is automatically accomplished if we have no *chametz* in our jurisdiction on Erev Pesach. This is a passive form of the mitzva.<sup>1</sup>
2. Additionally, there is another option for fulfilling this mitzva. Prior to the *zman* of *issur chametz*, if one destroys his *chametz*, he will fulfill this mitzva actively. It is this second option that Rav Yehuda is discussing, opining that the correct format for this version is burning rather than other forms of destroying the *chametz*.

In other words, the mitzva of *tashbisu* is not exclusively active or passive, but rather both. We can choose which version we want to fulfill. We can either rid ourselves of our *chametz* (either by discarding it, selling it to a non-Jew or eating it) by the time the *zman* arrives, or we can take an active (and presumably more appropriate) role in destroying the *chametz* prior to the *zman*. Why is this true? Why are there two distinct methods of performing the same mitzva? Evidently, the underlying premise of this mitzva is that one should be rid of one's *chametz* before Pesach. As such, it is understandable that a passive performance of this is adequate as it achieves the desired goal. However, since this concept is characterized in the Torah as *tashbisu*, destroy, rather than simply prohibiting *chametz* ownership, it seems that the actual process of ridding oneself of his *chametz* is wholly a mitzva unto itself which can be actively accomplished.

Rema (OC 434:2) writes that on Erev Pesach, one should first burn the *chametz* and only afterwards do *bittul*, verbal disassociation of *chametz* ownership, rather than doing *bittul* first. This is to ensure that at the time of burning, the *chametz* is still considered belonging to its owner, for if *bittul* is done first and the *chametz* is ownerless at the time of burning, nothing is accomplished by burning it, as it is no longer the owner's responsibility. Why does Rema insist on properly performing the mitzva of burning? Seemingly, even if *bittul* is performed first, the *chametz* has been adequately disposed of!

Evidently, Rema requires this in order to facilitate the active fulfillment of

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<sup>1</sup> It is evident that the mitzva of *tashbisu* can be performed passively, from that which Rashi writes (*Pesachim* 4b) that this mitzva can be fulfilled by *bittul*, verbal disassociation of *chametz* ownership. Simply by making this statement that one does not wish to own his *chametz*, it becomes ownerless and is no longer a liability on Pesach. This is the case even though the *chametz* remains physically extant, yet the mitzva of *tashbisu* is considered fully fulfilled.

*tashbisu* through burning. Granted, this mitzva would be equally performed by *bittul*, but it is advantageous to perform it with a physical act of destruction.

So, is it appropriate to outsource the removal and destruction of *chametz* in one's home in the runup to Pesach? If there is a preference to actively destroy *chametz*, seemingly this should be performed by the *chametz*' owner, according to *mitzva bo yoser mib'shlucho*. But does the entire process of Pesach cleaning fall under the category of *tashbisu*? Or is *tashbisu* performed actively only on Erev Pesach on the final *chametz* in one's possession? Can the housekeeper clean the house if the owner performs the final act of *chametz* destruction on Erev Pesach, or is it best for the entire process to be performed by the owner?

Seemingly, the purpose of destroying *chametz*, even actively, is still to create a *chametz*-free home. As such, it would stand to reason that the actual mitzva is performed when the final vestiges of *chametz* are destroyed. It is this final act that accomplishes the desired result. Removal and destruction of *chametz* prior to this juncture, while of course necessary, should only be considered a preparation for this final stage which is the actual mitzva. Indeed, it is only this last portion of *chametz*, destroyed on Erev Pesach before the *zman*, that has specific laws about the method of destruction, namely burning. All the other *chametz* that the homeowner rids himself of has no such requirement. It therefore stands to reason that the entire Pesach cleaning process is no more than a *hechsher*/preparation for this mitzva of burning the last vestiges. It is also a preparation that could be avoided, as one's home can technically be kept *chametz*-free throughout the year. According to the *gemara* in *Makkos* mentioned above, preparations for a mitzva that are not absolutely necessary are not considered an integral part of the mitzva. So, while it would be inappropriate to ask the housekeeper to burn the *chametz* on Erev Pesach, as that would be outsourcing one's mitzva, it should be completely fine to have her do the initial process of cleaning the home. This is only preparation, which can be performed by others.

What is the actual advantage of performing a mitzva in an active fashion when it can just as well be performed passively? Furthermore, why does the concept of *mitzva bo yoser mib'shlucho* exist? Why is it advantageous to be personally and actively involved in a mitzva? Evidently, expending personal effort in performing *mitzvos* is valuable. The Torah relates that the *Nesiim*, the princes of the twelve tribes, were chastised for not actively participating in donating items towards the building of the *Mishkan*. They had promised Moshe that they would assume responsibility for making up any shortfall once the rest of the nation had donated. They were disappointed when no such shortfall materialized, as everything had already been

donated. Moshe comforts them by telling them that they can indeed donate, as there was still a need for the precious stones used in the *choshen* and *ephod*. Why then were the *Nesiim* disappointed, and why were they chastised for failing to properly donate? Seemingly their plan worked flawlessly, for indeed they donated something unique and important?

*Targum Yonason* (*Shemos* 35:27) writes that these precious stones, which were not available in the middle of the desert, were provided by Hashem. They fell from the clouds together with the *mon*. All the *Nesiim* had to do was search for them on the ground, collect them and bring them to Moshe. So, although the *Nesiim* did indeed contribute significantly, it required no meaningful effort on their part. Contrast this with the effort made by the rest of the Jewish people. Rav Moshe Feinstein zt”l writes that when the Torah relates that the men brought their wives’ jewelry “on the women” it refers to that which the women wore these items all the way to the donation point. When they arrived, they removed the jewelry and donated it. Why does the Torah highlight this, what is the message? Rav Moshe explains that the Jewish women did not simply donate any items they had, but rather, they parted with their favorite pieces. This took a lot of willpower, but the effort they made was indicative of their passion and commitment to this worthy cause. Wearing the jewelry until it was time to part with it indicated how much these items meant to their owners. They wanted to wear them one last time, and in so doing, created a powerful message for future generations. If effort and self-sacrifice are expended in the fulfillment of *mitzvos*, this is the greatest indication of the person’s commitment to the cause. Certainly, some *mitzvos* are easier than others, but when an opportunity arises, and it can be fulfilled without too much sweat, or it can be fulfilled with great effort, clearly doing the extra effort is incredibly meaningful. Surely, any items of gold and silver would have been equally useful in the construction of the *Mishkan*, as everything was melted down to create the pure metals. But the women realized that a greater form of the mitzva would be performed if they were able to give meaningfully of themselves. The *Nesiim* however, were reprimanded, for although they did indeed contribute to the *Mishkan*, their contribution paled in comparison to that of the Jewish women. Their contribution was easy and required no real effort or sacrifice, and this is not the optimum way to serve Hashem.



# The Ram, the Scorpion, and the River of Fire: From Pagan Zodiac to Korban Pesach

RABBI YISROEL GORDON



*We have a tradition: If the stinger of Akrav, the Scorpion, had not been placed in Nehar DiNur, the River of Fire, no one would survive a scorpion bite.*

**Berachos 58b**

**I**t sounds more like a *Zohar* than a *gemara*, but there it is. What does it mean? What is *Akrav*? And where can we find *Nehar DiNur*, the River of Fire?

*Akrav* is the Zodiacal constellation of Scorpius. On the short list of constellations that actually look like what they claim to be, a celestial scorpion can be seen low in the southern sky on any summer night, its heart prominently displayed by the red supergiant Antares.

If *Akrav* is Scorpius, then *Nehar DiNur*, the “River of Fire,” must refer to the Milky Way. The *gemara* states that the scorpion’s stinger was placed in the River of Fire, and indeed, Scorpius’s tail and stinger extend right into the center of the summer Milky Way.<sup>1</sup>

To restate the *gemara*, Hashem weakened the poisonous bite of the scorpion (whose stinger is located at the end of its tail) by placing the tail end of Scorpius in the Milky Way. While inescapably mystical, the concept is familiar: Hashem uses the

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<sup>1</sup> The Milky Way is our host galaxy, so named because on a clear, moonless night far from city lights it can be seen as a glowing white cloud meandering like a river across the sky. What we are seeing is the combined light of billions of stars, their cores burning with the fire of nuclear fusion. River of Fire, indeed!

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stars to manipulate reality on Earth.<sup>2</sup>

This would have been the end of the discussion, but Rashi throws a wrench. Here are his words:

עקרב – היינו כימה וממזל טלה הוא.

*Akrav: This is Kima, the Pleiades,<sup>3</sup> which is part of [the Zodiacal constellation] T'leh, Aries the Ram.<sup>4</sup>*

A most unexpected interpretation, and a deeply problematic one at that. Firstly, *Akrav* is always identified with the Zodiacal constellation of Scorpius. Why does Rashi think *Akrav* refers here to the Pleiades, a star cluster on the opposite side of the sky? Second, Aries is a ram. Why on earth would a celestial ram have a part called “*Akrav*”? Thirdly, Aries isn't in the Milky Way,<sup>5</sup> so we are at a loss to identify the River of Fire.

In defense of Rashi, we need to look no further than the *gemara's* very next line. The *gemara* continues:

*This is what Hashem said to Iyov (38:31), “Did you tie the bonds of Kima or unbind the cords of Kesil?”*

Aside from the question of how this *pasuk* supports the *gemara* that precedes it, there is no *Akrav* here, only *Kima*. Presumably, this is why Rashi felt forced to equate *Akrav* with *Kima*.

2 For example, Hashem triggered the *Mabul* by removing two stars from *Mazal Kima* (*Rosh Hashana* 11b). See *Derech Hashem* 2:7, *b'inyan hashpa'as hakochovim*.

3 “*Kima*” appears in *Sefer Amos* (5:8) and *Sefer Iyov* (9:9, 38:31), and Ibn Ezra identifies it with the Pleiades, the most prominent open star cluster in the sky. Standard translations of *Tanach*, both new and old, follow Ibn Ezra. The identification of *Kima* with the Pleiades is supported by the *gemara*: “What is the meaning of *Kima*? Shmuel said, *k'meia kochavi*, approximately one hundred stars” (*Berachos* 58b). (While more than one hundred members of the cluster may be seen with optical aid, most people can't make out more than six or seven stars with the naked eye.) See following note.

4 In *Rosh Hashana* (11b), Rashi (s.v. *v'azdu l'taamaihu*) writes that *Kima* is the tail of *T'leh*. The fact that on modern star maps the Pleiades are found within the borders of Taurus is irrelevant, for current constellation borders are a modern convention. The Pleiades star cluster is near Aries and may well have been viewed as part of that constellation in ancient times. We will have more to say about placement of the Pleiades within Aries later in this article.

5 All stars visible with the naked eye are relatively nearby and within the borders of our galaxy. However, from our perspective, most foreground stars fall outside the band of white light we call the Milky Way.

The Maharsha is not satisfied, and he challenges Rashi: “In *Shas*, *Akrav* is always assumed to be an independent constellation, the *Mazal* of the month of Cheshvan.” As for the quote from *Iyov*, the Maharsha has a simple solution. Immediately prior to the line about *Akrav*, the *gemara* made a statement about *Kima*, contrasting it with *Kesil*. The Maharsha believes the quote from *Iyov* was brought in support of this prior statement.<sup>6</sup>

The Maharsha concludes, “If not for the words of Rashi, it would definitely seem that the *Akrav* [in our *gemara*] is the independent *Mazal* of *Cheshvan* (Scorpius), and not *Kima*, which is an asterism in Aries.” The Maharsha is most gracious, but Rashi remains a mystery.

Rabbi Yair Chaim Bacharach (1638–1703), a leading *posek* of his generation and the author of *Teshuvos Chavos Yair*, was asked about this difficult Rashi. The questioner put it this way:

*Rashi writes in Berachos 58b, “Akrav: This is Kima, which is part of Aries...” I don’t claim to know what Kima is, but the words of the master, Rabbi of the Diaspora, Rashi ז”ל, I do not understand. What does the constellation of Scorpius have to do with the constellation of Aries? They are almost as far apart from one another as east is from west! The great Maharsha recognized our problem and did not offer a satisfying answer.*

In his candid response, Rabbi Bacharach offered no solution for Rashi, but took the opportunity to express his early fascination and ultimate frustration with the science of astronomy:

*Concerning your question about Rashi’s commentary, the words of Ibn Ezra are on the mark. “It is better for a man to say ‘I do not know’ or be silent than to say something improper.”*

*Regarding the science [of astronomy], you wrote that you saw in my possession many works [on the topic]. It is true. I labored in this science, and yet did not discover a definitive approach from a reliable source. From my youth my soul yearned to understand the fundamental facts<sup>7</sup> from the*

<sup>6</sup> In support of the Maharsha, we note that the teaching about *Akrav* was introduced with the word *gemiri*, “we have a tradition,” indicating that it lacks a source in *Tanach*.

<sup>7</sup> Rabbi Bacharach’s soul yearned for a mitzva: Rabbi Shimon ben Pazi said in the name of Rabbi Yehoshua ben Levi in the name of Bar Kafra, “Anyone who knows how to calculate the [changing] seasons and [the movements of the] constellations and fails to do so, about him the *pasuk* states, ‘What Hashem made they did not observe, and the work of His hands they did not see’ (*Yeshaya*

books that have been written about it, i.e., Tzuraz HaAretz, HaShomayim V'HaOlam, and Sefer Kasuv Sefer HaGilgal. [I also studied] what [our sources] say about it, for example, Kiddush HaChodesh with its commentaries, Morah Nevuchim and its commentaries, Tzeida L'Derech by Rabbi Menachem ben Zerach, Shevilei Emunah, Shalshelas HaKabbalah, Sefer Emanuel, RM"Y (Levush), and the Tosfos Yom Tov [and the works of Reisher of Kandiah, Gevuros Hashem and associated texts], and also the works of the gentiles. This is in addition to the places where the sacred gemara speaks about it, a bit here and there.

When I realized that there is virtually not a single point that is agreed upon without contention, and on every side of every dispute I had piles upon piles of doubts, questions, and confusion—although I attribute this to my undeniably limited comprehension, as in the expression, “the ignorant just ask”—not only did I cease wasting any more time investigating, innovating, or determining through reason or Talmudic sources, but I actually got up one morning and, in my frustration and my bitterness, I burned several booklets and papers. I destroyed my own work upon which I had spent so much time, and I said, “I have done enough; I now understand that I do not understand...” (Chavos Yair 119)

Despite his self-effacing humility, Rabbi Bacharach goes on to pen an extensive essay of breathtaking scholarship, an intellectual *tour de force* navigating through the labyrinth of Talmudic and Rabbinic astronomy. The piece is peppered with unanswered questions on the concentric spheres and cycles of Ptolemy's universe. The author does not hide his frustration.

Rabbi Bachrach lived in an era of transition. When he was born, Galileo Galilei languished under house arrest for advocating Copernicus' heliocentric model of the Solar System. By the time of Rabbi Bachrach's death, Issac Newton's *Principia* had been published and the scientific revolution was underway. Imagine trying to make sense of astronomy after Ptolemy was debunked, yet before a working model took its

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5:12).” Rabbi Shmuel bar Nachmani said in the name of Rabbi Yochanan, “How do we know that a person is obligated to calculate seasons and constellations? For the *pasuk* states, ‘Safeguard it and keep it, since it is your wisdom and understanding before the eyes of the nations’ (*Devarim* 4:6). What wisdom and understanding is there before the eyes of the nations? We would say this refers to calculating seasons and constellations” (*Shabbos* 75a). *Rishonim* debate whether this mitzva is *d'oraysa* or *d'rabanan*.



place. Who wouldn't be frustrated?

Later in the essay, the *Chavos Yair* returns to the Rashi in question:

*Regarding your question on Rashi's statement that "Akraḥ is Kima, part of Mazal T'leh," you have asked well and I don't have a good answer or explanation, other than to say that the Akraḥ Rashi refers to is not Akraḥ of the Zodiac, but some other constellation. But where did [Rashi] get this idea from? Even among the forty-eight constellations listed in Tzeida L'Derech, only one Akraḥ is to be found... Tosfos in Baba Metzia 106b (s.v. v'kaima kima) already challenged Rashi's claim that Kima is the tail of T'leh...*

*My dear friend, researcher of esoteric wisdom, my words contain some kernels of Torah knowledge, however, to explain Rashi... this is beyond my power.<sup>8</sup>*

## The River of Fire

ועתיק יומין יתב... נהר די-נור נגד ונפק מן-קדמוהי.

*The One of Ancient Days sat... a river of fire flowed forth from before him... (Daniel 7:9-10)*

In 1899, Richard Hinckly Allen published his classic, *Star Names: Their Lore and Meaning*. Regarding early names for the Milky Way, he writes:

*The Galaxy, or Milky Way, has borne arbitrary, descriptive, or fanciful titles in every age... Indeed during all historic time it has been thought of as the River of Heaven... Among Arabs it was Al Nahr, the River, a title they afterwards transferred to the Greek constellation Eridanus; and those*

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8 The *Chavos Yair* continues, "I have already disengaged my mind and hand from the study [of astronomy], for a clear knowledge of it is neither foundational nor fundamental to our faith, requiring us to accept a particular opinion." He concludes with sage advice. "These are a few of my confusions—a small sample out of many. Don't come to me again with questions and investigations on this topic. Once upon a time I was into it, but after much effort and little comprehension, I abandoned it. You should do the same. Change direction and go to the Torah itself. *Hafoch Ba, V'Hafoch Ba*, delve into [Torah] again and again, and don't budge. [The *amora*] Shmuel Yarchinai, before whom the paths of the sky were clear and who said about himself that he could fix [the calendar] for the diaspora, focused [on astronomy] only when he went to the bathroom, as it says in the *Yerushalmi*. May you have peace and may your family have peace, as is your distinguished hope and the hope of your busy friend, Yair Chaim Bacharach."

*other Semites, the Hebrews, knew it as Nehar di Nur, the River of Light...*

Despite Mr. Allen's claims about "those other Semites," the original usage of *Nehar DiNur* found in the *pasuk* above refers not to our host galaxy, but to a spiritual entity in *Shomayim*.<sup>9</sup>

What are the implications for our *gemara*? To interpret the *gemara's* usage of *Nehar DiNur* as the Milky Way would mean the term was borrowed from *Sefer Daniel* and put to a new use. Although the Shottenstein *Shas* (Artscroll, Hebrew Edition) concedes that this is "possible," Rashi does not take this approach, for as we already noted, Aries and the Pleiades are not located in the Milky Way. We return to our question. Why didn't Rashi interpret *Akrav* as Scorpius and *Nehar DiNur* as the Milky Way?

The answer may lie not in astronomy, but in *halacha*. Rashi may have questioned the permissibility of associating a sacred term with a non-sacred item, for the inverse is explicitly prohibited. Calling the *shul's* *Aron Kodesh* a mundane "arna" (cabinet) is a sin for which the ignorant have died (*Shabbos* 32a). Labeling the Milky Way "*Nehar DiNur*" should be equally reprehensible.<sup>10</sup>

Surprisingly, early in the Torah, we find a precedent for *permitting* just such a borrowing of terms. The term in question is none other than "*Shomayim*" itself.

The Torah's first *pasuk* clearly states that the *Shomayim* was created on day one. Yet on day two Hashem creates something called "*Rakia*"—יהי רקיע—and He calls it "*Shomayim*," ויקרא אלקים לרקיע שמים, "Hashem called the *Rakia*, '*Shomayim*'" (1:8). So was *Shomayim* created on day one or day two? The Ramban has an answer.

According to the Ramban, the *Shomayim* of day one is a lofty spiritual realm, independent of the physical universe. On day two Hashem created the *Rakia*, the celestial sphere of the stars and planets, and He called it "*Shomayim*," giving the physical realm the very same name as the spiritual realm (Ramban ad loc.). The

9 "From where does [*Nehar DiNur*] flow? From the sweat of the *chayos* [*hakodesh*]. And to where does it flow? Rav Zutra bar Toviah said in the name of Rav, 'Onto the heads of the wicked in Gehinnom'" (*Chagiga* 13b).

10 A case in point is Rav Yisroel Zev Gustman's refusal to pay his yeshiva's electric bill. Modern Hebrew uses "*chashmal*" for electricity, a word borrowed from *Maaseh HaMerkava* (*Yechezkel* 1:4). In Rav Gustman's view, it is wrong to take a sacred word, one which describes a mystical force in *Shomayim*, and recommission it as a name for the physical phenomenon of electricity. He thus refused to make out a check to חברת חשמל. The yeshiva had to figure out some other way to pay the bill.

Ramban's interpretation can serve as a precedent for the permissibility of such borrowings elsewhere.

Rashi disagrees. According to Rashi, the *Shomayim* of day two is the very same entity as the *Shomayim* of day one. "Even though the *Shomayim* was created on day one, it was liquid. On day two, when Hashem yelled, "Become *Rakia!*", it congealed" (Rashi 1:6).

This is consistent with our contention that Rashi will not commandeer spiritual names and recommission them for physical objects. Nonetheless, even if we understand why Rashi veered away from interpreting *Nehar DiNur* as the Milky Way, his *pshat* in the *gemara* still cries out for an explanation. We will get to that, but first we need to review some basic astronomy.

### The 15<sup>th</sup> of Nisan

Warning: the astronomically-challenged reader will likely be intimidated by unfamiliar terms in the next few paragraphs. Explanations in layman's terms can be found in the footnotes. Stick with me here, it's worth it.

If the Earth's rotational axis was perpendicular to its orbital plane, the sun would always rise due east and set due west, day and night would always be of equal duration, weather would be relatively constant, and there would be no seasonal changes. However, the Earth's rotational axis is inclined by 23.5 degrees. As a result, for half of the year the sun rises north of due east and half the year it rises south of due east.

At two opposite points, the ecliptic<sup>11</sup> crosses the celestial equator.<sup>12</sup> These points are called "equinoxes"—the vernal (March) equinox and the autumnal (September)

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11 As the Earth races along its orbital track, the sun's position slowly changes relative to the unmoving background stars. (This is not to be confused with the sun's daily trip across the sky due to the Earth's rotation.) The path of the sun's slow, annual movement through the stars is called the "ecliptic." The ecliptic passes through a band of twelve constellations (out of a modern total of eighty-eight). These twelve constellations are the *Mazalos*, the constellations of the Zodiac.

12 The celestial equator is simply the Earth's equator transposed into the sky. If you are standing on the equator, the celestial equator begins due east, climbs straight up to zenith, and descends due west. If you are standing on the north (or south) pole, the celestial equator is along the horizon. Since the sun spends six months of the year south of the celestial equator, residents of the north pole experience six months of uninterrupted darkness. The sun then crosses the celestial equator heading north, and the north pole enjoys six months of uninterrupted daylight. The equinoxes are the turning points. While the north pole is the extreme, illustrative case, winter nights and summer days are significantly longer in northern cities like London and Antwerp. This is all a result of the Earth's axial tilt.

equinox. When the sun reaches either of these points, daylight and nighttime are of equal length. After the vernal equinox, the sun moves into the northern celestial hemisphere and daytime gradually gets longer and nighttime gets shorter. This is the start of Spring in the Northern Hemisphere.

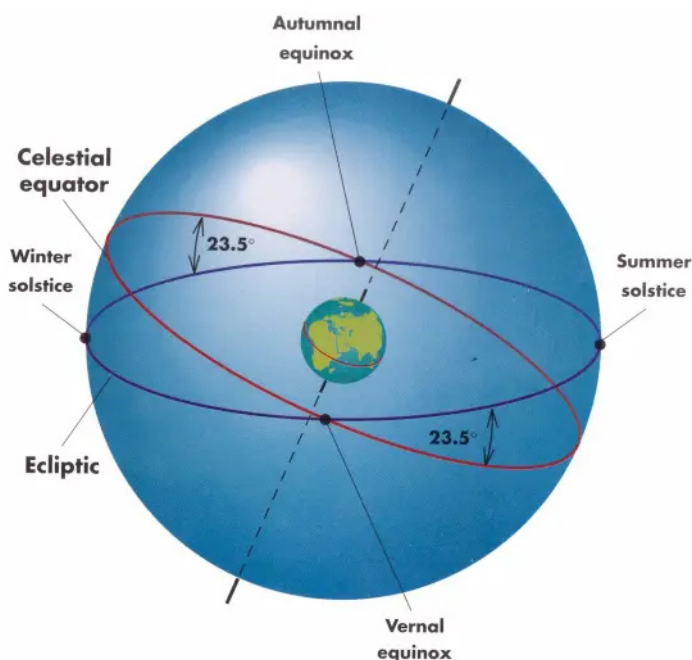


Image source: Wikipedia

On the day of the vernal equinox, where exactly is the sun? At the “First Point of Aries,” in the constellation of Aries the Ram.<sup>13</sup> We know Aries as *Mazal T’leh*, the *Mazal* of *Chodesh Nisan*.<sup>14</sup> Since the sun’s arrival in Aries marks the start of a new agricultural year, Aries is the first constellation of the Zodiac, and *Nisan*—*chodesh*

13 Actually, not. The First Point of Aries used to be in Aries, but due to the precession of the equinoxes, the vernal equinox is currently located in the constellation of Pisces. More on this later.

14 As the sun makes its annual circuit along the ecliptic, it spends approximately one month’s time in each Zodiacal constellation. When we say that a particular month is associated with a particular constellation, for example, the “*Mazal*” or “sign” of the month of Nisan is Aries the Ram, it means that the sun spends the month of Nisan slowly moving across the constellation of Aries. (While it is obviously impossible to see the stars of a constellation when the sun is in it, we believe with perfect faith that the stars are still there.)

*ha'aviv*—is the first of the months.

In ancient Egypt, everything in nature was a god, but the ram stood out. As Moshe said to Pharaoh, “Could we slaughter the god of Egypt before their eyes and they will not stone us?” (*Shemos* 8:22). If we recognize the celestial Ram as the primary *Avoda Zara* of *Mitzrayim*,<sup>15</sup> we gain a new perspective on the *Korban Pesach*. In the words of the Ramban:

*Ish seh l'bais avos, “A sheep for each family”—the reason for this mitzva is due to the fact that Mazal T'leh is at the height of its powers in Chodesh Nisan, for it is the Mazal of Agriculture. Hashem therefore commanded us to slaughter a ram and eat it, publicizing that we did not escape Egypt by the power of a Mazal, but by the decree of Hashem.*

*According to Chazal, the Egyptians worshiped it (Shemos Rabba 15:2).<sup>16</sup> This mitzva then makes known that Hashem degraded their deity and power when it was at its highest point. This is what Chazal said, “Take for yourselves a sheep and slaughter their god” (ad loc.). (Ramban to Shemos 12:3)*

The Rashba, protégé of the Ramban, expands on his Rebbe's points:

*It was not for naught that this occurred in Egypt, in the month of Nisan, with the firstborn, and on the fifteenth day of Nisan—each of these details has great significance...*

*It had to happen in the month of Nisan, when the length of day and night are equal, a time designated for creation, when great forces in the lofty realms begin to function...*

*And it had to happen on the 15<sup>th</sup> of Nisan to prevent people from saying that Hashem defeated their god when it wasn't at its full strength and power.*

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15 “Many think that our figure [the constellation of Aries] was designed to represent the Egyptian King of Gods shown at Thebes with ram's horns... and worshiped with great ceremony at his temple in the oasis Ammonium, now Siwah...” (Allen, *Star Names*, pg. 77).

16 “The second stage [in the history] of paganism was when people began worshiping the visible celestial objects. Some worshiped the sun or the moon, and some [worshiped] one of the *Mazalos*. Every nation knew the power a *Mazal* wielded over their land, and they thought that worshiping it would strengthen the *Mazal* and benefit them” (Ramban to *Shemos* 20:5). Throughout the writings of *Chazal*, pagan gentiles are referred to as *Akum*, an acronym for *ovdei kochavim u'mazalos*, worshippers of the stars and constellations.

*Aries rises [in power] until the 15<sup>th</sup> of the month and then wanes after the 15<sup>th</sup>. It is at full power at one precise moment, at the exact midpoint of the month when the moon is full. For this reason, when their god reached its full strength at the point of the 15<sup>th</sup>, Hashem delivered judgment against it and removed its dominion.*

*Just when the Egyptians expected their god to help them... at that very moment, they were defeated. (Rashba, Introduction to Chiddushei Aggados)*

### **Hashem's Korban Pesach**

*"I will exact justice against all the gods of Egypt. I am Hashem." (Shemos 12:12)*

The Bach (O.C. 430) quotes a fascinating *Zohar* (Parshas Bo, 39b):

אמר קודשא בריך הוא, עבדו אתון עובדא לתתא, ואנא אתבר תקפיהון לעילא,  
וכמה דתעבדון בנורא אתון, דכתיב כי אם צלי אש, אנא אוף הכי אעביר אותו באש  
בנהר דינור.

*Hashem said [to the Jews in Egypt], "You do your service down below [by offering the Pesach], and I will break their deity above. And just as you do it with fire, as the Torah writes [that the Pesach is prepared], "only by roasting it in fire" (Shemos 12:9), I too will do the same, I will pass it through the fire of Nehar DiNur.<sup>17</sup>*

When the Jews performed the Pesach in *Mitzrayim*, taking a sheep, god of the Egyptians, and courageously slaughtering and roasting it over an open fire, at the same time in *Shomayim*, Hashem took the mighty Ram of the heavens, *Mazal T'leh*, and purged it in the fires of *NeHar DiNur*!

My *chavrusa*, Reb Ezra Pollak, pointed out that in light of this *Zohar*, *Mitzrayim's* defeat was poetic justice. The Egyptians weakened the power of *Klal Yisroel* by throwing their boys in the Nile River, and—*midda k'neged midda*, measure for measure—Hashem weakened the power of *Mitzrayim* by throwing their deity in the River of Fire. If *NeHar DiNur* is equated with the Milky Way, the parallel becomes even more compelling, for in Egyptian mythology, "the Milky Way is the heavenly Nile."<sup>18</sup>

<sup>17</sup> See footnote 9.

<sup>18</sup> Dreyer, *A History of Astronomy from Thales to Kepler*, pg. 5

Expanding on Reb Ezra's insight, we note that the *midda k'neged midda* of throwing the Egyptian Ram into the River of Fire complements the *midda k'neged midda* of drowning the Egyptian army in the Red Sea. Among the many miracles of *Yetzias Mitzrayim*, it was the drowning of the army which delivered the fundamental message of *emunah*, succinctly expressed by Moshe's father-in-law Yisro: "Now I know that Hashem is greater than all other gods!" (Shemos 18:11). Nothing demolishes belief in *Avoda Zara* like witnessing justice meted out *midda k'neged midda* (cf. Rashi ad loc.).

### The Pleiades

The *gemara* in *Berachos* taught us that Hashem weakened *Akrav* by putting it in *Nehar DiNur*, and we were surprised when Rashi identified *Akrav* with *Kima*, the Pleiades, a part of Aries. But as we have seen, the *Zohar* explicitly states that Hashem put Aries in *Nehar DiNur*! This cannot be a coincidence. Rashi must have been aware of the *Zohar's* teaching and based his interpretation of the *gemara* on it. By combining Rashi with the *Zohar*, we gain greater specificity: Hashem "broke" the deity of *Mitzrayim* by placing the Pleiades in *Nehar DiNur*.

The emerging picture becomes far more compelling when we look back in time and factor in the movement of the Earth's axis called "precession of the equinoxes." Like a dreidel running low on energy, our planet wobbles—a long, slow wobble—taking 25,800 years to complete one wobble. This means that the entire celestial coordinate system is always on the move. As the celestial pole slowly drifts, so does the celestial equator, changing the location of the equinoxes. Four thousand years ago, in the days of the Pharaohs, the vernal equinox, the "first point of Aries," was right next to the Pleiades!<sup>19</sup>

In light of this reality, Rashi's statement that *Kima*, the Pleiades, are part of *Mazal T'leh* makes perfect sense. As the solar location at the start of Spring in the Egyptian period, the Pleiades were, by definition, an integral component of the first constellation of the Zodiac. It follows that the Pleiades would be a focal point of *Avoda Zara* in *Mitzrayim*, which explains why, when Hashem wanted to break their *Avoda Zara*, it was the Pleiades that He placed in *Nehar DiNur*.

I was surprised and delighted to discover that Rav Avraham Ibn Ezra explains

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<sup>19</sup> "The Pleiades seem to be among the first stars mentioned in astronomical literature, appearing in Chinese annals of 2357 B.C., Alcyone, the *lucida* [brightest star of the Pleiades], then being near the vernal equinox, although now 24 degrees north of the celestial equator" (Allen, *Star Names*, pg. 392).

the significance of *Kima* in the exact same way, and he takes things one step further. His commentary appears on this *pasuk*: “He who made *Kima* and *Kesil*, and turns deathly shadows into morning and darkens day into night... Hashem is His name” (*Amos* 5:8).

*In the opinion of our predecessors, Kima is the tail of Aries and the head of Taurus. It consists of six visible, yet faint, stars [i.e. the Pleiades].*

*It is known with certainty that the circle of the Zodiac [the ecliptic] intersects with the upper circle [the celestial equator] at two places which are both called nekudas habishtanus, the point of transition [the equinoxes]. From there the Zodiac turns north 23.5 degrees... and the same [distance] towards the south...*

*Since the sun travels along the circle of the Zodiac [the ecliptic], this is what causes deathly shadows to turn into morning and day to darken into night around the world.<sup>20</sup>*

*The reason the point [of the equinox] is called Kima is because a long time ago [the star cluster] Kima was at that location. Every century the circle of the Zodiac shifts approximately 1.5 degrees from west to east.<sup>21</sup> In the days of the scholar Ptolemy, which was just one millennia ago, the Lion's Heart [Regulus] was positioned at 2 degrees, today it is at 18. (Ibn Ezra ad loc.)*

According to Ibn Ezra, due to its proximity to the Pleiades in the days of *Tanach*, the vernal equinox is also called *Kima*, and this is the meaning of the term in *Sefer Amos*. Certainly, there could not be a more intimate association than sharing the same name! With the significance of the Pleiades ingrained in the minds of men, it is primed to be a target for pagan worship.

### **The Scorpion King**

“If you don't release my nation, I will send *HaArov*, the *Arov*, against you” (*Shemos* 8:17). Rabbi Yaakov Tzvi Meklenburg (1785-1865) explained the unusual wording of this *pasuk*:

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<sup>20</sup> This explains the flow of the *pasuk*. See footnote 12.

<sup>21</sup> “In the course of a century the right ascension [celestial longitude] of a star may change as much as a degree or more, depending on the position of the individual star,” (*Burnham's Celestial Handbook, Vol. I, pg. 57*). Ibn Ezra did not discover precession of the equinoxes; it was recognized a millennia earlier by the Greek astronomer Hipparchus.



HaArov—Arov with the definite article, indicating an item that is present before the speaker and listener. Pharaoh's palace had all types of creatures and beasts [on display] (or their forms painted on the walls). These were their objects of worship. [Moshe] therefore said to [Pharaoh], "This arov that you see—the creatures and beasts you have chosen as your gods—they will come and destroy your country." (Ha'Ksav V'HaKabbala ad loc.)

Which creatures participated in *Makas Arov*? Rashi identifies only two by name: snakes and scorpions (Rashi ad loc.). In line with *Ha'Ksav V'HaKabbala*, these were specifically selected because they were important gods on display in the king's palace.

The snake was a powerful symbol in *Mitzrayim*. It was not for naught that Moshe's staff turned into a snake, and Aaron's staff consumed the snakes of the Egyptian sorcerers. Pharaoh, the king of *Mitzrayim*, was called "The Great Snake" (*Yechezkel* 29:3). Scorpions, however, do not appear in the story. What significance did scorpions hold for the Egyptians?

When speaking to Pharaoh, Moshe refers to a seminal event in the country's history, the original founding of the empire. Describing the severity of the plague of hail, Hashem instructs Moshe to warn Pharaoh, "At this time tomorrow, a very heavy hail will rain down, the likes of which has not occurred in Egypt *m'yom hivosda*, from the day of its founding, until now (*Shemos* 9:18).

The day of its founding? *Mitzrayim* was founded on a particular day? What does that mean?

The answer is that in its prehistory *Mitzrayim* was divided into two kingdoms: Upper Egypt and Lower Egypt. One man united the country and founded the Egyptian empire, which ultimately grew into a superpower. According to some historians, this man was the "Scorpion King."<sup>22</sup>

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22 Menes, (flourished c. 2925 BCE), legendary first king of unified Egypt, who, according to tradition, joined Upper and Lower Egypt in a single centralized monarchy and established ancient Egypt's first dynasty... Modern scholars have inconclusively identified the legendary Menes with one or more of the archaic Egyptian kings bearing the names Scorpion, Narmer, and Aha (*Encyclopedia Britannica*, s.v. Menes). An engraving of the king next to a scorpion was discovered in an Egyptian temple: "The Scorpion macehead (also known as the Major Scorpion macehead) is a decorated ancient Egyptian macehead found by British archeologists James E. Quibell and Frederick W. Green in what they called the main deposit in the temple of Horus at Hierakonpolis during the dig season of 1897–1898. It measures 25 centimeters long, is made of limestone, is pear-shaped, and is attributed to the pharaoh Scorpion (c. 3200–3000 BCE) due to the glyph of a scorpion engraved close to the image of a king wearing the White Crown of Upper Egypt," Millet, N. B. (1991). The Narmer macehead

In pagan societies, it was common practice to deify heroes and kings, and truly historic figures could join the pantheon of gods in the sky.<sup>23</sup> We can now suggest the following. The primary *Avoda Zara* of *Mitzrayim* was *T'leh*, Aries the Ram, the first *Mazal* of the Zodiac. Rashi taught us that *T'leh* included a scorpion, and now we know why. The scorpion was more than just another Egyptian god; it was the moniker of their founding monarch. The Egyptians therefore incorporated a scorpion into *Mazal T'leh*, immortalizing the Scorpion King. The tail of *T'leh* is the Pleiades star cluster, site of the vernal equinox and the renewal of Spring. There could be no better place to insert the symbol of Egypt's rise to power and dominance.

This explains why scorpions were painted on the walls of the royal palace, why *Makas Arov* featured scorpions, and why the undoing of Egypt was achieved by casting the scorpion of *T'leh* into the River of Fire.

At long last, we have a theory which explains Rashi in *Berachos*.<sup>24</sup>

### Hashem, Your Healer

After we left Egypt, Hashem made a promise: "Any disease I put on Egypt I will not put on you. I am Hashem, your healer" (*Shemos* 15:26).

Which disease did Hashem put on the Egyptians? Moreover, if Hashem is protecting us, why would we need to be healed? In light of all the above, the meaning is clear. In His attack on the Egyptian gods, Hashem used the River of Fire to weaken the Egyptian scorpion, and as a result, scorpion bites are no longer fatal. This is what the *pasuk* means. The disease I put on Egypt—the poisonous scorpion bite of *Makas Arov*—I will not put on you, for I am your healer. From now on, you will heal and not die from a scorpion bite, exactly as the *gemara* in *Berachos* said. With the defeat of Egypt comes the weakening of the scorpion.

We end this article with a final fascinating connection. The story of our descent into Egypt begins with a tragic episode that triggered everything which followed: Yaakov's sons lowering their brother, Yosef, into a pit. The pit itself is described by the Torah as lacking water, and *Chazal* famously commented, "It lacked water, but it had snakes and scorpions" (Rashi ad loc.).

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and related objects. *Journal of the American Research Center in Egypt*. 28: 53–59, cited by Wikipedia.

<sup>23</sup> See footnote 15.

<sup>24</sup> We also gain insight into Rashi's description of *Arov* as consisting of snakes and scorpions, for the current Pharaoh was a snake and the first Pharaoh was a scorpion; the combination bookends the complete history of *Mitzrayim*. The *Makka* thus portrays its leaders as enemies of the people. Cf. *Shemos* 10:7.

In yet another incident of divine justice *midda k'neged midda*, the brothers lowered Yosef into a place of snakes and scorpions, and measure for measure, their descendants were doomed to descend into Egypt, a land of snakes and scorpions.<sup>25</sup>

Ironically, Yosef's confrontation with scorpions led not to his death by poisoning, but to his personal empowerment and the weakening of the scorpion. In the same vein, the enslavement, oppression, and spiritual degradation of the Jews by Egypt led not to Egyptian supremacy and the dissolution of Jewish identity, but to the opposite: the elevation of *Klal Yisroel* as the *Am HaNivchar*, and the defanging of *Mitzrayim's Mazal*, resulting in the destruction of its natural resources, manpower, and military, and the transfer of its wealth to *Klal Yisroel*.

As Yosef told his brothers, "You planned to harm me, but Hashem turned it out for the best!" (*Shemos* 50:20).

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<sup>25</sup> See previous footnote.



# The Benefit of the Benefit of the Doubt

RABBI DANIEL GRAMA



Studies show that trust is considered to be among the most foundational contributors to a healthy relationship. Trust means that I “trust” that you want what’s best for me, and would never do something to intentionally harm me. People need to live in an emotionally safe environment, and trust is a major factor in creating such an environment. But, as they say, people are human and can say or do hurtful things, even to those that we love (or sometimes precisely to those that we love). When we feel that our trust has been breached, discord could replace a previously loving relationship. Perhaps, if we had the necessary tools, we can prevent a hurtful exchange from corroding our relationship.

The renowned 13th century sage, Rabbeinu Yona of Girona, in his commentary to *Pirkei Avos* offers what I believe is a life-altering insight that can become the catalyst for a healthy approach. Famously, the *mishna*, (*Avos* 1:6), states:

רבי יהושע בן פרחיה אומר... והוי דן את כל האדם לכף זכות.  
*Rabbi Yehoshua ben Prachya says, ... And judge everyone with the benefit of doubt.*

This straightforward doctrine offers a clear expectation and standard for interpersonal relationships. Throughout our thousands of interpersonal interactions, inevitably we will see something, hear something, experience something that will be directly disappointing or hurtful to us. When confronted with this predicament, the *mishna* encourages us to muster a dose of creativity to justify the behavior that will help us move the emotional needle from that pain to a manageable and maybe even favorable level.

## Does Everyone Deserve the Benefit?

The simple understanding of the *mishna*, *v’hevei dan es kol ha’adam*, "and judge

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everyone," is an all-inclusive mandate to be applied equally to one and all, without distinction of a person's spiritual level or lack thereof. Any alternative explanation would conflict with the connotations of harmony, clearly desired by this teaching.

However, the great Rabbeinu Yona offers a stunning interpretation that starkly conflicts with this basic understanding of judging all people favorably. He writes, "This only refers to an average person, regarding whom it is unclear if they are deemed righteous or wicked, or someone whom we recognize to be an average person, who sometimes does wrong and sometimes he does what is right. If the action can be judged either favorably or unfavorably, even if it seems to be of negative nature, as long as there is a slight chance to judge favorably, they should be judged with the assumption that their intent was for good. However, in regards to the righteous, even if it is clear that they are guilty, we assume that it was unintentional and they had already asked for forgiveness, as our sages say, 'If you have seen a scholar sin during the day, assume that they have repented at night.' But in regards to the wicked, even if the action is clearly of a positive nature, and there is no reason to assume any malintent, we should assume that it was done for ulterior motives."

Rabbeinu Yona divides us into three categories, righteous and wicked on the extremes, and in the center are the undefined, those whose behaviors are not overwhelmingly righteous or wicked. He opines that the righteous are deserving to be judged favorably, regardless how much it stretches our measuring stick of morality. Meaning, even if the guilt of the pious is self-evident, we must assume that by the time he laid his head to rest that night he had regretted and repented his behavior. Conversely, the wicked can do no good. Even if he manifests an action of extreme piety, we are instructed to presume the worst. We must assume that they did it for ulterior motives. Here too we are expected to tap into our creativity, but this time to dredge up a conspiracy of guilt. It is only the undefined, those that straddle the fence of moral struggle, "who sometimes does wrong and sometimes he does what is right," to whom this teaching applies.

### **Challenging Rabbeinu Yona**

This novel approach is questionable if not controversial, as he seems to alter the words of the *mishna*. The *mishna* clearly states that we are meant to offer the benefit of the doubt without distinction between righteous, undefined, or wicked. Hence, the question needs to be asked, how can Rabbeinu Yona offer an interpretation that directly conflicts with the words which he attempts to interpret?

Before attempting an understanding of his words, let's take a look at two other

troubling sources in Chazal regarding this dictum. The second source is a *gemara* in *Megilla* 16a that reflects on the famed Torah story of Yosef presenting gifts of garments to his siblings, but uniquely singling out Binyamin, his only full-brother, for a much larger gift of five garments. The *gemara* questions the wisdom of Yosef's actions:

לכלם נתן לאיש חלפות שמלת ולבנימן נתן.. חמש חליפת, (בראשית מ"ה, כ"ב), אפשר דבר שנצטער בו כשל בו? דאמר רבא בר מחסיא אמר רב חמא בר גוריא אמר רב: בשביל משקל שני סלעים מילת שהוסיף יעקב ליוסף משאר אחיו - נתגלגל הדבר, וירדו אבותינו למצרים. אמר רבי בנימין בר יפת: רמז רמז לו, שעתיד בן לצאת ממנו שיצא מלפני המלך בחמשה לבושי מלכות, שנאמר ומרדכי יצא... בלבוש מלכות תכלת וגו'.

*To all of them, he [Yosef] gave garments, but to Binyamin he gave five garments, (Bereishis 45:22). Is it possible that he would stumble in that very action which caused him so much grief? For Rava the son of Machs'ya said in the name of Rav Chama the son of Guria who said in the name of Rav, it was because the garment that Yaakov gave to Yosef was worth two selayim more than that which he gave to the other brothers, that caused the descent of our forefathers to Egypt. Rav Binyamin the son of Yefes explains, Yosef was intending to hint something to Binyamin; that in the future times one of his descendants will merit to wear the the five garments of royalty, as it says, "And Mordechai went out wearing the royal garments."*

On one hand the question was answered; Yosef wasn't playing favoritism, rather he had the innocent intention of hinting a message to his brother Binyamin. However, on the other hand, this explanation is even more aggravating than the original question. According to this answer, Yosef's treatment of Binyamin, his only full brother and the only brother that was totally guiltless in the conspiracy, is compounded in wrong. According to Rav Binyamin, besides for the larger gift, Yosef is also alluding to a unique status that will be bestowed solely upon a future descendent of Binyamin, implying that the other brothers are undeserving of that status. This explanation exasperates an already tenuous and triggering situation.

The final question leads us to a *gemara* in *Shabbos* 127b. The *gemara* opens with an innocuous yet encouraging statement,

תנו רבנן: הדן חבירו לכף זכות דנין אותו לזכות.

*Our rabbis have taught us, anyone who judges their friend with the benefit of the doubt will [also] be judged meritoriously.*

The *gemara* shares the backdrop of this magnanimous blessing. A man served as an employee earning wages to feed his family for the upcoming holidays. When the day to return home arrived, he approached his boss and asked for his due wages. Apologetically, the employer explained that he didn't have any more cash with which to pay. The employee then asked for his wages in produce, to which, again, the employer responded in the negative. Property? Can't. Livestock? Don't have. Cushions and blankets? Sorry... Seemingly unfazed by the disappointing interaction, the employee didn't say another word, picked up his personal belongings and headed home.

Post the holiday, the employer visited his employee and presented him with the full wages plus three additional donkeys, each one laden with a variety of drinks and delicacies. He asked his dedicated employee what he thought every time he rejected his earnest and deserving request for payment. The employee then listed off all of the ways, each one improbable, how he rationalized to himself his employer's preposterous rejection of his due wages, forcing him to return to his family empty-handed. The boss was ecstatic, and exclaimed, "I swear by service of the *Beis HaMikdash*, that [as you said] is exactly what happened." At which point he said,

ואתה, כשם שדנתני לזכות - המקום ידין אותך לזכות.

*And you, just as you had judged me favorably, so too should the Omnipresent judge you favorably.*

A beautiful blessing indeed, but, it is a ruse of a blessing. "Doubt" in judgment is a human folly, a limitation born out of our finite humanness. But Hashem is not limited or fallible. Within the omniscient nature of God, doubt simply does not exist. So what does it mean, "Hashem should judge you favorably," implying an element of doubt even by the all-knowing Creator?

### Understanding Rabbeinu Yona

To bring clarity to these penetrating issues, we must return and reread the *mishna*, *v'havei dan es kol ha'adam l'kaf zechus*. The classic interpretation, as we presented earlier, is, "Judge everyone with the benefit of the doubt." In light of Rabbeinu Yona's anomalous interpretation, let's reread one word with more scrutiny: *ha'adam*, "the man." A seemingly unwarranted letter *hei* creates a distinction that is as pronounced as it is subtle. Had the *mishna* intended to imply to us, that all people deserve to be judged favorably and distinctions are deemed irrelevant, it would have said *kol adam*, every person, sans the letter *hei*, implying an obligation that is inclusive and non-



discriminatory. By adding the letter *hei*, the phrase requires a new interpretation. The word *ha'adam* means “the person,” meaning, “judge the entire man,” or, the entirety of the person. The subtle amendment redirects us from the quantitative to the qualitative. We are no longer judging the action of the man, which is not subjected to categorization, and instead we are being taught to focus on the man who performs the action.

Typically, when we are confronted with a hurtful experience stemming from a misdeed, we begin to analyze the source of pain - the action. We begin to question how our dear ones can hurt us so deeply. Similarly, when we see a righteous person perform a less-than righteous action, we exhaust mental calisthenics attempting to conjure up scenarios that justify or at least soften the negative impact of the misdeed. While we may judge and justify the action, we still have to contend with the hurt from the performer of the action.

Rabbeinu Yona's interpretation offers a different approach that is significantly more satisfying and beneficial in the long-term. The words, “the entire man,” shifts our attention away from the single deed, to the performer of the misdeed. Hence, when we consider the person themselves, we are forced to judge the actual relationship that you enjoy with that person. We are compelled to challenge ourselves, would this person with whom I have a trusting relationship truly want to hurt me? Should I assume guilt when I can assume innocence? And, in a scenario that seems to not have a justifiable opening, we focus on the person, not the action, and ask ourselves a more poignant question, “is it worth it?” Is this single mistake of my spouse, sibling, parent, friend worth giving up “the person” who I love and care for, and who loves and cares for me? We all make mistakes. When you contemplate the hurtful deed, it hurts. When you contemplate the loving person and the history you have together, it hurts less.

Yes, arguably one can say, it is primarily because of our deep relationship that their misdeed is so hurtful. It is true. And that's why we are compelled to place the hurtful action side by side with the enjoyable relationship - and judge.

Rabbeinu Yona's fantastic distinction and categorization regarding who does and who does not deserve the favorable “benefit of the doubt” is illuminating, as it is a paradigm shift in the classic approach we have to unfavorable experiences. While it is true that actions make the man, it is also true that the man makes the action.

### **Applying Rabbeinu Yona to the Other Sources**

Accordingly, we can use this idea to garner a glimpse of understanding to Yosef's seemingly inappropriate attitude of favoritism towards his brother Binyamin. Perhaps

we can suggest that Yosef was not trying to simply hint to Binyamin a greatness about his descendent, but more importantly he was modeling for his brothers the lesson of judging the person and not the deed. Yosef specifically chose to give extra garments as the conduit to transmit a message to Binyamin, hinting that perhaps this was the innocent intent of their pious father Yaakov when giving him the extra garment, the *kesones pasim*.

Indeed, Rav Soloveitchik offers a beautiful insight of the alluded message represented in the Coat of many Colors. In his book, *Days of Deliverance*, he discusses the many colors of Yosef's persona. Yosef was gifted with multifaceted talents, which were not all naturally in sync with each other. He struggled with the temptations of the world, yet held on to the values of his home. He experienced the despondent and depressing existence of a prison, yet remained positive with faith in Hashem. He was an executor par excellence, comfortable in the courts of world leaders, yet he was sublimely religious. The Rav writes, (p. 166), "This is the meaning of *kesones pasim* - multi-colored, not monochromatic, and not one monotonous color. If there are many colors, there are many contradictions. Colors clash with one another, and Yosef was the synthesis..."

Perhaps Yaakov intended nothing more than to hint a message of encouraging behaviors that could potentially manifest the true display of his beauty, which ultimately he did. Yosef harnessed his complex abilities, crafting a rainbow-like beauty from a hodgepodge of colors. Notwithstanding the Divine design, had the brothers judged the person and not the action, they may not have been the catalyst for many years of suffering.

And now we can return to the blessing that implied Hashem as being imperfect in His lacking an all-knowing level of knowledge. Consider for a moment the underlying theme of our hearts as we present ourselves to Hashem, beseeching His mercy, whether during the Days of Awe, or any random day. "I know I have sinned, *Ashamnu, Bagadnu* etc, but please don't judge me by those poor choices of action, rather judge me by who I really am, who I really want to be." None of us want to be judged by our individual transgressions, rather we pray that He will see "us," the entirety of us and therefore judge us favorably. The blessing of the employer was not disparaging to Hashem, rather he was bestowing upon his dedicated employee the blessing of being treated with the same favorability that he had shown him. Just as you saw me, the entirety of who I am, and not my questionable behavior, so too, may Hashem apply His judgment based on who you are as a person and not by individual actions born from poor decisions.

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Rabbeinu Yona's words resonate strongly and can truly impact our relationships in a very positive way. A sincere and real person develops relationships with people, not with actions, hence, that is where the judgment should be placed.

### **Favorably Judging Hashem and Ourselves**

Two final lessons can be extracted from Rabbeinu Yona's insight. The first is in regards to how we "judge" Hashem. Jewish history is filled with much national suffering, and overwhelmingly heart-breaking hardships of the individual Jew. Many tears have been shed, and unfortunately many cries of anger critical of Hashem's judgment have been heard. Here too we apply the lesson of judging the Performer and not the action. It is when we allow ourselves to nurture our faith in Hashem - the entirety of Hashem - and not the painful actions and experiences of His judgements, that we are able to survive with our faith intact in our Omnipresent and Omniscient creator. Torah *hashkafa* requires that we don't fashion our Creator based on actions that we like or by the ones that we don't. Rather we strive to obtain the altruistic level of *emuna shleima*, complete faith, which can be fueled by our ability to see the *temuna shleima*, the complete picture.

The second lesson is regarding how we judge ourselves. A very common ailment that hinders a person's self-growth and internal tranquility stems from a severe level of self-judgment. We are critical of our actions and mistakes to a point that stymies our growth instead of nurturing it. The difference between healthy introspection and self-judgment is, self-judgment criticizes and blames ourselves which stunts a healthy sense of self, while introspection dismisses blame and instead becomes a springboard for self-awareness and growth. Here too, a safe place to start is to redirect our focus away from the action, and instead see the entirety of the "person," the goodness of the person, especially if that person is ourselves.

In this world that was gifted to us by Hashem, the Torah's prism of life sheds light on the importance of our connection and growth. The tripod upon which the world stands, man to Hashem, man to man and man to self, forces us to master an approach that will nurture growth in all three of the roles in which we exist. Rabbeinu Yona's understanding of the *mishna* will undoubtedly help us reach the constant goal of true connection to Hashem, a bonded unity amongst *Klal Yisroel*, and healthy growth within ourselves. May Hashem bless us with the fortitude and insight to strive for these lofty goals, and in this merit see the glory of Hashem revealed to the world.



# Elevating the *Seder* Experience

RABBI AVROHOM YECHIEL HIRSCHMAN



**T**he focus of the *seder* night is to strengthen our *emuna* and *bitachon* in the *Ribbono Shel Olam!* During *Yetzias Mitzrayim*, Hashem performed open miracles to make His presence known in this world. On the *seder* night, we recount the story of *Yetzias Mitzrayim* and its primary lesson that Hashem conducts the world with *hashgacha pratis*. Also, it's the one time a year there is a mitzva to recount the story to our children in order to imbue them with their own *emuna*, which will serve as the foundation for their *Yiddishkeit*.

The better prepared we are to lead the *seder*, the more successful we will be in reaching ourselves, our children and other participants at our *seder*. Here are a few tips which may be useful:

## **Preparing Ourselves to Lead the *Seder***

If we want to influence others in areas of *emuna*, *bitachon*, and *hashgacha pratis*, ideally, we should first do a self-check and reflect on our own belief system. What is our own level of faith in Hashem? *Emuna* and *bitachon* can be accessed and felt on many different levels. Some days we may feel Hashem's presence in our lives more than others, and some days our belief in Hashem may be stronger than others. That's normal. However, at the Pesach *seder*, where we are influencing others, our *emuna* should be at its strongest. The days leading up to Pesach are an especially important time to strengthen ourselves in the areas of *emuna* and *bitachon*.

Rav Matisyahu Salomon, *zt"l* would encourage people to set aside time from Rosh Chodesh Nissan until Pesach to learn the famous Ramban at the end of *Parshas Bo* which discusses the connection between *Yetzias Mitzrayim*, *emuna* and our everyday lives. By intentionally setting aside time to reflect on and deepen our belief in Hashem and by studying relevant *limudim*, we can elevate our *seder* into a truly transcendent experience.

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## Inviting Guests to the Seder

כל דכפין ייתי ויאכל.

Towards the beginning of the *seder*, during *Ha Lachma Anya*, we declare “whoever is hungry may come and eat.” Many *meforshim* wonder about the timing of this announcement: Why do we wait until we are behind closed doors to invite the needy? Wouldn't it make more sense for us to announce this at *shul* where there may be guests present?

One answer to this question may be that at the *seder*, we are guests at Hashem's table! Hashem seeks out settings in which openness, generosity, and sharing with those who have less than us (materially and/or emotionally) prevail. By proclaiming “*kol dichfin yeisi v'yeichol*,” we demonstrate to Hashem that we would love to share whatever we have at the *seder* with any Jew. We hope that when Hashem hears those words, He will be pleased and feel comfortable in gracing our *seder* table with His presence.

Notably, the *Shulchan Aruch* (OC 477:2) supports this notion by stating the following *halacha*: During a regular meal, when it's time for *birchas hamazon*, the one leading the *bentching* says “*Rabbosai nevarech!*” This signifies the end of eating and the intention to *bentch*. After the leader makes this proclamation, no one is allowed to eat anymore. This *halacha* is limited to a case when the *ba'al habayis* says “*Rabbosai nevarech!*” or instructs someone else to say it. However, if the *ba'al habayis* does not *bentch* and one of the other participants says “*Rabbosai nevarech!*” then everyone can continue eating, since a guest cannot decide when to end a meal. The *Shulchan Aruch* writes that at the *seder*, if the *ba'al habayis* mistakenly says “*Rabbosai nevarech!*” before eating the *afikoman*, he can still go ahead and eat it! This is because at the *seder*, Hashem is the *ba'al habayis*, and He doesn't want us to *bentch* until we eat the *afikoman*.

Of course, the proclamation of *kol dichfin* is extremely meaningful. However, being proactive before Yom Tov and inviting people who need a place to celebrate the *seder* is the most significant way of demonstrating our openness and generosity during the *seder* night!

## The Seder's Rituals

The *seder* is full of rituals, especially at the beginning (e.g. *kadesh*, *urchatz*, *karpas*, *yachatz*, etc.) The *gemara* and commentaries on the *Haggada* provide many beautiful reasons for these important rituals, and the *sifrei Kabbala* describe many *tikkunim* which we can accomplish in the spiritual worlds when we perform these rituals.

It's important for us to appreciate the significance of the rituals, even when we don't understand the reasons behind them. It's even more important to demonstrate the proper reverence for the rituals to ourselves and the participants at our *seder*. An attitude of reverence during the *seder* helps create a transcendent atmosphere, which sets the stage for our children and other participants to absorb the fundamental messages that we are transmitting.

### Engaging our Children and Stealing the *Afikoman*

והגדת לבנך ביום ההוא.

The Torah instructs us to teach our children the story of *Yetzias Mitzrayim*. Furthermore, a father is imbued with a special *siyata d'shmaya* on the night of the *seder* to imbue his children with *emuna* and *bitachon*.

The Torah recognizes our challenge in keeping our children engaged in the ancient story of *Yetzias Mitzrayim*, so on *seder* night the Torah instructs us to involve our children in a unique question-and-answer learning session. This give and take allows for more engagement, and additionally, it gives the person answering the question an opportunity to reflect and deepen their understanding of the events which transpired during *Yetzias Mitzrayim*.

The *gemara* suggests a tip to keep the children engaged in the *seder*.

אמרו עליו על רבי עקיבא שהיה מחלק קליות ואגוזין לתינוקות בערב פסח כדי שלא ישנו וישאלו.

*Rebbi Akiva would distribute nuts and roasted wheat kernels to the children at the seder so that they should remain awake and ask questions.*  
(Pesachim 108a)

We, too, can offer children who ask good questions or offer nice answers or *divrei Torah* some of their favorite treats. There may be an additional benefit to this *minhag*. Perhaps while the children are enjoying their treats, the leader of the *seder* can engage the adults who are present in a higher level discussion of the *Haggada*.

The *gemara* further writes (*Pesachim* 109a),

תניא רבי אליעזר אומר, חוטפין מצות בלילי פסחים בשביל תינוקות שלא ישנו.  
*R Eliezer says that we grab the matza on the evening of Pesach so the children shouldn't fall asleep.* (*Pesachim* 109a)

There is a widespread *minhag* in *Klal Yisrael* for children to steal the *afikoman* from their fathers, or for the parents to hide the *afikoman* and have the children search

for it. This *minhag* was intended to keep the children awake during the *seder*. For some, this *minhag* has further evolved so that children ask for an “*afikoman* present” as a reward for giving it back.

While it may seem a little peculiar for children to charge their parents to get their matza back, there is a very beautiful reason given for this *minhag*: Since the focus of the *seder* is instilling the Jewish legacy in our children, we try to cultivate an environment in which it's easy for our children to absorb these crucial lessons. Children learn best in happy and nurturing settings, which are cultivated most effectively by parents who are in a giving and generous mood. It is important, though, to keep in mind that the *afikoman* stealing shouldn't become the focus of the evening. Rather, it should be used as a tool to keep the children engaged in the *seder*.

### Matza

Matza embodies the lesson of *bitachon*. On the eve of redemption, the Jewish nation prepared dough to bake in the morning, before they left their homes in Egypt, to sustain themselves in the desert. Hashem then instructed the Jews to depart at daybreak, leaving them with no time to bake the dough. Without questioning Hashem about how they would survive without taking food with them, the Jews left their homes with their sacks of dough slung over their backs. The hot desert sun baked their dough into matza, and the Jewish people thus had food to eat. Just as Hashem orchestrated a way for the Jewish people to have food during their desert journey, so too nowadays, Hashem makes sure that everyone has the *parnassa* that they need.

The *Zohar* (*Tetzave*) further explains the connection between matza and *bitachon*, that when we eat the matza, we are actually ingesting *bitachon*! The physical matza has the wondrous capacity to influence our metaphysical connection with Hashem!

Matza has inherent *kedusha* and therefore should be treated accordingly. Even if we don't appreciate the taste of matza or find it difficult to digest, we should try to be careful as to how we speak about it. We should remember that when treated with reverence, matza adds to the aura of the *seder* and helps us connect with the deeper meaning of Pesach.

If someone finds the eating obligations at the *seder* – matza, *maror*, *koreich* and *afikoman* – to be physically challenging, they might find the following thought helpful: The Vilna Gaon (*Parshas Teruma*) writes that a person's body is like a *mishkan*; many limbs and organs in our body correlate to different parts of the *mishkan*. For example,



our digestive system is similar to the *mizbeiach*. Just as the *mizbeiach* consumed offerings, so too our digestive system consumes food. In particular, when a person eats the *seder* foods for the sake of the mitzva (*l'shem shamayim*) – when it would be easier not to consume them – their digestive system is likened to a *mizbeiach*!

### ***Shulchan Orech***

The *minhag* of great *tzadikim* was not to engage in any idle conversation during the *seder*. It's wise for the one leading the *seder* to prepare divrei Torah and stories in advance, in order to maintain the elevated atmosphere at the *seder*.

### ***Nirtza***

After spending the night engaged in discussions of *Yetzias Mitzrayim*, *emuna* and *bitachon* and after performing so many *mitzvos*, we surely are in the mood to praise Hashem. *Nirtza* is composed of songs of praise, as well as prayers that Hashem bring the Geula speedily.

The song *Echad Mi Yodea* stands out as an anomaly. It seems as if it is neither praise nor prayer. I once heard a beautiful *pshat* from Rav Gifter in the name of the *Shem Mishmuel*, who explains why we sing it at the end of the *seder*:

After the uplifting *seder* experience, we are certainly on a spiritual high. We are consumed with thoughts of spiritual longing and growth. In this state of euphoria, when we hear the number one, the first thought that enters our mind is Hashem! Two - the *luchos*! Three - the *avos*! And so on.....

Singing *Echad Mi Yodea* is a demonstration and celebration of the transformative spiritual influence that the *seder* has had on us!



# Purim



Rabbi Yaakov Siegel

Yaakov Rich

Leigh Greenberg

Adiv Pachter



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# The Pageant of the Masters

RABBI YAAKOV SIEGEL



**R**ight now, our *Galus Edom*<sup>1</sup> truly feels like *Galus*. While there have been moments in recent history that the Jewish people have felt strong and secure, it is clear now, that as long as *Galus* continues, any feelings of security are illusory.

While *Galus Edom*—the Exile of Esav—began with the Roman conquest of Jerusalem and destruction of the Second *Beis Hamkidash*, it is really – like the Purim story – just one stop along the millennia-long battle between Yaakov and Esav.

## “Esav Hated Yaakov Because of the Blessing”<sup>2</sup>

This enmity began with one of the most dramatic moments in Jewish history. Yaakov dressed himself in Esav’s most beloved clothes, disguised himself as Esav, and tricked Yitzchak into giving him the *brachos* that were meant to go to Esav. When Esav discovered what had happened, “he cried a great bitter cry,” hated Yaakov, and pledged to kill him. It is because of this hatred that Esav’s descendants Amalek tried to wipe out the Jewish people so many times. It is because of this hatred that the Romans and Christians, also descendants of Esav, carried out so many atrocities

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<sup>1</sup> In the thought of *Chazal* (Talmudic literature), the Roman exile which began with the destruction of the second *Beis Hamkidash* c. 70 C.E., is referred to as *Galus Edom*, or the Exile of Esav. Since then, the Jewish people have generally continued to live under the dominion of the political and cultural heirs to Rome – Christian Europe and Western Civilization including the United States. The Ramban (*Bamidbar* 24:22) presents at length that even though Yishmael (the Arabs) have at times conquered Jerusalem from Edom/Rome/Christians, and have ruled over much of the Jewish population in Arab lands, they are still secondary players in our current *Galus Edom*. The Ramban argues that since the children of Yishmael never conquered Rome – neither militarily, nor in global influence, we remain in *Galus Edom* until we are freed by the coming of *Moshiach*, as described at the end of *Ovadiah* (1:21) – “*v’alu moshi’im b’har Tzion lishpot es Har Esav, v’hayesa Lashem hamelucha*” liberators shall march up to Mt. Zion to carry out judgment against Esav, and Dominion shall be Hashem’s.

<sup>2</sup> *Bereishis* 27:41

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against the Jewish people over the last two thousand years. And it is because of this hatred that the supposedly “civilized” world offers such tepid support to the Jewish people as we try to defend ourselves from atrocities committed by the most recent iteration of the evil of Amalek.

What was it? What about Yaakov dressing as Esav and taking the *brachos* set Esav off with uncontrollable desire for revenge that has lasted for thousands of years? What lessons can we learn that can help us defeat Esav, bring *Moshiach*, and end this final *Galus*?

To begin our efforts to answer these questions, let’s go back to the time in history when the opposite happened - when *Esav* dressed up as *Yaakov* in an effort to take *his brachos*.

### The Pageant of the Masters

One of the most fascinating *aggados* in all of *Shas* is the story of the great Roman pageant, found in *Avoda Zara* 11b:

ברומי, אחת לשבעים שנה מביאין אדם שלם ומרכיבין אותו על אדם חגור, ומלבישין אותו בגדי אדם הראשון<sup>3</sup>, ומניחין לו בראשו קרקפלו של רבי ישמעאל.

... ומחפין את השווקים באינך ומכריזין לפניו "סך קירי פלסתר! אחוה דמרנא זייפנא! דחמי חמי ודלא חמי לא חמי מאי אהני לרמאה ברמאותיה ולזייפנא בזייפנותיה." ומסיימין בה הכי "ווי לדין כד יקום דין."

אמר רב אשי הכשילן פיהם לרשעים אי אמרו "זייפנא אחוה דמרנא" כדקאמרי. השתא דאמרי "דמרנא זייפנא" מרנא גופיה זייפנא הוא.

*In Rome, once every seventy years, they would bring a healthy person [representing Esav] and have him ride on the back of a lame person [representing Yaakov]. They would dress him in the clothing of Adam HaRishon, and place over his head the preserved face of Rabbi Yishmael.<sup>4</sup>*

3 It is brought in various *midrashim* that the *kosnos or*, the leather clothes that Hashem fashioned for Adam HaRishon after he sinned, had special qualities, they smelled like *Gan Eden* and that wild animals would calmly come to Adam when he wore them. These special clothes were inherited by Nimrod, which is how Nimrod became a supreme hunter. Esav desired these clothes so he too could hunt like Nimrod, so he killed Nimrod and took these special clothes that Hashem made for Adam. That’s why these clothes were called “*Bigdei Esav Hachamudos*,” Esav’s desired clothes. (See *Zohar Vayakhel* 28, *Yalkut Reuveni Bereishis d’h kosnos or*, *Tikunei Hazohar* 59, *Pirkei D’Rabbi Eliezer* 24.)

4 The *Midrash Eleh Ezkera* tells the story of Rabbi Yishmael’s murder. Rabbi Yishmael was one of the most beautiful people in the world, and as the Caesar was about to execute him, the Caesar’s daughter begged to spare his life as she was attracted to his beauty. The Caesar refused as he had already vowed to kill Rabbi Yishmael.

... They would cover the marketplaces with a plating of precious onyx, and they would announce in front of this costumed person: "The brother of our master [Esav] is a counterfeiter!<sup>5</sup> Those who see this will see it, and those who do not see it will not have another chance. What did this trickster get from his trickery, and what did the counterfeiter get from his forgery?" They would end by saying, "but woe to these [us sons of Esav] when the other ones [the sons of Yaakov] arise."

Rav Ashi said: these wicked people's mouths tripped them up. If they would have said "zayafna achva dimarana," a counterfeiter is the brother of our master, it would have meant what they intended [that Yaakov is a fraud]. But since they said "dimarana zayafna," it could be understood by listeners to mean that their master himself [Esav] was the fraud.

This theatrical performance was dramatic in its symbolism. At the simplest level, the Romans are trying to show the dominance of Esav over Yaakov. The strong able-bodied Esav character – dressed in Esav's actual clothes that he got from Adam HaRishon – rides on top of, and dominates the lame Yaakov character. Lame, no doubt, since the *Saro shel Esav* wounded Yaakov's thigh in their epic battle in *Parshas Vayishlach*. This performance was put on every 70 years – the length of the first *Galus Bavel* – as if to say, look, another 70 years have gone by, and Esav still dominates Yaakov; what did Yaakov gain by buying the *bechora* and stealing the *brachos*? Absolutely nothing.<sup>6</sup>

The *gemara's* vivid description is rich in details, but many of these details are downright puzzling.

- Of all possible ways to portray Esav and Yaakov, why did the Romans specifically use Adam's clothes and Rabbi Yishmael's face?

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So the daughter asked if he could at least peel off the skin of Rabbi Yishmael's face and preserve it so she could look at it instead of a mirror. The Caesar agreed and tortured Rabbi Yishmael by peeling off his skin while he was still alive.

<sup>5</sup> According to the Koren Talmud (*Avoda Zara* p. 59) *Kiri* is Greek for "master" and *plaster* in this context is Greek for "façade" (the English word plaster comes from the Greek.) According to Rabbeinu Chanel, the letters of *sach*, should probably be reversed as *casis* means brother in Greek. According to Rabbeinu Chanel, *sach kiri plaster* and *achva dirmarana zayafna* both mean "the brother of our master is a forgery," first in Greek then in Aramaic. According to Rashi, however, *sach* is Hebrew for calculation, and *sach kiri plaster* is a mix of Hebrew and Greek meaning "the calculation of the master is fake." Rashi's approach is harder to understand, as to why in the first line is Yaakov called the master, then in the second line Esav is called the master.

<sup>6</sup> This is the explanation of the *Tosfos Rid* (*d"h achas*).

- What is the significance of the Romans “plating” the marketplaces with precious stone?
- The Esav character is trying to say that Yaakov is dishonest and a liar. So why does he use strange words like *zayafna*, which means counterfeiter and *plaster* meaning façade? Why not use words like *sheker* or *shakarna* meaning liar?
- In this theatrical performance, Esav is being proclaimed as dominant both through a visual show and through spoken words. So why do they say “*dichami chami u’dilo chami lo chami*,” Those who *see* this will *see* it, and those who do not *see* it will not have another chance. Why don’t they also say, Those who *hear* this will *hear* it, and those who do not *hear* it will not have another chance?
- There are many, many *kashyos* Rav Ashi could ask on this Roman performance, but he asks only one. Of all things, why does he specifically point out that the one-line speech could be more effective if the words were in a different order?

### The Most Beautiful People in the World

Yaakov and Esav were two good-looking men. The *gemara* says (*Bava Metzia* 84a, *Bava Basra* 58a):

שופריה דיעקב אבינו מעין שופריה דאדם הראשון.

*The beauty of Yaakov Avinu was similar to the beauty of Adam HaRishon.*

Regarding Esav, the *midrash* says (*Shochar Tov Tehilim* 18:32):

שהיה קלסתר פניו דומות ליעקב.

*The appearance of Esav’s face was similar to that of Yaakov.*

The Maharal (*Gevuros Hashem* 67 and *Derech Chayim* 3:14) explains that Adam HaRishon was the most beautiful person in human history because he was created *bitzelem Elokim*, in the image of God Himself.<sup>7</sup> Adam’s *tzelem Elokim* took two forms. The first was physical; not that Hashem has a physical form, but the Godliness of man was expressed in man’s physical prominence. Of all the animal kingdom, only man walks upright, and has the highest level of dexterity and physical capabilities. This physical aspect of the *tzelem Elokim* was expressed in the beauty of Adam’s physical form.

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<sup>7</sup> The *gemara* says in *Bava Basra* 58a that Sara Imeinu was so beautiful that any other woman in history compared to Sara was like a monkey compared to a person. Nonetheless, Sara’s beauty compared to Chava’s was like a monkey compared to a person, and Chava’s beauty compared to Adam’s was like a monkey compared to a person.



The second way in which God made Adam in His image – *bitzelem Elokim* – was by giving man wisdom, speech, intellect, and the capacity for spirituality and Godliness. Even though this second aspect of *tzelem Elokim* is decidedly *not* physical, the Maharal points out this aspect could also be seen through the physical beauty of Adam's face. For example, if one would look at the picture of a man on the cover of People magazine, or *lihavdil elef havdalos* a smiling *gadol* portrait of the Mirrer Rosh Yeshiva, Rav Nosson Zvi Finkel, both would be described as exceptionally beautiful – even though they look so very different. They both actually look beautiful, but one man's physical beauty comes from his exceptional body, and the other's comes from his exceptional soul. The physical beauty of Adam HaRishon's face reflected *both* the greatness of man's body *and* the greatness of man's soul.

As the legacy and remnants of Adam's *tzelem Elokim* passed from Avraham to Yitzchak, both Yaakov and Esav had the potential to inherit this special gift from Yitzchak. But since Yaakov – the *yosheiv ohalim* (who dwelled in the tents of Torah study) – was so intensely focused on *kedusha*, he was able to take for himself the loftier form of *tzelem Elokim*, which the Maharal calls “*tzelem Ha'eloki b'emes*,” the *true tzelem Elokim*. Esav, the *ish sadeh* (man of the field) whose life revolved around mundane physical pursuits, could only access the physical appearances of the *tzelem Elokim*.

So *shufreih diYaakov*, Yaakov's true Godly beauty, was similar to that of Adam's, but all Esav had was the same *klaster panim*, the same outward appearance.

### Who's the Real Man?

With this background, the Maharal (*Chidushei Agados A"Z* 11b) explains the purpose of the great Roman pageant. The *B'nai Esav* were certain that they were the true heirs to the greatness of Adam HaRishon – after all, Esav looked just like him. Furthermore, the *midrashim* tell us<sup>8</sup> that Esav inherited from Adam the *kosnos or*, the clothes that Hashem Himself made for Adam (these were Esav's *bigdei chamudos* that Yaakov wore to trick Yitzchak). So Esav's face looked just like Adam's, *and* Esav had Adam's clothes. Surely Esav was the true heir to Adam HaRishon and the greatness of Man.

But Yaakov and his children obviously disagreed. Perhaps Esav might have laid claim to *one* aspect of Adam's *tzelem Elokim*, but it was only physical and superficial. The **true** *tzelem Elokim*, the loftier vision of Man that can achieve, or at least touch, some of God's wisdom, intellect, and spirituality – only Yaakov could achieve that

<sup>8</sup> See Note 3.

level of *tzelem Elokim*. To *Bnei Yaakov*, there was only one heir to the greatness of man, Yaakov Avinu.

Thus Yaakov and Esav had entirely different visions of the legacy of Adam HaRishon – the ideal for humanity – and spent the rest of their lives, and thousands of years of their descendants' lives, fighting over whose vision would triumph.

### Is this “The End” or only Intermission?

Our tradition is that for most of human history Yaakov was, and will be dominant over Esav. For the 1,500 years from when Yitzchak gave the *brachos* to Yaakov until Rome captured Judea, Yaakov dominated. Then again, when *Moshiach* comes and we see the fulfillment of Ovadia's prophecy (1:21) – “*v'alu moshi'im b'har Tzion lishpot es Har Esav*,” liberators shall march up to Mt. Zion to carry out judgement against Esav – from then until eternity, Yaakov again will dominate Esav. But when the Romans destroyed the *Beis Hamikdash* and during the ensuing *Galus Edom*, Esav became dominant. The *midrash* (*Bereishis Rabba* 77) says that this history of Yaakov and Esav's struggle for dominance is symbolized by Yaakov's struggle with the *Saro shel Esav* (Esav's angel) in *Parshas Vayishlach* (32:24-33), with the injury to Yaakov's thigh representing the murder of the *Asara Harugei Malchus* (ten martyrs) during the “*doro shel shmad*,” the generation of the destruction of the *Beis Hamikdash*.

What was the end of that story of Yaakov fighting the angel? We, the *Bnei Yaakov*, say that Yaakov defeated *Saro shel Esav* and forced him to relinquish any of Esav's claims to Yitzchak's *brachos* (see Rashi to *Bereishis* 32:27-29). True, Esav's angel injured Yaakov, and subsequently Esav's descendants would torture and kill ten of Yaakov's greatest descendants in the *doro she shmad*. But that was only temporary, as Yaakov emerged from his encounter with Esav, in the words of Rashi (33:18), “complete in body... complete in his wealth... and complete in his Torah.”

Esav, however, strongly disagreed. For that reason, every seventy years – the lifetime of a person *and* the length of the exile after the destruction of the first *Beis Hamikdash*, Esav made this massive demonstration to show that Esav didn't just deal Yaakov a temporary setback, but in fact Esav won the war. Esav was the real heir to the greatness of Adam HaRishon, and Esav had the true vision of the greatness of man.

To make this point, the Romans had a healthy person riding on top of a lame person. The symbolism is quite obvious – another seventy years has passed, Esav is still riding on top, and Yaakov is still lame. The healthy person representing Esav, wore Adam HaRishon's actual clothes and Rabbi Yishmael's actual face. Rabbi Yishmael was the most beautiful of the Jews – he had the *shufrei d'Adam HaRishon*, and as one

of the *Asara Harugei Malchus*, he was murdered by the children of Esav during that fateful “*doro shel shmud*.” Esav was proclaiming that all of Yaakov’s efforts to prove his prominence had failed; Esav controls all aspects of Adam HaRishon’s physical beauty, and Yaakov is nothing but a cheap impostor.

When Yaakov Avinu went to get the *brachos* from Yitzchak, he was wearing Adam HaRishon’s *bigdei chamudos*, and his own face was *me’ein shufrei d’Adam HaRishon* – had the beautiful appearance of Adam’s *tzelem Elokim*. Yaakov unified both aspects of *tzelem Elokim* within himself, at the precise moment Yitzchak gave him the *brachos* passed down from generations past. This was a true moment of victory for Yaakov. But the Roman pageant was Esav’s response. During the pageant, Esav’s descendant wore Adam HaRishon’s *bigdei chamudos*, Rabbi Yishmael’s mask which appeared *me’ein shufrei d’Adam HaRishon*, and declared that Yaakov was a fake. Yaakov had tried to unify both aspects of Adam’s *tzelem Elokim* and declare victory when he received the *brachos*, but that was all a cheap façade. Look, says, Esav, another seventy years have gone by, and we still have the *bigdei chamudos*, the *shufrei d’Adam HaRishon*, and the lame Yaakov is still carrying us on his shoulders. Esav wins, Yaakov loses.

### **Solid Gold or Gold-Plated?**

But boy was Esav wrong. Every aspect of Esav’s celebratory pageant was focused on their *apparent* domination of Yaakov, but every aspect of the celebration was superficial. For example, to demonstrate their wealth, the Romans *plated* their marketplaces with precious stones. Everyone knows that gold plated objects are the epitome of cheap and tacky. But not if you’re *Bnei Esav* and all you care about is the outward appearances.

The use of Rabbi Yishmael’s face as a mask to show that Esav acquired any beauty given to Yaakov is ludicrous. Could anyone imagine that Rabbi Yishmael’s beauty did *not* come from his *kedusha*, his visits to the *Kodesh Hakodashim*, and his Torah wisdom? Could anyone imagine that the beauty of Rav Aharon Kotler’s piercing eyes could exist without the piercing Torah brilliance behind them? Could anyone imagine that the beauty of Rav Noach Weinberg’s warm smile could exist without the love and wisdom in his heart? Only the hopelessly superficial Esav could imagine such a thing.<sup>9</sup>

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<sup>9</sup> In 2022, former President Donald Trump addressed the Torah U’Mesorah convention at the National Doral Country Club in Miami. While recognizing the presence of Rav Shmuel Kaminetsky, *shlit’a*, President Trump said “Rabbi Kaminetsky...He looks like a young man, there’s something nice about being a rabbi, I think. You look beautiful. They told me your age, and I’m not sure I believe it.” President Trump was genuinely trying

When Yaakov unified both aspects of the *tzelem Elokim*, Yitzchok summarized the moment as “*hakol kol Yaakov, v'hayadayim yidei Esav*.” Here you have the physical strength and external beauty described as the hands of Esav, but the loftier aspect of *tzelem Elokim* described as “the voice of Yaakov.” Esav missed this completely. Esav, who unlike Yaakov, never focused on *kedusha* for a day in his life, thought the two aspects of *tzelem Elokim* were “hands of Esav” and “beauty of Yaakov.” But he was sorely mistaken.

This explains all the strange phrases the Romans use in the pageant. They call Yaakov a forgery (*zayafna*) rather than a liar, because for those focused on superficial externals, dishonesty in appearance is far worse than dishonesty in words or deeds. This also explains why the Romans said of the pageant, “*dichami chami u'dilo chami lo chami*,” those who *see* this will *see* it, and those who do not *see* it will not have another chance. Even though the pageant had both a visual performance and spoken lines, the Romans couldn't care any less about the words that were spoken, all they cared about was the appearance. This is seen all the more so from Rav Ashi pointing out that they botched literally the only spoken line in the entire performance. For all the efforts that went into the visual details of the pageant, not an ounce of thought was put into the one spoken line – for if there was, the line would have been worded so that Yaakov – not Esav – would have been declared unambiguously to be the *zayafna*. Esav was completely oblivious to the “voice of Yaakov” aspect of the *tzelem Elokim*.

### From Yitzchak's Tent to Rome, to Gaza, to our Purim Seuda

In the seemingly endless battle between Yaakov and Esav, there is no more powerful image than the voice of Yaakov and the hands of Esav combined into one person.

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to express his admiration for the *Gadol Hador*, but it boggles the mind of any *Ben Yaakov*, that when praising literally the wisest man in his country, the former President could only praise his looks. (The speech can be viewed at: <https://youtu.be/dvn7hO2WmLw?si=sPd-rO20OLBXIkY>)

The Roman obsession with Rabbi Yishmael's external beauty also comes up in *Gitin* 58a:

מעשה ברבי יהושע בן חנניה שהלך לכרך גדול שברומי, אמרו לו: תינוק אחד יש בבית האסורים, יפה עיניו וטוב רואי וקוצותיו סדורות לו תלתלים. הלך ועמד על פתח בית האסורים, אמר: “מי נתן למשיסה יעקב וישראל לבחזים?” ענה אותו תינוק ואמר: “הלא ה' זו חטאנו לו ולא אבו בדרכיו הליך ולא שמעו בתורתו”. אמר: מובטחני בו שמורה הוראה בישראל... ומנח? רבי ישמעאל בן אלישע. *There was an incident involving Rabbi Yehoshua ben Chananya who once went to the great city of Rome, where they said to him: There is a child in prison with beautiful eyes and an attractive appearance, and his curly hair is arranged in locks. Rabbi Yehoshua went and stood by the entrance to the prison. He said, as if speaking to himself: “Who gave Jacob for a spoil, and Israel to the robbers?” (Yeshaya 42:24). That child answered by reciting the continuation of the verse: “Did not the Lord, He against Whom we have sinned, and in Whose ways they would not walk, neither were they obedient to His law?” Rabbi Yehoshua said: I am certain that, if given the opportunity, this child will issue halachic rulings in Israel, as he is already exceedingly wise... And who was this child? This was Rabbi Yishmael ben Elisha.*

Here, once again, you have the Romans who were struck by the young Rabbi Yishmael's “beautiful eyes and attractive appearance,” while Rabbi Yehoshua was struck by his wisdom.

Erev *Parshas Toldos*, 5784, Rav Liad Levi, a *Magid Shiur* at Yeshivas Amit Kfar Ganim sent his *talmidim* his usual *Erev Shabbos D'var Torah*, but this was no usual *D'var Torah*. Rav Levi was now in Gaza, as his reserve unit was called up and sent in to fight for *Am Yisrael*. Rav Levi sent a video of himself in full battle armor with the sounds of tank shells exploding in the background, sharing a remarkable explanation of the *brachos* Yitzchak gave to Yaakov. Rav Levi explained that it was Divinely ordained that Yitzchak give Yaakov the *brachos* for success in the land of Israel precisely at the moment that Yaakov was dressed as Esav. In order for Yaakov to find *hatzlacha* in *Eretz Yisrael*, he needs both the “*kol kol Yaakov*,” and the “*yadaim yidei Esav*.” Yaakov will only thrive in *Eretz Yisrael* if *lo nafak Torah mipumei*, if his voice is used primarily for Torah and *tefila*. But there are times that Yaakov will also need the “*yadaim yidei Esav*,” the *klei milchama* and military effort to defend his ability to learn Torah and daven in *Artzeinu Hakedosha*. Seeing Rav Levi say over this *D'var Torah* while sitting in freshly captured Gaza, while holding his automatic rifle, wearing his military uniform, is truly incredible - “*dichami chami u'dilo chami lo chami*,” those who see this will see it, and those who do not see it miss out. And “*disham'i sham'i u'dilo sham'i lo sham'i*,” Those who hear this will hear it, and those who do not hear miss out.

At our Purim *seudos*, we can and should become that powerful image of the voice of Yaakov and the hands of Esav combined into one person. When we wear our Purim costumes, we are re-enacting Yaakov Avinu dressing up in his costume when he unified both the physical and spiritual *tzelem Elokim* to receive the *brachos* from Yitzchok. And when we say *divrei Torah* and sing *zemiros*, we are embodying the *kol kol Yaakov* and expressing the inner beauty of Yaakov Avinu. But of course, the costumes, clothes, and *bigdei chamudos* are not who we are, it's something we do only one day a year – the day we celebrate our triumph over Esav. But the *kol Yaakov* – the *divrei Torah* and *zemiros* – is and must be not just what we do, but who we truly are.

### The Knockout Punch

The Roman pageant ended with a massive admission from the *Bnei Esav*:

ומסיימין בה הכי "ווי לדין כד יקום דין."

*They would end by saying, "but woe to these [us sons of Esav] when the other ones [the sons of Yaakov] arise."*

Picture the Esav character riding on the back of the Yaakov character while the Yaakov character crawls on all fours like an animal. The Maharal explains that when the Yaakov character stands up to his full human height, the Esav character will fall

backwards and hit his head so hard, he will never get up again. And Esav knows this – it is the Romans who say, woe unto us if Yaakov is ever able to stand up.

At our Purim *seuda*, we have the power to give Esav this knockout punch. If we can genuinely show that *kol kol Yaakov* – our love of Torah, our passion spirituality and wisdom and spirituality is who we truly are – and the *yadayim yidei Esav*, the physical and aesthetic pleasures are something we only occasionally do, then we can deliver that final knockout punch to Esav that we have been waiting for, for thousands of years. *Vay lidein kad yakum dein*, and woe to Esav when we, the sons of Yaakov, finally arise.

# *Purim min Hatorah Minayin?* A Glimpse into Rav Saadya Gaon's *Halachic Thought*

YAAKOV RICH



If you ask someone to give you an example of a *mitzva derabbanan*, there's a good chance that their answer will be either *krias hamegilla* on Purim or *hadlakas neiros* on Chanuka. These are classic examples of *mitzvos aseh* which were instituted by the *Chachamim*, and are not counted as part of the 613 *mitzvos* of the Torah. The Rambam, whose count of the *taryag mitzvos* has become the most well-known and widespread, began his *Sefer Hamitzvos* with fourteen "*shorashim*"<sup>1</sup>, or principles, as to how the *mitzvos* should be counted; and the very first one concerns *mitzvos derabbanan*.

השרש הראשון שאין ראוי למנות בכלל הזה המצות שהן מדרבנן. דע כי זה הענין לא היה ראוי לעורר עליו לבארו, כי אחר שהיה לשון התלמוד (מכות כ"ג:) תרי"ג מצות נאמרו למשה בסיני איך נאמר בדבר ההוא שהוא מדרבנן שהוא מכלל המנין, אבל העירונו עליו מפני שטעו בו רבים ומנו נר חנוכה ומקרא מגילה מכלל מצות עשה וכן מאה ברכות בכל יום ונחום אבלים ובקור חולים וקבורת מתים והלבשת ערומים וחשוב תקופות ושמונה עשר ימים לגמור את ההלל.

*The first principle is that mitzvos which are derabannan should not be counted. This issue should not have been necessary even to explain, since*

1 "*Shorashim*" is the term used in the Ibn Tibbon translation; the source Arabic term is "אלאצול". Ibn Ayyub translated this as "*ikkarim*" (*Kovetz al Yad*, Vol. 5, 1893; p. 22), which is also how the Ramban refers to them in his *hasagos*. Rav Kapach uses the term "*klalim*".

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once the language of the Talmud is “Six-hundred thirteen mitzvos were said to Moshe at Sinai,” how could we say about a mitzva derabbanan that it should be in that count? But, I am pointing this out since many erred in this matter and counted ner chanuka and mikra megilla among the positive mitzvos, as well as the daily recitation of one hundred brachos, consoling the bereaved, visiting the sick, burying the dead, clothing the unclothed, calculating the calendar, and reciting full hallel eighteen days of the year.

It’s important to keep in mind that the Rambam – as he himself admits – is an innovator in the field of counting mitzvos. Counting the *taryag mitzvos* was somewhat popular in the later period of the *geonim*, mostly in the form of *piyutim*, but also occasionally as more descriptive lists. And the Rambam’s count is noticeably and drastically different from that of all of his predecessors. In some ways, the Rambam’s *Sefer Hamitzvos*, as much as it is an introduction to his *Mishneh Torah*, it is also an attack on the traditions of the *geonim* with regard to what the *taryag mitzvos* are and how to count them.<sup>2</sup> And the most prominent voice who came to the defense of the *geonim* is that of the Ramban in his *hasagos* – his critique – of the *Sefer Hamitzvos*.<sup>3</sup>

2 The Rambam, in his introduction to the *Sefer Hamitzvos*, writes that he intended to include the count of *taryag mitzvos* in the *Mishneh Torah*, but feared that people would reject it since it is so different from the earlier *money hamitzvos*. Thus, his *Sefer Hamitzvos* is an attempt to justify his count and its departure from the earlier counts that were popular until then, primarily that of the Behag and of Rav Chefetz ben Yatzliach Gaon.

3 The first really to counter the Rambam and defend the Behag on many points was Rav Daniel HaBavli in a series of questions to the Rambam’s son, Rabbeinu Avraham ben HaRambam. Besides for him and the Ramban, the vast majority of works on the Rambam’s *Sefer Hamitzvos* are in the genre of defending the Rambam from the comments and criticisms of the Ramban. In many ways, the Rambam became the accepted standard and the traditions of the *geonim* in this area were mostly forgotten. In the words of one contemporary *talmid chacham* who studied this (Rav Avraham Tzvi Rabinowitz, *Hamitzva V’hamikra*, 1988; p. 1):

פוק חזי מאי עמא דבר והעם תפס את ספרו האדיר של הרמב"ם כיסוד ועיקר. תורה שלמה של גאונים וראשונים נותרה ללא מי שיהפוך בה ויחתור לגילוי ריזה ומכמניה, להוציא תעלומותיה לאור עולם ולדון בהן בבית המדרש.

*Go and see what the reality is. The people have established the wondrous work of the Rambam [his Sefer Hamitzvos] as the standard. The Torah of the geonim and earlier rishonim [in this area] remains without anyone to delve into it, to reveal its hidden gems, and to study it in the beis midrash.*

Rav Yerucham Fishel Perla, in the early twentieth century, devoted his work to defending the *minyana hamitzvos* of Rav Saadya Gaon as he understood it through his *piyutim* (see below and in note 9), and incidentally, Rav Perla also exerted effort in justifying the positions of the Behag and other earlier *rishonim* in the process. (It’s also worth noting the commentary *Hidur HaZaken* of Rav Mordechai Slutski on the *azharos* of Rav Eliyahu HaZaken, which loosely follows the count of the Behag.)



The target of many of the Rambam's *shorashim* is the Behag, who includes a list of the *mitzvos* in the beginning of the *Halachos Gedolos*.<sup>4</sup> Indeed, the Behag did count all those *mitzvos* which the Rambam lists above. The Ramban, while defending the idea that *mitzvos derabbanan* can be counted among the 613 *mitzvos*, ultimately concedes that the Rambam's objection is likely correct, and that ideally they should not be included in the count.

However, the Ramban did not seem to have access to one of the most distinguished *minyán hamitzvos* of the Geonic era – that of Rav Saadya Gaon (Rasag). In the *Siddur Rav Saadya Gaon*,<sup>5</sup> we find two *piyutim*, known as *azharos*, which list all the *mitzvos* in poetic form;<sup>6</sup> the first follows an ordering of the *mitzvos* by their types, and the latter orders the *mitzvos* following the order of the *aseres hadibros*.<sup>7</sup> Rasag's count of the *mitzvos* is not identical to the Behag, nor is it similar to the Rambam's. What should interest us here, though, is that although Rasag does not count all the *mitzvos derabbanan* that the Rambam lists his predecessors as having included, he still does include Purim and Chanuka. In the first of the *piyutim*, we find the following line:

ירחי עיבור ופסח שני. ושמחת החגים למלאת.  
כתוב זאת רמז מגלה. ונר ימי חנוכה עד כלות.

*Leap months*,<sup>8</sup> Pesach Sheni, and joy of the holidays in their entirety.  
“Write this” – a hint to megilla, and the lights of Chanuka until their completion.

In his other *piyut*, the following:

4 The *Halachos Gedolos*, widely attributed to Rav Shimon Kayyara, was very influential among later *poskim*. The introduction to the work in two of the extant manuscripts includes a *minyán hamitzvos*, although there are some differences between the two versions. See Naftali Zvi Hildesheimer, *Hakdamas Sefer Halachos Gedolos*, 1987.

5 The *sidur* of Rav Saadya Gaon was first published in 1941 by Israel Davidson and Simcha Assaf, but the poetic *azharos* had been printed separately before then (e.g. in *Kovetz Maasei Geonim Kadmonim*, 1856; pp. 30-37; and in *Sifrei Rabbeinu Saadya Gaon ben Yosef Hafayyumi*, Vol. 9, 1897; pp. 57-69).

6 *Azharos* is a genre of *piyut* that is formulated around the *taryag mitzvos*, and the custom was – and still remains in many communities today – to recite them on Shavuot usually during Musaf, but also in some communities at other points in the liturgy. The most popular version, which remains the *minhag Ashkenaz*, is “*Atta Hinchalta*”, which likely predates the *Halachos Gedolos*. Rasag, in introducing his version, “*Es Hashem Elokecha Tira*”, writes that he was motivated to compose it because of the flaws he noticed in “*Atta Hinchalta*” which he wished to replace.

7 Throughout his writings, Rasag often brings up his idea that all the *mitzvos* in some way fall categorically within the *aseres hadibros*, such that the *aseres hadibros* broadly includes all the *mitzvos*. (See for example *Sefer Yetzirah im Peirush Rasag*, ed. Kapach, p. 47; and *Peirushei Rav Saadya Gaon L'Sefer Shemos*, ed. Ratzaby, p. 108)

8 This refers to *kevias rosh chodesh*; see below note 42.

וערוך נר חנוכה עד שמינית,  
עד זאת זכרון בספר ונוסף חוק עלי תוכנית  
לקיים את אגרת הפורים הזאת השנית.

*Setting the lights of Chanuka until the eighth night.*

*Until "this as a remembrance in a book", and a law was added upon the list,*

*To uphold this second letter of Purim (Esther 9:29).*

An initial reading of Rasag's *piyutim* would lead us to believe that he in fact did not count *mitzvos derabbanan* among the *taryag* as the Behag did, since all of the rabbinic *mitzvos* that Behag counted are missing. Why, then, does he nonetheless include Purim and Chanuka in his count?

In the 1910's, one of the great *talmidei Chachamim* in Poland at the time, Rav Yerucham Fishel Perla, published an extensive commentary to the count of the Rasag, in which he attempts to deduce as much as possible what Rasag's views were from the *piyutim* alone, and at the same time, to clarify what his opinions were relative to the Rambam and the other *monei hamitzvos*.<sup>9</sup> Rav Perla concludes, as we noted above, that Rasag did not include *mitzvos derabbanan* in his count. Why, then, did he list Purim and Chanuka among the *mitzvos*? Rav Perla explains that Rasag uses the concepts of Purim and Chanuka to allude to broader *mitzvos* which they are a part of.

אלא לפי שכבר הורגלו מוני המצות ע"פ הבה"ג למנות נר חנוכה וקריאת המגילה במנין העשין. הילכך הזכיר גם רבינו הגאון ז"ל מקרא מגילה בכלל עשה דזכירת עמלק. . . . וכן הזכיר נר חנוכה עם מצות קריאת ההלל שהיא מצות פרסומי ניסא. דהו"ל מצוה דאורייתא הבאה במנין וכמו שביארנו.

*Since the monei hamitzvos had become accustomed to listing neiros chanuka and mikra megilla in the count of positive mitzvos following the Behag, therefore Rasag also mentioned mikra megilla as a reference to part of the mitzva of zechiras Amalek... And so too he mentions ner chanuka as a reference to the mitzva of reciting hallel which is part of the broader mitzva of pirsumei nisa, which is a mitzva de'oraisa which is included in the count, as we've explained.*

According to Rav Perla, when Rasag mentions the mitzva of Purim, he is really

<sup>9</sup> Rav Perla spent forty years writing this work, and the legend is that for fourteen of those years, he did not leave his room, where his food was delivered via a window. (See Zonnenfeld, *Ha-ish al Hachoma*, Vol. 2, p. 29.)

referring to the mitzva of *zechiras Amalek*, which he actually does not otherwise list as a separate mitzva.<sup>10</sup> He just uses the language of “*remez megilla*” since people were accustomed to lists of *taryag mitzvos* including Purim as one of the *mitzvos*, and the *megilla* serves as a convenient reference to Amalek.

Rasag was the most prolific of the *geonim*, and his writings touched all areas of Jewish scholarship, including *halacha*, *Tanach*, Jewish philosophy, and Hebrew grammar and poetry. However, most of his writings were in Judeo-Arabic, and as the Jewish population that spoke Arabic declined over time, so did the copies of his writings, until very few if any copies remained at all. With the discovery of the Cairo *geniza*, various fragments and small pieces of Rasag’s writings began to be identified and published. And only recently, with the application of modern technology to the *geniza* fragments spread all over the world, are scholars beginning to be able to reconstruct full works of Rasag which were lost to us *ad hayom hazeh*.

One of Rasag’s works which has been recently reconstructed from dozens of *geniza* fragments is his *Sefer Hamitzvos*. As it turns out, besides for his *piyutim* which list the *taryag mitzvos*, Rasag also authored a more formal list of the *taryag mitzvos*, which more closely resembles the style of the Rambam’s *Sefer Hamitzvos*.<sup>11</sup> This, along with other emerging writings of Rasag, may give us some insight into his *halachic* stance when it comes to Purim.<sup>12</sup> Was Rav Perla correct in his assessment of Rasag’s intentions, or can Rasag’s other writings shed light on another approach?

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10 The Rambam counts three *mitzvos* related to Amalek: (1) *mechiyas zecher Amalek*, to destroy any remnant; (2) *zechiras Amalek*, to remember our war with them; and (3) *lo tishkach*, not to forget our war with them. Rasag, though, only counts *mechiyas Amalek* (Ch. 14, mitzva 25), and not the other two. Similarly, Behag counts only “*limchos zecher Amalek*” (#166 in Hildesheimer’s list). The difference between Rasag and Behag is that Rasag includes the mitzva in the *mitzvos* which are an obligation of the nation as a whole, while the Behag includes it in the regular list of *mitzvos aseh* (see Rav Perla, p. 521). Regarding “*lo tishkach*”, see below, note 48.

11 Almost the full original work has been reconstructed. It was published in 2019 by Yad Ben Zvi together with a translation to Hebrew by Rabbi Nisim Sabato as well as notes written by Rabbi Haim Sabato. Individual passages of the *Sefer Hamitzvos* have been published here and there over the course of the 20th century (see Rabbi Sabato’s introduction, p. 10). It is most likely that Rasag wrote this work after his *azharos*, as he writes in his introduction that even though he’s already composed a list of the *taryag mitzvos*, he is writing this longer version because someone requested him to; and presumably the list he’s already written refers to the *azharos*. There are also some discrepancies between the lists which suggest that Rasag changed his mind over time about parts of the *minyán hamitzvos*.

12 Even though much of the discussion that follows concerns Chanuka as well, we are choosing here to focus primarily on the topic of Purim. Regarding Chanuka, Rav Stampfer (note 13) provides some detail around Rasag’s understanding of the source in the Torah for the mitzva. (There may also be some differences in the *halachic* underpinning of the *de’oraisa* nature of Purim versus Chanuka; see below note 31.)

### The Mitzva of Purim

In his *Sefer Hamitzvos*, Rasag divides up the *mitzvos* by category, and the twentieth chapter concerns *mitzvos* related to the *chagim*. Toward the end of the *perek*, Rasag counts Purim and Chanuka:

וקבעה<sup>13</sup> הקבלה שיהיה יום שיושיענו מן עמלק יקבעוהו חג: כתב<sup>14</sup> זאת זכרון בספר וש' ושכאשר ינחיל ה' ניצחון לבני לוי במלחמתם בקמים עליהם יכבדו את אותו זמן כפי שאמר בדרך ה' חילו ופעל ידיו תרצה ולא מצאנו שהם נלחמו אלא ביונים.

*Our tradition states that there will be a day when we will be saved from the descendent of Amalek, it will be made a holiday. "Write this as a remembrance in a book..." (Shemos 14:17). And that when Hashem will deliver victory to the descendents of Levi – in their war against those who rise against them – they will honor that time, as it says, "Hashem, bless his [Levi's] substance, and accept the work of his hands; [Strike through the hips of those who rise up against him, of those who hate him, that they not rise again.]", and we do not find that they battled against anyone other than the Greeks.*

The format throughout the *sefer* is that Rasag describes a mitzva in one sentence and then cites the *pasuk* from which it derives. Here, he describes the *mitzvos* of Purim and Chanuka and cites for each a source from the Torah. As the source for Purim, he cites the *pasuk* immediately after the first war with Amalek after *Yetzias Mitzrayim*:

ויאמר ה' אל משה כתב זאת זכרון בספר ושים באזני יהושע כי מחה אמחה את זכר

13 This translation follows Rabbi Sabato in the published work. In an article released before the publication of the full book which included this passage, it was translated as "והבטיחה הקבלה" (Rav Haim Sabato, "*Ha'im hikir HaRambam et Sefer Hamitzvot Hashalem L'Rasag?*" in *Mibirkat Moshe* Vol. 2, 2012, p. 740), and Rav Yehuda Zvi Stampfer prefers the translation "וכללה הקבלה" (see Stampfer, "*Hanitztavinu BaTorah Lachog et Chag HaChanuka? Iyun B'kitvei Rav Saadya Gaon Uv'pulumuso*" in *Nero Yair*, 2013, p. 418 and n. 34). Forty years ago, Dr. Moshe Zucker published this passage which he found in another manuscript in Cambridge (see Zucker, *Iyunim V'he'aros*, in *Proceedings of the American Academy for Jewish Research*, Vol. 49, 1982, p. 98). His translation of the first line above is as follows:

ונכלל בקבלה שכשיבוא היום ויצילנו מזרעו של עמלק יעשוהו יום טוב, ככתוב: כתב זאת זכרון בספר.

14 The Arabic text here does not contain the usual indication of quoting a *pasuk* in this case ("כ'כ"), and there is a character in the manuscript before the "כ" of "כתב זאת". Sabato records it as "וכתב זאת", which he then "fixes" in the Hebrew translation to conform with the actual *pasuk*. But it appears to me that there is not actually a "ו" there and it is simply a colon (two vertical dots) which this copyist uses elsewhere to divide the text. (There is only one manuscript that has been identified as a witness to this section of the *Sefer Hamitzvos*.) In the version that Zucker published (note 13), he recorded the text as "כק' כתב זאת".

עמלק מתחת השמים.

*Hashem said to Moshe, "Write this as a remembrance in the book, and let Yehoshua hear, for I will surely wipe out the remembrance of Amalek from under the heavens." (Shemos 17:14)*

It seems that Rasag's position is that Purim is a *mitzva de'oraisa*.<sup>15</sup> This prompts us to focus on uncovering Rasag's approach to two questions, which, although they are intertwined, for the purposes of this discussion it is better to detangle them and address them independently. Firstly, how could Purim – the commemoration of an event which occurred after the first *Beis Hamikdash* – possibly be a *mitzva min hatorah*? And secondly, according to Rasag, what exactly is the nature of the mitzva? What is the obligation that the mitzva involves?

To begin to answer these questions, it's important to acknowledge that Rasag would have based his position on earlier sources from *Chazal*, and that therefore we must look at any passages in earlier sources which connect the *pasuk* of "*k'sov zos zikaron*" with Purim or the *megilla*. There are several such sources, but perhaps the most descriptive comes from the *Yerushalmi* (*Megilla* 1:5):

רבי ירמיה בשם רבי שמואל בר רב יצחק. מה עשו מרדכי ואסתר. כתבו אגרת ושלחו לרבנותינו שכן אמרו להם מקבלין אתם עליכם שני ימים הלילו בכל שנה. אמרו להן. לא דיינו הצרות הבאות עלינו אלא שאתם רוצין להוסיף עלינו עוד צרתו שלהמן. חזרו וכתבו להן איגרת שנייה. הדא היא דכתיב לקיים את אגרת [הפורים] הזאת השנית. מה היה כתוב בה. אמרו להן. אם מדבר זה אתם מתייראים הרי היא כתובה ומעלה בארכיים. הלוא הם כתובים על ספר דברי הימים למלכי מדי ופרס.

רבי שמואל בר נחמן בשם רבי יונתן. שמונים וחמשה זקינים ומהם שלשים וכמה נביאים היו מצטערין על הדבר הזה. אמרו. כתוב אלה המצות אשר צוה יי את משה. אילו המצות שנצטוינו מפי משה. כך אמר לנו משה. אין נביא אחר עתיד לחדש לכם דבר מעתה. ומרדכי ואסתר מבקשים לחדש לנו דבר. לא זז משם נושאים

<sup>15</sup> Besides for the fact that Rasag brings a *pasuk* as a source for the mitzva, and for the fact that he does not seem to count other *mitzvos derabbanan*, we find in his introduction to the work the following:

הנחתי את הפסוקים שאני מביא מהם ראיה מן התורה על כל מצוה... וכן לא התחייבתי לכתוב את הראיות למצוות השמעיות, כיצד נשמעו מפי השליח ומהי הראיה לכך...

*For each mitzva, I cite the verse from which I bring the source of that mitzva... And I have not obligated myself, in the case of mitzvos which involve oral traditions, to explain how they were derived from the words of the shaliach [i.e. Moshe], and what the proof for that is.*

If Rasag meant to include rabbinic *mitzvos* in the count, then the above doesn't really make sense, as those *mitzvos* would have no source in the Torah and no explanation as to how they were transmitted from Moshe.

ונותנין [בדבר] עד שהאיר הקדוש ברוך הוא את עיניהם ומצאו אותה כתובה בתורה ובנביאים ובכתובים. הדא היא דכתיב ויאמר יי אל משה כתוב זאת זכרון בספר זאת תורה. כמה דתימר וזאת התורה אשר שם משה לפני בני ישראל. זכרון אילו הנביאים. ויכתב ספר זכרון לפניו ליראי יי וגו'. בספר אילו הכתובים. ומאמר אסתר קיים דברי הפורים האלה ונכתב בספר.

*Rabbi Yirmiya in the name of Rabbi Shmuel bar Rav Yitzchak: What did Mordechai and Esther do? They wrote a letter and sent it to our Rabbis here, saying to them, "Will you accept on yourselves these two days [as a holiday] every year?" They [the Rabbis] said to them: "Are the troubles that befall us not enough that you wish to add an additional trouble of Haman?" [i.e. this celebration will bring the ire of the gentiles.<sup>16</sup>] They wrote to them [the Rabbis] a second letter. This is what it means "to uphold this second letter of Purim" (Esther 9:29). What was written in the second letter? They said to them: "If this is what you are afraid of, is not the story already recorded and stored in the archives: These events are written in the historical documents of the kings of Media and Persia" (Esther 10:2).*

*Rabbi Shmuel bar Nachman in the name of Rabbi Yonasan: There were eighty-five elders and of those, over thirty prophets. They were agonizing over this issue, saying: it is written, "These are the mitzvos which Hashem commanded Moshe" (Vayikra 27:34) These are the mitzvos that we were commanded through Moshe; no other prophet can innovate something for you from now on. And Mordechai and Esther are attempting to innovate something for us! They did not move from there, continuing in their discourse on this issue, until Hashem enlightened them, and they found this written in the Torah, the Neviim, and the Kesuvim. This is that which it says, "Write this (zos) as a remembrance (zikaron) in the book (basefer)" (Shemos 17:14) – "zos" is the Torah, as it says "And this (zos) is the Torah that Moshe placed before the Bnei Yisrael" (Devarim 4:44). "Zikaron" is the Neviim, as it says "A book of remembrance (zikaron) is being written before Him for those who fear Hashem" (Malachi 3:16). "Basefer" is the Kesuvim: "Esther's word confirmed the matter of these Purim days, and it was written in a book (basefer)" (Esther 9:32)*

16 Based on the parallel story in the Bavli (Megilla 7a), which notes the Chachamim's concern as "קנאה את" – מעוררת עלינו לבין האומות – you will incite anger against us from among the nations.

Here we have a fascinating account of *Chazal* deliberating over the establishment of Purim. They were initially concerned because of the principle of “*ein navi acher asid l'chadesh davar*” – that after Moshe, no future *navi* can create a new obligation. Eventually, the *Yerushalmi* tells us, they found the idea of Purim hinted to in the Torah, and this allowed them to accept the new enactment proposed by Mordechai and Esther. Can this *gemara* help us understand the position of Rav Saadya Gaon? Could we infer from this that the mitzva of Purim is somehow *de'oraisa*?

### Approach 1: Purim is a *Kal Vachomer*

One approach to how Purim could be considered *min hatorah* is based on another *gemara* in the *Bavli* (*Megilla* 14a), which also references how *mikra megilla* was added to the *mitzvos* of the Torah.

ת"ר ארבעים ושמונה נביאים ושבע נביאות נתנבאו להם לישראל ולא פחתו ולא הויתרו על מה שכתוב בתורה חוץ ממקרא מגילה. מאי דרוש אמר רבי חייא בר אבין אמר רבי יהושע בן קרחה ומה מעבדות לחירות אמר' שירה ממיתה לחיים לא כל שכן.

*The Sages taught: Forty-eight prophets and seven prophetesses prophesied on behalf of the Jewish people, and they neither subtracted from nor added onto what is written in the Torah except for the reading of the Megilla. What exposition did they make? Rabbi Chiya bar Avin said that Rabbi Yehoshua ben Korcha said: If, for delivery from slavery to freedom [i.e. for Yetzias Mitzrayim], we recite songs of praise, then, for delivery from death to life [i.e. for Purim], is it not all the more so the case?*

This *gemara* seems to be learning that the mitzva of Purim, or at least of *mikra megilla*, was instituted based on a *kal vachomer*, which is one of the *midos she-hatorah nidreshes bahen* – one of the expository methods from which we can learn laws from the Torah.

Rav Chaim Benvaniste, known for his commentary *Knesses Hagedola* on the *Tur*, also wrote a commentary on the *Semag* called *Dina D'chayei*. When the *Semag* lists *Mikra Megilla* as one of the *mitzvos derabbanan*, Rav Benvaniste begins his comments with this observation:

המצוה הרביעית מדברי סופרים [מקרא מגילה]: והא דאמרין בפרק קמא דמגילה מ"ח נביאים ושבע נביאות לא פחתו ולא הויתרו על מה שכתוב בתורה חוץ ממקרא מגילה ומפרש תלמודא מאי דרוש קל וחומר ומה מעבדות לחירות אמרו שירה ממות לחיים לא כל שכן אינו אלא אסמכתא בעלמא דאם לא כן מאי שהויתרו על מה שכתוב

בתורה דקאמר. וכל שכן לדעת הרמב"ם ז"ל שכתב בס' מצות הקצר שכל מה שלא תמצאהו כתוב בתורה ותמצא שלמדוהו באחת מי"ג מדות אם בארו הם עצמם ואמרו שזהו גוף תורה או שזהו מדאורייתא הנה הוא מן התורה ואם לא יבארו זה ולא ידברו בו הנה הוא מדרבנן.

*The fourth mitzva midivrei sofrim [is mikra megilla]. And that which is said in the gemara in Megilla (14a) – that forty-eight prophets and seven prophetesses did not subtract or add to what is in the Torah except for mikra megilla, and the gemara there explains that they expounded a kal vachomer: If, for delivery from slavery to freedom [i.e. for Yetzias Mitzrayim], we recite songs of praise, then, for delivery from death to life [i.e. for Purim], how much more so – this [kal vachomer] must be merely an asmachta. For if it wasn't, then what does it mean "they added to what was in the Torah?" [i.e. if the kal vachomer was a real derivation, then it should have been considered something that was already "in the Torah" rather than an addition]. And even more so according to the Rambam, who writes in the Sefer Hamitzvos that anything we don't find explicitly in the Torah and is derived by one of the thirteen methods of derivation, then if they explicitly explained that it is "guf Torah" or that it's de'oraisa, then it is considered min hatorah; otherwise, by default it is mi-derabbanan.*

If one believes that a *kal vachomer* or another type of derivation from the *pesukim* holds the status of a *din de'oraisa*, says Rav Benvaniste, then by virtue of the above *gemara*, Purim should be *min hatorah*! The Semag, he points out, by listing *mikra megilla* as a *mitzva derabbanan*, must hold that this *kal vachomer* is *asmachta b'alma*. And as he notes, this also follows the more general approach of the Rambam.

The Rambam, in the second "*shoresh*" of his *Sefer Hamitzvos*, writes that anything that the *Chachamim* derived from the Torah via the *midos she-hatorah nidreshes bahen* does not have the status of *de'oraisa*, but rather we consider it *derabbanan* unless *Chazal* tell us explicitly otherwise. It is this principle that generated the most pushback from the Ramban and which became one of the Rambam's most controversial opinions.<sup>17</sup>

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17 Much has been written about this second *shoresh* of the Rambam, and this is not the place to explore the topic at length, except insofar as it helps us understand Rasag's *halachic* position. Those who first interacted with the Rambam's *Sefer Hamitzvos* took his words at face value, and many – such as the Ramban – took issue with them. In the fifteenth century, Rav Shimon ben Tzemach Duran (Rashbatz), in his *Zohar Harakia* – in which he defends the Rambam from the Ramban's objections – suggests that the Rambam did not mean that *mitzvos* and *dinim* derived via the *midos she-hatorah nidreshes bahen* are considered *derabbanan*; rather, they do have the status of *de'oraisa*, except that they cannot be counted in the *minyán hamitzvos*. Many influential *acharonim*



But for our purpose, perhaps we can say that Rasag – like the Ramban and many others – did not follow this approach of the Rambam, and that he felt that since the institution of Purim comes from a *kal vachomer* derived from the Torah, it must be counted as a *mitzva mide'oraisa*.<sup>18</sup>

However, there are three main reasons why this approach is problematic. First, we don't necessarily know that Rasag disagrees with the Rambam's second *shoresh*. Rav Perla considers several potential *mitzvos* which may be considered products of the *midos she'hatorah nidreshes bahen*,<sup>19</sup> and Rasag does not count any of them, which may provide some evidence that Rasag in fact does agree with the Rambam's rule,

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followed the lead of Rashbatz, though others continued to defend the straightforward understanding of the Rambam as it was understood by the Ramban. (For a more contemporary summary of the arguments, see Henshke "L'havchanat HaRambam bein De'oraita L'derabbanan", Sinai Vol. 93, 1983; and his "Shniyot L'divrei Sofrim", Sinai Vol. 102, 1988; see also Rav Nachum Eliezer Rabinovitch, "Al Divrei Sofrim She-tokfam De'oraita B'mishnato shel HaRambam", Sinai Vol. 111, 1993. For a history of who has dealt with this issue, see Yaakov Neubauer, "HaRambam V'divrei Sofrim", 1957.) For simplicity, above we refer to the principle as the Ramban (and the *Dina D'chayei* which we're quoting) understand it.

18 Rav Stampfer (note 13) also suggests this approach, and quotes for support another passage which shows that Rasag holds that *halachos* are not really "derived" via the *midos*, but rather they are known through *masora*. According to Rasag, Chazal found that these *midos* are ways in which we can read the Torah which conforms the closest to our already-known tradition. However, as Rav Stampfer also notes, the Rambam too agreed with this approach that the *drashos* are not the origin of the *halachos*, but yet that did not stop the Rambam from still not counting them as *mitzvos min hatorah*. Thus, the passage that Rav Stampfer quotes is hardly a convincing proof. It's also worthwhile to note that the Chasam Sofer holds, based on this idea, that the celebration of Purim (and Chanuka) is in fact a *mitzva de'oraisa*. He is careful to point out that the *kal vachomer* only implies that the acknowledgment of Purim as a holiday is the mitzva, but the practices of *mikra megila*, *matanos le'evyonim*, etc. which we do as components of the holiday are only *mi'derabbanan* (see *Shut Chasam Sofer, Yoreh De'ah 233*).

19 Rav Perla's position is that Rasag does not count *mitzvos* derived from the *midos* – not because they are of lower status than explicit *mitzvos* – but rather because if a law is learned from a *pasuk* which is already the source of another mitzva, then the derived law is categorically part of the explicit mitzva which comes from that *pasuk*. For example, the prohibition for an uncircumcised kohen to eat *teruma* is not counted by Rasag as it is derived via a *gezeira shava* with the prohibition for an *arel* to eat from the *korban pesach* (*Yevamos 70a*). [The Rambam, on the other hand, counts both of these (*mitzvos lo sa'aseh* #127, #135), since even though the former is learned via a *gezeira shava*, the *gemara* nonetheless implies that it is an *issur de'oraisa*.] Similarly, he does not include *me'ila b'hekadesh* (see Rashi to *Makkos 13a d"h v'hekadesh shelo nifdu*) nor *tumas zava ketana*, which is derived from a *ribui* from *tumas zava* (*Nida 73a*). [For more examples, see Rav Perla, Vol. 1, pp. 20-21; and in greater detail, pp. 401-402]. Rav Perla also suggests that Rasag does count a mitzva derived from a *pasuk* if that *pasuk* is not already the source of another mitzva. His proof for this, though, is from the fact that Rasag counts *lo seva'aru eish* as a mitzva, which Rav Perla understands to mean (like the Rambam in *lo sa'aseh* #322) the prohibition on *beis din* of performing capital punishment on Shabbos, which is what is derived from this *pasuk* in the *Mechilta*. However, as Rav Sabato has pointed out, it is clear from Rasag's *Sefer Hamitzvos* that what Rasag means to count is the literal mitzva of not kindling fire on Shabbos. (See the comments of Rav Sabato there; pp. 186-7.)

but it's hardly conclusive.<sup>20</sup> Secondly – and I think most importantly – this approach would not align with the *pasuk* that Rasag quoted as the source for the mitzva of Purim. If the *kal vachomer* were really the root of the mitzva, then it makes no sense to quote the *pasuk*, “*k'sov zos zikaron*”, which is unrelated to the *kal vachomer*. And third, if the mitzva does originate with the *kal vachomer* described in the *gemara*, then it wouldn't be its own independent mitzva. According to the *gemara*, the *kal vachomer* was that if we are “*omrim shira*” for *Yetzias Mitzrayim*, then all the more so that we should do the same thing for Purim. In other words, the same mitzva that was performed by being “*omer shira*” over *Yetzias Mitzrayim* – whether that be *pirsumei nisa*, or reciting *hallel* – that is the mitzva that the *gemara* thinks should be performed on Purim, not that a new mitzva should be created for it.<sup>21</sup>

20 This is a topic in which it is difficult to bring solid proofs, since even if we can show that Rasag did or did not count a particular mitzva, it is not always possible to show whether he understands that mitzva to have been derived from the *midos* or not. The most obvious counterexample to the idea that Rasag followed the Rambam's second *shoresh* is, as Rav Sabato notes (Introduction, p. 32), from the most well known application of it – *kiddushin b'kesef*, which Chazal learn from a *gezeira shava* (*Kiddushin* 2a). The Rambam considers *kiddushin b'kesef* to be *midivrei sofrim*, yet Rasag counts all three methods of *kiddushin* as independent *mitzvos*, including with *kesef*. (Rav Perla speculates that Rasag in the *piyutim* is referring to the mitzva of *pirya v'rivya* rather than *kiddushin*, but from the *Sefer Hamitzvos* we can see that Rasag does in fact mean to count *kiddushin*.)

Now that more writings of Rasag are becoming available, this area deserves more attention, as I believe more accurate implications can be drawn as to Rasag's positions. For example, Rasag counts the mitzva for a husband to provide *she'er k'sus v'onah*, and Rav Perla speculates that his source is the *pasuk* of “*k'mishpat habanos ya'ase lah*” (since he thought that Rasag means to count it as a *mitzvas aseh*). We now know from the *Sefer Hamitzvos* that Rasag's source is actually from the *pasuk* of “*she'era k'susa v'onasa lo yigra*”, a *pasuk* which explicitly is referring to a master's obligations to his maidservant (and is actually a *lo sa'aseh*). In fact, the Rambam counts this mitzva (*lo sa'aseh* #262) as “an *azhara* on the owner of an *amah ivriyah*”, and he notes, based on the *Mechilta*, that the mitzva includes any Jewish man in his obligations to his wife. How the mitzva for *b'nos yisrael* is derived from the mitzva for the *amah ivriyah* is not so clear, but in Rasag's monograph on the thirteen *midos she-hatorah nidreshes bahen*, his first example of a *kal vachomer* is the derivation of this mitzva (Stampfer, “*Saadia Gaon's Interpretation of the Thirteen Hermeneutical Principles according to the Arabic Source*”, *Tarbiz* 4:87, 2020, p. 676):

צוה הקב"ה לאדם שנשא שתי נשים שחייב בשלשה תנאים הכתובים בתורה והם: שאר כסות ועוונה. שנ' 'אם אחרת יקח לו שארה כסותה ועונתה לא יגרע' זה נאמר בשביל שתי נשים ולא פירש לנו משפט האשה אחת זה יש לנו ללמוד מקל וחומר מה שתי נשים שהדבר עליו יותר כבד סיפוק שתיים מסיפוק אחת קל וחומר לאשתו היחידה שהוא קל עליו יותר שחייב באלו התנאים המפורשים למעלה

(See also the *Sefer Hachinuch* (#46) who derives the mitzva for *b'nos yisrael* from a *kal vachomer*, albeit not the same one as Rasag's.) Ultimately, this turns out to be a case where Rasag counts a mitzva which – as he understands it – is derived through a *kal vachomer*.

21 The *gemara* there follows up this *kal vachomer* with a question: If so, then we should say *hallel* as well on Purim, and it responds that reading the *megilla* on Purim qualifies as *hallel*. From this continuation of the *gemara*, we would assume that the *gemara's kal vachomer* is intended to include Purim in the mitzva of saying

## Approach 2: *Taryag Mitzvos* are more than just *mipi Moshe*

We began by looking at the Rambam's first *shoresh* in the *Sefer Hamitzvos*, and in it the Rambam focuses on the fact that any mitzva of the *taryag mitzvos* needs to have been "said to Moshe at Sinai". In fact, this is a concept that we know the Rambam takes very seriously, from the way he treats the idea of *mitzvos* originating from before *Matan Torah*. In his commentary to the *mishna* in *Chulin*, the Rambam lays out an important point:

ושים לבך לכלל הגדול הזה המובא במשנה והוא אמרם מסיני נאסר והוא שאתה צריך לדעת שכל מה שאנו נזהרים ממנו או עושים אותו היום אין אנו עושים זאת אלא מפני צווי ה' על ידי משה לא מפני שה' צוה בכך לנביאים שקדמוהו, דוגמא לכך, אין אנו אוכלים אבר מן החי לא מפני שה' אסר על בני נח אבר מן החי אלא מפני שה' אסר עלינו אבר מן החי במה שנצטווה בסיני שישאר אבר מן החי אסור וכן אין אנו מלים בגלל שאברהם מל את עצמו ואנשי ביתו אלא מפני שה' צונו על ידי משה להמול כמו שמל אברהם עליו השלום. וכן גיד הנשה אין אנו נמשכים בו אחרי אסור יעקב אבינו אלא צווי משה רבינו, הלא תראה אמרם שש מאות ושלוש עשרה מצוות נאמרו לו למשה בסיני וכל אלה מכלל המצוות.

*Pay attention to this important principle which is mentioned in this mishna, and that is what they [the Chachamim] said: "[gid hanashe] was prohibited at Sinai". Meaning, that you must know that anything which*

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*hallel*. (Whether the recitation of *hallel* is *de'oraisa* or not is another contentious issue here; see the Ramban's *hasagos* to the first *shoresh*.) And it would seem that when the *gemara* refers to "*me'avdus l'cheirus omrim shira*" it means the fact that we say *hallel* on Pesach or over the *korban pesach*. However, Rashi notes that "*me'avdus l'cheirus omrim shira*" means the fact that *Bnei Yisrael* sang praise upon crossing the *Yam Suf*. [It's possible that Rashi had the *girsas* "*amru shira*" rather than "*omrim/amrinan shira*" which we don't have a record of today, but which is reflected in Ramban's citation of the *gemara* (*Hasagos, Shoresh 2*).] Rashi's understanding could also be that the *gemara* meant to include Purim in the mitzva of *hallel*, but it also makes the *kal vachomer* difficult, since the song of praise at the *Yam Suf* was a one-time event, rather than a generational one. (See the comments of Rav Zelig Epstein, "*Chidushim al Sefer Hamitzvos L'harambam*" in *Yeshurun* 32, 2015, pp. 322-4, who suggests based on this that the *kal vachomer* was meant only to justify the celebration in the initial year of the miracle. Only later did the *Chachamim* attempt to justify the establishment of a generational holiday, based on the *pasuk* of "*k'sov zos zikaron*", like we saw in the *Yerushalmi* and in *Bavli Megilla 7a*. See also *Marganisa Tava on Shoresh 2* of the Rambam, and *Chidushei Maharatz Chajes, Megilla 14a*, regarding how to reconcile these two *braisaos* which seem to record different ways that *Chazal* substantiated their establishment of Purim as a holiday.)

The Chasam Sofer (note 18) understands "*omrim shira*" in the *gemara* to be referring to the mitzva of *sipur yetzias mizrayim* on Pesach, and if we see Purim as a mitzva *de'oraisa* through this *kal vachomer*, then it too should be included in the mitzva of *sipur yetzias mizrayim*. (The Chasam Sofer suggests that this somewhat justifies the Behag in that he counts *mikra megilla* in the *taryag mitzvos*, but that he should have considered it part of *sipur Yetzias Mitzrayim*. However, this overlooks the fact that the Behag does not actually count *sipur Yetzias Mitzrayim* in his list.)

*we do or are prohibited in doing today, we only do so because Hashem commanded it to us through Moshe, and not because Hashem commanded it to us through any other prophet. As an example we do not eat eiver min hachai – not because Hashem prohibited it to the children of Noach, but rather because Hashem prohibited it to us with what he commanded at Sinai that eiver min hachai remain prohibited. Similarly, we do not perform mila because Avraham did so for himself and his household, rather because Hashem commanded us via Moshe to perform mila just as Avraham did. So too gid hanashe; we do not follow that law because of Yaakov Avinu’s prohibition, but rather because of the commandment to Moshe. Don’t we see what they said: “Six hundred thirteen mitzvos were said to Moshe at Sinai”, and all of these [eiver min hachai, mila, gid hanashe] are among those mitzvos.*

Essentially, the Rambam rejects the idea that one of the *taryag mitzvos* can be from a *navi* other than from Moshe at *Har Sinai*.<sup>22</sup> What about the mitzva of *mila*

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22 I’ve suggested in the past that this principle is in fact a corollary of the Rambam’s eighth principle of faith listed in his commentary to *Sanhedrin*, and it’s worth elaborating on this briefly here since it is not immediately obvious that this is the case. In the letter of the Rambam to Ibn Jabbar (note 23 below), he responds to an objection to his approach from his antagonists; they claimed that the mitzva of *mila* was in fact given through Avraham Avinu. The Rambam writes that to say this shows that they do not know the “*ikkarei ha-das*”, for how could it be that Avraham wrote those *pesukim* in *Lech Lecha* and that they were then inserted into the Torah by Moshe later? At first, this response of the Rambam seems astounding; he is drawing an equivalency between the idea that the mitzva of *mila* was given to Avraham and the idea that Avraham actually wrote those *pesukim* in the Torah! Why can’t it be that the mitzva of *mila* does come from Avraham, and that the *pesukim* in the Torah that tell us about it were dictated to Moshe like the rest of the stories in the Torah? [See Rav Sheilat’s note on p. 411, and the comments of Rabbi Keilson in *Kisvei HaRambam* (Artscroll 2023), p. 317, n. 27. See also the related comments of the Ralbag in *Bereishis* 1:20-23, who refrains from making this equivalency as the Rambam does.] The solution to this though, I believe is straightforward. The Rambam believes that in order for something to be considered *min hatorah*, and certainly for it to be considered one of the *taryag mitzvos*, it has to be *mefurash* in the *Torah Shebichsav*. There could be a *masora* – transmitted through the *Torah Sheba’al Peh* – for how to understand and interpret the *pasuk*, but nonetheless it needs to be in a *pasuk*. This is the core behind the second *shoresh* in the *Sefer Hamitzvos* which we mentioned above, that if something is derived via the *midos*, and thus not *mefurash* in the Torah, then it has the status of *divrei sofrim*. Another way to say this is as follows: in order for Hashem to obligate *Bnei Yisrael* in a mitzva, it has to be dictated to Moshe Rabbeinu and it has to be written by Moshe in the *Torah Shebichsav*. To the Rambam, an integral part of the delivery of a mitzva is not just the telling of it to Moshe, but also the *k’siva l’doros* in the *Sefer Torah*. (This is also implied in the beginning of the Rambam’s introduction to the *Peirush Hamishnayos*.) If Hashem tells a *din* to Moshe Rabbeinu, and he does not write it in the Torah, then it is a *Halacha l’Moshe Mi-Sinai*, which still has the status of *divrei sofrim* (see the Rambam’s letter to Rav Pinchas Ha-Dayyan, *Igros HaRambam*, ed. Sheilat, Vol. 2, p. 453). Therefore, in the eyes of the Rambam, if we say that a mitzva was given through another *navi*, that would have to mean that not only

which was given through Avraham Avinu or *gid hanashe* which comes from Yaakov Avinu? According to the Rambam, Hashem told those *mitzvos* to Moshe at *Har Sinai* and commanded us to keep them, just like all the other *mitzvos*. But this principle of the Rambam is a *chiddush*, and it was not accepted by everyone in his time.<sup>23</sup> It stands to reason that the Rasag did not follow this same approach, and that he felt that *mitzvos* **could** originate with other *neviim*.<sup>24</sup> In his philosophical work, *Emunos V'deos*, Rasag presents responses to a series of arguments for the heretical claim that the Torah given to Moshe can become *chas v'shalom* obsolete and replaced.<sup>25</sup> In the process, he responds to the following argument:

השביעי אמר כמו שהיה אפשרי שתהא תורת משה זולת תורת אברהם כך אפשר שתהא תורה זולת תורת משה וכאשר אנו מעיינים בתורת משה אנו מוצאים אותה תורת אברהם בדיוק אלא נתוסף בה המצות והשבת מחמת מאורעות שאירעו לעמו.  
*The seventh argument they make: just as it was possible to introduce a "Torah of Moshe" independent of the "Torah of Avraham", so too it is*

did Hashem tell that *navi* the details of the mitzva, but also that Hashem dictated the mitzva to that *navi* and he wrote it in the Torah. And this is exactly what the Rambam says about the claim that *mila* was a mitzva given through Avraham: how could we say that Hashem dictated those *pesukim* to Avraham to be inserted into the Torah later? We know that to say that another *navi* other than Moshe wrote even a single *pasuk* of the Torah violates the eighth principle of faith.

23 We know from the letter that Rambam sent to his student Ibn Jabbar in Baghdad, that one of the objections that the rabbis in Baghdad had to the Rambam's writings was this very principle and its implication that we don't practice the mitzva of *mila* that was given to Avraham Avinu (*Igros HaRambam*, ed. Sheilat, p. 410-411).

24 Rav Perla also suggests that Rasag could not have followed the approach of the Rambam in this regard, and he also shows that other earlier *rishonim* (e.g. Rashi, Ramah) did not either agree with the Rambam. Rav Rabinovitch, in *Yad Peshuta* (Introduction to *Hilchos Mila*), suggests that Rav Hai Gaon may have held similarly to the Rambam, but see Henshke ("Mitzvos Ha-avos U'mitzvos Sinai" in *Mibirkat Moshe*, 2012, p. 626; see n. 36), who claims that the Rambam's approach is entirely novel and none of the earlier *poskim* expressed this idea at all. Rashbatz, in *Zohar Harakia* (*Mitzvos aseh* #88), argues that if a mitzva was given before *Matan Torah* and was not repeated at Sinai (see *Sanhedrin* 59a), then it cannot be counted as one of the *taryag mitzvos*. He uses this idea to explain why the mitzva of calling Avraham Avinu by "Avraham" instead of "Avram", which the *gemara* calls a *mitzvas aseh* (*Berachos* 13a), is not included in the count. (Some *acharonim* also use this idea to explain why the Rambam did not count *milas avadim* as a mitzva independent from *milas banim*, thereby answering the question of the *Kesef Mishna* (*Hilchos Mila* 1:1), since perhaps we can see *milas banim* as *nishneis b'Sinai*, whereas *milas avadim* is not. See the discussion of Rav Perla, Vol. 1, p. 180.) However, according to the above "*k'la*" of the Rambam, we would have to say that *mitzvos* given before *Matan Torah* and not repeated at Sinai – not only can they not be counted, but they cannot even be binding *mitzvos*!

25 It's not so clear if Rasag's primary intention here is in response to Christian or to Muslim arguments, or perhaps both. (See Prof. Eliezer Schlossberg, "*Yachaso shel Rasag L'Islam*" in *Daat*, Vol. 25, 1990, pp. 37-51; and Prof. Daniel Lasker, "*Neged mi Hitpalmes Rav Saadya Gaon B'diyuno B'vital Torah?*" in *Daat*, Vol. 32-33, pp. 5-11.)

*possible to have an entirely new Torah independent of “Toras Moshe”. However, if we look at the Torah of Moshe, we find that it in fact includes everything from the Torah of Avraham, just that there are added to it [other mitzvos] like matza and Shabbos, which reflect unique events which occurred to the people.<sup>26</sup>*

In light of the words of the Rambam we saw previously, it’s fair to say that what Rasag is saying here is something the Rambam would have been uncomfortable with. Seemingly, Rasag did accept the idea that a mitzva does not have to be delivered *mipi Moshe*, but could be delivered through another *navi*, just like *mila* or *gid hanashe*. This is all true, though, before *Matan Torah*. After *Matan Torah*, there are other barriers preventing a *navi* from adding a new mitzva, and that’s what we saw above in the *Yerushalmi*, what the *Chachamim* in Mordechai and Esther’s time were concerned about.

היו מצטערין על הדבר הזה. אמרו כתוב אלה המצות אשר צוה ה' את משה. אילו המצות שנצטוינו מפי משה. כך אמר לנו משה אין נביא אחר עתיד לחדש לכם דבר מעתה ומרדכי ואסתר מבקשים לחדש לנו דבר.

*They were agonizing over this issue, saying: it is written, “These are the mitzvos which Hashem commanded Moshe” (Vayikra 27:34) These are the mitzvos that we were commanded through Moshe; no other prophet can innovate something for you from now on. And Mordechai and Esther are attempting to innovate something for us!*

We see this rule of “*ein navi rashai l’chadesh davar*” – that a *navi* after *Matan Torah* may not add to the existing *mitzvos* – elsewhere as well<sup>27</sup>. And as we know, in general there’s a prohibition of *bal tosif*, of not adding to the *mitzvos* of the Torah. According to the conventional view of the Rambam, that the mitzva of Purim is a *takana mi-derabbanan*, the concern of the *Chachamim* as presented by the *Yerushalmi* above is quite strange. Why are they agonizing over the concern of “*ein navi rashai l’chadesh davar*” for a regular Rabbinic enactment? Haven’t the Rabbis made many *takkanos* and *gezeiros* – do we concern ourselves with “*ein navi rashai l’chadesh*” each time? Surely not. It sounds, from this *gemara*, like the mitzva of Purim is a “*chiddush*”

<sup>26</sup> *Ha’emunos V’hade’os*, ed. Kapach, p. 135. Rasag refers here to *achilas matza* as a commemorative mitzva, which is understandable; and also to Shabbos, a less obvious choice, but likely referring to *Devarim* 5:14 which mentions the mitzva of Shabbos as a way of remembering *Yetzias Mitzrayim* (see n. 55 there).

<sup>27</sup> See *Sifra, Dibura D’bechukosai* 13; this principle also arises throughout the *Talmud Bavli* (e.g. *Shabbos* 104a, *Yoma* 80a, *Megilla* 2b, *Temura* 16a).

of Mordechai and Esther – *mevakshim l'chadesh lanu davar* – something that they intended to add to the *mitzvos* of the Torah.<sup>28</sup>

Similarly, the other *gemara* we quoted above from the *Bavli* (*Megilla* 14a), also implies that Purim involves an “addition” to the *mitzvos* of the Torah:

ת”ר ארבעים ושמונה נביאים ושבע נביאות נתנבאו להם לישראל ולא פחתו ולא הותירו על מה שכתוב בתורה חוץ ממקרא מגילה.

28 It's clear that according to the Rambam, the *maskana* of this *gemara* is that Purim is not considered an “addition” to the Torah since it is actually a *takanas Chachamim*, and thus obligated only through the *mitzva* of *lo sasur*. Thus, the Rambam's language following his listing of the *mitzvos* in the beginning of the *Mishneh Torah*:

יש מצוות אחרות שנתחדשו אחר מתן תורה, וקבעו אותן נביאים וחכמים, ופשטו בכל ישראל, כגון מקרא מגילה, ונר חנוכה, ותענית תשעה באב, וימים, ועירובין... כל אלו המצוות שנתחדשו חייבין אנו לקבלם ולשמרם, שנאמר לא תסור מן הדבר וכו', ואינם תוספת על מצוות התורה. ועל מה הזהירה תורה לא תוסף ולא תגרע, שלא יהיה נביא רשאי לחדש דבר ולומר שהקב"ה ציוהו במצוה זו להוסיפה למצוות התורה, או לחסר אחת מאלו השש מאות ושלוש עשרה מצוות. אבל אם הוסיפו בית דין עם נביא שיהיה באותו הזמן מצוה דרך תקנה, או דרך הוראה, או דרך גזירה, אין זו תוספת, שהרי לא אמרו שהקב"ה ציוה לעשות עירוב, או לקרות המגילה בעונתה, ואילו אמרו כן היו מוסיפין על התורה. אלא כך אנו אומרים, שהנביאים עם בית דין תיקנו וציוו לקראות המגילה בעונתה, כדי להזכיר שבחיו של הקב"ה ותשועות שעשה לנו, והיה קרוב לשוענו, כדי לברכו ולהללו, וכדי להודיע לדורות הבאים שאמת מה שהבטיחנו בתורה "כי מי גוי גדול אשר לו אלהים קרובים אליו כ"י אלהינו בכל קראנו אליו" (דברים ד:ז). ועל דרך זו היא כל מצוה ומצוה שהיא מדברי סופרים, בין עשה בין לא תעשה.

The bigger question is, according to the Rambam, what was the *hava amina* of the *Chachamim*? Why did they think initially that this could be a violation of adding to the *mitzvos* of the Torah? This question prompts some *acharonim* to suggest that Mordechai and Esther, in their plea to the *Chachamim*, were attempting to institute something much more than what the *Chachamim* ended up agreeing to, such as a full *yom tov* with an *issur melacha*, which would have been too similar to the Biblical *moadim*, and thus potentially a violation of *bal tosif*. (See Maharatz Chajes in *Toras Nevi'im*, p. 93. This problem also likely motivates the explanation of the *Korban Ha'eida* to this *Yerushalmi*. See also *Be'er Yosef*, ed. 2009, Vol. 2, p. 206-7, who struggles at length with this.) However, perhaps the simpler answer is that according to the Rambam, the *Chachamim* can only institute *takanos* under the banner of “*lo sasur*” if the *takana* or *gezeira* supports the existing *mitzvos* of the Torah in some way. If the *Chachamim* decided to institute a *takana* that in no way relates to strengthening the values of the Torah, then this would not be a valid *takana* and thus merely a “*hosafa*”, an addition. Therefore, maybe the *hava amina* of the *Chachamim* here is that Mordechai and Esther are simply trying to “add” another *chag*; they are in no way supporting or guarding the existing *mitzvos*, and it could be in violation of “*ein navi rashai l'chadesh davar*”! Only afterwards did the *Chachamim* realize that this institution of Mordechai and Esther does indeed support the values of the Torah, in order – as the Rambam says – *l'hazkir shevachav shel hakadosh baruch hu* in support of *Devarim* 4:7.

The Ramban, on the other hand, writes in more than one place that the institution of Purim is in fact a *hosafa*, as the *gemara* here seems to imply (see for example Ramban to *Devarim* 4:2). However, the approach of the Ramban to the thought process of the *Chachamim*, both what they initially were concerned about and what they eventually concluded, is quite opaque and seemingly contradictory. In his *hasagos* to the *Sefer Hamitzvos* (*shoresh* 2), he seems to imply that Purim (or at least *mikra megilla*) is *de'oraisa*, however elsewhere (*Chidushei Haramban*, *Megilla* 2a) he is clear that it's actually *derabbanan*. This is not the place to elaborate further except to say that the opinion of the Ramban on this topic requires more study.

*The Sages taught: Forty-eight prophets and seven prophetesses prophesied on behalf of the Jewish people, and they neither subtracted from nor added onto what is written in the Torah except for the reading of the Megilla.*

Here, *mikra megilla* is presented as the only thing that's ever been "added to what is in the Torah". If it is true that *mikra megilla* is a *mitzva mi-derabbanan*, isn't it one among many? And why would it be considered an "addition" to the Torah?

It is very possible that Rasag took these statements of the *gemara* at face value. Mordechai and Esther, who were prophets, were attempting to add to the *mitzvos*. They were delivering a new *mitzva* of the Torah, just like Moshe Rabbeinu did, and just like Avraham Avinu and Yaakov Avinu did, and that's why the *Chachamim* at that time were so concerned – *mitzta'arin al hadaver ha-zeh*. We know that *mitzvos* cannot be added to the Torah after Moshe! Then, they found the solution.

לא זו משם נושאים ונותנים [בדבר] עד שהאיר הקדוש ברוך הוא את עיניהם ומצאו אותה כתובה בתורה ובנביאים ובכתובים. הדא היא דכתיב ויאמר ה' אל משה כתוב זאת זכרון בספר.

*They did not move from there, continuing in their discourse on this issue, until Hashem enlightened them, and they found this written in the Torah, the Neviim, and the Kesuvim. This is that which it says (Shemos 17:14), "Write this (zos) as a remembrance (zikaron) in the book (basefer)" (Yerushalmi Megilla 1:5)*

Seemingly, the *Chachamim* in some way attached this to a *pasuk*, "*k'sov zos zikaron basefer*", in the Torah. There are different ways that this could be understood. It could be that the *Chachamim* held that if a *s'mach* or a *remez* can be found for a new addition to the *mitzvos*, then that makes it permitted. Or, I think more likely how Rasag understands this, that if the *Chachamim* can determine that the new *mitzva* is something which the Torah itself tells us about – if we can say that this was a "*mitzva ha-asida l'hischadesh*" – then it can be added to the *mitzvos de'oraisa*. And this is indeed how the *gemara* refers to Purim in *Maseches Shavuos* (39a).

ואין לי אלא מצוה שקיבלו עליהם מהר סיני מצות העתידות להתחדש כגון מקרא מגילה מנין ת"ל קימו וקבלו קיימו מה שקבלו כבר.

*I only know that the mitzvos that the Jewish people accepted upon themselves at Mount Sinai [were included in the oath]. From where is it derived that mitzvos that were to be innovated in the future, for example, the reading of the Megilla, [were also included]? The verse states: "The*



*Jews ordained and took upon themselves... ” (Esther 9:27) They ordained what they had already accepted upon themselves.*

Here, *mikra megilla* is referred to as a “*mitzva ha-asida l’hischadesh*” – a mitzva which, from the time the Torah was given, it was known that it will be created in the future.<sup>29</sup> According to the Rambam, when the *gemara* says “*kiymu ma she-kiblu k’var*,” it has to mean that the Jews accepted upon themselves at Sinai to accept the enactments that the Rabbis would establish in the future.<sup>30</sup> To Rasag, though, what this probably means is that the Jews at Sinai were told that these *mitzvos* you are getting today are not all the *mitzvos*; there will be more (i.e. *mikra megilla*) which will be added in the future. At Sinai, they accepted this; only centuries later did the new mitzva actually get established – *kiymu ma she-kiblu k’var*. This is likely what Rasag means in his *azharos*, “*v’nosaf chok alei tochnis*” – that a mitzva was added to the total. And what he means in his *Sefer Hamitzvos* that this mitzva was “*nichlal bakabbala*”, it was included in the tradition – meaning, in the *masora* from *Har Sinai*.<sup>31</sup>

Now, if it is true that the *Chachamim* in the time of Mordechai and Esther determined that this mitzva was predestined to be added and this is what the *pasuk* means by “*k’sov zos zikaron basefer*”, this prompts us to resolve exactly what Rasag understood the mitzva to be, and how he reads this *pasuk* as being a reference to it.

### What is the Mitzva?

There are several *mitzvos* which we understand to be part of the Purim holiday; there’s *mikra megilla*, *seudas Purim*, *mishloach manos* and *matanos l’evyonim*. What we’ve come to understand is that to Rasag, the mitzva of Purim has the status of a *mitzva de’oraisa*, but what part of Purim does he mean by that?

In the *azharos* we saw above, he describes the mitzva using the *pasuk* from *Esther*

29 See also *Megilla* 19b:

ואמר ר' חייא בר אבא א"ר יוחנן מאי דכתיב ועליהם ככל הדברים אשר דבר ה' עמכם בהר מלמד שהראהו הקב"ה למשה דקדוקי תורה ודקדוקי סופרים ומה שהסופרים עתידין לחדש ומאי יהוה מקרא מגילה.

30 The Rambam at the end of the first *shoresh*, is explicit about this.

ובגמרא שבועות אין לי אלא מצות שנצטוו על הר סיני מצות שעתידין להתחדש כגון מקרא מגילה מנין לתלמוד לומר קיימו וקבלו קיימו מה שקבלו והוא שיאמינו בכל מצוה שתקנו הנביאים והחכמים אחר כן.

31 All of these sources are concerning Purim exclusively, which most likely limits this *halachic* approach to Purim, and it does not follow that the same approach would be true for Chanuka. Regarding Chanuka, the enactment was not made by prophets (see Rashi, *Megilla* 14a, *d’h chutz mi-mikra megilla*), and additionally, we don’t have a source in *Chazal* which attaches it to a *pasuk* in the same way that we do for Purim. [See Stampfer (note 13), who suggests *Bereishis Rabbah* 99:2; also see Ramban on *Bamidbar* 8:2, and what he quotes from Rav Nissim Gaon.]

(9:29), “*l’kayem es iggeres hapurim hazos*”, to uphold or to support this letter of Purim, ie. the *megilla*. In the *Sefer Hamitzvos* that we saw above, Rasag is clearer about what he means; it is “to observe the holiday” – *k’rias mo’ed*. I believe that Rasag in the *Sefer Hamitzvos* is actually echoing the *pasuk* in *Esther* (9:27):

קימו וקבלו היהודים עליהם ועל זרעם ועל כל הנלוים עליהם ולא יעבור להיות עשים  
 את שני הימים האלה ככתבם וכזמנם בכל שנה ושנה.  
*They established and accepted on themselves and on their offspring, and  
 on all those who join them, that they would not cease to observe these two  
 days as written and as set in their times, every year.*

What mitzva did the Jews accept upon themselves at Sinai and establish in the times of Esther? To observe the holiday, and whatever that entails.<sup>32</sup>

We are fortunate that in addition to many other writings of Rasag, his extended commentary to *Megillas Esther* has also been mostly reconstructed from *geniza* fragments and published in the last few years.<sup>33</sup> In it, Rasag describes exactly what the observance of Purim as a holiday entails, although some of the end of his description remains lost.

וחייבו בכל יום משני אלו את העושים אותם בכמה חיובים. הראשון משתה, פשט  
 הדברים שתייה, ובעניינו איסור הצום עליהם בו כפי שהוא בשבת והחגים זולתי כיפור.  
 והשני שמחה, ופשט הדברים לשמוח. ובעניינו, שלא לבכות בו ולא לספוד, הם כמו  
 השבת והחגים. והיה דין האומה בשני העניינים הללו כדרך המצוה שהם מצווים בה,  
 שיאכלו וישתו בכל יום שהוא קדש, ושישמחו שמחה כהלכה ... ופירשו לנו שהשמחה  
 הזאת נכללת בה הקריאה ... וממה שנעזרתי [...] אליו כאמרו והגר והיתום והאלמנה  
 אשר בשערך [...]  
*They obligated on these two days, those who are observing them, in  
 several obligations. The first is to feast. Meaning to drink; this includes*

32 The Arabic term that Rasag uses in the *Sefer Hamitzvos* is “יתכד’ונה עידא”. Sabato translates this as “קבעוהו” חג and Zucker translates “יעשוהו יום טוב” (See note 13 above.) The word “עידא” is what Rasag regularly uses as the Arabic translation of “*mo’ed*”, a holiday. In the above *pasuk* (*Esther* 9:27), Rasag in the *Tafsir* translates “להיות” עשים as “אן יתכד’ר”, the same verb he uses in the *Sefer Hamitzvos*.

33 Fragments of the commentary to Esther were sporadically published by Prof. Yehuda Ratzaby in the 20th century. In 2015, most of the commentary was published by Prof. Michael Wechsler, based on sixty *geniza* fragments, together with an English translation (*The Book of Conviviality in Exile (Kitāb al-inās bi-l-jalwa): The Judaeo-Arabic Translation and Commentary of Saadia Gaon on the Book of Esther: Edited, Translated, and Introduced*, 2015). In 2019, *Machon Ha-Otzar* published the commentary (with the addition of three more fragments) with a translation to Hebrew as well as extensive notes and essays by Rav Yehuda Seewald (*Sefer Halivui Bagalus L’Rav Saadya Gaon*, 2019). Citations of the commentary henceforth are to the Hebrew edition.

*the prohibition of fasting on these days just as with Shabbos and holidays, except for Yom Kippur. The second is celebration, meaning to be happy; this includes not to mourn or eulogize, just like Shabbos and the holidays. And the law for the people in this matter is just like the mitzva which they're commanded on any of the days which are declared holy, to eat and drink, and to celebrate according to halacha... And it was explained to us that this celebration includes public reading...<sup>34</sup> [...] to him, as it says (Devarim 16:14) "and the stranger and the orphan and the widow in your gates" [...]*

Rasag is clear that the mitzva, broadly speaking, is to observe the holiday, to honor it as a *chag*.<sup>35</sup> The obligations that we associate with Purim, like *mikra megilla* and *seuda*, are elements of a holiday, analogous to the elements we find in all the *moadim* of the Torah.<sup>36</sup> Now that we've clarified what the mitzva is, it remains for us

34 The manuscript in this section is torn, and several lines (indicated by "[...]" ) are skipped. It is clear, though, that Rasag is trying to compare the ritual enactments made for Purim to those of any other holiday. Just as we read the Torah on all the holidays, so too we read the *megilla* on Purim; just as we eat and drink on *yom tov*, so too on Purim. And it seems that, in the partially-missing sections, he attempts similar comparisons for *mishloach manos* and *matanos l'evyonim*. See Rav Seewald's notes to this section (p. 187-8; n. 95, 96, 98).

35 The sources in the *gemara* are not consistent with regard to what Mordechai and Esther instituted. As many *acharonim* have noted, the *braisos* in the *Bavli* imply that the enactment was either the writing of the *megilla* itself, or the obligation to read it. (For example, the language in *Megilla* 14a, "lo pichasu v'lo hosiru... chutz mi-mikra megilla." Also, notice the different versions in what Esther sent to the *Chachamim* on *Megilla* 7a, "kiv'uni l'doros" versus "kisivuni l'doros".) The *Yerushalmi* we've quoted above, on the other hand, implies that the enactment was the observance of the holiday itself, and that is the approach we are ascribing to Rasag as well. This is also consistent with the passage in *Megillas Taanis* (Ch. 12, *scholia*):

א"ר יהושע בן קרחה מיום שמת משה לא עמד נביא וחדש מצוה לישראל חוץ ממצות פורים אלא שגאולת מצרים נוהגת ז' ימים וגאולת מרדכי ואסתר אינה נוהגת אלא יום א' ד' א"ו ומה גאולת מצרים שלא נגזרה גזירה אלא על הזכרים גזירה על הזכרים ועל הנקיבות מנער ועד זקן טף ונשים ביום א' עאכו"כ שאנו חייבים לעשות אותם י"ט בכל שנה ושנה

(Notice, similar to what we saw above from *Megilla* 14a, the justification of Purim via a *kal vachomer* from *Pesach*.)

36 It's possible that Rasag only held that the observance of Purim as a holiday – the *k'vias chag*, or *k'rias mo'ed* – is the *mitzva de'oraisa*. That may only be by signifying in some way the uniqueness of the day, similar to the mitzva of observing the *yomim tovim*, which he counts in Chapter 3 of the *Sefer Hamitzvos*; there he refers to the mitzva of observing a *yom tov* as "calling it *kodesh*" [Rav Sabato (pp. 28-9) compares this to Rasag's comments on *Vayikra* 23:2 – "asher tikra'u osam mikra'ei kodesh".] The individual ritual elements of Purim like *krias hamegilla*, *matanos l'evyonim*, etc, he may have considered to be *derabbanan*, similar to the analogies which he draws with the *yomim tovim*, such as *krias hatorah* on *yom tov*. Practically, this would line up with the suggestion of the Chasam Sofer (see note 18), although as we noted above, the Chasam Sofer's idea stems from the *kal vachomer* in *Megilla* 14a which we discussed above. (Although, if this is the case, perhaps it would have made more sense

to determine how this is derived from the proof-text that Rasag brings for it, “*k’sov zos zikaron basefer*”. This *pasuk* is part of the story of the battle with Amalek, as we saw above, and it is the *pasuk* from which, according to the *Yerushalmi*, the *Chachamim* found the source that Purim was a *mitzva ha’asida l’hischadesh* – that it was already accepted at Sinai. How does Rasag see the connection between Amalek and Purim, between the *pasuk* he quotes and the mitzva that we practice from it?

### Recording the War with Amalek

There is no doubt that in Rasag’s view, there is an integral connection between Purim and the Amalek story. His language in the *Sefer Hamitzvos*, that Purim is the “day that we will be saved from the descendent of Amalek,” makes it clear that the mitzva is not just about a miracle that occurred in Persia during the rule of Achashveirosh; it’s about a miracle which occurred with Amalek.

We have one record of what Rasag has to say about the *pasuk* of “*k’sov zos zikaron*”, which he uses as the source for this mitzva, and it comes from Rabbeinu Avraham ben HaRambam, in his commentary to Shemos on that *pasuk*:

ור' סעדיה ז"ל סבר שמקרא זה רמז אל הפרשה הכתובה בספר אלה הדברים זכור את  
אשר עשה לך עמלק וג'

Rav Saadya holds that this verse refers to the section written in Sefer Devarim, “Remember what Amalek did to you...” (Devarim 25:17).

When Hashem told Moshe to “write this as a remembrance in the book” after the war with Amalek, it’s not immediately obvious what He meant by “the book”, and what Moshe was meant to write and when. According to Rasag, as recorded by Rabbeinu Avraham here, “the book” is actually the Torah itself, and what Moshe was meant to write – at the end of the forty years of the desert when the Torah was written – is the *parsha* of Zachor<sup>37</sup>. There’s no mention here of Purim or the *megilla*, but I

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for Rasag to include Purim and Chanuka in Chapter 3 rather than Chapter 20 of the *Sefer Hamitzvos*.)

The above would also have practical ramifications, particularly with regard to a *safek* in *mikra megila*. If the above is true, then we would have to follow *safek derabbanan l’kula* in the case of *mikra megila*, which is in line with the opinion of the *geonim* quoted by the Ran (*Megilla* 2a). However, see *Turei Even* (*ibid*) who claims that *mikra megilla* qualifies as *divrei kabbala*, which has the status of *de’oraisa* as far as *sfeiko l’chumra*, although other *acharonim* disagree (see *Shut Noda B’yehuda*, *Mahadura Tinyana*, *Yoreh De’ah* 146).

<sup>37</sup> The background for Rasag’s comment on this *pasuk* is in fact an opinion he articulates elsewhere, that the Torah was only written down by Moshe at the end of the forty-year period in the desert, and nothing was written down before that. In the introduction to his commentary on *Bereishis* (ed. Zucker, pp. 185-6), Rasag formulates this as a thinly-veiled argument against the opinion of the Karaites that there is no *Torah She-ba’al Peh* that exists *mi-Sinai*. According to Rasag, from the fact that the Torah was not written down until forty years after *Matan*

believe the reason for this is that to Rasag, Purim and *zechiras Amalek* are two sides of the same coin.

We saw earlier what Rav Perla's reaction is to the fact that Rasag mentions the *megilla* in his *azharos*; he thinks that mentioning the *megilla* was a convenient way for Rasag to reference the mitzva of *zechiras Amalek*. But perhaps it's more than that. Perhaps, to Rasag, the mitzva of Purim *is* the mitzva of *zechiras Amalek*. In Rasag's commentary to Esther, we find a telling comment on the *pasuk* (*Esther* 9:28) which states that the days of Purim shall be declared and observed – *nizkarim v'naasim* – in every generation.

ועניין אמרו נזכרים לפני נעשים, חייב שנזכיר את פורים קודם זמנו, ופירשתי שזה מנהג האומה שנקרא את פרשת עמלק בשבת שלפני פורים, כפי שאמר "זכור את עשה עשה לך עמלק", ואמר "כתב זאת זכרון בספר", ומזה אמר נזכרים.  
*That which it says "declared" (nizkarim) before "observed" (naasim), we are obligated to declare (or "mention") Purim before its time. My explanation is that this is the practice of the nation to read the passage of Amalek [in the Torah] on the Shabbos preceding Purim. As it says, "You shall recall that which Amalek did to you" (Devarim 15:17), and it says "write this as a remembrance in the book" (Shemos 17:14); and that is what's intended by "declared" (nizkarim).*

We should take note of two things here. Firstly, Rasag here too connects "*k'sov zos zikaron*" with the *pasuk* of "*zachor es asher asa lecha Amalek*"; both *pesukim* mean that the Amalek story needs to be recorded and consistently recalled. And secondly, if we pay close attention to Rasag's wording, he doesn't say that by reading *Parshas Zachor*, we are referencing Amalek before Purim; he says that by reading *Parshas Zachor* we are referencing **Purim** before Purim. Does *Parshas Zachor* make any mention of Purim? To Rasag, the answer is clearly "yes", because the essence of Purim is the recollection of the Amalek story; it is merely an extension and continuation of

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*Torah*, and we see that Moshe instructed *Bnei Yisrael* in the desert in how to keep the *mitzvos*, we see that there had to have been a *Torah She-ba'al Peh* from the time of *Matan Torah* that predated the *Torah She-bichsav* by forty years. In Zucker's notes there (n. 101), he points out that in the commentary of the later Karaite scholar Yefes ben Eli, this is how he presents the opinion of Rasag as well. And one of the counterarguments that Yefes ben Eli brings against Rasag is our *pasuk* of "*k'sov zos zikaron*", which he claims means that Moshe was to write this section of the *Torah* ("*vayavo Amalek*") right away to be included in the full *Sefer Torah* later. (See also the introduction of the Karaite scholar Salomon ben Yerocham to *Esther*, in which he also reflects this understanding of the *pasuk*; Wechsler, "*Ha-hakdama shel Salomon ben Yerocham l'Esther u'feirusho l'Esther 1:1*" in *Tor Hazahav Ha-Kara'i*, 2022, p. 267.)

*Zachor*.<sup>38</sup>

In a *drasha* of Rasag also found in the *geniza*<sup>39</sup>, he comments again briefly on this verse in Esther of “*nizkarim v’naasim*”. What do these words mean? “*Nizkarim*” – *b’dibur*, verbally; “*v’naasim*” – *b’maaseh*, with action. “*Nizkarim*”, as we saw above, refers to *Parshas Zachor*, and that is the verbal declaration which precedes the “*naasim*”, the actual observance of Purim. The result is that, to Rasag, Purim and *Zachor* are the same thing; one is the verbal form, expressed through words alone, and one is the behavioral form, expressed through actions. But both are attempts at commemorating the Amalek story.

This is consistent with what we’ve shown in our discussion so far. What we’ve speculated as the approach of Rasag is that the mitzva of celebrating Purim is *de’oraisa* because it was known *mi-Sinai* that Purim was a *mitzva ha-asida l’hischadesh*, that it was going to be added to the *mitzvos* in the future. One way to think about this is as follows: why did Purim, which is a commemoration of the Amalek battle, need to be added later? Why couldn’t we have the holiday of Purim listed in the Torah and given together with all the other *mitzvos*? The answer is because the story of Amalek continued to unfold after the point in time at which the Torah was given. We have *mitzvos* – including holidays like Pesach and Sukkos – which are intended to commemorate events which occurred before *Matan Torah*. But the war with Amalek was a story which began before *Matan Torah*, but which would continue over the course of generations afterwards, and the story of Haman – descendant of Amalek – is the latest piece of the story; a story which began with Haman’s ancestors centuries ago.

Around two-hundred years after the time of Rasag, in the face of persecution, Rav Matzliach Gaon moved the Geonic yeshiva of *Eretz Yisrael* to Egypt. Remnants of his writings too are preserved in the *geniza*, and from the fragments of *drashos* which we have found, we know that his thought is heavily influenced by the writings of Rav Saadya Gaon.<sup>40</sup> His *drasha* on Purim even concludes with a summary of Rasag’s

38 I am grateful to Rav Seewald for pointing me to this passage. Rasag’s interpretation of “*nizkarim v’naasim*” follows the opinion of Rav in *Megilla* 30a. [See also *Yerushalmi Megilla* 3:4, in which Rav’s *drasha* from the *pasuk* is explicit, “*she-t’hei azkarasan kodem l’asiyasan*”. The “*asiyasan*” there refers not just to the *krias hamegilla* (cf. *Pnei Moshe* and Rav Chaim Kanievsky), but to the observance of Purim in general and any component of it, which includes *krias hamegilla*. However, see *Korban Nesanel* (*Megilla* Ch. 1, *Siman* 7, #4) who cites a *teshuva* of the Ralbach in which he assumes that the “*asiyasan*” of Purim refers to the *seuda*.]

39 See Rav Yehuda Seewald, “*Kovetz Halachos Bein Adam L’chaveiro*” in *Kovetz Beis Aharon V’Yisrael*, Vol. 200, pp. 15-43.

40 See Rav Yehuda Seewald’s introduction to “*Drasha L’chag Hashavuos*” of Rav Matzliach Gaon in *Kovetz*

commentary to Esther. In this *drasha*, he expresses nicely how he thinks of the story of Purim as a continuation of the Amalek story.

[בימי מרדכי] ואסתר, בימי המלך אחשורוש [עמד] המן זרע אגג ועמלק הארור. וציותה התורה לקבוע אותו זכרון ולקלל אותו בכל שנה, לפי שהוא הרע לאבותינו בזמן צאתם ממצרים, והיו תיכף אחר עבודת פרעה ושירותו ועבודת הפרך, ובקש לכולתם כמו שאמר בפסוק הסמוך "זכור את אשר עשה לך עמלק..." וכאשר עמד המן הרשע מזרעו זכר לו ה' חטאי אבותיו וצירפם על חטאיו ואיבדו.

*In the days of Mordechai and Esther, during the reign of Achashveirosh, Haman – descendent of Agag and Amalek – arose. The Torah commanded to establish a commemoration and to curse him in every year, because he attacked our forefathers when they left Egypt, and this was immediately after their slavery to Pharaoh and the toil, and he attempted to annihilate them, as it says "Remember that which Amalek did you on the way after your left Egypt..." And when Haman arose from his descendants, Hashem remembered the sins of his forebears, and combined them with his sins and destroyed him.*

Rav Matzliach Gaon speaks of Haman and Amalek almost interchangeably, and one thing he makes clear is that Haman is just the last link in the chain of the ongoing turmoil between Amalek and the Jewish people. Notice that in this discussion of Haman and the miracle of Purim, Rav Matzliach tells us of the mitzva that the Torah commanded us to commemorate the story of Amalek every year. The implication of this is similar to what we've explained as the *shita* of Rasag. At the battle of Amalek, Hashem knew that this was just the beginning of the story, that it would continue for generations – *milchama bashem ba'amalek mi-dor dor* (*Shemos* 17:16). Hashem told Moshe that the story of Amalek must continue to be recorded, not just now but in the future – *k'sov zos zikaron basefer* – and when the time comes, the time of Morechai and Esther, a new mitzva will be created, a mitzva of commemoration of Amalek through the holiday of Purim.

This is what the *Chachamim* discovered when they deliberated about the new mitzva introduced by Mordechai and Esther. At first, they agonized over this – don't we know that *ein navi rashai l'chadesh*? Eventually they found that this mitzva was predestined; Hashem told Moshe this was going to happen, and from the time of

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*Beis Aharon V'Yisrael*, Vol. 203, pp. 15-25. (See also the comments of Prof. Mordechai Akiva Friedman in the following volume, pp. 141-3.)

Sinai this was accepted.<sup>41</sup>

### Is Rav Saadya Gaon *Rashai L'chadesh Davar*?

Rav Hai Gaon was once asked about a well-known position of Rav Saadya Gaon that the fixed calendar was given to Moshe *mi-Sinai*, and that we've been using our present-day fixed calendar since *Matan Torah*. Rav Hai Gaon responded that this position of Rasag is not really correct, but that he said this merely to combat the position of the Karaites who rejected the calendar altogether.<sup>42</sup> However, there is evidence that even

41 The *gemara* in *Megilla* 7a closely parallels our *Yerushalmi* above:

אמר רב שמואל בר יהודה שלחה להם אסתר לחכמים קבעוני לדורות שלחו לה קנאה את מעורתת עלינו  
לבין האומות שלחה להם כבר כתובה אני על דברי הימים למלכי מדי ופרס... שלחה להם אסתר לחכמים  
כתבוני לדורות שלחו לה הלא כתבתי לך שלישים שלישים ולא רבעים. עד שמצאו לו מקרא כתוב  
בתורה כתב זאת זכרון בספר כתב זאת מה שכתוב כאן ובמשנה תורה זכרון מה שכתוב בנביאים בספר  
מה שכתוב במגלה. כתנאי כתב זאת מה שכתוב כאן זכרון מה שכתוב במשנה תורה בספר מה שכתוב  
בנביאים דברי רבי יהושע ר' אלעזר המודעי אומר כתב זאת מה שכתוב כאן ובמשנה תורה זכרון מה  
שכתוב בנביאים בספר מה שכתוב במגילה.

In this version, it is evident that the *Chachamim* knew that the war with Amalek was to be recorded, but they had a tradition that it only needed to be done three times. This was their concern; if we count the *parsha* of “*vayavo Amalek*” in *Shemos*, the *parsha* of “*zachor*” in *Devarim*, and the passage of Shaul’s war with Amalek in *Sefer Shmuel*, then what could be the justification for a fourth iteration? Their usage of the *pasuk* of *k’sov zos zikaron* is then similar to the version in the *Yerushalmi*, following the opinion of Rabbi Elazar Hamoda’i here. [Some *acharonim* point out that the straightforward *peshat* of this *gemara* is that Esther was requesting that her book, the *megilla*, be canonized and included in the *sifrei kodesh*. However, if that’s the case, it requires explanation as to why the *Chachamim* were initially reluctant to do so. If it was written *b’ruach hakodesh*, then why should it be any less worthy than the other books in the *Kesuvim* of being included? See *P’nei Yehoshua*, *ad loc*; Maharatz Chajes in *Toras Nevi’im*, p. 93.]

42 *Teshuvos Ha-Geonim Hachadashos*, 2018, pp. 147-150. This opinion of Rasag, that the calendar has always been fixed since *Matan Torah*, leads him to say that *yom tov sheini* is a *din de’oraisa*, and it has always been the case that the *moadim* are practiced for two days outside of *Eretz Yisrael*, since the *k’vias rosh chodesh* has never been in doubt. Much has been written about this *shita* of Rasag, and how it can be reconciled with our sources from *Chazal*. (See for example Rav Kasher in *Sod Ha’ibur*, Ch. 2, and Rav Bialoblocki in *Eim Lamasores*, 1971, pp. 163-175.) In the *teshuva* referenced above (responding to Rav Nisim Gaon) Rav Hai writes about this “*kaneh hu she’dacha bo es apoikores*” – what Rasag said was a reed with which he poked the heretic. Similarly, the Rambam writes about the approach of Rasag (without mentioning him by name) as follows (*Peirush Hamishna, Rosh Hashana* 2:6; translation follows the Kapach edition, updated based on the manuscript analysis of Prof. Friedman in “*Minhag Avoteichem Biy’dleichem: Teshuva min Hagenizah al Yom Tov Sheini shel Galuyot*” in *Tarbiz* 83:4, 2015, p. 584):

ואני מתפלא על אדם שמכחיש ומתוכח בדבר הברור ואומר שדת היהודים אינו בניו על ראית החדש אלא  
על החשבון בלבד וזאת היא אמיתות כל המקורות האלה, ואיני חושב שהאומר כן מאמין בכך, אלא היתה  
מטרתו בדבר זה לנגח את יריבו באיזו צורה שתהיה שלא בצדק או בצדק כיון שלא מצא מפלט מלחץ  
הוכוח.

Neither Rav Hai nor the Rambam explicitly mention that the antagonist of Rasag was Karaites, though that seems like the most obvious choice. (See for example, the comment of the *Netziv* in *Haamek She’ela* 67:22. Also,



though – as Rav Hai contended – Rasag was motivated to take his approach to the calendar because of the antagonism of the Karaites, he still developed this approach into his *halachic* thinking.<sup>43</sup> In other words, it's not that Rasag externally fought the Karaite ideas with this *halachic* rhetoric, while internally and privately espousing a more conventional approach. Rather, he took these *halachic* positions, which may indeed have been inspired by the necessity to combat Karaite influences, and he built them assiduously into his *halachic* thought.<sup>44</sup>

In our case, too, there is a temptation to ascribe Rasag's approach to Purim and Chanuka to polemical motivations. We know that the Karaites rejected Chanuka as a Rabbinic invention; Rasag himself writes that this is what motivated him to translate *Megillas Antiochus* into Arabic and to write his introduction to it.<sup>45</sup> And while the Karaites did accept Purim as a holiday – albeit not in exactly the same way we do<sup>46</sup>

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the Karaite scholar Yaakov Qirqisani – a contemporary of Rasag – does engage with this opinion of Rasag in his work on Karaite law.) [Rav Mordechai Halperin, though, has argued that it was actually Rasag's controversy over the calendar with Rav Aharon ben Meir Gaon of *Eretz Yisrael* which motivated this approach. The *geonim* of *Eretz Yisrael* at the time argued that only the *Chachmei Eretz Yisrael* could maintain authority over the calendar. See Halperin, "Lamah Natah Rasag Me'ha'emes?" in *Yodei Binah*, Vol 5., 2011, pp. 40-75.]

Rasag still considered *kiddush hachodesh* to be a *mitzva de'oraisa* (this is the "yarchei ha'ibur" which we saw above in his *azharos*), and he defines this in the *Sefer Hamitzvos* (p. 188) as:

תציונו ללמוד מהו הדבר שלפניו נדע את ראש החדש ונשמרהו, וזה כפי שאמר ושמרת את החוקה הזאת  
[למועדה מימים ימימה]. (שמות י"ג:)

See Rav Sabato's note there, and what he quotes from Rasag's (unpublished) commentary to *Shemos*, which shows that Rasag's understanding of the the *mitzva*, and of *Shemos* 13:10 is consistent with his opinion above regarding the fixed calendar.

43 Rav Seewald, in *Iyun* 14 (see note 33; p. 373) points out that Rasag also mentions this in his monograph on the "*mitzvos hashma'ios*" (parts of which were published by Zucker). Rasag mentions there that had *yom tov sheini* been instituted by the *Chachamim*, it would have been in violation of *bal tosfif*; he also compares this to other *mitzvos min hatorah* which are dependent on location. Similarly, in Rasag's commentary to *Esther* (9:1-19), he writes that the *Chachamim* in the time of Mordechai and Esther were able to institute Purim in the way that they did – i.e. to be observed on different days in different places – only because it is reflective of the *chagim* of the Torah, which are also observed differently (one day or two days) depending on whether one is in *Eretz Yisrael* or not.

44 A similar example of this is provided above in note 37; Rasag formulates the opinion – motivated by anti-Karaite polemics – that the Torah was written at the end of the forty years in the desert. (This could be consistent with the opinion in *Gittin* 60a that "Torah chasuma nitna"; see Rashi there.) But this is an opinion which is built into his exegetical framework, and not just presented externally for the sake of polemics alone.

45 *Megillas Bnei Chashmonai im Targum Hagaon Rabbeinu Saadya ben Yosef Fayyumi zt"l*, ed. Kapach (printed together with the Commentary to *Sefer Daniel*), 1981, p. 221.

46 The practice among the Karaites was – and still is – to observe two days of Purim on the fourteenth and fifteenth, following their understanding of *Esther* 9:27. The opinion of Annan and his followers originally, though, was to fast for the three days of Adar 13-15 in commemoration of the Jewish people fasting on *Esther's*

– one could argue that the motivation to consider Purim as *de'oraisa* is simply that it would be incomprehensible to say that Chanuka is *de'oraisa* without saying the same for Purim. It's also true that earlier *monei hamitzvos*, following the Behag, also counted Chanuka and Purim as *mitzvos*; but as we saw earlier, the Behag did not refrain entirely from including *mitzvos derabbanan* in his list. So their inclusion in earlier lists of *mitzvos* does not in any way show that anyone before Rasag ever considered Purim and Chanuka to be *mitzvos de'oraisa*, especially since there is no indication that the Behag was concerned with anti-Karaite polemics at all.

In truth, there is no way for us to know if Rasag's consideration of Purim as *de'oraisa* is motivated by his interaction with the Karaites, or whether that was a more widespread approach in his time.<sup>47</sup> Today if you ask someone for an example of a *mitzva mi'derabbanan*, they might tell you Purim, but was the same thing true in the time of the *geonim*? I'm not so sure. But even if Rasag's approach was a novelty and was in response to Karaite claims, surely he developed an approach as to how and why Purim should be considered *de'oraisa*, perhaps in line with what we've laid out above.

To summarize, Rasag's implicit inclusion of Purim and Chanuka in his *Sefer Hamitzvos* suggests that he holds these holidays to be *mitzvos min hatorah*. For Purim, Rasag provides the source as the *pasuk* of "*k'sov zos zikaron*". To explain this, we've suggested that after the initial battle with Amalek, Hashem commanded Moshe that because the war with Amalek would continue for generations to come, we would need to continue to record it – to write down the events of this ongoing war – even centuries after the Torah is written. And additionally, that the time would come when a miracle would occur in our turmoil with Amalek, and an additional *mitzva* of commemoration would be instituted. This was fulfilled in the era of Mordechai and Esther, and as described by the *Yerushalmi*, they – as prophets – instituted this new *mitzva*; and the Rabbinic leaders of their time, although initially concerned that

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request. (Rasag addresses this opinion several times in his commentary to Esther; see for example his comments to Esther 4:5-17.)

Karaite scholars have also debated the status of the *mitzva* of Purim, as they of course have no concept of a *mitzva derabbanan*; but whether it is a God-given commandment or merely an accepted custom is in doubt. (See Prof. Erder, "*Hakara'im al Odot Mitzvot She-reishitan B'yuzma Enoshit L'ohr Diyunam B'mitzvat Gid Hanashe*" in *Shenaton L'checher Hamikra V'Hamizrach Hakadam*, 2020, p. 312-3.)

<sup>47</sup> Rav Stampfer (note 13) also expects that many scholars today would assume this position of Rasag to be motivated by Karaite polemics. (One leading scholar in the field of Rav Saadya Gaon told me in personal correspondence that this is his opinion as well.)

this could violate *bal tosif*, eventually recognized that this was actually the fulfillment of what was already accepted at Sinai – *kiymu ma she-kiblu k'var*. Rasag understood that this mitzva of commemoration was the fulfillment of the *pasuk* of “*zachor es asher asah lecha Amalek*”, and that the reason why our custom has become to read that *parsha* before Purim is to declare the holiday of Purim – the commemoration our war with Amalek – before we celebrate it each year, “*nizkarim v'naasim bechol dor va-dor*”. The Rambam, who categorizes Purim as a *mitzva derabbanan*, and thus does not identify it as a fulfillment of “*k'sov zos zikaron*” or “*zachor es asher asah*”, must introduce a new mitzva into his count of the *taryag mitzvos*: the mitzva of *zechiras Amalek*, independent of Purim, which none of the *monei hamitzvos* before the Rambam ever included<sup>48</sup>.

It's important to remember that our understanding of Rasag's approach has not left the realm of speculation. More material from Rav Saadya Gaon continues to be identified from the *geniza*, and it's possible that further evidence could take us in a different direction. Rasag was one of the greatest rabbinic leaders and thinkers of our history; the *rishonim* considered him to be the *rosh hamedabrim b'chol makom*<sup>49</sup> – the first to speak on any topic, but until today only a fraction of what he left us remained to be studied and contemplated, analyzed and discussed. Finally, the lost words of the great Gaon are beginning to emerge in our time, and it is our responsibility to take advantage of this – *hafoch ba va'hafoch ba* – to better understand the Torah of the *geonim*.

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48 In fact, Rambam has to add two *mitzvos*, an *aseh* of “*zechiras Amalek*” as well as a *lo sa'aseh* of “*lo tishkach*”. This is consistent with the Rambam's sixth *shoresh*, i.e. that if there is an *aseh* and a *lo sa'aseh* which require an identical action or inaction, then they should both be counted once. Rasag, however, clearly disagrees with this principle (*Sefer Hamitzvos*, p. 245-6); and it is for this reason that Rav Perla is able to postulate that Rasag is counting *zechiras Amalek* by referring to the *megilla* in the *azharos*, without having to explain why Rasag doesn't count “*lo tishkach*”. (See also Rav Perla's discussion in Vol. 3, p. 218.)

49 Ibn Ezra (*Sefer Moznayim*, ed. Goodman, 2016, p. 6)



# The Pursuit of Happiness: Unveiling the Humorous Veil in the Torah & Gemara

LEIGH GREENBERG



**H**appiness is a universal pursuit that transcends time, culture, and religion. In the Jewish tradition, the Torah and the *gemara* offer profound insights into the nature of joy and humor. This exploration delves into the various facets of happiness as depicted in the Torah and elaborated upon in the *gemara*.

## **The Torah's Perspective on Happiness**

The Torah introduces the concept of *simcha* (joy) as a Divine attribute. As it states in *Devarim* 28:47, "Because you did not serve the Lord your God with joy and a glad heart..." emphasizing the importance of worshiping God joyfully. The Torah suggests that true happiness is rooted in a spiritual connection.

Numerous festivals and celebrations in the Torah underscore the significance of happiness. Sukkos, for example, is known as *Z'man Simchaseinu*, the Season of Our Rejoicing. The Torah prescribes joyous celebrations during these occasions, highlighting the communal and spiritual dimensions of happiness.

The Torah also encourages gratitude and contentment as pathways to happiness. The Ten Commandments include the prohibition against coveting, emphasizing the detrimental impact of envy on one's contentment. Gratitude for what one has is a recurring theme in Torah teachings.

## **The Gemara's Elaboration on Happiness**

The *gemara* provides insights into the humor embedded in Rabbinic literature.

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Humor is often employed to convey profound lessons. Rabbi Akiva, known for his wisdom, was not averse to using humor, demonstrating the compatibility of wit with religious teachings.

The *gemara* acknowledges the value of laughter, with references to the importance of maintaining a sense of humor. *Mishlei* 17:22, cited in the *gemara*, states, “A joyful heart is good medicine.” This perspective on laughter aligns with the idea that happiness is not only encouraged but is considered virtuous.

The *gemara* is replete with anecdotes, parables, and jokes that serve as pedagogical tools. These humorous elements are strategically placed to engage the reader and convey deeper meanings.

### **The Balance of Joy and Seriousness**

While the *gemara* incorporates humor, it also underscores the importance of seriousness in studying Torah. The delicate balance between joy and seriousness is evident in the Rabbinic approach to education. Humor serves as a tool to enhance learning but is not meant to trivialize the profound nature of Torah teachings.

In *Shabbos* 30b, the *gemara* points out that Rabba used to say something humorous before the beginning of an address and the students would laugh, which would stimulate their minds for the more serious discussions that would follow.

The *gemara* often employs self-deprecating humor to convey lessons of humility. Rabbinic figures, despite their elevated status, are portrayed with human flaws, emphasizing the relatability of the teachings. This approach fosters a sense of connection between the reader and the wisdom being imparted.

In *Taanis* 22a, Eliyahu Hanavi appears frequently to Rabbi Beroka of Bei Chozai in the marketplace of Bei Lefet. Rabbi Beroka came upon two men in the marketplace, and Eliyahu said that they were destined for the World to Come. Rabbi Beroka went up to them and asked what they do. They said to him that they were professional jesters and comedians. Their mission is to cheer up those who are depressed. The commentators say that they devote their comic talents solely for these types of situations and thus acted for the sake of heaven. Telling jokes is a path to the World to Come.

### **Personal Reflections on Happiness**

Understanding happiness in the context of the Torah and *gemara* encourages individuals to integrate joy into their daily lives. Applying the principles of gratitude, contentment, and humor can contribute to a more fulfilling and meaningful existence. The Torah acknowledges the dual nature of human existence—moments of joy intertwined with periods of sorrow. By incorporating humor into the narrative, the

Torah recognizes the therapeutic power of laughter in navigating the complexities of life.

The communal aspect of joy emphasized in the Torah is mirrored in the *gemara's* discussions on the importance of camaraderie. Shared moments of laughter and celebration within a community strengthen social bonds and contribute to the overall well-being of its members.

### **Conclusion**

The Torah and *gemara* provide a rich tapestry of teachings on happiness, weaving together spiritual, communal, and personal dimensions. From divine sources of joy to the nuanced humor in Rabbinic literature, the pursuit of happiness is intricately connected to the pursuit of a meaningful and purposeful life. By exploring these teachings, individuals can find guidance on navigating the complexities of existence with a joyful heart and a deeper understanding of their spiritual and communal connections.

In exploring happiness and humor in the Torah through examples from the *gemara*, it becomes evident that the Torah recognizes the importance of laughter in the human experience. These instances not only add depth to the narratives but also reveal a nuanced understanding of the human psyche, acknowledging the need for joy in both mundane and sacred aspects of life. The Torah, through its subtle humor, encourages believers to find moments of happiness, even in the most unexpected places, fostering a holistic approach to faith and life.

*In memoriam to my father, Eugene Greenberg, Yehuda ben Avraham HaLevi, who always told a joke. Throughout his business career and after retirement, he was always known for a good joke or pun. His delight was in seeing the recipient smile and laugh. He felt that bringing laughter into the world one person at a time was his life's mission. May he have been destined to the World to Come.*





# Is It Really Appropriate To Enter Adar With Happiness?

ADIV PACHTER



אמר רב יהודה בריה דרב שמואל בר שילת משמיה דרב כשם שמשנכנס אב ממעטין בשמחה, כך משנכנס אדר מרבין בשמחה.

*Rav Yehuda the son of Rav Shmuel bar Sheilas said in the name of Rav, just as when Av enters we reduce our joy, so too when Adar enters we increase our joy. (Taanis 29a)*

**T**he *Imrei Aish* asks: Was it not in the beginning of Adar that all of the *tzaros* and *gezeiros* against the Jews to murder and annihilate them started? And on the 7th of Adar Moshe died. It was only later on in Adar that the salvation came which led to happiness. So, why would the *gemara* say that we should usher in the month of Adar with happiness when it seems to be more of a time of sadness?

He explains by quoting the *Divrei Yisrael* who quotes from *Tehilim* 106:44:

וירא בצר להם בשמעו את רנתם.

*When Hashem saw that they were in distress, when He heard their cry.*

He questions the choice of the word *rinasam*. The word *rina* connotes expression of happiness, similar to a *shira*. In the time of *tzara*, it would be more appropriate to use the word *tza'aka*.

In order to explain, he refers to *Shemos* 15:20 which describes Miriam taking a drum in her hand, and all the women went forth after her with drums and dances. The *gemara* in *Sota* 11b says that in the merit of righteous women of that generation, *Bnei Yisrael* were redeemed from Egypt. The *Mechilta* teaches that the women were so confident that Hashem would perform miracles that they prepared the drums to use

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in singing Hashem's praises.

Now we can better understand the *pasuk* in *Tehilim*. Hashem saw that despite being in a state of *tzara*, the people nonetheless sang *rina* to Hashem. They had the *emuna* to know that Hashem would extract them and save them from hardship.

### **Purim and Yom Kippur – Tikkun Hanefesh and Tikun Haguf**

The *Imrei Aish* discusses how the *mefarshim* call Yom Kippur a day that is like Purim. He explains how fasting is a *tikkun* for the *nefesh* and eating is a *tikkun* for the *guf*. On Yom Kippur, we first have a *seuda* and then we proceed to fast. Therefore, the *tikkun* for the *guf* precedes the *tikkun* for the *nefesh*. On Purim, the opposite is true: first we engage in the *tikkun hanefesh* with Taanis Esther and then we have the *Seudas Purim*. Therefore, Purim has a higher status of *kedusha*.

### **Wiping Out Amalek Through Kabalos Ol Malchus Shamayim**

The Spinka Rebbe in *Imrei Yosef* notes that *Parshas Zachor* begins with the word “*zachor*” and ends with the words “*lo tishkach*.” He calculates that the *gematria* of *zachor* (233) and *lo tishkach* (759) equals 992 which is the same *gematria* as *ol* (106) *malchus* (496) *shamayim* (390). The Rebbe explains that by accepting *ol malchus shamayim* we can successfully subdue Amalek. Interestingly, he points out that the *gematria* of *Shushan* (656) *Purim* (336) is also 992; this comes to teach us that wiping out Amalek starts on *Parshas Zachor* and continues through *Shushan Purim*! He ends this piece with a *tefila* to Hashem to wipe out Amalek from the face of the earth speedily in our days!

### **Yiras Shamayim and our Approach to Mitzvos and Aveiros**

The *pasuk* in *Parshas Zachor* states *asher karcha baderech* to describe how Amalek happened on to us when we were coming out of *Mitzrayim*. The *Sefarim* note that Amalek tried to defeat us by having us adopt a cold (*kar*) approach towards Torah and *mitzvos*.

On this note, the Spinka Rebbe in *Imrei Yosef* quotes two *gemaras*.

ואמר רבי חנינאה כל בידי שמים חוץ מיראת שמים.

*And Rabbi Chanina said: Everything is in the hands of Heaven, except for fear of Heaven. (Berachos 33b)*

אריא וגנבי בידי שמים, צינים ופחים בידי אדם.

*A lion and thieves are cases of harm at the hands of Heaven, while cold and heat are cases of harm at the hands of man. (Kesubos 30b)*

*Tosfos in Kesubos* points out the contradiction between these two *gemaras* and offers a suggested answer. The Spinka Rebbe quotes an explanation that he heard. In life, there are times that we need cold (*kerirus*) and there are times that we need warmth (*chamimus*). When it comes to performing *mitzvos*, we need to do so with warmth, *zerizus* and *hisorerus*! When it comes to approaching sins, we need to refrain from the sinful act with coldness. This ability to know when to apply warmth and coldness stems from a true sense of *yiras shamayim*. Someone without *yiras shamayim* will approach *mitzvos* with coldness and will warm up to sinful acts, the exact opposite of what we should be doing. Amalek's goal is to strip us of *yiras shamayim* and cause us to stumble in our application of warmth and coldness.

This is how he explains why the *gemara* says that everything is *biydei shamayim* except for cold and heat as well as *yiras shamayim*! Because, in reality, having *yiras shamayim* and knowing how to apply cold and heat is one *inyan*. With *yiras shamayim*, you will know how to apply heat and cold towards *mitzvos* and *aveiros* respectively.

### **Be Proud to be a Jew – Mordechai's Lesson to Klal Yisrael!**

איש יהודי היה בשושן הבירה ושמו מרדכי בן יאיר בן שמעי בן קיש איש ימיני.  
*There was an ish yehudi in Shushan the capital, his name was Mordechai ben Yair ben Shimi ben Kish ish yemini. (Esther 2:5)*

Rabbi Shlomo Carelebach asks on this *pasuk*, why does it say *ish yehudi*, which seems to imply that he was the only Jew in Shushan! After all, there were many Jews in Shushan! He explains that this is coming to teach us that Mordechai was the only one who was proud to be a Jew. He wanted everyone to know that he was a Jew!

### **The True Message of Mordechai's Refusal to Bow to Haman**

וכל זה איננו שוה לי בכל עת אשר אני ראה את מרדכי היהודי יושב בשער המלך.  
*And all of this is worthless to me as long as I see Mordechai sitting in the gates of the king. (Esther 5:13)*

Rashi explains that Haman declares that as long as he sees Mordechai not bowing down to him, all of the glory he had received was meaningless to him. After all, everyone else was indeed bowing down to him. It was just one person, Mordechai, who refused to bow to Haman. Why did this affect Haman so much so to the extent that none of the *kavod* that he was receiving was worth anything to him? Why would Mordechai's refusal to bow invalidate everyone else who did indeed bow to him? In the *sefer Peninei Yisrael*, Rav Yisrael Twisig, the son of the *admor* of Matasdorf,

explains that every king wants to show the world that his constituents bow down to him out of love. The moment that they realize that they only bow down to him out of fear, then when the factor of fear disappears, they will no longer respect him and will come to rebel against him. So, the moment that Mordechai did not bow to him, this shows that the rest of the people were only bowing to him out of fear, and not out of love. Therefore it is logical that none of the *kavod* that Haman was receiving was worth anything to him. This is in stark contrast, *l'havdil*, to when we bow to Hashem out of love!

### **A Remez in Tehilim to the Auspicious Nature of the Day of Purim**

גדלים מעשי ה' דרושים לכל־חפציהם.

*The works of Hashem are great, within reach of all who desire them.*  
(Tehilim 111:2)

The word *gedolim* shares the same letters as *megaleh*. The *daled* and *yud* of *gedolim* form together to make the *hey* of *megaleh*. The Shinover Rebbe in *Divrei Yechezkel* explains that this comes to teach us that *gedolim* are *megaleh* the acts of Hashem. The miracle of Purim superseded nature; it was all from Hashem. And as such, on the day of Purim, it is a day that is auspicious to *drushim lechol chaftzeihem*; we should beseech Hashem for all of our wants and desires.

### **Connection Between Yitzchack Being Weaned and Seudas Purim!**

The Shinover Rebbe in *Divrei Yechezkel* quotes the *pasuk* that mentions the feast that Avraham made when Yitzchak was weaned. The Torah says:

ויגדל הילד ויגמל ויעש אברהם משתה גדול ביום הגמל את יצחק.

*The child grew up and was weaned, and Avraham held a great feast on the day that Yitzchak was weaned.* (Bereishis 21:8)

He notes that the word *higamel* shares the same letters as the word *megaleh*. Just like Avraham made a big *seuda* when Yitzchak was weaned, so too we make a big *seuda* on Purim when we read the *Megila*.

On Shabbos, we do not read the *Megila*. Similarly, we do not blow *shofar* on Shabbos. The common reason for both *halachos* is that we want to avoid carrying in a public domain. The *shofar* is related to ram of Yitzchak. Hence, we can better understand that Torah when the *pasuk* references the *megaleh* when it uses the word *higamel*, it follows by saying *es Yitzchak*.

# Pesach



Adiv Pachter



# Insights to the *Haggada Shel Pesach*

ADIV PACHTER



## **The Three Matzos of Leil Haseder**

Why do we set aside specifically three *matzos* on *Leil Pesach* at the *Seder*?

Rav Sherira Gaon answered that these three *matzos* are a reference to the three *se'in* that Avraham told Sarah to make cakes with. We have a tradition that it was Pesach at the time that Avraham told Sarah to do this.

The Lubavitch Rebbe also notes that the three *matzos* correspond to the *kohen*, *levi* and *yisrael*; whose *roshei teivos* spell *Kli*. *Matzos* and *mitzvos* share the same letters; thus teaching us that when we cling to *mitzvos*, we make ourselves a *Kli* to Hashem's *bracha*. Additionally, if you reverse the order, the *roshei teivos* of *yisrael*, *levi* and *kohen* spell *yelech*; When we perform *mitzvos*, we are following *halacha*; teaching us that true movement in when we follow the ways of Hashem.

## **Maror is placed in the Middle of the Seder Plate**

The Lubavitch Rebbe explains that *al pi kabbala*, the source of *merirus*/bitterness is from the *midda* of *Gevura*; which is associated with the left side. If so, why do we place the *maror* in the middle on the *Seder* plate? The Rebbe explains that bitterness on its own does indeed relate to *Gevura*. However, the result of bitterness can lead to *rachamim*! When a person finds himself in a lowly state filled with sadness and bitterness and feels distant from Hashem, this itself can lead to arouse *rachamim* from Hashem. Therefore, the *maror* is placed specifically in the middle of the *Seder* plate because the *midda* of *rachamim* relates to the *Kav HaEmztai*; to the middle.

## **The Severity of Lashon Hara; Shabbos is the Tikun which Ushers in Pesach!**

The *Sifsei Tzadik* quotes the *gemara* in *Erchin* 15b that says that the school of Rabbi Yishmael taught that someone who speaks *lashon hara* is *magdil*, increases, his sins and is considered worse than the three big *aveiros* of *avoda zara*, *gilui arayos* and *shefichas damim*.

The *gemara* learns this from the fact that by *lashon hara* it says in: “May the Lord cut off all flattering lips, the tongue that speaks great things” (*Tehillim* 12:4).

And it is written with regard to idol worship: “And Moses returned to the Lord, and said: Oh, this people have sinned a great sin, and have made for themselves a god of gold” (*Shemos* 32:31).

With regard to forbidden sexual relations it is written that when Potiphar’s wife attempted to seduce Yosef, he responded: “How can I do this great wickedness, and sin against God” (*Bereishis* 39:9).

With regard to bloodshed it is written, after Kayin murdered his brother: “And Kayin said to the Lord: My punishment is greater than I can bear” (*Bereishis* 4:13).

The Torah describes each of these three sins with the word “great” in the singular, whereas malicious speech is described with the plural term “great things,” indicating that it is equivalent to all three of the other transgressions together.

Shabbos Kodesh helps to fix all of the sins that are labeled as *gadol*. This is why we call the Shabbos before Pesach *Shabbos HaGadol*. This Shabbos ushers in Pesach which stands for *Peh Sach*; the mouth is now cleansed and speaks the praises of Hashem.

### ***Lecha Af Lecha* – Everything is for the best!**

In *Adir B’Melucha*, we repeat in each paragraph, “*Lecha Af Lecha...*” The *Sifsei Tzadik* quotes the *pasuk* in *Koheles* (2:9) where Shlomo HaMelech says: “*Af chachmasi amda li.*” The simple meaning of the *pasuk* is that Shlomo is saying that he grew and surpassed his predecessors in Jerusalem, still, his wisdom stayed with him. The *Sifsei Tzadik* explains that even though Shlomo HaMelech had a lot of *yesurim*, he knew that it was all for the best. He quotes the *Midrash Koheles* which says on this *pasuk* that the *chachma* that he learned *b’af*, through *yesurim*, is what stood with him. This is how he explains the stanza of *Lecha Af Lecha*; even the *af*, the seeming hardships that come our way are also for us! We have to always remain strong and believe that anything that Hashem does is for the best, even if it appears as though He is upset at us (*af*); even that is ultimately for our benefit.

### **Matza: The Bread of Refua**

The *Zohar* calls matza *Michla D’Asvata*, bread of *refua*. What is the connection between matza and *refua*? The Munkatch Rebbe explains that the first time something appears in the Torah reveals its inner essence and from there stems its power. He writes that the first time that the concept of matza appears in the Torah it is connected to *refua*. In *Parshas Vayeira*, when Avraham and Sarah were hosting the three “men”, Avraham



says to Sarah to hurry and knead flour and make cakes for their guests. *Chazal* teach us that it was Pesach at that time. And it is known that it was on the third day after Avraham Avinu had a *bris mila* and Hashem sent the *malach* Refael to heal Avraham.

### **Being Judged on Pesach for the *Tevua* and *Zerizin Makdimin L'mitzvos***

The Munkatch Rebbe quotes the *gemara* in *Kidushin* 39b that states that in this world there is no such thing as *schar mitzva*; reward for *mitzvos*. However, if someone is *zariz l'mitzvos*, shows alacrity towards doing *mitzvos*, he is given reward, even in this world. He quotes the *Sefer Tiferes Banim* that says that the *roshei teivos* of *zerizin makdimin l'mitzvos* is *MaZaL*; that is to teach us that as reward for performing *mitzvos* with alacrity, one will merit to have *mazal* in his endeavors.

The Torah says “*Ushmartem Es Hamatzos*” and the Rabbis teach that the word *matzos* and *mitzvos* are interchangeable, to teach us that just like we don't let the *matzos* become *chametz*; so too we can not let our performance of *mitzvos* lag. We must always do *mitzvos* with *zerizus*.

The Rebbe explains that perhaps it is for this reason that the *gemara* in *Rosh Hashana* says that on Pesach we are judged on the *tevua*. On Pesach, *U'Shamartem Es Hamatzos* teaches us that we should approach our performance of *mitzvos* with *zerizus* and when we do that, we will merit to have *mazal* in our endeavors!

### ***Leil Shimurim: Shmira* from Hashem until He brings us to *Yerushalayim*!**

Towards the end of the *Seder*, we sing *LeShana* (385) *Haba* (13) *B'Yerushalayim* (598). Interestingly, the *gematria* of these 3 words equals 996, which is the same *gematria* as the *pasuk* in *Tehillim* 121:5 which says “*Hashem* (26) *Shomrecha* (560), *Hashem* (26) *Tzilcha* (140) *al* (100) *yad* (14) *yeminecha* (130).” From the night of Pesach which is *Leil Shimurim*, we draw upon a *koach* of *shmira*, protection from our enemies. We merit to receive the *shmira* from Hashem until He brings the ultimate redemption and brings us to *Yersushalayim Ir HaKodesh* speedily in our days.

### **Encountering the The Burst of the Light of Hashem yet Remaining Alive!**

On *Leil Pesach* we make the *bracha* of *Shehechyanu*. If suddenly, we are exposed to a burst of bright light, it is very possible that this could potentially cause harm and make anyone who would encounter this light blind, G-d forbid. If one does not slowly expose themselves to light, it could have harmful effects. One of the miracles that occurred during *Yetzias Mitzrayim* was that even though a sudden burst of bright light was revealed, nevertheless, this exposure did not cause any harm and we remained alive and left *Mitzrayim* with the help of Hashem. This is what we thank Hashem in

Hallel for when we say *Es'halech Lifnei Hashem B'Artzos HaChayim*. We were able to stand before Hashem, with the burst of the Endless Light, yet we remained alive.

### **The True Wealth of Bnei Yisrael is our Children! Not our Money!**

At the *Seder*, we quote the *pasuk* in *Parshas Ki Savo* 26;7:

ונצעק אל ה' אלהי אבותינו וישמע ה' את קלנו וירא את ענינו ואת עמלנו ואת לחצנו.

*And we cried out to the Lord, the God of our ancestors, and the Lord heard our voice, and He saw our affliction, and our toil and our duress.*

Literally, this “*vayar es onyeinu*” is translated to mean that Hashem saw our affliction. What exactly was the affliction referenced in this *pasuk*?

The *Baal Haggada* explains these words to mean: “*zu prishus derech erez.*” The *Munkatch Haggada* explains that the true wealth of *Bnei Yisrael* is not our money but rather our children. He quotes the exchange between Yaakov and Yosef in *Parshas Vayechi*, 48;8-9. He sees Yosef's children and he said “Who are these?” Yosef said to this father: These are my sons whom Hashem has given me here.” The Munkatcher Rebbe explains that Yosef was saying that being the King of Mitzrayim, he lacked nothing. Yet, he valued nothing more than his children. Therefore, so long as there was no *gezeira* against intimacy, the Jewish people did not feel any *oni*. But once there was the *gezeira* of *prishus derech erez*, then we became *aniim*.

Therefore, when we tell the story of *Yetzias Mitzrayim* to our children, we have to express and show our children that they are **our world** and without them we are like a poor man who has nothing.

# Shavuos



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# Going All-In and Pulling an All-Nighter: The Unique Custom of Staying Up on *Leil Shavuos*

RABBI EITAN LIPSTEIN



**T**here is a wide-spread custom to stay up all night on the first night of Shavuos, and immerse oneself in *Talmud Torah*. The origin of this *minhag* is usually attributed to the *Zohar* in *Parshas Emor*, which is quoted by the *Magen Avraham* (OC 494:1), who states that the *chasidim ha'rishonim* used to spend the entire night learning in preparation of receiving the Torah:

איתא בזוהר שחסידי הראשונים היו נעורים כל הלילה ועוסקים בתור' וכבר נהגו רוב הלומדים לעשות כן ואפשר לתת טעם ע"פ פשוטו לפי שישראל היו ישנים כל הלילה והוצרך הקדוש ברוך הוא להעיר אותם כדאיתא במדרש לכן אנו צריכים לתקן זה.

*It is written in the Zohar that the pious in ancient times would stay awake the whole night and study Torah. And most learned people already practice this, and it is possible to say that the straightforward explanation is because [Bnei] Yisrael slept the whole night and HaKadosh Baruch Hu needed to wake them up, as the midrash says. Therefore, we need to fix this.*

This *minhag* of the *chasidim ha'rishonim* has become incredibly widespread, so much so that one will seldom find a *shul* that is not open all night on *Leil Shavuos*. Given their extreme piety, there are a number of *minhagim* that the *chasidim ha'rishonim* adopted within *halacha*, many often quoted in *Shulchan Aruch* and the like, yet mostly not observed. However, this extreme custom, which is kabbalistic in nature as we will later see, is followed by most communities. The *Aruch Hashulchan*

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writes (OC 494:3) that this *minhag*, along with those who immerse in a *mikva* before *tefila* on Shavuos, is a “*zecher* (remembrance) of *Matan Torah*.”<sup>1</sup>

*Mishna Berura* (494:1) quotes the *Zohar* as well, before bringing down the words of the *Arizal*, who says that one who remains awake all night to learn Torah has a *havtacha* (assurance) to be protected from harm and will complete the year:

ואיתא בשו"ע האר"י ז"ל דע שכל מי שבלילה לא ישן כלל ועיקר והיה עוסק בתורה מובטח לו שישלים שנתו ולא יארע לו שום נזק. והטעם כתב מ"א ע"פ פשוטו שישראל היו ישנים כל הלילה והוצרך הקב"ה להעיר אותם לקבל התורה [כדאיתא במדרש] לכך אנו צריכין לתקן זה.

*We find in the Shulchan Aruch of the Arizal that one should know that anyone who doesn't sleep at all, and is engrossed in learning Torah, can be assured that he will complete his year and nothing wrong will occur to him. The reason (for this minhag), the Magen Avraham writes, is because [Bnei] Yisrael slept all night and Hashem needed to awaken them in order to receive the Torah (as found in the midrash) Therefore, we need to now stay up all night on Shavous as a tikkun.*

*Mishna Berura* and *Magen Avraham* both add that the reason for this *minhag*, as brought down via *midrash* (*Shir Hashirim Rabba*, 1:56), is to remedy the behavior of *Bnei Yisrael*, who were asleep as Hashem was about to reveal the Torah at Har Sinai, forcing *HaKadosh Baruch Hu* to awaken them.<sup>2</sup> We therefore remedy this behavior by remaining awake all night long.

How did this *minhag* come about? What is the importance of staying up all night? Why is this *minhag* so prevalent amongst Jews nowadays? Is the prevalence of this *minhag* equivalent to a requirement at this point in time?

1 Rav Nachum of Chernobyl writes in his *sefer*, *Meor Einayim* (*Parshas Yisro*), that *chagim* require us to do that which was done on the original day which we are commemorating. On Pesach, when we were taken out of *Mitzrayim*, each person is commanded to see himself as if he personally left *Mitzrayim*. Similarly on Sukkos, when we celebrate the *sukkos* that Hashem gave us to sleep in, we live in *sukkos* throughout the *yom tov*. As such, on Shavuos, when we received the Torah, we celebrate by spending significant amounts of time learning the Torah.

2 *Klal Yisrael* knew that at the giving of the Torah, Hashem was going to speak to them. Previously, *nevi'im* received *nevua* while asleep; Avraham slept during the *bris bein ha'besarim*, Yaakov slept as he envisioned the ladder, and Yosef's *nevuos* occurred to him in a dream. Going to sleep was a true *hachana* for *Matan Torah*, according to many.

### The Significance of the *Minhag*

Perhaps it's most sensible to start with a discussion of *Zohar Hakadosh* which, via *mashal*, likens *Leil Shavuos* to the lead up to one's wedding day. Various *mefarshim* liken *Kabbalas HaTorah* to the wedding between *Klal Yisrael* and *Hakadosh Baruch Hu*, based on the *gemara* in *Maseches Ta'anis* (26b):

וכן הוא אומר: "צאינה וראינה בנות ציון במלך שלמה בעטרה בעטרה לו אמו ביום חתונתו וביום שמחת ליבו." "ביום חתונתו, — זו מתן תורה. "וביום שמחת ליבו, — זה בניין בית המקדש, שייבנה במהרה בימינו.

And similarly, it says: "Go forth, daughters of Zion, and gaze upon King Shlomo, upon the crown with which his mother crowned him on the day of his wedding, and on the day of the gladness of his heart" (*Shir Ha'Shirim* 3:11). "On the day of his wedding"; this is the giving of the Torah. "And on the day of the gladness of his heart"; this is the building of the *Beis Hamikdash*, may it be rebuilt speedily in our day.

According to *Zohar* (1:8), *Klal Yisrael* revisits *Matan Torah* each *Shavuos*, in an effort to renew their relationship with *Hakadosh Baruch Hu*. Studying Torah on *Leil Shavuos* prepares *Klal Yisrael* to receive the Torah appropriately and enhance their connection with Hashem. The *Yeshuos Yaakov* (OC 494:1), Rav Yaakov Meshulam Orenstein, explains this *minhag* based on the well-known *gemara* in *Maseches Shabbos* (88a) which tells us, *kafa aleihem har k'gigis*, that Hashem lifted Har Sinai over *Bnei Yisrael's* heads and forced them to accept the Torah.

*Tosafos* in *Shabbos* (*d"h kafa*) questions this idea and asks: If *Bnei Yisrael* accepted the Torah willingly by saying "*naase v'nishma*, we will do and we will listen", why was force and coercion needed? The *Yeshuos Yaakov* (OC 494:1) answers the question of *Tosafos* and says that *Bnei Yisrael* willingly accepted *Torah Sheb'ksav*, the written Torah, but they did not want to accept the *Torah Sheb'al Peh*, the Oral Torah. Since Hashem had to force them to accept, *Chazal* teach us that the daytime is the set time to learn *Torah Sheb'ksav*, while night time is the set time to learn *Torah Sheb'al Peh*. Due to the fact that we did not accept *Torah Sheb'al Peh* willingly, we have established the custom to learn *Torah Sheb'al Peh* specifically at night, and to do so all night on *Leil Shavuos*, in order to affirm our willing acceptance and love of *Torah Sheb'al Peh*.

### Potential Reasons to Avoid Staying Up All Night

Rav Yosef Shalom Elyashiv, *zt"l*, calculated that he would lose twenty minutes from his daily learning (which began at 2:00 a.m.) if he stayed up *Shavuos* night, so he

went to sleep at his regular time (*Sefer Hashakdan*, Vol. 2, p. 240). Some may be tempted to say, “I will sleep on Shavuos night like Rav Elyashiv did,” but would probably be best suited to instead strive to increase his personal *Talmud Torah* in a maximum fashion, just as Rav Elyashiv did. Yet, there are legitimate reasons to consider bypassing the *minhag* of remaining awake all night.

*Magen Avraham* (ibid.) is careful to qualify the mention of this *minhag*, by stating that one who will be unable to daven *Shacharis* properly as a result of staying awake all night would be better served not to do so.<sup>3</sup> This suggestion is certainly logical, as staying awake all night is a *minhag*, while reciting *Shacharis b’kavana* is a *halachic* requirement, and *Krias Shema* a full-blown mitzva *deoraisa*. Similarly, the *minhag* to stay up all night would not trump eating *seudas yom tov* before *chatzos* (which is *lechatchila*, but not *me’akev*); therefore, one should be mindful not to sleep too late into the day that would cause his *seuda* to begin past midday.<sup>4</sup>

### Can’t I just learn during the day? What is so special about the nighttime?

Rambam, at the end of the third *perek* in *Hilchos Talmud Torah* (3:13), highlights the power of learning Torah at night in general, lending further credence to the *minhag*:

אף על פי שמצוה ללמד ביום ובלילה אין אדם למד רב חכמתו אלא בלילה. לפיכך מי שרצה לזכות בכתר התורה יזהר בכל לילותיו ולא יאבד אפלו אחד מהן בשנה ואכילה ושתייה ושיחה וכיוצא בהן אלא בתלמוד תורה ודברי חכמה.

*Even though it is a mitzva to study during the day and at night, it is only at night that a person acquires most of his wisdom. Therefore, a person who desires to merit the crown of Torah should be careful with all his nights, not giving up even one to sleep, eating, drinking, talk, or the like. Rather, [they should be devoted to] the study of Torah and the words of wisdom.*

Rav Moshe Sternbuch, in his *Sefer Moadim U’Zemanim*, writes that since the night is the start of the coming day, by learning at night one expresses a *zerizus* in his

<sup>3</sup> *Magen Avraham* makes the very same point regarding those who stay up all night on *Leil Yom Kippur*. He warns against adopting this practice if it will result in a lack of proper *kavana* during one’s *tefillos* throughout the next day.

<sup>4</sup> In a similar vein, Rav Yitzchak Ze’ev Soloveitchik, the Brisker Rav (*Uvdos Ve’Hanhagos Le’Beis Brisk* vol. 2, p. 79), expresses his surprise that people are so particular to stay awake the entire *Leil Shavuos*, which is only a *minhag*, but are not so careful on Pesach night to fulfill *Sipur Yetzias Mitzrayim* by discussing it until falling asleep. Especially since *Talmud Torah* can still be fulfilled during the daytime, as opposed to the mitzva of *Sipur Yetzias Mitzrayim* which is entirely germane to the nighttime, in his opinion.



*Ahavas Hatorah*. Staying up all night to learn shows that we love the Torah so much that we celebrate it from the outset of the anniversary of *Matan Torah*. Rav Sternbuch elaborates on this by citing the words of *Sefer Hamakneh* (written by Rav Pinchas HaLevi Horowitz) on *Maseches Kiddushin* (7b), who states that the concept that the Torah day begins in the evening and ends the following afternoon was introduced in practice with the giving of the Torah itself. Prior to *Matan Torah*, the day began in the morning and ended with the following sunrise. It was only after *Matan Torah* that the night became part of the coming day, as we observe it today. Therefore, the night before *Matan Torah* at that time had absolutely no *kedusha* whatsoever. This *minhag* demonstrates our great love of Torah, as we are *moseir nefesh* to learn even at a time which was not part of the original *chag* on which we received the Torah. *Leil Shavuos* received its special status as the start of the *chag* only after *Matan Torah*, in an effort to showcase our *Ahavas Hatorah*.<sup>5</sup>

As mentioned earlier, one of the reasons we stay up all night is because *Klal Yisrael* had to be woken up by *Hakadosh Baruch Hu* to receive the Torah at Har Sinai, thereby making the *minhag* to remain awake on *Leil Shavuos* a *tikkun* of sorts.<sup>6</sup> Reb Shlomo Carlebach *z"l* once quoted an idea of the Alexander Rebbe, Rabbi Yitzchak Danziger *Hy"d*, who sheds light on the beauty of this *minhag*, and the idea of remaining awake all night. The Alexander Rebbe is troubled that *Klal Yisrael* went to sleep prior to *Kabbalas Hatorah*. After working so hard to prepare themselves in the leadup to *Kabbalas Hatorah*, why did they even go to sleep at all?

The Rebbe answers that it was due to their great *anivus*. *Klal Yisrael* had learned humility from Moshe and each individual felt undeserving of attending *Ma'amad Har Sinai*. While they knew Hashem would give the Torah to the *Klal*, individually each member of *Bnei Yisrael* felt they would not be *zocheh* to attend, or at least be told they were unprepared to do so.<sup>7</sup>

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<sup>5</sup> *Sefas Emes* explains that staying awake demonstrates *Ahavas Hatorah* due to the unique pleasure one receives when *oseik* in *Talmud Torah*. The desire to learn is not like the desire for the physical pleasures of *Olam Hazeih*. The more one indulges in physical pleasure, the less desire he has for it. Yet, with Torah, the more one learns, the greater the desire grows. Learning Torah all night on *Leil Shavuos* increases our desire to receive the Torah the following morning.

<sup>6</sup> This is the widely accepted explanation, but, it is worth noting that while criticism seems to be implied, there does not appear to be any written criticism of *Klal Yisrael* going to sleep.

<sup>7</sup> The Alter Rebbe (*Sefer Tanya, perek 37*) writes that when a person sleeps, the major portion of his soul leaves his body and ascends above to *shamayim*. The soul of a sleeper can therefore attain much greater levels of spiritual comprehension than while awake. The Lubavitcher Rebbe *zt"l* contends that this is why *Bnei Yisrael*

The Alexander Rebbe therefore questions why any *tikkun* is necessary at all! If we just said that their decision to sleep was based on humility, which would seem praiseworthy, why do we stay up all night to correct the mistake of oversleeping? It would appear that the *machshavos* of *Klal Yisrael* were pure! The Rebbe explains that what *Klal Yisrael* did not understand is that no one can actually deserve the Torah. It is a gift from *Hakadosh Baruch Hu*, one that we are surely undeserving of. Yet, we stay awake all Shavuos night in order to express *Kavod Shamayim* for being chosen as His nation, and for bestowing upon us an eternal gift that we yearn to earn and call ours.

Reb Shlomo extends this idea to the *marshal* provided by the *Zohar*, comparing *Kabbalas Hatorah* to a wedding between a *chasan* and *kalla*. He explains that the highest point of doubt prior to marriage is often minutes before the wedding, due to the awe and power of the union that is about to be. The gravity of the moment can overcome and scare anyone. Reb Shlomo explains that this was the emotion felt by *Klal Yisrael* before *Kabbalas Hatorah*. By staying up all night, we confirm our *bitachon* in our union with *Hashem*, and our mutual love for one another.

However, perhaps no *makor* can advocate for learning Torah all of *Leil Shavuos* better than the *Shelah Ha'Kadosh* (*Shnei Luchos Habris*, written by Rav Yeshaya HaLevi Horowitz). The *Shelah* writes of an astounding story that took place on *Leil Shavuos* (*Aseres Hadibros, Meseches Shavuos, Ner Mitzva 12*) in the *Beis Medrash* of Rav Yosef Caro (the author of the *Shulchan Aruch*). Rav Caro and his *talmidim*, were living in Salonika at the time (formerly the Ottoman Empire, now Greece), and spent the night learning the *Tikkun* of *Leil Shavuos* (the special order of texts established by the *Zohar*). In the middle of their learning, they heard a supernatural voice emerging from the mouth of the *Mechaber* himself, Rav Yosef Caro. All those in the *Beis Medrash* fell upon their faces, unable to look at the acute *kedusha* emanating from their dear rebbe, as the awe-inspiring voice came forth from his lips. Rav Shlomo HaLevi Alkabetz, particularly famous for authoring "*Lecha Dodi*," was one of the *talmidim* present, and described the scene and ensuing *divrei hisorerus* in a letter, which was in turn quoted by the *Shelah*:

שמעו ידידי המהדרים מן המהדרים, ידידי אהובי שלום לכם אשריכם ואשרי ילדכתם,  
אשריכם בעולם הזה אשריכם בעולם הבא אשר שמתם על נפשיכם לעטרני בלילה  
הזה אשר זה כמה שנים נפלה עטרת ראשי ואין מנחם לי, ואני מושלכת בעפר חובקת

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went to sleep just prior to *Matan Torah*, to allow their souls to attain greater spiritual heights. They thought that the spiritual elevation of sleep would be the best possible *hachana* for *Kabbalas Hatorah*.

אשפתות, ועתה החזרתם עטרה ליושנה. התחזקו ידידי התאמצו אהובי, שמחו ועלצו ודעו כי אתם מבני עליה וזכיתם להיות מהיכלא דמלכא, וקול תורתכם והבל פיכם עלה לפני הקב"ה ובקע כמה אוירים וכמה רקיעים עד שעלה ומלאכים שתקו ושרפים דממו והחיות עמדו וכל צבא מעלה להקב"ה שומעים את קולכם. והנני המשנה הא' המייסרת את האדם באתי לדבר אליכם, ואם הייתם עשרה הייתם מתעלה יותר ויותר, אבל עכ"ז נתעליתם ואשריכם ואשרי יולדתיכם ידידי אשר נדדתם שינה מעיניכם, ועל ידיכם נתעלתי הלילה הזה, ועל ידי החברים אשר בעיר הגדולה עיר ואם בישראל ואין אתם כאותם השוכבים על מטות שן שינה שהיא אחד משישים במיתה וסרוחים על ערסותם, ואתם נדבקתם בידו"ד והוא שמח בכם.

*Listen, my most devoted and beloved friends. Happy are you and those who gave birth to you, how fortunate you are in this world and the next, you who took it upon yourselves to honor me with the crown of your learning this evening. For it is now many years that my crown has fallen and there are none to console me. And I am cast into the dust, and now you have returned my glory of old. Be strengthened, friends and loved ones, know that you are the lofty chosen few, for you have merited to enter the palace of the King, for all of your learning and the breath of your mouths have come before God and pierced many heavens until your voices ascended to the reaches of the angels. All of the Celestial Hosts stand hearing your words of Torah to listen to your voices. And behold, here I am, ... I have come to speak with you and praise you, how fortunate you are my beloved, for keeping sleep from your eyes, for through you I have been magnified this evening... You are not like those who are lying on their ivory beds in sleep, which is like a tiny portion of death. You have cleaved to God and He rejoices with you... Therefore, my children, be strong and brave. Be joyous in the study of Torah and in attaining the fear of God, my friends. Do not cease from your learning, for a cord of loving kindness is wrapped around you, and your Torah learning is cherished by God.*

לכן עמדו בני ידידי על רגליכם והעלוני ואמרו בקול רם כיום הכפורים ברוך שם כבוד כו'. ועמדנו על רגלינו וקטרי חרצינו משתרין, ואמרנו בקול כאשר נצטווינו. וחזר ואמר, אשריכם בני שובו אל לימודכם ואל תפסיקו רגע, ועלו לארץ ישראל כי לא כל העתים שוות ואין מעצור להושיע ברב או במעט, ועיניכם אל תחוס על כליכם כי טוב הארץ העליונה תאכלו, ואם תאבו ושמעתם טוב הארץ היא תאכלו. לכן מהרו ועלו כי אני המפרנסת לכם ואני אפרנסכם, ואתם שלום ובתיכם שלום וכל אשר לכם שלום ה' עוז לעמו יתן כו'.

*Hearing these words, we stood on our feet. Then the Voice returned and said, 'Do not cease your studies for a moment, and now come to the Land of Israel, for not all times are equal and G-d does not require legions to bring salvation, for you shall eat from the exalted goodness of the Land. And if you take heed and listen to these words, surely the goodness of the Land you shall eat. Therefore, be quick to come to the Land of Israel for it is I who supports you. And you shall dwell in peace, and peace shall be upon your households and all that you own will enjoy shalom. God grants valor to His nation; God will bless His nation with peace.'*

It is almost unfathomable to imagine the scene being described by Rav Shlomo HaLevi Alkabetz. To see one's rebbe, and one as holy as the *Mechaber* himself, be chosen to deliver divine words, words so powerful and awesome, is reminiscent of *Ma'amad Har Sinai* itself! On the one hand, it's hard to believe any of it could be remembered due to the shock of the moment. Yet, on the other hand, how could these words ever be forgotten? Needless to say, this was not an ordinary *Beis Medrash*, nor did the scene involve 'ordinary' *talmidei chachamim*. However, the message of *Hakadosh Baruch Hu* is clear: the *Talmud Torah* that is learned on *Leil Shavuos*, assuming it is learned purely and honorably, is cherished by Hashem. Clearly, the *mesirus nefesh* to remain awake all evening is noted and praised by Hashem, perhaps explaining the *havtacha* mentioned in the *Kisvei Arizal* (as quoted by *Mishna Berura*, 494:1, above).

### ***Chavrusa, Chabura, or Tikkun Leil Shavuos?***

With reasons to stay up all night, and reasons to avoid doing so, it is worth identifying the most productive and acceptable way to fulfill this *minhag*. Due to the *minhag* becoming so widely accepted, to the point where many are learning Torah on *Leil Shavuos* who do not consistently do so throughout the year, shuls are careful to offer several modalities of *Talmud Torah*, in an effort to appease all types of learners and levels.

There is a discussion amongst *rishonim* regarding what to learn, and how to best learn, in an effort to maximize the evening. The *Chok Yaakov* (OC 494:1) cites two opinions on the matter. He initially suggests that people should learn together, with one or more people teaching everyone else, which a *chabura* or shiur format would satisfy.<sup>8</sup> However, towards the end of the *seif*, he advocates for learning

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<sup>8</sup> This may be why the *Shelah* writes that on *Leil Shavuos*, when ten or more people are united and learning together, the *Shechina* resides with them.

individually. The *Kaf Hachaim* (OC 494:11) subscribes to this and writes of the risks that learning with friends entails, namely distraction and *Bitul Torah*:

יזהרו שלא לדבר שיחת חולין כל הלילה וכ"ש דברים בטילים ובפרט במקום שיש  
אסיפת אנשים שדרכו של יצה"ר להכשילם לדבר דברי חול ומדבר לדבר יבואו ה"ו  
לדברים אסורים או לדברי שחוק.

*We must be careful not to speak words of vanity the entire night, and all the more so words of bitul, specifically in a place where there is a gathering of people. The way of the Yetzer Hara is to cause us to stumble and speak words of vanity, which can in turn, chas v'shalom, lead to prohibited words or speaking lightheartedly.*

In analyzing what content to learn, and which text is most appropriate to study, there are varied opinions. Some communities have the *minhag* to recite and study the *Tikkun Leil Shavuos* which, according to most, contains the beginning and end of all of the *parshiyos* of the Torah and the books of *Nach*, as well as various other texts.<sup>9</sup> There is a difference of opinion regarding what other texts should be included in this *Tikkun*. Some recite the beginning and end of all of the *masechtos* of *mishna*, while others recite various *midrashim* and parts of the *Zohar*. The source for *Tikkun Leil Shavuos* is based on the *Zohar* and quoted by the *Arizal*.

*B'nei Yissaschar* (Rav Tzvi Elimelech of Dinov) in his *sefer Derech Pikudecha* (Introduction 3, paragraph 4) explains that the reason for this type of *limud* is that when a person is unable to finish a *sefer* in its entirety, he should at least learn the beginning and end of it. By doing this, in the eyes of *Hakadosh Baruch Hu*, it is as if he has finished the entire *sefer*. Therefore, since we do not have the ability to finish all of *Tanach* in one night, we recite the beginning and end of each section and it is as if we have learned all of the Torah.<sup>10</sup>

However, many do not have the *minhag* of reciting *Tikkun Leil Shavuos* and instead spend the night involved in the study of different areas of Torah. Rav Tzvi Pesach Frank (*Mikraei Kodesh*, Pesach Volume 3, 34) writes that the ideal way to spend the night of Shavuos is to study Torah in-depth with much effort and concentration. He states a number of reasons why this is the highest level of Torah learning and most

<sup>9</sup> The *Tikkun Leil Shavuos* was born in an effort to establish an order of topics to learn on Shavuos night, mainly consisting of Torah, *Nevi'im*, and *Kesuvim*, because this was all that most of the uneducated Jews could handle, especially during the time period when not all Jews were educated in *yeshivos*. Those who could learn on a more sophisticated level, however, were encouraged to do so.

<sup>10</sup> There are other reasons offered for reciting *Tikkun Leil Shavuos*, which are based in *kabbala*.

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appropriate way to spend the night. Through this type of *Limud Hatorah*, writes Rav Frank, one acquires the Torah for himself. Rav Frank points to the *Midrash Rabba* in *Bamidbar* (12:9) which states that the moniker of *Toras Moshe* is due to the *mesiras nefesh* he poured into his *Limud Hatorah*. The midrash attributes the well known *pasuk* of "zichru *Toras Moshe avdi*" (*Malachi*, 3:22) to Moshe Rabbeinu's exertion and self-sacrifice at the time of receiving the Torah. Rav Frank explains that we too yearn for this level of *hasmada* and *Ameilus Batorah* on *Leil Shavuos*. Staying up all night on its own is a form of *mesiras nefesh*, and if the night is spent learning Torah with energy and focus, it only amplifies our expression of *mesiras nefesh* for *Hakadosh Baruch Hu* and His Torah.

Regardless of which *minhag* we follow, we should try to take advantage of *Zman Matan Toraseinu* and spend our time involved and engaged in *Limud Hatorah*. Doing so shows Hashem our excitement and love for His Torah, renewing our commitment to Him and the *mitzvos* that guide our lives. Ultimately, it is less about what we learn, or when we learn, but most important that we identify a way to exemplify *mesiras nefesh* to learn our precious Torah.

# *Sefira* and Shavuot: The Key to Jewish Unity and the Reason Chizkiyahu Wasn't *Mashiach*

DAVID WINTER



*Bnei Yisrael* famously camped in midbar Sinai, and the *pasuk* uniquely uses the singular rather than the plural for the word “camped,” as opposed to every other use of that word in their journey through the wilderness for 40 years. Rashi explains this usage to mean that they were united as one (*Shemos* 19:2) with a well-known phrase — *k'ish echad b'lev echad* — as one person with one heart. *Bnei Yisrael* accomplished this unique moment in history, the only time that there was ever perfect universal Jewish unity, by perfecting their *middos*, specifically those associated with the emotional “*sefiros*” of the heart (the spheres of existence that allow for the physical reality we experience) beginning with *chesed she'bchesed* and ending with *malchus she'bmalchus* (see the Artscroll chart of counting *sefira*).

Chizkiyahu, king of the kingdom of Yehuda, lifted up his generation (more specifically, the kingdom of Yehuda) by sheer dint of will and force in an almost-perfect 180 degree shift from the reign of his father, Achaz, which is especially impressive when you consider who his father was. Under Chizkiyahu's leadership, even every child understood all of the intricacies of *halacha* regarding *tumah* and *tahara*, which is considered the most difficult area of *halacha* (see *Sanhedrin* 94b and Rashi on 67b). The *gemara* in *Sanhedrin* 94a tells us that he could have been—should have been—*Mashiach*. It would appear, based on certain hints in various places, that the reason he did not merit to be the *Mashiach* and bring the ultimate *geula* was because he did not completely perfect all of his *middos*, specifically the unperfected *midda* found in *gevura she'bchesed* (the second emotional nuance of the 49). [See especially below, The Primary Failure that Prevented Chizkiyahu from Becoming *Mashiach*]

It's absolutely **critical** to understand that Chizkiyahu was so close to being *Mashiach* that to discuss any failure on his part is not a basis from which to judge or criticize him, especially from our incredibly lowly level; if everyone were on his level, it would be easy at this point to bring the final *geula*. The purpose of this article is to highlight the nuances of emotional awareness and its absolute necessity in achieving closeness with Hashem—perfecting ourselves and this world.

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It's no secret that *Mashiach* has not yet arrived because of the *sinas chinam*<sup>1</sup> that exists among *Bnei Yisrael* [see *Yoma* 9b and Introduction to *Sefer Chafetz Chaim* or Day 1 of *Chofetz Chaim: A Daily Companion*]. Even the **root** of *sinas chinam* is becoming more widely recognized and studied – it's the lack of *bitachon*<sup>2</sup> in Hashem's absolute control over the world and every experience and outcome of each person's daily reality. Those who seek to obtain higher levels of *bitachon* are admirable, but it often seems like an unattainable goal, despite the proliferation of books that are providing greater levels of access to truth-seekers at every level, from barely beginning to the advanced *talmid chacham*. In order to understand how to come closer to Hashem via integrated knowledge and **feelings** of *bitachon*, it seems worthwhile to look at the event in history when *Bnei Yisrael* became a nation and were mere moments away from the ultimate redemption and permanent complete revelation of Hashem's presence in this world.

### Elusive Jewish Unity

The *Zera Shimshon on Rus* (*derush* 15)<sup>3</sup> references a well-known idea that can be briefly outlined – prior to *Yetzias Mitzrayim*, *Bnei Yisrael* was on the 49th level of *tumah* [see also quote in *Vayigash derush* 11, quoting *Zohar Chadash Yisro* 52a or 39a in original]. When Hashem struck all of the firstborn in Egypt on the first night of Pesach, the forces of *tumah* were divested of their power, but on the second night of Pesach, the forces of *tumah* regained their power and *Bnei Yisrael* needed to count 49 days of *tahara*, each day ascending another level of *tahara* until they were ready to receive the Torah. Every year, there is a similar manifestation of this process of purification that occurred at the time of *Yetzias Mitzrayim*, when *Bnei Yisrael* underwent a 49-day process of gradual purification. At the culmination of the purification process in the year 2448, *Bnei Yisrael* received the Torah, and we commemorate this event on the holiday of Shavuos. Like the 49 day purification process, there is a manifestation of this event on Shavuos each year; we're not simply commemorating an event that happened thousands of years ago, we're re-experiencing it ourselves.

1 Typically translated as baseless or senseless hatred.

2 Typically translated as security or conviction, this is the action component of *emuna*, which is typically translated as faith. The source for *bitachon* as the root of *sinas chinam* is referenced in the *Introduction to Beis Halevi on Bitachon* (Artscroll) quoting the *Beis HaLevi* on *Shemos* 12:43; also see *Chofetz Chaim: A Daily Companion* Day 22; and see Day 21 of *Chofetz Chaim: A Lesson A Day*

3 See Artscroll edition, p117-121. The *Zera Shimshon's* discussion of the purification process is primarily to explain a different point.



At the mountain in *midbar* Sinai (Sinai Desert), *Bnei Yisrael* were fully purified of their Egyptian impurity<sup>4</sup> and eligible to receive the Torah – Rashi explains that the Torah therefore records the *pasuk* by first using a plural verb and switching to a singular verb to describe *Bnei Yisrael* camping next to the mountain in Sinai:

ויסעו מרפידים ויבאו מדבר סיני ויחנו במדבר ויחן שם ישראל נגד ההר.  
*And they travelled from Refidim and came to the Sinai desert and camped in the desert, and Yisrael camped there by the mountain.* (Shemos 19:2)

At that time, *Bnei Yisrael* had achieved unity. They were *k'ish echad b'lev echad*, like one person with one heart, the only time in all of Jewish history that true unity was reached.

This unity was a gift, however. Throughout the 49-day journey from Egypt to Sinai, there were a number of complaints, a plague, expressions of a wish to be back in Egypt, laxity in observance of the few commandments given pre-Sinai, and a war with Amalek. Given the insight of current events, perhaps a war is a unifying experience, but it wasn't via self-driven action that brought *Bnei Yisrael* to the highest level of purity that a human can reach – it was a cleansing process provided by Hashem.

In the Artscroll siddur of the *sefira* service, each day of the Omer table includes the number day, the Hebrew count, and what appear to be kabbalistic references under the column heading “*sefira*.” The first of those *sefiros* begin with *chesed sheb'chesed* and the last ends with *malchus sheb'malchus* – each of these is included in the unabridged recitation of the *sefira* service in which we ask Hashem to purify the blemishes relating to the day's *sefira*.

There is a booklet that functions as a workbook to illustrate the meaning behind each of these terms, called “*The Counting of the Omer - the Forty-Nine Days of Sefira*” by Rabbi Simon Jacobson (pronounced sim-in, not sigh-mon). Fundamentally, this booklet illustrates that our world is built on love and everything about our experience of life and connections with ourselves and others is via the emotion of love - life and love are synonymous. Therefore, the building and refining of the human personality is an act of love that has no equal.

It was an act of love that Hashem created us, put us through the Egyptian

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<sup>4</sup> There is discussion regarding whether the Torah was given on the 50th or 51st day following *yetzias Mitzrayim*. Other commentators explain that if *Bnei Yisrael* had fallen to the 50th level of impurity prior to the gift of being given the Torah at Sinai, it would have been irreversible damage with respect to disconnection from Hashem. In the era following the giving of the Torah, a person can even fall to the lowest level and still reverse that damage and reconnect.

enslavement, and brought us out - and brought us to Sinai to give us the Torah. The 210 years of exile in Egypt (including 86 years of intense slavery) was part of a process of degradation to break down the impurities that had been captured in the Jewish persona and rebuild it into the human perfection that would connect to Hashem without limit. This is highlighted by the fact that it wasn't only the 49 days of emotional processing that provided us with purification of the Egyptian impurity; rather, in receiving the revelation of Hashem with the gift of the *Aseres Hadibros*, the *gemara* in *Shabbos* 146a informs us that the physical *zuhama* (contamination) that was implanted within Chava by the snake was expunged from *Bnei Yisrael* as well, but not from other nations, as only *Bnei Yisrael* was at *Har Sinai*.<sup>5</sup> While they enjoyed this unified and unlimited connection with each other and Hashem for close to 40 days, it is well known that *Bnei Yisrael* became confused and frightened on the 39th day of the giving of the Torah (i.e., the 89th day from leaving Egypt) and built and worshipped the *egel hazahav* on the 40th day, before Moshe Rabbeinu returned from the top of the mountain. Only 3,000 people were put to death by sword for actually physically worshipping the *egel*; the rest of the people who sinned in that moment were put to death via plague and supernatural water because their sin was one of invisible emotional and intellectual disconnection from Hashem and therefore outside the realm of human courts. The result of the *egel hazahav* was a people who were no longer on the same emotional and therefore spiritual level. In that moment, they lost their "locked-in" connection to Hashem and we have seen what that lack of connection has spawned.

The disconnection to Jewish unity that followed that moment has resulted in the heartbreak of repeated and gut-wrenching exile experiences. The emotional traumas of our exiled reality is easily accessed by anyone with the courage and sensitivity to feel it - but it requires tremendous work to build the *bitachon* to truly experience those emotions without breaking.

### **The Development of Chizkiyahu**

Prior to the series of exiles we have experienced since the destruction of the first *Beis HaMikdash*, one of the greatest figures in the records of our Jewish heritage seemed to have experienced tremendous emotional trauma and developed incredible *bitachon* as a young man and leader - he was essentially our last hope to avoid the necessity of exile at all. Chizkiyahu became king of the Kingdom of Yehuda when he was 25 years

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<sup>5</sup> See *Shabbos* 146a for discussion about converts and how the *zuhama* was removed from them as well.

old. The *gemara* in *Sanhedrin* 47a tells us that his first act as king was to drag his father's body on ropes rather than a royal funeral procession (note that this did **not** hurt or damage the body, it was simply degradation and disrespect relative to the station of a king) in order to give his father some atonement and spiritual relief from his lifetime of *rishus* (evil, or possibly lack of development). Chizkiyahu had inherited a populace of ignorant masses, who had been starved of Torah and therefore of character development (see *Mesillas Yesharim* Chapter 4 that learning Torah results in a critical step of perfecting character traits). The *pasuk* says that his father Achaz passed "his son" through the fire (of the idol, *Molech*) in *Melachim* II 16:3 - it's unclear whether this was Chizkiyahu (there is a dispute as to whether the process of worshipping *Molech* was deadly; see *Sanhedrin* 64b and Rambam's *Mishna Torah Avoda Zara* 6:3 and commentary on mishnayos *Sanhedrin* 7:7 where he uses a conjugate of the word "achaz" in describing the process of worshipping *Molech*), but *Divrei Hayamim* II 28:3 indicates that it was **multiple** of Achaz's children. The Malbim states that Chizkiyahu's mother saved him (assuming it was a deadly rite) with a special fireproofing substance (based on the *salamandria* creature mentioned in *Sanhedrin* 63b) - it gives profound meaning to going through hell and it's critical to understanding what was presumably significant emotional trauma that Chizkiyahu experienced.

To elaborate on the emotional component (and note that there is no source for this premise), Achaz saw Chizkiyahu as being one of his possessions and treated his son as an extension of himself and without his own identity (i.e., a violation of the emotional development of *gevura she'bchesed*). How else can a person take such a depraved act against an obviously innocent person, to give their own child to pagan rituals? The Abarbanel (on *Vayikra* 18:21) explains that the prohibition of *Molech* in the Torah follows the prohibition of illicit sexual relationships because just as sexual promiscuity is an abuse of the procreative power so too is the passing of one's child through the fire the abuse of the divine gift of procreation. Achaz was meant to be the trustee and protector of his son, but instead terrorized and abused him, using his son to serve him at his pleasure and whim.

Rav Shamshon Raphael Hirsch (see *Vayikra* 18:21) explains the juxtaposition by pointing out that "just as one's children should not be the product of blind physical impulses and rather acquired as the result of moral action (i.e., directed intentions) so too should their fate and life not belong to a physical force of fate that blindly casts dice over them. Just as they were morally produced and acquired under Hashem's protection and guidance (i.e., Torah), so are they to belong, with their entire purpose in life and happiness in life, to Hashem's protection and guidance (i.e., Torah),

which aims at the moral, healing development of man. ‘I am Hashem’ says Hashem regarding your children, Me, the One Who consummates the human future with a life of freedom in fulfillment of morals; they belong to Me, hand over each one to Me, guide each one in My ways, and leave it to Me to lead each one in their own way to the goal of life - don’t give your descendants to *Molech* and don’t profane the Name of Hashem, your G-d.”

In spite of (or perhaps because of the insanity of) his father’s demented antithetical-to-Torah behavior, Chizkiyahu recognized the ideal path. Chizkiyahu, lacking the wherewithal to oppose his father or maintain an identity of his own at that youthful age and physically run away from being pressed into the *Molech* rite, turned in the only direction available to him - Hashem.<sup>6</sup>

The *pesukim* (*Melachim* II 18:3-7) tell us that Chizkiyahu did what was correct in the eyes of Hashem, had *bitachon* in Hashem, was unique among all kings of all future and prior generations, cleaved to Hashem and didn’t turn away from behind Him and followed the commandments; and Hashem was with him and everything he did was successful. His tenacity and diligence in pursuing Hashem is obvious from this multifaceted description from various angles. This stands in sharp contrast to his father who began as a weakly wavering believer (see commentaries on *Melachim* II 16:2), but eventually put his faith in idols and even went so far as to send his children to (potentially deadly) pagan rituals in order to obtain goodness for himself (or at least to assuage his fears, by participating in the “natural” behavior accepted in society at that time). It’s interesting to note that the name Achaz means clutching or grabbing - implying that he was holding onto the mundane physical existence and “logic” rather than attaching himself to the spirituality of Torah, and thereby connecting to Hashem. Achaz believed in physical phenomena and idols rather than the Creator - he paid for his behavior by dying early, possibly at the age of 35, which is defined as

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<sup>6</sup> While we recognize that Hashem is the Absolute Cause and every effect that we see is simply a manifestation of Hashem’s *hashgacha* in leading the world where it needs to go (and therefore the trauma that Chizkiyahu experienced was required - which we know because it already happened [and this is why Achaz receives some positive recognition on *Sanhedrin* 46b for his depravity; because it brought Chizkiyahu to his own greatness despite Achaz’s simultaneous personal failure]), we have been given the Torah in order to relate to each other from a human and humane perspective; to experience emotions and to feel each other’s pain and needs and to have a desire to support and help one another and ultimately love one another, thereby revealing Hashem within each of us in the ultimate expression of peace. This seems to be expressed as the foundation of *hilchos lashon hara* and *ona’as devarim* (hurtful words) - one shouldn’t tell someone that they’re experiencing or have experienced trauma because it’s what Hashem wanted, but rather feel for that person and love them. It’s a challenge for which this generation is uniquely suited.

the age at which men of “bloodshed and deceit” do not live beyond.<sup>7</sup>

### Chizkiyahu’s Slight Failures

There is a theme to a number of Chizkiyahu’s actions (some of which that are even praiseworthy) that can essentially be aggregated under the umbrella of failing to let go of his father’s enmeshment with the illusion of human physical power or as extensions of the royal throne (i.e. the emotional nuance of *gevura she’bchesed*) because he never recovered from the scarring trauma generated by his father with the passing through *Molech*. He did not fundamentally get to the level of seeing himself and each person in *Bnei Yisrael* as individual children of Hashem and expressions of the revelation of Hashem; everyone had some attachment to the physical universe, an attachment to himself, and to his family line.

In *Melachim* II 18:14-16, Chizkiyahu lowers himself to the king of Ashur (Sancheiriv, king of Assyria) and allows himself to be subjugated and ordered to pay tribute of 300 talents of silver and 30 talents of gold - which required cutting off the doors of the *Beis HaMikdash*, an embarrassment and a *chillul Hashem*. This illustrated a lack of understanding that all boundaries depend on Hashem and Chizkiyahu should not have sought to be an extension of another kingdom, rather seeking to be solely responsive to Hashem and His Torah.

Chizkiyahu showed the treasure house of *Bnei Yisrael* to the ambassadors from Babylonia (see *Yeshaya* 39:2 and *Sanhedrin* 104a) and he was punished for this behavior through his descendants becoming prisoners in exile to Nevuchadnezzar (see also *Mesillas Yesharim* Chapter 4). The need to flatter human beings is an inappropriate lack of boundaries, a seeking of validation from a source other than Hashem, and a lack of awareness of being an extension of Hashem.

Chizkiyahu did not want to marry or have children because he saw prophetically that unworthy children would result (see *Berachos* 10a) - this was incorrect and illustrates an emotional failing. He saw his son as an extension of himself rather than seeking even more closeness to Hashem and praying for his son’s independent success in connecting to and revealing Hashem’s presence within him. Hashem’s presence is within those who are *reshaim* as well and Chizkiyahu was meant to help his son find that within himself.

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<sup>7</sup> *Sanhedrin* 106a identifies ages around 34 as when both Doeg and Bilam died; Rav Chaim Kanievsky points out (*Rav Chaim on Chumash Devarim* p290) that the beginning of the year can be identified as the following year, meaning that recording age 20 could be 19 plus one day and the passage of 16 years could be 15 years and one day (i.e., Achaz became king at 20 and ruled for 16 years - and dead by 35).

Chizkiyahu forced the people of his kingdom into the study halls to study Torah (see *Sanhedrin* 94b), hanging a sword above the entryway of every location of such a hall and declaring that anyone who wouldn't go study would be killed with that sword. It was a successful maneuver as everyone learned and knew the most complex issues - but it was clearly done with force rather than with love, and the lack of emotional connection made it easy to uproot with the advent of the king after Chizkiyahu (Menashe, his son, a *rasha*). The people were an extension of Chizkiyahu's force and then an extension of Menashe's force - true connection and love are far more difficult to alter or disturb, however, and far more unifying. Such a community would be true extensions of the revelation of Hashem, and not tied to the force of human beings.

### **The Primary Failure that Prevented Chizkiyahu from Becoming *Mashiach***

The *gemara* in *Sanhedrin* 94a provides that Chizkiyahu did not sing Hashem's praises when he was saved from Sancheiriv's army and as a result he was not *Mashiach*.<sup>8</sup> The earth attempted to repair Chizkiyahu's failure, but Hashem responded *razi li razi li*, "it's My secret, it's My secret." There are a number of explanations of this discussion, but it seems that the emotional nuance discussion advanced above as part of the *sefira* process is hinted to in this exchange.

This *gemara* points to the *pasuk* in *Yeshaya* 9:6 in which the letter of a *mem sofis* is used in the middle of the word rather than the usual *mem* as the basis that hinted that Chizkiyahu should have been *Mashiach*, but it was then a reversed decision; we know that *mem sofis* belongs at the end of the word so this placement calls for explanation. It seems that the best place to look for an answer to this question is the *gemara* in *Shabbos* 104a and *Megilla* 3a. In each of those locations, there is a discussion that *Bnei Yisrael* had become illiterate and forgotten how to use what we know as the "final" letters (*kaf, mem, nun, peh, tzadi*) and were using them even in the middle of words. In those *gemaras* as well, it discusses the miracle of the *mem sofis*, which was cut through the *luchos* and despite the lack of support, it floated in place in the etching of

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8 It's important to look at the story in which Sancheiriv's army was defeated in the *gemara*. The *gemara* says that there were millions and maybe over a billion people surrounding Jerusalem and the commentaries all seek to explain it. Perhaps all of those people were an expression of the trigger of all of the energy of the emotional traumas that Chizkiyahu previously experienced that were still stored in his body and mind and, together with the actual physical siege by Sancheiriv's army, brought Chizkiyahu to experience the ultimate release in turning to Hashem with absolute surrender and *bitachon*. It's particularly interesting to see the connection in the language used in this story to the *gemara* in *Berachos* 5a regarding *yirsurin shel ahava* and the inability of a sick person to escape a locked prison independently as well as the *gemara* in *Yevamos* 63b regarding Hashem's desire for prayers of *tzadikim*.

the *luchos*. And finally, the repeated phrase “*razi li*” has the same *gematriya* as “*remez*” (hint) plus the letter *yud*. (*razi li* has a *gematriya* of 257 and *remez* plus the letter *yud* has a *gematriya* of 257).

Armed with the above information, there is a connection between Chizkiyahu’s disqualification as *Mashiach* and Sinai, seen in the use of the miracle of the *mem sofis* and its presence in the middle of a word expounded in the *gemara*. Hashem hints to this connection by repeating the words “*razi li*” (which is the same *gematriya* of *remez yud* - which literally means a hint of 10) because we received *luchos* (i.e., the *Aseres Hadibros*) on two occasions and therefore saw the miracle of the *mem sofis* at each of those events.

At the moment of the Revelation at Sinai, *Bnei Yisrael* was in a state of perfect harmony, where love in pursuit of moral freedom represented by Torah reigned supreme and Hashem was fully revealed. *Bnei Yisrael* experienced a physical manifestation of purification of impurity that had existed since the snake implanted a certain filth in Chava on the 6th day of Creation (see *Shabbos* 146a) and all of their physical imperfections were eliminated; this was reversed when they worshipped the *egel hazahav*. *Bnei Yisrael* was occupying a spiritual state which allowed for the expression of each individual to fully reveal the aspect of Hashem within each individual without impediment or limitation, which was the purpose of humanity when Adam haRishon was created. We see a further connection to these ideas via the *gemara* in *Berachos* 58a where making a bracha on 600,000 Jews in one place (which is based on receiving the Torah at Sinai) is *Baruch Ata Hashem... Chacham Harazim*, the Knower of Secrets. We therefore see a plural of secrets (rather than singular secret) in the *bracha*—this seems to suggest the connection to the repetition of *razi li razi li*, (i.e., it was stated **twice**) and it also provides usage of *remez* plus the letter *yud* - and even uses the *mem sofis* in *harazim* to provide the additional connection described above. The same letters appear in multiple places and ways - *razi li*, *harazim*, and a *gematriya* connection to *remez* plus the letter *yud* - the reference to secrets and Sinai and Chizkiyahu therefore appear interrelated.

The above analysis begs the question. Why didn’t Chizkiyahu sing the praises of Hashem like he was supposed to do? Why **couldn’t** he accomplish this task and nobody could do it for him? Chizkiyahu had been traumatized. His connection to Hashem wasn’t predicated on the pure love and joy and peace and harmony that accompanied the Revelation at Sinai (see above, *Elusive Jewish Unity*). He had not processed the experience that Hashem dictated in his life (i.e., his father and the *Molech* rite) to experience the miracles of this world in a light-filled and heart-fulfilling way where

he saw himself as a reflection of Hashem. His actions and leadership were driven by force and power and human action, not the ultimate connection that Hashem required of him and in fact implants within every Jew, waiting to be revealed.<sup>9</sup>

### The Lessons Today

It's no secret that there is a major emotional crisis today. There is tremendous anxiety, stress, fear, and loneliness among children and adults of all ages. People simply do not feel supported by those around them or "the system" in which we all live. Parents pressure their children about school and growing up; children pressure their parents about everything. There is a lot of squeezing and contracting rather than open space and protection. People often don't see each other and their needs (or don't feel seen); they feel lack. Therapists report high caseloads with many intense cases and studies estimate that there are major gaps in identifying those who need help and providing them with care.

We see how the worship of *Molech* was based on a similar experience. Rav Shmshon Raphael Hirsch states that people today still worship the principles of *Molech* (see *Vayikra* 18:21) - that powers of luck or chance (i.e., human action) can insinuate itself even within the sphere of serving Hashem. He says that those who maintain such beliefs are even worse than a regular idolator because they believe that it remains within the service of Hashem rather than being completely antithetical to Torah and Hashem.<sup>10</sup> Chizkiyahu rejected the teachings of his idol-worshipping father and became one of the most celebrated figures in Jewish history. He did so by constantly turning to Hashem. The goal today for every Jewish person is to take this same perspective in every facet of life. Reject the sins of prior generations, overcome the ways in which their lives were controlled by rebellion (whether internal or external sources), and constantly rely on Hashem.

This is a nice idea, but people point out that human action is necessary for everything; there needs to be *hishtadlus*. The Chazon Ish said that to build *bitachon*,

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<sup>9</sup> If Chizkiyahu had perfected himself and the emotional nuances within him, his father or at least his son would have avoided idolatry and chased after Hashem because the draw of such power is incomparable to anything human. Rav Chaim on *Chumash (Pinchas, p309)* describes how an individual can influence their surroundings like Moshe Rabbeinu and Yehoshua bin Nun, and there is a quote from the Vilna Gaon by the Dubno Maggid explained by Rav Chaim; moreover, on p313 we see that acceptance of Torah makes it like a sin never happened and is even better than *teshuva*.

<sup>10</sup> Just look at how often Jewish men will sit in the back of *shul* or at *kiddush* and talk about politics. Note that this is not intended to criticize any individual or group within the Jewish community (See Day 14 of *Chofetz Chaim: A Lesson A Day*), but it is a well-known stereotype.



it's important to thank Hashem for every single thing: being able to put on your shoes, having shoes to put on, being able to order shoes and having them delivered to your door. There is human action, but we can focus on the ultimate Source as the ability to take any step or implement any intention. Everything is about taking the step toward a logical result, and Hashem determines success.

Rav Chaim Kanievsky (*Orchos Yosher* Chapter 19 p. 260) quotes Rav Chaim Vital in *Shaarei Kedusha* that perfection of *middos* is the root and foundation of all mitzvos and it's impossible to properly perform any mitzvos without them. He further quotes (on p. 269) the Vilna Gaon's *Even Sheleima* that all service of Hashem is dependent on perfecting one's character traits... a person's main focus in life should be to overcome undesirable traits and if that's not a person's objective, why is that person alive? The Chazon Ish in *Emunah U'Bitachon* also writes that studying Torah is the way to perfect *middos*<sup>11</sup> - intense study and inculcating the intention to avoid that which is negative are the primary focus; it would seem that what we call therapy is an appropriate avenue to identify and eradicate negative character traits as well. The *gemara* in *Kiddushin* 30b writes that Torah was created as the antidote to the *yetzer hara* - and this is the ideal form of purification, however, the level of effort needed to fully extract the benefits of body-purification from the Torah is very high and requires intense diligence. Today, this appears to be true even for studying mussar as it is not studied with intense dedication and desire to change and therefore, therapy is likely the best starting point (in concert with an effort to learn Torah [especially *gemara*] and *mussar*) to provide an avenue to convert stone hearts to hearts of flesh as described by the *pasuk* in *Yechezkel* 36:26.<sup>12</sup>

Rav Chaim (pp. 368–369) illuminates the benefit of this goal by pointing out that joy and love of fulfilling *mitzvos* (i.e., with a sensitive heart of flesh rather than a dull heart of stone) is the secret to receive the promises that the *Chachamim* stated (i.e., fulfilling a certain mitzva to achieve long life). If we can achieve that level of *emuna* and *bitachon*,<sup>13</sup> relying on Hashem and clearing the negative character traits through any modality available and thereby becoming alive with passion for each other and Hashem, we will certainly bring *Mashiach bimhaira b'yameinu*, immediately.

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11 See 3:7, 3:13, 3:19, 4:4, 4:10

12 Integration of the mind and body requires a refined mind (via Torah) and refined body - for this purpose, an awareness of the body's natural feelings and instincts via therapy will likely be critical.

13 See *Emuna U'Bitachon* 1:15.



# The Sweetness of Torah

ADIV PACHTER



**I**n the *Chidushei Torah* of the Satmar Rebbe, he gives an explanation as to why we read *Megilas Rus* on Shavuos. He quotes the *Kedushas Levi* who says the following: We are all waiting for the coming of *Mashiach* speedily in our day. The *ikar* of our desire for *Mashiach* is not for *gashmius*; rather, it is a spiritual yearning. We wait for the day where we will see the fulfillment of the *pasuk* in Yeshaya 11:9:

כי מלאה הארץ דעה את ה'.

*For the entire world will be filled with the knowledge of Hashem!*

When someone is waiting and anticipating something, if he has never experienced that which he is waiting for, then the level of his desire for that thing is somewhat faint because he has never experienced it yet. This is in contrast to if he has once experienced the subject of the anticipation; if he has tasted the sweetness, his levels of desire and yearning will be exponentially greater.

We wait for *Mashiach* to experience a closeness with Hashem. This is a burning desire in the Jewish Nation. When did we experience a time when Hashem's presence was felt throughout the world? At *Har Sinai*, when we received the Torah!

So, it makes sense why we read *Megilas Rus* on Shavuos, the time of *Matan Torah*, considering it discusses the birth of *Mashiach* who stems from Dovid HaMelech.

## **Rav Dov Kook's Insights from his *Sefer Isalusa***

The *mishna* says:

משחרב בית המקדש, בטל השמיר ונופת צופים.

*From the time the Beis Hamikdash was destroyed, the shamir worm ceased to exist and also the sweetness of the honeycomb. (Sota 9:12)*

Since the destruction of the *Beis Hamikdash*, we have been searching for a replacement to the sweetness of the honeycomb.

He quotes what Dovid HaMelech says:

הנחמדים מזהב ומפז רב ומתוקים מדבש ונפת צופים.

*They are more desirable than gold, than even fine gold in abundance, and sweeter than honey and drippings from the combs. (Tehillim 19:11)*

This is to say, that the sweetness of the Torah is even sweeter than the sweetness of the honeycomb, which was eliminated with the destruction of the *Beis Hamikdash*.

We have all of the tastes in the world in the Torah; if someone learns Torah correctly, he will taste this sweetness and forget about anything else!

Once, Rav Kook visited the Steipler Gaon to get a *bracha* for someone who was sick. There were several pens on his table which he used to write his *Chidushei Torah*. The Steipler motioned to Rav Kook not to use those pens even to write down the name of the *choleh*.

Rav Kook explained this with the following *Yerushalmi*:

רבי חנינא בן דוסא הוה יתיב אכיל בלילי שבת פחת פתורא קומוי. אמרו ליה מהו כן. אמרה ליה תבלין שאלתי משכינתי ולא עישרתי. והזכיר תיניין ועלה השולחן מאיליו. *Rebbi Chanina ben Dosa was sitting down to eat on Friday night when the legs of the table suddenly broke. His students asking him to explain what happened. He explained that he borrowed spices from his neighbor and forgot to give maaser from it. After he gave the maaser, the table erected itself on its own. (Demai 1:3)*

There are many fascinating elements to this *Yerushalmi*, but Rav Kook points out that Rebbi Chanina ben Dosa was very poor and *demai* is permissible for the poor. Even so, his table felt that it was not proper for him to eat, and so it broke.

We see to what degree the Steipler valued *Divrei Torah*, so much so that he did not want his pens to be used even to write down the name of a *choleh* to daven for. Much like the table of Rebbi Chanina ben Dosa, the Steipler's pens would have felt the misuse and therefore the Steipler was *makpid*.

Rav Kook quotes the following *gemara*:

לא יקרא לאור הנר, שמא יטה.

*One may not read [a book] by candlelight on Shabbos lest you adjust the*

wick [and thereby violate Shabbos.] (Shabbos 12b)

The *gemara* continues with a story about Rabbi Yishmael ben Elisha.

אמר רבי ישמעאל בן אלישע: אני אקרא ולא אטה. פעם אחת קרא ובקש להטות. אמר: כמה גדולים דברי חכמים שהיו אומרים לא יקרא לאור הנר.  
*Rabbi Yishmael ben Elisha said: I will read and will not adjust, as I will certainly not forget that it is Shabbos! However, once he read a book by candlelight and he sought to adjust the wick. He said: How great are the words of the Sages, who would say that one may not read by candlelight, as even a person like me sought to adjust the wick.*

The *gemara* quotes Rabbi Natan who says the following:

רבי נתן אומר, קרא והטה וכתב על פנקסו: אני ישמעאל בן אלישע, קריתי והטיתי נר בשבת, לכשיבנה בית המקדש אביא חטאת שמנה!  
*Rabbi Natan says: [That was not the way it happened.] Rather, he read and actually adjusted the wick, and he wrote afterward in his notebook: I, Yishmael ben Elisha, read and adjusted a lamp on Shabbat. When the Beis Hamikdash will be rebuilt, I will bring a fat sin-offering as atonement for this sin.*

This proves that even an important person like Rabbi Yishmael ben Elisha is liable to adjust the wick.

Rav Kook asks a question on this *gemara*; How could it be that the great *tanna* Rebbe Yishmael ben Elisha would come to adjust the wick on Shabbos?!

Rav Kook writes that on one Leil Shabbos in Yeshivas Ponovitch, there was a power outage. The entire *Beis Medrash* was dark. Rav Shach was in that *Beis Medrash* in the middle of learning a very difficult *Tosfos* and due to the outage he was unable to continue his learning. Anyone who saw the pain that Rav Shach had at that moment can easily understand the *gemara* with Rabbi Yishmael. Rav Shach was a Torah giant of our generation, and he was in such discomfort in the moment of not being able to learn in the darkness. All the more so Rabbi Yishmael ben Elisha!

The following story about Rav Kook gives us simpletons a glimpse into how precious *limud HaTorah* is to our *gedolim*. If we can improve our appreciation of Torah and how we utilize our time, it would have a great impact.

One week, Rav Kook was fasting from sunset on Tuesday night until the start of Shabbos. Upon starting Shabbos, the Rav felt a weak and faint. As such, he drank a

glass of orange juice and regained some strength. He davened *Maariv* and then gave advice to those who asked. After, the Rav fell asleep in his chair for a few hours. He woke up at *chatzos* and felt a terrible feeling that he was *mevatel Torah*. He proceeded to ask anyone he could find if they could strengthen themselves in learning; he said: I have a personal request. I find myself in a very tough *matzav* considering I succumbed to a great deal of *bitul Torah*. As such, I beseech of everyone listening to strengthen themselves in *limud Torah*, even for 5 or 10 minutes; let it be an un-interrupted time of learning Torah as if you are looking at precious gems and diamonds that you can not separate from. This is a personal request from me and anyone who helps, I will owe my life to..."

Rav Kook quotes the *Yerushalmi* which says:

גידול אמר כל האומר שמועה מפי אומרה יהא רואה בעל השמועה כאלו הוא עומד כנגדו.

*Giddul said, anybody who quotes somebody it is as if it the one who he quoted the is standing before him. (Shabbos 1:2)*

One may think that this *gemara* is referring to just anyone who quotes someone. Rav Kook explains that this is really only reserved for *anshei maayla*; for those who got to the level in learning who can see the *tanaaim* and *amoraim* through their learning of the *gemara*.

But he clarifies that we can indeed all reach this level through these two steps:

a) When learning, we should strive with all of our efforts to understand the words of the *tanaaim* and *amoraim*. He relays a story of the Chazon Ish, who once struggled with a certain explanation of the Gra until he practically fainted. After this incident, on the *yahrtzeit* of the Gra, the *neschama* of the Gra came to the Chazon Ish's *sukka*.

b) Separate from all worldly desires which may obstruct the path between you and the *tanaaim* and *amoraim*. Connecting with the *tanaaim* and *amoraim* is an exercise in spirituality and so long as you are entrenched in physicality, it will be that much harder to connect to holiness.

Rav Kook points out that we *daven* several times a day for *limud HaTorah*:

שתרגילני בתורתך  
והערב נא ד' אלהינו את דברי תורתך בפנינו ובפי עמך בית ישראל  
ותן בלבנו בינה להבין ולהשכיל לשמע ללמד וללמד לשמר ולעשות ולקיים את כל  
דברי תלמוד תורתך באהבה.

He specifically points out the references made in the *bracha* of *Ahava Rabba*, where we make eight requests with respect to our *limud HaTorah*:

להבין, ולהשכיל, לשמע, ללמד, וללמוד, לשמר, ולעשות, ולקיים.

Rav Kook notes that in the *Sifrei Kabala*, true understanding in Torah stems from the *sefira* of *Bina*, which relates to the ability to understanding one thing from another. Interestingly if you count the *sefiros* from the bottom up, *Bina* is the 8th *sefira*. *Bina* being the 8th *sefira* in this order is also a reference to *bris mila* which occurs on the 8th day. When we *daven* for success in *limud HaTorah* we should have in mind that the Torah become part of us; much like the *bris* we have with Hakadosh Baruch Hu makes us one with Him.

The Netziv was quoted as saying that there are two levels in *limud HaTorah*;

- a) There are *lomdei Torah*.
- b) An even higher level is to be amongst the *yod'ei Torah*.

There are many people who learn Torah but the Torah that they learn never becomes a part of them; they are not one with the Torah that they learn. But the *yod'ei Torah* feel at one with the Torah. The same holds true with performance of *mitzvos*. There are those that fulfill *mitzvos*. But then there are those who are considered *baalei mitzva*; they become one with the *mitzva*.

Rav Kook defines a true *masmid*. He says that the “*olam*” thinks that someone who learns a lot without a break is considered a *masmid*. He disagrees and explains that the definition of a *masmid* is one who needs to do a specific action to break from his learning. If a person is learning for several hours uninterrupted, and when it comes time for him to stop his learning he does not feel any pain or difficulty stopping, it means his “*hasmada*” is not a real *hasmada*. He is a “*masmid*” not because of his high level of holiness and connection to Torah; rather, he simply doesn't have anything else to fill his void. This is in contrast to someone who has a hard time stopping his learning and in order to do so, he needs to do a specific act. That is a sign of real *hasmada*, as it shows that he is truly connected to the Torah that he is learning.





# Tisha B'av



Robert Millman

Adiv Pachter



# A Girl Called Estherke<sup>1</sup>

ROBERT MILLMAN



Whenever I read a Holocaust story, of course I think about the systematic destruction of European Jewry and how the world allowed the Holocaust to take place. However, I also focus on one thing—a number, a very large number—six million. It is incomprehensible to think that a city with a population the size of Los Angeles could be eradicated. Close your eyes and think just about that number. Six million.

Each person who was murdered could have built worlds. A virtual universe of Jewish thought, erudition, innovation and contributions to mankind was lost forever. If you compound six million over the past 80 years, what mankind lost is beyond human understanding. Can you imagine a world with another 25 million Jews or perhaps more? So much potential greatness that was never to be.

The story that follows focuses on but one soul, a girl named Estherke, and amazing *hashgacha pratis*. As you read the story, just imagine a world that could have been but that was not; a world that would have been far different than it is. Yet here we are in 2024 with a world indifferent to Jews or much worse, hateful of Jews and seeking our eradication once again. The more things change, the more they remain the same.

It was the new month of *Sivan*, 5704, Spring 1944. Ida, her father, mother, brothers, and sisters were ordered to the train station with the rest of the Jewish community of their Czechoslovakian town. Jews had lived there for generations, but their history was all coming to an abrupt end with a single train ride to Auschwitz.

The cattle cars were sealed. More than eighty people were squeezed into a

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1 Eliach, Yaffa. (1982). *Hasidic Tales of the Holocaust*, (pp. 134-140). Oxford University Press, New York. Adapted and reprinted with permission from the author's family.

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single wagon. Ida and her family managed to stay together, and they comforted each other amidst the choking heat, filth, and fear of the unknown. "Papa, where are they taking us?" Ida asked. "My children, once there was an altar on Mount Moria. God commanded a father to take his only, beloved son and sacrifice him upon that altar. As the father was about to fulfill God's command spoke to Abraham and said, 'Lay not thy hand upon the lad.'

Today, my children, there is another huge altar in a profane valley of death. There, man is testing his own inhumanity toward his fellow man. The children of Abraham are again a burnt offering, this time by the command of men. But man, unlike God, will not stop the knife. May the merit of our Father, for whoever saves one Jewish soul, it is as if he saves an entire universe."

On the eve of the holiday of Shavuot, Ida and her family arrived in Auschwitz. The Auschwitz platform separated Ida forever from her father, mother, young sisters, and brothers. Ida and her older married sister passed the selection and were put to work for the German civilian population and the Reich's war machine. Ida sorted the clothes of the gassed, folded them neatly, and placed them in symmetrical piles according to size and quality.

One day, as Ida was sorting the clothes, an S.S. officer walked over to her and said: "Why do you smile, Jewish pig?" Before Ida had a chance to respond, she saw a black boot flying into her face, felt a piercing pain and the gush of blood, and looked down to behold her front teeth on the floor in a puddle of blood. He commanded Ida to wipe the blood off the boot that knocked out her teeth.

Ida quickly assessed her condition. She realized that a gaping hole in her mouth was a sight that an S.S. officer at a selection would not cherish. She walked over to the pile where thousands of dental bridges were thrown and hastily selected one. She placed it in her swollen mouth.

That night in the barracks it was especially difficult to fall asleep. Heartbreaking screams were piercing the night, mingled with the wailing of children and mothers as they were torn away from each other. Slowly, the screams subsided and gave way to the usual deadly sounds of the Auschwitz night.

Then there was a noise under Ida's three-tiered bunk bed where thirty-six girls slept. The noise persisted. "Ida, you are the brave one, go down and see what it is." All the other eleven girls had to turn so that Ida could move from the spot where she had wedged herself in.

Under the bed, in a corner, curled up like a frightened porcupine, was a little girl. She told them that when the children's *Aktion* began, she managed to run away and

hide. When it became dark, she ran into the barracks and hid under the bed.

The girl's name was Estherke. She had big, blue frightened eyes, beautiful blond curls, and two deep dimples. Ida became instantly attached to the child. The *blockhova* told Ida that she must give up the child, otherwise she and maybe all the girls in the barracks would pay with their lives for harboring a criminal. Ida stood there clutching the child. "I will never give her up," she said with determination. She walked over to the *blockhova* and asked to speak to her privately. "I know that your boyfriend is Jewish and assumed a false Aryan identity. Killing me, my sister, and others will not help. Other girls, and even men outside of this barracks, know it too. We will all keep quiet if you will help to save Estherke. During the day when we are at work, you must keep Estherke in your private room." The *blockhova* agreed.

Ida loved the child. All her thoughts focused on Estherke. To save that child became her purpose for living. Rumors began to circulate that *Lager* (camp) C, in BII, Ida's camp, would be evacuated. Ida became frantic. She knew that Estherke would not pass the selection for transfer from one Lager to another. With the help of her older sister, whom Estherke called Grandma, Ida worked out a plan.

When the evacuation materialized, Ida wrapped Estherke in a blanket and threw her over the electrified fence into the waiting arms of a male inmate in the adjacent men's camp, BIIId. Later that afternoon, a package flew once more over the fence into Ida's waiting arms. She got back her Estherke. Ida was now in BIIe, *Zigeunerlager* (gypsy camp).

During that selection, however, Ida was separated from her sister, who was taken away to an unknown destination. Again rumors spread in the camp that the eastern front was nearing and the entire camp was going to be evacuated. Ida began to plan once more how to save her little Estherke. On January 18, 1945, the camp was evacuated. Ida put Estherke into a knapsack. With Estherke on her back, she set out with the others on the dreadful death march.

The winds blew, the frost bit, the snow fell, and her stomach growled from hunger, but Ida marched on. She comforted the little girl, warmed her tiny frozen hands, and promised her that one day they would be free. After many days of marching and travel, a few of the original group that began the death march on January 18, 1945, reached Bergen Belsen. Ida and her beloved Estherke were among them.

In Bergen Belsen, Ida found conditions even more difficult than in Auschwitz. Water was scarce; a few crumbs of stale bread and inadequate toilet facilities made life almost impossible. Filth, lice, starvation, and epidemics took over. Ida managed to find a job, for which she was given a piece of bread and a warm drink that they insisted

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on calling coffee. One day, as Ida was cleaning the latrines, she heard a familiar voice calling her name. She looked around, but saw no one she knew. A face covered with blotches and lice, a body covered with rags, was coming closer to her. Ida stepped backward. "Ida, don't you recognize your own sister?"

Estherke was overjoyed. "Grandma" was back, the three of them were once more together. While Ida was out searching for food, Estherke and "Grandma" stayed together. But their happiness did not last long. "Grandma" succumbed to typhus. One day, while Ida was trying to get some coffee for her dying sister, the squad that came daily to collect the dead took the sister away with the other corpses. Estherke protested, insisting that her "Grandma" was still alive. She pleaded, but to no avail. Estherke followed the squad, and when "Grandma" was dumped on the big pile of corpses, Estherke managed to pull her out from under the corpses.

When Ida returned with the coffee and discovered that Estherke and her sister had been taken away with the dead, she felt her knees giving way, but her weakness did not last. Ida was not one to give in to despair. She took the coffee and began to search for Estherke and her sister, and she found them. Ida wasted no time. She gave the coffee to Estherke to guard. After mouth-to-mouth resuscitation, massage, and a few drops of coffee on her sister's parched lips, Ida revived her. Thousands were dying, but with Ida's and Estherke's love, "Grandma" recovered.

On April 15, 1945, Bergen Belsen was liberated by the British. The two sisters and Estherke made their way back home to Czechoslovakia. They were all hoping that perhaps other relatives had also survived and families could be reunited.

After finding a temporary shelter in Prague, the three set out in different directions to search for other surviving members of their families. Estherke traveled to Bratislava. Ida and her sister left with similar hopes. The parting was painful. She and Estherke had not been separated since that fateful night in Auschwitz. The three agreed upon a time and place to meet.

The two agreed-upon weeks passed. Ida and her sister returned to Prague as planned. But Estherke failed to return. They waited a few more days, but still there was no trace of her. Ida traveled to Bratislava, but no one recalled seeing a child who matched Estherke's description. Ida then contacted all children's homes and refugee centers, but to no avail. Estherke had vanished. After months of search, Ida gave up. She met and married a young man, a survivor like herself. Her sister was fortunate too, for her husband had managed to survive the camps and one day they ran into each other.

The sisters parted once more. Ida and her husband went to America. Her sister,

her husband, and their newly born baby became part of the illegal immigration to Israel.

In the early 1950s, Ida traveled to Israel to visit her sister. One very hot day, Ida fainted on the street. Two young Israeli soldiers who happened to pass by picked her up and took to the nearest hospital. The following day, the soldiers came in to see how their patient was doing. A friendship developed between Ida and the two soldiers. As Ida was about to be discharged from the hospital, she asked the two young men how she could repay their kindness. The taller of the two, Yossi, told Ida that he was getting married in a few days. The biggest reward would be if she would come to his wedding.

“But I don't know anyone!” she protested. “You know me, and I am a pretty important man at this wedding,” Yossi said.

It was a beautiful dusk in Jerusalem. A gentle summer breeze provided relief from the summer heat. The sun, like a huge orange, hung low above the Judean hills. “The bride is coming,” someone near her said. Ida made her way to the front so she could see the bride. The door opened, the bride walked in. It was none other than her own long-lost Estherke! Under the bright stars shining above the eternal city and the Judean hills, Ida stepped forward and led her beloved Estherke to the bridal canopy.

There was a strange presence in the air. Ida was sure that her father was present at this very holy moment in Jerusalem. She could even see the smile on his face and hear his gentle voice: “Whoever saves a single single soul, it is as if he saves saves an entire universe.”





# Lessons to Combat Tisha B'av

ADIV PACHTER



## The Ramifications of Not Taking Others Into Account in our Decision Making

The *pesukim* in *Parshas Shoftim* discuss when *Klal Yisrael* goes to war. The Torah tells us that those who started something but have not yet finished what they started, should remain home instead of going out to war. The reasoning is that if they go out to war, there is a chance that they may die, and will not be able to finish that which they started. The list includes one who built a new house but did not yet inaugurate it, one who planted a vineyard but does not have it up and running, and one who is engaged to a woman but has not yet finalized the marriage.

Regarding the one who has not yet finalized the marriage, Rashi notes that if he does not listen, he will go out to war and he may be killed in war. Rashi adds a very powerful statement; “*keday hu sheyamus*; that person deserves to die!” Why does Rashi only address this statement to the person who did not yet finalize his marriage?

Rav Ephraim Shapiro quotes the *Darash Mordechai*, Rav Mordechai Druk zt"l, who says all the others, granted, did not listen and went out to war. They should not have gone out to war, they made a bad decision. But that decision only affected that person himself. Nobody else was directly affected by that bad decision. In contrast, one who is engaged must take other people into account. One who made a decision without taking others into account, without thinking of how it will impact others, *keday hu sheyamus*; he deserves to die. He was thinking like a *yachid*, not about others, as he should have.

## In Galus, We Need to Strengthen our Personal and Communal Emuna!

The *gemara* quotes Rava who says that when we depart from this world, we will be asked several questions:

אמר רבא, בשעה שמכניסין אדם לדין אומרים לו "נשאת ונתת באמונה?"  
*Rava says, when a person goes to his [final] judgement, they say to him,  
 did you do business with emuna? (Shabbos 31a)*

The simple meaning of this question is that when a person is brought to judgment for the life he lived in this world, they ask him if he conducted business faithfully.

The Radvaz has a *chiddush* which sheds light on a potentially deeper understanding of this future question to be asked to all of us. He explains that the question is if we worked and toiled in *emuna*.

On Tisha B'Av, we need to strengthen our *emuna*. There is a tremendous amount of suffering across the board. Both the personal and communal *Galus* may cause many to lose hope. But we need to strengthen ourselves in our *emuna* to get us through the dark times.

### **V'hu Levado: The Mashal of the Dubno Maggid!**

אני מאמין באמונה שלימה שהבורא יתברך שמו הוא בורא ומנהיג לכל הברואים,  
והוא לבדו עשה ועושה ויעשה לכל המעשים.

*I believe with complete faith that the Creator, Blessed is His Name, is the Creator and Guide of all created things, and He alone has made, does make, and will make all things.*

The Dubno Maggid gives a *mashal* based on a *pasuk* in *Tehilim*:

השלך על ה' יהבך והוא יכלכלך לא יתן לעולם מוט לצדיק.  
*Cast your burden on Hashem and He will sustain you; He will never let the righteous man collapse. (Tehilim 55:23)*

There was once a man on the road, carrying a very heavy burden. A hospitable man in a horse and wagon drives by this man on the road and offers to give him a ride in his wagon. He comes into the wagon but he nonetheless still clutches the heavy bag of his in his hands. The man explains to his guest that he should feel free to put down the package on the floor. The man refuses saying: "You were nice enough to take me. I should give you my burden as well?!"

The Dubno Maggid explains that Dovid HaMelech is telling us that we must cast our burdens to Hashem! It is only Hashem who sustains us! When we hold on to our package and think that we have a part in it, when we start attributing things to people, places and circumstances, that is the antithesis to the belief in *Hu levado*.

The Maggid is teaching us through his *mashal* that we can not attribute what happens to us to people, places or circumstances. We tend to think that if we hold onto our burden we are in control and we can make sense of why and how it befell us.

But in truth, we must believe in Hashem. It is time to stop telling Hashem how big our problems are and to start telling our problems how big Hashem is.

### **Lesson to be Gleaned from the *Korban* of the Second *Nasi***

*Parshas Naso* dedicates many *pesukim* to the *korbanos* of the *Nesiim*. The Torah does not use an extra letter, so why would the Torah use so many *pesukim* to list the very same *korbanos* over and over again? Which *nasi* deserves the most credit? The second *nasi*. Because after the first *nasi* brought his *korban*, maybe there was a tendency, coming from a good place, of the next *nasi* to bring a better, more robust *korban*. But he thought about the ramifications of his actions. He does not think like a *yachid*; rather he thinks about others. He takes into account the feelings that the first *nasi* may have; i.e. he may feel like he is showing him up, trying to out do him. Might he feel like his *korban* was inadequate? And how would the third *nasi* feel? It may pressure him to do more, and so the domino effect is put into place of everything needing to out do the next one.

### **A Perspective Shift – Sole Reliance!**

Imagine a man knocks on your door collecting charity. What if you knew that the man who was approaching you did not have the ability to collect from the entire community, and that he was only coming to you! What if we knew that he had nobody else to approach? He was completely relying on you. If you knew that, you would probably deal with him differently, perhaps more generously. Hashem wants us to approach Him and say: *Ribono Shel Olam*, we have nothing else and nobody else rely on. We turn just to You! This opens the wellsprings of *bracha* from Hashem.

### **Moshe Rabeinu is the Most Trusted / Neeman!**

The Torah tells us at the end of *Parshas Bahaalosecha*:

לא כן עבדי משה בכל ביתי נאמן הוא.

The simple explanation of this *pasuk* is: “Not so with My servant Moses; he is trusted throughout My household.”

The Netziv provides a deeper meaning behind the description of being a *ne'eman*.

Moshe Rabeinu knew the Name of Hashem that had the ability to kill a person. There were many occasions where he had the ability to use this Name. However, he refrained from using it. He showed restraint and self control. Says the Netziv, when one has the ability to do something but holds back, that is the definition of a *ne'eman*.

This is why we wish a *chasson* and *kalla* the *bracha* that they build a *bayis ne'eman*. According to the explanation of the Netziv, each spouse must learn the art of self control and restraint!

### Rav Tazdok's Pshat on Pi Ha'chiroi

Regarding the travelling of *Klal Yisrael*, the Torah says:

דבר אל בני ישראל וישבו ויחנו לפני פי החירות בין מגדל ובין הים לפני בעל צפן נכחו תחנו  
על הים.

*Tell the Israelites to turn back and encamp before Pi-hahiroth, between Migdol and the sea, before Baal-zephon; you shall encamp facing it, by the sea. (Shemos 14:2)*

Literally the *pasuk* is saying that we stopped and camped before a city called *Pi HaChiros*.

Reb Tzadok explains that we can also translate *Pi HaChiros* from the word *peh*, mouth, and *Chiros* from the word *Cheirus*, freely. With this explanation, the Torah is now teaching us:

וישבו ויחנו.

Stop, before the Mouth speaks so freely. Before you speak, take a moment to think about the consequences of what we will say will have once spoken. When a person masters this art, this means that they have given thought before they speak.

### The Deeper Significance of a Gezeira Shava

Rav Spero quoted the *Bas Ayin* who says that there are two concepts of the 13 *Middos*. We have the 13 *Middos SheHaTorah Nidreshes Bahen* (the 13 ways to expound the Torah) and the 13 *Middos HaRachamim* of *Hakadosh Baruch Hu*. At first glance, they seem to have nothing to do with each other. The *Bas Ayin*, however, explains that they actually indeed correspond to each other. One of the ways to expound the Torah is a *gezeira shava*; there is a *pasuk* in one place and there is a *pasuk* in another place and they seemingly have nothing to do with each other. For example it says *Chamisha Asar* by *Sukkos* and *Chamisha Asar* by *Pesach*. *Pesach* and *Sukkos* are two distinct holidays! Yet, due to a *gezeira shava*, there are laws that apply to *Sukkos* that also apply to *Pesach* and vice versa. Interestingly, the corresponding *Middah* of *Hakadosh Baruch Hu* to *gezeira shava* is *Rachum*. If you want to know what the definition of a *Rachum* is, look into *gezeira shava*; you can have a Jew in one part of the world and a Jew in another part of the world who have zero apparent connection to each other. Yet, when one feels the *gezeira* that is upon the other; i.e. he makes it *shava*, he feels the other Jew's pain equally, as if it were his own, that is a true *rachum*! This is what we need to strive for as Jews.

### The One Question That Jump-Started the Geula

Rav Spero quoted a thought from Rav Shalom Schwadron, the Magid of Jerusalem.

Yosef HaTzadik is sitting in prison along with the *Sar HaMashkim* and *Sar HaOfim*.

Her is separated from his entire family and to make matters worse, they are the ones who sent him there! He is in one of the darkest, hopeless moments for *Klal Yisrael*. He could have chosen to mind his own business. Yet, he asked his cell mates the following question Why the sad faces? This one question ignite and jump started the entire *Geula* for *Klal Yisrael*! We can not just go about our own business and only be concerned about ourselves. We should reach out to others and inquire as to their well being. It has the potential to bring the *Geula*.



# Eretz Chemda



Daniel Weiskopf

Eli Snyder





# *Yishuv Eretz Yisrael:* Our Connection to Land & Purpose

DANIEL WEISKOPF



**R**av Avraham Yitzchak Kook (1865–1935) was famous for his love of the land of Israel. In 1921, he was appointed as the Ashkenazi Chief Rabbi of Palestine, a position he used to promote unity among the diverse Jewish communities throughout the land. His leadership during this period was marked by efforts to bridge gaps between religious and secular Jews, driven by a shared vision of the return of the Jewish people to their promised home of *Eretz Yisrael*. In a controversial divergence from the prevailing Orthodox rabbinical stance of his time, Rav Kook was often asked about his apparent fixation with the land of Israel. He answered that his intense affinity for the land was not a personal obsession, but a reflection of his lifelong endeavor to embody the teachings of the Torah. Since the Torah frequently highlights the significance of Israel, he argued, his deep-seated passion was merely an extension of the Torah's emphasis, shaping him spiritually and philosophically.

All throughout *Tanach*, the Torah consistently revolves around the Jewish people settling in *Eretz Yisrael*. From the very birth of the Jewish nation, Hashem makes a promise with the *Avos* that their descendents will live in the land of Israel. And then in the most miraculous expression of divine intervention, Hashem frees the Jewish people from *Mitzrayim* and sets them on a physical and spiritual journey through the desert with the eventual goal of serving Him in the land of Israel. The ultimate mission of the Jewish people in the Torah is to make it to the land of Israel where they can serve as the nation of God.

The importance of living in Israel can be found all over *Chazal*. The *gemara* at the end of *Kesuvos* (110b-111a) makes multiple claims to the importance of living in Israel. The *gemara* even goes as far as to say a man or woman has the *halachic* right

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to compel their spouse to move to Israel for the sake of living in the land of *Eretz Yisrael*. The *gemara* famously states that one should live in Israel even if it means living amongst non-Jews for “one who does not live within the borders of Israel is as if they are living without a God.”

One does not need to look far to see clearly that the establishment and *yishuv* of *Eretz Yisrael* is a focal point of the Jewish religion. However, what isn't clear is the precise nature of the mitzva or how it applies to us in our state of exile. While there is no universal consensus around the mitzva of *Yishuv Eretz Yisrael*, what can be seen is the universal importance the idea of the Jewish people returning to the land of Israel has had on both Jewish thought and discussion for the past 2,000 years.

### **The Ramban - An Explicit Mitzvas Asei**

The most simple and straightforward opinion is that of the Ramban. The *pasuk* in *Bamidbar* 33:53 states: "*v'horashtem es ha'aretz v'yashavtem ba.*" The *rishonim* argue about the proper translation of the word *vishavtem*, but the Ramban understands it to mean “And you will take possession.” According to this understanding, the *pasuk* is making an explicit commandment to the Jewish people “To take possession of the land and live there.” The Ramban (*Sefer Hamitzvos - Shechichas HaEsin* 4) uses this *pasuk* as the source for the mitzva of *Yishuv Eretz Yisrael*. When Hashem commanded the Jewish people in the desert to go to *Eretz Canaan* and take the land from the idolatrous nations, it was a commandment to not only conquer the land, but to live in it for perpetuity.

### **The Rambam**

The Rambam, however, in his *Sefer Hamitzvos*, famously omits the mitzva of *Yishuv Eretz Yisrael*. When chronicling the total 613 *mitzvos*, the Rambam does not include a separate mitzva for living in Israel, seemingly believing that the act of living in Israel is not an explicit mitzva. Additionally, the Rambam in *Hilchos Melachim* writes that one can live anywhere other than in *Mitzrayim*. From the fact that the Rambam writes that one can live anywhere, it can be inferred that the Rambam holds there is no direct commandment to live in Israel.<sup>1</sup>

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<sup>1</sup> Rav Moshe Feinstein (*Igros Moshe* YD 3:122) holds that the mitzva of *Yishuv Eretz Yisrael* is a *mitzva kiyumis*, meaning that although it is a mitzva to be living in Israel, one does not need to go and actively move there, like one would have to do in order to accomplish a *mitzva chiyuvis*. According to Rav Moshe, when the Rambam writes it is permissible to live anywhere, he is not saying that to mean all places are equal, but rather that there is no violation of any commandment other than not to live in Egypt.

The Ramban (*Shechichas HaEsin 4*), in his classic style, argues on the Rambam. In addition to his explicit *pasuk* of *v'horashtem* as a source to prove that the mitzva is outright in the Torah, the Ramban brings multiple other explicit mentions in the Torah of Hashem commanding *Bnei Yisrael* to conquer and take control of the land of Israel. The Ramban argues that the Torah would not have commanded us to secure the land if we were not meant to live there. The purpose of defeating the Seven Nations is to settle in the land in their absence and it would be preposterous to believe that we could accomplish the mitzva by chasing them out and then settling in a different land.

### The Mitzva in Galus

The *Megilas Esther*, a commentary on the *Sefer Hamitzvos*, comes to the defense of the Rambam and explains that the reason the mitzva is not counted is because the Rambam doesn't count *mitzvos* that only applied for a period of time but don't apply forever. The drastic implication of the *Megilas Esther* is that the mitzva of living in the land of Israel is a mitzva that no longer applies today in *galus*. The *Megilas Esther* also brings further proof for this claim from the famous *gemara* at the end of *Kesubos* (111a) that quotes the words of *Yirmiyahu* (27:22), "They shall be taken to Babylonia and there they shall remain until the day that I recall them." Rav Yehuda learns these words act as a divine decree that the Jewish people won't rise against the nations and ascend to Israel in force. The *Megilas Esther* proves from here that the mitzva of *Yishuv Eretz Yisrael* could not possibly still apply in *galus* because the words of a *navi* cannot contradict an explicit commandment from the Torah.

The *Avnei Nezer* (YD 2:454) argues that while the Rambam might not count *mitzvos* that only applied for a limited period of time, he does count *mitzvos* that are only temporarily on hold during *galus*, but will apply again in the future, such as the *mitzvos* that are dependent on the *Beis Hamidash*, such as *korbanos*. Furthermore, the *Avnei Nezer* also addresses that while a *navi* cannot contradict a direct mitzva, the act of ascending to *Eretz Yisrael* is only a *hachana*, preparation, for the actual mitzva of living in Israel. So it is possible that *Yirmiyahu* was telling *Bnei Yisrael* that they cannot forcefully return to Israel, but the mitzva on the individual for living in Israel could still apply today.<sup>2</sup>

The *Avnei Nezer* offers his own approach to understanding the Rambam. He

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<sup>2</sup> While there are certain sects of Judaism that learn this *pasuk* in *Yirmiyahu* as *halacha*, there are various other responses to explain the *gemara* and why it is not a violation for the Jewish people to return to Israel.

learns that the Rambam surely understood that the mitzva of *Yishuv Eretz Yisrael* still applies today and the only reason he didn't count it as a separate mitzva is because it is included in the mitzva of destroying the Seven Nations. Since the entire purpose of eradicating the land of all idolatry was in order for the Jewish people to properly serve Hashem in a land of spiritual purity, the act of living in Israel is really just an extension of the mitzva to destroy the inhabitants of *Eretz Canaan*. He brings a proof from the fact that the Rambam also doesn't count the creation of the *Aron* or *Kapores* as separate *mitzvos* because they are included in the mitzva of creating the *Beis Hamikdash*. Similarly, the entire purpose of creating the *Beis Hamikdash* is in order to house the *klei kodesh*, therefore the commandment to create the *Aron* and *Kapores* are just an extension of the mitzva to build the *Beis Hamikdash*.

### Only a Prerequisite

The Rambam, in his prelude to the *Sefer Hamitzvos* (*Klal 4*), lays some ground rules for what constitutes as a mitzva in order to be counted as one of the *taryag mitzvos*. One of those rules is that the Rambam doesn't count *mitzvos* that are generalized concepts that encompass other *mitzvos*. The Rambam uses the commandment of "circumcising the heart" as an example. While circumcising our hearts can be understood as developing the sensitivities to Torah values and is definitely something we should all be striving for, it is, by itself, not a mitzva because it is a generalized prerequisite to completing other *mitzvos*.

The Ramban (*Sefer HaMitzvos - Mitzvos Asei 1*) uses the same logic to argue on the Rambam<sup>3</sup> that the mitzva of *Anochi Hashem* shouldn't be counted as a mitzva because the whole commandment to have faith in Hashem is a fundamental prerequisite for doing any mitzva. The Ramban compares it to a king that creates laws to be decreed to his people. It wouldn't make sense for such a ruler to issue a decree affirming his own sovereignty and demanding obedience, since his authority to issue the decree is predicated on the recognition of his kingship in the first place. If he were not the king, he surely couldn't demand that people listen to his decrees.

The Tashbetz (*Chelek 3, 288*) uses this reasoning to explain the Rambam that the mitzva of *Yishuv Eretz Yisrael* is only a prerequisite for accomplishing other *mitzvos* that pertain to the land such as *truma* and *maaser*, and therefore would not be counted as a mitzva on its own.

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<sup>3</sup> The Rambam learns from a *gemara* in *Makos* that explicitly states that the first two of the Ten Commandments are counted as part of the 613 *mitzvos*, despite the argument of the Ramban.

### Israel: A Conduit for Connection

I believe we can take a similar approach to explaining the Rambam, but with a different fundamental way of understanding our relationship to the land of Israel.

In *Parshas Eikev* (11:18), in the portion of the Torah that we recite as the second paragraph of *Shema*, the *pasuk* warns the Jewish nation that if they do not uphold the covenant with Hashem and they serve other gods, Hashem will withhold his *bracha* and they will perish from the land. The next *pasuk* then commands the Jewish people to wear *tefillin* and put up *mezuzos* on their doorposts. Rashi explains that the juxtaposition of the two *pesukim* is coming to teach us that even when *Bnei Yisrael* are in *galus* outside the land of Israel, they must still continue to keep the *mitzvos* of *tefillin* and *mezuzah* in order so that the *mitzvos* won't feel foreign when they ultimately return to *Eretz Yisrael*.

The implication of the words of Rashi seem to be saying that the *mitzvos* of *tefillin* and *mezuzah* shouldn't really apply in *galus* outside of Israel and the only reason we continue to keep those *mitzvos* today is as practice for when the *geula* comes. At first glance these words are puzzling. How could the *mitzvos* of *tefillin* and *mezuzah* be at all connected to the land of Israel? *Tefillin* and *mezuzah* are *mitzvos* that are dependent on the individual person that have seemingly nothing to do with whether *Bnei Yisrael* are in control of the land or not. Why would Rashi be saying that the observance of these *mitzvos*, while obligated, are only practice for when the *geula* finally comes?

The Ramban in *Vayikra* sheds some light onto this baffling Rashi. In *parshas Achrei Mos*, when the Torah describes the various incestuous relationships that are prohibited by *halacha*, the Torah repeatedly makes references to the land. The Torah repeatedly states how the land of Israel is unable to sustain such abominations and warns that it is the land that will spit the people out if they act inappropriately. Again it appears the Torah is making a connection between the land of Israel and a prohibition that seemingly should apply to an individual regardless of where they live. What does the land have anything to do with the relationship between two people?

The Ramban goes on to explain the fundamental importance of the land of Israel. As we all know, Hashem is the ultimate ruler of the Universe and everything in it, but much like the way mortal rulers run their kingdom, Hashem does not directly impose His direct influence equally across the world. Rather, he conducts emissaries to rule on His behalf, giving them power in their respective domains.

The Ramban explains that the majority of the world is administered by a series of emissaries that Hashem appoints. Each of these spiritual entities act as a middleman directly governing the land they are appointed to. During the final *Geula*,

the dominion of Hashem will be complete throughout the whole world, but today the world is directly under the influence of these other emissaries.

But that is not how it works in *Eretz Yisrael*. In Israel, Hashem does not use agents to administer the land, He does so directly Himself. The *hashgacha* of Hashem is in its purest form when *Bnei Yisrael* are in control and living in the land of Israel. Therefore, explains the Ramban, improper sexual relations are abhorrent to the land because our connection to Hashem is intrinsically tied to the land itself. And as such, it is the land, the conduit of our relationship to Hashem, that will spit out anyone that does not act in a righteous and pure manner.

### **The Power of a Mitzva**

The Ramban is teaching us not only about the nature of the land of Israel, but the true power our actions have in this world. Just as negative actions have a larger consequence when we are in Israel, our *mitzvos* also hold a special power.

Hashem gave the Jewish nation the opportunity to do *mitzvos* as a way to build a relationship with Hashem. The *mitzvos* we do in this world have an effect on everything around us. As we say in the second paragraph of *Shema*, by keeping Torah and *mitzvos*, we increase the *bracha* in the world. That power that we have to influence the world is even more powerful when *Bnei Yisrael* are in the land of Israel because of our direct connection to Hashem's *hashgacha*. Living in *Eretz Yisrael* is, in effect, a quantifier to the impact our *mitzvos* have on the world.

Hashem gave the Jewish nation His Torah, a guide for how to act and live, and He gave them *Eretz Yisrael*, the land in which to keep His *mitzvos*.

We find in *Chazal* that the main purpose of living in Israel is in order to accomplish *mitzvos*. The Rashbam in *Kesubos* (110b), when the *gemara* discusses the prohibition of leaving *Eretz Yisrael*, explains that the main issue for leaving Israel is that one will be removing themselves from doing *mitzvos*. Additionally, Rabbeinu Chaim HaCohen, in *Tosfos* in *Kesubos*, writes that there was no *mitzva* to live in Israel in his generation because it was too hard to keep *mitzvos*. We see that the whole purpose of living in *Eretz Yisrael* is in order to complete *mitzvos* in their optimal setting, and if one will not be doing *mitzvos*, there is no point in living there.

The aforementioned Rashi in *Parshas Eikev* is teaching us is that while we are still commanded to perform all the *mitzvos* even outside of Israel, the purest manifestation of *mitzvos* was intended to be performed inside of the borders of Israel where our connection to Hashem is the strongest. The main purpose of doing *mitzvos* is to build that connection with Hashem, and the most influential way for us to accomplish that

is by doing *mitzvos* in the land of *Eretz Yisrael*. The Torah therefore felt the need to instruct us that the *mitzvos* of *tefillin* and *mezuza* still apply even while in *galus*.

### **Israel: A Fundamental Prerequisite**

According to the understanding that our connection as a nation to the land of Israel is as a conduit of Hashem's *hashgacha*, we can understand why the Rambam didn't count *Yishuv Eretz Yisrael* as one of the *taryag mitzvos*. As we explained above, the Rambam does not count fundamental *mitzvos* that are a prerequisite for doing other *mitzvos*. Similar to how the commandment to circumcise our hearts is simply a way to prepare our hearts for completing *mitzvos*, so too living in the land of Israel is a way for *mitzvos* to reach their highest potential of creating a close connection with Hashem, one where our actions can resonate with divine intent and purpose and have a direct impact on the world around us.

The Ramban quotes a *Sifri* that makes the claim that the act of living in *Eretz Yisrael* is comparable to all the *mitzvos*. Ultimately, the goal of accomplishing *mitzvos* is to become closer to Hashem. Since *Eretz Yisrael* is our closest connection to Hashem's *hashgacha*, the most optimal way to do *mitzvos* is while living in the land of Israel. While we are still commanded to upkeep the Torah while in *galus*, doing *mitzvos* outside the *Eretz Yisrael* just doesn't compare to *mitzvos* we accomplish while under Hashem's direct influence.

This understanding elevates the act of living in *Eretz Yisrael* to a fundamental expression of our commitment to growing closer to Hashem. *Eretz Yisrael* is not just a physical homeland for the Jewish nation, it is the key to unlocking the deepest levels of divine connection and experiencing Hashem's *hashgacha* in a direct and profound way.

Rav Yosef Dov Soloveitchik once called Rav Kook a "Torah personality." Not because he went on the radio or television and educated the masses about Torah, but because at the core of who he was, he lived a life of Torah. His embodiment of Torah values was something he had integrated into the deepest essence of who he was, and through that had a unique connection to Hashem. It was this power that enabled Rav Kook to have an influence on even the most secular Zionists. He didn't put them in *cherem* for working on shabbos or eating non kosher, but rather focused on creating relationships. Much like how *Eretz Yisrael* is our conduit for connection to Hashem, Rav Kook served as the conduit for early Zionists to have a connection to Torah. It was Rav Kook's intense focus on his connection to Torah that gave him his love of the land of Israel, the only land that one can feel the direct *hashgacha* from Hashem.

His lifelong endeavor for closeness to Hashem brought him to *Eretz Yisrael*, and there he was able to use his Torah personality to have a profound impact on the people he interacted with.

The land of Israel holds a special place in the hearts of Jews across the world. For some it is an emotional connection to their ancestral lineage, for others it represents a safe asylum from the horrors of antisemitism. But at its core, *Eretz Yisrael* is our spiritual connection to Hashem, a conduit for our *mitzvos* to impact the rest of the world. Hashem gave us Israel in order to act as His nation under His Kingship, and how we act has a direct influence on the world at large. This is a responsibility we have whether we are living in Israel or Los Angeles, but when looking at our role in the world through this lens, it becomes even more apparent that we are living in an important time in history. Jews have the freedom to live in the land promised and given to them by Hashem to accomplish *mitzvos* under His direct *hashgacha*. This is an opportunity our ancestors could have only dreamed about for the past 2,000 years.

May we all be *zocheh* to one day experience the closeness of Hashem's *shechina* in the holiest land on Earth with the building of the third *Beis Hamikdash*.



# *Ayin leTziyon:* The Story of the Secular State and the Religious Community

ELI SNYDER



**T**he Jewish yearning of return to our homeland was never a relatively modern innovation. Since Nebuchadnezzar II's siege of *Yerushalayim* in 597 BCE and the subsequent exile of ten thousand Jews to *Bavel* (*Melachim Beis* 24:14), our ancestors sat and wept as they remembered Zion (*Tehillim* 137:1). Through the millennia, the Jewish population in *Eretz Yisrael* waxed and waned with noted influxes during certain points in history, such as during the Spanish Inquisition. However, in the last 150 years, the demographic and political shift in population and attitude towards the Jewish return to Israel is qualitatively different than the gradual trickle of several thousand Jews at a time from Europe or the Middle East during various pogroms and expulsions. "Zionism," a term coined by Austrian Jewish writer, Nathan Birnbaum in 1890, simply put, is the belief in the necessity of a self-determining Jewish state in the historic Jewish homeland. That general belief could be fueled by a variety of motivations, many of which were culturally or politically, and not necessarily religiously, motivated. Through the efforts of early the Zionist pioneers such as Theodor Herzl, David ben Gurion and Chaim Weizmann, a largely secular Jewish state emerged in the early to mid-20<sup>th</sup> Century. This presented a question to religious Jews in Israel and globally, one that exists to this day. Of what value, *halachically*, spiritually, historically, etc. is a Jewish State that was founded and is run by mainly non-religious, or even anti-religious, Jews? The question, then and now, is not easily answered but presenting several of the approaches across the Orthodox spectrum is a worthwhile endeavor, something that in recent times many of us have been re-exploring.

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One of the most pivotal moments to kick off the Zionist movement as a whole was the Dreyfus Affair in 1894.<sup>1</sup> Very succinctly, a Jewish French officer, Alfred Dreyfus, was falsely convicted of treason and during the legal proceedings, he was subject to a torrent of antisemitism, despite his Judaism not being any explicit element of his public persona. An Austro-Hungarian journalist, Theodor Herzl, was reporting on the events and firmly concluded that regardless of the degree that Jews want to assimilate and integrate into another country and society, they will always be mistreated and othered. The only solution is the establishment of their own Jewish state. After publishing *Der Judenstaat* in 1896 and convening the First Zionist Congress in Basel, Switzerland in 1897, there was true political momentum for the Zionist movement which of course led to the eventual establishment of the State of Israel in 1948. Herzl's aim was to protect the Jewish people from physical and economic threat, an undoubtably worthy cause but one lacking religious motivation. Herzl's political Zionism, then followed by socialist Labor Zionism of David ben Gurion, Revisionist Zionism of Ze'ev Jabotinsky and Menachem Begin, Liberal/General Zionism of Chaim Weizmann etc. all shared a similar non-religious backbone, but were ultimately what brought the State into fruition.

Decades before Birnbaum and Herzl, there *was* a religious collection of Rabbis advocating for the formal settlement of the land of Israel. This included Rav Yehuda Aryeh Bibas (1789–1852), the Sephardic Rabbi of the Greek Island of Corfu who spent 1839–1840 travelling Europe to encourage Jews to go to Palestine, conquer the land from the Ottomans and build a Jewish society. Rav Zvi Hirsch Kalischer (1795–1874) was a Prussian rabbi that also concluded through his studies the necessity for Jews to formally settle Israel, and in his 1862 book, *Derishat Tzion*, proposed not just dwelling in the Israel but to collect money from worldwide Jewry to buy and cultivate land, start a school of agriculture and form a Jewish military. He emphasized that salvation for the Jews had to be self-motivated and by natural means.<sup>2</sup> Another prominent rabbi, Rav Yehuda ben Solomon Alkalai, was a student of Rav Bibas and in fact had a relationship with Theodor Herzl's grandfather, Simon Leib Herzl, a congregant of his *shul* in Belgrade, Serbia. Scholars contend that there was direct influence from Rav Alkalai to Simon Leib's grandson. Rav Alkalai wrote extensively on advocating for a return of the Jews to their Holy Land, analyzing various *halachic* and political obstacles

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1 Most of the historical elements of this article were gleaned from the “Jew Oughta Know” podcast by Jason Harris, Wikipedia and *Rav Kook: Mystic in a Time of Revolution* by Yehudah Mirsky.

2 Noted opposition to Rav Kalischer's views included Rav Shimshon Raphael Hirsch

to achieve this goal. The “proto-Zionist” ideas held by this group of rabbis stood in strong contrast to the attitude of Jews living in Israel at this time. Later dubbed the *Old Yishuv* (as opposed to the wave of idealists that formed the *New Yishuv* in the late 19<sup>th</sup>/early 20<sup>th</sup> century), they held there was certainly a mitzva of *yishuv ha’arets*, living in the land and keeping the additional associated *Halachos*, but they were content on relying on external Jewish philanthropy to sustain their lives and Torah studies and felt no compulsion for self-determination or self-sufficiency. While the attitude of the *Old Yishuv* was prevailing thought, as the decades progressed, a growing number of religious Jews found their way towards Zionism.

Two rabbinical contemporaries of Theodor Herzl worth noting are Rav Shmuel Mohilever (1824–1898) and Rav Yitzchak Yaacov Reines (1839–1915). Soon after the death of his father Tsar Alexander II of Russia in 1881, Tsar Alexander III took upon the emperorship of Russia which came along with a harsh stance towards the Eastern European Jews living within the Pale of Settlement. Not long after, he enacted the May Laws in 1882, seriously confining Jewish mobility and business endeavors. This, along with a number of worsening pogroms in the region, inspired the *Chovevei Zion* movement. Initially *Chovevei Zion* were small groups of Jews that met clandestinely to study Hebrew, Jewish history, agriculture and any other topic that would help towards the emigration from the Russian brutality to live and settle in Israel. The movement was formally constituted as a group by its founder Leon Pinsker in 1884. While Pinsker’s movement was largely secular, another one of the *Chovevei Zion*’s founders, Rav Shmuel Mohilever, led the religious contingency. Rav Mohilever then created a new branch named *Mizrachi*<sup>3</sup> and put constant pressure on the movement as a whole to accommodate to Orthodox Jews. *Mizrachi* as a branch of *Chovevei Zion* eventually dissolved but the name and mission was revived by Rav Yitzchak Yaacov Reines in 1901 as a new religious Zionist movement. The *Mizrachi* movement exists to this day, including its evolution into various political parties over time in the *Knesset*,<sup>4</sup> its youth movement – *Bnei Akiva*, and its American branch, the

3 Not to be confused with *Mizrachi* (Eastern) Jews that would later migrate to Israel after expulsion from Arab countries in the Middle-East and North Africa following the establishment of the State. *Mizrachi* here is a quasi-abbreviation of “*Mercaz Ruchani*, Spiritual Center”.

4 Originally the *Mizrachi* Party which then merged with *HaPoel HaMizrachi* to form the National Religious Party (*Mafdal*) in 1956. Members of *Mafdal* disbanded in 2008 to form The Jewish Home (*HaBayit HaYehudi*) with the *Moledet* and *T’Kuma* parties. *HaBayit HaYehudi* later merged with *Hatzionut Hadatit* in 2023 to form the current (as of 2024) party, National-Religious Party–Religious Zionism/*Miflaga Datit Leumit-Hatzionut Hadatit*, a.k.a. *Mafdal-RZ*. There might be some more pieces in there but let’s be reasonable.

RZA (Religious Zionists of America).

The goal of political Zionism, Labor Zionism, Revisionist Zionism, etc., was to create a State that will protect and grow the Jewish people; seeing as the world at large had perpetually failed to do so. Certainly a noble and necessary goal. If these movements existed to preserve Jews, another movement, Cultural Zionism, had the goal of preserving Judaism, or at least aspects of it. Founded by Asher Zvi Hirsch Ginsberg (1856–1927), who later changed his name to *Achad Ha'am* (One of the People), Ginsberg disagreed vehemently with Herzl's political goals but wanted to create a spiritual nucleus in Israel, as a prototype ideal for worldwide Jewry. *Achad Ha'am* was a product of the European *Haskala* movement, having left Orthodoxy in his teenage years, so his drive to establish a Jewish community in Israel was not religiously driven. However, combining the two major Zionist goals – to save the Jews and to save Judaism, yielded a new branch that was elevated above both, that of religious Zionism.

The most famous name and influence attributed to the modern conception of religious Zionism is Rav Avraham Yitzchak Kook (1865–1935). Born in Griva, Latvia, Rav Kook's parents came from strong lineages of both *misnaged* and *chassidic* philosophies. After studying in Volozhin under the *Netziv*, Rav Kook went on to various Rabbinical posts in Europe before accepting the role as chief rabbi of Yaffo in 1905. Rav Kook was a brilliant and novel thinker, with an incredible breadth of knowledge that translated to a massive breadth of work. He saw the developing Zionist movement as a significant stage in Jewish history, one with strong Messianic underpinnings.

One of the instances where this idea was made most explicit was following the death of Theodor Herzl in 1904. As a prominent rabbi in the blossoming State, Rav Kook was asked to participate in the memorial service for one of the most pivotal figures in the Zionist movement. However, the *Shulchan Aruch* (YD 345:5) is clear that one cannot mourn someone that has explicitly and knowingly rejected *halacha* and separated themselves from the (religious) Jewish community. Not wanting to introduce further division in the “Old” and “New” communities, Rav Kook's compromise of sorts was delivering an address at the service that spoke in generalities and made no specific mention of Herzl's name.<sup>5</sup> In this “non-eulogy,” Rav Kook focuses on the two Messiahs mentioned in the *gemara*, *Mashiach ben Yosef* and *Mashiach ben David*. The dichotomy between the two represent the dichotomy between the body and the soul, the material and the spiritual. Wholeness is achieved

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<sup>5</sup> Very highly recommended read. See the translation by Bezalel Naor.

when they are united, with a strong and developed body that is in service to the intellect, driven to serve Hashem in this world. On the collective level of our nation, we know there was a division in the time of the *Malachim*, between the tribe of Yehuda and the tribe of Ephraim (i.e. Yosef) – with Yosef dissolving into the nations while Yehuda exists as *Am Yisrael* to this day, enduring due to our spiritual uniqueness but damaged from division. Ideally, these tribes must be reunited to achieve the ultimate Redemption. Rav Kook speaks of the current stage they are in. “The Zionist vision manifest in our generation might best be symbolized as the ‘footstep of Messiah son of Joseph’ (*ikva de-Mashiach ben Yosef*). Zionism tends to universalism (as opposed to Jewish particularism). It is unequipped to realize that the development of Israel’s general aspect is but the foundation for Israel’s singularity.” Rav Kook concludes, “The prerequisite for the generation of the Messiah is the ability to utilize all forces, even the most coarse, for the sake of good and the singular sanctity with which Israel were crowned.”<sup>6</sup>

There were and are many Rabbonim reluctant to fully embrace the Messianic component of the secular State of Israel for a number of reasons. For one, the Jewish fundamental yearning for Redemption has plagued us with false messiahs (whether by their consent or not) for millennia, including Yeshu of Nazareth, Shimon bar Kochba, Sabbetai Zvi and others. The messianic fervor placed on the modern State of Israel has indeed led to an “ultranationalist” approach which produced highly controversial figures such Baruch Goldstein,<sup>7</sup> Yigal Amir<sup>8</sup> and today’s Hilltop Youth. This naturally is reason to give pause before attributing any unequivocal certainty on the subject. Additionally, full confidence of *Mashiach’s* current arrival could encourage a complacency among the Jewish people who would no longer see a need

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6 Rav Kook’s ideology revolving around utilizing and unifying all forces for good is common in many of his works. See his piece quoted in *Nitzachon* 10:1, “A Time to Gather” regarding embracing peace (*U’fros Aleinu Succos Shlomecha*), even when it is *b’dieved*. Additionally, in *Ein Ayah* on *Shabbos* 21b, Rav Kook analyzes the *gemara’s* description of the wicks and oil permissible for *Shabbos* and *Chanuka* lights. While *Shabbos* candles require high-quality materials for a consistent flame, the *halacha* is much more lenient regarding the wicks and oil used in the *Chanukia*. The reason is that they do not need to be re-lit if extinguished and *Chanuka* lights are not meant to be used. Rav Kook likens these flames to *chochma*. The *Shabbos* lights are Torah, unwavering and eternal. The flame represented by *Chanuka* can flicker and is short-lived. It is the *chochma* of the *zeitgeist* with which can be utilized temporarily but does not have the everlasting quality of *Shabbos* and the Torah. Here too, we see a conceptual parallel to utilizing the *b’dieved* quality of a Jewish state built via political, not religious or Messianic means, as still being of value to Rav Kook.

7 Guilty of the mass murder of 29 Muslims praying in *Ma’aras Hamachpela* in 1994.

8 Assassinated Israeli Prime Minister Yitzhak Rabin in 1995 for supporting the Oslo Peace Process.

for further *teshuva* and improvement. The threat of *galus* motivates proper behavior<sup>9</sup>. Still, whether or not Israel's founding was "*reishis tzemichas geulaseinu*,"<sup>10</sup> rabbis like Rav Yosef Dov Soloveitchik felt with conviction that there was a strong Divine influence in the State's establishment.

Unlike Rav Kook, who passed away in 1935, Rav Soloveitchik was alive to see the miracles necessary to establish and maintain the country.<sup>11</sup> In a speech at Yeshiva University on *Yom Ha'atzmaut* in 1956, the Rav gave a speech that went on to be published and known as *Kol Dodi Dofeik*<sup>12</sup>, "Listen, my Beloved Knocks." In this sermon covering righteous suffering, the Holocaust and the role of the modern Jewish State within American Orthodoxy, Rav Soloveitchik draws from the symbolism of *Shir HaShirim*, when the Beloved is knocking on the speaker's door, and she, tragically, is slow and lazy to respond. The Rav sees six knocks from Hashem on the Jewish people's door during the birth of the State of Israel<sup>13</sup> that surely must not be ignored. Careful throughout the speech, there is no mention of *Mashiach*. Rav

9 A concern voiced by Rav Aharon Lichtenstein (1933–2015), for one, per Rav Chaim Jachter

10 "The beginning of the flowering of our redemption" - as written in the Prayer for the *Medina* penned by Chief Rabbis Rav Yitzchak Herzog and Rav Zion Hai Uzziel in 1948.

11 For example, in the War of Independence in 1948, the tiny Israeli army, outgunned, outmanned, outnumbered, outplanned, was able to survive the simultaneous onslaught from seven Arab countries and take control of most of the area in the former British Mandate.

12 Also highly recommended reading

13 1) The Political Arena – "Both Russia and the Western nations supported the establishment of the State of Israel. This was perhaps the one resolution on which East and West concurred [during the Cold War era]. I am inclined to believe that the United Nations was especially created for this end — for the sake of fulfilling the mission that Divine Providence had placed upon it."

2) On the Battlefield. The Rav makes a fascinating point here. Like Hashem hardening Pharaoh's heart, denying the three-day respite that was originally requested so we can later achieve a full emancipation, Hashem hardened Yishmael's heart so they would reject the UN Partition Plan and allow us to take control of (nearly) the whole area.

3) A knock on the tent of Christian theology. The Jews having a state in Israel counters the idea that we lost that right.

4) In the heart of the youth. Following the Holocaust, a huge portion of Jews turned away from religion but the establishment of the State helped slow the process by instilling a sense of pride. They, like Yonah, cannot run away from this obvious call.

5) The lesson to our enemies that Jewish blood is not cheap. The State introduced an ability for self-defense that had not existed for us for thousands of years.

6) The existence of Israel as a homeland and place of refuge for Jews. "Now that the hour of *hester panim* has passed, however, the possibility exists for Jews who are pried from their homes to take root in the Holy Land. This should not be taken lightly."

Yosef Blau, *mashgiach ruchani* of RIETS and former president of the RZA, writes,<sup>14</sup> “...the Rav’s religious Zionism is non-Messianic and far from that of Rav Kook and his followers ...The founder of *Mizrachi*, Rav Reines, had a similar perspective.” While there is indication that the Rav’s attitudes may have shifted over time,<sup>15</sup> the idea remains that there is a profound and Divine significance of the State of Israel, even under secular leadership, and whether there are eschatological implications remains to be seen.

In contrast, many in the Orthodox Jewish community, especially in the Yeshivish/*Charedi* sphere, did and do not see the Secular Israeli state as being Divinely influenced. The *Old Yishuv* was content with living in the Land but did not see a need for a Jewish government, especially one that was anti-religious in most regards. Rav Avraham Yeshaya Karelitz (1878-1953), the *Chazon Ish*, was a major influence on the *Charedi* movement, spending his last twenty years in Bnei Brak, and was prominently anti-Zionist and only begrudgingly accepted the State when it was founded. There was non- and passive anti-Zionism but further along the spectrum were fierce opponents to Zionism, such as Rav Yoel Teitelbaum, the Satmar Rav.

The Satmar Rav (1887–1979) felt the foundation of a Jewish state by political means and not through *Mashiach* was heretical and actively preventing *Mashiach* from arriving. He drew from the *gemara* in *Kesuvos* (111a) where Rav Zeira describes the *Shalosh Shavuos*, Three Oaths, taught by Rav Yossi son of Chanina. 1) The Jewish People should not immigrate to Israel *en masse* 2) The Jews should not rebel against the nations of the world 3) The nations should not subjugate the Jews excessively.<sup>16</sup> Rav Teitelbaum viewed the second oath in constant violation by the wars fought between Israel and the Arab nations and the persistence of these wars as proof itself that Hashem does not want a State at this time. *Mashiach* must come when *Am Yisrael* is deserving and it is wrong and dangerous to be forcing the situation.<sup>17</sup> While

14 “Communications” section of *Tradition Journal*, Winter 1999, Issue 33.2

15 Also, see Rav Hershel Schachter’s *Eretz HaTzvi* which includes nods to a more messianic Religious Zionism.

16 A discussion delving into and countering the various understandings of the *Shalosh Shavuos* deserves its own article.

17 I am reminded of the allegorical story of the righteous man that is drowning at sea and praying to Hashem to be saved. A rowboat passes by offering a lift and he tells them, no thank you, I’m waiting for Hashem to rescue me. A ship then approaches and drops a rope and he gives the same response. Next a dolphin comes by to swim him back to land but the man again refuses. When he eventually succumbs to the water and reaches *Shamayim* he complains to Hashem that his prayer went unanswered. Of course the response is, “What do you mean? I sent you a rowboat, a ship, a dolphin... you refused to see My Hand.” The anti-Zionist approach might take

messianic Religious Zionism generated its share of extremists, anti-Zionism has its own share of radical movements, notably the *Neturei Karta*, presenting their own dangers to the Jewish narrative.

The struggle with the complexities of a secular Jewish State has presented a vast array of approaches from the religious Jewish community.<sup>18</sup> From its inception there were *rabbonim*, such as the first chief Ashkenazi rabbi, Rav Yitzhak HaLevi Herzog (1888-1959), grappling with the possibility of creating an entirely *halachically* observant country which ultimately was deemed impossible in the situation at the time. There were small victories by the Rabbinate to infuse as much *halacha* into the State as they can e.g. only kosher food in the army, exclusive acceptance of *halachic* marriage, having control over their own education system, but that value to the Orthodox community worldwide is varying. And so we must debate whether to say *Hallel* with a *bracha*/without a *bracha*/not at all on Yom Ha'atzmaut, and whether it is a bigger mitzva to serve in the IDF or to learn in Kollel. In *chutz la'Aretz*, a lot of these debates can feel remote, our attitudes towards *Eretz Yisrael* becoming almost academic. Sometimes it is horrifying moments like October 7, 2023<sup>19</sup> that remind us that wherever we are, there is a deep, guttural connection between every Jew and his Homeland. We **all** *daven* for the safety of our Jewish brethren in *Eretz Yisrael* and hope for the Ultimate Redemption, the debate over the date of inception notwithstanding.

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issue with this *mashal*, stating there are specific conditions stated by the *Neviim* required for *Mashiach* to arrive, none on the surface that have been fulfilled via a political State, and so unlike the man drowning at sea, we have the right to reject any false indications.

18 It's no surprise that such a large element of Jewish history would generate so many *hashkafos*. See *Nitzachon* 7:2, "How Do You Jew?" for a more generalized discussion of the diversity within Jewish practice.

19 Other events in the last few decades that awakened important theological questions worldwide include the 1993 - 1995 Oslo Accords and 2005 Israeli Disengagement from Gaza. Entertaining giving up "Land for Peace" is a profound point of debate for those that unequivocally perceive the founding of the State as *Reishis Tzemichas Geulaseinu*.



# Halacha and Machshava



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# Water Out Of Thin Air

RABBI EVAN SILVER



While new technology can raise new *halachic* challenges, the underlying issues have often already been discussed in other forms. To address water shortages in certain climates, people have started to rely on a technology known as an atmospheric water generator. This machine literally makes water out of thin air by condensing the air. While the technology itself is relatively new, the concept of condensation has existed for a long time and has been addressed as a potential issue on Shabbos.

An atmospheric water generator works very similarly to an air conditioner. When the air is condensed it gets cooler and part of it turns into water. In an air conditioner the main goal is to cool and dehumidify air, but some water drips out in the process. In the water generator, the main goal is to create the water. While the design of these machines varies, the technology is essentially the same. One such company that makes the system is an Israeli company called Watergen. The water generator systems come in a variety of sizes to allow for a range of uses, from personal use on a camping trip, to providing water to a home in a remote area, or even supplementing a municipal water supply.

The potential *halachic* issue in question is the creation of a new substance on Shabbos, known as *molid*. The *gemara* (*Beitza* 3b) tells us that an egg laid on Shabbos is forbidden until after Shabbos due to *molid*. Further, the egg is forbidden even if there is only a doubt that it was laid on Shabbos, and even if it is mixed in 1,000 other eggs. *Molid* has two unique stringencies, one in the area of Shabbos and one in the area of *kashrus*. First, work done on Shabbos for a non-Jew can be permitted for a Jew, but *molid* is always forbidden, even if it happens by itself. Secondly, in *kashrus*, items can be *batel* (nullified) in a mixture,<sup>1</sup> but this does not apply to something that will be permitted later, such as after Shabbos in our case.

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<sup>1</sup> Usually 1 in 60 for liquids or a majority for solids.

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While harnessing condensation to make water is a recent development, the water dripping from an air conditioning has been addressed in previous *halachic* literature and has been determined to be *molid*.<sup>2</sup> Condensation has also been discussed where it happens naturally in nature. The *Mishna Berura* prohibits the use of water dripping from a tree, formed by condensation on Shabbos, classifying it as *molid*. It seems whether manufactured or occurring naturally, water that is created from air on Shabbos is prohibited by all methods.

The reason the egg is not nullified is that it has the status of a *davar sheyesh lo matirin*, something that will be permitted later. According to Rashi (*Beitza* 3b), the reason for this stringency is that it isn't appropriate to eat something forbidden when one can just wait, and have it once it's permitted.

From these cases, it would seem using a water source over Shabbos that relied on atmospheric water generator would pose a problem, as single drop of water added to the reservoir would prohibit the use of the entire reservoir until after Shabbos. If one had this system for themselves, they could make sure it is off before Shabbos but that is not always an option if it used for public use. As this technology becomes more prevalent this could be an issue in a municipal water supply or perhaps a remote resort. One possible leniency is that the Rama (YD 102:4) says the stringency of *davar sheyesh lo matirin* does not apply if the item isn't recognized. The example given is grapes already in wine, producing more wine. Since the newly produced wine is never an independent entity, it's not recognizable and the vat would not become forbidden on Shabbos. This case, however, is different, because even though the water produced from the atmospheric water generator mixed directly with other water, it does require a drip to take place somewhere. This would be considered recognizable even if no one sees it.

Two other possible leniencies could help in certain situations. A similar question arises on Pesach, where a little bit of bread would not be nullified in a large amount of water, as *chametz* on Pesach is also a *davar sheyesh lo matirin*. If bread were to fall into a reservoir, perhaps we should say that no one can drink the water on Pesach, as the assumption is that at some point in the water system *chametz* could have touched the water. While there are some people who do save water from before Pesach, when the *chametz* can still be *batel*, it does not seem to be the common practice. Why is this so? The *Aruch Hashulchan* (OC 467:33) limits how much water can become forbidden. Since all moving waters are connected, therefore one would have to forbid all water

<sup>2</sup> *Shemiras Shabbos K'hilchasa* 13, note 130

everywhere, which can't be the case, so water connected to a moving body of water like a spring or river would not be forbidden. In a city system where the water comes from various sources that includes natural springs, the condensed water would not prohibit use of the entire system. The *Pischei Teshuva* (OC 467:6) says the reason that a *davar sheyesh lo matirin* is not *batel* is that one should just wait and have it when it's permitted. When it comes to utensils or an item that is not consumed, where one can have it now and later, the stringency would not apply. The *Chelkas Yoav* (OC 18) applies the same idea to a reservoir. No one is interested in consuming the entire reservoir over Pesach, but rather just partaking in a small amount, which makes this more similar to a utensil which is used now and later. A rav would need to gauge exactly when this leniency could be relied upon, but it seems that if the water supply is larger than anyone would realistically need over Shabbos, the water supply could be permitted.

While intentionally condensing air to make water is not, in theory, new, it is harnessed as a new way to generate a water supply. People might not think about where their water is sourced, but it could become a potential Shabbos issue. It is always important to continue looking at new technologies for their potential *halachic* ramifications.



# Receiving and Making *Brachos*

RABBI PINCHAS GELB



The Torah uses the word “*bracha*” with regard to three very different circumstances: the *bracha* that the *kohanim* invoke for the nation (*Bamidbar* 6:22-27); the *bracha* that someone who finishes eating a meal offers to Hashem (*Devarim* 8:10); and, according to Rashi, the *bracha* that someone who performs the *mitzva* of separating *ma’asros* offers to Hashem (*Devarim* 26:13). While these circumstances are separate and distinct from one another, they are each referenced or alluded to by the verses as a “*bracha*,” which raises the question of what exactly the word “*bracha*” means that connects them.

## The Term “*Bracha*” Implies and Presupposes an Inner Relationship

It is difficult to precisely define, or even to translate, the word “*bracha*.”<sup>1</sup> Yet, the *gemara* in *Brachos* 7a makes one thing clear: nobody can give a *bracha* to himself or herself. In order to be considered a *bracha*, to be properly defined as a “*bracha*,” it has to be given by someone else. The *gemara* states:

א"ר יוחנן משום ר' יוסי מנין שהקב"ה מתפלל שנאמר והביאותים אל הר קדשי ושמחתים בבית תפילתי תפלתם לא נאמר אלא תפילתי מכאן שהקב"ה מתפלל. מאי מצלי אמר רב זוטרא בר טוביה אמר רב יה"ר מלפני שיכבשו רחמי את כעסי ויגולו רחמי על מדתי ואתנהג עם בני במדת רחמים ואכנס להם לפני משורת הדין. תניא א"ר ישמעאל בן אלישע פעם אחת נכנסתי להקטיר קטורת לפני ולפנים וראיתי אכתריא ל-י-ה ה' צבקות שהוא יושב על כסא רם ונשא ואמר לי ישמעאל בני ברכני. אמרתי לו יה"ר מלפניך שיכבשו רחמיך את כעסך ויגולו רחמיך על מדתיך ותתנהג עם בניך במדת הרחמים ותכנס להם לפני משורת הדין. ונענע לי בראשו. וקמ"ל שלא תהא ברכת הדיוס קלה בעיניך.

1 Varying approaches are presented, for example, by Rashi on *Sota* 10a, *Shemos* 16:5, and *Mishlei* 11:25, *Chizkuni* on *Bereishis* 24:27, *Teshuvos HaRashba* 5:51, *Sefer Halkarim* 2:26, *Rabbenu Bechaye* on *Devarim* 8:10, and *Nefesh HaChaim Sha'ar* 2, sections 2, 3 & 4.

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*Rabbi Yochanan said in the name of Rabbi Yosi: From where is it derived that the Holy One, Blessed be He, prays? As it is stated: "I will bring them to My holy mountain and make them joyful in the house of My prayer" (Yeshayahu 56:7). It does not say "their prayer," but rather, "My prayer"; from here we see that the Holy One, Blessed be He, prays. What does He pray? Rav Zutra bar Tovia said that Rav said: "May it be My will that My mercy will suppress My anger, and may My mercy prevail over My other attributes, and may I conduct Myself toward My children with the attribute of mercy, and may I enter before them beyond the letter of the law."*

*It was taught in a baraisa that Rabbi Yishmael ben Elisha said: Once I entered the Holy of Holies to offer incense, and I saw Achteriel Ka, the Lord of Hosts, seated upon a high and exalted throne. And He said to me: "Yishmael, My son, bless Me." I said to Him: "May it be Your will that Your mercy will suppress Your anger, and may Your mercy prevail over Your other attributes, and may You conduct Yourself toward Your children with the attribute of mercy, and may You enter before them beyond the letter of the law." And He nodded His head to me. And we can learn from this that you should not take the blessing of an ordinary person lightly.*

The two statements in this *gemara* are almost identical to one another, each expressing the desire for Hashem's compassion to prevail over His measured anger. But there are key differences between them.

1. The first statement is formulated as a "prayer;" the second, a "blessing."
2. The first statement is formulated reflexively. Hashem prays for Himself. But in the second statement, rather than giving Himself the blessing, Hashem astonishingly asks the *Kohen Gadol*, Rabbi Yishmael ben Elisha, to bless Him.

This juxtaposition and contrast between the *gemara's* first and second statements, which are otherwise identical, underscores an essential distinction between a "*tefila*" and a "*bracha*." A *bracha* is never given to oneself. Someone receiving a *bracha* has to hear it from someone else; otherwise, it cannot be called a "*bracha*." Even Hashem, *kivyachol*, does not give Himself a *bracha*, thereby prompting the request in this *gemara*: "*Yishmael bni barcheini*."

Hence, a "*bracha*" presupposes a relationship. This is accentuated by the closely connected language of the request in the *gemara*: "*Yishmael bni barcheini*," "*Yishmael, my son, bless Me*." It also adds perspective on the statement toward the end of this *gemara* that "*vena'ana li beroshu*," "He nodded His head to me," which Rashi explains



to mean: “*kemodeh bevirchasi ve’oneh amen*,” “as if to acknowledge my blessing and answer ‘amen.’” A bilateral relationship implies mutual assent. A *bracha* is not only bestowed; it is also actively received.

The significance of this is underscored by the concluding sentence of this *gemara*: “*vekamashma lan she-lo tehei birkas hedyot kala be’einecha*,” “and we can learn from this that you should not take the blessing of an ordinary person lightly.” In the context of a respectful relationship, even a *bracha* invoked by someone of incomparably lower distinction and wholly subordinate stature, nevertheless, matters substantially.

This insight that the word “*bracha*” implies an engaged relationship is further reflected by the observation of the Maharal in *Tiferes Yisrael* 34 that the root ב-ר-ב consists of letters with the numerical value of “two.” *Beis* (2) is double *aleph* (1); *reish* (200), double *kuf* (100); *chaf* (20), double *yud* (10). The numerical value of the verb root ב-ר-ב consists entirely of two: 222. The Maharal makes this point to reflect the expansive abundance inherent in blessing (and, thereby, he counters the Ibn Ezra’s dismissive critique of the *midrash’s* statement that the Torah starts with the letter *beis* because the word *bracha* starts with *beis*). But the Maharal’s observation also highlights that, at its core, the act of giving a *bracha* is built on the interaction between the one invoking it and the one receiving it, given that the verb root ב-ר-ב, which consists solely of letters corresponding to the number “two,” points to an engaged one-on-one relationship (*i.e.*, 1+1=2).

This perhaps also is why the *bracha* recited before *Birkas Kohanim* emphasizes that it has to be performed “*be’ahava*,” with love (see *Sota* 39a). The act of invoking a *bracha* necessitates a close inner connection. The *Magen Avraham* (128:18) explains:

באהבה. נ"ל דפי' כמ"ש בזוהר כל כהן דלא רחים לעמא או עמא לא רחמין ליה לא  
ישא כפיו.

*With love. It appears to me to explain [the reason the kohanim say “with love”] is based on the Zohar that any kohen who does not have compassion toward the nation, or if the nation does not have compassion toward him, should not raise his hands [for Birkas Kohanim].*

An isolated individual might accomplish many things for himself or herself, but conveying a *bracha* is not one of them. A *bracha*, by definition and implication of the term, requires dynamic inner connectedness between the one invoking the *bracha* and its intended recipient.

### ***Birkas Hamazon: Expression of Relationship to Hashem Based on Gratitude for Our Physical Sustenance***

This centrality of an interactive relationship built into the term “*bracha*,” which can be discerned from the *gemara* in *Brachos* 7a that we saw above, is further borne out by *brachos* on food.

*Parshas Eikev* (*Devarim* 8:10) obligates us to be *mevarech* Hashem after eating a meal, “*ve’achalta vesavata uveirachta es Hashem Elokecha*.” It is unclear what it means for a person to offer a *bracha* to Hashem. Yet, in his comment to *Bereishis* 21:33, Rashi connects a *bracha* to the bond formed when someone helps another satisfy physical needs:

אשל. רב ושמואל חד אמר פרדס להביא ממנו פירות לאורחים בסעודה וחד אמר פונדק לאכסניא ובו כל מיני מאכל ומצינו לשון נטיעה באהלים שנאמר ויטע אהלי אפדנו (דניאל יא:מה).

ויקרא שם וגו'. על ידי אותו אשל נקרא שמו של הקב"ה אלו-ה לכל העולם לאחר שאוכלין ושותין אומר להם ברכו למי שאכלתם משלו סבורים אתם שמשלי אכלתם משל מי שאמר והיה העולם אכלתם.

*Eshel. Rav and Shmuel: One said it was an orchard from which to supply fruit for the guests at their meal; and one said it was an inn for lodging in which were all kinds of food. And we find the expression planting used of tents, as it is said (Daniel 11:45): “And he shall plant the tents of his palace.”*

*And he called there etc. Through this Eshel the name of the Holy One, blessed be He, was called “God of the entire Universe.” For after they had eaten and drunk he said to them “Bless Him from Whom you have eaten. Do you think that you have eaten of what is mine? You have eaten of that which belongs to Him Who spoke and the Universe came into existence.”*

Rashi emphasizes the relationship that can be engendered by providing a meal to people in need. Avraham would insist that his guests should not be relating to him in this manner; instead, they should make a *bracha* to thank the One Who provides the created world to us.

This development of a spiritual relationship built on gratitude for the provision of physical nourishment is comparable to an infant who starts life crying for food and then quickly forms a deep bond with the parents who provide basic needs to the little baby. This process inheres within the primary experience of human nature. We

can capitalize on our basic physical needs to cultivate and maintain awareness of our relationship to Hashem.

Moreover, the *gemara* in *Brachos* 20b shows that this inner relationship can become even more developed, pronounced, and paramount than the food (or other basic human need) that initially sparks cognizance of this relationship. The *gemara* states:

דרש רב עזריא זמנין אמר לה משמיה דר' אמי וזמנין אמר לה משמיה דר' אסי אמרו מלאכי השרת לפני הקב"ה רבש"ע כתוב בתורתך "אשר לא ישא פנים ולא יקח שחד" והלא אתה נושא פנים לישראל דכתיב "ישא ה' פניו אליך" אמר להם וכי לא אשא פנים לישראל שכתבתי להם בתורה "ואכלת ושבעת וברכת את ה' אלקיך" והם מדקדקים על עצמם עד כזית ועד כביצה.

*Rav Avira taught, sometimes he said it in the name of Rabbi Ami, and sometimes he said it in the name of Rabbi Asi: The ministering angels said before the Holy One, Blessed be He: Master of the Universe, in Your Torah it is written: "[The great, mighty and awesome God] Who favors no one and takes no bribe" (Devarim 10:17), yet You, nevertheless, show favor to Israel, as it is written: "The Lord shall show favor to you [and give you peace]" (Bamidbar 6:26). He replied to them: And how can I not show favor to Israel, as I wrote for them in the Torah: "And you shall eat and be satisfied, and bless the Lord your God" (Devarim 8:10), yet they are exacting with themselves [even if they have eaten] as much as an olive or as much as an egg.*

So, the angels ask based on the verse in *Parshas Eikev* (*Devarim* 10:17) which seems to contradict the third part of *Birkas Kohanim*, and Hashem answers them from the verse earlier in *Parshas Eikev* (*Devarim* 8:10) that the Torah mandated *Birkas Hamazon* when an individual has completed a meal to the point of satiation but *Klal Yisrael* has become scrupulous to make this *bracha* even in cases when a person who has not eaten enough to qualify objectively as a full meal nevertheless considers it to be so. This demonstrates that, while the relationship is initially prompted by the physical need, it continues to build momentum and grow well beyond the initial correlation with satiation to the point that, even when the physical need has not been fully met, the person makes *Birkas Hamazon* solely based on the underlying relationship.

Again, the metaphor of the infant is apt. Soon into infancy, the baby starts to cry even when not hungry or in some other physical discomfort because he or she

wants to see the parent. The sensation of emotional relationship between the child and parent quickly outpaces the prompting of the specific physical need, even though this biological vulnerability was the catalyst that at first precipitated this yearning for relationship.

This stands in direct contrast to the punishment Hashem imposed on the *nachash* that its food would be dirt (*Bereishis* 3:14). Rav Simcha Bunim from Peshischa asks why this is so terrible, given that dirt exists in abundance and the *nachash* will always have plenty to eat (*Matzmiach Yeshuos* 26; see also *Yoma* 75a). He answers that it is a terrible curse because the *nachash* will be precluded from ever again having the need to pray or any remaining desire to pray. This is the paradigm of bounty without *bracha*, when the individual receiving the physical sustenance, though abundant, tragically lacks any remaining sense of connectedness to Hashem.

This also explains Rashi's comment to *Brachos* 35b. First, on 35a, the *gemara* extends the obligation of making a *bracha* after eating a meal to apply, as a matter of logic and necessity, to also making *brachos* beforehand. Then, on 35b, the *gemara* quotes Rabbi Chanina bar Papa that whoever benefits from this world without making a *bracha* is considered to have "stolen" from *HaKadosh Baruch Hu* and *Knesses Yisrael*. Rashi explains that the specific item this individual has "stolen" from Hashem is, not the food consumed, but rather His *bracha*.

גזול להקב"ה. את ברכתו.

*Steals from the Holy One, Blessed be He. His blessing.*

Rashi's explanation can be understood as follows. The person who eats or benefits without making a *bracha* wrongly (and ironically, given that this is the *nachash*'s curse) imitates and emulates the *nachash*, enjoying physical nourishment but staying unmindful of the fact that Hashem has provided "*bracha*," which is centrally defined by relationship. This person "steals" Hashem's *bracha* by taking benefit but ignoring the relationship that transforms the act of satiation into something higher than biological necessity, as an expression and reflection of "*bracha*."

Accordingly, the command in *Devarim* 8:10 to be *mevarech* Hashem after eating a meal means that we have to articulate awareness of our relationship to Him when we enjoy nourishment from the world that He created and provides to us. A person who eats without making a *bracha* "steals" Hashem's *bracha* because, like the *nachash*, this individual remains ignorant, unaware, completely oblivious of the relationship to Hashem that the act of making this *bracha* when eating would have crystalized and expressed.

### ***Birchos Hamitzvos: Expression of Relationship to Hashem Based on Appreciation for the Privilege of Our Spiritual Responsibilities***

A similar dynamic exists regarding *birchos hamitzvos*. *Parshas Ki Savo* (*Devarim* 26:13-15) provides the text of the “*vidui ma’aser*” recited after *teruma* and the *ma’asros* for the third and sixth years of the *Shemitta* cycle have been given, as follows:

ואמרת לפני ה' אלקיך בערתי הקדש מן הבית וגם נתתיו ללוי ולגר ליתום ולאלמנה ככל מצותך אשר צויתני לא עברתי ממצותיך ולא שכחתי. לא אכלתי באני ממנו ולא בערתי ממנו בטמא ולא נתתי ממנו למת שמעתי בקול ה' אלקי עשיתי ככל אשר צויתני. השקיפה ממעון קדשך מן השמים וברך את עמך את ישראל ואת האדמה אשר נתתה לנו כאשר נשבעת לאבתינו ארץ זבת חלב ודבש.

*You shall declare before Hashem your God: “I have cleared out the consecrated portion from the house; and I have given it to the Levite, the stranger, the fatherless, and the widow, just as all of the commandments that You commanded me; I did not transgress any of Your commandments and I did not forget. I have not eaten of it while in mourning, I have not cleared out any of it while I was impure, and I have not deposited any of it with the dead; I have listened to the voice of Hashem my God; I have done just as You commanded me. Look down from Your holy abode, from heaven, and bless Your people Israel and the land You have given us as You swore to our fathers, a land flowing with milk and honey.”*

Rashi explains the apparently extraneous phrase “and I did not forget,” as follows:

ולא שכחתי. מלברך על הפרשת מעשרות.

*And I did not forget to bless you over the separation of tithes.*

This interpretation derives from the *mishna* in *Ma’aser Sheini* 5:11 (and an almost identical statement in *Sifrei Devarim* 303:14), which states:

ולא שכחתי. לא שכחתי מלברך ומלהזכיר שמך עליו.

*And I did not forget. I did not forget to bless you and to mention Your name regarding it.*

Two questions arise regarding Rashi’s comment.

- First, how does Rashi state that this verse references a *bracha* when *brachos* on *mitzvos* were established rabbinically, not biblically?
- Second, Rashi slightly changes the explanation of the *mishna* (and the *Sifrei*). The *mishna* (and the *Sifrei*) has two elements: “*milevarechecha*,” blessing Hashem, and

“*milehazkir shemecha*,” mentioning His name. Why does Rashi cite the obligation stated in the *mishna* of making a *bracha* but omit the other requirement of mentioning Hashem’s name?

Addressing the first of these questions, the *Mizrachi* and *Gur Aryeh* explain that Rashi is not referring to the text of the *bracha* coined by the *Anshei Knesses HaGedola* because this formulation was not enacted until much later. Instead, Rashi means that the individual did not forget to praise Hashem generally at the same time the mitzva was being performed.

However, in his comment to *Ma’aser Sheini* 5:11, the *Tosfos Yom Tov* challenges this explanation because Rashi’s comment on the *gemara* in *Brachos* 40b provides a basic text of *bracha* (except without “*shem u’malchus*”) based on the verse. Rashi there provides the formulation of *bracha* that (according to the *Baraisa* quoted by Abaye in support of Rav’s position that only the name of Hashem, but not His kingship, needs to be mentioned as part of a *bracha*) explains the verse’s phrase “*lo avarti mi-mitzvosecha*” to mean “*milevarechecha*,” from making a blessing, and its phrase “*ve-lo shachachti*” to mean “*milehazkir shimcha alav*,” from mentioning Hashem’s name as part of this blessing. Rashi on *Brachos* 40b states:

מלברך. ברוך אשר קדשנו במצותיו וצונו להפריש תרומה ומעשר.  
 To bless You. “Blessed is He Who sanctified us with His commandments  
 and commanded us to separate teruma and ma’aser.”

Because Rashi quotes a text and specific formulation of the *bracha* that, according to the *baraisa*, is being alluded to by the verse, the *Tosfos Yom Tov* concludes that Rashi’s comment on *Parshas Ki Savo* must be referring in some manner or form to the specific language of the *bracha*, not just general praise to Hashem for a mitzva. The *Tosfos Yom Tov* explains that this connection between the verse in *Ki Savo* and the formulation of *birchos hamitzvos* that *Chazal* later coined is one of “*asmachta*.”

ואע”ג דמדרבנן היא אסמכוה אקרא דמי גריעא ברכה לאסמכוה אקרא משאר  
 דברים דמדרבנן שהסמיכום על המקראות.  
 And even though it is rabbinic, they leaned on the verse. For why should  
 a bracha be inferior with regard to leaning on a verse from other rabbinic  
 items in which they leaned on verses?

There are two ways we might understand “*asmachta*” in this context. Sometimes we view *asmachta* not as an actual legal basis, but instead as referring to a loose correlation with a verse that provides an after-the-fact mnemonic device. But this

understanding of an *asmachta*, which does not view the *asmachta* as having any inherent relationship to the verse, would not address the *Tosfos Yom Tov*'s explanation of Rashi here because Rashi is interpreting this specific verse in *Ki Savo*. There is no way to say that the *post facto* association between the rabbinic enactment and this verse is the verse's explanation, which is Rashi's focus in his Torah commentary. So, when the *Tosfos Yom Tov* uses the phrase "*asmechua akra*" to explain Rashi's comment on *Ki Savo*, the term "*asmachta*" necessarily means that *Chazal*, themselves, relied on this verse when they formulated the text for *birchos hamitzvos*.

Indeed, the *matbe'a habrachta*, the language of *birchos hamitzvos*, almost exactly tracks this verse in *Parshas Ki Savo*, as follows:

Devarim 26:13	Birchos Hamitzvos
"...ואמרת לפני ה' אלקיך ..."	ברוך אתה ה' אלקנו
"... ככל מצותך אשר צויתני"	במצותיו וציונו

In this sense, *Chazal* closely mirrored the text of *Devarim 26:13* when they coined *birchos hamitzvos*. The only words in *birchos hamitzvos* that do not correlate to this verse are "*Melech ha'olam asher kideshanu*," which are absent from the verse. Everything else in a *birchas hamitzva* is found in this verse, practically as a one-to-one correlation. This appears to be what the *Tosfos Yom Tov* means when he uses the phrase "*asmechua akra*" in this context to explain Rashi's interpretation of the verse.

This also addresses the second question above why Rashi's comment omits the phrase that appears in the *mishna* (and the *Sifrei*) of "*umilehazkir shemecha*," mentioning the name of Hashem. The basic formulation of the *matbe'a habrachta* is mapped by this verse, including mention of the name of Hashem. Indeed, mentioning "*shem Hashem*" is an indispensable part of any *bracha* according to both Rav and Rav Yochanan in *Brachos 40b*. Rashi accordingly omits the words "*umilehazkir shemecha*" because – based on the verse, and as reflected by the *gemara* in *Brachos 40b* – mentioning *shem Hashem* is included and subsumed within his comment "*milevarachecha*."

Yet, while the *Tosfos Yom Tov* explains Rashi's comment to mean that this verse provides the blueprint for the formulation of *birchos hamitzvos* which *Chazal* later enacted, it is unclear what Rashi intends by presenting this as the interpretation of the verse itself. Even if *Chazal* relied on this verse to later coin *birchos hamitzvos*, what precept underlies Rashi's conclusion that the phrase "*ve-lo shachachti*" means "*milevarachecha*" in the context of this verse?

The most straightforward explanation can be derived from *Chidushei Rebbe Akiva Eiger* on *Brachos* 15a:

ובפרט למה שהקשה לי חכם אחד עמ"ש הצל"ח בחי' לקמן (דף מ) בפירושא דמתניתין דלא שכחתי לברך דהוא מדאורייתא דאף דברכות דרבנן מ"מ מה"ת להודות לה' שזכהו לעשות מצותו דקשה עליו מסוגי' דידן דאמרינן וברכה דרבנן הא מ"מ יש חיוב דאורייתא לברך להודות.

*And specifically regarding what a certain scholar asked me about what the Tzlach writes later [on Brachos 40] regarding the mishna of "I did not forget to bless" that it [appears that] it is Biblical, even though brachos are rabbinic, nevertheless [it fulfills] the Biblical precept to thank Hashem that he privileged us to do His commandment; for our topic [in Brachos 15] raises the problem that we say a bracha is rabbinic, nevertheless there is a Biblical obligation to bless in order to thank.*

Rebbe Akiva Eiger explains the interpretation of “*ve-lo shachachti*” (and I did not forget) as “*milevarechecha*” (to bless You) to mean that this verse in *Ki Savo* conveys the Biblical obligation of expressing gratitude to Hashem for the stature that He bestowed on us through the *mitzva* of separating *teruma* and *ma’aser*. This supports the *Tosfos Yom Tov*’s explanation of Rashi’s comment that *Chazal* – discerning this kernel of a precept in this verse – relied on the proclamation in *vidui ma’aser* as an *asmachta* which provides a model, outline, and basic architecture for the language of *birchos hamitzvos* that they then instituted far more broadly. Thus, the thankfulness articulated to Hashem for the privilege of our spiritual responsibility to separate *teruma* and *ma’aser* becomes the foundation of *birchos hamitzvos* that are formulated using the language of this verse.

### ***Birkas Kohanim: Expression of the Jewish People’s Integrated Relationship with Hashem***

Our unfolding awareness of relationship to Hashem through gratitude for (1) physical sustenance (corresponding to *birchos hanehenin*) and (2) the spiritual stature of *mitzvos* (corresponding to *birchos hamitzvos*) can be closely correlated with the first two parts of *Birkas Kohanim*.

The first verse of *Birkas Kohanim* states “*yevarechecha Hashem veyishmarecha*,” “may Hashem bless you and protect you,” which Rashi interprets as a blessing for the provision and safeguarding of physical sustenance:

יברכך. שיתברכו נכסידך.

וישמרך. שלא יבואו עליך שודדים ליטול ממונך שהנותן מתנה לעבדו אינו יכול



לשמרו מכל אדם וכיון שבאים לסטים עליו ונוטלין אותה ממנו מה הנאה יש לו  
במתנה זו אבל הקב"ה הוא הנותן הוא השומר והרבה מדרשים דרשו בו בספרי.  
*May He bless you. That your possessions should be blessed.*

*And protect you. That bandits should not come against you to take your property. For one who gives a gift to his servant is unable to guard it against all people and once robbers come against him and take it from him what benefit does he have from this gift? But the Holy One, Blessed is He, is both the giver and the guard. And there are many interpretations expounded on [this verse] in Sifrei.*

This corresponds with the cognizance of our relationship to Hashem developed by appreciation for physical nourishment that is reflected in *birchos hanehenin*.

The second verse of *Birkas Kohanim* is “*ya’er Hashem panav eilecha vichuneka*,” “may Hashem shine His countenance to you and give you grace,” which Rashi explains as a spiritual connectedness to Hashem that the individual then radiates outward to society.

יאר ה' פניו אליך. יראה לך פנים שוחקות פנים צהובות.

ויחנך. יתן לך חן.

*May Hashem shine His countenance to you. May He show you a smiling countenance, a radiant countenance.*

*And grace you. May He give you graciousness.*

This corresponds with awareness of our relationship to Hashem developed by gratitude for the spiritual elevation through the opportunity of performing *mitzvos* that is articulated in *birchos hamitzvos*.

*Birkas Kohanim* then introduces a third aspect of the Jewish people’s relationship to Hashem, separate and apart from material bounty or spiritual largesse: simply, “*yisa Hashem panav eilecha veyasem lecha shalom*,” “may Hashem lift His countenance to you and endow you with peace.”

As discussed above, the *gemara* in *Brachos* 20b raises the apparent contradiction that, on one hand, *Devarim* 10:17 describes Hashem as being impartial, “*asher lo yisa panim*,” but, nevertheless, *Bamidbar* 6:26 uses the identical phrase in *Birkas Kohanim* to describe the favor that Hashem displays toward *Bnei Yisrael*: “*yisa Hashem panav eilecha veyasem lecha shalom*.” The *gemara*’s resolution is that this favoritism is wholly appropriate because the verse in *Devarim* 8:10 requires *Birkas Hamazon* after eating

to satiation, but the Jewish people scrupulously make this *bracha* even when they have not eaten enough to be full, when they have eaten only the minimum amount to barely be called a meal. This expresses a relationship for its own sake, connectedness maintained unconditionally without the need for recourse to any other motivation.

Likewise, Rashi explains this third part of *Birkas Kohanim* as follows:

יְשֵׁא ה' פָּנָיו אֵלַיךְ. יִכְבוֹשׁ כַּעֲסוֹ.

*May Hashem lift His countenance to you. May He suppress His anger.*

Even when there might be cause for Divine anger, *kivyachol*, this third part of *Birkas Kohanim* is for any such anger to be dispelled and dissipated through the strength of Hashem's underlying relationship with the Jewish people.

And, of course, Rashi's explanation of this part of *Birkas Kohanim* is the same as the *bracha* that, in *Brachos 7a*, Rebbe Yishmael ben Elisha offers when prompted by the Divine request "Yishmael bni barcheini," "Yishmael, my son, bless Me," to which he responds: "yehi ratzon milfanecha sheyichbeshu rachamecha es ka'ascha," "May it be Your will that Your mercy will suppress Your anger." Indeed, commenting on this verse, Rashi subtly changes the word from "*ya'avov ka'aso mimcha*" that the *midrash* uses (*Bamidbar Rabba* 11:7, *Sifrei* 42) to "*yichbosh ka'aso*" (Rashi *Bamidbar* 6:26). In doing so, Rashi directly and reciprocally mirrors, as his interpretation of this third portion of *Birkas Kohanim*, the language of the *bracha* expressed by the *Kohen Gadol* toward Hashem in *Brachos 7a*.

## Conclusion

We can discern from the *gemara* in *Brachos 7a* that the word "*bracha*" implies an engaged, dynamic relationship between the one invoking a *bracha* and its recipient. This sense of strong relationship at the heart of every *bracha* provides an explanation of how the term "*bracha*" encompasses *birchos hanehenin*, *birchos hamitzvos*, and *Birkas Kohanim*. The *brachos* made on food express a relationship with Hashem underlying our physical sustenance. The *brachos* made on *mitzvos* articulate gratitude for the stature bestowed on us by Hashem through the privilege of our spiritual responsibilities. *Birkas Kohanim* reflects each of these two facets and then adds another aspect: the unconditional relationship between Hashem and the Jewish people, simply for its own sake. This implication of the term "*bracha*" which presupposes an interactive relationship thereby integrates the categories of *Birkas Kohanim*, *Birkas Hamazon*, and, according to Rashi, the beginning of a *birkas hamitzva*, that the Torah references or alludes to.

# *Kedushas Beis Haknesses*

EITAN GELB



**R**av Soloveitchik makes the following distinction between the *Beis Knesses* and *Beis Hamikdash*: While the Temple is a place for the people to visit God, a *shul* is our home where God visits us. It is possible that the ways in which we show respect in God's home are different from practices in our own home. That being said, the *gemara* relates synagogues to the *Beis Hamikdash*, calling them "*Mikdash Me'at*" (*Megilla* 29a) and gives identical guidelines on how to destroy them (*Bava Basra* 3b). Given these comparisons, many *rishonim* define the imposition of a sense of awe in the presence of a *shul* as Biblically rooted (*Sefer Yereim* and Rambam). Its sanctity becomes uplifted in its connection to the *Beis Hamikdash*.

We will develop the following two areas of thought and law regarding the *Beis Haknesses*: *Stiras Beis Haknesses* and *Kedushas Beis Haknesses*.

## ***Stiras Beis Haknesses***

Our tradition teaches that institutions impose a certain sanctity upon their sites. For instance, the "*Makom Hamikdash*" remains holy, even when the Temple lies in ruins. In a similar vein, Rav Chisda requires a community to build a new synagogue before destroying the previous one (*Bava Basra* 3b).<sup>1</sup> The *rishonim* outline three perspectives with which to frame Rav Chisda's doctrine. Rashi and Rambam express concern that circumstances will force the community to direct resources away from construction, and the *shul* will never be built. Rashba understands that most neighborhoods will *eventually* finish their project, but communal apathy might delay its development. The *Ohr Zarua* perceives a more practical sentiment; that the people need a place to congregate in prayer.

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<sup>1</sup> The *gemara* speaks about certain exceptions where it does appear possible to destroy an old synagogue. While Rashi and Rambam limit these to a building that is destined to fall, *Tosfos* broaden them to anything that does not function properly.

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An analysis of the three approaches leads to disparate conclusions. Rashi and Rambam value the sanctity of the institution and would not feel comfortable until a new *shul* has been constructed. Rashba, on the other hand, prioritizes the presence of a grand synagogue dedicated to permanent communal prayer. His philosophy would allow a community to destroy a *shul* if another institution already exists within the community. The *Ohr Zarua* views Rav Chisda's law as a facilitator for communal prayer. As soon as the community can find a temporary location in which to gather three times every day, they have the right to destroy the old building.

In our approach to this discussion, we will consider a scenario where there is reason to assume that people will not neglect to build the new *shul*: when funds have been raised or materials set aside. This analysis will develop precision in the *halachic* perspective towards reallocation of resources.

For the sake of clarity, here is a brief outline of the Talmudic discussion (*Bava Basra* 3b):

**1. What if they have already collected the money?**

- They may not destroy the old *shul* because the money could be directed towards *pidyon shvuyim* (according to the *girsa* in our *gemara*) or a *dvar mitzva* (according to Maharshal, Rambam, Rabbeinu Yona and Ramah)

**2. What if they already used the money to purchase building materials?**

- They may not destroy the old *shul* because the money could be directed towards *pidyon shvuyim*.

**3. What if they had already built a shul?**

- There is no need to be concerned because “*lo mezabni dirsei d'inshei*” we do not sell residential properties.<sup>2</sup>

Rav Shmuel Rozovsky hones in on the debate between “*pidyon shvuyim*” and “*dvar mitzva*.” The assumption that a monetary gift carries certain built-in expectations which allow the collector to change its purpose would lead to the conclusion that money donated to a *shul* fund could only be reallocated for “*pidyon shvuyim*.” The built-in assumptions could not logically extend to every possible mitzva.<sup>3</sup> But if

<sup>2</sup> The *Taz* explains that since people express discomfort in selling their homes for *pidyon shvuyim*, it would be disgraceful to permit the sale of a *shul* for such purposes. Rav Avidan (Yeshivat Sha'alvim) teaches that the *halacha* does not expect people to give up their basic necessities of life for *pidyon shvuyim*. Just as people do not need to give up a basic physical need – their homes – they also do not need to give up a basic spiritual and social need – the *Beis Haknesses*.

<sup>3</sup> This aligns with *shitas* Rav Ashi in *Bava Basra* 9a that charity collectors do not need an explicit *tnai* in order to reallocate funds. Importantly, Rav Ashi is the opinion of our *gemara* as well. His statement on 9a provides a lot

we assume that a person who donates money to charity does not have a say in its specific application, we would conclude that money donated to a *shul* fund could be reallocated for any “*dvar mitzva*.”<sup>4</sup>

Although many *rishonim* argue that the *shul* can shift money from the building fund towards any “*dvar mitzva*,” everybody agrees that materials may be sold only to redeem hostages.<sup>5</sup> This distinction seems strange unless we can reach a fundamental difference between funds and materials.

Perhaps the answer lies in the principle of *osek b'mitzva patur min hamitzva*. Ritva teaches that it is forbidden for a person to divert his attention towards another mitzva when he is engaged in one already. It is possible to frame our debate in the following manner: It is unclear whether collecting funds for a *shul* contributes to the mitzva of constructing a *Beis Knesses* or if it is only a *hechsher mitzva*, a preparation towards the imperative to build a *shul*. Those who believe that funds can only be reallocated for *pidyon shvuyim* would maintain that collecting money fulfills the mitzva to build a *shul* (and the principle of “*osek b'mitzva patur min hamitzva*” would limit a person’s ability to divert the money). Their opponents would argue that fundraising is only a *hechsher mitzva*; the money can definitely be redirected towards any full-fledged mitzva. However, all sides would agree that purchasing materials would directly fulfill the mitzva to build a *shul*.<sup>6</sup>

### ***Kedushas Beis Haknesses***

A religious bent integrates an uplifted reality into the unremarkable. Instead of marking the trials and tribulations that life has to offer as illusionary, this disposition frames life with a fierce intensity and value.<sup>7</sup> Ingrained in this personality is a deep sense of “*kavod*” towards the spirit, which manifests in the location where shared endeavors of the soul take place: the *Beis Knesses*.

The *gemara* (*Megilla* 28b) teaches that Babylonian *shuls* were made with built-in leniencies. In an attempt to frame the human relationship with a synagogue, Rashi

of legitimacy to our *girsu* – just as the *gabbaim* have full control over the reallocation of funds, they also have the ability to direct money donated towards the construction of a *shul* to another “*dvar mitzva*.”

4 One practical application of this debate would be a city which has a separate fund for *pidyon shvuyim*. The first approach would allow them to knock down their *shul* at an earlier stage.

5 Rabbeinu Yona supposes that even the materials could be sold for any mitzva; our *gemara* just wrote *pidyon shvuyim* because people would naturally be hesitant to sell the materials for anything less urgent.

6 Rav Schachter roots the commandment to build in a *shul* in “*v'asu li mikdash v'shachanti b'socham*.”

7 The primacy of normality and joy are included and elevated by this system, but that is for another discussion.

debates *Tosfos* over the parameters of this source. While *Tosfos* limit our ability to be lenient to *after* the destruction of the building (*Bava Basra* 3b; *Megilla* 28b), Rashi extends it to permit general mundane usage of the *shul* (Rashi finds solace in multiple Talmudic sources which detail stories of people who slept in Babylonian synagogues; *Tosfos* find it unsettling to assume that a community can legally nullify the sanctity of a place of worship.). Rashi seems to appreciate multiple modes through which a community can honor its *shul*. *Tosfos*, on the other hand, view service of the id as antithetical to holy locations, no matter the context.

Later commentaries further develop the form of our “*kavod Beis Haknesses*.” The *Sefer Yereim* teaches that the issue with eating and drinking in a *shul* is a violation of “*mora mikdash*.” Subtly, the *Sefer Har HaTzvi* disagrees, instead assuming that a lack of *respect* towards synagogues is the main issue at hand. But while these two approaches generalize physical pursuits as violations of awe and reverence, respectively, the *Sefer Hamanhig* adopts a more nuanced position. He believes that there are two types of “eating and drinking.” Consumption in the service of the id cannot be done in a *shul*. But consumption in the service of the inner life – a *dvar mitzva* – can be done in a *shul*. It’s not about what you consume; it’s about how you consume it. The *context* determines whether it is disrespectful or appropriate.

## Conclusion

In a sense, the isolation of “*Stiras Beis Haknesses*” as a distinct title is incorrect. The imperative to construct a *shul* as a *kiyum* of “*v'asu li mikdash*” presents as a precursor, at the very least, to the *kavod* afforded to it. These *dinim* forge a space through which to develop the “*tefillas hatzibur*” in a respectful and routine manner.

# Triage in *Halacha*

DR. IRA HOFER



In a perfect world we would always have enough time and resources to do everything that we would want/need to. Unfortunately, the world we live in is not perfect. As a result, we have to make choices and prioritize our activities. In the medical world this concept is known as triage and is most often applied in cases of trauma or where healthcare systems are overwhelmed (think October 7th, COVID, or on a battlefield). The goal of this article will be to examine the principles of triage as they are brought down in *halacha*, one to educate us but also (hopefully) to understand these principles so that we can apply them to help us better prioritize our own lives.

## To What Does This *Halacha* Apply

To begin our discussion, it is important to understand the situations we are talking about. Critically, from a *halachic* perspective, the concept of triage only applies to selecting which patient to treat first. For example, if you are an ER physician or an army medic and two patients present themselves at the same time and you can only treat one (since you are only one person), which patient do you treat? A choice must be made, so you choose which to prioritize.

This is different than a situation where you are already engaged in treating someone and someone else comes in. The *halacha* is that you should not stop treating the patient you are treating, and certainly cannot withdraw care from them (i.e. take them off a ventilator, etc.) because it is needed for the new patient. Rav Shlomo Zalman Auerbach zt"l (as quoted by the *Nishmas Avraham Siman 252: Redeeming Prisoners*) goes as far as stating that one cannot stop treating (or withdraw care from) a *shoteh* to save a *gadol ha'dor*. Simply put, we do not value one life more than another when it comes to removing care.

In the non-medical world, the *halachic* principle would be *osek bamitzva patur*

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*min hamitzva* - that once you are involved in a mitzva you should not stop what you are doing for another mitzva. Quoting *Pirkei Avos* 2:1,

והוי זהיר במצוה קלה כבחמורה, שאין אתה יודע מתן שכרן של מצוות.  
*Be as careful with a "light" mitzva as a heavy one because you do not know which mitzva has the greater reward.*

Thus, even though we often speak of some mitzvos as more "*chashuv*," in practice once you are involved in a mitzva you should remain focused on it and not "run off" to do a different one.

### **Prioritizing What You Do Best**

So we arrive at a situation where two patients present themselves at the same time. Unfortunately today it is not hard to imagine a squad of *chayalim* who are simultaneously injured by a terrorist. Who do you treat first? If you can only evacuate one patient, who do you evacuate? These are not hypothetical questions.

Interestingly, this seems to be a situation where secular medical practice and *halacha* align.

The *Igros Moshe* states that the doctor (or in this case medic) should treat the sicker of the patients but also the one that he or she knows how to treat. Essentially, what we attempt to do is maximize the likelihood that both (or as many as possible) patients survive and are healed. Thus, we prioritize the sicker patient, but only to the extent that we are able to save them. If the doctor lacks the knowledge or the patient is so sick that they cannot be healed, then we focus on the other patient. The fundamental idea is that saving the patient allows them to do more *mitzvos* in the future so we want to maximize the number of future *mitzvos* (more on this in a moment).

So what lessons can we take from this? I feel that the biggest lesson may be to understand our own strengths and weaknesses. Hashem has given us all our own talents (and not so talents), and thus, when faced with a mitzva, we should focus on those *mitzvos* we are most likely to perform successfully. Many times we have a surplus of time or resources such that we do not need to prioritize our *mitzvos*, but often there are more *mitzvos* than resources. That's when we need to be realistic about our ability to finish what we start, and only do things where we will be successful. Spending a large amount of time and not succeeding may not only be ineffective, but it also feels discouraging. In contrast, using our innate (or honed) talents not only accomplishes the mitzva, but also helps us to feel successful and, hence, more likely to do more in the future.



### Priorities When All Else Is Equal

The last level of prioritization is based on *mishnayos* which discusses the freeing of captives:

האיש קודם לאשה להחיות ולהשיב אבדה, והאשה קודמת לאיש לכסות ולהוציא  
מבית השבי. בזמן ששניהם עומדים לקלקלה, האיש קודם לאשה.

כהן קודם ללוי, לוי לישראל, ישראל לממזר, וממזר לנתין, ונתין לגר, וגר לעבד  
משוחרר. אימתו, בזמן שכולן שוין. אבל אם היה ממזר תלמיד חכם וכהן גדול עם  
הארץ, ממזר תלמיד חכם קודם לכהן גדול עם הארץ.

*A man supersedes a woman regarding who gets saved first and returning  
a lost item to, but a woman supersedes a man regarding who gets their  
garment or to be released from captivity. When both are subject to  
degradation (i.e. rape) the man precedes the woman.*

*A kohen comes before a levi, a levi before a yisorel, a yisroel before a  
mamzer, a mamzer before a giveonite, a giveonite before a ger, and a  
ger before a freed slave. When does this apply, when they are all of equal  
wisdom. But a mamzer talmid chacham supersedes a kohen gadol who  
is ignorant. (Horayos 3:7-8)*

In providing a rationale for this prioritization, the *Nishmas Avraham* (2:252) quotes the Rambam (from his *Perush Hamishnayos*) and the Rav MiBartinura who explain that this is because men are obligated to perform more *mitzvos* than women. Interestingly, the Rambam in the *Yad Hachazaka* omits the *halacha* of prioritizing life-saving altogether. What the Rambam does write is:

האשה קודמת לאיש להאכיל ולכסות ולהוציא מבית השבי, מפני שהאיש דרכו לחזור  
ואין האשה דרכה לחזרה, ובשתה מרובה. ואם היו שניהן בשביה ונתבעו שניהן לדבר  
ערוהב, האיש קודם לפדות, לפי שאין דרכו לכך.

*A woman comes before a man with regard to food, clothing and being  
redeemed from capture, because it is common for a man to beg but not for  
a woman and it is embarrassing for her. With regard to capture if they are  
both at risk of rape, the man should be redeemed first because this is not  
ordinary for him. (Hilchos Matnos Aniyim 8:15)*

Interestingly, as opposed to what he writes in the *Perush Hamishnayos*, in Mishna Torah it would seem that the rationale is not the number of the *mitzvos* but rather the later ramifications of how the captives are redeemed or the charity is allocated.

Putting the two concepts together, we essentially end up that (similar to the above) the first priority is to evaluate the repercussions of the decisions (who to save first, what mitzva to do first), and then, all other things being equal, there is an underlying priority based on *kedusha* and number of *mitzvos* (i.e. *kohanim* and *leviim* have *mitzvos* that others do not, a *talmid chacham* is more likely do do *mitzvos* and influence others than an *am h'aretz*).

### **Putting it all together**

Overall, prioritization is essential to effectiveness. The idea of triage in healthcare is based on the realization that sometimes there are not enough resources to effectively treat everyone. Given the stakes, a robust framework exists to help us apply the best principles in the heat of the moment so that the best overall decisions are made.

While the stakes may not be as high, in our own lives our time is also finite, and how we prioritize our time is similarly key to our effectiveness. The principles that are brought out of triage can help inform our own decisions. In the end we finish was was started, prioritize effectiveness (can we save them), and lastly looking to principles and hierarchy.

May it be the situation soon where these decisions are no longer needed.

# Donkey Kong: 3<sup>rd</sup> Century Babylon Docks of the River<sup>1</sup>

JOSHUA GLETTNER



**I**n the heat of midday the boatman led his ferry to the docks. He climbed out of the boat, tying a rope to hold the boat in place, and leaving one of the boatmen still on to keep guard.

The boat was of the traditional Babylonian make, a *kufar*, a wide circular basket with a floor of hides to waterproof. The diameter is ten feet, large enough to carry the vast cargo of the merchants who are boarding.

At the docks by the river, the boatman waits, sitting on a tree stump, guarding the way to his raft. The first passenger to come is an elderly Jewish merchant with his donkey. The merchant hands off the donkey to one of the sailors, who ties the animal to a peg at the end of the boat. The merchant then pays his fare to the sailor and climbs aboard the boat. These boats are by their nature a bit fragile – the great Rabbi Yosei was praised for never entering such a boat before examining its make. The merchant is soon joined by ten or so passengers, accompanied by some barrels of wine and another donkey. With the boat at full capacity, (although some boatmen would say that another few could be crammed in if need be) the boatman heads off for the river.

The journey is nearly an hour, the merchants are sweating heavily in the exposed heat and they are quite bored. Among the men there is some chattering, the passengers have all taken this route before and hence formed a casual acquaintance.

A high whine rises above the quiet chatter, and the passengers all swivel their

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<sup>1</sup> Adapted from the *gemara* in *Bava Kama* 117

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heads to face the source of the noise, the merchant's donkey. The animal brays loudly and the braying rises in intensity as it becomes clear that the animal is attempting to escape its loose harness.

"Don't mind it," insists the merchant nonchalantly – a sentiment repudiated by his fellow passengers when the donkey begins leaping up and down in a vigorous struggle – the force of which tilts the boat dangerously to and fro.

The merchant extends his hand meekly to pat the animal but the donkey tries to bite. The merchant pulls his hand back and the donkey snorts and kicks the boat. At this point the boat is really rolling, and the draft is getting low, so that some water has filled in over the hull and some water is seeping through the holes. The passengers are scared, and the boatman charges towards the frightened creature and knocks the animal into the water. The animal brays out between its gurgling. The animal's furious head plunges up and down through the water.

The passengers smile at their salvation, and the elderly merchant shakes his head furiously. "You shouldn't have done that," he says. Everyone ignores the merchant and he just keeps shaking his head in frustration. The animal's braying gradually loses strength and the boat continues downriver. At a sudden point it is quiet – the animal is dead.

The merchant comes before Rabba bar Nachmani in a huff, demanding immediate compensation from the boatman. Rabba bar Nachmani dismissed the case, arguing that the boatman was right to cast off the donkey because of the risk the animal posed to the crew. Abaye, Rabba's nephew, challenged his uncle's ruling; why should the boatman save himself with the property of the merchant? On this point Rabba responded firmly that the animal was a *rodef* and hence could be cast away with impunity.

What do we mean with this ruling? The question was raised in responsa as to why the animal is considered a *rodef*.

Rabbeinu Chizkiyahu of Magdeburg is quoted in the medieval *Teshuvos Maimonios* (*Nezikin siman* 8) as having widely limited the scope of the case. He argued that Rabba only permitted the animal to be thrown overboard, "because it was dangerous from the beginning to enter a donkey in a ship," with the major caveat that if "they had been accustomed to board (donkeys on a ship) as they do now" and the animal had later lost its cool, the owner would be owed the loss of the animal. Even though the animal would be putting the boat's passengers at risk, the merchant would be owed compensation if such behavior of the animal was unexpected. Rabba only mandated that the donkey was a *rodef* when such behavior was the product of

the owner's negligence. If said behavior was not accustomed and the reaction of the animal was sudden, then the owner would be owed damages for the loss of the animal. This ruling immediately strikes the eye as deeply unusual – irrespective of the owner's negligence, the animal posed a distinct danger to the crew and they were right to kill it. The Torah requires saving human life – and in this case, the lives of the passengers could only be saved at the expense of the donkey. What difference does it make if the owner was completely not to blame?

This exact question is raised by Rav Yosef Karo in his seminal *Beis Yosef* (CM 380). After quoting the statement of Rabbeinu Chizkiyahu, Rav Karo exclaims in frustration, “these words are bewildering!” Rav Karo notes that elsewhere in the *gemara* it is repeatedly stressed that it is permitted to kill an animal which poses a threat to the public. Why then do we make a distinction here with the respective negligence of the animal's owner?

To the *Beis Yosef's* bewilderment, the Rema<sup>2</sup> responds with typical dismissiveness. “His words don't have anything in them.” The Rema responds to Rav Karo's bewilderment with an intriguing point. We must distinguish between the permissibility of killing and a lack of financial liability. While one can kill the animal to save their own life and thereby suspend the otherwise prohibition of torts, there still exists a financial liability to the owner for his property. The boatman is only exempt from compensating the owner if the owner was negligent. That is to say, the permissibility of the act of killing the dangerous donkey is distinct from the damager owing nothing. The animal's owner was not negligent if the nominal practice was to allow donkeys on boats.

To summarize, we have distinguished between two approaches to the boat-donkey case. One approach links the ability to save one's self from the donkey to the exemption from liability while the other approach permits salvation even with liability. Ultimately, the Rema quotes the limited ruling of the *Teshuvos Maimonios* in the *Shulchan Aruch*.

At this point, it would do us some good to review the concept of *rodef*. I have been using the term untranslated, under the supposition that the reader knows such a term given its common usage- but at this point we ought to examine the *rodef* doctrine.

The *rodef* doctrine is first explicated in *Parshas Mishpatim*. The Torah states that if a thief is trying to tunnel into someone's house and the victim of the robbery kills

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<sup>2</sup> *Darchei Moshe* there, and *Teshuvos Rema* 119

the robber, he is not liable for the murder. The *gemara* explains that it is assumed a robber tunneling into a house intends on killing his victim if said victim resists. Hence, the victim is allowed to kill the robber “if he comes to kill you, rise up and kill him first.” Rav Chaim Soloveichik (*Chidushei Rabbeinu Chaim HaLevi Hilchos Rotzeach* 1:9) explains that the concept of *rodef* can be conceptualized in two separate ways; first, an act allowed by the Torah to save the life of the victim, and second, a vigilante punishment of an otherwise murderer. Is the victim allowed to kill the pursuer because the pursuer is liable for the death penalty, or because that is the only thing the victim can do to save his life. Once we understand this basic distinction, we can understand the framework of the dispute. If the rule of *rodef* is triggered as punishment for the pursuer, the pursuer must have committed an offense, whereas if the rule of *rodef* comes to save the pursued, the *rodef* must solely pose a risk to the life of the pursued. On these grounds, we can understand the conceptual basis behind the dispute. If the rule of *rodef* is predicated in blame, then the passenger must be negligent, whereas if the rule is predicated in salvation, the passenger must merely pose a threat.

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# Flight of the Honeybee

JOSHUA GLETTNER



**B**efore you read this article, I must admit that I know very little about beekeeping. Only a few times in my life have I seen a beehive, and each of these times have been mercifully short, thereby preventing any detailed inspections. Nevertheless, I don't think I am mistaken to write about the bee given the little which I know, supplemented with a few clips that I watched on Youtube, the sum total of which grants me the title of expert.

The basic question I propose throughout the article is the question of ownership of bees. What level of ownership does the Torah give to beekeepers? From this basic question, we can proceed to a wider analysis of ownership as a concept. We will also attempt to distinguish between the way the Torah assigns possession in a bee, and the way the Rabbis later modified said rule. These nuanced distinctions are of course interesting in themselves, but they also have ramifications for rules based in beekeeping which later are the source for further concepts. I am more interested in analyzing bee ownership compared to the way the Torah recognizes ownership in other animals.

Why single out bee ownership? The first reason is the difficult way bees behave. On one hand, bees have a lot going for them in the realm of ownership. Unlike other animals, bees stick together in an extreme sense, establishing a hive around the devoted maintenance of the queen. Hence, it is easy to describe bees as being owned, because they identify clearly with a particular residence and with their fellow bees. However, the difficulty lies in the fact that bees spend much of their time away from the hive pollinating the flowers nearby. The bee does not have the insight to recognize property lines, and he spends much of his time away from the hive, even if he ultimately returns in the late evening to the hive from which he set off. This is an unusual sort of ownership, where the beekeeper can point to the particular hive as belonging to him, but at the same time lacks both knowledge and control over the location of any individual bees. Further, unlike animals, the beekeeper cannot even touch the bees, as I can unfortunately testify, bee stings hurt. Finally, and perhaps lesser known, is the habit of bees to swarm. If bees sense that their hive has become

increasingly cramped, at a certain point a large group of bees will set out to establish a new hive with the old queen in tow. This habit of the bees is quite disturbing to the average beekeeper, because the bees, while sticking together, nevertheless don't recognize property lines, so they may swarm in the property of a neighbor. It is also quite difficult to discover who this new swarm belongs to; the only identification mark of the bee swarm is knowledge of where the bees set off from.

It is in the context of these issues that it is necessary to promulgate a unique set of rules with respect to bees. The *mishna* (*Bava Kama* 114a) explains that a beekeeper is permitted to trespass in order to collect his bees after swarming, and further, the beekeeper needs a witness to testify that the swarm originated in the beekeeper's premises. The *mishna* quotes the opinion of Rabbi Yochanan ben Broka that even people who are not normally considered witnesses *halachically* are permitted to testify on beehives. The *gemara* (there) explains that this testimony is permissible on the grounds of *mesiach lefi tumo*, information coming out via a conversation, by which the person testifying is not aware of the formal nature of his testimony and is thus trusted. The *gemara* examines where else can the doctrine of *mesiach lefi tumo* be used and it attempts to derive other situations from the bee swarm testimony. However, the *gemara* responds that bee swarms are only acquired on a *derabbanan* level, so nothing can be derived for a *deoraisa* case.

Hence, it seems we have a basic answer to our question of bee ownership, that the Torah does not recognize any level of human ownership of bees.

However, *Tosfos* there (*d"h detakana balma tiknu lei*) immediately asks why the beekeeper does not acquire ownership of the bees via his lifting of the beehive. The Talmud declares that someone can acquire something by virtue of the item being in a utensil or a courtyard owned by an individual. Why does the Torah not grant ownership to bees via the beehives. *Tosfos* leaves the question unanswered, thereby passing the buck to future generations.

The 17th century commentator, Rav Moshe Zacuto, in the *Kol Ramaz*, (on the *mishna* in *Bava Kama*) conveniently sidesteps the question, insisting that *Tosfos* is completely correct. However, when the *gemara* says that bee ownership is only on a rabbinic level, it is merely stated with respect to bees not placed in beehives. However, the Torah does recognize ownership of bees placed in bee hives.

In a different version of *Tosafos* known as the *Tosafos Shantz*,<sup>1</sup> they record an answer to the question of why bees are not acquired. They argue that since the

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<sup>1</sup> *Shita Mekubetzes* on *Bava Kama* 114



bees always retain freedom of movement, the beehive and the wider property of the beekeeper never establish acquisition over the bee, since the bees “fly and are able to flee.”

The 19th century Rogatchover Gaon<sup>2</sup> argues that two other answers to *Tosfos*' question can be found among the *rishonim*. The first answer shares some slight resemblance to *Tosfos Shantz*, and is based on a *Tosfos* in *Chullin*. The *gemara* in *Chullin* explains that pigeons lose ownership when they revolt against their owner and run away. *Tosfos* on this *gemara* expands this doctrine to say that all birds that run away become ownerless. The Rogatchover argued that this bird case is exactly analogous to our bee-swarming cases. Bees swarm when they no longer desire to maintain residence in their former hives. How is this different from wild birds running away?

The Rogatchover also explores an intriguing formulation in the Rambam's *Mishna Torah*. The Rambam declares “bees are not in the realm (*rishus*) of man, like chickens and ducks, and even so there is rabbinic ownership in them.” The Rogatchover argues that the Rambam's formulation should be understood as going farther than all aforementioned answers.

All the previous answers assumed that bees can be acquired, and argued that the reason that they are not acquired is because of technical faults in the methods of acquisition. Practically speaking, it is not possible to find a method by which bees can be acquired, but bees are theoretically, “acquireable.” In contrast to these views, the Rambam seems to assert that bees are not “theoretically acquireable,” that even when bees are based in someone's estate, they are only superficially associated with him, since bees are not in the realm of their owner. Usually, the term “realm” is used in reference to property that is lost, in different possession. The Rambam expands the meaning of the term to encompass property which is physically around, but still separated from its human owners. As we mentioned, this term is perfect with respect to the bees as the owner cannot even touch his acquisitions. The owner cannot limit his hive; they function autonomously, and the beekeeper profits off their hard work.

The Rogatchover quotes an *amoraic* dispute in *Sanhedrin* (15a) whether it is permissible to kill lions and wolves. Everyone agrees that animals which have killed people can be killed. However Reish Lakish and Rabbi Yochanan dispute whether it is permissible to kill not-murderous, or perhaps not-yet murderous animals. Rabbi Yochanan says it is permissible to kill said animals, and explains that these animals are killed because they cannot be owned, they lack “domestication (*tarbus*).” The

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2 *Tzafnas Paneach* on the Rambam *Hilchos Shechita* 13:3

Rogochover argues that we can see the source for the Maimonidean opinion in this debate. The Rambam seems to take a wider perspective on lack of domestication, insisting that not only can one not possess dangerous beasts, but rather anything which cannot be possessed by men and domesticated.

To summarize, we asked *Tosfos*'s question: why the *gemara* describes ownership of bees as only rabbinic. On the whole we identified four potential answers. The first answer maintains that bees are acquired on a Torah level, but the *gemara* was describing a situation where the bees have not yet been placed in a hive (*Kol Ramaz*). The second answer stated that the hive cannot acquire the bees because they behave with a seeming disregard for the limits of the hive and the acquisition the hive represents (*Tosfos Shantz*). The third answer (the Rogatchover), argues that the *gemara* is specifically describing bees that have swarmed away from their hive. Bees swarm when they intend to establish a new hive, hence the bees should be considered in a state of revolt against their ownership. The final answer argues that the issue with bees is their weak relationship with mankind. Bees cannot be described as inhabiting the "realm of man," and hence can never be acquired (Rambam). We can categorize these answers via a spectrum, with respect to the varying degrees with which each opinion views the mobility of the bees. At the extreme is the *Kol Ramaz*, who sees the bees' mobility as a non-issue. As long as the bees have identified a hive, they are acquired. Going to the opposite extreme, the Rambam sees in bee mobility an immense issue insofar as it is indicative of man's lack of control of bees.

# The Mourning Party

JOSHUA GLETTNER



The year was 234 CE, on the road from Kfira to Sura.<sup>1</sup> The funerary procession marched onwards. The students, all great *rabbonim* in their own right, were riding back from the burial of their teacher. The great multitude of men on mules and horses sprawled along the road, with the men taking care not to stroll on the nearby fields. The journey to the burial was unpleasant in its own right, but even greater a struggle was the return back to Sura from where they had studied with Rav, and where they all lived. Rav had founded the great yeshiva of Sura, and from that great institution had come myriad graduates, men wholly devoted to Rav and his teachings. The group was together, in sufficient number to form a regiment of the cavalry, but their sadness and sense of mourning scattered them, so that they felt little desire to talk or even ride beside their fellow, and when one of the students did dare speak to the one behind him, the conversation was short and unpleasant. Hence, unlike the loud parade of cavalry, in formation and accompanied with trumpets blaring and flags, this parade of students was quiet, and the only noise was the occasional cough, or the rolling winds and the distant calls of a farmer to his workers.

As a component of such mourning, the students had not eaten, but it came to the point that they felt a biting hunger. The elder of the students, Rav Kahana, had learned with Rav for all the decades he had been in Sura, and for all of his experience and learning, he had the unofficial leadership of the students. Rav Kahana halted his mule and lifted his hand to signal them to stop.

“Let us go down by the banks of the river and eat,” and he gestured to the nearby canal that ran perpendicular to the road, near where a small bridge crossed the river. The message was repeated from man to man with murmurs, and Rav Kahana led the mule.

At the aforementioned river bank, Rav Kahana and the rest of the party dismounted and lifted out their bread. When they pulled out their loaves, the students turned to one another and wondered whether they would be able to make

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<sup>1</sup> *Berachos* 42

the *beracha* as one, because they were gathered together. This speculation of theirs was predicated in a line in the *mishna* (*Berachos* 42a) that allows an individual to make a *beracha* on behalf of a group if the group “reclined together” for their meal, whereas if they “sat together” they would have to make a *beracha* separately and individually. The *mishna*’s mention of reclining is understood as a reference to the Greco-Roman practice of eating meals on couches and separate tables. The students queried whether Rav Kahana’s formal declaration that they would eat together would suffice despite the absence of reclining. Alternatively, one could consider that the *mishna*’s use of the term reclining comes to exclude all other types of communal sitting and getting together.

The question seized the group, all learned men, and their debate fell back into the rhythms of the old yeshiva years and it seemed like they would never eat.

The students who had before been so mournful had a newfound warmth and energy as they fell back into the warm reminiscence of the past that the discussion triggered. In truth, there was nothing to say for both sides: perhaps the *mishna* should be read strictly as referring to “reclining” or it meant “reclining” in the sense of a formal get together.

The men were all sitting together, so it was to some surprise when Rav Ada stood up, an impressive sight, above them with a contorted expression of complete despair, and a ripple of silence radiated from the students sitting around Rav Ada as each student noticed Rav Ada’s expression. Rav Ada’s shirt was marked by a great tear. All the students had torn their shirts in mourning upon hearing of the death of their teacher. Rav Ada twisted his collar and reversed the shirt so that the back was now front and he seized the fabric of this new front and pulled it down so as to make a great tear and the students shuddered. “Rav is dead and we have not learned the *halachos* of *Birchas Hamazon*.” In former days, the student’s puzzles had been neatly resolved by the inflexible Rav in a shiur and they would leave satisfied, confident in Rav’s resolution. But Rav was gone and the answer had to arise from among this group, the wheel of generations had rolled forward and it was their turn to be leaders. Rav Ada bar Ahava’s tearing was followed by crying and the tears poured down his neck, and the tears poured down the faces of all the students as they realized their generation had been orphaned.

At that moment, an elderly man unrecognized by the rest of the group, calmly explained that the formal declaration of eating in a particular place sufficed for the requirement to recline. The old man argued that based on the support of a statement in the *Tosefta* it was clear that the student’s statement was equivalent to reclining and

hence they would be able to make the *beracha* together in a *zimun*.<sup>2</sup>

The students of Rav and their question took on great importance a millenia later. By that time, the early middle ages, the center of Jewish life had moved from Babylon to Western Europe. This was the time of Rashi and the *Tosfos*, and it was a very different world than that which Rav and his students and the wider Talmud had been composed. In the interim millennia, Rome had fallen, the great Persian empire had fallen, and Christianity and Islam now divided Europe and Asia among themselves. In this new world, table manners had changed and reclining was no longer the standard of meals. Posture shifted, and with it, the accompanying furniture. In Greco-Rome, the practice was to recline while eating with separate tables in front of each guest. In the embers of Rome, this elaborate seating ritual had been dropped, and people had begun sitting up at meals. Hence, chairs replaced couches, and a shared table was lifted corresponding to the higher position of the meals.

In this new world, the great commentators were bothered by how to consider the “table and chairs” with respect to the requirement to have a formal meal. How could anyone ever do *Birchas Hamazon* with a *zimun* if reclining was no longer ever done?

Hence, we can understand the importance of the story of the students of Rav, which indicated a way forward, showing a way to form a group even without formal recling.

In order to understand sitting at a table, we must first look towards the conceptual roots of the principle of having a formalized meal.

We can begin by describing two potential reasons for the requirement of reclining. Firstly, we can argue that reclining is indicative of the highest level of intent, a meeting of the minds of all the parties to the meal. When all the parties recline together at the meal, they actualize their intent to come together in a meal. Alternatively, we might consider that reclining functions because it creates a physical reality of a shared meal. When all the parties sit together, they create a joint “meal space” composed of all participants.

What then, was the question of Rav’s students? Perhaps they felt that a mere declaration is not enough intent. Alternatively, they felt that a declaration is not enough to create a space.

The *gemara* concludes that a declaration is sufficient to formalize a meal. Rashi explains that the *gemara* originally thought that “a meal cannot be established without

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<sup>2</sup> *Berachos* 42b-43a

reclining” but that the *gemara* later concludes that with a declaration, the group is able to establish themselves with “words and insight and an invitation.” Rashi seems to have understood that the *gemara* originally thought that establishing a meal was only dependent on a particular way of seating, but it later concluded that establishing a meal is a factor of intent.

Another way of understanding the *gemara* would be to view two possible tracks of establishing, the first by intent via a declaration, and the second by the act of sitting together.

Another methodology is that one must use the best way of sitting in the given situation. In the case where one is on the road, as in Rav’s students, one cannot recline, hence speaking is enough. However, a verbal statement would not be sufficient in the situation where one is able to recline.

What happened when reclining stopped being a means of sitting? In this new world, what is the status of tables and chairs? The common line repeated by medieval commentators was that “our tables are like their reclining.”<sup>3</sup> This line seems to solve our initial quandary. In the post-reclining world, the table is now our form of formalized meals. How do we understand the conceptual basis behind this assertion? What does that mean?

We asked earlier how to conceive of the relationship between a verbal declaration and reclining. We said that reclining could be seen as the highest form of intent. Alternatively, reclining and declarations can be seen as two different ways of establishing a *zimun*. Where does sitting at a table fit in?

The Netziv explains that even in ancient times, it could not have been possible that reclining was the only way of having a meal. The *gemara* implies that reclining was only done by the rich. The infrastructure required for reclining was expensive, it required specialty benches and a large dining room. Clearly, the poor people never reclined. How then were they to formalize their meals? Would they never do a *zimun*?

The Netziv<sup>4</sup> explains on the basis of the *gemara* in *Berachos* that this need was filled by the declaration. For the poor people who could not recline, the declaration served the role of formalization. Rather than see reclining as an extension of the declaration, the Netziv sees the declaration as a form of reclining for those not able. This is how the Netziv explains the actions of Rav’s students. Since they were on the road, they could not recline and hence they were forced to resort to declaration. The

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3 *Tosfos Berachos* 41a d”h *heseibu echad mevarech lekulan*

4 *Emek Sheila* on the *Sheiltos, Sheila* 51 d”h *Kashya lehu*

Netziv uses this understanding to explain the *Shulchan Aruch* (OC 167:11), which states that “In our day even if they establish a place to eat ... it doesn’t work unless they sit at a table.” The *Shulchan Aruch* seems to imply that declarations are no longer possible, in contradiction to the *gemara*. The Netziv explains that since every person, even the poor, has access to a table, the declaration tool is no longer available because it is no longer a form of establishing a meal.

The Netziv’s conceptual read is ultimately rejected by the Vilna Gaon,<sup>5</sup> who argues that the *Shulchan Aruch* didn’t mean to limit the use of declarations. This perspective of the Vilna Gaon is brought down as halacha by the *Mishna Berura*,<sup>6</sup> who states either sitting at a table or declaration works.

Ultimately we have seen the question of the students of the Rav, who asked whether a verbal declaration suffices to establish a group for *zimun*. It is important to note that we have only touched on a few points of understanding of this *sugya*. It is inordinately complex, and a full accounting would take far longer. However, we also saw the way the creation of tables potentially impacted the *halacha*.

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<sup>5</sup> *Biur HaGra* ibid, d”h “*Beshulchan*”

<sup>6</sup> *Biur Halacha* there d”h *eleh im kein*, *Mishna Berura* 59





# Tehilim 2024

ADIV PACHTER



Since Simchas Torah 5784, the entire Jewish world has been focused on efforts to assist our fellow Jews in Israel and worldwide. There are many avenues of help, but spiritually, a Jew can always turn to Hashem in *tefila* through reciting the *Tehilim* of Dovid HaMelech.

Rav Ephraim Shapiro quotes Rav Yonason Eibshitz in *Tiferes Yonason* saying that in *Mitzrayim*, *Shevet Levi* were exempt from the servitude. Paroah knew through astrology that the future savior of *Klal Yisrael* would come from *Shevet Levi*. So he chose not include them in the servitude because someone who is not involved in someone else's pain, can't be that person's savior. If you do not experience someone else's pain, you can not effectively help, empathize and save them. Ultimately, we know that Moshe Rabeinu did indeed empathize with the Jewish people.

The Torah tells us of Moshe Rabeinu:

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 suffering, and saw an Egyptian hitting one his Jewish brethren. (Shemos 2:11)*

Rav Shapiro quotes his father as explaining this *pasuk* to mean that true greatness is feeling the pain of others.

Rav Shlomo Carlebach tells a story of a *misnaged* who asked Reb Levi Yitzchak of Berditchev why he always screams when he *davens* instead of *davening* with proper decorum and composure. Reb Levi Yitzchak did not respond. The next time they met, Reb Levi Yitzchak stepped on his toes and the man screamed out "Oy!?" Reb Levi Yitzchak asked him: Why are you screaming? The *misnaged* answered "Because it hurt me! Why else?!" Reb Levi Yitzchak said "Oh, I see..." Now, we can understand

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the difference between Reb Levi Yitzchak's prayers as compared to the prayers of this particular *misnaged*. When the *misnaged* prayed, he did not feel any pain. When Reb Levi Yitzchak prayed, he felt the pain of his fellow Jews and therefore he screamed out to Hashem!

With this in mind, may we strengthen our *tefila* through true empathy with our fellow Jews and a better understanding of a selection of *Tehilim*.

אשרי הגבר אשר תיסרנו י-ה ומתורתך תלמדנו.

*Fortunate, praiseworthy and happy is the man whom Hashem disciplines, and whom You teach from Your Torah. (Tehilim 94:12)*

The *Bas Ayin* in his *Sefer Al HaTorah* in *Parshas Ki Savo* quotes from *Koheles Rabba* 1:13 that “*ein adam mes, v’chetzi ta’avaso b’yado*, a man does not die with even half of his desires fulfilled.” Simply said, it is impossible to satisfy all desires in this world; one is always wanting more and is left lacking. The *Bas Ayin* suggests that perhaps Hashem made the world like this so that man would have *yesurim* in this world so one can never feel *shleimus* and is always left lacking, desiring more. So when he arrives in *Olam Haba*, he will come already cleansed from these *yesurim*.

He explains that this applies to *gashmius*. However, the *tzadikim* internalize this concept in their *avodas Hashem* in *ruchnius*. They are satiated when it comes to physical things. However, with respect to learning Torah and doing *mitzvos*, the *tzadikim* are always yearning and striving for more.

With this, the *Bas Ayin* explains the *pasuk* in *Tehilim*. *Ashrei haGever*, Praiseworthy is the man; *asher te’yasrenu kah*, whose *yesurim* and yearning is *mi-torascha*, related only to learning Torah; i.e. *ruchnius*.

מאיבי תחכמי מצותך כי לעולם היא לי. מכל מלמדי השכלתי כי עדותיך שיחה לי.  
*Your commandments make me wiser than my enemies; they always stand by me. From all of my teachers, I gain understanding, because I have guarded Your precepts. (Tehilim 119:98–99)*

The simple meaning of this *pasuk* is that Dovid HaMelech is saying that Hashem's commandments made him wiser than his enemies because it is forever with him. The Rav of Koshnitz, in *Likutei Mahara*, explains that many times a *tzadik* will encounter a lot of opposition, and many will speak out against him and try to inflict pain and hardship on him. However, Hashem steps in and takes whatever *mitzvos*, good deeds and Torah learning of these opposers and gives them to the *tzadik*. This is how he explains the words of “*me’oyvai techakmeini*,” from his enemies, he became wiser,

because their Torah, the Torah of the enemies, became his because that is what Hashem orchestrated.

He quotes the fact that there was once a rav who many mocked and opposed while he was alive, saying that he was not really on a high level of learning and that he was not sophisticated since he would say a lot of *Tehilim*. When he passed away and his *sefarim* were published, everyone was shocked, as it was revealed that he was a true *talmid chacham* and they were sorely mistaken. They saw that he was steeped in *gemara*, *Tosafos*, and complicated *pilpul* in *Kol HaTorah Kula!*

One may wonder how that transpired. After all, no one saw him learning such Torah! The reality is, though, that those that opposed this rav were very learned themselves. Simple folk would not dare speak against him. Hashem saw this and usurped all of the Torah that these rabbis learned and bestowed it onto him.

This is the meaning of this *pasuk* in *Tehilim*, “*mikol melamdai hispalti.*” Dovid HaMelach had a lot of opposers who tried to bring him down. In turn, Hashem took all of their Torah and “gave” it to Dovid HaMelech. All of their Torah was all along really for Dovid HaMelech!

שיר המעלות לדוד מה טוב ומה נעים שבת אחים גם-יחד.

*Shir Hama'alos of David, how good and how pleasant it is that brothers dwell together. (Tehilim 133:1)*

The Vorker Rebbe, in *B'seser Ra'am*, asks why the *pasuk* says **gam yachad**. The *pasuk* could have easily said *sheves achim yachad*. What is the significance of the addition of the word *gam*? He explains that David HaMelech is teaching the following: When is a gathering of brothers considered to be good? When we have *gam yachad* with us! When we bring the *Yechido shel Olam* into our gathering, then it will be a truly good and pleasant gathering.

שאו ידכם קדש וברכו את ה'.

*We should lift our hands in sanctity and bless Hashem. (Tehilim 134:2)*

Rav Pinto, in his *Toras David*, quotes the *gemara* in Sotah 39a:

ואמר רבי יהושע בן לוי: כל כהן שלא נטל ידיו — לא ישא את כפיו, שנאמר: "שאו ידכם קדש וברכו את ה'".

*And Rabbi Yehoshua ben Levi says: Any priest who did not first wash his hands may not lift his hands to recite the Birkas Kohanim; as it is stated: "Lift up your hands in sanctity and bless the Lord" (Tehilim 134:2)*

The *pasuk* is the source that a prerequisite for the *kohanim* to bless the people is that they first wash their hands.

However, Rav Pinto asks, if this is so, why does the *pasuk* in *Tehilim* conclude by saying *u'varchu es Hashem*? Shouldn't it have said *u'varchu es ha'am*?

In order to explain he quotes the *Zohar HaKadosh* which says that “*Kudsha Brich Hu V'Yisrael chad hu!*” Hashem and *Klal Yisrael* are in essence one unit! So, it comes out that when the *kohanim* are blessing the Jewish people, in reality Hashem is also being “blessed” with that *bracha!*

כי יעקב בחר לו י-ה ישראל לסגלתו.

*For Hashem has chosen Yaakov for Himself, Yisrael as His treasured possession. (Tehilim 135:4)*

The simple *pshat* of this *pasuk* is that Dovid HaMelech is saying that Hashem chose *Am Yisrael* as His treasured nation. Rav Pinto explains how we can also translate this *pasuk al derech drush*. The *pasuk* can be referring to Yaakov Avinu who chose to go in the *derech* of Hashem.

# Delving Deeper into the *Tefilos* of Shabbos

ADIV PACHTER



**T**he *sefer Tiv Hatefila* has many beautiful explanations related to *tefila*. Specifically, there is a section on *Shir Hashirim* and all of the *tefilos* related to Shabbos. Below are several selections from the *sefer*.

## How can we find favor in the Eyes of Hashem?

There is an *inyan* to say *Shir Hashirim* on Erev Shabbos.

הנך יפה רעיתי הנך יפה עיניך יונים.

*You are fair, my darling, you are fair. Your eyes are like doves.* (Shir Hashirim 4:1)

The *sefer Tiv Hatefila* explains that this *pasuk* is really asking us a question and then supplying the answer. What is good advice for someone who wants to find favor in Hashem's Eyes and be considered to be beautiful in His Eyes?

The continuation of the *pasuk* is the answer. We have to make our eyes like the eyes of a dove.

The Medrash in *Shir Hashirim Rabba* gives us an insight into the unique quality of a dove which sheds light on the lesson that we have to learn from the dove.

מה יונה זו משעה שמכרת בן זוגה, עוד אינה ממירה אותו באחה, כך ישראל משעה שהכירו להקדוש ברוך הוא, לא המירוהו באחה.

*Just as the dove, from the moment it becomes familiar with its mate, it does not exchange it for another, so too Klal Israel, from the moment that they became familiar with the Holy One blessed be He, they did not exchange Him for another.* (Shir Hashirim Rabba 1:15)

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The *medrash* is saying that just as a dove only has “eyes” for Hashem, so too, we have to guard our eyes and be sure to properly guard as well as train our eyes to only see good.

The *Tiv Hatefila* quotes the *gemara* in Taanis 24a which discusses the purity of eyes. The *gemara* notes that a fast was decreed in the house of the *nasi* but rain did not come. Oshaya, the youngest member of the group of sages, quoted a *pasuk* and explained that the leaders are considered the eyes of the congregation.

The *gemara* proceeds to give a parable:

משל לכלה שהיא בבית אביה כל זמן שעיניה יפות אין כל גופה צריכה בדיקה עיניה  
טרוטות כל גופה צריכה בדיקה.

*There is a parable that illustrates this, involving a bride who is in her father's home and has not yet been seen by her bridegroom. As long as her eyes are beautiful, her body need not be examined, as certainly she is beautiful. However, if her eyes are bleary [terutot], her entire body requires examination.*

So too, if the leaders of the generation are flawed, it is a sign that the entire generation is unworthy.

### **Hashem Never Abandons Us Even When We Are Filthy With Sin**

יונתי בחגוי הסלע בסתר המדרגה הראיני את מראיך השמייעיני את קולך כי קולך  
ערב ומראיך נאוה.

*O my dove, in the cranny of the rocks, Hidden by the cliff, Let me see your face, Let me hear your voice; For your voice is sweet And your face is comely.  
(Shir Hashirim 2:14)*

The *medrash* notes that *Klal Yisrael* is often compared to a dove. This *pasuk* comes to teach us that even if a Jew finds himself to be in a lowly state, filthy with sins, even so, Hashem calls out to us want to see us! "Do not be embarrassed or ashamed! I want to hear your words of *tefila*! Your voice of prayer is nonetheless sweet to Me! And even if you have committed sins, you are still beautiful to Me."

### **Coming Close to Hashem by Showing Him Appreciation!**

We say the following *pasuk* in *Lechu Neranena* as we begin *Kabalas Shabbos*:

נקדמה פניו בתודה...

*Let us come into His presence with praise... (Tehilim 95:2)*

We accept Shabbos with the formula of how to merit being seen by Hashem; namely, with *toda!* The more we show appreciation to Hashem for all that He does for us, the more we will merit to His countenance. This is what Dovid HaMelech is saying when he says:

לך אזבח זבח תודה ובשם ה' אקרא.

*When we bring the korban toda to Hashem we bring ourselves closer to Him. (Tehilim 116:17)*

### Recognizing That Hashem Even Controls the Mundane

שירו לה' שיר חדש שירו לה' כל הארץ.

*Sing to Hashem a new song, sing to Hashem the entire world. (Tehilim 96:1)*

Who is the one who can sing song before Hashem? Someone who recognizes that Hashem rules the *Eretz*; when we realize that Hashem controls even the seemingly mundane, earthly matters, he can truly sing Hashem's praises.

### Everything Stems from Hashem

...משפט וצדקה ביעקב אתה עשית.

*...Justice and charity to Yaakov You did. (Tehilim 99:4)*

We have to realize that everything in this world is due to Hashem; even when we do good deeds, we should not attribute it to our "righteousness." Rather, it is Hashem who instilled within us the ability and capability to perform such a deed. The *Tiv Hatefila* quotes the *gemara* in *Kiddushin* which says that if it were not for Hashem's help, we would not be able to do anything. This concept is hinted to in this *pasuk* of *Tehilim* that we say in *Kabalas Shabbos*.

All of the *tzedaka* that we do is all because *Ata asisa*, because Hashem enabled it to happen as such.

### The Need for Humility; Never forget to infuse our actions with *B'Yaakov*

...משפט וצדקה ביעקב אתה עשית.

*...Justice and charity to Yaakov You did. (Tehilim 99:4)*

*Mishpat* is a reference to *din* and *tzedaka* is a reference to *chesed*. Nature is such that when man gets involved in various *tzedakas* and *chesed*, it can lead to *gaava* and bad *middos*, lest he start thinking that he is "in control." To this, the *pasuk* teaches us

that when we get involved in *mishpat u'tzedaka* we need to always remember that we need to do it *b'Yaakov*, with the *midda* of humility! Because after all, it is not us who accomplished anything; rather it all stems from Hashem; once we have the realization that *Ata asisa*, then we know that we have the proper outlook!



# Does God Roll Dice? A Few Random Thoughts

JOSH ROTHENBERG



מהרבו מעשיך ה' כלם בחכמה עשית מלאה הארץ קנינך.  
*How abundant are your works, Hashem, you made them all with wisdom,  
the Earth is full of your possessions. (Tehillim 104:24)*

**T**he Rambam states (*Moreh Nevuchim* 3:28): It may be inferred from the words, “You shall love Hashem your God with all your heart and with all your soul and with all your might” (Devarim 6:5), what stress is laid on this commandment to love Hashem. We have already shown in the *Mishneh Torah* (*Yesodei HaTorah* 2:2) that this love is only possible when we comprehend the real nature of things and understand the divine wisdom displayed therein.

*Chovos HaLevavos* states in the Introduction to *Sha’ar HaBechina*: “examination of the wisdom manifest in the Universe which the Creator called into being is the most direct and surest path to a true conception of Him.”

It has been about 100 years since the heady days when the last revolution in science, “Quantum Mechanics”, (QM) was discovered by man. The entire advance of technology we utilize today (e.g. all computer chips, fiber communications, internet, health advances based on DNA, etc) is completely a result of understanding and applying QM and the precisely verified set of rules governing the associated microscopic phenomena. However, no one, until this day, really understands QM. QM basically makes no sense, yet the strange QM cookbook rules have been verified by experiments countless times to exceedingly high accuracy. Furthermore, QM has become the basis for additional recent advances in computing and communications that hold promise to further revolutionize technology. However, QM’s nonsensical

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rules lead to paradoxes and indicate a deeper meaning to reality.

In this essay I will attempt to explain the basics of this revolution and the paradoxes it has created, and how this might impact our understanding of Hashem's Creation.

You may recognize (the first part of) the above title as a paraphrase of a famous quote attributed to Albert Einstein, who firmly believed the answer to this question is 'no', and as a result, ironically (since he played a key role in its development) he challenged the veracity or completeness of QM.<sup>1</sup> Einstein's nemesis in this challenge was Niels Bohr, who retorted to Einstein's challenge with "don't tell God what to do." This question about QM became a focus of much of Einstein's later career, which never was resolved in his lifetime. After his death, experiments showed he was apparently wrong about QM, which to date seems entirely correct in describing the microscopic world, even though it seems to violate Einstein's relativity theory in a subtle fashion, as described below. However, QM still creates some fundamental unanswered questions that point to a deeper 'super-natural' mystery in the physical world, and perhaps a connection to the spiritual world.

The simple answer to the titular question appears to be yes. Based on extensive experimental verification, QM says that randomness plays a fundamental role in microscopic processes. Strangely, QM stipulates that the reality of microscopic particles is defined only by probability and, for example, that one generally cannot say a particle is in a specific place, but rather it exists in an ethereal state of many locations at once. However, since we fundamentally believe that Hashem has an ultimate purpose for all worldly activities, how do we reconcile Hashem's definitive purpose with an apparent 'randomness'? On the other hand, is anything too difficult for the Divine? The Rambam makes clear (*Shemona Perakim, Introduction to Pirkei Avos*) that nature was established at the Creation, and nature operated with complete regularity and autonomy thereafter. According to the Rambam, all miracles were already built into nature and its governing laws. Ramban and others strongly disagree and believe Hashem is continuously managing the 'miracles' of nature. In either case, Hashem is the unequivocal Creator of everything, and He has perfect knowledge of everything including our future. Why would we object to Divine Wisdom being sufficient to create nature such that 'random' processes (as far as man can discern) are responsible for some developments in nature and the world around us? Certainly

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<sup>1</sup> *The Science and the Life of Albert Einstein*, Abraham Pais (Oxford 1982), p440 ff; see also Wikipedia 'Bohr-Einstein Debates'.

there could be design subtly hidden in this ‘randomness’, as has been espoused in the debate around ‘intelligent design.’ However, would our *emuna* in Hashem as Creator be diminished if new discoveries resolved remaining doubts and it was clear that natural developments were made – for example, if a new species were to evolve – utilizing completely random processes?

Furthermore, we also fundamentally believe in man’s complete free-will. That is, the freedom to choose wrongly, even contrary to Hashem’s desire (e.g. *Yeshaya* 66:4):

ויעשו הרע בעיניו ובאשר לא חפצתי בחרו.

*They did what was evil in My eyes and what I did not desire they chose.*  
(*Yeshaya* 66:4)

However, in spite of man’s free-will, the world still proceeds according to Hashem’s plan, which seems to create the same basic paradox that ‘randomness’ presents to Providence. In other words, how does history progress according to Hashem’s plan while truly allowing for man’s complete and contrary free-will, or similarly accounting for completely random ‘natural’ events (i.e. events outside of Hashem’s ‘control’)? This seems equivalent to the classic question as to how does Hashem know the outcome of a truly free-will (or random) event. The Rambam answers that Hashem’s ‘knowledge’ is not a separate entity like ours, but is part of His Unified Essence, which we cannot comprehend.

We don’t expect a complete understanding of the free-will/Providence paradox, so why should we find randomness difficult to accept. On the other hand, true ‘randomness’ may be quite difficult to establish and thus provides an ideal ‘smoke screen’ for subtle or hidden Providence (and possibly ‘intelligent design’). Perhaps this is a glimpse into the Divine.<sup>2</sup> Perhaps QM provides the ideal platform for the dual Divine goals of an apparently completely ‘natural’ physical law to fully enable us to operate in a predictable world environment, and the free-will to deny Hashem’s dominion, together with hidden Providence. QM then could be the gateway to Providence subtly expressed by an all-encompassing intertwined physical and spiritual Universe that is Divine.

### **Collecting a Few Random Thoughts**

Based on this introduction, let me suggest some basic thoughts, which would seem to

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<sup>2</sup> *Torah and Science*, Yehuda Levi (Feldheim 2006), p 148ff.

be well-aligned with fundamentals of Judaism, and in particular, with the Rambam's view.

1. The world virtually always operates according to the laws of nature (created of course by Hashem).
2. Hashem only 'interferes' in these natural laws to accommodate deviations outside of His control, owing to Man's free-will—in order to keep history on track to His ultimate goal. The Rambam's view is that these 'miraculous' deviations were built into nature at creation.
3. Maintenance of man's free-will requires that Hashem's Providence is mostly kept hidden within nature's laws, as frequent open miracles would diminish our free-will to deny Him.
4. True randomness appears to present a similar challenge to the Divine plan as does free-will. However, discerning true randomness versus an appearance of randomness may be difficult or impossible – enabling man's free-will choice to believe (or not) in a Creator.
5. QM operates primarily on a microscopic invisible level, and the fundamentally random, probabilistic, and non-deterministic nature of QM provides an ideal smoke screen to enable Divine Providence that is hidden from Man's view.
6. Following the Rambam, Hashem has perfect knowledge of the future, including the deviations induced by Man's free-will, and similarly of any undesired detours as a result of true randomness. This is difficult for us to grasp as Hashem's knowledge is beyond Man's comprehension.

In the following I shall attempt to briefly highlight the strange world of randomness and probability that QM has brought forth. The QM world is so extraordinary and inexplicable that it suggests a super-natural Divine origin with mysteries that are yet to be explained.

### **A Very Brief History of QM**

At the end of the 19th century scientists thought they were close to wrapping up the complete understanding of our Universe as set in motion by Newton's 1600's 'classical' physics. Over the intervening centuries, scientists had come to (mathematically) understand quite well all of mechanical motion and gravity, heat, electricity, and light. However there were a few 'small' discrepancies in this understanding (in particular, the colors of light that are emitted by hot objects), and some newly discovered phenomena (x-rays and radioactivity) which came into focus in the

1890's. In December of 1900, Max Planck found a curious mathematical solution to the hot object mystery. He found that if one assumed the electrons in the object (whose motion were understood to produce the light emitted) are only allowed in discrete groups of energy ('quanta') the discrepancy observed in spectra of hot objects is resolved. It seemed to be just a math trick. Neither Planck nor anyone else understood it. In 1905, young Mr. Einstein, just prior to getting his Ph.D, suggested that the light actually was formed in discrete bundles or particles – quanta – later to be called photons. Einstein recognized that this idea was revolutionary. Everyone at that time knew (thought) that light was a wave, not a particle. The wave behavior of light could be directly observed, for example, most clearly in 'interference' as one can see when two water wavers collide and the crests either reinforce other crests or cancel out the troughs to make periodic patterns as in Figure 1 below. Particles don't exhibit this behavior.

Einstein used his idea for photons to explain a paradox that was observed in how electrons are liberated from metals when illuminated by light (the "photo-electric" effect). His photon idea was so revolutionary that even though Einstein's theory for the photo-electric effect was precisely verified, 10 years later virtually no one believed it (i.e. that light was a particle). In 1915, Robert Millikan

a leading American physicist, who later received the Nobel for his experimental work on the photo-electric effect, was quoted as saying "Einstein's photo-electric equation ... appears in every experiment to predict exactly the observed results ... Yet his semi-corpusecular theory ... seems at present wholly untenable". Einstein is certainly more famous for Relativity and  $E=mc^2$ . Even after the 1919 eclipse expedition by Arthur Eddington that showed gravity bent star light as predicted by Einstein's 1915 General Relativity theory, the antisemitism and German animus in the Nobel committee stifled his yearly nominations. After the committee struggled and did not award a 1921 Physics prize, they finally relented in 1922, and Einstein retroactively received the Nobel for the photo-electric effect, along with Niels Bohr who had explained the colors of light emitted by atoms using the new quantum theory. Einstein was never recognized by the Nobel committee for his groundbreaking discoveries in Relativity, or several other deserving breakthroughs (Brownian motion, physics behind the laser, quantum effects at low temperature, etc...).



Figure 1: Two waves on water can collide and produce interference effects

In the 1920's QM was formalized into an incredible mathematical framework (by Heisenberg, Schroedinger, De Broglie, Born, Dirac, and Pauli, among others – but not Einstein, as discussed below) that has since been vetted countless times. Yet what happened to Millikan's objection - is light a particle or a wave? This is where QM gets strange and appears to make no sense (to us mere humans). The many-times confirmed answer to this question is light is both wave and a particle at the same time. You can't make this stuff up...

Waves are extended things as the picture above makes clear – a single ocean wave can extend over miles. Yet a particle is the exact opposite – how can they be one and the same – this is QM's so-called wave-particle duality. This is part of the fundamentally new and strange world view QM brings forth – no longer is reality deterministic, but instead everything in QM is described by ethereal probabilities. Ultimately Einstein couldn't fully accept this world view. He believed in a firm reality, a particle has to be somewhere real, and engaged in an ongoing famous debate with Niels Bohr over this fundamental question.

### **The Wave-Particle Duality**

Waves, because of their extended nature, exhibit interference, where crests and troughs add or subtract to produce periodic patterns. This effect's paradigm is the 19th century “Young's double-slit experiment” (depicted in Figure 2 below), where two slits are illuminated by a light wave from a single small slit (to ensure a single wave impinges on the two subsequent slits). The two waves emerging from the dual slits interfere, just like water waves, and subsequently produce bands of bright and dark “fringes” of light interference. These wave interference effects with light had been observed and understood since 1801. However, what happens when we reduce the amount of light in the experiment, per Einstein's suggestion, to just one photon (particle)? One would normally think a single photon must go through one slit or the other, thus eliminating interference between light that emerges from both of the two slits simultaneously.

In a real experiment with film or a camera, one observes a single photon will make a small spot when it hits the final screen. For example, just as in Einstein's photo-electric effect it takes a complete photon to initiate the chemical change in a silver-halide grain in film. QM tells us a fraction of a photon won't do. Therefore, one would have expected the complete photon must go through one slit or the other, and so if you repeated this experiment many times, the spots, although perhaps randomly distributed, would accumulate to provide an image that was simply based on the sum

of the two individual slit patterns, and one would not see any sign of wave interference from both slits. However, when one actually repeats this single photon experiment many times, the individual spots from each experiment will indeed accumulate to form an image on the screen that exhibits the same interference fringes understood from waves of light. Somehow, a single photon goes through both slits at the same time – it is a particle in two places at once. In fact, in 1924 Louis De Broglie suggested that all particles of matter have this same wave property, which was later confirmed with electrons and other particles. This strange duality is only present when the ambiguity of particle or wave is preserved. For example, if one ‘looks under the hood’ and places a detector (e.g. a light bulb) that can ‘see’ the particle as it goes through one of the slits, then the interference pattern disappears.<sup>3</sup> Welcome to the bizarre world of QM.

### Uncertainty and Probability

As the rules for QM were being researched in the 1920’s a number of mathematical advances were made that formed a complete picture. Erwin Schroedinger proposed a famous equation that described the waves of a particle, be it a photon, electron or any other microscopic entity. This mathematical “wave-function” as it is now called, turned out, as suggested by Max Born, to represent the probability a particle is in a particular location. In a different but equivalent mathematical framework, Werner Heisenberg proved that particles fundamentally could not be pinned down to have an exact position and speed at the same time. This so-called ‘uncertainty principle’ made it most clear that all matter and reality is fundamentally probabilistic, i.e. based on randomness, albeit at a very small scale, invisible to us in the macroscopic world. This strange reality ended a philosophical debate about determinism. If every event in the world is a completely deterministic consequence of the previous state (i.e. the exact position and speed of every particle in the world), then it would appear there is no room for free-will, since the entire future is completely predetermined by the past. QM, by introducing completely random processes, eliminates this philosophical problem. The future can no longer be predetermined since new completely random

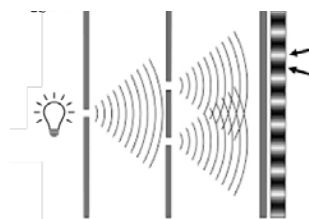


Figure 2: Interference of light waves from two slits

<sup>3</sup> *The Character of Physical Law*, Richard Feynman, MIT Press 1967, p127 ff; see also Wikipedia ‘Wave-Particle Duality’.

events constantly intervene.

A strange reality indeed. No one can predict when a radioactive atom will decay and spew out particles, it is truly random, and one can only speak of an average time to decay. What determines the exact time of decay – it seems there must be something that causes the moment of decay, right? Or is it possible that the decay is truly random? What is happening as one waits for the decay – is the emitted particle there or not? QM says it is truly random and the probability of decay is increasing with time, and until the decay is ‘observed’ the particle is in an ethereal state of existence / non-existence. This leads to another unsolved issue with QM – what is “observation” or “measurement”? Must this be a ‘macroscopic’ event, or is a person or machine required to ‘make the measurement’?

### **QM Measurement and Herding Quantum Cats**

The debate about the nature of Quantum Measurement inspired Schroedinger to suggest his famous cat paradox. The question he was bothered by is when does a QM ‘measurement’ establish a particle exists at a specific location. In his cat paradox, he imagines a radioactive substance that gives off a particle with 50% chance within a certain time (defining its ‘half life’) is integrated into an apparatus that kills the cat when the particle is released. This gizmo is contained in a box that we can’t see inside. According to the rules of QM the probability of the particle emission is growing in time, but is never certain until ‘observed’ – it is truly random and only described by probability. Until observation, QM says the particle is in a mixed ethereal state of emission and non-emission, although the probability of emission is growing over time.

One might conclude the cat is also in a mixed ethereal state of life and death, at least until we open the box and make an observation. Alternatively, perhaps the cat (or another cat in the box) suffices to be the observer. Or perhaps the moment when the apparatus interacts with the emitted particle and initiates the killing machine suffices to ‘make the observation’. The debate about when the particle ceases being ethereal emission and is really detected in a certain spot is unresolved. One suggested approach is related to the question of consciousness (that is a conscious being is required for the observation), which seems to point in a spiritual direction.

### **Einstein and “Entanglement”**

It was this basic philosophical question about reality that so bothered Einstein, and many after him. Einstein believed reality is what we are accustomed to – that things are in one place or another, but not in some ethereal never-never land of many



places at once. Later in his career (1935) Einstein published (along with colleagues Podolsky and Rosen) – the paradox known as EPR<sup>4</sup>, a now famous challenge to QM related to this fundamental question. QM predicts certain events can simultaneously emit two particles (e.g. photons of light – call them photon #1 and #2) that are related to each other ('entangled'). The entanglement is such that when you measure a specific property of photon #1 (in the case of light one can measure its polarization, a property that Polaroid used to make better sunglasses), you know with certainty the property (polarization) of photon #2. The problem EPR raised is that prior to this measurement the two photons can travel in opposite directions and become vastly separated. Einstein's validated Theory of Relativity prohibits information travelling faster than light. However, QM says that when one measures photon #1's polarization, at that very instant, photon #2's polarization becomes exactly defined by the result measured on photon #1, even though they may be light-years apart at the time of the measurement. It turns out in the process for emitting entangled photons the polarizations are random, so one can't actually transmit information using this arrangement, and therefore does not strictly contradict Einstein's relativity, but this so-called 'spooky' action at a distance presents a major challenge to the understanding of QM.

This QM paradox remained unresolved until 1982 and later when several definitive experiments demonstrated that faster-than-light effects predicted by QM are indeed correct. So it appears our world's reality is one that has this ethereal, probabilistic, and interconnected microscopic nature. Many have taken this as an indication of a window into the spiritual realm. Current scientific thinking accepts this entangled world, which for the scientist typically just means the rules we have for QM are correct and reliable as far as we know. However, philosophically this implies an acceptance of a 'supernatural' aspect to the world, with instantaneous effects traveling faster than light, which has no natural explanation, at present.

### Conclusions

QM is so strange that it is certainly suggestive of a Divine creation beyond human comprehension. QM reveals a random, yet connected Universe, which challenges our conception of reality to the core. The instantaneous (faster than light) connection across vast distances remains a mystery to modern science, and models

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4 A. Einstein, B. Podolsky, and N. Rosen "Can Quantum-Mechanical Description of Physical Reality be Considered Complete?" *Physical Review*, vol 47 p 777 (1935); see also Wikipedia 'EPR Paradox'.

our conception of supernatural spirituality. As resistive as we are to the completely random aspect QM brings to Divine Nature, one could suggest this does in fact present the face of a completely natural world, preserving our free-will to deny Divine control, while providing the ideal veil for hidden Providence. Our discomfort with randomness would seem to stem from the appearance of a world beyond Hashem's control. However, just as Hashem's Providence triumphs over Man's free-will, it also guarantees History culminates according to the Divine plan, even in the face of 'true' randomness. Furthermore, true randomness may be practically indistinguishable from quasi-random events that are in fact subtly, Divinely guided.