



ניצחון
NITZACHON

Adas Torah Journal of Torah Ideas

לעילוי נשמת יהודית שרון בת הרב יהושע ע"ה

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Nitzachon

Adas Torah Journal of Torah Ideas
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Editors' Preface

מים רבים לא יוכלו לכבות את האהבה.

Many waters cannot extinguish the love. (Shir Hashirim 8:7)

The *gemara* in *Sota* tells us that this *pasuk* refers to a Jew who learns Torah. The bonds of love between Hashem and a Jew who learns Torah are so strong that even if one does many *aveiros*, the distance and pain they cause cannot harm the loving relationship that the Torah-Jew has built with Hashem.

During the *yemei haratzon* and *yemei hadin* we seek out Hashem where He can be found, and we all know that He can be found within the *kosalei Beis Hamidrash*. We know He can also be found around the dining room table when parents learn and share *divrei Torah* with their children. And we know He can be found when friends meet and talk in learning with each other, and share *divrei Torah* with each other.

Now, more than ever, we need Hashem's love that cannot be extinguished, no matter what. So let's learn some Torah together.

And once again we are proud to present the *Tiferes Banim* section, where our recent Bar Mitzva boys can share their *divrei Torah* with a greater audience. *Baruch Hashem*, our *shul* is a place where our boys want to come and learn outside of school hours, and we are very proud of their accomplishments in learning. May these articles be the first of many that they produce.

Yaakov Rich • Michael Kleinman • Yaakov Siegel • Steve Kirschenbaum

L'ilui Nishmas Yehudit Sharon
bas Harav Yehoshua U'Miriam a"h
23rd of Iyar 5778
Dedicated by her Family

Rabbi Revah once pointed out Rashi's first comment on *Parshas Vayeitzei*, where the Torah says that Yaakov left Be'er Sheva and went toward Haran. Rashi questions why the *pasuk* needed to mention that Yaakov left Be'er Sheva. It would have sufficed to simply say that Yaakov went to Haran. Why does the Torah focus on his *yetzia*? He explains that the *pasuk* is teaching us that the departure of a righteous person from a place makes a *roshem*, an impression. At a time when a righteous person is in a city, he is its magnificence, its splendor, its grandeur. Once he departs from the city, its magnificence has gone away, its splendor has gone away, its grandeur has gone away. Essentially, Rashi teaches us that when a *tzadik* leaves a city, the loss is palpable. On a simple level, when a *tzadik* leaves a city, the community feels this loss. So too, when a loved one leaves this world, the loss is palpable. Irrespective of the circumstance, death is emotional and can leave the family, friends and community with a gaping hole. This can be heart-breaking and debilitating and only time can possibly heal the wound, never really making us whole again.

However, Rabbi Revah also pointed out that the *Be'er Mayim Chayim* explains this *pasuk* with a different insight. This insight can be a big *chizuk* at a time of such a loss. He says that when a *tzadik* is in a city, we should make a mark. This means that we should learn from the *tzadik's* holy actions and see how high they raise the bar. This gives us a goal and helps us set our minds and hearts to strive to accomplish more. And furthermore, after the *tzadik* leaves, we should remember the heights that were reached so we can at least strive to get there.

In his *Eim Habanim Semeicha*, Harav Yisachar Shlomo Teichtal quotes an explanation to the *pasuk* in *Tehilim* 27:4 that we say during the month of Elul in *L'Dovid Hashem*. (He saw this explanation from one of the great *gedolim* but he could not properly quote the source as he had fled from his home and he was writing without any books.)

The *pasuk* says: One thing I asked (*sha'alti*) of the Lord, that thing I shall ask for (*avakeish*); that I may dwell in the house of the Lord all the days of my life.” He says that many commentators question the seemingly double language of *sha'alti* and *avakeish*. The *gadol* quoted a *gemara* in *Nidda* that says that *tefilla* alone is not sufficient, even with the utmost *kavana*. Only if a person does his part will his prayers help him attain his desires. He gives the example of someone who begs Hashem to make him into a *talmid chacham*. If he spends his days walking around idly instead of going to the *beis midrash*, he will never achieve his request even if prays for this profusely. However, if he does his share and puts in the effort to go to the *beis midrash* and also prays to Hashem to become a *talmid chacham*, Hashem will grant his request.

This is how he explained the difference between a *she'eila* and a *bakasha*. *She'eila* is a prayer. *Bakasha* is concrete action; he seeks out and searches for what he desires to attain. Dovid Hamelech is saying the one thing he asked for (*sho'el*), he should also seek out (*bakasha*) with concrete actions. Rav Teichtal goes on to say that this is a fundamental principle; we must first do our share and then Hashem will do His.

Yehudit Sharon *a”h* was not a big “talker.” Rather, she showed her dedication to whatever she was involved with using her concrete actions. She mastered the *midda* of alacrity; she seized the moment. The Torah tells us in *Parshas Beshalach* that Moshe told *Klal Yisrael* to set aside the extra portion of *mon* that they received until the morning. Moshe said: *Ichluhu hayom ki Shabbos hayom Lashem. Hayom lo timtzeu basade.*” The simple meaning of this *pasuk* is that Moshe was saying to them to eat the *mon* today, because today is Shabbos and today you will not find any *mon* in the field. In the *Sefer Divrei Yechezkel*, the Shinover Rebbe explained this *pasuk* as teaching us a lesson in *zerizus*. Moshe Rabeinu was teaching us: We should eat the day, the *ha’yom*! Shabbos is a time where we get a *neshama yeseira*, we can fix our *neshama* and infuse our lives with spirituality. We need to make use of every such opportunity that we get. Because if we do not capitalize on the moment and chance to seize the day, the Torah warns us: *Lo timtzeu!* If we squander the opportunity, we will not be able to find it again. This was how Yehudit Sharon *a”h* lived her life; always capitalizing on the moments of opportunity and saying: You never know what will be, so we need to live today to the fullest.

The *Divrei Yechezkel* noted that many people used to come to him asking him

for *hisorerus*. He said that they wanted him to be *misorer* them but that they would not do anything proactively themselves to awaken the desire within themselves! And he explained to them that such a formula would not be successful. He quoted the *pasuk* in *Bereishis* 4:7 which says: *Im teitiv, se'es. V'im lo seitiv, le'pesach chatas rovetz...* He interpreted the *pasuk* to mean if you proactively work on yourself, then I will try to help you find that inspiration. However, if you do not even try, nothing I will do will help you find that spark.

Yehudit Sharon *a"h* had a burning love for *Eretz Yisrael*. But she did not remain content on simply asking Hashem to help her go to Israel. She got up and went. Despite her busy schedule and business in America, she always made it to the Holy Land at every possible chance, especially for the *chagim* and whenever she found the chance to go. But she did not let the chance come to her. She pursued the chance and sought it out. That, as Rav Teichtal explains, is why Hashem answered her *tefilla* to be connected to *Eretz Yisrael*, because He saw her concrete action of pursuing her desire.

Another very special *midda* of Yehudit Sharon *a"h* was her trait of humility. Whenever she was asked about herself, she would say, "Enough about me, tell me about how you are!" It was her humility that enabled her to also possess a unique sense of *emuna*. Only one who is humble can truly attain the trait of *emuna*! The *Sefer Imrei Tehoros* quotes the following in *Parshas Eikev*. He explains that *Eikev* is a reference to *Olam Hazeh*, as it is the lowest of all of the *Olamos HaEloynim*. When we understand and believe that everything that happens in this lowly world of *Olam Hazeh* is all orchestrated by Hashem with His *Hashgacha Pratis* from *Shamayim*, then we will be *zoche* to be *mekayem* to continuation of the *pasuk* which says "*U'shmartem v'asisem osam...*" In the merit of our *emuna* we will merit to always follow in the ways of Hashem and do his *ratzon*. This was the way Yehudit Sharon *bas Harav Yehoshua U'Miriam a"h* lived her life.

May we all be *zoche* to live our lives using this great personality as an example. May her *neshama* be *meilitz yosher* on all of us and all of *Klal Yisrael* as a whole, and may we merit to join together with all of our holy ancestors speedily in our days with the coming of *Mashiach*! Amen.

In honor of Adas Torah,
Nitzachon and the
Torah it spreads.

With special thanks to
Rabbi and Mrs. Revah.

Wishing everyone a
healthy and safe
Ksiva V'chasima Tova.



*Joey and Tracey Goldstein
and Family*

Dedicated in Loving Memory of

Jacob Siegel

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Yitzchok and Barbara Lehmann

Siegel and Family

Rosh V'rishon



Rabbi Dovid Revah
Rabbi Yisroel Gordon

Interrupting the *Shofar's* Call

RABBI DOVID REVAH



On Rosh Hashana, the basic mitzva of *tekias shofar* is to hear nine sounds, a *tekia, terua, tekia* three times. The *Shulchan Aruch* says:
(שמע תשע תקיעות בתשע שעות ביום, יצא. (שלחן ערוך יו"ד סימן תקפח סעיף ב)

If you left *shul* in the middle of *tekias shofar* and only heard some of the required sounds, you do not have to start over again from the beginning, but you can just continue from where you left off. Although it is not ideal, a person can go to shul in the morning, listen to half the *tekios*, and then listen to the other half in the afternoon.

The Magen Avraham in *sei'fkatan 2* says that this *halacha* is not true for every type of interruption. He differentiates between stopping because of an *ones*, something that happened against your will, and a break which was voluntary. Only if the break was voluntary can you continue where you left off, but if the break was involuntary, you must start over again. The reason is that a voluntary break is not considered a real *hefsek*, since at any time you may choose to go back and hear the *shofar*. But a *hefsek* because of an *ones* is considered a significant break, since you are unable to continue until the disruption passes. In such a case, you would have to begin again.

The Magen Avraham in *Siman 65* further clarifies that not every forced break is considered a *hefsek* requiring you to start over. He differentiates between an inherent problem and a circumstantial problem. For example, if you must leave the shul because your child is crying, that would be considered a circumstantial break. In that case, you could just continue from where you left off, even though it is an *ones*.

However, if there is an inherent problem, that would be considered a real *hefsek* and would require that you start over. The Magen Avraham brings two examples of what is considered an inherent problem. Either there could be something wrong with you, such as needing to use the restroom, or there could be something wrong with the place, such as a bad smell. For example, if you are blowing *shofar* outside, and while you are blowing *shofar* there is a garbage collection which creates a bad smell, you

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has led our *Kehilla* since 2005.

would be forced to stop until the smell dissipates. When such a break occurs, because there is a problem with the person or the place, it would be necessary to start over.

In conclusion, the Magen Avraham says that in most cases it is not necessary to start from the beginning if there is a break between the *tekios*. Only something like a bad smell in the room that would require waiting until it passed would require starting over again.

The Chofetz Chaim states, in the *Biur Halacha*, that if the Magen Avraham says that a bad smell is an inherent break, it must be because he believes that one is not allowed to blow the *shofar* when there is a bad smell in the shul. The Chofetz Chaim questions why this is true. The *halacha* is that it is forbidden to *daven* or learn in a bathroom or where there is a bad smell. But one is allowed to do *mitzvos* in a bathroom. We are permitted to enter a restroom wearing a *talis katan*, even though it is a garment worn in fulfillment of a mitzva. If so, why would it be forbidden to continue the *tekias shofar* while there is a bad smell? Blowing *shofar* should be no different than any other mitzva. Even if you would choose to stop and wait until the smell passes, it should only be a voluntary break, and you should be allowed to continue from where you left off.

The Mishna Berura explains that whenever we do a mitzva, it is not enough just to do the *maase hamitzva*. We *pasken* that *mitzvos tzrichos kavana*, when you do a mitzva you must have intent that you are doing this action because it is Hashem's command. The Mishna Berura says that although you may do the act of a mitzva when there is a bad smell, you would not be able to have *kavana*. Since *kavana* is thinking about the mitzva, it is like learning Torah, and it is forbidden when there is a bad smell. Because *shofar* requires *kavana*, you would be forced to stop blowing if there was a bad smell.

This answer is somewhat difficult. While it is true that *mitzvos tzrichos kavana*, it is not necessary to have *kavana* for the entire time; rather, it is enough to have *kavana* at the beginning of the mitzva. We are discussing a case where there was no bad smell when the *tekios* began and everyone was able to have *kavana*. If so, we still don't understand why one would have to stop if a bad smell happened in the middle, since it is not necessary to have active *kavana* at that point.

Rav Shlomo Zalaman Aurbach in *Minchas Shlomo Siman 1* asks another question. The *Biur Halacha* in *Siman 60* discusses someone who puts on his *talis katan*, but does not have *kavana* to do the mitzva. He says that not only is he not fulfilling a mitzva, since we *pasken mitzvos tzrichos kavana*, it would be considered doing an *aveira*! Wearing a four-cornered garment without *kavana* would be the same

as wearing a four cornered garment without *tzitzis* at all. If so, Rav Shlomo Zalman asks, how can you go into a restroom with a *talis katan*, since at that moment it is prohibited to have *kavana*? Certainly, it should be forbidden to get dressed in the bathroom, because if you put your *talis katan* on without *kavana*, it would be like wearing it without *tzitzis*.

It would seem that it is not forbidden to have *kavana* in the restroom. But if so, we are back to our question. Why does the Magen Avraham say that we are forced to stop the *tekios* if there is a bad smell?

I would like to share an answer I once heard. We are familiar with the reason the Rambam gives for *tekias shofar*.

אף על פי שתקיעת שופר בראש השנה גזירת הכתוב, רמז יש בו, כלומר עורו ישנים
משינתכם ונרדמים הקיצו מתרדמתכם. (הלכות תשובה פרק ג הלכה ד)

Shofar is an alarm and it is meant to awaken us to reflect on our obligations in life and recognize where we are falling short, and then do *teshuva*.

However, the Brisker Rav says that from the *Tefilas Mussaf* that we say on Rosh Hashana we see that there is an additional dimension to the mitzva of *shofar*. At the end of the *bracha* of *Shofros* in *Mussaf* we say

כי אתה שומע קול שופר, ומאזין תרועה, ברך אתה ה' שומע קול תרועת עמו ישראל
ברחמים.

We say that Hashem listens to the sound of our *shofar* and the *teru'os*, and we describe Hashem as a *Shome'a kol tru'as amo*.

If the *shofar* was just an alarm, it would be meant to be heard only by us. It would be more correct to say that Hashem recognizes and counts our mitzva of *shofar*, or Hashem watches us do the mitzva, but not that Hashem listens to our *shofar*. However, from the *nusach* of the *bracha*, it seems that the *shofar* sound is directed to Hashem, not to us. The Brisker Rav explains that the *shofar* is a form of *tefila*, a *tefila* without words. The *gemara* in *Rosh Hashana* says that the sounds of the *shofar* are modeled on crying, with a *shevarim* being a moaning sound and a *teru'a* being a weeping sound. With the blowing of the *shofar*, *Klal Yisrael* is crying out to Hashem for His mercy and help.

If so, we can now understand why the Magen Avraham says that you cannot blow *shofar* when there is a bad smell in the room. It has nothing to do with *kavana*. Rather, the *shofar* is a form of *tefila*, and *tefila* is forbidden when there is a bad smell. Therefore, when there is a bad smell it would be an involuntary *hefsek*, and after the smell passes, you would have to start the *tekios* over again.

We hope that this Rosh Hashana, Hashem will hear the *kol tru'as amo Yisrael b'rachamim*.

A Lofty Mirror: The *Kohen Gadol's* Yom Kippur Juggling Act

RABBI YISROEL GORDON



Maseches Yoma tells the story of the “*Seder Hayom*,” the unique Yom Kippur service performed by the *Kohen Gadol* in the *Beis Hamikdash*. Strangely enough, the very first *mishna* of the *masechta* raises two scenarios which disqualify the *Kohen Gadol*, potentially derailing the service: a case of *tumah* and the death of his wife. This introduction foreshadows a *masechta* filled with embarrassing errors and unfortunate events.

- What if the *Kohen Gadol's* bull is slaughtered by a non-*kohen*? (42a)
- What if the *Kohen Gadol* loses his grip and the jug of blood spills out on the floor? (48a)
- What if he forgets which jug contains the blood of the bull and which contains the blood of the goat? (57b)
- What if, before the two bloods are thrown, the blood of the bull and the blood of the goat get mixed together in the same jug? (57a)
- What if the designated animals run away, and we can't find them? (50a)
- What if the *Kohen Gadol* drops the *ketores*? (48a)
- What if the *ketores* is missing an ingredient? (53a)
- What if the *sair la'azazel* gets sick and is unable to walk to the cliff? (66b)
- What if the *sair la'azazel* dies before it gets to the cliff? (40b)
- What if the *sair la'azazel* is cast off the cliff and doesn't die? (66b)
- What if the *Kohen Gadol* performs the service in the wrong sequence? (60a)
- What if the *Kohen Gadol* is an ignoramus or an *apikores* (18b)? Old and frail (31b)? Jealous and vindictive (71b)?
- What if, in the middle of the service, the *Kohen Gadol* suddenly passes away? (49a)

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As much as the *masechta* is dedicated to describing what is supposed to happen on Yom Kippur, it is also focused on troubleshooting when things go wrong: everything from an *avoda* performed out of order to blood spilt on the floor. Throughout *Shas*, the *gemara* utilizes uncommon case studies to illustrate *halachic* principles. But in *Yoma*, blunders are ubiquitous.

The Order of the Avoda

The Torah presents the *Seder Hayom* of Yom Kippur in *parshas Acharei Mos*, and the last *pasuk* states that it is a *chukas olam*, an “eternal decree” (*Vayikra* 16:34). The term *chuka*, “decree,” indicates that the disparate components of the service must be performed in the very same sequence as they appear in the Torah (40a). If an *avoda* is performed out of order, it is invalid and must be repeated in its correct position. For example, if the *Kohen Gadol* were to throw the blood of the goat before the blood of his bull, then the blood of the goat would need to be thrown again after the blood of the bull (60a).

It is a *chok*; we must follow the Torah’s order, no questions asked. Yet if we zoom out and view the entirety of the *Seder Hayom*, we will notice something most curious.

The *avoda* begins with the *Kohen Gadol* resting his hands on the head of his bull and saying *viduy*, confessing his sins and the sins of his family. He then leaves his bull to draw lots out of a box, designating the status of the two goats. Returning to his bull, he says *viduy* again, this time for his fellow *kohanim*. He then slaughters the bull but does not throw its blood. Instead, he gives the blood to a volunteer who mixes it to prevent it from congealing, while he runs off to burn *ketores* in the *kodesh hakodashim*. Returning to the bull offering, he begins to throw its blood, but then puts its blood down to go slaughter the goat and begin throwing its blood.

Flouting the principles of *ein maavirim al hamitzvos* and *hamaschil b'mitzva omrim lo g'mor*, the “*sefer*” of Yom Kippur clearly does not follow the straightforward sequential order. The *Kohen Gadol*’s bull offering is continuously interrupted by other tasks.

The *Kohen Gadol*’s final entry into the *kodesh hakodashim* provides another example of this emerging pattern. After completing the unique Yom Kippur *avoda* in his white linen garments, the *Kohen Gadol* changes into his golden clothes to bring the more ordinary *musaf* offerings of the day. Suddenly, he pauses the *musaf* offerings, changes back into the linen clothes and reenters the *kodesh hakodashim*, for the sole purpose of removing the ladle and firepan which were left there after the burning of the *ketores*. The *Kohen Gadol* then changes back into the golden clothes and resumes the service where he left off.

Changing out of the linen and into the gold, and then switching back into the linen just to retrieve these items gives the impression that he forgot them there! Of course, the *Kohen Gadol* did not forget anything; he is just following the legislated *Seder Hayom*. But it begs the question. Why didn't the *Kohen Gadol* remove the ladle and firepan earlier, when he was wearing his linen garments the first time?

Compounding the mystery, the *pesukim* in *parshas Acharei Mos* do in fact have the *Kohen Gadol* removing the ladle and firepan from the *kodesh hakodashim* before he changes out of his linen clothes (*Vayikra* 16:23). However, a *halacha l'Moshe m'Sinai*, a tradition from Sinai, informs us that this verse was deliberately written out of order (cf. *Yoma* 32a). It is as if Hashem used the Torah to validate what the proper *Seder Hayom* should be in theory, but then tells us not to do it that way. What is the meaning of this?

The Lack of a Simple Order

The *Beis Hamikdash* has a daily service that never goes on hiatus. Even on Yom Kippur, the morning and afternoon *Tamid* must be offered, the *menora* lit, the *ketores* burned, etc. The *Kohen Gadol* performs every *avoda* on Yom Kippur – both the ordinary and the extraordinary – yet a distinction is made. Whenever the *Kohen Gadol* performs a daily service, he dons the magnificent golden garments, just as he would on any other day of the year. However, when he performs a service unique to Yom Kippur, he wears the simple linen clothes of a regular *kohen*. Over the course of the day, as he alternates between the different services, there are no less than five wardrobe changes. Six, if we include changing back into his privately-owned clothes at the end of the service, and eight, if he chooses to wear a *kitel* for the Torah reading (68b).

According to the *piyut Amitz Koach*, the *Kohen Gadol* literally ran from *avoda* to *avoda*. This is no surprise. “*B'veis Elokim nehalech b'ragesh*” (*Tehillim* 55:15). In Hashem's house we move with excitement. Nonetheless, the optics of the big picture are striking.

Continuously changing his outfit as he runs from one task to the next, circling back to unfinished business only to abandon it again as he rushes off to initiate another job, reentering the *kodesh hakodashim* to retrieve vessels left behind, the *Seder Hayom* appears hectic and stressful by design. By labeling it a *chok* and making the order a requirement, the Torah is essentially demanding that the *Kohen Gadol* perform the “*seder*” out of order.

Falling Down and Getting Up

Right after Yom Kippur comes Sukkos, and on Sukkos there was an annual celebration

in the *Beis Hamikdash* called the *Simchas Beis Hashoeva*. “One who has not witnessed the *Simchas Beis Hashoeva* has not witnessed joy in his life” (*Sukka* 51a). The celebration featured entertainment, conducted not by professional performers, but by the leaders of the generation.

חסידים ואנשי מעשה היו מרקדים לפניהם באבוקות של אור שבידיהן, ואומרים
לפניהן דברי שירות ותשבחות.

Chasidim and men of deeds would dance before them with flaming torches in their hands, reciting songs and praises. (Sukka 51b)

Rashi explains that they juggled the torches, as elaborated by the *gemara*:

אמרו עליו על רבן שמעון בן גמליאל כשהיה שמח שמחת בית השואבה היה נוטל
שמנה אבוקות של אור חזרק אחת ונוטל אחת ואין נוגעות זו בזו...

They said about Rabban Shimon ben Gamliel, when he celebrated at the Simchas Beis Hashoeva, he would take eight torches, throwing them and catching them. One did not touch the other... (Sukka 53a)

Juggling eight torches is not sustainable. Eventually, one will fall. Even if a torch does not fall, the *tzaddik* will. “*Shiva yipol tzaddik, v’kum*” (*Mishlei* 24:16). A *tzaddik* falls seven times, and he gets up! When the holy juggler falls, his flaming torches, together with his vessels of sanctified blood, come crashing to the ground... but that doesn’t faze him.

Rabban Shimon ben Gamliel was not an entertainer. He was an educator who inspired the nation through his courage, his ambition, his fearlessness, and his perseverance.

Tumas Mikdash V’kedoshav

The *sair la’azazel*, the goat that is cast off the cliff, atones for every single *aveira* in the Torah, except for one: the sin of *tumas mikdash v’kedoshav*, defiling the meat of *korbonos*, or the *mikdash* itself, with *tumah* (*Shevuos* 2a). That sin is addressed by the other offerings of Yom Kippur, the bull and the *sair la’Hashem* (the bull atones for *kohanim*, and the goat atones for the rest of the nation). Why, of all the *aveiros* in the Torah, is *tumas mikdash* singled out to require its own independent atonement on Yom Kippur?

The sin of *tumas mikdash* has a unique characteristic. Ordinarily, accidental violations require atonement with a *korban*. However, when it comes to *tumas mikdash*, the Torah describes the sin as being performed in a state of “*ha’alama*,” forgetfulness (*Vayikra* 5:2). To qualify as an accidental violation, one must first have been aware

that they are *tamei* and that the meat is *kodshim*, and then, in a spell of forgetfulness, commit the sin. A person who never knew he was *tamei* or that this meat is *kodshim* does not require atonement. An “act” of forgetting is a critical prerequisite for *tumas mikdash v'kedoshav* (cf. Rambam, *Shegagos* 11:1).

Among the various scenarios of forgetting, undoubtedly the most bizarre is the man who inadvertently enters the *mikdash* not because he forgot that he is *tamei*, but because he forgot that this building is the *mikdash*! It is difficult to imagine how such a thing could occur. Aside from the terrifying presence of the *Shechina*, the *Beis Hamikdash* was an imposing architectural complex, a wonder of the world. It would take an extreme state of mental distraction to confuse the *Beis Hamikdash* with some other building.

This is precisely the point. Distraction is at the root of all sin, and *tumas mikdash* is the mother of all distraction. When we forget Hashem's presence and our inadequacies, we spread *tumah* and degrade the *kedusha* of Hashem's world. We get distracted and we forget who we are, where we are, and what we are doing.

החיבור הזה לא חברתיו ללמד לבני האדם את אשר לא ידעו, אלא להזכירם את הידוע להם כבר... אלא שכפי רוב פרסומם וכנגד מה שאמתתם גלויה לכל, כך ההעלם מהם מצוי מאד והשכחה רבה.

I did not write this treatise to teach people things that they don't already know, rather to remind them of what they already know... The more something is common knowledge and its truth universally recognized, the more it is ignored and forgotten. (Ramchal, Mesilas Yesharim, Introduction).

The devastating consequences of forgetting what we know is epitomized by *tumas mikdash*. This sin is in a class of its own. Nonetheless, the severity of the crime is no match for Hashem's infinite understanding and compassion, and with the specialized service of the bull and the goat, this too is forgiven on Yom Kippur.

The Seder Hayom and Our Daily Schedules

It is no coincidence that *Yoma*, the *masechta* of Yom Kippur and *teshuva*, deals with the inevitable slip-ups and mishaps of life. Human error has always been an inescapable reality of the human condition. Today, as we juggle the ever-increasing responsibilities and expectations of the Digital Age, failure is a question of how soon, not if.

The *Seder Hayom* of the *Kohen Gadol* in the *Beis Hamikdash* mirrors the multi-tasking daily schedule of modern man: hectic and stressful by design, with sleep

deprivation, skipped breakfast, and constant interruptions added to the mix. Yom Kippur forces us to confront our own lives and reevaluate.

The disarray of our life circumstances is not a chaotic mess, and attempting to juggle it all is not futile; it is simply our *avoda*. Distraction happens and torches fall, but that is no cause for trauma or despair. Even the most perfect of men, in the midst of performing the most critically important task on earth, will make mistakes. Make peace with a fact of life:

כי אדם אין צדיק בארץ אשר יעשה טוב ולא יחטא.

For there is not one good person on earth who does what is best and doesn't sin. (Koheles 7:20).

People make mistakes and Hashem forgives.

“*Shiva yipol tzaddik, v'kum*” (*Mishlei 24:16*). The *tzaddik* falls seven times, and he gets up. He falls and he rises, again and again and again.

When we do *teshuva me'ahava* and return to Hashem because we love Him, sins are transformed into merits (*Yoma 86b*). The *tzaddik* may fall repeatedly, but never back to the same position as before. Life is not a closed loop; it is a staircase spiraling upward. Each cycle brings the *tzaddik* higher because with each fall, he learns about himself, identifying weaknesses and developing new tactics for the next time around. *teshuva* turns failure into an engine for growth.

Through its disorganized *seder* and litany of accidents, *Yoma* mirrors the human condition, challenging us with a vision of *kedusha* that is compassionate, realistic, and attainable. If we surrender our obsession with “success” and focus instead on Hashem’s constant presence in the *mikdash* of our lives – *shivisi Hashem l'negdi samid* (*Tehillim 16:8*) – then our own personal *Seder Hayom*, with all its shortcomings, can be as acceptable before Hashem as the lofty Yom Kippur *avoda* in the *Beis Hamikdash*.

Yamim Noraim



Adiv Pachter

Robert Millman

Perspective and *Emuna*

ADIV PACHTER



HaRav Elimelech Biderman *shlit"a* provides a very powerful lesson gleaned from a custom of the *chazan* of the Rosh Hashana *shacharis*. The custom in shuls worldwide is that the *baal tefilla* begins *shacharis* on Rosh Hashana saying the word *Hamelech* while he is standing at his place. Afterwards he walks over to the *amud* and resumes the prayer. Why doesn't he announce *Hamelech* at the *amud*? He explains that the mitzva of the day is to be *mamlich* Hashem; we accept Him as our King. We have to accept Hashem's Kingship in the very place that He put us. In the situation that He put us, whether it is an easy place or a difficult one, from within that place, we must crown Hashem as our King. Sometimes we complain and think to ourselves, we should have davened elsewhere, the AC is not working here, my neighbor is disturbing my concentration etc. In the place where Hashem put you, that is where you need to accept and coronate Him as your King! Of course, one should prepare before Rosh Hashana and pick an ideal place to *daven*. But when the moment comes, it is not time to start making *cheshbonos*. It's not about the *gabbai*, the seat, the guy next to you. It's all from Hashem! He put you there.

He tells over a story about Rav Yehuda Pataya (1859-1942), a great *gadol*. Once, on the first night of Rosh Hashana, he was sitting with his white kaftan around the table with many guests. There were lit candles on the table. Someone shook the table by mistake and the candles were extinguished. Sitting in the dark on the first night of Rosh Hashana was not the most comfortable situation, but his immediate response was that it is all from Hashem! If He made it dark that must be a good sign! In the meantime, his rebbetzin entered with a tray of fish. But being that it was dark, she tripped and landed on the floor together with the fish. Immediately his response was this is a good sign. It's the first night of Rosh Hashana and this is a good sign. He went to help his wife and he slipped on the fish sauce and his white kaftan became

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completely soiled from the sauce. Again his response was Hashem made this happen, these are such sweet signs! Reb Yehuda writes that he never had such a successful year as that one. His *chidushei Torah* were exceptional. Whatever he tried that year merited tremendous *siyata d'shmaya*. Realize that by crowing Hashem as your King, recognizing that everything is Him, that is the greatest *siman tov*!

The Divrei Yisrael of Modzitz comments on the *pasuk* in *Tehilim* (91:10):

לא תאנה אליך רעה ונגע לא יקרב באהלך.

Simply translated, this means that no evil will befall you, nor will any plague come near your tent. The Divrei Yisrael explains that the word *teuneh* is correlated to the word *mitonen*, to complain. He quotes the *pasuk* in *Bamidbar* 11:1 which discusses those that complained in the midbar.

ויהי העם כמתאננים רע באזני ה'...

Also, simply translated, it means that the people took to seeking complaints; it was evil in the ears of Hashem. However, he explains it to mean that they complained about the bad into the ears of Hashem. He quotes the *gemara* in *Erchin* 15b that states that *negaim* come from the sin of *lashon hara*. Those that complain about Hashem or to Hashem are guilty of *avak lashon hara* against Hashem. We are warned “*Lo seuneh elecha ra'ah*,” meaning do not complain about the seemingly bad things in our lives to Hashem; rather we should have the belief that everything that Hashem does is for the good; *kol de'avid Rachmana, l'tav avid*. When we reach that level, then we will be *zoche* to the fulfillment of the second part of the *pasuk* which gives the *bracha* of *v'nega lo yikrav be'ohalecha*; then, no *nega* will afflict us; Rather we will be able to turn the *nega* into pure *oneg*! May we be *zoche*!

HaRav Biderman comments on the language that appears in the *tefilla* of *Av Harachamim Shochen Ba'meromim*. The same *lashon* appears when we say *Kel Maley Rachamim Shochen Ba'meromim*. What is the reason for the specific reference to *Shochen Ba'meromim*? Yes, Hashem is our *Av Harachamim*! But many times we have questions about why seemingly bad things happen. Immediately we find the answer in these words: *Shochen Ba'meromim*. Only in *shamayim* will we understand the *rachamim* of Hashem. *Lemaala*, they understand that everything is all *rachamim*. Down here we are not as fortunate to see this clearly.

Moshe asked Hashem to show him His ways. The *gemara* in *Berachos* 7a explains that Moshe was asking why good things happen to bad people and vice versa. Why do the *tzadikim* struggle in life while many *reshaim* live a life of success? And as it says in *Parshas Ki Sisa*, Hashem answered him: Behold there is a place with Me, and you

shall stand on the rock. What does “there is a place with Me” mean? It means, come up to where I am. From there, you will be able to understand. When a car is driving on the road, the driver does not understand why there is traffic around him. When one is higher up, however, then he can see the cause of the traffic, because he can see the full picture. *Hakadosh Baruch Hu* said, down below you will not be able to understand, but up here, it is understood.

Reb Meir Amshinover lived in Bayit Vegan in Yerushalayim. After getting up from *shiva* once, he called his *gabbai* Reb Yakir Bigeleisen and told him that the custom here is that during *shiva* was not to serve whiskey for *l'chaim*. But he planned to take out some whiskey and make a *l'chaim* as soon as he got up from *shiva*. He explained that for seven days he sat and heard all kinds of reasons why the person died. It was because of this and that. If he wouldn't have gone to this and this place, he wouldn't have died. If he wouldn't have been operated on he wouldn't have died. If he wouldn't have taken that bus then he wouldn't have died. They were sitting for seven days and filling their heads with *apikorsus*. So he planned to drink some whiskey in order to rinse the heresy out his brain. And we say *shehakol niyha bidvaro* on the whiskey to show that we believe that everything that happens is because Hashem said so!

The Ramban had a young student who passed away. The Ramban went into the *tahara* room, took a paper and a pen and wrote: When you go up to *shamayim*, there is a very tall *heichal* called *Kisey L'Mishpat*. There is where is the *Shechina* is found. I want you to go all the way to the top and go directly to the *Kisey L'Mishpat* and ask why exactly you passed away so young. The Ramban signed his name and instructed the *Chevra Kadisha* to bury him with this letter in his hands. The Ramban sat and learned afterwards and the student appeared to him in the window and said that all of the angels moved aside. After all the Ramban signed the letter! He said he arrived all the way inside all the way to the *Kisey L'Mishpat* but now he had a new problem. Now that he was up there, everything became clear. He had no questions. The *neshamos* have no questions. Only here do we have questions and need *chizuk*.

The following is told of the Akeidas Yitzchak of Alexander, moments before he was thrown into the gas chambers at Auschwitz with thousands of his students. One miraculously escaped who told the story. The students asked their Rebbe to give them *chizuk* before they were murdered. He told them the following and with this he was thrown into the gas chambers; he said its says in the *pasuk Lehagid baboker chasdecha, v'emunascha baleilos*. He asked, we understand *baboker chasdecha*, the *chesed* of Hashem, that makes sense. But *emuna*, that is our *emuna*, so why does it say *v'emunascha*, Your *emuna*? It should have said *v'emunaseinu*, our *emuna*! He went on

to explain that when Hashem brings a *nisayon* to test a person, it means that Hashem believes that this person will withstand the test. When He brings the *matzav* of *leilos*, namely *nisyonos*, when night and darkness comes, Hashem says “I believe.” He has *emuna* in us that we can withstand the test and always remember that He runs the world. This is what it says in *Tehillim* (42:9) *Yomam yitzave Hashem chasdo, u’balayla shira imi...* In the day Hashem will command His loving kindness and *chesed*. Even by night, His resting place is with me. The *hashraas haShechina* is even by the night and darkness.

When you pinch someone, it hurts, but at the same time you are holding on to him. When Hashem pinches us, he is holding onto us at the same time. When He pinches us, he is holding onto us tightly. When someone knocks on a door, there is a peephole which is naturally see-through. If it turns black, then one knows that the homeowner is looking at him. The *Av Harachamim* is looking at us now with two open eyes!

Rabbi Lipa Geldwerth, Rav of Khal Kol Torah, quotes the famous Vilna Gaon. We say *Eleh Ezkera* on Yom Kippur to remember and internalize the murder of the *Asara Harugei Malchus*. *Chazal* tell us that they first took out Reb Yishmael Kohen Gadol and Reb Shimon. The torture of Reb Yishmael was horrid and he screamed a horrible shriek. In Heaven the angels began to shout bitterly: This is Torah and this is his reward?! A *bas kol* came from *shamayim*: If I hear one more sound from you, I will return the world to its primordial state of absolute nothingness. Why is that the response? Aren’t the angels asking a very powerful question? The *Gra* brings an extraordinary *meshal*. There was once a king who was vain and had a contest of who could create the best wardrobe for him. There was one particular tailor who rose to the challenge and told the king that he would fashion a garment for him like never before, but that he needed very expensive material. The king agreed to provide whatever he required. He took measurements and told the king how many yards of gold fabric he needed. The king supplied it and the tailor went to work and made a garment that was absolutely exquisite. The king pranced around in this garment as he was so proud and happy. But someone planted in his mind that perhaps something nefarious happened here. Did he need so much gold fabric? This man kept on feeding doubts to the king until the king finally called in the tailor and demanded an accounting of every stich and centimeter. The king said how he was concerned that the tailor did not use all of the fabric for him. Perhaps there was some embezzlement. The tailor started to explain how he makes a garment explaining that he has lapels, linings, pockets, folds, hems etc. The king was not convinced and said he still did not

think that he needed so much material. The tailor said he would prove it to the king. He asked his apprentice for his long tailor shears and asked the king to remove the garment. He laid it out on the table and he took the long scissors and was about to cut the garment. The king abruptly stopped him and said “What in the world are you doing? You are going to ruin the garment! Stop!” The tailor explained that there was no other way to explain it to him. He would have to open every stitch and seam, undo every pocket, until he could fold it straight like it was originally. Only then would the king see and understand how he made this garment. For him to understand the tailor needed to dismantle it. The king said he preferred to keep the garment as is. So too, Hashem says that if you want to understand His Ways, to understand all of the folds, tucks and pockets throughout the ages and all of the ins and outs, He could explain it to you. But to do so, He would have to dismantle Creation, to return it to the way it was.

The Satmar Rebbe once visited a *shiva* house and he told the family who experienced a tragedy, for one who doesn't believe, there will be no answer and for one who believes, there will be no question. This is the essence of *emuna*.

HaRav Shmuel Zucker, Rav of Kehilla Kedosha of Ramat Eshkol, expounds on the *ketores* which relates to the *inyan* of *hiskashrus*. How is a person able to connect to Hashem through the *inyan* of the *ketores*? Rav Zucker explains as such:

At the end of the *beraisa* of *ketores* that we recite every day, it says

אילו היו נותן בה קורטוב של דבש אין אדם יכול לעמוד בפני ריחה.
If only a person were to put a small amount of honey, no one would be able to stand before its smell.

ולמה אין מערבין בה דבש מפני שהתורה אמרה כי כל שאור וכל דבש לא תקטירו ממנו אשה לה.

Why don't we add honey to the ketores? Because the Torah says that it is forbidden to add honey.

When the *beraisa* asks why honey is not added, trying to obtain the reason, the normal response would be to give a reason. Instead, the *beraisa* simply answers because the Torah says that there can't be any honey. This is the definition of *hiskashrus*. Real *hiskashrus* is a connection that is above reasoning or explanation. Like the connection of a child to his father, where their connection is above any reasoning.

A beautiful *remez* to this idea can be found in the Gra on *Sefer Mishlei* (24:13, and *perek* 25). He writes that the word *devash* is the *roshei teivos* of *de'ah, bina, sechel*,

which means that *devash* represents understanding. Therefore, according to this *remez*, we have a whole new understanding of this *beraisa* of *ketores*. When it says *were we to put in a kortov of devash*, there was a real thought that if there would only be *de'ah, bina, sechel*, i.e. if we would only understand what it means to be connected to Hashem (represented by the *ketores*), it would be so much better. But the *beraisa* answers, on the contrary. *Hiskashrus* to Hashem is beyond *devash*, reason and understanding.

שופני שאמרה תורה כי כל שאור וכל דבש לא תקטירו ממנו אשה לה

Our connection to Hashem is beyond *de'ah, bina, sechel*. On the contrary, seeking reason for the connection actually undermines the connection.

The *pasuk* says, *ashrei ha'am shekacha lo*, happy are the people who are *kacha lo*. When a child asks his father for something and his father says 'no', and the child asks 'why', the father answers – *kacha*, because a father does not need to explain to his child everything. Sometimes the answer is simply *kacha*! A parent does not need to explain himself! *Klal Yisrael* is a nation *shekacha lo*, where we have acquired the *kacha*, the relationship with Hashem that is because it is, without any rhyme or reason. Fortunate is the nation who knows how to accept the answer of *kacha* and does not persist.

Rabbi Zev Leff quotes the Chafetz Chayim that there is a *pasuk* in *Tehillim* (145:20), which if you know the entire *pasuk*, you are fine.

שומר יהוה את כל אהביו ואת כל הרשעים ישמיד

Hashem protects all of those that He loves and He destroys all those that are evil.

What happens if you have never heard that *pasuk* in your life and you walked into *shul* late one day. You hear the congregation saying it with great *kavana, es kol ohavav v'es kol hareshaim yashmid*. What does that mean? Why would Hashem destroy all the people that He loves? You walk out perplexed. Alternatively what happens if you have never heard this *pasuk* and you went to *shul* and left early. All you heard was: *shomer hashem es kol ohavav v'es kol hareshaim*. Hashem will protect all those that He loves and the evil people. You would be equally perplexed. Why would Hashem do that? The Chafetz Chayim says that we come late to this world and we leave early and only see a portion of what is transpiring. We have a lot of questions. But if we can see the entire picture, from the beginning of the Creation of the world until the end, then we would realize that Hashem has a master plan and that everything is really for the good.

Rabbi YY Jacobson quoted a class he once heard from Rav Moshe Shapiro. At

the end of the *kadish* we say “*leilah min kol birchasa v’shirasa tushbechasa v’nechemasa da’amiran b’almah v’imru amen.*” He is blessed above all the blessings, above all of the songs, above all of the praises. Then we add *v’nechemasa*; He is also above all of the comfort that we speak about in the world. What does this mean? I understand that He is above all of the praise and the blessings and all of the songs etc. None of this captures infinity! What does it mean that He is above all of the *nechamos*? The answer is that there are two types of comforting. One is when I come to you and say that I know that you went through a hard time but I want to show you the positive silver lining. I want you to focus on the good things and I try to offer you words of comfort. Sometimes these words are nice and effective. But there are times such as when you are standing in front of a grave of a loved one, when all of those words of comfort do not add up. No words can capture, rationalize or justify the magnitude of the pain. It is then that we say that Hashem is above the *nechemasa*! He is above all of the regular comforting words that we are used to that is articulated in the world. We have to tune into a different level of comfort.

Coming Close to God

ROBERT MILLMAN



This past Shavuous, my wife and I visited our son Yoni and his family in Queens. Yoni learned weekly with the CEO of a major corporation. My son asked me if I wanted to learn with him and this gentleman during their prescribed learning session and I was happy to do so. During the time in Queens, I had two learning sessions with Yoni and his CEO *chavrusa*. After the second one was over, and knowing I was heading home, the CEO asked me if I wanted to read a *mussar sefer*, one that he represented was the best *mussar sefer* that he had ever read. I of course agreed. Within minutes, he reappeared and handed me a book entitled *Holy Brother*, about the life and extraordinary *chesed* of Rabbi Shlomo Carlebach.

I immediately read several pages. I handed the book back and ordered it online upon my return to Los Angeles. It is published by Roman & Littlefield, and was completed by Yitta Halberstam Mandelbaum. I recommend it to all. We all know of Rabbi Shlomo Carlebach the singer. Few of us know what an extraordinary *baal chesed* he was and how many lives he transformed.

Here is a short excerpt from *Holy Brother* that I think shares insight into Reb Shlomo's uniqueness from a young age:

When the Nazis invaded Austria, Shlomo's father, Rabbi Naftali Carlebach, called a family conclave to discuss a plan of action. Soon, all the family members were assembled in the dining room, everyone that is but eleven-year-old Shlomo. Repeated calls for the missing twin elicited no response and Shlomo's mother, Rebbetzin Paula Carlebach, was dispatched by her husband to search for him throughout the family's spacious quarters.

A few minutes later, she returned breathless, her eyes wild with fear. "Shlomo's nowhere to be found," she reported in tense, clipped tones. "I've looked for him everywhere. He's definitely not in the apartment. Oh, my God," the Rebbetzin clutched her heart in

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consternation, "he must have gone outside!"

Shlomo had been repeatedly warned by his parents that it was no longer safe to venture outdoors. He was a boy of unusual courage and determination, but he was also a respectful and obedient child who almost always honored his parents' wishes. Could he have flagrantly flouted their authority this time? And for what purpose? Why would he have left the relative safety of their home? Where could he have gone?

Rabbi Carlebach instructed the family to disperse and check all of the rooms a second time. Once again, they returned empty handed. Shlomo had not been found, and panic was beginning to set in.

Suddenly, Shlomo's twin, Eli Chaim, had an inspiration. "I know where he is," he shouted triumphantly. "Follow me!"

"So Shloimala," said Rabbi Carlebach softly as he ascended to the top of the house and spied his eleven-year-old son from a distance, what are you doing on the roof?"

"Tatta! (father)" Shlomo turned to Rabbi Carlebach with burning eyes, "the roof is that much closer to Hashem (God).

And at a time like this, shouldn't we try to be as close to God as much as possible?"

The goal of the period from Elul to Shemini Atzeres, is of course, to do serious introspection, effectuate a true and complete *teshuva* for our *aveiros*, and become as close to God as possible. We do this by *davening* more intently, increasing our learning and focusing on a fundamental reality; recognition that one never knows when our journey in this world will come to an end. Come Rosh Hashana, we ask the *Ribono Shel Olam* for another year of life, replete with good health, *bracha* and *mazel* for ourselves and our families.

Yet as we reflect on the year 5781, one would have to have lived in a cave to not realize that 5781 was a year of great tragedy for *Am Yisrael*. Covid deaths took the lives of countless *yidden* and *tzadikim*. Meron was an unspeakable tragedy, followed by the collapse of bleachers and resulting deaths at a Slonimer gathering. Soon thereafter, we experienced more death and destruction in South Florida. And, amidst all of this, we learned of a family wiped out in an Italian gondala car, and three sweet *talmidim* killed in a plane crash in Ukraine. Perhaps most significantly, we saw an extraordinary rise in world-wide antisemitism.

In my lifetime, I would never have believed that Jews would be regularly attacked on major American city streets, that openly antisemitic politicians would have a compelling voice in the halls of Congress, and that in trying to defend itself against Hamas terror rockets, Jews would be labeled child killers and a genocidal nation.

These are terrifying and complicated times. *Hakadosh Boruch Hu* is talking to us loudly and clearly. What are we to do? What is our response?

All we can realistically do is try to change ourselves, to grow in *mitzvos*, *chesed*, learning and the giving of greater amounts of *tzedaka*. We also can focus on loving our fellow Jew as never before, cognizant of the fact that we can only change the world, one mitzva at a time. One of the ways we do this is by asking *mechila* of those we may have hurt or harmed in the past year. Sometimes, we never are given the opportunity to right a wrong and ask for forgiveness. However, if given the opportunity we must grab it and when *Hakodesh Baruch Hu* brings the opportunity to us, literally as a gift, embrace the moment and give thanks to God that we can make the world a kinder and gentler place.

How lucky are we when God orchestrates events for us so that we can be successful in performing a mitzva we want so very much to perform. Perhaps too, the power of *mechila* will bring an answer to our specific *tefillos*. It certainly will prove to be a vehicle, as young Shlomo Carlebach recognized, to come closer to God.

May we all be blessed with a year of sweetness, goodness, *nachas* and health and may *Klal Yisrael* see an end to our long *geula* with the coming, please God soon, of *Mashiach*. *Kein Yehi Ratzon*.

Sukkos



David R. Schwarcz

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When Did The Jews First Celebrate Sukkos?

DAVID R. SCHWARCZ



This article arises out of a famous rabbinical story. In the late 19th century and early 20th century, Rabbi Yisroel Veltz, the *Geived*¹ of Budapest, contributed to a *yarchon*, a Torah journal, titled *Tel Talpiot*. In the article, Rabbi Veltz presented the following original idea based on the *Sefer Ohr Torah* authored by Rabbi Menachem Tzvi Tackson, a *litvisher gaon* who received a rare and well deserved approbation from the famous Beis Halevi, Rav Yosef Dov Soloveichik z”l. He suggested that during their forty-year sojourn in the desert, the Jews did not celebrate the holiday of Sukkos by sitting in the *sukka* and did not observe the mitzva of the Four Species – *lulav* and *esrog* (which hereafter shall be referred to as the *Daled Minim*).²

The Controversary

At first blush, this surprising assertion seems to directly conflict with the Torah’s presentation of the laws of Sukkos (*Vayikra* 23:39–43) which explicitly outlines the mitzva as follows:

אך בחמשה עשר יום לחדש השביעי באספכם את תבואת הארץ תחגו את חג ה’ שבעת ימים ביום הראשון שבתון וביום השמיני שבתון. ולקחתם לכם ביום הראשון פרי עץ הדר כפת תמרים וענף עץ עבת וערבי נחל ושמחתם לפני ה’ אלקיכם שבעת ימים. וחגתם אתו חג לה’ שבעת ימים בשנה חקת עולם לדורתכם בחדש השביעי תחגו אתו. בסכת תשבו שבעת ימים כל־האזרח בישראל ישבו בסכת. למען ידעו

1 *Geived* is a Yiddish term for community leader who oversees certain communal charities and public services, also known euphemistically and Yiddish slang as a “*macher*.”

2 This article is based on and adapted from Rav Sruely Bornstein’s *shiur* entitled “Sukkos in the Midbar” presented on “Lakewood Daf Yomi”.

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דרתיכם כי בסכות הושבתי את־בני ישראל בהוציאני אותם מארץ מצרים אני ה' אלקיכם.

*On the fifteenth day of the seventh month, when you have gathered in the produce of the land, you shall celebrate the feast of Hashem seven days. On the first day shall be a solemn rest, and on the eighth day shall be a solemn rest. **And you shall take on the first day the fruit of splendid trees, branches of palm trees and boughs of leafy trees and willows of the brook,** and you shall rejoice before the Lord your God seven days. You shall celebrate it as a feast to the Lord for seven days in the year. **It is a statute forever throughout your generations;** you shall celebrate it in the seventh month. **You shall dwell in booths for seven days. All native Israelites shall dwell in booths, that your generations may know that I made the people of Israel dwell in booths when I brought them out of the land of Egypt: I am Hashem your God.***

Contrary to Rav Tackson's argument that the Jews in the desert did not dwell in a *sukka* or take the *daled minim*, the foregoing *pesukim* detail the laws of Sukkos, specifically dwelling in the *sukka* for seven days and the *daled minim*, that Moshe instructed *Bnei Yisrael* in the desert.

The *Tel Talpiot* readership was baffled and astounded by Rav Tackson's obvious misreading of an explicit Biblical mandate requiring all generations, including the generation of the desert, to observe the laws of Sukkos.

In anticipation of this apparent heretical uproar, Rav Tackson explained that the source for this contention is found in *Vayikra* 23:33–38 and 23:39–44 which introduces the following two separate and distinct accounts and celebrations of Sukkos:

- **Sukkos for the Jews who left Egypt (*Vayikra* 23:33–38):** The Torah introduces the holiday of Sukkos that was to be celebrated by the generation that left Egypt by stating that on the fifteenth day of the seventh month, the festival of Sukkos shall be celebrated for a period of seven days. The first day of the holiday is holy, no work shall be done. For seven days, *Bnei Yisrael* shall bring sacrifices and on the eighth day, there is a holy convocation; no work shall be done. At this point, the Torah does not mention the two unique *mitzvos* of dwelling in a *sukka* or the taking of the *daled minim*. Based on the Torah's deliberate omission of these two *mitzvos*, Rav Tackson boldly concludes that the Jews in the desert were not obligated to dwell in a *sukka* or to take the *daled minim* for the following two

reasons: 1) These two *mitzvos* did not apply to that generation because they already dwelled under the Clouds of Glory during their forty-year sojourn in the desert; and 2) *Bnei Yisrael* could not gather the *daled minim* in the desert because such fruits were not available there, and moreover, these fruits and branches could only be gathered from the land of Israel.

- **Sukkos for Future Generations (Vayikra 23:39–42):** The Torah then transitions to the celebration of Sukkos for ‘future generations’ commencing with Yehoshua’s initial entry into Israel. In *pasuk* 39, the Torah introduces the subject of Sukkos, which was interrupted by *pesukim* 37-38 with the delimiting term “*ach*,” “but,” which suggests a limitation for the introduction of a separate and unique laws that specifically apply to Sukkos, namely, dwelling in the *sukka* for seven days and the *daled minim*.³

Rav Tackson posits that the basis for the Torah division of the two passages was to denote that that the Jews that left Egypt and sojourned in the desert for forty years (the “*Dor Hamidbar*”) did not dwell in a *sukka* because they were already surrounded and accompanied by the “Clouds of Glory,” “*Ananei HaKavod*,” which continuously provided protection. There was no need for the Torah to mandate that they dwell in a *sukka* while accompanied by the *Ananei HaKavod*, because such a reminder is for future generations which did not experience the miracle of the *Ananei HaKavod*.

Rav Tackson finds support for his claim in *pasuk* 23:43 wherein the Torah specifically avers that the purpose of sitting in the *sukka* is “*that your generations may know that I made the people of Israel dwell in booths when I brought them out of the land of Egypt.*” Thus, sitting in the *sukka* is a reminder for future generations, not for the generation that experienced the miracle of dwelling in the Clouds of Glory.⁴

Moreover, the Torah specifically states that the mandate to take the *daled minim* only applies “when you gather in **the crop of the Land**, you shall celebrate Hashem’s festival for seven days... You shall take for yourselves on the first day the fruit of a citron tree, the branches of a date palms, twigs of a plaited tree, and brook willows; and you shall rejoice before Hashem, your God for a seven-day period.”

3 According to Rabbeinu Bachya, the laws of Sukkos are divided into two parts: the first refers to the sanctity of the festival as represented by the offerings; the second refers to the commandments that are unique to Sukkos – namely dwelling in the *sukka* for seven days and the *daled minim*.

4 See *Sukka* 11b and *Shulchan Aruch, Orach Chaim* 625, *Mishna Berura* 625:1 which states that the *sukka* represents a model of the Clouds of Glory which is the basis for dwelling in the *sukka*. Also, had the Jews in the desert sat in as *sukka*, the *sukka* would be covered by the *Ananei HaKavod* and be invalid, as it would be deemed a ‘*sukka tachas sukka*’. (*Sukka* 20b; *Shulchan Aruch, Orach Chaim* 627:1)

Indeed, in the desert, the Jews did not gather the “crop of the Land” as there were no crops to gather because the Jews ate the *mon*. Furthermore, the “crop of the Land,” according to Rav Tackson, refers to the Land of Israel and not the desert. Therefore, he concluded that the Jews did not observe the mitzva of *daled minim* during their time in the desert.

Rav Tackson further elucidated the reason why the *mitzvos* of *sukka* and *daled minim* only applied in Israel and not in the desert, because in Israel the Jews lived in houses and the annual dwelling in the *sukka* for seven days served as a cogent reminder of the *Ananei HaKovod* which is synonymous with the *Shechina* (viz. presence of God) that resided in their midst.

Likewise, the *daled minim* are a vivid reminder of the great bounty that God has bestowed upon the Land of Israel. The *Dor Hamidbar* did not witness such bounty, as they did not harvest fruits and vegetables in the desert.

It is noteworthy that Ibn Ezra and Rashbam provide an alternative explanation for the two different passages in *pesukim* 23:33-44. Since the introduction of Sukkos is immediately preceded by Rosh Hashana and Yom Kippur, the solemn days of judgment and fasting, the word “*ach*” in 23:39 emphasizes that Sukkos is different from Rosh Hashana and Yom Kippur. In contrast to the foregoing holidays, Ibn Ezra and Rashbam emphasize that Sukkos is a time to be joyous and grateful for the bountiful blessing of the harvest. This explanation only addresses the juxtaposition of Rosh Hashana and Yom Kippur to Sukkos but fails to address the glaring issue as to why the Torah repeated the mandate to observe the holiday of Sukkos.

Absent a more cogent argument to support a reasonable basis for the two separate Sukkos passages, one may be persuaded to side with Rav Tackson’s novel explanation. Nevertheless, the *Yarchon* readership stridently contended in their letters to the editor that it is highly unlikely and preposterous to maintain that Moshe and his entire generation never dwelled in a *sukka* or took the *daled minim*.

The Support from the Rambam

In response to these critics, Rav Veltz clarified Rav Tackson’s position in *Ohr Torah* by highlighting the fact that Rambam, in the *Moreh Nevuchim* 3:43 stated that the underlying reason for the *daled minim* is to celebrate that the Jews left the desolate and arid desert and entered a *Eretz Yisrael*, a land flowing with milk and honey.

The Rambam specifically states:

The Feast of Tabernacles, which is a feast of rejoicing and gladness, is kept seven days in order that the idea of the festival may be more noticeable.

The reason why it is kept in the autumn is stated in the Law, “When thou hast gathered in thy labours out of the field” (Shemos 23:16); that is to say, when you rest and are free from pressing labours... **I believe that the four species are a symbolical expression of our rejoicing that the Israelites changed the wilderness, “no place of seed, or of figs, or of vines, or of pomegranates, or of water to drink” (Bamidbar 20:5), with a country full of fruit-trees and rivers.** In order to remember this, we take the fruit which is the most pleasant of the fruit of the land, branches which smell best, most beautiful leaves, and also the best of herbs, i.e., the willows of the brook. These four kinds also have those three purposes: First, they were plentiful in those days in Palestine so that everyone could easily get them. Secondly, they have a good appearance, they are green; some of them, viz., the citron and the myrtle, are also excellent as regards their smell; the branches of the palm-tree and the willow having neither good nor bad smell. Thirdly, they keep fresh and green for seven days, which is not the case with peaches, pomegranates, asparagus, nuts, and the like.

Equally significant, the Rambam, in his *Hakdama L’Perush Hamishna*, highlights this point by stating that from the “time of Yehoshua until the present,” *Bnei Yisrael* fulfilled their mitzva of *daled minim* with *esrogim* even though the Torah does not specifically identify the *esrog* as the “*Pri Etz Hadar*” – a citron tree.⁵

Rabbi Veltz, in his rejoinder to the fierce criticism leveled at him, emphatically stated that the foregoing citations from the Rambam that the basis for the *daled minim* was to celebrate the fruits and produce of *Eretz Yisrael* and that such celebration commenced from the “time of Yehoshua” and not from the time of Moshe.

Notwithstanding the fact that Rav Tackson’s novel thesis was supported by the foregoing references in the Rambam, the rabbinic leaders could not accept the fact on an intellectual and visceral level that the *Dor HaMidbar* – particularly Moshe – did not sit in a *sukka* or observe the mitzva of *daled minim*.

In an effort to quell the opposition, Rav Veltz corresponded with Rav Eliezer Waldenberg (the “Tzitz Eliezer”) and inquired about whether there is direct support for a finding that the *Dor HaMidbar* did not observe Sukkos by dwelling in the *sukka* and taking of the *daled minim*.

⁵ *Vayikra* 23:40, *Sukka* 35a

Surprisingly, the Tzitz Eliezer⁶ replied that Rav Tackson's inferences from the Rambam are true and correct, and directed Rav Veltz to review the Mabit's *Shaar HeYesodos*, chapter 37 wherein he opines that the *Dor Hamidbar* observed all the *mitzvos* from *Sefer Bereishis* through *Vayikra*, but did not observe any of the *mitzvos* in *Sefer Bamidbar* and *Devarim*, as those *mitzvos* were given at *Arvos Moav*. However, the Mabit could not accept the fact the *Dor Hamidbar* did not fulfill the fundamental *mitzvos* of *shema*, *tefillin* and *tzitzis* which appear in *Sefer Bamidbar* and *Devarim*, since it is well accepted that Avraham kept all the *mitzvos*, including those in *Bamidbar* and *Devarim*.⁷ Likewise, he argued that Moshe must have also kept these *mitzvos*.

Accordingly, the Mabit avers that all the *mitzvos* were transmitted at Har Sinai, including the *mitzvos* outlined in *Bamidbar* and *Devarim*, except for the *mitzva* of *sukka* and *daled minim* which the Jews did not observe in the desert.

The Mabit finds support for his opinion that the *Dor Midbar* did not dwell in the *sukka* based on *Vayikra* 23:43 which states that the children of Israel shall dwell in booths "so that your generations will know that I caused the Children of Israel to dwell in booths when I took them out of Egypt."

Thus, the purpose of dwelling in a *sukka* is for "future generations" to recognize the miracle of the *Ananei HaKovod*. The *Dor Hamidbar* did not require such reminder because they were guided by the Clouds of Glory for their forty years in the desert. Moreover, as previously explained, the covering of the *sukka*, the *s'chach*, represents the *Ananei HaKovod*. The *Dor Hamidbar's s'chach* was the actual *Ananei Hakovod* and as such, they were not required to dwell in a man-made *sukka* with *s'chach* derived from tree leaves and branches which were not available in the desert.

Conclusion

The Tzitz Eliezer's approbation and strong support of Rav Tackson's position that the *Dor Hamidbar* did not celebrate Sukkos by dwelling in a *sukka* and taking the *daled minim* finally silenced the opposition, and at the same time illustrates that the

⁶ See Tzitz Eliezer 7:31

⁷ The *gemara* in *Yoma* 28b cites Rav saying that Avraham Avinu fulfilled the entire Torah before it was given, as it is stated: "Because [*ekav*] Avraham hearkened to My voice and kept My charge, My *mitzvos*, My statutes and My Torahs" (*Bereishis* 26:5). Rav Shimi bar Chiyya asked that perhaps the *pasuk* means that he fulfilled only the *Sheva Mitzvos Bnei Noach* and not the entire Torah. The *gemara* points out that Avraham clearly observed *bris mila*, which is not one of the *Sheva Mitzvos Bnei Noach*. Apparently, he fulfilled more than just those seven. The *gemara* asks that maybe he fulfilled only the seven *mitzvos* and circumcision? Rav responded that if that was so, why does the *pasuk* state Avraham kept "My *mitzvos* and my Torah?" That is a clear indication that he fulfilled *mitzvos* beyond the *Sheva Mitzvos Bnei Noach*, and apparently fulfilled the entire Torah.

timeless wisdom of the Torah is still vibrant and dynamic.

Open and robust dialogue among Torah scholars like the discussion herein leads to a deeper understanding of the inner dimensions of Hashem's Torah and *mitzvos*. Engaging in this dialogue and observing the *mitzvos* of Sukkos expands the awareness and consciousness of the *Ananei HaKovod Shechina* which guided the Jews in the *Midbar* and continues to guide and direct us throughout our daily lives.

Indeed, the generation of the *Midbar* is commonly referred to as the Generation of Awareness, the *Dor Deah*, who received the Torah and were spiritually elevated to the level of perpetual awareness of the Divine indwelling. Through the observance of Sukkos, future generations were granted the privilege to re-live and experience the *Shechina* by dwelling in the *sukka* for seven days.⁸

Through our steadfast observance of the *mitzvos* of Sukkos may we merit that the *Shechina* will dwell among all of us.

⁸ See *Tanya, Iggeres Hakodesh*, Epistle 9, which explains that in the generation right before *Moshiach*, the *Shechina* vests itself in the lower worlds of *Beria*, *Yetzira* and *Asiya* – also known as the “*Sukkas David*” for David, as the King of Israel, was the *merkava* (i.e., vehicle) to *Malchus of Atzilus* which has fallen to the lowest level of *Asiya*. Through charitable acts and observance of the *mitzvos* of *sukka* we elevate and restore the *Sukkas David* to its rightful place in *Malchus of Atzilus*.

Minhagim: From Shemini Atzeres to Covid

EVAN SILVER



Before the codification of the talmud, Torah observance was based on oral traditions and *minhagim*. The early sages foresaw the oral chain weakening, so they wrote down the Oral Law beginning with the *mishna*, and then later the *gemara*. Now, our *halachic* observance is based primarily on those codified texts. During various challenging times in history, *minhagim* sometimes developed that are contrary to what has been accepted as *halacha*, as codified in the *mishna* and *gemara*. While it is important to follow *halachic* texts, *minhagim* have an important place for the continuity of Judaism as well. As such, a delicate balance must be struck when determining whether we should continue to follow a *minhag* that appears to conflict with the codified *halacha*.

Minhagim: A Brief Overview

Generally, *minhagim* should be continued because discontinuing a practice should not be taken lightly; however, there are limitations, such as a *minhag* in error.¹ There is also a difference between a community *minhag*, adopted by a town with a *halachic* basis, and a family practice without any *halachic* basis. Rav Moshe rules that the latter does not need to be followed.² Practically speaking, we should not follow a *minhag* that is against *halacha*, as that is clearly in error. We also do not base our *minhagim* on the practices of someone who may not have been strict in that area of *halacha*.

1 *Shulchan Aruch* YD 214. Switching between valid *minhagim* to conform to a community is a different topic beyond the scope of this article.

2 *Igros Moshe* OC 3:64

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For example, we obviously would not assume an item was kosher if it was from someone or a community that was known not to follow strict kosher guidelines. There are times when a *minhag* is valid, but it may have been limited to specific circumstances which no longer apply. Origins of the *minhag* will determine the continuation of the practice. There is also no problem in accepting a new *chumra* (stringency) one did not have a *minhag* to keep, providing it does not create a leniency or conflict in another area. Absent a specific objection to a widely-accepted *minhag*, the *minhag* should be followed, as it is assumed to be based on good reasons.

A *minhag* that conflicts with *halacha* is questionable and raises questions as to its origins. Practices that were only introduced due to the extenuating circumstances of the Covid pandemic of 2020 can provide insight into the introduction and evolution of *minhagim*. There were, in fact, many instances in which rabbis permitted practices that would not be allowed under normal circumstances. Shuls had to close due to *sakanas nefashos* (danger to a life), but that should not diminish attendance once there is no longer the same *sakana*. Fortunately, the shuls reopened and people returned, but there has been an internal shift in many people's view of the obligation to attend *minyán*. To limit the amount of time we were exposed to other people, *piyutim* were skipped on the *Yomim Noraim*, but there are people who want to continue this practice to have a shorter *davening*, even when not necessary. It is possible that future generations may think that this has always been their *minhag*. It is very difficult to predict which practices from this time period may develop into *minhag* but we can look into how this has happened in the past in order to better prepare for the future.

Many of the early generations of American Jewry immigrated from Europe as teenagers without their parents, either escaping before the war or being the sole surviving family member, leaving them unable to ask their parents about family *minhagim*. They either accepted the practices of their new community, or did their best to try and remember the practices of their parents. Having lost years of Jewish learning, and now being forced to make a livelihood, this did not leave much opportunity to learn Torah and *halacha*. In fact, learning *halacha* would only be common with the next generation, when their children attended yeshiva. Additionally, the hardships of the time resulted in leniencies or a laxity in certain areas of *halacha*. Today, Hashem has blessed us with the opportunity to better understand how to observe *halacha*, and identify practices that are contrary to it. Through examples of *minhagim* that developed over the years, we can better ensure the transmission of proper *halachic* practices to our children. While we should analyze actions to understand where they fall within *halacha*, we should not judge decisions our ancestors had to make.

Case Studies

Rav Yosef B. Soloveitchik was very adamant that we should follow a *minhag*, unless it was a complete error. One of the examples given is the practice of not eating in the *sukka* on Shemini Atzeres outside of *Eretz Yisrael*.³ The reason to eat in the *sukka* is apparent, as the *gemara* states that the *halacha* is to eat in the *sukka* without a *beracha*.⁴ The *Shulchan Aruch* codifies this as well, and it would appear the vast majority of *rishonim* and early *achronim* agree.⁵ The *Aruch Hashulchan* sheds some light on how this practice may have developed.⁶ Ordinarily, observing the second day of Yom Tov outside of *Eretz Yisrael* does not conflict with another Yom Tov, so there would be no problem keeping Yom Tov an extra day. The dilemma for Sukkos is that the extra day would overlap with Shemini Atzeres. One does not want to overtly do the *mitzvos* of Sukkos on Shemini Atzeres, so we do not take *lulav* and *esrog*, but eating outdoors is not so overt, as people picnic all the time. This rationale only works if it is somewhat nice outside. If it were very cold, like it was in October in Europe, one would eat inside. Based on this, there was a *minhag* not to eat in the *sukka*, but the *Aruch Hashulchan* concludes this practice was just based on the weather being too cold. Likely, after so many years of doing this, eventually people just assumed it was their *minhag* even in warmer weather. Another approach is that people would visit their rebbe on Shemini Atzeres, and it was too crowded in the *sukka*, forcing some to sit out of the *sukka*. Since there was no *beracha* anyway, the original *halacha* was forgotten.⁷ To make a general statement that *chassidim* do not eat in the *sukka* on Shemini Atzeres seems to be incorrect, as the Satmar Rebbe ate in the *sukka* on Shemini Atzeres after coming to America,⁸ and this is the custom of Chabad as well. Regarding the *halacha* of eating before *davening* Rabbi Shmuel Stein said it would be *motzi la'az* (slandering) to claim *chassidim* allow eating before *davening*.⁹ One would think the same would apply here. He writes that permitting eating before *davening* was situational, as the *halacha* is that one can eat before *davening* if it is needed to get through *davening*. *Chassidim*

3 *Hakdama* to *Nefesh Harav*

4 *Sukka* 47a

5 *Sukka* 47a and *Shulchan Aruch* OC 668

6 OC 668

7 *Nefesh Harav* 220

8 *Artscroll Selected Laws and Customs of Shemini Atzeres* p.116 footnote 20

9 *Practical Modern-Day Controversies in Hilchos Shabbos*, summary of weekly Wednesday shiur by Rabbi Shmuel Stein at the Maimi Beach Kollel

generally *davened* later due to their long morning routine. Many times, those who felt weak would have to rely on this leniency, whereas non-*chassidim* would *daven* earlier. It would seem that the same idea applies here, in regard to eating in the *sukka*. Some communities in Europe had to eat indoors due to circumstances, but that does not mean the intention was for this action to develop into a *minhag* for all generations.¹⁰

People have said that since all the *teshuvos* (responsa) clearly specify the circumstances, there's no reason to worry that Covid *minhagim* will continue. Early on in America, similar one-time dispensations were also made, such as when Rav Moshe allowed *selichos* to be said before *chatzos*. In this *teshuva* he wrote:¹¹

אבל צריך לפרסם ולהודיע שהוא רק הוראת שעה מפני הדחק רק בשנה זו ולשנה הבאה יאמרו סליחות בזמן.

It should be published and announced that it is only a temporary order from the pressure only this year, and in future years we should say it at the right time.

This *teshuva* was written over sixty years ago, and yet this practice continues. When the *heter* was given it was limited to the fact it would be the only way to have a *minyan* for *selichos* at all, not simply to allow for a more convenient *minyan*. And yet, years later people continue to rely on this leniency, even in communities that have *minyanim* in the proper time. If the conditions of a leading *posek* of the caliber of Rav Moshe Feinstein were not followed, we should be even more concerned in our current time, when we lack someone of that stature.

Selichos was not the only practice that continued from that era. While *davening* both *mincha* and *maariv* after *plag* and before sunset on Friday night is subject to a debate covered in a previous issue of *Nitzachon*, there is almost no one who allows this practice during the week. And yet shuls continue to have *minyanim* like these on weekdays in the summer. This practice started years ago, when it was unsafe to go out at night and it was impossible to get a *minyan* before *plag*. Even though now there are numerous choices for *minyanim*, shuls continue this practice.¹²

There are times that a *heter* which was limited to one situation becomes followed more broadly, endangering the original *halacha*. There is a clear mitzva in the *gemara* to sleep in the *sukka* (*Sukka* 28b). The Rama (639:2) defends the practice of many

¹⁰ These assumptions are based on what seems to be the majority opinion, but it is possible that individual sects have their own understandings of the origin of their *minhag*.

¹¹ *Igros Moshe OC* 2:105

¹² I am not advocating what the shuls should be doing but simply demonstrating how *minhagim* can outlast their circumstances.

to not sleep in the *sukka* by listing possible exemptions. Unfortunately, what has happened is that we became so used to the exempt cases, we forget the requirement to sleep in the *sukka* altogether. Similarly, the accepted *halacha* is not to shave during the *Bein Hametzarim*, but it is permitted to shave for work. In truth, no one should make this determination on their own, but rather they should consult their rav, as individual circumstances can limit or expand this *heter*, and there are differences between the Three Weeks, Nine Days, and the week of Tisha b'Av. Once people were shaving for permissible reasons, it mistakenly expanded to situations where there is no reason, such as non-work days.

Over the years, numerous things were done due to the challenges of the times. Even if the Rabbis did not necessarily condemn the individuals who had to make difficult decisions, they never permitted their actions. For example, there is much literature on how to address the people who *davened* early on Shabbos morning to go to work afterward. No one would say that it is permitted to work on Shabbos, but other practices might be less evident. In discussing mixed seating in shul, Rabbi Eli Clark quotes how one cannot bring proof from what a specific community did, as they and their rabbinic leadership were called sinners for participating in such a practice.¹³ Even when a practice is followed by a family or a community, it does not form a basis for going against the accepted *halacha*

Misunderstanding a practice is not a new phenomenon. Rabbi Akiva Eiger's opening *teshuva* discusses what to do if one forgets *ya'ale v'yavo* in *Birkas Hamazon*.¹⁴ The significance of the *teshuva* is that the one asking the question seems to have been given conflicting advice. The answer is that it depends on the circumstances; on Rosh Chodesh you don't repeat, on Yom Tov men repeat but women do not, but on the *Seder* night even women repeat benching.¹⁵ This is a great opening case to his *sefer*, demonstrating how easily a mistaken practice can develop without understanding the intricacies behind it. Learning only from observance could lead to following the same approach in all circumstances, inadvertently creating an invalid *halachic* ruling.

Conversely, sometimes current practices differ from an original *minhag* without being against *halacha*. It is important to be able to differentiate these instances. The *Shulchan Aruch* says one should not wear *tefillin* on Chol Hamoed but the Rama says

¹³ RJJ *Journal of Halacha and Contemporary Society* volume 35

¹⁴ *Shailos U'Teshuvos R' Akiva Eiger* 1:1

¹⁵ This is not the *halachic* topic of the article but to clarify, others do say men and women have the same *halacha*.

one should.¹⁶ *Ashkenazim* usually follow the Rama, but, in this case the majority of *Ashkenazim* do not wear *tefillin* on Chol Hamoed unless one had a strong family *minhag* to wear *tefillin*. The reason for this is that in addition to *Sefardim*, *chassidim* and followers of the Gra also do not wear *tefillin* on Chol Hamoed. Since these three groups make up such a large portion of observant Jews, their *minhag* became the standard. The difference in this case is that both *minhagim* are valid in *halacha*. Considering that *minhagim* were often adopted by one's locale, it would make sense that the early arrivers in America just followed what others were doing. Another area of different *minhagim* is whether to sit or stand for *kiddush*. While there are sources that state sitting is better, there seems to be a consensus to keep with one's *minhag*. Here also, it is not a case of one being completely against a stated *halacha*, so there would not be the same need to change as an erroneous practice.

Solutions

Through understanding these selected examples, a pattern emerges to develop possible solutions. The first step in ensuring proper *halachic* practice is the prevention of initially creating an erroneous *minhag*. When someone does something that might be against the usual *halacha*, but is permitted in a specific circumstance, it is important to both verbalize and internalize this fact. The verbalization is part of every parent's obligation of *chinuch* to their children so they won't mistakenly apply the practice. Having the details only in a *teshuva* or said by the rabbi does not help educate the younger children.

In addition to the mitzva of teaching one's children, there is a *halacha* of *mar'is ayin*. We should not do something where others think we are sinning or something forbidden is permitted. For example, when using almond milk together with meat, before almond milk was so common, the Rama required one to show the almonds, so one does not think he is mixing milk and meat.¹⁷ Internalization ensures that we do not become accustomed to the *sha'as hadchak* approach. The acknowledgment that every time we *davened* at home during Covid was only because of *pikuach nefesh* served as an important safeguard that once there was no longer a danger, we returned to shul immediately. The *gemara* in *Yoma* 86b tells us that when someone repeats the same sin multiple times, it becomes to them as if it were permitted. I think we can apply the same idea here, even if one is not actually sinning but has a valid reason to

¹⁶ OC 31:2

¹⁷ OC 87:3

not follow a specific mitzva at that moment. It is important that even when there is a valid reason, to not let it become as if it were completely permitted.

The second step is to address what to do once the *minhag* has already developed. The answer here is the same as keeping any *halacha*. We have an obligation to learn Torah. Rashi explains that the Torah says there is an obligation to learn Torah in order to fulfil its commandments.¹⁸ This will help identify when a *minhag* might be contrary to *halacha* so we can then research under what circumstances the *minhag* began and identify when it should be followed. The *gemara* says that “*ein sha’as hadchak ra’aya*,” we do not derive *halacha* from a pressing circumstance, but that requires knowing the origin.¹⁹ A final decision should be made with one’s *rav*. Without learning, one would not even know to ask the question. The decision to write down the Oral Law in the *mishna*, *gemara* and then later commentaries was because the leaders of those generations understood that we needed something written to study to ensure the proper transmission and keeping of the Torah. Emotionally, there may be a difficulty moving away from what appeared to be a family *minhag*, but our grandparents did their best for their circumstances, and we should strive to do what is best for us, even if that may mean keeping a *mitzva* differently. The goal is that we all strive to do our best to keep the Torah. Ultimately, that is the best honor we can bring to our ancestors.

While properly considering the importance of *minhagim*, we should continue to grow in our observance in Torah and *mitzvos*, even if that means a deviating from the practice of a prior generation. Carefully explaining and understanding what we do ensures a proper continuation of Torah practice. Ultimately this is achieved through constant learning and teaching of Torah, the oldest practice.

18 Vayikra 26:3

19 *Sukka* 31b

Chanuka



Eli Snyder

And Then What Happened? Lessons Learned from the Hasmonean Dynasty

ELI SNYDER



The story and miracles of Chanuka can be recounted, in varying degrees of depth, by Jews both young and old. The stories of the Maccabees fending off the Greeks and Hellenized Jews in defense of the Jewish way of life, the reconsecration of the vandalized Second Temple, and of course, the *Menora* that defied the laws of physics by burning for eight nights. But what happened next? After Pesach, we know the Jews had a journey ahead of them through the desert to *Eretz Yisrael*. After Shavuot, we had the Torah to help guide the way. Following Purim, we know Mordechai, viceroy to Achashveirosh, along with Queen Esther, were poised to guide the Jews in the direction of rebuilding the *Beis HaMikdash*. In the story of Chanuka, the Hasmonean Dynasty, the *Chashmonaim*, became both the political and priestly leaders of the Jewish people, with Mattisyahu's son Yehuda at the forefront. In this relatively short reign from 164 B.C.E. through 37 B.C.E., an oft-overlooked period in Jewish History, a number of lessons can be learned from the juggling of priestly and political duties, forced conversion of conquered nations, and the over-reliance on outside empires leading to betrayal and bloodshed. The activities of the Hasmoneans deserve examination¹ considering “those that fail to learn from history are doomed to repeat it (Winston Churchill).”

¹ The historical information for most of this article comes from *A History of the Jewish People*, edited by H.H. Ben-Sasson, a series of *shiurim* by Rabbi Jonathan Muskat and in a pinch, Wikipedia.

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Judah Maccabee/Yehuda

An important point to note is that at the end of the Chanuka story, while the Second Temple was indeed rid of idolatry and back in service in 164 B.C.E., the Seleucid Greeks still had control over the area and were not done interfering. While Antiochus IV had died of disease that year, his son, Antiochus V, along with his regent Lysias, launched a failed campaign to overtake Judea. Yehuda's brother Eleazar died in the ensuing battle. The campaign ended in a temporary truce, which included the Selucids getting their choice for *kohen gadol*, the Hellenized Alcimus. In 162 B.C.E., a new king of Syria, Demetrius I, launched a larger, more aggressive campaign with Yehuda again defending Jerusalem, although this would be his last major victory. After forming a treaty with Rome provisioning for friendly neutrality and mutual defense, Yehuda was determined to weaken the Seleucid presence. Undeterred, Demetrius I sent his armies again in 160 B.C.E., and this time, Judah himself lost his life.

Jonathan Apphus/Yonatan

Taking over for his slain brother, Yonatan gathered the remaining fighters and returned to the guerilla warfare tactics that were utilized in the original Chanuka rebellion. With the death of Alcimus in 158 B.C.E. and the brothers rallying support and strength in the rural areas of Judea, they built enough presence to be a considerable force with which to be reckoned. When a rival to Demetrius I, Alexander Balas appeared on the scene, Yonatan, a tactful diplomat, was able to convince the two Syrian leaders to fight over Yonatan's allegiance resulting in Alexander appointing him *Kohen Gadol*. On Succos 152 B.C.E., Yonatan performed the priestly service for the first time, beginning a streak of Hasmonean-led priesthood for 115 years. Alexander also confirmed Yonatan as the military and civil governor of Judea. In the meantime, Demetrius I had died and his son Demetrius II pursued a new campaign in 147 B.C.E. to return the glory of the Seleucid crown back to his family. Defeating Alexander Balas in battle in 145, Demetrius II also appreciated the support of the Jewish High Priest. Yonatan proved to be a temporarily helpful ally. In another twist of fate, the successor to Alexander Balas, Tryphon took over and Yonatan moved his allegiance to him. Initially aligned, Tryphon began to envy the growing strength of Yonatan's forces and in an act of betrayal, imprisoned Yonatan while on a diplomatic mission and executed him.

Simon Thassi/Shimon

Taking over control from his betrayed brother, Shimon (Matisyahu's last remaining son) naturally shifted allegiance away from the treacherous Tryphon and realigned

with Demetrius II. This partnership proved to be quite beneficial to Shimon, the Hasmonean dynasty and the Jewish people. Demetrius exempted Judea from taxes to his kingdom, effectively recognizing Jewish independence in Israel for the first time in over 440 years. With this opportunity, Shimon conquered more land and renewed alliances. When Demetrius II is captured, his brother Antiochus VII appeared on the scene with a mission to restore glory and thus demanded the newly conquered lands back. Shimon responded with a line that bears repeating to this day, “We have neither taken other men’s lands nor have we taken possession of what belongs to another but only the inheritance of our fathers, nonetheless it was wrongfully held in the possession of our enemies for a certain time (Maccabees I 15:33).”

In a momentous event, the Great Assembly² convened in 140 B.C.E. to declare Shimon as ethnarch, *kohen gadol* and supreme commander of the Jews in Judea and stated these offices as hereditary “until a true prophet shall arise (Maccabees I 14:27).” It is important to note that at this point he is not considered a king and that while the Great Assembly cemented the Hasmonean dynasty into Jewish leadership, they left a caveat for a Davidic lineage to return if the opportunity presented itself. However, with prophecy effectively ending with Chaggai, Zechariah and Malachi (*Yoma* 9B) more than 200 years prior, it would be difficult to consider this provision all too relevant in a practical sense.

John Hyrcanus/Yochanan Kohen Gadol

In a similar act of betrayal that befell his brother, Shimon along with his two oldest sons were murdered by his son-in-law and governor of Jericho, Ptolemy son of Abubus, at a banquet. The third son, John Hyrcanus (J.H.), escaped their fate and assumed leadership over Judea. From 134 to 132 B.C.E., Antiochus VII attempted another invasion to recover Israel and, unlike his predecessors, J.H. was not as effective at warding off the attack on Jerusalem. They met a compromise to pay taxes on the territories the Jews conquered outside of Judea. However, when Antiochus VII lost to the Parthians in 129 B.C.E., J.H. took the opportunity to restore full Jewish independence and began to expand. In this wide pursuit to recover all the ancestral land in Israel, echoing his uncle’s remarks to Antiochus VII, J.H. forced the conversion of the Idumean’s in the south. This was an unprecedented move in Jewish

² Some historians such as Leopold Low (1885) attribute this Great Assembly to the *Anshei K’neses Hagedola* mentioned throughout *Shas* but the majority maintain the *Anshei K’neses Hagedola* existed several hundred years earlier, during the early Second Temple period through the *neviim acharonim* and up until the early Hellenistic period circa 332 B.C.E.

history; never had an entire nation been forced to convert to Judaism. The Idumeans comfortably integrated into the Jewish nation and their upper classes took on key social and governmental positions. This later led to significant negative effects on the Hasmonean rule.

Judah Aristobulus and Alexander Yannai/Yannai HaMelekh

Following John Hyrcanus's death in 104, his son Judah Aristobulus I took over the mantle. He was notably the first Hebrew king to claim the title of both king and *kohen gadol*. After a brief stint, Aristobulus's brother Alexander Yannai took over in 103. He expanded the Jewish kingdom to its largest territorial size as well as took upon the title of Yannai HaMelech, cementing the trend of the Hasmonean dynasty to formally call themselves a king. Various accounts in the *gemara* (*Berachos* 45a, *Gittin* 57a) describe the size and splendor of his domain. However, a noted religious shift took place during Yannai's reign in a negative direction.

Starting in the years surrounding the Chanuka story, a divide in the Jewish religious sphere arose between the *Tzedukim*, the Sadducees, and the *Perushim*, the Pharisees. The newfound focus and attention to the Torah on one hand along with the Hellenized influence on thought on the other, created a group with a diverse interpretation and/or denial of central Torah dictates. The Sadducees rejected many foundational tenets including *Olam Haba*, *Hashgacha Pratis* and *Torah She'B'al Peh*. They were more common among the Hellenized upper classes while the Pharisees, practicing a "Rabbinic Judaism" much closer to what we know and practice today, were more concentrated in the lower and middle classes. Initially, the Hasmoneans embodied the Pharisee perspective until the Sadducee influence began to infiltrate during John Hyrcanus and Yannai's reigns. The *gemara* in *Kiddushin* 66a recounts a story of Yannai HaMelech,³ celebrating along with all the Sages of Israel a recent successful military campaign. He is encountered by one guest, a "*letz lev ra u'bliial*," a scoffer, an evil heart and uninhibited man, by the name of Elazar ben Po'ira. He tells Yannai that the hearts of Pharisees (i.e. the Sages) are against him and to prove it he should wear the *Tzitz*, the frontplate, before them and see what they say. Yannai does so and one of the elder Sages, Yehuda ben Gedidya, remarks to Yannai that the crown of monarchy should be sufficient for him and he should leave the crown of priesthood for another descendant of Aharon. The *gemara* explains that there was a rumor that Yannai's mother had been taken captive by gentiles and thus disqualified from

³ Josephus tells a very similar story but with John Hircanus in the place of Yannai.

marrying into the *kehuna*, and thus Yannai was a *chalal*, invalid for Temple service. The matter was investigated and there were insufficient witnesses to demonstrate it was true, thus all the Sages were expelled in the king's rage. Elazar ben Po'ira fueled Yannai's anger, leading to the death of the Sages and the loss of *Torah She'B'al Peh* until Shimon ben Shetach restored the Torah to its former glory.

Having moved influence to the Sadducees, the Temple service suffered. Note the account from the *gemara* in *Sukka* 48b where the *kohen* (presumably Yannai) on Sukkos intentionally performed the *Nissuch HaMayim* incorrectly by pouring the water on his feet instead of the *mizbeyach* and was pelted by the *Perushim* with *esrogim*. Yannai's military exploits in his last five years of rulership, however, brought renewed prosperity to the Jewish kingdom, following a period of civil war, and with his death in 76 B.C.E., the religious power dynamic began swaying back to the *Perushim*.

Shalomtzion/Queen Salome Alexandra

Following the death of her husband,⁴ Queen Shalomtzion took over rulership for the next nine years, doubling the strength of the military. It was during the reign of Shalomtzion that the Roman empire really began gaining ground and took over Syria i.e. the remnants of the Seleucid empire.

Hyrchanus and Aristoblus

Shalomtzion had two sons. The older Hyrchanus inherited the throne but the more capable younger brother, Aristoblus was able to oust him. Hyrchanus agreed to become a private citizen but, Antipater, an Idumean nobleman with a great deal of influence, was able to convince Hyrchanus to fight back. Teaming up with the Nabateans, rivals to the Hasmonean dynasty during Yannai's reign, Hyrchanus and Antipater laid siege to Jerusalem. The *gemara* in *Sota* 49b says that during this time Aristoblus and Hyrchanus agreed that the Temple service could not be disrupted, so those inside Jerusalem would lower money down the walls and the forces outside would raise up sacrificial animals. However, an elder familiar in Greek wisdom noted that as long the Temple service continued, the siege would not succeed, so the next day they sent up a pig instead of a kosher animal. The pig dug its feet into the walls and the land shuttered for hundreds of miles around. Regarding this the Sages said, cursed those who raise pigs and cursed are those that teach their son Greek wisdom. This account indicates that Hellenization was still a pervasive and negative influence. Eventually, the Roman general Pompey intervened on behalf of Aristoblus, ending the siege and sending the

⁴ And former brother-in-law, having been married to Aristoblus previously and performed *yibbum*.

Nabateans home. The Ramban points out that this was a fatal mistake; we should not have been making treaties with the Romans. Indeed, the Romans then switched sides to support Hyrcanus and Aristobulus surrendered to Pompey. 63 B.C.E. marked a disruption to the independence of *Eretz Yisrael*, although the Jews still maintained autonomy. Hyrcanus was no longer considered a king, but rather an ethnarch as well as a *kohen gadol*. Aristobulus would start up the occasional rebellion but in 49 B.C.E. was poisoned by the Romans and his son, Alexander, was beheaded.

On the Roman end of things, Pompey was defeated by the famed Julius Caesar in 48 B.C.E. Antipater and Hyrcanus later provided aid to Caesar and formed an alliance. Hyrcanus throughout was essentially a puppet to the savvy Antipater and Antipater would appoint his sons, Phasael and Herod, as governors of Jerusalem and Galilee, respectively.

Matisyahu Antigonus

In 44 B.C.E. Caesar was assassinated⁵ and one of the conspirators, Cassius, took control over Syria and Palestine. He gained Antipater's support but Antipater was poisoned in 43 B.C.E. and then Antony assumed power in 42 B.C.E. over Cassius. The Parthians invaded the eastern provinces of Rome in 40 B.C.E. causing more commotion. Aristobulus's youngest son, Matisyahu Antigonus, who had failed to gain the support of Caesar, Cassius or Antony, aligned with the Parthians. When Phasael, Herod and Hyrcanus went to negotiate with the Parthians, they were imprisoned. Phasael committed suicide and Hyrcanus's ears were cropped, rendering him invalid for priestly duty. At this time, M. Antigonus became king of Judea but would turn out to be the last of the Hasmonean kings. While Phasael and Hyrcanus met unfortunate ends, Herod had escaped to Rome where he was received with great honor by Antony and as the last Roman ally from Judea, was declared king. When the Romans defeated the Parthians in 38 B.C.E., the Romans took Jerusalem under siege and after a valiant five month effort, M. Antigonus was defeated. His execution by the Romans marked the end of the 127 year Hasmonean dynasty.

There are a number of lessons to be learned from the Hasmonean failures, including their allowing the infiltration of Hellenized and Sadducee influence into their governance, the forced conversion of the Idumeans and their alliance and reliance on the Roman empire. The most significant and common criticism was the fact that they, non-descendants of Yehuda, took upon kingship in the first place. The

⁵ Et tu, Brute?

foremost voice is likely the Ramban. In Yaakov's *beracha* to Yehuda in *parshas Vayechi* (*Bereishis* 49:10), he says that, "The scepter shall not depart from Yehuda..." which the Ramban understands that once the Davidic line was established,⁶ it was an *aveira*, a violation of Yaakov's *beracha*, for a non-Yehuda descendant to be king over Israel. While giving credit to the Hasmoneans for keeping the Torah from being forgotten, there is still criticism for their failure to establish a king from the tribe of Yehuda once Jerusalem was restored. The Ramban quotes the *gemara* in *Bava Basra* 3b that anyone who claims to have descended from the House of Hasmoneans must be a slave, as all remnants of the Hasmoneans were obliterated as punishment for this sin. The Ran, among others, are more generous with Yaakov's *beracha*, interpreting it as a promise, not a commandment. That is, in contrast to other Judean kings, the *malchus* will always eventually return to Yehuda, regardless of the sins they commit.

The Ramban mentions another issue with the Hasmonean kingship; not only were they not from the tribe of Yehuda, they were *kohanim*. Citing several sources that prohibits *kohanim* from rulership, the conceptual problem should be obvious. By focusing on military and political enterprises, the Hasmoneans were negligent to their spiritual duties.^{7,8} As a lesson for modern times, this seems rather poignant. While dictating the safety measures for Covid-19 during the various stages of lockdown, governing bodies were almost entirely influenced by the medical and epidemiological community. There was a tunnel vision focus on reducing the number of cases and transmission without enough consult from economists, sociologists, psychologists and educators that would have explained such extreme measures would cause dramatic disruption to the population via loss of businesses, increase in depression and suicides, narcotics overdoses, developmental harm to children etc. The Torah delineates a leadership model where the Temple duties are performed by one group, the *malchus* by another and Torah scholarship, the *Sanhedrin*, a third. A system of checks and balances prevents one group from assuming other groups' responsibilities and developing a singular focus at the expense of other considerations. It is unfortunate to see the world not learn from the mistakes of the past, thus emphasizing the importance of a broad knowledge of Jewish history.

⁶ Post-Shaul, who was from Binyamin

⁷ The Rambam in *Sefer HaMitzvos* has actually been interpreted by the Rav (quoted from R' Chaim Soloveitchik) as viewing their *kohanic* roots of the *Chashmonaim* as something positive. In the Chanuka climate, the political leadership *needed* to have a religious element to them to pull the Jewish out of the Hellenized mire.

⁸ This is possibly the implication of Yehuda ben Gedidya back in *Kiddushin* 66a when he told Yannai not to wear two crowns.

Halacha and Machshava



Rabbi David Mahler

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Yeridas HaDoros: Progression or Regression?

RABBI DAVID MAHLER



There is a well-known story about the venerated Rosh Yeshiva, Rav Yaakov Kaminetzky *zt"l*. There are variations on the exact details but the general story goes something like this:

Rav Yaakov was sitting on a plane beside a secular Israeli professor. Rav Yaakov's son and grandchildren took wonderful care of him throughout the flight, making sure that he was comfortable and made sure to get him everything he needed. Additionally, they checked on him numerous times during the flight. The non-religious Israeli, who also had family on the trip, was puzzled. "How come," he finally inquired, "your children and grandchildren attend to you as if you're a king and mine have disappeared for the past many hours?" Rav Yaakov smiled in his kindly way and inquired, "It would seem from our discussions of the past few hours that you believe in the theory of evolution. Is that correct?" The man responded, "I don't know what that has to do with anything, but, yes, of course. Most intelligent people today do. But why do you bring that up now? We will be landing soon and I just wanted to know how to get my family to act like yours." The Rosh Yeshiva's response has become one for the ages. "You see," he softly explained, "we believe that the greatest moment in our national history occurred in the year 2448 after creation when the Torah was given. Each generation that was closer to that event is greater than the next because of its proximity to the holiness and power of that experience. Therefore, my children and grandchildren look up to me as a link to that astounding episode. You, my friend, on the other hand, believe and

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convey to your family that we are all descendants of apes. You think that mankind has been evolving for eons to ever greater heights and intellectual capabilities. Therefore, they see you as just one step closer to those monkeys, so why indeed should they give you any respect? If anything, following your own beliefs, you should give them honor and respect."

This story captures the idea put forth by Chazal referred to as *Yeridas HaDoros*, the decline of the generations. Though the exact phrase *Yeridas HaDoros* is not mentioned at all in *Shas*, the principle is utilized more than a handful of times.

The *gemara* in *Yoma* (9b) quotes R' Yochanan as teaching that the fingernail of the earlier generation was better than the stomachs of the older ones. On a basic level, fingernails are relatively minor and unimportant parts of our bodies, whereas our stomachs or abdomens are vital lifelines of our bodies. R' Yochanan is therefore teaching that the most insignificant member of earlier generations was superior to the most distinguished of the later ones.

An additional source is the *gemara* in *Shabbos* (112b). The comment comes on the heels of Chizkiya praising R' Yochanan as an angel. We are taught that if the early ones (the earlier generations) were sons of angels, we are the sons of men. And if the early ones were the sons of men, we are like donkeys. Interestingly, the *gemara* continues and says that if we are like donkeys, be sure to know that we are not like the donkey of R' Chanina ben Dosa or R' Pinchas ben Yair. Rather, we are like other (regular) donkeys.

The stories of the holy donkeys of the two great *tannaim* are worth noting.

R' Pinchas ben Yair once traveled on his donkey to an inn. The innkeeper attempted to feed the donkey untithed barley and the donkey refused to eat any. Only when the innkeeper tithed the produce would the donkey partake (*Chullin* 7a).

Additionally, the *gemara* (*Taanis* 24a) relates how a certain donkey would be rented for the day, and the renters would send back the rental payment on its back. However, the donkey would not return if the rental payment was over or under the correct amount.

These two donkeys are not the ones to whom we are being compared.

A third source hinting at the doctrine of decline is a comment made by R' Yochanan (*Eiruvim* 53a) addressing the intellectual capacity of the earlier scholars. He taught that their minds were as immense as the entrance to the *Ulam* (twenty *amos* wide), while the minds of the later scholars was only as large as the entrance to the *Heichal* (ten *amos* wide). Torah knowledge becomes gradually weaker as it

is transmitted from generation to generation. Therefore, with the passage of time, standards of scholarship fall. He then concludes that as for his generation, their minds are comparable to the eye of a needle.

The *gemara* in *Yevamos* (39b) references a decrease in the holiness of people as time has gone by with respect to the *mitzvos* of *yibum* and *chalitza*. In the midst of a discussion teaching that *yibum* is, in general, preferable to *chalitza*, the *gemara* qualifies its statement by teaching that that was true only at first, when people had lofty *kavana*. However, now that most often, people's intentions are not exclusively towards the fulfillment of the mitzva of *yibum*, *chalitza* is now preferable. Once again, we see how *Chazal* see a clear decline in the overall comportment of people – even *Am Yisrael*.

Finally, there are two *gemaras* in *Berachos* that must be a part of this discussion. The first (20a) is more theological, while the second (35b) is more attitudinal and ethical.

Rav Pappa asks Abaye why it is that nowadays there are no public, obvious miracles whereas in previous generations there were. More poignantly, Rava Pappa is specifically asking what was different about the earlier generations that made them worthy of miracles. Abaye responds that they sacrificed themselves to be *mekadesh shem shmaayim* and were therefore worthy of having miracles performed on their behalf, whereas nowadays, we do not sacrifice ourselves as much. According to the *Etz Yosef*, though many in the generation of Rav Pappa were *moser nefesh*, they did not go beyond the letter of the law to the point of self-sacrifice.

At last, a comment made by R' Yochanan¹ addresses the attitude and morality of *Am Yisrael* in earlier generations. He is quoted as teaching that in earlier times, Jews, in their eagerness to fulfill *mitzvos*, would bring their crops into their homes via the normal route in order to subject the crops to the obligation of *teruma* and *maaser*. He contrasts this to later generations who brought their crops via their roofs, courtyards or storage rooms adjacent to their homes, rather than the main entrance, in order to free the crops from the *chiyuv*.

However, the oldest source is from Tanach. The *pasuk* in *Koheles* (7:100) reads, "Do not say – How was it that former times were better than these?" Rashi explains

¹ It is noteworthy that R' Yochanan is mentioned in connection to many of these *gemaras*. R' Yochanan was very old when he died, over one hundred years. The *Yalkut Meiri* comments that perhaps due to his longevity, he witnessed firsthand a decline from when as a youth, he studied under R' Yehuda HaNasi, the last of the *tannaim*, to the end of his life when taught many of the later *amoraim*.

that one should not wonder and focus on the fact that earlier generations, such as the *Dor HaMidbar* and Yehoshua's generation, were so loftier than the present ones. This seems to be in line with the *gemara's* remark (*Rosh Hashana* 25b) that one should not deprecate the leaders of his time by comparing them to the great personalities of the past – *Yiftach b'doro, k'Shmuel b'doro*. One must be content with the leader in his own days and not look back at former times.

Anecdotally, we often hear stories of *Yidden* of pre-war Europe who seemed to have been much more *ehrich* than we can ever dream of becoming. We might be romanticizing these people's spiritual achievements, but whether or not their religious level can be proven with empirical evidence, is not the point – we have incorporated the concept of *Yeridas HaDoros* into our thinking.

The aforementioned sources, which describe the inferiority of the later generations as compared to the earlier ones, serve to illustrate the well-known concept in rabbinic literature known as the decline of the generations. As the years since *Ma'amad Har Sinai* extend further and its reverberating echo wanes, our understanding of, attitude towards, sacrifice for, commitment to and belief in the Torah slowly but steadily diminishes. Each generation is just a little bit more distant from Sinai, and the greatness in Torah of those who have preceded us is virtually unattainable by those who follow.

The Chofetz Chaim explains that this concept is important for the preservation of our *mesora*. Our religious belief system is predicated upon the belief in our national history, as has been transmitted to us by our predecessors, the national experiences of *Yetzias Mitzrayim*, and especially *Kabbalas HaTorah*, witnessed by millions. If we understand the greatness of our ancestors, the great wisdom of *Chazal* both in the *mishna* and *gemara*, then our traditions are absolute, conclusive and undisputable. The story of our nation has been passed down to us from people of unquestionable wisdom and integrity, and can be accepted with confident faith.

However, there is the question of the elephant in the room. In every field of study, it seems that we are advancing at a terrifying pace. Our knowledge of every area of the modern world is more sophisticated. In the world of medicine and technology, new inventions are popping up at warp speed. Simply put, the doctrine of decline seems to only be applicable in the world of Torah. And in the world of Torah, many advancements have opened and laid the foundation for greater *shmiras hamitzvos* as well as *limud haTorah*. For example, our knowledge on miniscule bugs in many foods allow us to keep the laws of *kashrus* at a higher level and with the invention of programs such as Bar-Ilan Repsonsa, Sefaria and Otzar HaChochma, practically the

entire corpus of Torah scholarship is at our fingertips. Aren't these great achievements indications that we are now superior, rather than inferior, to previous generations?

In fact, the aforementioned *gemara* (*Berachos* 20a) seems to say that latter *doros* were more knowledgeable than former ones. When Rav Pappa inquires as to why miracles are uncommon in his generation, he says to Abaye that this seems strange because his generation knows so much more than previous ones. Rav Pappa notes that while earlier generations only learned *Nezikin*, his *dor* studied all six of the *sidrei mishna*.

How are we regressing if seemingly, we are constantly witness to progression? How can we be taught that we are falling backwards when we so often see that we are moving forward?

One approach to this question is offered by the *Tosfos Rid*, R' Yishaya Di Trani, a *rishon*. He writes that there is a simple answer to this question when one applies a parable of the philosophers. He states that the wisest of all philosophers was asked our question and responded by asking who is able to see farther – a giant or a small person. Obviously, the giant can see a greater distance. However, he then said that though a giant sees farther, if the small man is placed on the shoulders of the tall man, he surely now sees farther. So too, he explains, we are comparable to the small person situated on the shoulders of the giant. Once we learn and master their wisdom, we then develop it further and move beyond it. It is only due to their knowledge and innovation that we are able to extend their knowledge, wisdom and expertise.

The *Tosfos Rid's* approach sees our achievement as a natural development in all disciplines of learning. However, his answer only addresses the issue of learning and scholarship.

The Chofetz Chaim (*Shem Olam* Part 1, Chapter 24)² addresses the question cited earlier but offers an approach that speaks to the more general and comprehensive understanding of *Yeridas HaDoros*. His answer is so beautiful and compelling.

Hashem has blessed our generation with so much scientific knowledge, not because of our inherent superiority over earlier generations, but because of our inferiority.

Over time, the Chofetz Chaim writes that gradually, our faith in Hashem had become weak. We wondered whether Hashem really existed. Was there really a God above us who watches over us and sees and records our every action and deed?

In addressing these concerns, God granted man the wisdom to invent things

² Quoted in Artscroll's Edition of *Ein Yaakov* on *Eiruvin/Pesachim*, p.96

that would enable us to better comprehend some of the most important principles of *emuna* and *bitachon*.

The Chofetz Chaim notes three inventions of his time and how they all came into being in order to instruct the world, and *Am Yisrael* in particular, to better conceive of Him and believe in Him. Specifically, he mentions the inventions of the telescope, telephone and phonograph.

Do we question whether Hashem, in heaven, can really see all we are doing on earth? The telescope shows us that even puny man can create a tool that can peer into the heavens light years away. The telescope helps us comprehend that if we can see far off in the heavens, Hashem, from up in heaven, can see us.

Does Hashem really hear our distant voices when we *daven*? As a response to this question, the telephone, which transmits one's voice clearly over great distances, was created.

Lastly, the camera and phonograph teach that everything can be saved in perpetuity. Everything – deeds, thoughts and actions – can be recorded for eternity.

Fascinatingly, according to the Chofetz Chaim, it was due to the weakness and failings of humanity that Hashem, in His boundless love and concern for His people, opened the gates of science and technology.

Perhaps we can extend this idea to our contemporary time. For example, it seems that smartphones have made us more scattered – both physically and mentally. We are often distracted and unfocused. We have so much to do and less discipline to achieve our goals. *Waze* is tremendous *mussar* for each of us that we need to think about our destination prior to commencing a journey. We must type in where we want to go. We need to know where we are headed, before we start traveling. One way a person stays on course and focused is to always begin with the ending in mind. *Waze* teaches that clearly. I'm not sure this is necessarily a specific challenge of our generation in particular but it's always important to note that whenever mistakes are made, life usually allows us to recalculate and take a new path to our intended destination.

A second possible example (of many others) is the activity or step counter apps that are embedded in many of our devices. Social media has created an expectation to many that results are the only things that matter. It prioritizes "being" over "becoming." It celebrates achievement and the end result over the process and building blocks. Step counters teach that every step counts and that the only way to reach one's daily goal of, for example, ten thousand steps, can only be achieved by taking 9,999 steps beforehand. Dinner is made step by step, promotions are given step by step, *mentsches*

are raised step by step and *Shas* is mastered step by step. Previous generations understood this more as fewer amenities were ready-made, requiring more work and sweat. Our *dor* needs to be conscious of the many steps that need to be taken to arrive at dazzling results.

Yeridas HaDoros, the decline of the generations, is a concept which applies to spiritual greatness. It is precisely because of man's decline religiously which sparked a boom in the physical world. In our contemporary lives, perhaps we can also see much of medical and technological advancement the same way. Every advancement is here to assist us in our ultimate goal, to continuously grow closer to Him, to create an unbreakable bond between us and *Avinu Shebashamayim*.

Rashi's Choice of Words

RABBI PINCHAS GELB



Rashi selects the words in his Torah commentary with stunning precision, not only paying keen attention to the nuance of language in the verses, but also carefully choosing his own words to express multifaceted meaning. Awareness of this allows us to appreciate the broad counterpoint within Rashi's brief comments. Three examples suffice.

Im Lavan Garti

The first comes from Yaakov's message to Esav after 36 years. *Parashas VaYishlach* starts with Yaakov's communication to Esav (*Bereishis* 32:5): "*im Lavan garti va-eichar ad a'ta*," "I have resided with Lavan and have tarried until now." Rashi explains the word "*garti*" as follows:

גרתני לא נעשיתי שר וחשוב אלא גר אינך כדאי לשנוא אותי על ברכת אביך שברכני
הוה גביר לאחריך (לעיל כז:כט), שהרי לא נתקיימה בי (תנחומא ישן ה).
"I have resided." I did not become a dignitary or a notable, but a sojourner.
It does not befit you to hate me over the blessing of your father who blessed
me: "Be a lord to your brothers" (27:29, supra), for it has not been fulfilled
in me.

Yaakov's use of the phrase "*garti va-eichar ad a'ta*" (I have resided with Lavan and have tarried until now) – instead of the single verb "*eicharti*" (I have tarried with Lavan until now), as the Mizrachi and Levush HaOra suggest, or, even more simply, the verb "*hayisi*" (I was with Lavan until now), as the Gur Aryeh suggests – implies significance to the redundant, apparently inconsequential verb "*garti*," and prompts Rashi's interpretation of the phrase. Moreover, Rashi considers the verse's context in which Yaakov refers to Esav as "*adoni*" (my master) and to himself as "*avdecha*" (your servant). Accordingly, based on the *Midrash Tanchuma Yashan*, Rashi concludes that

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Yaakov, by introducing his message with the word “*garti*,” is conveying contrition to Esav and emphasizing that Esav should forgo his prior anger because, 36 years after their father gave Yaakov the disputed blessing, Yaakov’s supremacy over Esav still remained unfulfilled. To the contrary, during this extended time Yaakov had not advanced in his societal standing to anything beyond a “sojourner.”

Rashi’s own language underscores his point through poetic double meaning. Rashi quotes the phrase from Yitzchak’s blessing to Yaakov that he would dominate over his brother (*Bereishis* 27:29): הוה גביר לאחיו. Rashi then states in the voice of Yaakov: לא נתקיימה בי, which translates to mean that this blessing had not come to fruition, but also can be read to mean that the letters “*beis*” and “*yud*” were not fulfilled – and when בי is removed from the word גביר (which is the term from Yitzchak’s blessing that Rashi quotes), the word גר remains.¹

Thus, Rashi uses a play on words through his phrase “לא נתקיימה בי” to convey multilayered meaning. The translation of this phrase is that the blessing’s promise still remained unfulfilled. A closer reading of Rashi’s comment, however, conveys that the specific letters *beis* and *yud* (בי) in the word גביר were not fulfilled, leaving Yaakov, rather than dominating over his brother, simply a גר, a sojourner. גרתי means “I have lived somewhere temporarily” (see, e.g., *Haggada Shel Pesach* on the phrase “*va-yagar sham*”). But Rashi simultaneously sees a deeper allusion in the verse’s use of the term גרתי, in light of the word גביר in Yitzchak’s blessing to Yaakov. Removing the letters *beis* and *yud* (בי) poignantly conveys Yaakov’s status as a גר, rather than the promised גביר, which uncovers a second layer of meaning in Rashi’s phrase “לא נתקיימה בי.”

This highlights Rashi’s attention to the nuance contained within the Torah’s language and also demonstrates how Rashi’s choice of words in his own commentary conveys multifaceted meaning that draws out layered subtext from within the words of the verses that he explains.

Al SheHiksha LeDaber

The second example of Rashi’s multilayered use of language comes from Hashem’s reassurance in *Parshas Va’eira*, after Moshe goes to Paroh and at first fails to secure the liberty of the people.

The *Parasha* starts with the statement (*Shemos* 6:2): “*Va-yedaber Elokim el Moshe va-yomer eilav Ani Hashem*,” “God spoke to Moshe and said to him ‘I am Hashem.’”

¹ I heard this insight from Rabbi Aryeh Leib Lopiansky the week of *Parshas Vayishlach* 5752 but do not remember who he quoted as its original source.

This verse has certain anomalies. First, it repeats the fact that Hashem spoke to Moshe: “God spoke to Moshe and said to him ...” Second, it changes the verb it uses for speaking from the word “*va-yedaber*” in the first instance to “*va-yomer*” in the second. Third, it changes the name it uses for Hashem from “*Elokim*,” at the start of the verse, to “*Hashem*,” in the second half of the verse. Rashi concisely explains the redundancy in this verse, as well as the mid-sentence change in terminology from “*Elokim*” to “*Hashem*” and from “*va-yedaber*” to “*va-yomer*,” as follows:

וידבר אלקים אל משה. דבר אתו משפט על שהקשה לדבר ולומר למה הרעותה לעם
הזה (לעיל ה:כב).

“And God spoke to Moshe.” He spoke toward him with justice for speaking harshly and saying “Why have you harmed this people?”

The phrase “*va-yedaber Elokim*” conveys justice or rebuke, which is why the verse uses the name “*Elokim*” as opposed to the name “*Hashem*” and also begins with the word “*va-yedaber*” instead of simply starting with “*va-yomer*.” The plain translation of Rashi’s comment is that Hashem started His statement severely because, after Paroh made the work more difficult for the people in response to Moshe’s demand for them to leave Egypt, Moshe had spoken harshly to Hashem when he asked in *Shemos* 5:22: “Why have you harmed this people?”

However, there is a second way to read Rashi’s comment. Rebbe Shaul Yedidya Elazar Taub of Modzitz explains in *Yisa Bracha* that Rashi’s comment can be read as follows: Hashem spoke toward Moshe with justice because Moshe had claimed, in *Shemos* 4:10, that it was difficult for him to speak but then, in *Shemos* 5:22, found his voice sufficiently to challenge Hashem by asking “Why have you harmed this people?”

In this sense, Rashi’s phrase “*al she-hiksha le-daber*” can simultaneously be understood to mean both: (1) Hashem spoke toward Moshe with rebuke because he had spoken harshly toward Hashem and said “Why have you harmed this people,” and (2) Hashem spoke toward Moshe with justice because he had claimed, in Shemos 4:10, that it was difficult for him to speak and, as a result, he should not be sent to challenge Paroh, and, nevertheless, in *Shemos* 5:22, he was able to find his voice to challenge Hashem and say “Why have you harmed this people.” The second way to read Rashi’s comment broadens the context of his explanation of the verse in *Shemos* 6:2 (“God spoke to Moshe and said to him ‘I am Hashem’”) to include, not only consideration of Moshe’s statement in *Shemos* 5:22 (“Why have you harmed this people”), but also an ironic contrast to *Shemos* 4:10 when Moshe demurred from his

mission to Egypt by asserting his inability to speak.

This again underscores how Rashi selects language in his commentary capable of simultaneous double meaning, emphasizing that Rashi not only sought multilayered understanding of the words in the verses but also wrote his own commentary to be read with a sense of poetry.

VaAsu Lishmi Beis Kedusha

The third example appears in *Parashas Teruma* regarding construction of the *Mishkan*. Based on statements by *Chazal*, some *acharonim* emphasize that the spiritual aspiration of building the *Mishkan* is, ultimately, to create an analogue of the *Mishkan* in our inner lives. For example, HaRav Yitzhak Twersky *zt"l* quotes the *Nefesh HaChayim* (1:4), interpreting the phrase “*ve-chein ta’asu*” in *Shemos* 25:9 as follows:

עיקר ענין הקודש והמקדש ושריית שכינתו יתברך הוא האדם. שאם יתקדש עצמו כראוי בקיום המצוות כולן ... אז הוא עצמו המקדש ממש ובתוכו ה' יתברך שמו; כמו שכתוב (ירמיה ז:ד) “היכל ה' היכל ה' המה.” וכמאמרם ז"ל: “ושכנתי בתוכם; בתוכו לא נאמר אלא בתוכם” ... שהצדיקים על ידי מעשיהם הרצויים לפניו יתברך הן הם מקדש ה' ממש. ויש לומר על דרך זה הכתוב “ועשו לי מקדש ... ככל אשר אני מראה אותך ... וכן תעשו” ... ולדרכינו יש לומר גם כן שרוצה לומר: אל תחשבו שתכלית כוונתי הוא עשיית המקדש החיצוני; אלא תדעו שכל תכלית רצוני בתבנית המשכן וכל כליו רק לרמוז לכם שממנו תראו וכן תעשו אתם את עצמיכם – שתהיו אתם במעשיכם הרצויים כתבנית המשכן וכליו, כולם קדושים ראויים ומוכנים להשרות שכינתי בתוכם ...

The essential element of sanctity, the Mikdash, and the dwelling of God's Shechina, is man. If he sanctifies himself properly through the performance of all mitzvos ... then he, himself, becomes the actual Mikdash, and within him [dwells] God, may His name be blessed; as it is written (Yirmiyahu 7:4): “the Sanctuary of God, the Sanctuary of God are they.” And as Chazal said: “it does not say ‘so that I may dwell in it [in the Mikdash]’; rather, it says ‘so that I may dwell within them.’” ... Tzadikim, by their deeds which are favorable to Him – may He be blessed – actually constitute the sanctuary of God. Along these lines, one can interpret the pasuk “They shall make for Me a Sanctuary... Like everything that I show you ... so shall you do.” According to our approach, one can also suggest that [the pasuk] means to say: Don't think that My ultimate purpose is the construction of the external sanctuary; rather, you should know that My entire purpose in

*designing the format of the Mishkan and all its vessels is to hint to you that you should see it as a model and make yourselves into the same. That you, by your favorable deeds, be like the format of the Mishkan and its vessels, all holy – fit and prepared for Me to settle My Shechina within you ...*²

This comment of the *Nefesh HaChayim* emphasizes, even more than the physical construction of the *Mishkan*, the inner relationship with Hashem that is part of, and results from, the acts of devotion involved in building the *Mishkan*.

This approach finds strong roots in Rashi. First, Rashi comments on the phrase in *Shemos* 25:2 “*ve-yikchu li teruma*,” “and take for Me an offering,” as follows: “*li lishmi*,” the word “*li*” means “an act dedicated to My name.” In his comment to this verse, Rashi also emphasizes that the phrase “*yidvenu libo*” is related to the word “*nedava*,” a donation, which means that a person should perform an act of wholehearted dedication when building the *Mishkan*. As Rashi states: “*ve-hu leshon ratzon tov*,” “it is a term of good will.” Likewise, in his comment to the partial list of materials given toward the work of the *Mishkan* (*Shemos* 25:3): “*zahav, va-chesef, u-nechoshes*,” “gold and silver and copper,” Rashi states: “*kulam ba’u binedava ish ish ma she-nidava libo chutz min ha-kesef she-ba be-shaveh machatzis ha-shekel le-chol echad*,” “All of the items mentioned came as voluntary donations [and] each individual gave what his heart wanted to donate, except for the silver which came equally as a half shekel from every individual.”

Hence, according to Rashi’s explanation of the verses, the dedication of materials to build the *Mishkan* had to be “*lishmi*” (dedicated to Hashem’s name), “*ish ish ma she-nidava libo*” (wholehearted) and with “*ratzon tov*” (motivated by good will).

Moreover, Rashi interprets the word “*teruma*” in *Shemos* 25:2 as “*hafrasha*,” the act of separating something out and setting it aside, rather than the act of actually giving a donation. This perhaps is based on the verse’s use of the verb “*v’yikchu*,” “and you shall take,” rather than “*v’yisnu*,” “and you shall give.” HaRav Zvi Dov Kanotopsky zt”l emphasizes that the more general mitzva of *teruma* has two distinct stages: *hafrasha* (separating a portion) and *nesina* (giving the portion to the *kohen*). The act of *hafrasha* takes place at home while the act of *nesina* takes place in society away from the home. He writes:

When one examines this halachic principle closely, one notes that the intention of the Torah here is twofold. It wants the Jew to create something

² Rabbi David Shapiro, *Torah of the Mind, Torah of the Heart: Divrei Torah of the Talner Rebbe* (Jerusalem, 2020), pp. 154-155.

holy and make this havdala while it is still his and in his own home. Once there is something holy in his own home, he takes it and offers it to the kohen. Kedusha, or holiness, begins in the home before it becomes part of the general religious institutions... In a more general sense, we can now maintain that in essence, two sanctuaries are being fashioned. Each Israelite, [b]y performing the hafrasha in his home, is making his home a repository of kedusha, which means a domain of havdala. At the same time, Moses and his committee are collecting the various materials and are in the process of building a central sanctuary. It should be clear, however, that the building, and the sanctity of the central mikdash are dependent upon and directly proportionate to the sanctity of the individual sanctuaries of the Israelites. That, after all, is where Moses gets his materials.³

This insightful conclusion that there are two sanctuaries being built simultaneously, one in each family's home and the other through the public work on the *Mishkan* – when considered alongside Rashi's interpretation that, in the context of building the *Mishkan*, the word "*teruma*" specifically references the act of *hafrasha*, which takes place at home, rather than *nesina*, which takes place in society – also raises the possibility that there is double meaning in Rashi's comment on "*va-asu li Mikdash*," "and they will make for Me a sanctuary" (*Shemos* 25:8), as follows:

ועשו לי מקדש. ועשו לשמי בית קדושה.

"They will make for Me a sanctuary." They will make a house of sanctity dedicated to My name.

On the one hand, the "*beis kedusha*" that Rashi references is, of course, the *Mishkan*. And, simultaneously, Rashi's phrase "*beis kedusha*" can – and likely does – mean for each family to cultivate *kedusha* in its individual household. This double understanding of Rashi's statement, which can alternately be read to mean (1) to construct the *Mishkan* of *kedusha* and (2) to build a home of *kedusha*, also correlates closely with the statement of *Chazal* quoted by the *Nefesh HaChayim* that the second half of this verse, "*ve-shachanti be-socham*," can mean both that Hashem's Presence will be in the *Mishkan* and, more pointedly, that it will be a vital part of each person's own inner life.

³ Rabbi Zvi Dov Kanotopsky, *Night of Watching: Essays on the Torah* (Jerusalem, 1977), pp. 127-128.

These three examples show that, through his choice of words, Rashi's brief comments often convey multiple levels of intricacy, precision and meaning simultaneously. There are dozens or even hundreds of comparable examples within Rashi's commentary to be uncovered. Like any great work, the closer and longer we engage the multifaceted strata of Rashi's language, the more nuanced and stunning his commentary becomes.

How Old Do You Think I Am? Torah, Science and the Age of the Universe

MICHAEL BORKOW AND RABBI YAAKOV SIEGEL



Imagine the scene... You're supposed to meet your friend at the theater and he's running late. Two minutes after the play starts your friend arrives and quietly asks you what he missed. You tell him the two characters on stage are brothers who have been fighting for 30 years. Your friend rolls his eyes and says, "Yeah, right! I missed *two minutes*. You expect me to believe they've been fighting for *30 years*?! What kind of fool do you think I am?" Do you ...

- A. Stare ahead blankly and think to yourself, "I need better friends."
- B. Patiently explain to your friend the difference between reality and a play.
- C. Hug your friend, jump up and yell, "*Baruch Hashem!* Thanks to your question, I finally understand the relationship between Torah and Science!"
- D. Take your friend's problem seriously and get to work trying to solve it.

We'd like to suggest the correct answer is "C."

Our goal in this article is to correct a widespread and profound misunderstanding about the relationship between what the Torah tells us about the age of the universe and what science tells us. It is widely assumed there is a conflict between the two. It is our contention, however, that when the relationship between the two is properly understood it is clear there is no conflict between them. But we have to get there. For starters, we'll start by spelling out what the perceived conflict is.

Torah vs. Science: The Apparent Conflict

If you take Tanach's timeline from the creation of Adam until the destruction of the

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first *Beis Hamikdash*, and add in either Rabbinic or secular historians' timeline from the Babylonian period until today,¹ then Adam was created less than 6,000 years ago. And based on the simple reading of the *pesukim*, the earth, plants, stars, planets, and animals were all created within the six days prior to Adam.² So, according to the straightforward reading of Torah sources, the world is no older than 6,000 years.

There is abundant scientific evidence, however, that the earth and the universe are much older. For some of the evidence of an older universe – such as radiometric (“carbon”) dating of fossils – one must have advanced training and complicated equipment in order to see and appreciate it. But other evidence is readily apparent to a careful observer of the natural world. You can go to any canyon in the southwest US and measure the current rate of erosion caused by the river nestled at the bottom. Look up at the towering rock walls above, and it's obvious that these canyons were formed over millions, if not billions, of years. Likewise, stars that are billions of light years away must have been created billions of years ago for their light to be reaching our eyes. It is not surprising that scientists' estimates of the age of the earth at 4.5 billion years and the universe at 13.8 billion years are much older than 6,000 years.

Now, every thinking religious man, woman, and child has considered this apparent contradiction, and many solutions have been suggested. Most answers to the “age of the universe question” seem to fall into one of three basic categories. The first type of answer is simply dismissive of the science.³ The second type of answer

1 Our exact date of 5782 for the secular year 2021-2022 comes from Rabi Yosi ben Chalafta, a *Tana*, in his work *Seder Olam Rabba*, written approximately 160 CE. Even if one wanted to challenge the reliability of *Seder Olam Raba*'s chronology, the world would still have been created no more than 6,000 years ago using the timeline of the Tanach and only non-Jewish historians.

2. See Ramban (*Bereishis* 1:3):

ודע, כי הימים הנזכרים במעשה בראשית היו בבריאת השמים והארץ ימים ממש, מחוברים משעות ורגעים, והיו שישה כששת ימי המעשה, כפשוטו של מקרא.

And know, that the “days” described in the description of creation of the heavens and earth are real days – made up of minutes and seconds, just like the days of the work week – like the simple reading of the verses.

See also the gemara in Chagiga 12a:

עשרה דברים נבראו ביום ראשון...מדת יום ומדת לילה.

Ten things were created on the first day... [one of them is] the measurement of the length of a day and a night.

Rashi (*d”h midas yom umidas layla*) says this means “*Kaf dalet sha’os beineiheim*,” twenty four hours between them.

3 See for example, the Steipler Gaon in *Krayna D’igrisa* (1:46) addressing contemporary science’s view on the age of the universe:

“In every generation, scientists think they have reached the farthest achievement of discovery that the human mind can reach. But then others come and contradict all of their principles. I myself have seen science books from a few hundred years ago that have explicitly claimed that in their generation they have achieved the pinnacle of human discovery. Yet it has already been three hundred years since scientists have denounced everything in

is simply dismissive of the Torah. Most answers, however, fit into a third middle category. The third category recognizes the value of both Torah and science and offers a resolution. And what could be bad about that? Well, popular examples suggest that either science can accommodate Torah's timeline since time is speeding up (it's complicated), or that the Torah doesn't really mean the world was created in seven 24-hour days.⁴ But mainstream science holds that billions of years means billions of actual years, and mainstream Torah holds that seven days of creation means seven 24-hour days. And if someone wants their science to be science that the top scientists believe *and* their Torah to be Torah that the *gedolei Torah* believe, then those answers may not satisfy. And, conversely, someone who does accept those explanations is pushed unnecessarily into a skepticism towards mainstream Torah and/or science. Torah is the ultimate source of knowledge and science is pretty amazing too, and a Jew can and should feel very comfortable with both. After all, if God didn't want us to be interested in science, He wouldn't have invented Coca-Cola and Mentos.

We Don't Buy It

This brings us to the topic at hand. To be clear: our goal today is *not* to offer a new solution to the apparent conflict between the Torah and science regarding the age of

those books and everything that came before them. And so too shall be in the coming generations, that they will overturn everything that today is the consensus.”

4 Here are a few examples of the most famous and popular solutions that would fit in this third category: Rav Shimon Schwab (*Challenge* p.169) suggests that the earth spun on its axis much faster during the six “days” of creation, so that a billion years could have taken place during twenty-four of today's hours. Non-religious scientists would certainly not be comfortable with the likelihood of this phenomenon. Another example is the solution suggested by Dr. Gerald Schroeder in *Genesis and the Big Bang*. Dr. Schroeder suggests that the question can be resolved by considering the Theory of Relativity's idea that time moves at different rates for objects moving at different speeds. When calculating the exact speed with which the universe is rapidly expanding, six days from the perspective of the beginning of time is nearly exactly 14 billion years from the perspective of our time. As scientifically ingenious as Dr. Schroeder's solution is, many Torah scholars would object, because he is forced to read “*vayehi erev vayehi boker*” as “it was chaos and then it was order,” instead of the traditional translation, “it was evening and it was morning.” A famous solution that has made both scientists and Torah scholars uncomfortable is that of the Tiferes Yisrael. In his *Drush Orach Chaim*, the Tiferes Yisrael quotes the *midrash* that says that Hashem continuously built worlds and destroyed them until He found one that He liked. The Tiferes Yisrael suggests that the universe and planet earth could have been created billions of years ago, but the Torah's description of everything after *tohu vavohu* are only the most recent iteration from within the last six thousand years. Scientists have objected to the Tiferes Yisrael's approach since science cannot accept that the sun and moon came into being within the last six thousand years. Torah scholars have also objected because the Tiferes Yisrael relies on non-traditional explanations of both the *midrash* describing Hashem's building and destroying worlds and the meaning of *tohu vavohu*. (For further discussion about the Tiferes Yisrael's approach, see Nitzachon 5:1, *What's Wrong with the Most Elegant Answer to the Age of the Universe Question?*)

the universe. Our goal is more radical than that. It is to argue that there is no conflict to resolve. Our goal is to show that the very idea that there is a conflict rests entirely on misunderstandings – about Torah, science or both – and that once those are cleared up, the alleged problem evaporates.

So, what are these fundamental misunderstandings? On the Torah side, we will focus on an aspect of the *pshat* in *Bereishis* that is critical to this discussion, yet somehow gets overlooked by those engaging in it. And on the science side, we will shine a light on a specific limitation inherent to science, a limitation any scientist would acknowledge but whose implications are not always fully appreciated.

Where Did Adam's Childhood Go?

The critical aspect of *pshat* in *Bereishis* that we want to bring out is simply this: the Torah doesn't say God created the world in its raw and undeveloped state and then it evolved – during the six days of creation and/or during the subsequent 5782 years – into its current state. It says He created the world pretty much as it is today, fully formed, with trees, the sun and the moon, fish and birds, animals and people. And Rashi makes this clear in his comment to *Bereishis* 1:25. The *pasuk* says, “God made the beast of the earth...” and Rashi comments that “made” means,

תקנם בצביונם ובקומתן.

He established them in their form and in their stature.

Rashi derives this from two places in the *gemara* (*Rosh Hashanah* 11a and *Chullin* 60a) where we learn that all the works of Creation, not just the beasts of the earth, were created in their full stature. Likewise, we know from the *midrash* (*Bereishis Rabba* 14:7) that Adam and Chava were created twenty years old.

Even though it's clear from a straightforward read of *Bereishis* and from the *midrash* and commentaries that everything was created fully formed, we somehow tend to forget that fact in the context of the Torah/Science discussion. If the Torah would have taught us that God created a hot dense state that evolved into the world as we know it, during a period of six days or even 6,000 years, instead of science's 14 billion years, that would be a conflict. But the Torah's description of Creation starts with a fully formed world. Science and Torah offer two radically different starting points, so it makes sense their time frames are radically different, too. If two people time the same runner and get different results it's a conflict. If one of them starts his stopwatch much later and ends up with a different result, that's not a conflict; that's just what you would expect.

But how do we make sense of the world starting in the middle of time? We'd like to suggest that's not such a tricky concept. Consider the play our friend arrived late to. When we told him the brothers had been fighting for thirty years, we were telling him the backstory. And the thing about a backstory is, *it's true, even though it didn't happen*. Or to be more precise: it's true *in the world of the story*, even though it didn't happen *in the real world*. And that concept is actually so familiar to us that it's baffling when someone, like our theater friend, doesn't get it.

And perhaps we should spend a moment discussing *why* every story always has a backstory built into it. It's because from the observer's perspective – not the perspective of the characters in the play, but the perspective of the playwright and the audience – what matters is only the story being told, and by definition anything that took place *prior* to that story is not *part* of that story. Or to put it another way, stories are choice machines. Everything is either setting up a character to have to make a choice, or playing out the consequences of a choice he or she made (while simultaneously setting up the next one). And nothing else belongs. Which is why, if our playwright actually made the audience sit through thirty years of brothers fighting before starting the story, when opening night ended thirty years later, they would not get very good reviews. More importantly, even if theoretically they could include the backstory like that, since it's not part of the story they wants to tell, why would they?

In the Torah, when we read in *Bereishis* that God created the world and started it off with two inhabitants, instructed them not to eat from a particular tree in *Gan Eden*, and placed a serpent there whose goal was to convince them to do that exact thing, it is clear we are being told a story. And as we all know, the story that started with Adam and Chava in *Gan Eden* is still going on. We are now in the middle of the story and the cast of characters has expanded to include all humanity and the setting has expanded to include the known universe, but the essential challenge to choose God and not the serpent remains the same. And, of course, we know the story will have reached its final chapter and ending with the arrival of *Moshiach*.

If a playwright can create a world with a backstory built into it, certainly God can too. The Torah doesn't spell out the backstory right at the beginning, of course. It doesn't speak of young Adam and Chava growing up, tending the seedlings in their new Garden, nurturing the Sapling of Knowledge of Good and Evil. But the full-grown version of anyone or anything implies a years-long process of growth. (That's why when we play Jewish Geography we ask someone *where* they grew up, not *if* they grew up.) Thus, the Torah clearly implies there's a backstory to our world. How long that backstory is, how complex, how grand? God left that for us to discover. But what

was apparent on that first Shabbos was that God created an old world. The only open question was, how old?

So we see that from a Torah perspective, there is no problem with science's assertion that the world is more than 6,000 years old. But what about the other side of the equation? From a science perspective, is there a problem with Torah's assertion that this world – which the evidence proves to be billions of years old – was created less than 6,000 years ago?

What Does Elon Musk Think About All This? (And What Does He Have in That Vat?)

Elon Musk, founder of SpaceX and CEO of Tesla, is arguably the world's most successful applied scientist. Which is important to keep in mind when we mention this next thing: Elon Musk believes the world as we know it is a simulation. His argument goes like this: Computers will someday be strong enough to create a simulation with enough detail to be indistinguishable from reality; once that level of computing power is achieved, millions of computers will have it; if millions of computers could be running simulations indistinguishable from reality, what are the odds we're living in the one actual reality? Whether or not Musk is right about us living in a computer-generated simulated reality, the question remains: How could an accomplished scientist – an expert in how the physical world works – maintain the world isn't even real?

The truth is, for thousands of years philosophers and scientists have accepted the possibility that reality as we know it might be an illusion. A contemporary version of this theory is a thought experiment called "Brain in a Vat." The theory holds that if someone took your brain out and suspended it in a vat of liquid that would sustain it, then they attached it to a computer that electrically stimulated its neurons like your body used to, you wouldn't be able to tell the difference between that simulated reality and actual reality. The point of "Brain in a Vat" isn't to argue we *are* brains in vats of liquid; the point is to acknowledge that *if* we were, we would have no way of knowing it.

All of which brings us to a fundamental point about science: science doesn't offer an opinion regarding the ultimate nature of reality. Science is the study of the physical world. The *ultimate* nature of this world – whether it is real or an illusion or something else – is beyond the scope of science. Please note, it's not that science hasn't figured out the nature of reality *yet*; it's that science cannot, not now or ever, know anything about the ultimate nature of reality. Science requires evidence and, as

philosophers and scientists have lamented for thousands of years, when it comes to evidence, we are trapped in our own world.

All of which is to say, if you were to inform Mr. Science that around 6,000 years ago our world was created with eons of backstory built into it – that those billions of years of astronomical, geological and evolutionary history were true but didn't actually happen – he would probably shrug and say something like, "Sounds good to me. Want to see a cool video? Google 'Coca-Cola Mentos rocket.'" As weird as this might seem, consider that Elon Musk thinks there's a very good chance the whole world, including its billions of years of history, could have started two minutes ago when some futuristic teenager came home from school and turned on her computer. Certainly, if Science is fine with a teenager starting this world with all its history built into it two minutes ago, it's fine with God having done the same thing 5782 years ago.

Your *Omphalos* is Showing (a.k.a. Gosse's Argument, which is Kind of Like Ours)

The idea that God created a world with a backstory built in, is similar – at least on the surface – to an approach originally presented by a British Christian theologian named Phillip Henry Gosse in 1857, and subsequently endorsed by some *gedolei Yisrael*. While Gosse did not quote the *gemara* in *Rosh Hashana* or Rashi in *Chumash*, he nonetheless assumed that people were created fully formed, trees were created with their rings, and carnivorous animals that needed to wear their teeth in before they could be helpful, were created with worn teeth ready to eat meat. And if that were the case, he argued, it means that when God created the world he also created a "fake" history for it. The main example Gosse used was Adam's navel, which surely he would have had (according to Gosse), if he were created as a fully-formed human. Thus Gosse titled his book on this subject, *Omphalos*, the Greek word for navel. Gosse's argument is that Adam was created with a scar from an umbilical cord that he never had, connecting him to his mother that never existed. And if an aspect of God's creation is that He creates the world to look older than it is, there is no problem accepting that God created fossils or canyons to appear much older than they really are.

Three Challenges to Gosse

This idea, that the world was created looking old, was endorsed by some *gedolei yisrael* (most prominently, the Lubavitcher Rebbe⁵). Nonetheless, numerous objections to

⁵ Letter from the Lubavitcher Rebbe dated Dec. 25, 1961, available at https://www.chabad.org/library/article_cdo/aid/112083/jewish/Theories-of-Evolution.htm. The Lubavitcher Rebbe himself was highly educated in science and engineering. At the University of Berlin from 1928-1932, he studied theoretical physics,

this approach have been raised. We believe that our approach differs in one critical way from the “the world was created looking old” theory, and that with that difference these objections can be dismissed.

We will start by spelling out the three most prominent objections to Gosse’s theory.

A primary challenge to his idea is that it seems to go against a critical principle of how Hashem interacts with His creations. In *Tehillim* (19:2), David Hamelech says:

השמים מספרים כבוד אל ומעשה ידיו מגיד הרקיע.

The heavens tell of the glory of Hashem, and the sky speaks of His handiwork.

The Ramban (at the beginning of his essay *Toras Hashem Temima*), says this means that one can learn of God and His involvement in the world from observing nature. Countless people – perhaps even Avraham Avinu⁶ – have found religion by observing the intricate design of nature and concluding that such a design must have had a Designer. If Hashem wants us to discern higher truths from our investigation of nature, why would He implant evidence that implies something that contradicts the Torah? As the *gemara* says (*Avoda Zara* 3a):

אין הקדוש ברוך הוא בא בטרוניא עם בריותיו.

Hashem does not behave with tyrannical trickery with his creations.

Evidence of dinosaurs from millions of years ago seems to be Hashem tricking us by placing into nature evidence of a timeline that conflicts with the Torah.

A second challenge to the Gosse theory is, even if Hashem needed to create a fake history to justify fully-grown plants or animals, how does that explain fossils of extinct species? The *gemara* says that God’s creations were created fully formed, so for that to happen, trees *had to* look older than one day old. Similarly, stars *had to* look billions of years old if Adam was going to see their light on the first night of his life. And it could even make sense that for mountains and canyons to be formed “fully grown” they had to look like they were formed over millions of years. But why are dinosaur bones and fossils of extinct species necessary for anything to be created *bikomasan*, fully formed? It’s logical that if an iguana were to be created fully-grown

analytical geometry, higher mathematics, and philosophy with professors including Nobel prize winners Erwin Schrodinger and Walter Nernst. From 1932-1937 he studied at the Ecole Speciale des Travaux Publics di Baitement et d’Industrie in Paris, where he earned degrees in mechanical and electrical engineering.

⁶*Bereishis Rabba* 39:1 (as explained by Rav Moshe Zeldman).

it would need to appear that it was created a few years earlier. But it's completely illogical to say that in order for an iguana to be created fully-grown, there would also need to be fossils of iguanadons – their pre-historic ancestors that were extinct for millions of years and weren't even that cute.

A third challenge leveled against Gosse, primarily by secular scientists and philosophers, is that if the universe was created within the last 6,000 years with a false history implanted, it's just as feasible (and likely) that the world was created last Thursday, with a false history – including our own memories – implanted. Any age of the world, whether 6,000 years or something else, would be arbitrary, impossible to prove wrong, and therefore also impossible to prove right.⁷

Our Response to Those Challenges

Our approach, however, differs from Gosse's *Omphalos* hypothesis in one fundamental way: we are not saying that Hashem implanted evidence that makes the world *look* old, but rather that Hashem created a world that *is* old. Gosse's approach struggles because he mixes two perspectives that cannot be mixed (which is the same mistake made by our friend who arrived late to the theater). When a play reveals thirty years of plot in its opening minutes, the producers are not trying to trick the audience into thinking the play started thirty years ago; they are simply setting the stage and telling the backstory. The audience knows it's a play and knows the backstory didn't actually happen. From the perspective of the characters in the play, however, the story really has been going on for thirty years. If you asked the brothers in the play, they would tell you that they really have been fighting since they were kids. And we are analogous to the characters in this world, not the audience. What an "outsider" might see as backstory we see as memory and history. To us, this is all real.

So, our answer to the first challenge is that there is no trickery; from *our* perspective as characters in the story of history, this world *is* billions of years old, and science is correct. But what about the second challenge? We can appreciate why, on the day Adam was created, there were fully grown trees, fully formed mountains and starlight that Adam could see. But how is the life and story of Adam and humanity

⁷ To a believer in the Torah, of course, 5782 years ago is not an arbitrary date; it's the date the simplest interpretation of the Torah says the world was created. But to a skeptic, Gosse's attempt to reconcile Torah and science fails because his argument that the world is really about 6,000 years old and only *looks* much older – kind of like a piece of brand new furniture intentionally made to look distressed – offers no specific proof for the Torah's cutoff date, as opposed to any other date. In other words, Gosse was asserting a fact about the physical world, i.e. that it is 6,000 years old despite its old appearance, that he could not prove scientifically.

enhanced by fossils buried in the earth? Well, if the world is like a play, fossils are part of the set dressing. And sometimes the significance of a piece of set dressing is not revealed right away. See that framed samurai sword hanging above the fireplace? Why is it there? I don't know, but I think we'll find out. And in the 1800's, when the *gedolei Torah* such as Rav Hirsch, the Netziv, and the Tiferes Yisrael began writing about fossils, we hadn't gotten far enough into the "play." But by the 21st century, fossils are starting to seem like a pretty important part of the story. The vast majority of the earth's energy consumption comes from – get this – fossils. (Petroleum, crude oil, gasoline, natural gas, coal, propane, and methane, all come from decomposed prehistoric animals and plants that died millions of years ago.) And a large amount of man-made pollution comes from those same fossils. So, just because at a given time we can't figure out why Hashem might have included something older than 6,000 years in his world, it doesn't mean that we won't find out soon enough.

And, finally, our description of the "Brain in a Vat" and Elon Musk's acceptance of life as a simulated reality effectively respond to the "world was created last Thursday" challenge, even from the perspective of a secular scientist. Like we said previously, science does not and cannot study the ultimate reality of anything. Science is the study *of* this world, based on the evidence available to us *in* this world. As for the ultimate nature of reality, was the world created billions of years ago, 6,000 years ago, or last Thursday? That is a philosophical, not scientific, question. The evidence tells us the world is billions of years old and that is all that is scientifically relevant. And, thus, to say that less than 6,000 years ago Hashem created a world that is billions of years old is to accept the science of the scientists *and* the philosophy of the Torah.

And Torah and science lived happily ever after.

The End.

Bereishis, The Anthropic Principle, and Providence

JOSH ROTHENBERG



The Ramban, in his commentary on the first few *pesukim* of *Bereishis*, describes the creation of the Universe as starting from a small point of ethereal substance, *yesh m'ayin (ex-nihilo)*, and that all of the Universe was subsequently formed from this speck. This was in direct contrast to the ancient view of a static, Eternal Universe first attributed to Aristotle. The discovery by Edward Hubble in the 1920's that galaxies are all receding from us indicated the Universe is expanding. Together with the discovery of the Cosmic Microwave Background (CMB, the remnant of light from the small initial fireball) by Penzias and Wilson in 1965, this proved to the vast majority of the scientific community that the Universe we live in started with a Big Bang. With this major scientific advance, the essential element of *Bereishis*, and the Ramban's description of the Universe's definitive beginning *ex-nihilo* was confirmed.

Aristotle's view of a static Eternal Universe was widely accepted, and when Einstein solved the problem of General Relativity and Gravitation in its simplest form, he realized that the solution was inconsistent with Aristotle. In 1917 Einstein added an extra term with an adjustable 'Cosmological Constant' to his original equation in an attempt to find a static Eternal Universe solution. As it became clear, the static solution was untenable, and Einstein later retracted the addition of the 'Cosmological' term as unnecessary.

Given the previous view of a static Universe, the general acceptance by the scientific community of a Big Bang was a major advance in the acknowledgement of the Torah's account of Creation *ex-nihilo* as correct. However, since the acceptance of the Big Bang as the correct picture of the Universe's beginning, many more theoretical difficulties have surfaced, and the struggle continues today to understand

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the expansion of the Big Bang and how it led to the Universe, with Man included, as we observe it today. One key mystery is the uniformity of the CMB in every direction (about 1 part in 100,000). Importantly, the uniformity and expansion (the aforementioned Cosmological Constant) of the early Universe is critical to enable formation of galaxies, stars, planets, and therefore life. If the fireball is initially too lumpy, gravity will cause collapse of the lumps into Black Holes before life could form, and if the early Universe is too smooth, then gravity is not strong enough to cause collection of matter into galaxies, stars, and planets never form at all. A suggested theory of exponential inflation of the fireball in the initial instant after the Big Bang appears attractive in explaining the CMB uniformity.¹

However, a number of scientists have noted that to explain our current universe, and more specifically, the necessary conditions for life to exist on Earth, requires a significant number of extraordinary coincidences and exquisite fine-tuning of physical parameters. One simple example is if the Earth was a bit closer or further from the Sun, then the surface temperature would not be adequate for sustaining life. Other coincidences appear required to explain the abundance of life-giving elements, such as carbon, oxygen, phosphorous, and nitrogen. There is no explanation at present for these coincidences, as well as similar fine-tuning of values for a number of other constants of nature.²

As scientists contemplated answers to the questions presented by these coincidences, in the 1970's physicist Brandon Carter noted that the mere fact that we humans are here to ask these questions in essence provides a possible answer – the 'Anthropic Principle'. The Anthropic Principle is simply the (somewhat circular) observation that since we exist, the universe and world we live in must be fine-tuned to enable life, or we wouldn't be here. You might still ask how this answers the question of how the world is fine-tuned and by whom? A good example to help explain this principle is why life happened to start on the planet Earth, which 'coincidentally' is fine-tuned to just the right temperature range.

There are billions of stars and planets, so it is not surprising that considering the large entire universe, a few planets may have just the right temperature range, water, chemicals, and atmosphere for life, and of course we (must) live on such a planet. Obviously a suitable planet for life is required and therefore not a coincidence, at least

1 See *The Inflationary Universe* by Alan Guth (1997) for the details.

2 e.g. the Gravitational Constant, speed of light, and the relative masses and forces of interactions of elementary particles, etc

for us, to be here and ponder this question. Our existence is testimony to the fact that we must live on a planet that has just the right temperature range (or we wouldn't be here). In essence, a suitable, 'Goldilocks' planet was 'selected' for us out of the billions in the universe, because it could sustain life. It is therefore not a coincidence we live on a Goldilocks planet; rather, it is required, and it is not improbable or 'coincidental', since there are billions of planets to choose from.

In other words, one might say life started on a (any) planet where it could, and a number of the billions of planets should have an acceptable temperature range and environment. That is, the appearance of 'fine-tuning', is actually just a result of finding a Goldilocks planet among a very large number of planets to choose from. This leads to an interesting follow-on question of how many planets appropriate for life there are in our Universe, and whether any of them besides Earth did see life emerge.³

This example seems to work quite well to explain how we came to find such a rare and exquisite life-giving planet as Earth to be created and flourish on. However, it is a bit more difficult to explain why the Gravitational Constant (which determines the magnitude of the force between masses), Cosmological Constant, or a slew of other constants of nature are apparently exquisitely selected to enable the cosmos to develop stars and (Goldilocks) planets, not to mention life as we know it. I will not go through the technical details of the physics of the uniformity of the Cosmic Microwave Background, galaxy and star formation, generation of carbon and other required elements for life as we know it, and other aspects of cosmology.⁴

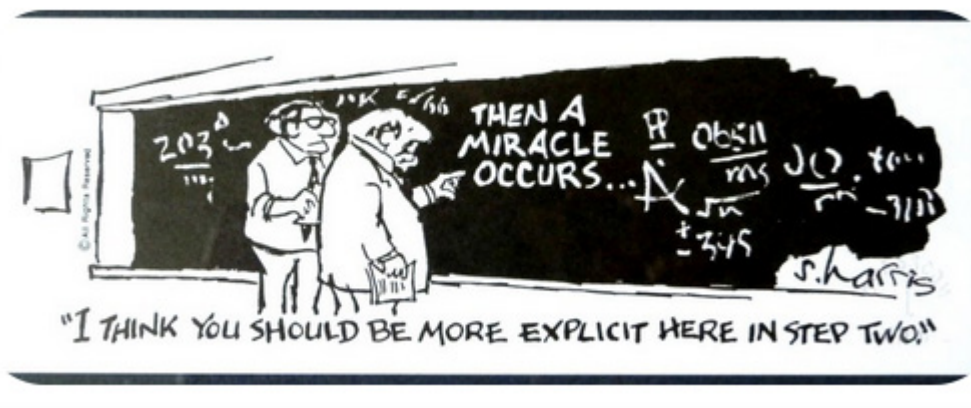
The Anthropic Principle has been applied to fine tuning of these constants and actual laws of nature by invoking some strange aspects of quantum mechanics. QM, which has been verified in great detail over the past century, describes reality as a probabilistic combination of many possibilities. The classic example of this strange reality is "Schroedinger's cat", where a Rube Goldberg box holds a cat's life in balance, depending on the decay of a radioactive atom, which can happen at any random moment. If the atom decays, the gizmo in the box kills the cat. According to QM, the cat's existence itself is a probabilistic 'mixture' of life and death while the box is sealed and the inside is not 'observed'. There is still much debate over this measurement

³ See *Are we Alone* by Paul Davies (1995).

⁴ A good general discussion of these topics can be found in *Genesis and the Big Bang - The Discovery of Harmony Between Modern Science and the Bible* by Gerald Schroeder (1990) and *The Goldilocks Enigma - Why is the Universe Just Right for Life?*, by Paul Davies (2006). A more extensive, technical, and detailed discussion can be found in *The Anthropic Cosmological Principle*, by J. D. Barrow and F. J. Tipler (1986).

problem of QM (famously referred to by Einstein as “God doesn’t roll dice”). In one of several interpretations, the Universe splits into two, one with a live cat and one without. We find out which one of the Universes we live in when we, as conscious and intelligent beings, become ‘observers’ in the Universe and open the box. Similarly, in the Anthropic approach, it is argued by some that the particular choice of Universe we occupy within such a “Multi-Verse” is selected out of zillions of alternatives, and our existence, by definition, forces exactly the needed fine-tuning of physical constants and laws in our ‘selected’ Universe. In this way the Anthropic Principle can explain, through ‘natural selection’ out of zillions of ‘alternative Universes’, the coincidences and fine-tuning that are necessarily needed for us to be found in our Universe.

This may sound a bit bizarre, and a proper interpretation of the QM measurement paradox is still a topic of current research. However, the Multi-Verse approach is seriously considered by a number of scientists today in order to avoid invoking an alternative explanation, which is the imposition of a precise physical law on our current world by the Creator. Relying on a Creator to fine tune Nature doesn’t provide a credible explanation of the many coincidences and fine-tuning sought by Science. Before we condemn the scientific community for ignoring the possibility of an Intelligent Designer, one might consider that the Creator provided us a Universe that is apparently governed by unaided natural law. The intensive effort to understand nature has led to incredible and subtle scientific discoveries of the past century, which have provided us with a glimpse of the Divine. Who is to say what new physics is yet to be understood that solves the outstanding mysteries of our Universe and nature. Importantly, the extensive search for understanding of nature has led to the (mostly advantageous) plethora of advances humans have achieved in science, medicine, and technology. If, as shown in the cartoon below, we fall back on supernatural explanations for every difficult stumbling block we encounter, our progress in understanding of the natural world, and the subsequent advances in medicine and technology, would certainly be impeded. Fortunately, scientists continue searching for ‘natural’ explanations of the many difficult puzzles that remain.



The approach to miraculous intervention and perhaps equivalently, Providence, is the subject of debate amongst the *mefarshim*. On the one hand, the Ramban famously notes in his last words on *parshas Bo* that it is incumbent upon us to believe all that happens to us in this world is fundamentally miraculous. The Ramban's position is perhaps a bit more complex than this simple statement.⁵ The Ramban (*Moreh Nevuchim*, 3:18) is more restrictive in his approach to Providence, extending it to humans in proportion to their understanding and connection to the Creator. The Ramban's position would imply that unless cognitive humans are involved, minimal Providence would need to be extended, and consequently unabridged nature, possibly including 'random' or probabilistic processes, determines the outcome. However, since nature itself is the direct product of the omniscient Creator, one should have no doubt the outcome is predetermined according to His original intent. A process that may appear random to us, could be the route the Creator chose to achieve His end goal. It seems this perspective is similar to the paradox of how the Creator's prescribed end goal for the Universe is accomplished in spite of our free will.

Similar questions are more familiar about nature, Intelligent Design, and miraculous intervention, when extended to the appearance of life itself and the vast variety (i.e. creation and/or evolution) of species. Historically, many have viewed Darwin's Theory of Evolution by mutation and natural selection ("survival of the fittest") and its variants as a threat to belief in a Creator, since they describe a process without apparent need for Providence. However, it is obvious that mutation and selection are important natural forces, as is evidenced by the evolution of the

⁵ See Rabbi Yaakov Siegel's in-depth discussion in *Nitzachon* 5:2 p33 ff.

pathogen in our current crisis.

Abundant fossil and current observational data is objectively compelling (in my view) that Evolution occurred in some form, and that natural selection is an important force and plays a major role. However, the natural explanations of the origin of species still have many difficulties. The list of gaps in our current understanding of evolution is long and, to some, is suggestive of a 'directive force' external to the current evolution theories. A few well known problematic examples include the great lack of transitional fossils, questions about the evolution of complex organs, such as the eye (including independent parallel evolution of eyes in distant species), and remaining questions about the mostly discredited theory of inheritance of acquired traits. S. J. Gould and others address many of these difficulties (e.g. Gould's update to Darwin's Theory - 'Punctuated Equilibrium' addresses the issue of lack of transitional fossils), and describe many individual examples of evidence for evolution. See e.g., the essay on jaw bones evolving into the anvil and hammer in the mammalian auditory system, as described by Gould in *Eight Little Piggies* (1993), p95.⁶

On the other hand, G. R. Taylor, in *The Great Evolution Mystery* (1981) discusses many of the gaps in our understanding. Taylor does not advocate for Creationism (i.e. Divine Providence in the process), but finds "that natural selection is insufficient to explain all the features of the evolutionary story and to make it necessary to consider quite seriously the possibility that some directive force or process works in conjunction with it" (p. 137).

It is apparent that 'Creationists' champion the many difficulties of current Evolution theories as proof of Divine intervention. However, this just seems to bring us back to the Cartoon above. Must we invoke Divine Intervention for every obstacle, puzzle, or gap in our understanding? Alternately, one could argue we just need to investigate nature further, which brings us closer to the Creator, and has had a myriad of associated benefits. Of course, one can reject an entirely natural process of evolution, since constant miraculous intervention could be consistent with the some interpretations of the Ramban, but if we follow the Rambam, one asks why the Creator of nature would want (or need) to intervene 'miraculously' in the nature that He created. Since we observe these evolutionary processes to this day, why wouldn't they also apply to any given species throughout time, including the evolution of *Homo sapiens*. Indeed, there is a view 'enough' (*Sh-kai*, see *Chagiga* 12a) that indicates the

⁶ Gould has a number of books comprising many years of his monthly essays in *Natural History* and are worth the read – e.g. see also *Hen's Teeth and Horses Toes* (1983), p177, and *The Panda's Thumb* (1980), p19.

Creator initially imbued nature with the capability to complete all of the creative processes that started after His initial Big Bang Creation event *ex-nihilo*.

The challenges presented by both the fine tuning of cosmology and the origin of species appear similar. Instead of relying on supernatural intervention, one can stipulate that the Creator established nature such that no intervention was necessary after the initial Creation. Certainly, an omnipotent Creator could have established the vast array of living species by one or more miraculous interventions, but logically this appears unnecessary for the Omniscient, and then what purpose is served by creation of the extensive fossil record? Is there some fundamental reason why the Creator would find it necessary to intervene in nature for the creation of each of millions of plant, animal, and insect species? An alternative to this dubious conclusion is that evolution is the extraordinary process of nature, as defined by the Creator, that is still far from being fully understood by our limited human intellect.

Ultimately, regardless of the actual details of the ‘natural’ process behind the evolution of the Universe and creation of the species, a Creator of nature is required. In the same way the ‘speck’ of a fertilized ovum grows into a fetus via the information programmed into the DNA within the ovum, one must conclude the same about the initial ‘speck’ of the Universe, which ‘grew’ ultimately into millions of complex species, including intelligent Man. Thus, all of the Universe’s information must either have been programmed into the speck at the Big Bang, or inserted later, either way by the Creator. If not from the Creator, where else does the vast amount of information required come from? This is a restatement of the ‘watchmaker’ paradox⁷ – the presence of a (complex) watch indicates there is a watchmaker. Equivalently, can one argue that monkeys randomly typing can generate Shakespeare? Mathematically, the answer is a definitive yes, albeit with infinitesimal probability, but the chances could be enhanced if there is a ‘natural selection’ process. That is, any result can be obtained if there are enough monkeys, they type fast enough, and enough time and selective force is provided (however, the time may be longer than the age of the Universe). The similar “Multi-verse” concept can be extended essentially to infinity (i.e. nearly an infinite number of monkeys to exhaust every possibility), and our existence in effect selects our Goldilocks Universe, which is exactly what is proposed in one application of the Anthropic Principle to explain the fine tuning of the Cosmos and nature to enable the development of life on Earth.

⁷ William Paley in *Natural Theology: or, Evidences of the Existence of Attributes of the Deity, Collected from the Appearances of Nature* (1802)

It seems one can also argue that just the complexity and ‘beauty’ (or bizarreness) of physical law (e.g. QM and General Relativity) seems indicative of a Creator. Was the creative process the result of complex (but beautiful) nature, or by Divine ‘fiat’. Perhaps this is just semantics, similar to the debate between the Rambam and Ramban. Our quest to understand these mysteries in Cosmology and evolution is thus a quest to increase our knowledge of the Creator. Perhaps these complex puzzles of Creation provide a desired ‘deniable ambiguity’, and are thus the true sign of the Divine origin of nature, since a definitive and apparent proof of Divine intervention would imbalance the fair choice needed to challenge our free will.

One can understand the principle of *Sh-kai* to indicate the Creator has imbedded in the nature of the initial (big-bang) speck *ex-nihilo*, all that is necessary to achieve the goals of Creation. In fact, can we not stipulate a natural process led to life itself? Schroeder (p154 ff) notes this possibility but claims the time required based on ‘random’ processes exceeds the available time indicated in the fossil record. I certainly have no answer to the question of adequate duration for the generation of life, or the many remaining mysteries of evolution itself. However, how can one preclude a future discovery that will address these issues? Are we to require miraculous intervention for the generation of the initial single cell life forms? Could we not imagine the Creator to empower nature with the power to initiate life, as well as evolution as discussed above? Indeed, regardless of the processes that are eventually discovered to have generated life, all matter in the Universe is obviously the product in some way, as defined by the Creator, of the initial Creation *ex-nihilo*.

As noted in the *midrash*, one view is that the initial Creation was explicitly programmed (via nature) to include even hidden or open miracles, such as the Ten Plagues and the splitting of the Red Sea. In the case of the Red Sea, a ‘natural’ East Wind was implemented by the Creator to disguise the Providence of an open miracle so that the Egyptians would continue their pursuit (Ramban on *Shemos* 14:21). One could similarly stipulate that the Creator programmed nature for all these pre-historic creative processes so that we would have the free will to believe in nature instead of an omnipotent Creator. This question seems to transition into a philosophical discussion about how to interpret the roles of nature and Providence, and how the Will of the Creator is expressed in the presence of our fundamental free will.

Would our *emuna* be shaken if the next Noble Prize is awarded for the explanation of unanswered questions surrounding the creation of first life, or the current ‘Punctuated Equilibrium’ variant of Evolution? Similarly, if advances in String Theory were to explain many of the coincidences of Cosmology would we be concerned

the Creator was being written out of our story? In contrast, I'd suggest the advances over the last few centuries have certainly brought us greater understanding of nature, and therefore of the Creator. However, concomitant to the greater understanding of nature, we also have greater understanding to make a free and fair choice about belief in a Creator.

An interesting aspect to the debate about a Creator and scientific inquiry is the role of bias and prejudice. Einstein's misplaced inclusion of the Cosmological Constant is an example of a recurring aspect of fallible human and scientific inquiry. Einstein modified his equations based on prejudice to the accepted Aristotelian view that the Universe is eternal and static. Similar biases have impacted science and philosophy for millennia. Sometimes, such bias can focus inquiry into the correct direction (if one has good intuition), but many times the ultimate truth has been obscured and impeded, often driven by philosophical and/or religious interpretations. Examples include the geocentric model (displaced by Copernicus in the 16th century) and the orbits of the celestial bodies. It was argued that since the Creator is perfect, the geometry of the orbits must also be perfect – i.e. circular. However, even when ancient astronomers learned that a circular orbit could not explain the irregular motion of the Moon, Ptolemy's response was to suggest the Earth is off-center, and the 'epicycle' orbit. He postulated that the Moon executed a smaller embedded circular orbit as it moved in its large primary circular orbit. Ptolemy's epicycle theory, although wrong, was quite successful in describing the apparent motion of the Moon, and still formed the basis a millennium later for the Rambam's lunar calculations. It was not until 1600 that Johannes Kepler overcame this ancient circular bias, and using precise observations of Mars, discovered that the planetary orbits were in fact elliptical.

Bias is certainly also a major factor in the debate about evolution. Religious interpretation has played a large role in the overall debate. Darwin himself delayed publication of *The Origin of Species* by twenty years, apparently in part for the concern of reaction from the prevalent 19th century religious establishment. However, Darwin's Theory of Evolution was, for the most part, quickly and widely accepted, albeit with some subsequent modifications. One hopes that an open mind and honest scientific inquiry will prevail, and as has happened so many times in the past, the truth will emerge.

If one accepts that the Creator did not intervene in the natural progression of the Universe prior to the arrival of Man, one still has the question of 'Intelligent Design'. By definition, Intelligent Design is obvious for those who accept a Creator. However, this is the fundamental question presented by the Anthropic Principle.

We may be surprised as to what we discover in the future about natural law, as has occurred repeatedly in the past. Even if such discoveries would indicate purely 'Natural Evolution', one can view these and other extraordinary scientific discoveries of the past two centuries as a glimpse into the subtlety and beauty of the Creation and nature, bringing us closer to the Creator. This perspective seems perfectly consistent with either the Rambam or Ramban's approach.

Regardless of the ultimate truth about nature and the Creation, we understand the Creator is the original cause. No one could have anticipated the bizarre laws of QM and General Relativity, nor are they, or the processes of evolution, fully understood yet today. It seems the daunting questions that still surround creation of the Universe and life are well worth the continuing investigation. To stipulate the miraculous intervention of our cartoon as the end-solution is to abandon the search for the essence of the Creator, let alone the concomitant scientific, medical, and technological advances that have transformed the world today.

Indeed, one might suggest the discerning mind should view the discoveries of the subtle and strange technical details of nature as they continue to unfold - as a glimpse of the beauty of the unknowable Divine. One can only imagine what is yet to be discovered. You just can't make this stuff up.

Making Tea on Shabbos

STEPHEN KIRSCHENBAUM



Rabbis have debated the proper way to make tea on Shabbos for more than two hundred years. This debate highlights many of the issues regarding the biblically prohibited acts of *bishul* and provides an opportunity to gain an appreciation and understanding of these laws.

Irui Kli Rishon and Kli Sheini

The Shaar HaTziyun¹ notes that Rav Yaakov Ettlinger² and other authorities rule that placing a tea bag into water beyond *yad soledes bo* constitutes *bishul*. The Aruch HaShulchan³ confirms this point quite emphatically. Thus, *Irui Kli Rishon* (pouring hot water from the tea kettle into a glass containing a tea bag therein) is forbidden since *halacha* accepts the opinion that *Irui Kli Rishon* cooks the outer layer of food.⁴

Rav Hershel Schachter cites Rav Yosef Dov Soloveitchik, who reported that his illustrious grandfather, Rav Chaim Soloveitchik, made tea on Shabbos using a *Kli Sheini*. This involves pouring hot water from a kettle into a glass and then placing the tea bag into the glass thereafter. This ruling is based on the *mishna* that appears in *Shabbos* 42a, which teaches that one may place spices into a *Kli Sheini* containing hot water. Reb Chaim believed that tea qualifies as a spice and thus, the rule articulated by the *mishna* applies to tea. Based on this, Rav Soloveitchik maintained and did in fact make tea on Shabbos in a *Kli Sheini*.⁵ Rav Schachter himself rules one may rely on

1 318:55.

2 *Teshuvos Binyan Tzion* 17.

3 *Orach Chaim* 328:28.

4 *Mishna Berura* 318:35.

5 *Nefesh HaRav*, page 170.

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this ruling of Reb Chaim and his grandson Rav Soloveitchik as well.⁶

The Mishna Berura⁷ and Aruch HaShulchan⁸ vigorously reject this approach. To understand their strict approach, further exploration regarding the issue of *Kli Sheini* is needed.

***Kli Sheini* – Theory and Practice**

Tosafos⁹ poses a fundamental question: Why should there be a difference between a *Kli Rishon* and a *Kli Sheini*? The sole criterion of whether *bishul* occurs should be if the water is *yad soledes bo!* Tosafos answers that *bishul* does not occur in a *Kli Sheini* despite the water being *yad soledes bo*. This is because the walls of the *Kli Sheini* cool down the water, and that water that is in the process of being cooled cannot cook.

The *acharonim* debate whether the rule that cooking does not occur in a *Kli Sheini* applies even in a situation where Tosafos' explanation is not relevant. Tosafos' explanation seems to apply only to liquids held in a *Kli Sheini* but not to solids (*davar gush*) contained in a *Kli Sheini*. The walls of the container have the effect of cooling down only liquid contents. Thus, the Maharshah¹⁰ rules that solids can be cooked even in a *Kli Sheini*. The Rama, however, does not distinguish between liquids and solids.¹¹

Later authorities had trouble resolving this dispute. The Shach writes that he is unable to decide which opinion is the correct one.¹² As such, it is not surprising to find that the Mishna Berura¹³ and Aruch HaShulchan¹⁴ rule that one should be concerned with the stringent view of the Maharshah.

Therefore, one should not pour oil or garlic on a hot potato even if it is in a *Kli Sheini*. However, one may pour ketchup on a hot potato since the ketchup was already cooked during its processing and the rule of *ein bishul achar bishul* applies.¹⁵

⁶ In conversations with author.

⁷ 318:39.

⁸ 318:28.

⁹ *Shabbos* 40b s.v. *U'shma*.

¹⁰ *Yam Shel Shlomo, Chullin* 8:71.

¹¹ *Yoreh Deah* 94:7 and 105:3.

¹² *Yoreh Deah* 105:8.

¹³ 318:45,65, and 118.

¹⁴ *Yoreh Deah* 94:32 and 105:20.

¹⁵ *Shemiras Shabbos Kehilchasa* 1:58.

Kalei HaBishul

Although the aforementioned *mishna* permits placing spices in a *Kli Sheini* containing hot water, the *mishna* that appears in *Shabbos* 145b indicates that one may not place uncooked salted fish in a *Kli Sheini* filled with hot water. Similarly, one opinion recorded in *Shabbos* 42b asserts that salt is unlike spices, and cooks even in a *Kli Sheini*. This opinion reasons that since salt is easily cooked (*kalei habishul*), it can be cooked even in a *Kli Sheini*. The *Sefer Yereim* 102 believes that since we are not sure which items are similar to salt and can be cooked in a *Kli Sheini*, we must be concerned that virtually any item may fall into the category of *kalei habishul*. Thus, he recommends that virtually no food be placed in a *Kli Sheini* containing hot water. The Tur, however, challenges the Yereim's expansion of the concern for *kalei habishul* beyond the cases specifically mentioned by the *mishna* and *gemara*.¹⁶ Moreover, the concern expressed by the Yereim is not even alluded to by any of the great *rishonim* such as the Rif, the Rambam, and the Rosh.

The Rama¹⁷ cites the opinions of both the Yereim and the Tur. He notes, however, that common practice is not to place *challa* even in a *Kli Sheini* due to concern that *challa* is classified as *kalei habishul*. Parenthetically, we should explain that although the *challa* was baked, people were concerned for the opinion of the Yereim that although we believe *ein bishul achar bishul*, cooking may occur after baking.

The Mishna Berura, citing the Magen Avraham, writes that the stringent practice applies to all items in accordance with the view of the Sefer Yereim.¹⁸ Thus, we must be concerned that almost all food items are *kalei habishul*. The Chazon Ish, however, questions the expansion of the concern of *kalei habishul* beyond bread, which is specifically mentioned by the Rama.¹⁹ He suggests that perhaps bread is more easily cooked than other items since it was already baked. The Chazon Ish, nonetheless, honors the common practice to follow the stringent views of the Magen Avraham and Mishna Berura.

Is Tea Classified as *Kalei HaBishul*?

The Yereim's concern applies only to items that the *mishna* or *gemara* does not

¹⁶ *Orach Chaim* 318.

¹⁷ *Orach Chaim* 318:5.

¹⁸ 318:42.

¹⁹ *Orach Chaim* 52:19.

specifically mention. The *mishna*, however, specifically states that spices cannot be cooked in a *Kli Sheini*. Accordingly, why do the Mishna Berura and Aruch HaShulchan reject Reb Chaim's ruling that tea is a spice and we are permitted to prepare it in a *Kli Sheini*?

Rav Shlomo Zalman Auerbach²⁰ explains that the spices in the *mishna* were large and unprocessed. Today, commercially available spices are ground very finely and present a concern for *kalei habishul*. Thus, one might argue that since tea leaves are incomparable to the *mishna's* unprocessed spices, they should be classified as *kalei habishul*. Indeed, the Aruch HaShulchan notes that it is observable that tea cooks in a *Kli Sheini*.

The *Kli Shlishi* Option – Rav Moshe Feinstein vs. Aruch HaShulchan

The Aruch HaShulchan forbids making tea even in a *Kli Shlishi*. Rav Moshe Feinstein²¹ adopts the approach of a compromise between the Aruch HaShulchan and Rav Chaim Soloveitchik. Rav Moshe writes that he is uncertain whether tea leaves are classified as spices. He therefore rules that one should not make tea in a *Kli Sheini*, but rather in a *Kli Shlishi*. This involves first pouring the water from the tea kettle into one glass and then pouring the water into a second glass. Subsequently, one places the tea bag into the second glass. Rav Moshe writes that the same rule applies to making coffee or cocoa on Shabbos.

To understand the dispute between Rav Moshe and the Aruch HaShulchan, we must focus on the concept of a *Kli Shlishi*. The category of a *Kli Shlishi* is not explicitly addressed in the *gemara* or the major *rishonim* such as the Rif, the Rambam, and the Rosh. The aforementioned Sefer Yereim, however, specifically mentions the concern that *kalei habishul* can cook in a *Kli Shlishi*. On the other hand, the Pri Megadim rules that even *kalei habishul* cannot be cooked in a *Kli Shlishi*.²²

The basis for the lenient view is that the *gemara* and Rama mention concern for *kalei habishul* only in relation to a *Kli Sheini*. The fact that the Rama, unlike the Yereim, makes no mention of a *Kli Shlishi* seems to indicate that the tradition is to not be concerned with *bishul* in a *Kli Shlishi*. On the other hand, the Chazon Ish argues that there was no mention of a *Kli Shlishi* since conceptually it is identical to a *Kli*

²⁰ Cited in *Shmiras Shabbos KeHilchasa* 1, note 152.

²¹ *Teshuvos Igros Moshe, Orach Chaim* 4:74: *Bishul*:18.

²² *Eishel Avraham* 318:35.

Sheini.²³

Tea Essence – Mishna Berurah and Aruch HaShulchan

The option recommended by the Mishna Berura and Aruch HaShulchan to prepare tea essence before Shabbos involves cooking tea bags before Shabbos, thereby making a tea concentrate. On Shabbos, one may pour the tea concentrate into a *Kli Sheini* containing hot water. We are concerned for the *rishonim* who argue that *ein bishul achar bishul* does not apply to liquids only if the heating of the liquid occurs in a *Kli Rishon*. This is because a *sfeik sfeika*, two lenient considerations, exists regarding reheating a liquid in a *Kli Sheini*. First, perhaps *ein bishul achar bishul* even applies to a liquid, and second, perhaps the tea concentrate does not cook in a *Kli Sheini*.

Conclusion

We see that there is considerable and legitimate basis for the three primary methods of making tea on Shabbos: *Kli Sheini*, *Kli Shlishi*, and tea essence. That being said, one should consult his or her local Orthodox rabbi to inquire as to which method to utilize when preparing tea on Shabbos.²⁴

²³ *Orach Chaim* 52:19.

²⁴ See *Mishna Berura* 318:2 citing the *Pri Megadim*.

Tiferes Banim



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Shlomo Yoni Braum

Yaakov Margolies

B'inyan Machshirei Ochel Nefesh on Yom Tov

SHUA HERTZ



The *beraisa* in *Megilla* 7b says:

אין בין יום טוב לשבת אלא אוכל נפש ר' יהודה מתיר אף מכשירי אוכל נפש.
There is no difference between Yom Tov and Shabbos except work relating to food requirements.

Rav Yehuda says that even work related to the early stages of food preparation, such as building an oven, is *muttar*, as opposed to the *Tana Kama* who only includes the work that deals directly with the actual food, such as cooking.

The *gemara* says both positions are based on how to understand the *pasuk* of “*lachem lekol tzorcheichem*,” (*Shemos* 12:16) which allows *machshirin*, preparations. The *gemara* continues to explain that Rav Yehuda differentiates between whether you could or could not have completed the preparations prior to the onset of Yom Tov, as opposed to direct food preparation which is allowed even when you could have done it before Yom Tov.

The *gemara* in *Shabbos* 137b teaches that Rabbi Eliezer holds that a person can build a sieve on Yom Tov. Rabbi Eliezer is of the opinion that indirect food preparations are permitted even when it could have been accomplished prior to Yom Tov, whereas Rabbi Yehuda only permitted doing *machshirin* that could not have been done prior to Yom Tov.

Tosfos in *Shabbos* asks what Rabbi Eliezer does with the *miyyut* of “*hu ve’lo machshirin*,” and if Rabbi Eliezer uses the word “*v’hu*” for a different *drasha*, then how did the *gemara* in *Megilla* know that Rabbi Yehuda uses “*v’hu*” to be *mema’et*

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machshirin? Perhaps he could *darshen* in the same manner that Rebbi Eliezer did? In other words, how did the *gemara* in *Megilla* know that there was a three-way *machlokes* regarding *machshirin*?

The *mishna* in *Beitza* 12a says:

בית שמאי אומרים אין מוציאין לא את הקטן ולא את הלולב ולא את ספר תורה לרשות הרבים ובית הלל מתירין.

Beis Shammai say: One may not carry out on a Yom Tov a child, nor a lulav, nor a Sefer Torah into the public domain, and Beis Hillel permit it.

Beis Hillel allows one to do the *melacha* of *hotza'a* even for purposes unrelated to food preparation. This seems very strange as the *pasuk* in *Shemos* 12:16 says:

... כל מלאכה לא יעשה בהם אך אשר יאכל לכל נפש הוא לבדו יעשה לכם.
... no work at all shall be done on them; only what every person is to eat, that alone may be prepared for you.

This seems to say that only work for food is allowed on Yom Tov. The *gemara* famously explains that Beis Hillel holds:

מתוך שהותרה הוצאה לצורך הותרה נמי שלא לצורך.
Since carrying out was permitted on a Yom Tov for the purpose of food preparation, it was also permitted not for that purpose.

This means that since the Torah permitted certain *melachos* for a food-related need, *l'tzorech*, those *melachos* become permitted for all needs, even those unrelated to food, *shelo l'tzorech*.

The *Pnei Yehoshua* in *Beitza* asks two fundamental questions on the principle of *mitoch*. First, how did Beis Hillel know this principle? Maybe the Torah only allowed *melacha* for food and nothing else, as the simple reading of the *pasuk* implies? Furthermore, if we have a principle of *mitoch*, then we should we apply *mitoch* to *melachos* related to *machshirin*. If so, it would come out that the only *melacha* prohibited on Yom Tov would be *zorea*, and such a conclusion seems very unlikely. For example, building an oven can include many *melachos*, such as *tikun kli*, and if we applied *mitoch*, then those additional *melachos* would be allowed even *shelo l'tzorech*.

Rav Shlomo Zalman Auerbach, in his *sefer Me'orei Eish*, comes to answer all of these questions. The *Ran*¹ records a contradiction between the *halachos* of *ribbui*

¹ *Beitza* 9 b'dapei haRif and *Pesachim* 9 b'dapei haRif

shiurim with regards to the *halachos* of Shabbos and Yom Tov. The *gemara* in *Beitza* 17a says that even though one is not allowed to cook on Yom Tov for purposes of weekday use, nevertheless, one is permitted, prior to placing a pot of meat onto a fire, to add more pieces of meat to the pot to use for weekday consumption. Hence, we see that *ribbui shiurim* on Yom Tov is allowed.

On the other hand, the *gemara* in *Menachos* 64a brings the case of a sick person who needs to eat exactly two fruits on *Shabbos*, and there are two options to choose from. One can cut two branches that each have one fruit on them, or cut one branch with three fruits on it. The *gemara* says that it is better to reduce the number of acts of cutting and choose the branch with three fruits. The Ran is *medayek* that for the *gemara* even to ask such a question, it is obvious that there is, in general, a problem with taking a branch with three fruit when all you need is two fruit. So we see that *ribbui shiurim* on Shabbos is not allowed.

To explain the difference between *ribbui shiurim* on Yom Tov for food purposes and *ribbui shiurim* on Shabbos for a sick person, the Ran explains that with respect to Yom Tov, the Torah completely allowed cooking on Yom Tov. There is no *issur* at all. Meaning if you need to cook, and your housekeeper is there and available, there is no reason to ask your housekeeper to place the pot on the fire instead of you, as there is no *melacha* involved. It is *hutra*, completely allowed. Therefore, *ribbui shiurim* is permitted. However, on Shabbos the *melacha* is overridden for a sick person, it's just pushed off, *dechuya*. Therefore, *ribbui shiurim* is *assur* since, in essence, the *issur melacha* is still present.

Based on this principle, we can now understand how Beis Hillel knew to say *mitoch*. Had the Torah only permitted making a fire for food purposes, then it would be implied that there is, in fact, a *melacha* of kindling on Yom Tov, but for food purposes it is pushed aside, *dechuya*. However, since the Torah is trying to convey the principle of *hutra* as the *heter* of *hilchos* Yom Tov, therefore it is logical to assume that the *pasuk* should be interpreted as permitting the *melacha* itself that is related to food preparation. This means that when the Torah permitted food preparations, it was permitting the *melacha* itself. It wasn't just saying that you can do the *melacha* for food purposes. This is the implication of Beis Hillel's language of *mitoch*; he's not simply stating how he read the grammar of the *pasuk*, rather he is employing a *sevara* of *mitoch* that since the Torah completely permitted cooking for food, it must also be that cooking is permitted for all purposes.

We can now understand the answer to the Pnei Yehoshua's second question. Being that *machshirin* are not permitted when they could have been done prior to Yom

Tov, we see that for *melachos*, *machshirin* are only *dechuya* and not *hutra*; therefore, there is no reason to assume *mitoch* by *machshirin*.

Now we can go back and answer *Tosfos's* question in *Perek Tolin* regarding how the *gemara* knew that there was a three-way *machlokes* by *machshirin*. The *gemara* in *Megilla* knew that Rebbi Yehuda excluded *melacha* preparations that are possible to do before Yom Tov, since if he didn't, it would come out that *machshirin* are *hutra* and you'd end up with the second question of the *Pnei Yehoshua* of why don't we apply *mitoch* to *melachos* of *machshirin* and then all *melachos* on Yom Tov would be permitted. Conversely, Rebbi Eliezer follows *Beis Shammai* who rejects the *sevara* of *mitoch*, and therefore the *gemara* could allow that Rebbi Eliezer would permit *machshirin* even if it was possible to do them before Yom Tov.

We are still left with some open questions. If *melechtes ochel nefesh* is *hutra*, then why is it *assur mid'oraisa* to cook for after Yom Tov? Also, why did *Tosfos* not provide *Rav Shlomo Zalman's* answer?

Tosfos asks our first question in *Beitza* 12a and answers that you can only say *mitoch* when there is a small need for Yom Tov. However, when there is no need at all for Yom Tov, then the *melacha* is *assur mid'oraisa*, and therefore when you are cooking for a weekday, it is clearly *assur*. What this tells us is that *Tosfos* understood that the *melacha* itself was never *hutra*, and it was only permitted for a *tzorech*, which means that *melechtes ochel nefes* is *dechuya*, and so it's obvious why *Tosfos* didn't provide our answer to the question in *Perek Tolin*.

However, according to many *rishonim*, including *Rashi*, there is no requirement *mid'oraisa* of *tzorech k'tzas* for Yom Tov. The *Aruch Hashulchan*² explains that according to *Rashi*, the source that cooking on Yom Tov for a weekday purpose is learned from a side *miyyut*, that just like we say *lachem* is *mema'et* doing *melacha* for animals and non-Jews, so too it's *mema'et* doing *melacha* for *chol*. Then certainly in general, *melechtes ochel nefes* is *hutra*!

² *Siman* 495 in the name of the *Korban Nesanel*

Birchas Kohanim

YITZI BECK



One of the *mitzvos* in *parshas Naso* is the *mitzva* of *birchas kohanim*.
 דבר אל אהרן ואל בניו כה תברכו את בני ישראל אמור להם.
Speak to Aaron and his sons, thus shall you bless the people of Israel. Say to them. (Bamidbar 6:23)

The *kohanim* have a *mitzva* to *bentch Klal Yisrael*. The *mitzva* was done in the *Beis Hamikdash*, but even today, when there is no *Beis Hamikdash*, the *poskim* say that there is still a *mitzvas aseid mid'oraisa* for the *kohanim* to do *birchas kohanim*.

Since I am a *kohen* and I *duched* for the first time as a *bar mitzva* this past Shavuot, I would like to give my *pshetel* on *birchas kohanim*.

The *gemara* in *Kesubos 24b* says that it is forbidden for someone who is not a *kohen* to do *birchas kohanim*. Rashi explains that the *pasuk* says *ko tevarchu*, this is the way to give a *bracha*, and we learn from there that only *kohanim* can give the *bracha*. If a *yisrael* does *birchas kohanim* he violates the *issur* of *ko tevarchu*.

The *Mishna Berura* asks in the *Biur Halacha siman 120* about the common practice of non-*kohanim* giving a *bracha* using the *pesukim* of *Yevarechecha Hashem v'yishmarecha*. For example, many fathers give this *bracha* to their children every Friday night. Why is this permitted?

He quotes the *Bach*, who says that since the *kohanim* must do *nesias kapaim*, raising their hands when they give the *bracha*, a *yisrael* may give the *bracha* if he does not raise his hands. As long as the *yisrael* gives the *bracha* in a way that the *kohen* would not be *yotzei*, it would be permitted. In fact, the *Torah Temima* says that the *Vilna Gaon* would only use one hand when he gave a *bracha*. However, this does not adequately explain the *minhag ha'olam* as many people raise both of their hands when they give their children a *bracha*.

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The *Biur Halacha* gives another answer. We *pasken* that *mitzvos tzrichos kavana*, that in order to fulfil a mitzva, it is not enough to just do the action, but you must also have *kavana*, intention to perform the mitzva. Doing a mitzva without *kavana* is not considered a *mitzvas aseï*, and if a *kohen* would *duchen* without *kavana*, he would not be *yotzei*. If so, a non-*kohen* would be permitted to give a *bracha* if he does not have *kavana* to do the mitzva.

The Mishna Berura asks that there is an opinion that *mitzvos ein tzrichos kavana*, that as long as you did the action, you are *yotzei* the mitzva even if you did not have any *kavana*. Although the *halacha* is *mitzvos tzrichos kavana*, in many cases we are still *choshesh* for the opinion that *mitzvos ein tzrichos kavana*. For example, during the time of *sefiras ha'omer*, when someone asks us what the night's count is, we are careful not to say the correct count, but rather we say the last night's count. This is despite the fact that we do not have *kavana* to fulfill the mitzva. Similarly, when we take a *lulav* and *esrog*, we hold the *esrog* upside down, to avoid doing the mitzva before we make the *bracha*. Since we are also *choshesh* for the opinion that *mitzvos ein tzrichos kavana*, it should still be forbidden for a *yisrael* to say *birchas kohanim*, even without *kavana*.

The Mishna Berura answers that even the opinion that holds that *mitzvos ein tzrichos kavana* agrees that if you have in mind specifically that you do not intend to perform a mitzva, you are not *yotzei* the mitzva. For example, you could say the correct count of the omer and you could take the *esrog* right-side-up as long as you have in mind not to fulfill the mitzva. The Mishna Berura admits that when someone gives a *bracha* to his children on Friday night and he doesn't actually have in mind not to fulfill the mitzva, nevertheless since he is not giving the *bracha* in shul during *davening*, we consider it as if he has intention not to fulfill the mitzva.

We can ask two questions on the Mishna Berura's answer. Although we *pasken mitzvos tzrichos kavana*, the Beis Halevi 1:2 says that not every mitzva requires intention to be *yotzei*. For example, if my mother asks me for a drink and I bring her a drink, but I forget to have *kavana* to fulfill *kibbud av v'em*, I am still *yotzei* the mitzva. If a poor person asks for help and I give him money, I am still *yotzei* the mitzva of *tzedaka* even without *kavana*. The reason is that when the purpose of the mitzva is the result, you can fulfill the mitzva even without *kavana*. Ultimately, my parent was honored and the poor person was helped. Only when the mitzva is primarily an action, like the *arba minim*, do we say that an action done without any intent is not considered a mitzva. If so, *birchas kohanim* may also be a mitzva that the purpose is the result of *Klal Yisrael* receiving a *bracha*. If so, if a *kohen* *duchens* and does not have *kavana*, he would still be *yotzei*. It would follow that a *yisrael* would violate the

prohibition of doing *birchas kohanim* even without *kavana*.

The second question is that even if we accept the Mishna Berura's premise that the *kohen* is only *yotzei* if he has *kavana*, a *yisrael* should violate the *issur* even without *kavana*. If a non-*kohen* were to go into the *Beis Hamikdash* and offer a *korban*, he would violate an *issur* even without *kavana* to do the mitzva, and even if he had intention not to be *yotzei*. The *aveira* of a non-*kohen* doing the *avoda* is not because he is trying to do extra *mitzvos*; rather, it is forbidden for him to act as a *kohen* and usurp the job of the *kohanim*. Similarly, it should be forbidden for a non-*kohen* to give a *bracha* and act as a *kohen* even if he does not have *kavana*.

If so, we are back to our question. How can a *yisrael* use the *birchas kohanim* to give a *bracha*? The Mishna Berura suggests another answer. He says that the *gemara* in *Sota* says the mitzva on the *kohanim* to give a *bracha* is only during *tefilla*. Since the *yisrael* is not giving a *bracha* during *tefilla*, he is missing an essential part of the mitzva of *birchas kohanim* and it would not be considered that he is doing the job of a *kohen*. The Mishna Berura says that this answer is not correct. He brings a *machlokes* between the Rambam and the Ramban whether the mitzva to *daven* is a mitzva *mid'oraisa* or *mid'rabbanan*. The Ramban says the mitzva to *daven* is only a mitzva *mid'rabbanan* and the Mishna Berura says the *halacha* is like the Ramban. If so, it cannot be that *mid'oraisa* the *kohanim* are supposed to give a *bracha* only during *davening*, since *tefilla* itself is only *mid'rabbanan*. It must be that the mitzva is not limited to *davening*, and when *Chazal* made a mitzva to *daven*, they also said that *birchas kohanim* should be done at the same time. So on the *d'oraisa* level, it should still be forbidden for a *yisrael* to give a *bracha* at any time.

The Mishna Berura's assumption is difficult. We find in the Torah that Aharon gave a *bracha* during the *avodas hakorbanos*, and based on that the *gemara* in *Sota* says that *birchas kohanim* outside the *Beis Hamikdash* must also be done during the *avoda*, and that is why it is only done during *davening*. Since we only find the mitzva of *birchas kohanim* in the Torah during the *avoda*, it is likely that the mitzva always requires *avoda*.

However, we have to answer the Mishna Berura's question. How can the mitzva be limited to *davening*, when the whole mitzva of *tefilla* is only *mid'rabbanan*? The *Emek Bracha* brings an answer based on Rav Chaim who says that although the Ramban says that *tefilla* is *mid'rabbanan*, he only means that the requirement to *daven* is *mid'rabbanan*. The concept of *tefilla* is certainly *mid'oraisa*, as we see throughout the Torah that we can turn to Hashem and *daven*. The Ramban holds that even if you aren't required to, when you *daven* you fulfill a mitzva *mid'oraisa*. Therefore even

according to the Ramban, *birchas kohanim* requires *davening*. If a *tzibur* chose to *daven*, there would be a mitzva for the *kohanim* to give a *bracha*. But without *davening*, there is no *avoda* and there cannot be a mitzva of *birchas kohanim*. If so, there would be no problem for a *yisrael* to give a *bracha* outside of *davening*, since it is still missing an essential condition of the mitzva.

Mitzvos Tzrichos Kavana

DOVI YOCHAI TSAROVSKY



L'chatchila, ideally, one should always perform a mitzva with clarity and intent. But what if it is not possible? Does it still count? Has a mitzva been accomplished if the person performing it did it by accident, or even against his will? When it comes to Torah, *mitzvos* and *halacha*, are actions and results what matters, or do we need to make sure we have the proper intentions as well?

Kavana and Krias Shema

The *mishna* in *Berachos* 13a rules that:

היה קורא בתורה, והגיע זמן המקרא: אם כיוון לבו – יצא.

One who is reading from the Torah and happens to be reading the words of the *Shema* while it is time to perform the mitzva of *Shema*, has only fulfilled the mitzva of *Shema*, if he has *kavana*, if he has focused his heart and intended to fulfill his obligation.

Rashi explains that this case refers to someone who was reading the text of the Torah to make sure it is kosher; in other words, he was proofreading.

The *gemara* goes on to explain the reason for this *halacha*:

שמע מינה מצות צריכות כוונה.

We learn from this *mishna* the general rule that *mitzvos* require intent. In other words, to fulfill the obligation of a mitzva, you must have intended to perform it.

It would seem from this *gemara* that the general rule is that to perform a mitzva, you cannot just happen to be going through the motions; you must intend your action to fulfill the specific mitzva in question. The resolution to my question was simple enough: unless a person intends the action they are performing to be a fulfillment of the mitzva, no mitzva has been performed.

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Kavana or No Kavana Required: That is the Question!

In *Mishna Torah, Hilchos Tefilla* 10:1, the Rambam writes:

מי שהתפלל ולא כון את לבו יחזר ויתפלל בכונה.

If someone prays without intention and concentration, he is obligated to go back and pray again.

According to the Rambam, *kavana* is required to fulfill one's obligation of *tefilla*, of prayer. Clearly, the Rambam applies the *klal*, or general rule, of the *gemara* cited above, of *mitzvos tzrichos kavana*, to the specific mitzva of prayer. The Rambam also points to a *nafka mina*, a practical consequence; if there is no *kavana* in prayer, then you have not fulfilled the mitzva of prayer and you must go back and repeat it.

The *Shulchan Aruch*, OC 60:5 codifies this into practical *halacha*.

הקורא את שמע ולא כיון לבו בפסוק ראשון שהוא שמע ישראל לא יצא ידי חובתו.

One who recites the Shema but did not have the [proper] intention during the first verse, did not fulfill one's obligation.

Fundamentally, *kavana* means that before fulfilling a mitzva, a person should focus on the idea that he is about to fulfill it exactly as Hashem commanded. If he does not have at least this basic *kavana*, he does not fulfill the mitzva and as the Rambam pointed out, he may be required to repeat it.

The Rashba (*Berachos* 13a) teaches that, aside from this general *kavana* required for *mitzvos*, the *mitzvos* of *Shema* and *Shmoneh Esrei* require one to also possess a second level of *kavana* or intent. For these *mitzvos* in particular, the one saying the words should understand what they are saying as well.

It would seem then that not only do *mitzvos* generally require intention, but that some *mitzvos* require multiple layers of additional intention. Which is why it is surprising to find that when the *gemara* addresses the issue of *kavana* in relation to certain other *mitzvos*, the rule is not consistent.

The *gemara* in *Rosh Hashana* 28a *gemara* teaches a *halacha* in relation to the mitzva of *matza*:

כפאו ואכל מצה יצא.

If one was forced to eat matza on Passover, he has fulfilled his obligation.

The *gemara* assumes that the mitzva has been completed even though, since he was forced, he didn't have intention to fulfill the mitzva. The *gemara* explains:

התם אכול מצה אמר רחמנא והא אכל.

Hashem told us to eat matza and the person did eat the matza.

So, in this case, the *gemara* seems to say that the action of eating *matza* is sufficient, and intent to fulfill the mitzva is not necessary. But how can this be? What is the difference between the *Shema*, where intent is required, and eating *matza*, where intent is not? Why does the *gemara* seem to be inconsistent?

Why don't all Mitzvos Require Kavana?

In his commentary on this *gemara*, the Ran provides one possible explanation for these seemingly inconsistent *sugyos*. According to the Ran, *mitzvos* where there is a certain physical pleasure associated with it, such as eating *matza*, do not require *kavana*. The enjoyment automatically makes one aware of the action and therefore the mitzva performer does not need an additional intent for the action to fulfill the mitzva. An additional explanation can be found in the *sefer Sdei Chemed* that based on this *gemara*, any mitzva that depends on an action involving an external physical object (for example the mitzva of *lulav*) does not require *kavana*.

This helps us answer why *kavana* is, nonetheless, required for the *mitzvos* of *Shema* and *tefilla*. Both of these reasons would not apply because the mitzva is to declare an internal intellectual or emotional experience. We declare with words that Hashem is one. There is no external object. There is no physical enjoyment. It is just words, and words are not the same as deeds. That is why those *mitzvos* need *kavana*.

The Paradox of the Shofar

So now we can see that some *mitzvos* require extra layers of *kavana*, and some require no *kavana* at all. We also see that one possible approach to explain the distinction between these types of *mitzvos* is based on whether the focus of a given mitzva is on the internal experience of the individual person, such as prayer, where the focus of the mitzva depends on an action involving a mitzva-related object, such as a *lulav*. If the mitzva is driven by a physical external object, no additional *kavana* is required, but if it is on something internal to the person, then *kavana* is required.

This brings us to a perplexing *halacha*, found in the Rambam's *Mishna Torah*, that seems to not fit into this formula. In *Hilchos Shofar* 2:4, the Rambam writes:

המתעסק בתקיעת שופר להתלמד לא יצא ידי חובתו. וכן השומע מן המתעסק לא יצא. נתכון שומע לצאת ידי חובתו ולא נתכון התוקע להוציאו או שנתכון התוקע להוציאו ולא נתכון השומע לצאת לא יצא ידי חובתו. עד שיתכון שומע ומשמיע.
One who is [practicing] blowing the shofar to teach himself, has not fulfilled his obligation. And likewise, one who hears [the shofar] from one

[practicing] has not fulfilled [his obligation]. If the hearer [of the shofar] had intent to fulfill [his obligation], but the blower did not have intent to be his agent, or if the blower had intent to be his agent, but the hearer did not have intent to fulfill [his obligation] — he has not fulfilled his obligation, until [both] the hearer and the sounder have intent.

The Rambam *paskens* that to fulfill the mitzva of listening to the *shofar*, the one blowing and the one listening must both intend to fulfill the mitzva. But how can this be? The Maggid Mishna even comments that the Rambam holds that a mitzva done through a physical act does not require intent! In this mitzva, there is both a physical act (blowing) and a physical object (the *shofar*). So shouldn't the Rambam hold that the *shofar* does not require *kavana*, just like *matza* and *lulav*?

The Brisker Rav offers a beautiful explanation of the Rambam. He “reminds” us that the Torah calls the mitzva of *shofar zichron terua*, the remembrance of blasts! We hear it and we are supposed to remember our mission to repent for anything we have done wrong. The Brisker Rav suggests quite simply that for *mitzvos* with physical acts, the feeling is generally additional to the mitzva, but for internal ones, the feeling is the mitzva itself. When it comes to the mitzva of *shofar*, or similarly the declaration of the *Shema*, the mitzva is the feeling that the actions generate. The essence of the mitzva of *shofar* is inspiring a feeling inside of all of us to do *teshuva*! Listening to the *shofar* is not about a physical act, but about the internal motivations and feelings it triggers.

Similarly, the essence of *tefilla* and *Shema* is not the physical utterance of the words, but about the declaration of our internal loyalty to Hashem and our internal desire for a relationship. Without intention to the meaning of these actions, we have not really done anything at all.

Conclusion

Intention, at its core, comes from an awareness of the action that a person is performing. We may not always be required to act with intention when it comes to *mitzvos*, but we are certainly always required to be aware of what we are doing. If the mitzva is associated with a physical object or an act, then often the awareness that arises from the object is sufficient for the mitzva to be considered complete. If the mitzva is about something internal, then we have to mentally focus on the act, to insure that we are fully aware of what we are doing.

From the time of bar mitzva and on, Jews live in the world of obligation. We never run away from our responsibilities. We know we must give *tzedaka*, pray, do *chesed*, and be kind and merciful. At times, the actions we must do are just about

the act itself. Completing the act is the goal. But often we need to do more than just the act. Sometimes the proper action requires us to have the proper intellectual and emotional intent.

The Surprising Duality of the Yom Kippur Ram

MEIR GORDON



Gordon Bar Mitzva *p'shetls* have always been on the topic of *avodas Yom Hakippurim*, specifically the *seir la'Hashem* and the *seir la'Azazel*. Breaking with tradition, I am going to address a different Yom Kippur *korban*, the *ayal ha'Am*. Unlike the exotic *se'irim*, the *ayal ha'Am* appears to be an ordinary *korban tzibbur*. However, when it comes to *avodas Yom Hakippurim*, nothing is simple.

As expected, the *ayal ha'Am* appears in *parshas Acharei Mos*, together with the rest of the *avodas hayom*. Yet there is another *parsha* in the Torah, *parshas Pinchas*, where the *Korbanos Musaf* of all the Yomim Tovim are listed, including those of Yom Kippur. And in *parsha Pinchas*, among the *mussafim* of Yom Kippur, we find an *ayal*.

This makes us wonder: Is the *ayal* of *parshas Pinchas* a different *korban* than the one we read about in *Acharei Mos*? Or maybe, perhaps, both *parshios* are referring to the very same *ayal*?

This turns out to be a *machlokes tanaim*, found in the *gemara* in *Yoma* 70b. Rebbi Elazar b'Rebbi Shimon says that these two *ayalim* are two different *korbanos*. However, Rebbi argues that only one *ayal* is brought as a *korban tzibbur* on Yom Kippur.

האמור כאן הוא האמור בחומש הפקודים איל אחד.

[The ram] mentioned here is the same one that is mentioned in *Sefer Bamidbar*, the same ram.

According to Rebbi, the *ayal* of *Acharei Mos* and the *ayal* of *parshas Pinchas* are one and the same.

This naturally raises the question as to why the Torah would repeat the same

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korban in two different places. The Chayei Adam addresses this question and his answer is based on the famous *chiddush* of his *mechutan*, the Vilna Gaon.

On *daf* 70b, the *gemara* brings a *beraisa*:

ת"ר, "ובא אהרן אל אהל מועד." למה הוא בא? אינו בא אלא להוציא את הכף ואת המחטה. וכל הפרשה כולה נאמרה על הסדר חוץ מפסוק זה.

It was taught, "And Aharon came to the Ohel Moed." Why did he come?

He came to remove the ladle and pan [from the Kodesh Hakodoshim].

The entire section in the Torah is written in order except for this pasuk.

All the *pesukim* in *parshas Acharei Mos* are written in the order that the *avoda* is done, except for the *pasuk* about removing the *kaf u'machta* from the *kodesh ha'kedoshim*. That *pasuk* is written before *ayalo v'ayal ha'Am*, but it is done afterwards.

How do we know that it is out of order? The *gemara* continues:

אמר רב חסדא, גמירי עשרה קדושים וחמש טבילות מקדש וטובל כהן גדול בו ביום.

R' Chisda said, we have a tradition of ten washings of the hands and five

immersions in the mikva performed in the mikdash by the Kohen Gadol

that day.

Halacha l'Moshe miSinai teaches us that on Yom Kippur, the *kohen gadol* goes to the *mikva* five times. Every time he goes to the *mikva* he changes his clothes, so in effect this *halacha* requires the *kohen gadol* to change his clothes five times on Yom Kippur.

If we follow the order of *Acharei Mos*, we only get three wardrobe changes: the morning *tamid* in *bigdei zahav*, the entire, uninterrupted *avodas hayom* in *bigdei lavan*, and then the the afternoon *tamid* in *bigdei zahav*. To fulfill the requirement of five *tevilos*, we must change the order, placing *ayalo v'ayal ha'Am* prior to *hotza'as kaf u'machta*. This forces the *kohen gadol* to switch into *bigdei zahav* for *ayalo v'ayal ha'Am*, and then back into *bigdei lavan* for *hotza'as kaf u'machta*, giving us a total of five *tevilos*.

Of course, now we are faced with another question. Why did the Torah write the *seder* out of order? The Vilna Gaon offers a fascinating answer, based on a *midrash*.

The *midrash* states that Aharon may actually enter the *Kodesh Hakodoshim* whenever he wants – not just on Yom Kippur – as long as he performs the *seder avoda* of *Acharei Mos*.

This fits nicely with *p'shuto shel mikra*. *Acharei Mos* introduces the *seder avoda* by saying *b'zos yavo Aharon el hakodesh* – with this *avoda*, Aharon may enter the *kodesh* – no mention is made of Yom Kippur, and it sounds like he can do it whenever he

wants. At the end of the *parsha*, the Torah says there is a mitzva to perform this *seder* annually on Yom Kippur, but that does not preclude Aharon's right of entry on any day of the year.

Based on this *midrash*, the Gaon argues that when Aharon would take advantage of his privilege to enter the *kodesh ha'kedoshim* on an ordinary day, he would in fact follow the streamlined *seder* of *Acharei Mos*, going to the *mikva* only three times.

The *Halacha l'Moshe miSinai* said,

עשרה קדושים וחמש טבילות מקדש וטובל כהן גדול בו ביום.

There are ten hand-washings and five immersions [in the mikva] done by the Kohen Gadol on that day.

It is only *bo bayom* – on Yom Kippur – that the *seder* need to be rearranged to generate five *tevilos*.

Using the Gaon's explanation of the *seder* of the *parsha*, the Chayei Adam has an answer for why the *ayal* of *Pinchas* appears in *Acharei Mos*.

Parshas Pinchas lists the *korbanos mussaf* of the *Yomim Tovim*. If the *ayal* only appeared in *Pinchas*, then there would only be a mitzva to bring it on Yom Kippur. On other days of the year, when there are no *mussafim*, Aharon would not bring this *ayal*. This is why the Torah had to write about the *ayal* in *parshas Acharei Mos*, to let us know that whenever Aharon enters the *kodesh ha'kedoshim*, even on a day when there are no *mussafim*, he still needs to offer this *ayal* together with rest of the *seder ha'avoda*.

The Chayei Adam is saying that according to Rebbe there are two *dinim* to the *ayal ha'Am*: In addition to its identity as a *korban mussaf*, the *ayal ha'Am* is also an integral part of the *chovas hayom* of *parshas Acharei Mos*. The Brisker Rov shows that the Rambam also understands the *ayal* in this way.¹

The *Giborei Ari* takes a different approach. He does not believe that the *ayal ha'Am* has two *dinim*, and he is unsure of its status. He entertains the possibility that the *ayal* is just a regular *mussaf*. Yet, he also suggests the reverse, that the primary *pasuk* of the *ayal* is the one in *Acharei Mos*, resulting in the *ayal* being classified as part

¹ It is surprising to learn that one *korban* can serve two functions, but my brother Chaim found a precedent in the *korban Pesach*. The *Ohr Sameach* is *mechadesh* that in addition to the *din Pesach*, a *korban Pesach* also has a *din* like a regular *korban* today. For this reason, the *Ohr Sameach* argues that even according to Rebbi Elazar ben Azarya that the mitzva of *achilas Pesach* is only until *chatzos*, you actually have a mitzva to eat the *Pesach* even after *chatzos*, just that the *achila* is not *b'toras pesach*, it's *b'toras toda*. This then would be another example of a *korban* that has two *dinim*.

of *chovas hayom*, and not as a *mussaf*.

It is time we addressed a very basic question: What exactly is the difference between a *mussaf* and *chovas hayom*? The distinction sounds academic, but the *gemara* in *Yoma* 3a labels *korbanos* in this way and considers them to be different types. We can understand the conceptual difference of a *korban mussaf* vs. *chovas hayom*. However, finding a *nafka mina*, a practical difference in *halacha* between the two, is not so simple.

Everybody knows that *avodas Yom Hakippurim* must be done by the *kohen gadol*. However, we can ask how far that *din* goes.

The Rambam rules that every *avoda* performed on Yom Kippur must be done by the *kohen gadol*, even the *mussafim*. Not everyone agrees with the Rambam. According to some *rishonim*, it is only the *chovas hayom* of *Acharei Mos*, and not the *mussafim*, which require a *kohen gadol*.

On *daf* 5a, Rashi writes that the *din* that *avodas hayom* must be performed by a *kohen gadol* comes from the *pesukim* in *Acharei Mos* which repeatedly state that the *avoda* is a *mitzva* on Aharon.

בזאת יבא אהרן... ונתן אהרן... והקריב אהרן... ובא אהרן.

With this Aharon shall come... and Aharon shall give... and Aharon shall offer... and Aharon shall come.

These *pesukim* are all in *Acharei Mos* and presumably have no bearing on the *mussafim* of *parshas Pinchas*. It follows that *mussafim* could be brought by an ordinary *kohen*, and this may be the position of the Ritva.

This is one reason why we need to know if the *ayal ha'Am* is a *mussaf* or if it is *chovas hayom*. If the *ayal* is just a *mussaf*, then any *kohen* can do it, at least according to some *rishonim*.

Another *nafka mina* is the issue of *seder*.

The Torah calls the *avodas Yom Hakippurim* a *chok*, which teaches us that the *seder* is *me'akev*. If any of the *avodos* are performed out of order, the *avoda* is *pasul*.

The *din* of *seder* comes from the word *chuka*, but it is not clear exactly which *avodos chuka* is referring to. On *daf* 39b, the *gemara* cites a *machlokes tana'im*. According to Rebbi Yehuda, only *avoda* done in *bigdei lavan mi'bifnim* is *me'akev*. According to Rebbi Nechemia, *avoda* done in *bigdei lavan mi'bachutz* is also *me'akev*. They both agree that *chuka* does not refer to *avodos* done in *bigdei zahav*.

The *ayal ha'Am* is performed when the *kohen gadol* wears *bigdei zahav*, so

according to both Rebbi Yehuda and Rebbi Nechemia, the *din* of *chuka* would not apply to the *ayal*.

The opinions of Rebbi Yehuda and Rebbi Nechemia are well known. Not so well known is that there may be a third *shita* among the *tanaaim* hiding in plain sight.

The *mishna* on *daf* 60a states,

כל מעשה יום הכיפורים האמור על הסדר, אם הקדים מעשה לחבירו, לא עשה כלום.
The entire seder avoda of Yom Kippur is stated in order. If he does one thing before the other, he has done nothing.

The *mishna* does not limit this policy to *avodos* performed in *bigdei lavan*.

The Ramban writes that the *tana* of our *mishna* disagrees with Rebbi Yehuda and Rebbi Nechemya and holds that the *seder* is *me'akev* even for *avodos* performed in *bigdei zahav*. This would include the *ayal*, giving us a new *nafka mina*!

If the *ayal* is just a *mussaf* then the *seder* is certainly not *me'akev*, for as the Brisker Rov writes, the term *chuka* appears in *Acharei Mos* and can only apply to the *chovas hayom* of *Acharei Mos* and not to the *mussafim* of *parshas Pinchas*. However, if the *ayal* is classified as *chovas hayom*, then according to the *tana* of our *mishna*, as understood by the Ramban, *chuka* would refer to it and its *seder* would be *me'akev*.

This leads us to a more dramatic *nafka mina*.

Since the *seder* of *avodas Yom Hakippurim* is *me'akev*, if one component is missing then the *avoda* must stop there. For example, if the *Beis Avtinas* would go on strike and refuse to produce *ketores*, then not only would we lack *ketores*, but the entire *seder avoda* would come to a halt, for without the *ketores* the next steps are *pasul*. The *kohen gadol* would simply be unable to proceed and complete the *chovas hayom*.

This gives added significance to the Torah's reiteration of the *ayal ha'Am* in *parshas Pinchas*. It lets us know that even if, *chas v'shalom*, we are unable to complete the *seder hayom*, the *ayal ha'Am* must still be brought in order to fulfill its mitzva as a *mussaf*.

This insight complements the Chayei Adam's approach beautifully. The Chayei Adam said that the *ayal ha'Am* is included in *parshas Acharei Mos* so that Aharon will know to bring an *ayal* even when it's not Yom Kippur and there is no mitzva of *mussafim*. And we have just discovered that the inverse is also true: The *ayal ha'Am* is included in *parshas Pinchas* to teach us that the *ayal ha'Am* should be brought on Yom Kippur even when we are unable to be *mekayem* the mitzva of *chovas hayom*!

Fasting for the *Beis Hamikdash*

EPHRAIM KLEINMAN



The *mishna* in *maseches Rosh Hashana* 18a discusses the *halachos* of *kiddush hachodesh*, how *beis din* would determine every month which day was Rosh Chodesh. The *mishna* says that once *beis din* proclaimed the day to be Rosh Chodesh, they would send out messengers, who would travel to the Jews living both in *Eretz Yisrael* and in *Galus* to let them know which day was the first of the month.

The *mishna* says that the messengers would not go out every month, but only on the months that had a *Yom Tov*, so the Jewish communities would know the correct date of the *Yomim Tovim*.

על ששה חדשים השלוחים יוצאים.

The messengers would go out on six of the months.

They would go out in *Nissan* to let people know when *Pesach* was, in *Av* for *Tisha B'Av*, in *Elul* for *Rosh Hashana*, in *Tishrei* for *Succos*, in *Kislev* for *Chanuka* and in *Adar* for *Purim*, and when there was a *Beis Hamikdash*, they would go out in *Iyar* for *Pesach Sheini*.

The *gemara* asks, why did *beis din* send messengers in *Av* to let people know the correct day of *Tisha B'Av*, but not send messengers in *Teves* and *Tamuz*, to inform people of the correct date of *Assara B'Teves* and *Shiva Assar B'Tammuz*?

To answer the question, the *gemara* says that after the second *Beis Hamikdash* was rebuilt, the Jews living in *Eretz Yisrael* came to the *navi* *Zecharia* with the following question. For the last seventy years of *galus* they had all been fasting the four *ta'aneisim*. Should they continue to fast, or could they now stop fasting? *Zecharia* replies:

כה אמר ה' צבקות, צום הרבעי וצום החמישי וצום השבעי וצום העשירי, יהיה לבית

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יהודה לששון ולשמחה.

Hashem said: the fast of Shiva Assar B'Tamuz which falls in the fourth month, and the Fast of Tisha B'Av which falls in the fifth month and the Fast of Tzom Gedalia, which falls in the seventh month, and the fast of Assara B'Teves which falls in the tenth month, should become days of rejoicing. (Zecharia 8:19)

The *gemara* explains that the *navi* was establishing three different rules to the fast days.

בזמן שיש שלום יהיו לששון ולשמחה, יש גזרות המלכות צום, אין גזרות המלכות ואין שלום רצו מתענים רצו אין מתענים

At a time of *shalom*, like during the second *Beis Hamikdash*, it is a *Yom Toy*, at a time when there are decrees against *Klal Yisrael* it is a required fast, and at a time when we do not have the *Beis Hamikdash*, but we are not living under decrees, then it is a voluntary fast.

The *gemara* answers its question why the messengers are not sent for the month of Teves and Tamuz. The *gemara* says that they were living at a time of *ein g'zeiros hamalchus v'ein shalom*, when there was no *Beis Hamikdash* but no persecution, and the fast was only voluntary. Since it was not a required fast, it was not essential for people to know the correct date. The *gemara* questions further: if so, why do the messengers go out in Av, shouldn't Tisha B'Av also be voluntary? The *gemara* answers that the requirement to fast on Tisha B'Av is stricter, since both *Batei Mikdash* were destroyed on Tisha B'Av. Even when there is no persecution, it is an obligatory fast.

The Ramban says that from the simple reading of the *gemara*, there is no requirement to fast on the three fasts of Assara B'Teves, Shiva Assar B'Tamuz and Tzom Gedalia, as the *gemara* says they are optional. However, he rules that these fasts are, in fact, required and he gives two reasons why. First, he says that the choice to fast is not up to each individual, but rather *Klal Yisrael* as a whole must decide if they want to fast or not. Since we see that everyone fasts, it is clear that *Klal Yisrael* made the decision to accept upon themselves to fast, and that is binding, even for future generations. If so, today, we are no longer able to opt out of the fast. The Ramban also says that although in the time of the *mishna* it was a time of "no persecution but not peace," in his time they were living in a time of persecution, and at such a time it is no longer a voluntary fast, but a required fast from the *takana* of the *neviim*.

The Ramban continues with a different discussion. We know that Tisha B'Av is stricter than the other three fasts in that it is a 24-hour fast, and not only is eating and

drinking forbidden, but also washing, anointing, and wearing shoes, a total of five afflictions. The Ramban questions why, when all four fasts are mentioned in the *pasuk* in *Zecharia*, is Tisha B'Av treated more stringently? The Ramban answers that in truth there is no difference between Tisha B'Av and the other fasts. All four fasts should be 24-hour fasts and have all the five afflictions. He brings two proofs to support this. First, it makes sense that when the *neviim* would enact a fast, they would make it similar to the only fast in the Torah, Yom Kippur. Since Yom Kippur is a 24-hour fast, it follows that all four fasts of the *neviim* should be the same as Yom Kippur. Second, we find when *Chazal* declare fasts for rain, the fasts they made were complete fasts of 24 hours, and a fast of the *neviim* should not be any less.

If so, why do we not treat Tzom Gedalia, Assara B'Teves, and Shiva Assar B'Tammuz as complete fasts? The Ramban explains that since these three fasts were initially voluntary, even though *Klal Yisrael* eventually chose to accept them, they only accepted them partially. *Klal Yisrael* could have chosen not to fast at all, so when they chose to fast, they had the ability to choose only to make it into a partial fast which starts in the morning. However, Tisha B'Av, which was not up to us, must be kept as a complete fast, like the *navi's takana*.

Based on this Ramban, the Mishna Berura says since in his times there were many decrees against *Klal Yisrael*, the fast may no longer be a voluntary fast. If so, it may be required that all four fasts should be complete fasts like Tisha B'Av. He says that a *baal nefesh* should be *machmir* to treat all four fasts with the same stringencies as Tisha B'Av.

The reason why the Mishna Berura holds that in truth we do not have to treat the three fasts as complete fasts, even though it is a time of persecution, may be because the Vilna Gaon says that *Tosafos* in *maseches Megilla* disagrees with the Ramban. *Tosafos* holds that when the *neviim* made the four fasts, they only made them as half fasts. So even if it is now a time of persecution, and the fasts are required, they would not have to be complete fasts.

However, this poses a difficulty on the Ramban. The Ramban holds that all four fasts were complete fasts, and the Ramban says that in his time it should be considered as a time of persecution and the fasts are required. If so, why does the Ramban not *pasken* that all four fasts should be like Tisha B'Av and last for 24 hours and have the five afflictions?

The Ramban himself seems to address the question. At the end of the discussion the Ramban concludes, *pook chazi ma ama debar*, go out and see what people are actually doing.

The Ramban seems to recognize that although based on his understanding, the three fasts should be complete fasts, this does not seem to be the prevailing practice.

However, it does not seem that the Ramban is retracting his *sevara* that when the *neviim* made the four fasts, they made them all complete fasts. Had he retracted, he should have gone back to re-explain his proofs. If so, how can the Ramban reconcile this with the actual practice?

The Ramban writes that in his time, the fasts should be required, *she'harei rabu tzaros b'Yisrael v'ein shalom*, because *Klal Yisrael* is experiencing difficult times.

It seems that the Ramban initially held that as long as there is persecution in some Jewish communities, it would be considered a time of persecution for everyone, even if the country you were living in did not have any suffering. If so, it would be a required fast everywhere, which is not the practice. It could be that the Ramban is retracting and holds that as long as the country you are living in is not having persecution, for you it is not considered a time of persecution.

However, this would not be adequate. If this is true, the Ramban should still say that if you live in a country that is undergoing persecution you must fast a full fast. Perhaps we can answer that the Ramban really holds that a time of persecution is only if it affects the entire *Klal Yisrael*. Since in the Ramban's time there were countries which were not persecuted, the fast would not be considered required anywhere.

We can now understand the Ramban. The Ramban believes that *Klal Yisrael* must be regarded as a whole, as one entity. Initially he held that if there is persecution on part of *Klal Yisrael* it is a required fast. However, the Ramban says that in practice this is not what people are doing. The Ramban would hold that, based on the accepted practice, we must say that only if there is persecution against all of *Klal Yisrael* would the fast be required. The Mishna Berura says that a *ba'al nefesh* should be *machmir*, based on the initial understanding of the Ramban, that as long as some of *Klal Yisrael* is subjected to persecution, a complete fast is required for all.

IY"H we should merit to see the four fasts turn into days of rejoicing and happiness *b'meheira b'yameinu!*

Make like the Sea and Split: Seizing our Moments in Life

JOSH PACHTER



Yes, it's true—I was born in a cab. This was one of two miracles involving a car in my childhood. The second took place when I was just two years old. My family was going to a Chanuka event in Woodmere, NY. The line of people to get in went around the corner, and it was taking forever. There were many odd delays, but we finally entered the party. My father held me in his arms and walked ahead as I excitedly pointed towards the moon bounce. Something caused my mom to pause and plant her feet. My father, noticing she was not next to us, took two steps back towards her, and right then a car came plowing through the storefront, exactly where my father and I had just been standing.

After the crash, the place looked like the scene of a bombing. Within seconds, the room emptied. Looking back, I am so grateful for the strange delays because had we entered the storefront even seconds before, I may not be here today to share the story. Miraculously, every single person involved survived that day. I share this story not only to publicize a miracle that happened to me, but for another reason as well. When I was studying my Bar Mitzva portion, I came across the secret to meriting Hashem's miracles such as these.

Here is what I learned. In *parshas Beshalach*, when *Klal Yisrael* crossed the sea, it says "*Hayam raa veyanos.*" The sea saw the bones of Yosef, and split. How did Yosef's bones cause this to happen? Yosef was faced with temptation from Potiphar's wife and chose to leave, instead of giving in to his desires. What gave Yosef, a seventeen-year old boy, the strength to run away?

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He saw the image of his father before him.

Let me ask you, if the image of your father came to you out of the blue, wouldn't that also stop you from doing something bad? How does this make Yosef a *tzadik*?

Well, the image didn't just appear. He created the image of his father in his mind. He stopped himself and thought, Who do I want to be? He decided that he wanted to be like his father. And that gave him the strength to overcome his nature and walk away.

When the sea saw the bones of Yosef, the sea essentially said, "If Yosef, a mere human, can overcome his nature and split the scene when faced with temptation, then surely I, too, can overcome my nature and split."

Yosef wanted something in the moment, and he gave that up for what Hashem wanted, a supernatural act! Therefore, at *Kriyas Yam Suf*, Hashem showed us a raging sea and said, "if you want to merit miracles beyond belief, you've got to overcome your nature."

Hashem affirms that if you can be *mevater* and do what He wants, then He will be *mevater* and do what you want. You live your life for Me, and I'll live My life for you.

There is another lesson we can learn from the fact that I was born in a cab. It was not because my mom waited too long to go to the hospital. It was because I was born in just over an hour.

That's right. My *neshama* had some intense alacrity, or *zerizus*. I literally couldn't wait to come out into the world!

But if we look at this a little closer, it gets more peculiar. Why would a *neshama* in *shamayim* want to leave heavenly perfection to come to this world at all? After all, the *neshama* could bask in the glory of Hashem day and night, and yet it actually wants to come to Earth? Since I have as much *zerizus* for basketball as life itself, let's consider an epic basketball game to explain the answer.

Intensity filled the air as we jogged onto the court. With the blow of the referee's whistle, the game started, and the spectators were immediately on their feet! No, This wasn't the NBA finals; rather, it was last year's school basketball game playing against our biggest rival: Hillel. Both teams had undefeated records, and this was the championship game.

Maimonides was up by twenty points, and it seemed like the game was over. We even started to play easy on them because it was a no-brainer—for sure we would win.

But then, Hillel's score started to creep up, while ours was at a standstill. Then, to

our utter shock, we turned around and the two teams were neck and neck.

With only two minutes left in the game, every turnover caused an uproar in the stands. Both coaches were hoarse because they were screaming so hard. Finally, the audience counted down the seconds. Three! Two! One! The final buzzer went off. Game over. The other team had won.

I couldn't help noticing how intense most of the parents were. Sure, there was usual cheering, but some of the parents were literally sweating more than the players. It was standing room only in the gym, and you could almost see the fire in their eyes as if they wished they could jump onto the court and play in the game themselves.

But at the end of the day, parents are stuck on the sidelines, and their days of playing as kids are long gone. They had their opportunity on the court, but now that time in life has passed.

It says in the third *perek* of *Midrash Tanchuma* that the feeling of remorse, or yearning, is similar to what the *neshama* experiences in *Olam Haba*. Each of our *neshamos* would give anything to be back on Earth to perform just one more mitzva, but it has no body to do so with.

The *gemara* in *Sukka 27b* writes that *Olam Haba* and *Gehenom* are actually one and the same. It's the same place. If you lived a life of Torah and *mitzvos*, the joy will be eternal. But if you lived a life of sin, the pain of regret and wishing to go back and fix things will be unending.

Hashem has created this world as the exclusive place where the game of life happens, and it is here where we can create greatness. It is our court to play on, and we are only given one lifetime to make the most of it. In the game of life, there are two main players that must work together to achieve success: the body and the soul.

The body is a player unable to see the full perspective of the court and the consequence of each bad pass or missed steal. And the *neshama* is like the coach, a single voice with total vision of the game, but unable to actually play on the court.

How do we help our body, the player, do the will of the *neshama*, the coach?

Zerizus.

We must jump for each rebound or steal at every opportunity before it's gone. And so too, we must jump at the chance to do a mitzva before the *yetzer hara* has time to convince us out of it. Our *neshama* is yearning to lead us in the right direction. The only way to wake up our body is by quickly reaching deep inside and accessing our internal godliness.

Each morning that we are blessed to wake up, the world is at our fingertips. Our soul desperately tries to make the most of our time here, just like we don't want to

regret any missed opportunities during a big game. It is our job to dig deep, listen to that voice, and make sure we don't miss our one shot here on Earth.

We all have thousands of "split the sea" moments in life; constant opportunities to let the body or soul take control. Whether it's suppressing a desire to speak *lashon hara* or overcoming peer pressure, with Hashem's help we need to be like Yosef and visualize role models like our fathers, mothers, and teachers. May we all be like Yosef, and overcome our nature so we can merit new miracles in each of our lives.

What's Special About Age 13?

ARYEH HOFER



In *parshas Pinchas*, (*Bamidbar 26:2*) *Bnei Yisrael* are counted.

שאו את ראש כל עדת בני ישראל מבן עשרים שנה ומעלה לבית אבתם כל יצא צבא
בישראל.

Take a census of the whole Israelite community from the age of twenty years up, by their ancestral houses, all Israelites able to bear arms.

Rashi, based on a *gemara* in *Bava Basra 109b*, comments that everyone is counted based on their father's house (as opposed to their mother's). To explain, if you were in a family with a last name of Shlochum, then you would be counted in that family. This is to help remind us of who we are and where we came from, just as the lineage of Pinchas (and Zimri) was recounted a few *pesukim* earlier. Everyone "counts" in society and we all play a vital role in keeping each other strong and building *Bnei Yisrael*.

The *mefarshim* give several reasons why *Bnei Yisrael* were counted at this time. The simple *pshat* of the *parsha* is in the last part, "those able to bear arms." Given that *Bnei Yisrael* were about to enter the Land and fight, those available for the army were needed. However, the *Chizkuni* (and others) link the command to the division of the land several *psukim* later noting that the size of the land varied with the size of the tribe.

When *Bnei Yisrael* are counted in this week's *parsha* (as well as the other times in the *midbar*), they are counted from over twenty years of age. If *Bnei Yisrael* were counted from the age of twenty, why is the age of bar mitzva thirteen?

There are several answers that are given. Some find a source in the Torah itself, looking at two events in *Sefer Bereishis*. When Shimon and Levi destroyed Shechem, Levi was called a man, and at that time was thirteen years old. Similarly, Yaakov and Eisav parted ways at age thirteen. Others hold that this is *Halacha L'Moshe M'Sinai*,

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which is supported by the fact that it is in *Pirkei Avos* (5:21),

הוא היה אומר, בן חמש שנים למקרא, בן עשר למשנה, בן שלש עשרה למצות, בן חמש עשרה לתלמוד, בן שמונה עשרה לחופה, בן עשרים לרדוף, בן שלשים לכה, בן ארבעים לבינה, בן חמשים לעצה, בן ששים לזקנה. בן שבעים לשיבה, בן שמונים לגבורה, בן תשעים לשוח, בן מאה כאילו מת ועבר ובטל מן העולם.

He would say, a child of five [should be taught] mikra, at ten mishna, at thirteen [they are obligated in] mitzvos, at fifteen Talmud, at eighteen the child should get married, at twenty [they begin] to run, at thirty [they have] strength, at forty [they have] understanding, at fifty [they can offer] advice, at sixty [they are] elder, at seventy aged, at eighty advanced old age, at ninety they are hunched over, at one hundred they are like they have passed on from the world.

Yet, while all of these connections provide justification, they don't provide a reason. Which is why this last comment speaks most to me. Many hold that at age thirteen a boy has *da'as*, a deep understanding of one's self and others. This *da'as* is necessary to accept obligations. As a Jew, we don't simply look to perform our tasks without thought, but rather realize that our thoughts must drive our actions. To fully accept the obligation of *mitzvos* we must first understand them. It is only now that I am capable of a full enough understanding and therefore becoming fully obligated. I am now turning thirteen, the age of Bar Mitzva and accepting these obligations.

For example, now that I am Bar Mitzva I have the opportunity to *daven* for the *amud*, but also the obligation to attend *minyán* three times a day. To me, I feel more empowered now that my *mitzvos* finally “matter”, they are not an obligation but a privilege. I hope as I continue to grow, I will become more passionate in Torah and *mitzvos*, making them the cornerstone of my life.

The Chiyuv of Birchas Hamazon

SHAYA BLOCK



Parshas Eikev (*Devarim* 8:10) contains the mitzva of *birchas hamazon*:
 ואכלת ושבעת וברכת את ה' אלקיך על הארץ הטבה אשר נתן לך.
You will eat, you will be satisfied, and you will bless Hashem your God for the good Land He has given you.

The *gemara* in *Berachos* records a conversation between Hashem and the *malachim*. The *malachim* ask Hashem “How can You say in the Torah that You don’t show favoritism, if it says in *birchas kohanim*, “May Hashem show you favor?” Hashem answers “How can I not, if I require them in the Torah to say *birchas hamazon* only when satiated, “*v’savata*,” yet they are *machmir* to *bentch* on even a *k’zayis*?!” While the back and forth itself is perplexing, what is clear from the *gemara* is that *mid’oraisa* one is only obligated to say *birchas hamazon* if he ate *k’dei seviya*, enough to be satisfied.¹

This raises an interesting issue. We know that normally to be considered a *halachic ma’ase achila*, one must consume the food within the *shiur k’dei achilas pras*, the amount of time it would normally take to consume half a loaf of bread from the time of the *gemara*.² Does this apply to the *chiyuv* of *birchas hamazon*?

The *Magen Avraham* OC 210:1 writes that since the Torah says *v’achalta*, “and you will eat,” the *chiyuv mid’oraisa* of *birchas hamazon* is no different than eating on Yom Kippur (for example) and one would need to consume the entire amount within *k’dei achilas pras*. The *Mishna Berura* 210:1 quotes the *Pri Megadim* who writes that

1 With regard to the *shiur* of *k’dei seviya* the *Sefer Hachinuch* writes:

אין לה שיעור שוה בכל אדם, אבל כל אחד יודע שביעתו.

It is not a set amount which is equal for all people, but rather each person knows his own level of satiation.

2 This is somewhere between three and nine minutes depending on the particular opinion.

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one does not need to eat the *shiur k'dei seviya* within *k'dei achilas pras*. Only if one is *bentching* merely because of eating a *k'zayis* would they have to consume it within *k'dei achilas pras*. The Chasam Sofer³ writes that similarly, if one ate less than a *k'zayis* and was satiated with that, *mid'oraisa* they would be obligated to *bentch*. From this we see that there is no requirement for a *halachic achila*.

The Mishna Berura in *Shaar Hatziyun* #10 asks a question on the idea of the Pri Megadim. Shouldn't there be a need for both requirements of *achila* and *seviya*? After all, the *pasuk* says “*v'achalta v'savata*,” “you will eat **and** you will be satisfied.” If so, one should have to at least eat a *k'zayis* within *k'dei achilas pras* and enough to be satiated.⁴

It would seem that those *acharonim* (the Pri Megadim and Chasam Sofer) understand the *pasuk* differently. They see the *pasuk* as defining the *achila*. That is, the Torah is saying “You will eat, which means you will be satiated. Then you will *bentch*.” As such, there is seemingly only a *chiyuv seviya*.

Rabbi Akiva Eiger⁵ raises a very interesting question. What is the *halacha* if a *katan* eats *k'dei seviya* on the evening before his thirteenth birthday and *bentches*. If after *tzeis hakochavim*, when he is a complete *gadol*, he still feels full, will the *bentching* he did as a *katan* fulfill his obligation to *bentch*? Or will he need to *bentch* again? The *bentching* he did as a *katan* could be no more than a *chiyuv d'rabbanan* of *chinuch*, and now he has a *chiyuv d'oraisa* as a *gadol*!

This question could be based on the understanding of the obligation discussed earlier. If there are two components to what is *mechayav* one in *birchas hamazon*, i.e. both an *achila* and a *seviya*, then even though he is satisfied now, and he has the *seviya* component, the act of eating was not done as a *gadol*, and therefore it would not create a *chiyuv d'oraisa* to *bentch*. On the other hand, if there is only a requirement of *seviya*, then his current state of *seviya* as a *gadol* cannot be fulfilled by the *d'rabbanan bentching* he did as a *katan*.

3 OC 49

4 However, he explains, the *shiur k'dei seviya* would not itself have to be eaten within that time frame.

5 OC 186:2

Understanding Tu B'Av

SHLOMO YONI BRAUM



The *mishna* in the end of *Maseches Ta'anis* says that Tu B'Av is one of the biggest *Yomim Tovim* of the year. The *gemara* tells us that six special things happened to *Klal Yisrael* on Tu B'Av.

1. When we were in the *Midbar*, 15,000 people were dying each year because of the sin of the *Meraglim*. The punishment ended in the fortieth year on Tu B'Av.
2. During the time of the *Shoftim*, there was a civil war between the eleven tribes and Binyamin. After the war they said that no one could marry anyone from *shevet* Binyamin. This rule ended on Tu B'Av.
3. The first generation that came to *Eretz Yisrael* was not allowed to marry someone from a different *shevet*. This rule ended on Tu B'Av.
4. When there were two kingdoms in *Eretz Yisrael*, the king of Yisrael did not let the Jews go the *Beis Hamikdash*. He built his own fake *Beis Hamikdash*, which became a temple for *avoda zara*, and forced everyone to go there. Sometime later on Tu B'Av this rule was stopped, and they were allowed to go to the real *Beis Hamikdash*.
5. When Bar Kochva fought the Romans, the Romans brought their whole army and defeated Bar Kochva and killed all his soldiers. They did not let the soldiers be buried for seven years. A miracle happened and the bodies did not decompose. The Romans let them bury the bodies on Tu B'Av.
6. When wood was cut for the *mizbeyach* in the *Beis Hamikdash*, they would conclude on Tu B'Av and make a *siyum*.

Several days prior is Tisha B'Av, which is the saddest day of the year. The *mishna* tells us that five tragedies happened on Tisha B'Av.

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1. The *Meraglim* returned and convinced everyone not to go to *Eretz Yisrael*.
2. The first *Beis Hamikdash* was destroyed, because they worshipped *avoda zara*.
3. The second *Beis Hamikdash* was destroyed because of *sinas chinam*, people hating one another.
4. Bar Kochva was defeated and hundreds of thousands of Jews were killed.
5. The Romans plowed the area of the *Beis Hamikdash* so there would not be any sign of the *Beis Hamikdash* left.

Tisha B'Av is the saddest day of the year. Tu B'Av is one of the happiest days of the year. It is interesting that the happiest day of the year comes six days after the saddest day of the year. It seems that the connection between Tisha B'Av and Tu B'Av is that the exact things that went wrong on Tisha B'Av went right on Tu B'Av.

Let's look over the list of what happened on Tisha B'Av and Tu B'Av.

The first thing that happened on Tisha B'Av is the *Meraglim*. The punishment ended forty years later, on Tu B'Av.

The second thing that happened was the destruction of the *Beis Hamikdash* because of *avoda zara*. On Tu B'Av the people were allowed to go to the *Beis Hamikdash*, and were not forced to go to the temple of *avoda zara*.

The third thing that happened is the destruction of the second *Beis Hamikdash* because of *sinas chinam*. On Tu B'Av there were two things that happened that brought *Klal Yisrael* together. The *shevatim* were allowed to marry each other, and *Shevet Binyamin* was allowed to marry into *Klal Yisrael*.

The fourth thing that happened was that the soldiers of Bar Kochva were all killed. On Tu B'Av they were allowed to be buried.

The fifth thing is that the Romans plowed the area of the *Beis Hamikdash*. On Tu B'Av we made a *siyum* of bringing wood to the *Beis Hamikdash*.

We celebrate Tu B'Av because we see the *hashgacha* of Hashem in preserving *Klal Yisrael*, and that gives us hope that we will soon see the *Geula*!

Making a *Bracha* on Sefiras HaOmer

YAAKOV MARGOLIES



The second half of *parshas Emor* talks about the *moadim* of Pesach, Shavuos and Sukkos.

After discussing Yom Tov of Pesach, the *pasuk* says:

וספרתם לכם ממחרת השבת... שבע שבתות תמימת תהיינה.

You should count for yourselves, after the Shabbos... seven weeks and they shall be complete. (Vayikra 23:15)

This is the mitzva of Sefiras Haomer, counting forty-nine days from Pesach until Shavuos.

The *Tosafos* in *Menachos* 66b deals with a common question: What if someone forgot to count one of the days of the Omer? Can they continue counting the next evening?

Tosafos quotes the Behag, the *Ba'al Halachos Gedolos*, who says that they may not continue counting. The *pasuk* says the count must be *temimos*, complete, and if you miss a day, it is not complete and you may no longer perform the mitzva. *Tosafos* disagrees with the Behag and says that even if you miss a day, you can continue counting the next night.

The *Shulchan Aruch* in *OC* 489:8 *paskens* that if you forget to count one night, you should continue counting the next night without making a *bracha*. You continue counting, because according to *Tosafos*, there is still a mitzva, but you do not make a *bracha*, because according the Behag, it would be a *bracha levatala*, since there is no longer a mitzva.

It would seem that *Tosafos* understands that each day of the Omer is a separate mitzva. Therefore, even if you missed a day, you can still fulfil the next night's mitzva. On the other hand, the Behag understands that it is one long mitzva to count all

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forty-nine days. If so, the forty-nine-day count would be all or nothing, and if you missed even one day, you cannot perform the mitzva.

When taking these two opinions into account, what is the *halacha* for someone who, based on their past experience, knows that it is very unlikely that they will complete the count? Should they even start counting with a *bracha*? According to the Behag, there is no point in counting forty-eight out of forty-nine days. Therefore, just like if one would continue to count with a *bracha* after missing one night, it would be a *bracha levatala*, so too, the *berachos* that were made prior to their forgetting should also be *levatala*.

There should be no difference between the days after one forgets or before one forgets, since every day is necessary for the mitzva.

If so, it would be sensible not to start counting with a *bracha* unless one was confident that they would remember every night's count. Certainly, it would not be correct to make a *bracha*, if in past years one hasn't completed the count.

Perhaps we should still recommend to start counting with a *bracha* because we should always be hopeful that this year we will finish the count. However, let's say that someone knows that for one of the days of the count he will be incapacitated. For example, on the fortieth day he will be having a long surgery and will not be able to count for the entire 24 hours. Should he start counting with a *bracha*? Or should we say that just like from day forty-one and on he will not make a *bracha*, so too, for the first thirty-nine days he should not make a *bracha* either?

The *Mishna Berura* in 489:3 discusses if women are required to fulfil the mitzva of Sefira, and concludes that they are not required, because it is a *mitzvas asei she'hazman grama*, a positive time-bound mitzva, from which women are generally exempt. However, they can still fulfill the mitzva, just like they fulfill other time-bound *mitzvos* like *shofar*, *lulav* and *esrog*.

In contrast to *shofar*, the *Mishna Berura* brings from the *sefer Shulchan Shlomo* that even if women choose to count, they should not make a *bracha*. The *Mishna Berura* says that the *Shulchan Shlomo* gives two reasons why women should not make a *bracha*.

The first reason is that in his time most women were not fluent in *Lashon Hakodesh* and you cannot fulfill the mitzva of Sefiras HaOmer if you do not understand the words. Since the mitzva is to count, you are not counting unless you are aware what count it is.

The second reason he suggests is that they will very likely forget one of the nights. This is not to say that women are more forgetful than men, but since they do

not go to *shul* each night for Maariv, it is easy to forget to count. Therefore, women should not even begin counting with a *bracha*. It seems clear from the *Mishna Berura* that if one knows that they will not complete the count, they should not even start with a *bracha*.

Based on this *psak* of the *Mishna Berura*, it seems we have an answer to our question. If someone is certain that they will not complete the count, it would be better not to start at all with a *bracha*, as not only will any future *bracha* be a *bracha levatala* but the past *berachos* will also be *levatala*.

However, if you look up the *sefer Shulchan Shlomo*, he adds a few words which the *Mishna Berura* does not quote, and those words change the meaning of what he was saying. The *Shulchan Shlomo* adds the words:

בודאי ישעו יום אחד ולא יודעים הדין.

They will certainly forget one day, and they do not know the halacha.

Which *halacha* do the women not know? It seems that they do not know the *halacha* that once one forgets, they cannot continue with a *bracha*. The *Shulchan Shlomo* is saying that if women knew the *halacha* that once they forget they should stop making a *bracha*, it would be fine for them to begin counting with a *bracha* and just stop saying a *bracha* after they forget. The problem is that they will likely continue with a *bracha*. According to this, even if one is sure that they will not complete the count, they can still start counting with a *bracha*.

However, this is difficult to reconcile with the Behag who says that there has to be a complete count of forty nine days! If there has to be a complete count of forty nine days, what is the difference before you forget or after you forget?

To answer the question, let us bring an example of someone counting coins. They count twenty five coins and set them aside. After that, they lose track of their count. The first twenty five coins they counted are in the bag and an accurate count. Only once they lose track of the counting is there no point in continuing. The Behag did not translate *temimos* to mean complete, but rather to mean continuous. Therefore, he holds that all the counting up until one forgot is a mitzva, and only after you missed a day is there no point in continuing.

