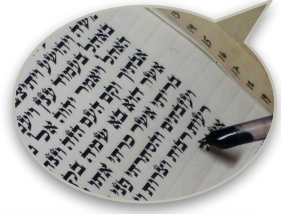




The Collective Conversation

*Weekly Torah Essays from the
Young Israel of Scarsdale Community*



Sefer Devarim

Rosh Hashanah

Tishrei 5784 / September 2023

The Joy of Judgement

By Tommy Weinberger

Let us now relate the power of this day's holiness, for it is awesome and frightening. On it Your Kingship will be exalted; Your throne will be firmed with kindness, and You will sit upon it in truth. It is true that You alone are the One Who judges, proves, knows, and bears witness; Who writes and seats (counts and calculates); Who remembers all that was forgotten. You will open the Book of Chronicles — it will read itself, and everyone's signature is in it. The great shofar will be sounded, and a still, thin sound will be heard. Angels will hasten, a trembling and terror will seize them – and they will say, 'Behold, it is the Day of Judgment, to muster the heavenly host for judgment!' — for they cannot be vindicated in Your eyes in judgment.

The first paragraph of the prayer, Unetaneh Tokef - ArtScroll Rosh HaShanah Machzor

The Aseret Yemei Teshuva, the period beginning with Rosh Hashanah and concluding on Yom Kippur, are days of judgment. This is recorded in the second Mishna of Masechet Rosh Hashanah, בְּרֵאשׁ הַשָּׁנָה כָּל בָּאֵי הָעוֹלָם עוֹבְרִין לְפָנָיו כְּבָנֵי מְרוֹן, *on Rosh Hashana, all creatures pass before Him like sheep*, and this concept is the central theme around which the powerful Unetaneh Tokef prayer is built.

For this same reason, Rambam in Mishneh Torah, Hilchot Chanukah (3:6), when discussing the days on which Hallel is recited, states that, אֲבָל רֵאשׁ הַשָּׁנָה וַיּוֹם הַכְּפוּרִים אֵין בָּהֶן הִלָּל לְפִי שֶׁהֵן יָמֵי תְּשׁוּבָה, *Hallel is not recited on Rosh Hashanah and Yom Kippur, since they are days of repentance, awe, and fear, and are not days of extra celebration.*

In an apparent contradiction, however, Rambam in Mishneh Torah, Hilchot Yom Tov (1:1) identifies Rosh Hashanah as one of the six days of Yom Tov, just like the first and last days of Pesach, Shavuot, the first day of Sukkot and Shemini Atzeret. Furthermore, the Rambam in Mishneh Torah, Hilchot Shofar (2:6), refers to the holiday as the “Yom Tov of Rosh HaShanah.”

If these are indeed the days of judgment, where life and death hang in the balance, why do we treat Rosh Hashanah as a Yom Tov, dress in our finest, and enjoy special meals with family and friends? How can we reconcile our celebration with the inherent nature of the holiday?

Rav Shimon Gershon Rosenberg ר"צ, a leading Jewish postmodern philosopher commonly known as Rav Shagr, enlists the help of Franz Kafka to answer the seeming contradiction. In Kafka's *The Trial* and *Before the Law*, the protagonists are seeking entry to the court. It is their fervent hope to gain access to stand before the judge and have their case heard.

Rav Shagar asks why are these characters so heavily invested in the possibility of standing at trial. His answer is that to be judged means that we have value and that our acts and omissions matter. We are not children or someone who is otherwise not responsible for his or her actions. On this day, we are indeed passing before Hashem, like sheep being counted by the shepard, but that is because we are here, we are worthy, and our actions matter.

While we may not yet know the results of our entreaties and arguments before the King and Judge, we hope for the best. In the end, it does not really matter, as merely being given the opportunity is a testament to our worthiness.

As Rav Shagar writes, at long last, the day has arrived, and we are being judged. We dress festively and make our way to the court to be judged. While we may not yet know the results of our entreaties and arguments before the King and Judge, we hope for the best. In the end, it does not really matter, as merely being given the opportunity is a testament to our worthiness.

The fact that we have Rosh Hashanah and the *Aseret Yemei Teshuva*, the *ten days of repentance*, notes Rav Shagar, is Hashem's answer to the protest of the angels against man's creation — a protest poetically encapsulated in a quote from *Tehilim* (8:5): מַה־אֲנוֹשׁ כִּי־תִזְכְּרוּנוּ וּבְנֵי־אָדָם כִּי תִפְקְדֵנוּ, *What is man that You have been mindful of him, mortal man that You have taken note of him.* That Hashem counts and remembers our actions is the ultimate completion of creation — the creation of beings with worth, merit, and responsibility. This is the essence of the Yom Tov of Rosh Hashanah and why we find joy in judgment.

Tommy grew up in the Young Israel of Scarsdale and returned in 1997 with his wife, Penina, and two daughters, Ariela and Avigail. They were soon joined by their third daughter, Nomi. Tommy is a partner at Schulte Roth & Zabel.

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