

אוהל אברהם

A Journal

of

דברי תורה

לכבוד

ראש השנה, יום כפור, וסוכות

תשרי תש"ע

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Congregation Beth Abraham

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*This issue of אוהל אברהם
is dedicated
in memory of*

Edmond J. Lang A'H
יוסף בן חיים ע"ה

*By
Claire Strauss and family*

*in commemoration of
his 20th yahrzeit on
כ"א אלול*

We are pleased to present the first issue of *Ohel Avraham*. *Ohel Avraham* is a journal of *divrei* Torah written by congregants of Beth Abraham. The articles submitted reflect both the erudition and love for learning our community strives to achieve. While most of the articles deal with the upcoming חגים, other topics have been included as well. Thank you to all of those who contributed *divrei* Torah to the journal and to all of those who helped complete this community project. A special thanks to Claire Strauss who generously agreed to sponsor the first issue of *Ohel Avraham* in memory of her father Edmond J. Lang A'H.

One theme that our Rav, Rabbi Neuberger, stresses in his *drashot* is the importance of שלום בית in the broader sense - to maintain positive and peaceful relationships within our community, as well as within our homes. There are two necessary steps in order to accomplish this. The first is to be understanding, forgiving and flexible in our interactions with others. The second step is to reach out to one another, help each other, and continuously cultivate new friendships.

Another theme that Rabbi Neuberger often stresses is the importance of strengthening our commitment to Torah learning in all of its forms - attending *shiurim*, learning *b'Chavrusa*, and learning with one's children.

We hope that this issue of *Ohel Avraham* will succeed in weaving both of these values together. The *Ohel* of Avraham Avinu was characterized by both of these themes. Avraham sat at the *petach* of his *ohel* in the heat of the day in the hope of interacting with and forming relationships with those around him. Also, the place where he pitched his tent was the place where he was *koreh b'shem Hashem*. By sharing *divrei* Torah with one another, we will, please G-d, strengthen both our Torah learning and our connection with each other, thereby emulating the home of Avraham - the *Ohel Avraham*.

May we experience the upcoming *Yomim Tovim* as a cohesive צבור, and in that merit, may we all be זוכה to a כתיבה וחתימה טובה.

A Message from the Rabbi

Moreinu HaRav Yaakov Neuberger

The *Ohel Avrohom* is a most welcome addition to our *Yom Tov* preparations and celebrations. It speaks to the recognition that we all share, that through Torah Study our *Yom Tov* and particularly our *Yom Tov* tables will be very much enhanced. Additionally it gives us the venue through which we can share ideas that have inspired our davening or given us a joyful “aha” moment. Most notably it adds a dimension to the Biblical mandate to make our holidays into “*mikra'ai kodesh*” as explained by the Ramban. He understands it to refer to the holy ventures that bring people together and to include learning and davening together as a community.

I thank all those who took the time to contribute and am very grateful to Rabbi Avie Schreiber and Seth Lebowitz for conceiving of this project and seeing it to completion. We all know and appreciate how hard it is to find the time for communal projects, how daunting volunteering for communal work can be and how all consuming projects become before they are ready for the community. May Hashem bless them and their families with all the *berachos* that communal work can bring.

We are especially thankful to Claire whose characteristic generosity and graciousness made this project possible. May Hashem continue to bless her with the strength that she needs to continue to serve our shul with cheerfulness, warmth and wisdom, all of which help create the concern and friendship of our community. In the merit of the Torah study and *simchas yom tov* generated by this booklet, may Hashem fulfill all of her prayers *letovah, lyomim tovim va'aruchim*.

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אגודה אחת בלב שלם

Moreinu HaRav Yaakov Neuberger

At the outset of every *shemona esrei* of the *yomim noraim*, at a moment when we would want to focus on our dreams and our worries, our minds are quickly directed to pray for a time when *Hashem's* presence will dominate the plans and proceedings of all people. It is then that we ask that *Hashem* instill awe throughout His creation, establishing a time that will fully realize the phrase: ויעשו כולם אגודה אחת לעשות רצונך בלבב שלם - "that [all people] will become bound as one to do Your will with complete hearts".

I have often wondered why our sages chose to conjoin two seemingly disparate prayers into one sentence. Why did they not continue the style of the forgoing sentences, and in one brief phrase ask for a peaceful time when we will all live comfortably together, and subsequently in a separate sentence beg for the purity and sincerity of "complete hearts"? Further, why did *chazal* phrase this one request differently than the rest, putting it in the passive form, "that we become bound" rather than scripting for us a request for the strength and tolerance that it takes to proactively bind ourselves together?

Perhaps these two passions, to serve *Hashem* genuinely and to extend and enjoy loving and respectful relationships, stem from the same environment and culture. It may be that the roads to both begin at the same point and end at each other's doorstep. No doubt both will demand ridding oneself of the pettiness that so often overtakes our minds and decisions.

The naturalness and to be sure, the thrill of competition certainly shape within us a predisposition which is unfriendly to respecting and appreciating the strengths of others. Accordingly, investing in acquiring a positive and open frame of mind is truly an "*avodah*" – requiring dedicated and persistent applications to greater nobility. If we are really going to earn our membership in an *agudah echos* – a unified group of *kelal yisrael* – it will no doubt require great introspection and soulful thinking; being on guard against harboring ill feelings towards other individuals and other groups, challenging ourselves to prioritize, and focus on that which is genuinely precious.

In sum, aspiring to live in true harmony requires putting much ahead of private concerns and as a result nurtures a purity of heart and deed in the direct service of *Hashem* as well. *Chazal* further intimate that once we have achieved comfort and closeness with our peers, we will feel as if we have "become bound" – as if it did happen naturally and was always meant to be.

Of course it is important to keep in mind that our most powerful prayers may be our actions, moving ourselves in the direction of our wishes.

May we all be blessed to come into the *Yamim Noraim* with the potent prayers of improved relations with family and friends, and may we all be blessed with peace, health, spiritual growth, prosperity and happiness.

'לאלתר לחיים' לחיים כאילו שד' חפץ בהן!

Rabbi Dr. Howie Apfel

Following מעריב on the first night of ראש השנה it is customary for Jews to greet one another with a short, but heartfelt ברכה. The ברכה itself, well-known to all from their earliest school days, universally begins with the words לשנה טובה, indicating the intent to impart good wishes specifically for the upcoming year. Interestingly, many מחזורים recommend an assortment of נוסחאות for completing the ברכה. The three options generally offered are: 1) 'לשנה טובה תכתב' 2) 'לשנה טובה ותחתם' 3) 'לשנה טובה, תכתב ותחתם לאלתר לחיים טובים ולשלום'.

At first glance, the minor differences in the closing phrase of the various נוסחאות seem to reflect little more than stylistic preference within a seemingly minor custom. All three נוסחאות certainly convey a common optimistic tone, projecting positive expectations for the upcoming year. This uplifting message is clearly communicated irrespective of the particular ending. How imperative could it really be to express the implementation of the ברכה in the form of תכתב as opposed to ותחתם? Is there really a serious concern that the former group (תכתב) would feel short changed in the absence of the additional reassurance of an early sealing (ותחתם) of the inscription?

Still, at times, even the most trivial outward differences in halachic practice reflect a meaningful divergence in understanding of a fundamental underlying halachic or hashkafic principle. In this case, the ambiguity in נוסח actually stems from a major מחלוקת ראשוניים that carried through to the פסק הלכה of various אחרונים. Thus the גר"א insisted on the original נוסח presented by the רמ"א in the 'לשנה טובה תכתב' of שולחן ערוך. The מג"א (and the באר היטב) held that one should definitely at least add 'ותחתם', while the 'לאלתר לחיים טובים' only recorded the elaborate extension of חיי אדם 'ולשלום'.

What was the essential underlying מחלוקת ראשוניים that generated such divergent and unyielding halachic opinions? What essential message could be at stake here? It appears that the original debate evolved from the proper elucidation of a fairly familiar, yet undeniably difficult גמרא in ראש מס' השנה:

'א"ר כרוספדא א"ר יוחנן: שלשה ספרים נפתחו בר"ה, אחד של רשעים גמורים ואחד של צדיקים גמורים ואחד של בינונים, צדיקים גמורים ונחתמים

לאלתר לחיים, רשעים גמורים נכתבין לאלתר למיתה, בינונים תליין ועומדין מר"ה ועד יוה"כ, זכו, נכתבין לחיים, לא זכו, נכתבין למיתה'.

There is an obvious difficulty with a straightforward rendering of ר' יוחנן's statement that true צדיקים are immediately rewarded with life, while true רשעים are immediately punished with death. The broader implications of this philosophical dilemma are quite ancient and have never been fully resolved. Nevertheless, it was the varying attempts at reconciliation of the local problem arising from this particular passage in ראש השנה מס' that ultimately resulted in the מחלוקת ראשוניים and the halachic confusion noted above.

Clearly, in order to resolve the issue one must either deviate from the simple definition of the words מיתה and חיים, or alter the basic meaning of the concepts רשעים and צדיקים. One approach, taken by the ר"ן and ריטב"א, ר"ן, was to define חיים as life (and its blessings) and מיתה, as death (and related suffering) כפשוטם. Both definitions obviously relate directly and specifically to עולם הזה. To resolve the aforementioned conflict with our paradoxical observations of life, they understood רשעים and צדיקים as referring not to a global assessment of one's overall status, but rather to a **specific verdict** regarding the **current judgment** on ראש השנה alone. Thus, despite various individuals being perhaps in reality רשעים גמורים overall, it is possible that in **this one particular judgment** they nevertheless are designated to be צדיקים ונחתמים לאלתר לחיים וכו'. According to this approach, only the בינונים judgment is finalized on יום כיפור. In contrast the צדיקים גמורים are designated as such, definitively, right away on ראש השנה. As will be noted below, this will be difficult to reconcile with other discussions found earlier in the גמרא. Nevertheless, based on this approach, it is proper that one should greet his neighbor with a ברכה expressing that already on ראש השנה, they should not only be נכתב, but even לאלתר לחיים, since under this formula, that scenario is entirely possible. This appears to be the approach followed by the מג"א.

In contrast, the בעלי תוס' resolved our dilemma differently. Rather than understand the words מיתה וחיים כפשוטם, they instead understood צדיקים ורשעים as those with רוב מצוות, while צדיקים must be those with רוב עבירות, as their general overall assessment. In answer to our question as to the contradiction of this formulation with the rewards and punishments of life, תוס' pointed out that מיתה and חיים refers not to life in this world but rather to עולם הבא. As a result, the ultimate rewards for the aforementioned designations are not recognizable in this world at all, but instead are reserved for the world to come. This however, raises the difficulty that if it all truly relates to עולם

without relevance to this life, then what is the point of doing this judgment every year at ראש השנה? Furthermore, why would we bother sharing the ברכה for this coming year altogether if it relates to a judgment hopefully many years away? In response to this difficulty, תוס' explained (based on a סוגיא in קידושין) that there is a complex system of divine justice where a צדיק's reward in עולם הבא is enhanced and a רשע's punishment intensified, by the receiving of suffering and enjoyment respectively in this world. Therefore the allotment for the upcoming year needs to be calculated each ראש השנה only after an initial assessment of overall status is made. It is a positive outcome in that particular calculation for the upcoming year that is the objective of the ברכה on ראש השנה night.

The Vilna Gaon favored the approach of תוס' over that of the רמב"ן. He considered it particularly consistent with the משנה and גמ' found earlier in the מסכתא, that clearly describes the system so familiar to us in the davening throughout ראש השנה. There it unequivocally states that **all of us**, צדיקים, בינונים ורשעים, are נכתבים on ראש השנה, but not נחתמים in our judgment for the upcoming year, until יוה"כ. Presumably, proper תשובה during עשרת ימי התשובה can alter the ultimate outcome of all Jews for this year considerably. On this basis, it is most fitting to limit the ברכה 'לשנה טובה' offered ראש השנה night, to תכתב as the חתימה for **all** does not occur until יום כיפור, ten days later.

Interestingly, Rav Sternbach suggested a means of reconciling the extended ברכה of 'לשנה טובה ותחתם לאלתר לחיים' to this שיטה as well. If one pauses after 'ותכתב', the ברכה can be understood as containing two components. First, לשנה טובה תכתב here in עולם הזה, second, עולם הבא, which refers specifically to עולם הבא, a final designation that may occur even on ראש השנה itself.

Perhaps we can offer an alternative reconciliation of the extended נוסח with the גר"א based on an alternative definition of נחתם למיתה (also suggested by Rav Sternbach). There is a familiar expression in the מחזור that is really quite puzzling. 'וכי לא אחפוץ במות המת', literally this phrase means that ד' does not desire the death of the dead, (but rather that they repent, and live). One immediately wonders how it is possible for a dead man to die. Obviously the expression המת can not refer to one who is literally **biologically** dead. Rather it is best understood as one רחמנא לצלן who is considered **spiritually** dead and distant from God. In contrast, one who is spiritually alive will find themselves close to Him. 'אתם הדבקים בד' חיים כולכם היום' Thus, the נחתם לחיים or מיתה that takes place on יום כיפור is a designation depicting the particular individual's current spiritual status in the eyes of Heaven.

In light of the fact that most people are basically consistent in their fulfillment of daily mitzvos, why might someone be designated as spiritually dead? It most likely relates more to one's **attitude** about his עבודה rather than merely the frequency or even consistency of his actual **practice**. Clearly, a person is considered most spiritually alive if he approaches his *avoda* with a sense of enthusiasm and excitement. Rather than as דרך אנשים בשמחה (routine) our עבודה should be whole hearted, and totally מלומדה. עשרת ימי התשובה and ימים נוראים leading into אלול appears to have been designed to grant us the chance to optimize our potential and show that we are fully capable of living this way. 'דרשו ד' בהמצאו קראוהו בהיותו קרוב'. This is why the רמב"ם emphasized that the purpose of blowing שופר on ראש השנה is meant literally to 'עורו ישנים' wake us up from our slumber so that we may come alive spiritually and express it at this time. How do we know if we made it? One just has to feel it, in the thrill and anticipation of involvement in the תפילות and תקופה of this very special מצוות.

With this in mind, we can now re-analyze the extended ברכה as follows: if one pauses after 'ותכתב', the ברכה can be again understood as containing two components. First, לשנה טובה תכתב in a very material sense, here in עולם הזה as explained above. However, ותחתם לאלתר לחיים טובים refers not necessarily to עולם הבא, but rather to an appraisal of exactly how spiritually alive a person really is in עולם הזה. If the individual is found to be "alive," this designation is certainly one that can be נחתם right away, already on ראש השנה. With this understanding we can also add another dimension of meaning when we beseech ד' on ראש השנה:

'זכרנו לחיים מלך חפץ בחיים וכתבנו בספר החיים',
דהיינו זכרנו לחיים כאילו שד' חפץ בהן!

How to Obtain a Good Judgment on Rosh HaShanah and Yom Kippur¹

Dr. Sam Friedman

Rabbi Yosef Karo (1488-1575) writes that the Torah portion (*Parsha*) entitled *Nitzavim* is always read on the Shabbos that precedes Rosh HaShanah (*Shulchan Aruch, Orach Chayim, 428:4*). In his commentary entitled *Biur Halacha*, the *Chafetz Chayim* explains that *Parshas Nitzavim* is always read on the Shabbos that precedes Rosh HaShanah because portions of *Parshas Nitzavim* refer to repentance (*Devarim 30:1-10* and *Devarim 30:11-14*, according to the Ramban's commentary). Rav Moshe Feinstein ל"צ points out that a sentence toward the end of *Parshas Nitzavim* teaches a concept that is fundamental to all of the Torah's commandments וּבְחַרְתָּ... "בְּחַיִּים לְמַעַן תִּחְיֶה אֶתְּךָ וְאֶתְּךָ" "...and you shall choose life, so that you will live, you and your offspring" (*Devarim 30:19*). Rabbi Feinstein explains that by commanding the Jews to choose life so that they and their children will live, God's desire is that the Jews perform the *mitzvos* (commandments) with enthusiasm and joy, so as "to leave a lasting impression on our children and students and make them also want to choose" the path of the Torah.

As Rabbi Feinstein writes:

For example, some people give the impression that they do *mitzvos* (commandments) only because they are required to, since they do, after all, believe that *Hashem* created the world and commanded the Torah. They seem to take no pleasure in the *mitzvos* they do and act as if they would prefer to devote their time and energies to more mundane pursuits ...Someone who keeps the Torah in such a fashion can only give his children the clear message that Torah is a heavy burden and the best we can hope for is to endure it. The children of such people are likely to feel that they lack their father's will power and to think there is no point in even making an effort to keep the Torah. Obviously, this is not the ideal. Instead, *Hashem* wants us to study Torah and do *mitzvos* with joy and enthusiasm ...This, then, is the true meaning of the Torah's injunction, "Choose life!" We are to choose to live a life of Torah and mitzvos with such relish and enthusiasm that our children and everyone around us will want to follow our example. (*Darash Moshe, Vol. 1, Parshas Nitzavim*; the underlining is my emphasis.)

Rabbi Moshe Feinstein repeats this theme numerous times. Rabbi Feinstein writes in another essay:

It is extremely important for people to realize that the observance of the Torah is the greatest joy. It is the easiest thing to do, for there is no free man but one who heeds Torah ...If a person feels this way, there is no doubt that

his children and grandchildren will fulfill the *mitzvos* of the Torah with the same joy and ease, and will never think that doing so tries the strength of their resolve. (*Darash Moshe, Vol. 2, Parshas Nitzavim*)

Rabbi Feinstein emphasized the importance of maintaining the attitude that the commandments are a privilege to be performed enthusiastically and with joy, and not a burden. Rabbi Feinstein taught that many Jews became irreligious because they heard their parents repeat the Yiddish phrase, "שׂווער צו זײן אַ ייד" "It is difficult to be a Jew," which implies that the commandments are burdensome.

I have discussed this idea in detail in an essay on *Parshas Beha'aloscha* entitled "The Greatest Privilege and Joy," and in an essay entitled "Happiness" on *Parshas Ki Savo*. Since Rabbi Feinstein emphasized this concept numerous times, I've also re-emphasized the importance of performing the *mitzvos* enthusiastically and with joy, as it relates to *Parshas Nitzavim*, which is always read before Rosh HaShanah.

The commandment "...וּבְחַרְתָּ בְּחַיִּים..." "...and you shall choose life..." (*Devarim 30:19*) teaches another lesson that is especially important before and during the High Holy Days. The *Gemora* discusses several reasons that certain Rabbis lived a long time. Rabbi Nechunia the Great told Rabbi Akiva that one of the reasons he, Nechunia, lived a long life was that he was lenient and forgiving (*Megillah 28a*). Thus, to choose life and live a long time, one should be lenient and forgiving. Rabbi Nechunia the Great suggested that if a person is lenient and forgiving, then God is more likely to be lenient with him so that he will have a long life.

Rabbi Akiva seems to have learned this lesson well from Rabbi Nechunia the Great, as the *Gemora* in *Taanis 25b* teaches that Rabbi Akiva was also lenient and forgiving. This *Gemora* relates that there was a terrible drought, and Rabbi Eliezer ben Horkenos added six blessings for rain to the usual prayer, but it didn't rain. Rabbi Akiva offered a very short prayer and it rained. The Rabbis in the study hall began murmuring against Rabbi Eliezer ben Horkenos, because his longer prayer wasn't answered. The *Gemora* says that a "בַּת קוֹל" a "Heavenly voice" declared that Rabbi Akiva's short prayer was answered because he was a lenient and forgiving person, and Rabbi Eliezer's prayer was not answered because Rabbi Eliezer was a strict person. Rabbi Akiva was lenient and forgiving, so God was lenient with Rabbi Akiva and answered his prayer for rain. *Perhaps Rabbi Akiva learned to be lenient and forgiving from Rabbi Nechunia the Great, who had told him that leniency was one of the secrets to his longevity* (*Megillah 28a*). God is characterized as being lenient and forgiving. God is described as וְרַחוּם... "וְרַחוּן אֶרְךָ אַפְּיִים.. נֶשֶׂא עוֹן..." "...compassionate and gracious, slow to anger... forgiver of sin..." (*Shemos 34:6-7*). The *Gemora Shabbos 133b* teaches that

1. This essay was originally published in Dr. Friedman's sefer on Chumash, Joyous Torah Treasures.

we should emulate God's attributes, "Be similar to Him. Just like He is gracious and compassionate, you also should be gracious and compassionate." Rabbi Nechunia the Great and Rabbi Akiva emulated God by being lenient and forgiving.

The *Gemora* emphasizes, on many occasions, the importance of being *easygoing, lenient, and forgiving*. The *Chafetz Chayim* points out in *Shemiras HaLashon, Sha'ar HaTevuna*, ch.8, based on the following *Gemora*, that one's life can even be extended by being easygoing, lenient, and forgiving. The *Gemora* relates that Rav Huna was so critically ill that burial shrouds were prepared for him, but he recovered. The *Gemora* teaches that Rav Huna recovered because "the Holy One, Blessed is He, said, 'Since he is lenient and forgiving, do not take a strict stand against him'" (*Rosh HaShanah* 17a).

This concept is so important that the Gemora, on four occasions, quotes Rava who teaches, "כָּל הַמַּעֲבִיר עַל מְדוּתָיו מַעֲבִירֵן לוֹ עַל כָּל פְּשָׁעָיו" "Anyone who is lenient and forgiving, [the Heavenly Tribunal] forgives all his sins for him" (*Rosh HaShanah* 17a, *Yuma* 23a, *Yuma* 87b, *Megillah* 28a).

Hillel lived at both the end of the first century B.C.E. and the beginning of the first century C.E., and was one of the greatest of the *Tannaim*, authors of the *Mishna*. Hillel was known for his patient and gentle personality (*Gemora Shabbos* 30b-31a). Even though his contemporary, the great *Tanna* Shammai, was known to be stricter, Shammai still teaches us to greet everyone with a cheerful face (*Pirkei Avos* 1:15).

As the High Holy Days approach, Jews worry how can they be worthy of receiving a good judgment. As is said near the beginning of the *Selichos* prayer that is recited during this period of judgment, "מה נאמר, מה נְדַבֵּר, ...What can we say? What can we declare? What justification can we offer?..." Considering the obligation to observe the 613 commandments, how can any Jew hope for a good judgment?

Rabbi Yaakov Neuburger, *shlit'a*, reminds his congregants almost every year of the advice that Rabbi Chaim Shmulevitz, זצ"ל (1902-1978, leader of the Mirrer Yeshiva in Poland, Shanghai, and Jerusalem), taught before the High Holy Days. In *Sichos Mussar* (essay 38, תשל"ב), which is a transcription of a lecture that Rabbi Shmulevitz delivered in the Mirrer Yeshiva before the High Holy Days, Rabbi Shmulevitz teaches *that by being easygoing, lenient, and forgiving, every person can hope for a good judgment*. If one tries to follow in the footsteps of Rabbi Akiva, Rav Huna, Rabbi Nechunia the Great, and Hillel in this regard, then God promises to be forgiving. As Rava teaches, "כָּל הַמַּעֲבִיר עַל מְדוּתָיו מַעֲבִירֵן לוֹ עַל כָּל פְּשָׁעָיו" "Anyone who is lenient and forgiving, [the Heavenly Tribunal] forgives all

his sins for him." *Even if the Jews have trouble observing the 613 commandments, they can hope for a good judgment by being lenient and forgiving.*

Being easygoing, lenient, and forgiving has tremendous benefits. Not only does it potentially lead to a longer life, as the *Gemora* in *Rosh HaShana* 17a quoted above points out, but also, as Rava teaches, "...[the Heavenly Tribunal] forgives all his sins." Since being easygoing, lenient, and forgiving takes effort and doesn't usually happen naturally, my good friend, Howard Mischel, suggested using the mnemonic, ELF, which I have found to be very helpful, to make it easier to remember to be easygoing, lenient, and forgiving.

The *Chafetz Chayim* teaches, based on the *Gemora Shabbos* 88b: Every person who perfects this attribute [of being easygoing, lenient, and forgiving] is considered to be a true lover of *Hashem*. He will shine like the sun in its strength in the world to come ...Therefore, it is well worthwhile to always attach oneself to this holy trait so that all will be well with him in this world and in the next (*Shemiras HaLashon, Sha'ar HaTevuna*, ch.8).

The *Gemora* in *Megillah* 12b and in *Sotah* 8b teaches, "בְּמִדָּה שֶׁאָדָם מוֹדֵד בָּהּ מוֹדֵדִין לוֹ" "By the yardstick that a man uses to measure - by that will he himself be measured." Probably based on this principle, the *Gemora* in *Shabbos* 127b makes the following guarantee: "הַדֵּן הַבָּרוּ לְכַף זְכוּת וְנִין אוֹתוֹ לְזָכוֹת" "One who judges his fellow man favorably is himself judged favorably." Similarly, the *Chafetz Chayim* quotes the *Midrash Mishlei*: "If a person is accustomed to speaking good things about others, the angels will speak well of him" (*Shemiras HaLashon*, Conclusion of Part One). "וּבְחַרְתָּ..." "...and you shall *choose life*, so that you will live, you and your offspring" (*Devarim* 30:19), is always read on the Shabbos before Rosh HaShanah. This sentence reminds us of two of the fundamental principles of Judaism. Rav Moshe Feinstein explains, as discussed above, that this sentence teaches us to perform all of the Torah's commandments "...with such relish and enthusiasm that our children and everyone around us will want to follow our example," because the commandments are a most precious privilege that provide a framework to guide us happily through our lives. The command to *choose life* also reminds us of one of the secrets of longevity that Rabbi Nechunia the Great told to Rabbi Akiva: to always be lenient and forgiving so that God will respond in a similar fashion. *By performing God's commandments with joy and enthusiasm, by being lenient and forgiving, by judging people favorably, and by speaking well of others, every Jew can be optimistic as Rosh HaShanah approaches and hope for a good judgment.*

Did You Know...? Insights into the Rosh Hashana Nusach and Davening

Uri Jacobs

The Rosh Hashana davening is so unique among the rest of the years' tefilos, and its nusach and nuances so distinct, that it takes intense training and years of practice to do it justice. Not only that, but most congregants do not even realize these nuances and different nusachos to fully appreciate the details that go into a proper Rosh Hashana davening.

What I have attempted to do below is to provide a glimpse into some of the major "pieces" of the Rosh Hashana davening so when they come up, a greater awareness and appreciation could be developed for our tefillos and minhagim, some of which are thousands of years old.

Hamelech (The King)

Most of us are aware that the chazzan starts low and increases his voice as he approaches the bima to start Shacharis as a sign of supplication as he approaches The King. What is less well known is that there is a minhag to announce Hashem's Kingship every time the word *Hamelech* is said by having the *shaliach tzibur* say *Hamelech* loudly or with a pronounced emphasis throughout the davening on Rosh Hashana.

Uvechein (And so too)

There are three back to back to back "*Uvechein*" paragraphs in every one of the *amidot* of Rosh Hashana, corresponding to the three brachos of *Malchuyos*, *Zichronos* and *Shofaros*. The most well known use of the word *Uvechein* actually appears in Megilas Esther, where it says "*Uvechein Avo el Hamelech*" (and so I will go to the King) in the fourth perek. It occurs when Esther is about to approach Achashverosh (*Hamelech*) and asks to save Bnai Yisrael after davening and fasting for three days beforehand. Similarly, as we are approaching Hashem, the King (*Melech*) on *Yom Hadin*, we too are asking Hashem to accept our teshuva.

Lakel Orach Din (To Hashem Who prepares man for judgment)

An interesting minhag regarding this *piyyut* is that some have the custom to recite it at Shacharis on the first day but during Musaf on the second day. The reason has to do with a *machlokes* in the gemara on whether Hashem judges the world during the first three hours of the day (corresponding to Shacharis) or during the second three hours of the day (corresponding to Musaf). Hence the reason we split them up.

Hineni He'ani Mima'as (Here I am, poor in worthy deeds)

This introduction by the *shaliach tzibur* to Musaf has evolved over the years. Initially, the whole introduction was said silently by the *shaliach tzibur*.

Later on, the *shaliach tzibur* raised his voice only during certain phrases that would arouse the emotions of the *tzibur*. Some of those phrases can still be picked out by the higher pitch or dynamic *chazanus* on those phrases like "*Shakai*" (Almighty) and "*vesigar b'satan*" (rebuke the adversary). Today, while most of the *tefilla* is recited aloud, certain parts are still recited either in an undertone or silently like from "*vena al tafshi'aym* to *vesigar b'satan*" and from "*vihi ratzon*" until the end.

B'rosh Hashana

The second section of *Unesaneh tokef* lists the many decrees that will befall mankind over the coming year. It is usually broken out into three sections with the refrain and tune "*B'rosh Hashana...Yaychasaymun*". The third section which begins with "*mi yanuach umi yanua*" (who shall be at ease and who shall wander about) is said by the *shaliach tzibur* in an increasing rate of speed until the end of the paragraph. This is done so as to not tempt the Satan as he listens to all of the various negative decrees that are being listed.

Ha'ochaiz B'yad (Who grasps in hand)

More popularly known as "*V'chol Maaminim*", this *piyyut* has a few interesting minhagim. Although the way the *piyyut* was composed, we should first say "*Ha'ochaiz*" and then "*V'chol Maaminim*", we actually do the opposite. One reason why this might be is that the chazzan in one breath connects in a loud voice the last two words of the previous paragraph "*Hamelech hamishpat*" and "*ha'ochaiz b'yad midas mishpat*". This is done in order to express the single thought of "The King of justice, Who holds the scale of justice in His hand."

A side note of caution, particularly for this *piyyut* where many chazzanim sing a tune, is to pay careful attention to the commas. Often, the *chazzan / tzibur* tries to fit in a fast paced tune into this *piyyut*, which sometimes does not adhere to the commas. This inevitably "sacrifices" the correct meaning/intention of the words for the tune, sometimes radically.

Malchuyos, Zichronos & Shofaros

All of us are aware that on Rosh Hashana, the three middle brachos of the *shemona esrei* are *Malchuyos*, *Zichronos* & *Shofaros*. What many are not aware of is that there is a different nusach for each one of them. For example, *Malchuyos*, which starts with "*Alaynu*", tries to capture a regal and majestic aura around its Kingly nusach. It is especially present in the paragraphs of "*Alaynu*" and "*Al kayn*". Similarly, the nusach for *Zichronos* which starts by "*Attah zocher*", has a more reflective and impassioned nusach.

It is my hope that these examples encourage us to delve further and bring deeper meaning into the *Yomim Noraim* davening. I appreciate any comments.

Rav Zalman Sorotzkin – The Shofar of Shabbos

Rabbi Elozor M. Preil

The Gemara (Rosh Hashana 16b) states that one of the reasons we blow shofar on Rosh Hashana is *l'arbeiv es haSatan* – to confuse the Satan, the prosecutor. Rashi explains this to mean that when the Satan hears how the Jewish People lovingly observe Hashem's mitzvos, he is powerless to prosecute us. Tosfos quotes the Talmud Yerushalmi that when the Satan hears our repeated shofar blasts, he presumes that this must be the shofar heralding the arrival of Moshiach, as we say in Musaf on Rosh Hashana: "*V'haya bayom hahu yitoka b'shofar gadol*", followed by Jews gathering from the four corners of the earth to serve Hashem in Yerushalayim. As this would result in the "death" of the Satan, who will cease to function in the Messianic era, he becomes disoriented and unable to prosecute.

The Gemara continues: "Any year in which we do not blow shofar at its beginning (on Rosh Hashana), we will ultimately cry out in sorrow at its end. Why? Because the Satan was not confounded." Tosfos quotes *Behag* that this applies only in the event that we are unable to blow the shofar due to extenuating circumstances (*ohnes*). *Behag* specifically states that this dire forecast does not apply to years in which we fail to blow shofar because Rosh Hashana falls on Shabbos. Rav Sorotzkin questions why the reason for not blowing should make any difference – after all, if the shofar was not blown for any reason, the Satan was not alarmed and is thus free to prosecute.

Rav Sorotzkin begins his answer by analyzing why it should be that upon hearing our shofar blasts, the Satan concludes that it must be the shofar of Moshiach. The shofar symbolizes other things as well, such as a call to arms, or the coronation of a king. Perhaps we are blowing shofar for one of those reasons. Rav Sorotzkin quotes Rambam's famous interpretation (Hilchos Teshuva 3:4) that the shofar sounds are primarily a wake-up call to us do *teshuva*. The Satan understands that as soon as the Jewish People do *teshuva*, Moshiach will come. Thus when he hears the shofar repeatedly calling us to repent, he is concerned that we might actually succeed and bring about his end.

Rav Sorotzkin continues that Shabbos is an especially propitious time for *teshuva*. He notes that the *shoresh*, the root letters of Shabbos and *teshuva* are the identical three letters! Furthermore, when Adam heard that Kayin did *teshuva* and reconciled with Hashem, Adam burst forth in song – *Mizmor shir l'yom haShabbos!* Therefore, whereas on a weekday we need to physically hear the shofar blasts to arouse us do *teshuva*, on Shabbos this is not necessary – the remembrance of Shabbos alone (*zichron teruah*) is all the motivation we need to do *teshuva*. Our internal Satan senses the positive

change occurring within our souls, and this frightens him just as the shofar blasts of other years.

Earlier we cited Rashi that *l'arbeiv es haSatan* means that when the Satan hears how the Jewish People lovingly observe Hashem's mitzvos, he is powerless to prosecute us. We all know how precious the mitzvah of *tekias shofar* is to the Jewish People, of the great sacrifices that Jews have made through the generations to fulfill this mitzvah. And yet, out of concern that perhaps someone somewhere might unwittingly violate Shabbos by carrying his shofar in the street, we obey the decree of *Chazal* and forego our once-a-year opportunity to fulfill this beloved mitzvah. What greater testament can we give to demonstrate our love of Shabbos! Thus, it is the very act of refraining from blowing the shofar on Shabbos that adds to the fears of the Satan, rendering him powerless to prosecute us.

אין קטגור נעשה סניגור

Rabbi Dr. Aaron Ross

The gemara in **ראש השנה כו:** discusses which horns may be used for performing the mitzva of shofar. The mishna there states that all horns may be used, except for that of a cow, since it is called a "קרן" (lit. "horn"), and never called a "שופר." The gemara analyzes this point, coming up with several other reasons why the horn of a cow should specifically be excluded from this mitzva. Finally, the gemara claims that a cow's horn may not be used because of the concept of "אין קטגור נעשה סניגור" – the accuser cannot become the defender. As Rashi explains, since a cow was the central focus in one of the most heinous sins in the history of the Jewish people, namely the **עגל הזהב**, we cannot ignore that episode and try to use that very same animal as our most visible symbol of repentance.

I would like to explore the more conceptual aspect of this idea of "אין קטגור נעשה סניגור." Tosafot in **טו:** refer to it as **סברא**, a logical principle that does not rest on any scriptural basis. What exactly is that logical principle? Seemingly, we would say that it is not politic to use something that points to one's sins as a means of attaining forgiveness for those (or even other) sins! This idea may be in consonance with the gemara in **כח:** which states that a gambler is only considered to have repented fully when he breaks his gambling chips, and a usurer is only considered to have repented once he has torn up any usurious documents. In both gemaras, the point is the same – one must remove all vestiges of one's evil past before being able to attain complete expiation for one's misdeeds.

However, there are also instances where we use the very object that is reminiscent of the sin in order to achieve atonement. The most notable example of this is that of **פרה אדומה**, the red heifer whose ashes were sprinkled on one who had become defiled through contact with a corpse. Like the horn of a cow, this heifer is clearly a reminder of the sin of the **עגל הזהב**, and yet it is used to bring someone from a state of spiritual impurity to a state of purity! While there is a view that the **פרה אדומה** was commanded to Elazar, and not his father Aaron, due to Aaron's involvement in the incident of the Golden Calf, the fact nevertheless remains that the continual use of the **פרה אדומה** throughout Jewish history (until the destruction of the Temple) is a practice that runs counter to the principle of **אין קטגור נעשה סניגור**.

There are other instances where we invoke this rule. Tosafot in **יבמות ז:** state that a kohein (priest) who has murdered someone may not bless the people, since his giving the blessing relies on his raising his hands, and the hands

that killed may not now become a source of blessing, due to the principle of **אין קטגור נעשה סניגור**.

[There is also a case in **ה** קידושין where this principle is invoked. However, this is not the reason that is ultimately used to determine the law, and the Gemara there seems to be using it in a less formal manner. Thus, I do not feel that it has an impact on our present discussion.]

Before moving on, I would like to pose one question concerning **אין קטגור נעשה סניגור**. The cases that I have listed here are more or less the only cases in the Talmud where this phrase occurs (save for a few Aggadic passages). Why does it not come up more often? What makes this question interesting is the fact that there is a concept in the Talmud known as **מצוה הבאה בעבירה**, a performance of a positive commandment that comes about through a sin, such as using a stolen lulav on Succot. Seemingly, such cases should fall under the category of **אין קטגור נעשה סניגור** as well, as one tries to plead his case before God by using the very thing that reeks of the sins for which he has to atone! Why are these two concepts not synonymous, or at least never mentioned in conjunction with one another?

To some degree, the answer to this last question, and by extension a possible explanation for **אין קטגור נעשה סניגור** as a whole, may be based on some of the technical issues brought down in the gemara. Rosh HaShana 25a mentions two cases for which we invoke this rule – using the horn of a cow as a shofar on Rosh HaShana, and the law that the High Priest may not wear his golden clothing into the Holy of Holies on Yom HaKippurim, as that also is a reminder of the **עגל הזהב**. The gemara then objects, stating that there were other vessels in the Temple that had gold on them, and thus should also be problematic under this idea! The gemara eventually concludes that only those things that entered into the Temple itself were subject to this rule, and thus anything that was done outside did not fall under this rubric. The shofar, even though it was blown in the courtyard of the Temple, was considered to have been done inside, since it served as a "*zikaron*," a reminder to Hashem, it was considered as if it was inside and thus we want to keep it as sin-free as possible. This idea also answers our problem concerning the **פרה אדומה**, as it was a ritual performed entirely in the courtyard, and not in the Temple itself, and thus we do not have to worry about **אין קטגור נעשה סניגור**.

What emerges is that **אין קטגור נעשה סניגור** is a more specialized concept than **מצוה הבאה בעבירה**. While the latter seems to be a broader, more legal issue, our issue seems to be concerned with only very specific cases, namely situations that are concerned with man's relationship to Hashem. The blessing given by the priests, the shofar that is blown, and the clothes of the High Priest are all involved in situations where an attempt is being made to

attain forgiveness from Hashem or where Hashem is being invoked in some way. It is in those cases where we are extremely sensitive to our actions, and try our hardest to present the best image possible. Using an "accuser" as a "defender" in these cases is nothing less than either complete brazenness or sheer stupidity.

However, there is another question to deal with. If the hands of a priest that has killed may not be used for blessing the nation, how can any person ever do repentance? How can a person use the mouth that has said things that it should not have said, the legs that have gone where they should not have gone, and the hands that performed actions that they should not have performed, and now come before Hashem and ask for forgiveness? If it is the person himself who commits the sin, then how is his presence before Hashem not instantly a reminder of those sins?! If a horn of a cow may not be used in the context of Rosh HaShana because it is a reminder of an ancient sin, then it would seem logical that the person who actually commits a sin would be unable to present himself as worthy of serving as a conduit for atonement!

I believe that the answer to this question will help us to better understand the overall concept of teshuva (repentance) and what is expected of us in the repentance process. In discussing the laws of the priestly blessing, the Be'air Heitey (O.C. 128:60) notes that a priest who has committed idolatry may repent and thus be able to bless the nation, but one who has committed murder never has such an opportunity. Why is there such a difference? He explains his position by invoking אין קטגור נעשה סניגור, that the hands of the priest serve as an eternal reminder of the horrible crime that they once committed. He is seemingly not bothered by our query, insofar as he does allow for repentance in other cases. What is the difference between an idolater and a murderer?

It appears that the main issue at stake is the difference between an internal and an external action. One who worships idols sins in his heart and in his mind. While those thoughts may temporarily translate into actions, there is nothing tangible that reveals his sinful nature. By contrast, one who murders commits a sin with his hands, and those hands serve as a constant reminder of what he has done. Even if he atones for his crime, his hands are still there. Just as a fully reformed criminal is not totally trusted as long as he still carries his pistol with him, so too can we not allow the priest who has committed such a crime to use his "weapons" to bless us with the blessing of Hashem. He may be able to do effective teshuva for all other situations, but this situation is too delicate, and thus his atonement will always be lacking in at least this respect.

So, why is a sinner able to repent? I think that the answer may lie in the gemara in Sanhedrin cited earlier. Rambam (Hilchot Sanhedrin 3:4) lists

several tactics involved in the teshuva process, among them crying out to Hashem, pleading for forgiveness, changing one's name, and completely changing one's actions. The underlying principle at work here seems to be that real teshuva is done when a person completely breaks himself and then reassembles himself as a "new" individual. He is no longer the person who sinned, but rather a new individual, free of any blemish and prepared to accept the word of Hashem. Only once he has gone through this wrenching process can he fully repent, only after he has "broken his gambling chips and torn up his usurious documents" can he present himself as ready to once again be a part of the Jewish people. There is no longer an issue of אין קטגור נעשה סניגור, since the accuser, the sinful individual, no longer exists. Rather, there exists only an individual who truly desires to follow the Torah and all of its commandments. While a murderous priest cannot chop off his hands, and a shofar taken from a cow cannot eliminate the stigma of an ancient sin, an individual has within himself the power to remove even the vaguest reminders of any of his past misdeeds. In the words of Rambam, he is able to say "I am another, and not that person who did those (sinful) actions." One need only to cry out to Hashem and to accept upon himself the full weight of his actions, and even the accusers can be converted into defenders.

מחיית עמלק וראש השנה

Rabbi Noam Cohen

At the end of *Parashas Ki Setzey*, as the Jews prepare to enter Eretz Yisrael, we are commanded to remember our war with Amalek upon our exit from Mitzrayim, and to wipe out Amalek at every opportunity. The Torah instructs us, “*Timche Es Zecher Amalek Mitachas Hashomayim.*” Parshas B’Shalach, which details our encounter with Amalek, ends similarly, “*Ki Machoh Emcheh Es Zecher Amalek Mitachas Hashomayim.*” The Torah tells us that during the battle, “*Vayachalosh Yehoshua Es Amalek L’fi Charev.*” Rashi explains that by “*weakening*” Amalek, the Torah implies that Yehoshua did not complete the job, but killed only their strongest warriors, as directed by Hashem. Rabbeinu Bachaye comments that Hashem prefers not to interfere with the natural course of events if unnecessary, and therefore, in order to save Klal Yisrael at that point, it was necessary only to *weaken* Amalek, rather than *annihilate* them. However, the very next pasuk tells us that Hashem instructed Moshe, “*K’Sov Zos Zikaron BaSefer V’Sim B’Aznei Yehoshua, Ki Machoh Emcheh Es Zecher Amalek Mitachas Hashomayim.*” This message was directed at Yehoshua, clearly since he was to become the leader of Klal Yisrael, their spiritual and military guardian entrusted with the future conquest of Eretz Yisrael. However, two questions persist. First, whose job is it to destroy Amalek? Parashas Ki Setzey instructs us to carry out this directive ourselves (“*timcheh*”), while Parashas B’Shalach assures us that Hashem himself will handle it for us (“*machoh emcheh*”). Thus, how do we understand our role in this mitzvah – is this Hashem’s job, or ours alone? Second, what is the need for the phrase, “*Sim B’Aznei Yehoshua?*”

The *meforshim* offer various explanations, but the *Or Hachaim*’s seeks to best elucidate Yehoshua’s unique suitability, as the next leader of *Klal Yisrael*, for this message. According to his approach, Yehoshua was not only confused by Hashem’s directive to spare the weaker factions of Amalek’s army, but also was greatly disappointed at this lost opportunity. His concern was evident only to Hashem, who therefore instructed Moshe to privately assure Yehoshua that there would be future opportunities to destroy Amalek, most notably during Shaul Hamelech’s reign and during the Purim episode under the stewardship of Mordechai and Esther. It was therefore unnecessary for Yehoshua to annihilate Amalek at this time. But it was Yehoshua’s position, as the one entrusted by Hashem to guide *Klal Yisrael* in the fulfillment of its mission and its relationship with other nations in its conquest of Eretz Yisrael, which necessitated this private message as conveyed through Moshe.

Perhaps we can better understand this point through the Rambam’s unique viewpoint on *Parashas Zachor* and our obligation to read it aloud once

during each Torah reading cycle. According to the Rambam, the recitation of *Parashas Zachor* is intended to arouse us to greater heights of *Avodas Hashem*. The *meforshim* explain that the term “*Asher Korcha Baderech,*” connotes the fact that Amalek, by attacking our nascent nation upon its exodus from Mitzrayim, sought to demonstrate to the world the random nature of our sudden rise from slavery, that the miracles we experienced were just a “*mikreh,*” a random, natural occurrence, and not the work of a higher power. Our abhorrence of this detestable act, read aloud in shul, should therefore naturally propel us to serve Hashem with greater fervor, thereby countering Amalek’s effort to downplay all manifestations of G-d in this world. Our service of Hashem negates their effort by infusing the world with spirituality and the recognition of Hashem’s preeminence. This idea is bolstered through the story of Purim, our most notable threat from Amalek. Although our salvation arrived through a *nes nistar*, a series of seemingly natural events, it is our obligation to be *mifarsem* this miracle as divinely inspired, through the public reading of the megillah. Thus, our efforts in this regard continue, generation after generation, to mitigate Amalek’s influence in the world by demonstrating G-d’s continued *hashgacha*. According to the Rambam therefore, it would seem that Amalek’s perpetual existence helps give expression to our mission throughout our history. Just as darkness can be perceived only through our cognizance of the existence of light, the subsistence of evil in this world not only helps to clarify the presence of good in the world, but also actually illuminates good as the absence of evil. *Klal Yisrael’s tafkid* therefore, ironically is clarified through Amalek’s continuous existence. Indeed, we believe that the moment of this *tafkid*’s fulfillment will coincide with the coming of the ultimate redemption, which will, in effect, dispose of this national obligation, as Amalek and the forces of evil in this world will have then been fully vanquished.

Perhaps the aforementioned idea can serve as an additional explanation why Hashem prevented Yehoshua from annihilating Amalek at this moment. And perhaps, with the help of the *Da’as Zakeinim M’Ba’alei Hatsofos*, it can help explain the apparent discrepancy between the directives in *Parashas B’Shalach* and *Parashas Ki Setzey*. The *Da’as Zekeinim* offers an explanation for the double language, “*Ki Machoh Emcheh*” – as Hashem’s instruction to *Klal Yisrael* to wipe out Amalek in this world while He does the same in the next world. Seen through the *Da’as Zekeinim*’s eyes, the commandment to destroy Amalek can be viewed as a partnership between G-d and the Jewish nation – that as long as we concentrate our efforts toward the eradication of that which Amalek represents in this world, Hashem will fulfill his promise to effect their destruction in the next...and it is precisely this partnership of which Hashem reassured Yehoshua through Moshe – a symbiotic relationship between G-d and the Jews which would provide us with our road map (for lack of a better term) through the millennia, a compass to be used in the pursuit of our national goal. This symbiosis finds expression in the last pasuk of *Parashas B’shalach*, where Hashem advises

that “*Ki Yad Al Kais Kah Milchamah L’Hashem B’Amalek Midor Dor.*” Rashi explains that the missing “*aleph*” in the word “*Kais*” connotes Hashem’s imperfect dominion in this world as long as Amalek survives. Amalek’s ultimate demise therefore will herald ultimate fulfillment for Hashem **and** Klal Yisrael. Clearly then, this mission belongs neither to *Klal Yisrael* nor to Hashem exclusively, but represents a collaboration of efforts. And this *havtacha* to *Klal Yisrael* continues to serve as a source of strength for us during difficult times – we are confident that as long as we keep focused on our important mission, our *hishtadlus* is met with reciprocal action by G-d in advancing not only our national aspirations, but those we ourselves and our families hold so dear.

As we approach Rosh Hashanah 5770, we look back on a uniquely difficult year for *Klal Yisrael* on a communal as well as individual level. The year 5769 brought economic hardship for many, complete financial ruin for others, and cast a pall over our nation as news stories broke revealing the gross indiscretions of some prominent community members. The resulting *chillul Hashem* has lowered our stature in the world, possibly manifested in others’ recent renewed attempts to question our sovereignty over our eternal capital, Jerusalem. Additionally, our suffering has brought a degree of disillusionment to our community – the increased stress of supporting our families during this time has perhaps resulted in temporarily shifting our focus from the truly important to the more mundane. Our learning, davening and indeed our very focus on the *Ribono Shel Olam* as the sole source of our sustenance has understandably suffered during this time, but it is precisely now, as we prepare to coronate Hashem as King of the Universe, when we must gird ourselves and find strength in his *havtacha* – that as long as our efforts remain *L’shem Shomayim*, and we continue to live and raise our children in the ways of the Torah, He will keep His promise to us by providing for our families’ daily needs, raising the honor of *Klal Yisrael* in the eyes of the world, and ensuring that the year 5770 brings us closer to our ultimate redemption, when the honor of *Klal Yisrael* and Hashem’s absolute dominion will be apparent to all.

לבקר בהיכל ה'¹

Jonathan Schloss

In *L’David Hashem Ori V’Yishi*, David Hamelech says that he asked Hashem for one thing, “*Achas Sha’alti Me’es Hashem, Shivti B’veis Hashem kol y’mei chayay, lachzos b’noam Hashem U’livaker beheichalo.*” David HaMelech wants to sit in the house of Hashem all the days of his life viewing Hashem’s pleasantness and to visit - *Livaker*, Hashem’s heichal.

It seems that David HaMelech is asking for more than one thing. In fact, it looks like he’s asking for two things. Not only is he asking for two things, not one, it seems that he’s asking for 2 opposite things. On one hand, he’s asking to be a “*toshav*”, a resident who is familiar with the every-day workings of the *Mikdash* when he asks for the privilege of being able to sit in Hashem’s home (“*Shivti B’veis Hashem . . .*”). On the other hand, he’s asking to be able to visit Hashem’s *heichal* (“*U’livaker b’heichalo*”). A visitor is hardly a *ben bayis*. What is David HaMelech really asking for here?

It may be hard to imagine David HaMelech as a wide-eyed tourist who is awed by the site of Hashem’s main address on this world but that is part of David HaMelech’s singular request. David realized that it is important to strive to become a regular in Hashem’s house and that in and of itself is a worthy goal. However, David also realized that by becoming too familiar, one can also lose the proper sense of awe one should feel when entering the *Mikdash*. When a tourist sees the *kotel* for the first time, he might think “Wow, this is the last standing remnant of the *mikdash*” - he may contemplate the significance of the place and feel truly awed. The person who is there every day may not feel the same way every day.

David seeks to be privileged to be a “*ben bayis*” in the *Heichal* and to enjoy the privileges of being able to serve Hashem as an “insider”. But that’s not enough. He wants to feel the same sense of newness that one who visits it for the first time experiences - every day.

Though one may come to shul every day, David HaMelech is warning us that one should not let it become a trite, “every-day” experience. By inserting this *mizmor* in the davening in Elul through *Shmini Atzeres*, *Chazal* obviously picked up on David Hamelech’s one goal -take the uplifting davening and overall experience of Elul, Rosh Hashana and Yom Kippur - and let it assist us during the rest of the year to perform our daily rituals without rote.

1. Based on a Dvar Torah heard from R’ Yitzchak Mirsky

A New Year's Resolution We Can Complete

Rabbi Michael Zauderer

במדבר רבה פרשה יט ד"ה ר' אחא

ר' אחא בשם ר' חנינא אמר בשעה שעלה משה למרום שמע קולו של הקב"ה שיושב ועוסק בפרשת פרה אדומה ואומר הלכה בשם אומרה. ר' אליעזר אומר עגלה בת שנתה ופרה בת שתיים. אמר לפניו: רבון העולמים - יהי רצון שיהא מחלצני. אמר לו: חייך שהוא מחלצך. הדא הוא דכתיב (שמות יח) ושם האחד אליעזר - שם אותו המיוחד.

In *Parshat Chukat*, the mitzvah of פרה אדומה is introduced by the command that ייקחו אלכך פרה אדומה, "bring the red cow to Moshe," (Bamidbar 19:2). From this *pasuk* it would appear that the entire ritual of preparing the פרה would be done by Moshe himself. Surprisingly, however, we find in the very next *pasuk* that Aharon's son, Elazar, was to perform the mitzvah. What then was the reason for the cow to be initially given to Moshe? Rashi explains that the mitzvah of preparing the פרה אדומה in the desert will always be attributed to Moshe. Why did Moshe want to be so closely associated with the mitzvah of פרה אדומה so that, in Rashi's words, "לעולם היא נקראת על שמך"?

The Kli Yakar answers this question based on a fascinating *Midrash*. When *Moshe Rabbainu* went up to Heaven to receive the Torah, he heard Hashem giving a *shiur* on the laws of פרה אדומה. The opening line of the *shiur* began by Hashem quoting the opinion of Rabbi Eliezer that the cow to be used for the mitzvah of עגלה ערופה must be one year old and the cow to be used for the פרה אדומה should be two years old. The *Midrash Rabbah* (Bamidbar 19:7) recounts that when Moshe observed this episode, he prayed that Rabbi Eliezer should be one of his descendants.¹ What unique quality did Rabbi Eliezer possess that Moshe Rabbeinu so admired?

Rabbi Hutner, in the פחד יצחק, explains the uniqueness of Rabbi Eliezer based on the Gemara Sukkah 28a. The Gemara enumerates several qualities that Rabbi Eliezer possessed. One of them was that no one ever arrived at the *Beit Midrash* before him and another one was that he would be the last one to leave the *Beit Midrash*. Rav Hutner explains the מדה of רבי אליעזר was

1. The *Midrash* (Bamidbar Rabbah 19:7) concludes that this is the meaning of the verses in Shemot 18:3-4 that list the two sons of Moshe by stating "and the name of one was Gershom.... and the name of one was Eliezer" instead of saying that the name of the first was Gershom and the name of the second was Eliezer. The Eliezer referred to in the *pasuk* is the Tanna Rabbi Eliezer.

(ג) ואת שני בניה אשר שם האחד גרשם כי אמר גר הייתי בארץ נכריה;
(ד) ושם האחד אליעזר כי אלקי אבי בעזרי ויצלני מחרב פרעה;

that he was a מתחיל and a מסיים. Whatever he began, he finished. He never left a project half finished.

It is not surprising that of all the *Tannaim* that could have been chosen to begin *Mishnayot*, Rabbi Yehuda HaNasi chose Rabbi Eliezer for the first Mishna in *Brachot*. Similarly, the last Mishna in עוקצין, which concludes *Mishnayot*, is also the opinion of Rabbi Eliezer.² Rabbi Yehuda HaNasi wanted to impart this lesson of completing what you begin by opening and closing with the opinions of Rabbi Eliezer.

It is for this reason that *Moshe Rabeinu* desired a kinship with Rabbi Eliezer. Moshe desired this same מדה of completion. *Chazal* tell us that the פרה אדומה serves as atonement for חטא העגל.³ Moshe was the one who began the initial process of תשובה for the העגל. He ground the calf into dust, he davened for forty days that Hashem should forgive Bnei Yisrael, and he begged Hashem to remove his name from the Torah rather than punish the Jewish people. Moshe wanted to see the תשובה process through to completion and this is why the mitzvah of פרה אדומה is attributed to Moshe for eternity.⁴

A new year brings with it many promises, lofty goals, and aspirations. Let us remember the powerful message that setting new goals is important but it is equally important to see them through to completion as the הלכות in רמ"א remarks, "כי המתחיל במצוה אומרים לו גמור".⁵

2. Technically, Rabbi Eliezer is in the third to last Mishna in עוקצין. However, the second to last Mishna that quotes an argument between Beit Shammai and Beit Hillel is really an expansion of Rabbi Eliezer's opinion. The last Mishna was added so that the *Mishnayot* should conclude on a positive note. Further proof that the Mishna of Rabbi Eliezer was specifically chosen as a conclusion can be deduced from the fact this same Mishna was already taught in *שביעית*.

3. See רש"י at the conclusion of יט במדבר where he quotes several parallels between ר' משה הדרשן and חטא העגל and פרה אדומה in the name of חטא העגל.

4. The עגלה ערופה מצוה is atonement for murder. *Chazal* tell us that Chur, the son of Miriam, was killed trying to stop the Jewish people from making the הזהב.

5. או"ח תקפה ס' ד.

Rosh Hashanah that Falls out on Shabbat and Tekiat Shofar

David Markowitz

In the months leading up to Rosh Hashanah, we anxiously look forward to arrive in shul to hear the all encompassing sounds of the shofar. As a member of the congregation, everyone eagerly waits for the *Ba'al Tokea* to walk to the Bimah, recite the bracha, and only when there is absolute silence, does he begin to resonate the silence - shattering sounds of the shofar for everyone to hear. The deafening noise serves its purpose, inspiring almost everyone to direct their intent on the Tefilot, and bringing them closer to the path of Teshuva, as well as to beg Hashem to change his manner of dealing with us from *Midat Din* to *Midat Rachamim*.

When one is the *Ba'al Tokea*, you focus only on the technique you have been practicing, almost praying that you'll have the strength and heavenly support to be able to sound off 100 *kolot* for the congregation to hear. You sense relief, almost jubilation, as the final *tekiya gedolah* is sounded. You know exactly when you cross the threshold of the differentiation between a *tekiya*, and a *tekiya gedolah*. You then begin to feel what everyone else has experienced until now, knowing the sounds you worked so hard on have been completed, and you yearn for the *kolot* to reach deep in you to inspire the teshuvah that the sounds are supposed to.

However, we have all experienced the disappointment. You prepare your thoughts, you clean your Tallit, and you find and dust off all the machzorim. You prepare the meals, and play a complex game of chess, juggling parental and in-law responsibilities to decide where to go for Yom Tov. You believe deep down, whether your mother's (or mother-in-law's) food is good or not, the awe inspiring sound of the shofar will set the tone of Yom Tov. But when the first day of Rosh Hashanah occurs on Shabbat, we don't blow the shofar. We are forced to wait another day, and hope the abbreviated sound of the holiday which we hear on Sunday will satisfy our yearning for inspiration.

Question:

Understanding the nature of the Yom Tov, where the most integral part of the *chag* is the shofar, why would *Chazal* not allow us to blow the shofar in shul when it falls on Shabbat? *Mishnayot* Rosh Hashana 4:1 states clearly; we don't blow shofar on Shabbat outside of the *Mikdash*. The later part of the Mishna clarifies that in the presence of a *Beit Din Gadol*, even outside of the *Mikdash* the shofar could be blown on Shabbat. (The specific example cited is in the case of Yavneh.) However, the answer still eludes us.

What was the concern of the Mishna? Were we worried that perhaps the *Ba'al Tokea* would forget to bring his shofar to shul on *erev* Yom Tov, suddenly realize on Shabbat morning that he still had his shofar with him, and carry it to shul knowing how dependent the community is on him and his shofar? What are the rulings regarding similar situations where a mitzvah from the Torah might have been altered or overruled as a result of a *takaneh* from the *chachamim*?

The more puzzling explanation of the *Takaneh* lies in what the Gemara explains as being the root of the issue. The Gemara points out explicitly, that our great concern is that someone will carry a shofar, apparently after the Mitzvot of the day have already been completed, and go to study or practice with an expert on blowing shofar. This is **extremely** confusing. We are not concerned that the *Ba'al Tokeah* will carry the shofar to shul, but we are concerned that someone practicing, not even doing an act that leads up to performing the actual mitzvah itself, will carry the shofar, and therefore the entire Shul and Community will not hear the shofar on Rosh Hashanah? This is a very perplexing approach.

Later in the same *perek* in Rosh Hashanah, (4:3) the Mishna states the procedure for observing the mitzvah of lulav, also when it falls out on Shabbat. The Mishna explains that the practice of shaking of the lulav was originally in 2 different manners.

- 1) In *Mikdash*, they would shake the lulav all 7 days of Succot.
- 2) In other parts of Eretz Yisroel and Galut (all non-*Mikdash* areas outside of earshot and sight of the *Mikdash*) they would shake the lulav only on the first day of Succot.

We understand from various *meforshim* that the above Halacha would be slightly different when the first day of Succot occurred on Shabbat. When Shabbat and the first day of Succot would coincide, then even on Shabbat, even outside of *Mikdash*, we would shake the lulav, both in *Mikdash* and non-*Mikdash* areas. Only after the destruction of the first *Beit Hamikdash* did *Chazal* establish the guideline (*Takaneh*) that we should not shake the lulav on Shabbat, regardless of where and when, during the 7 days of Succot it occurred, whether the 1st day (a mitzvah *D'oraita*) or any of the remaining 6 days (a mitzvah *D'rabanam*, and fulfills a double *kiyum* of Succot and *Zechirat Hamikdash*).

Does the learning of this Mishna and Halacha seem to imply that the fulfillment of the mitzvah of shaking the lulav (every person has to individually take possession of, handle, and shake) is of a higher stature than hearing the Shofar on Rosh Hashanah? When the first day of Succot and

Shabbat coincided, (only when the Beit Hamikdash was still standing) they would still shake the lulav in towns far away from Yerushalayim, Yavneh, and any other city. However, when it came to Shofar, the only time they would blow the Shofar when Shabbat and Rosh Hashanah coincided (outside of *Mikdash*) was when a *Beit Din Gadol* (one that could affirm the establishment of *Edut Hachodesh*) was present. And to take one step further, even when the *Beit Din Gadol* was present in a city, the shofar was only sounded in front of them, and not in every shul in the city where they presided.

Logically, it seems like the ability to err is much greater with regards to Lulav. Lulav, as we detailed above, is a mitzvah that requires everyone's individual effort and coordination. In order for it to be effective, as the mishna in Succah prescribes (3:13), *everyone* would bring his lulav to the Beit Knesset and leave it there on *Erev Shabbat*, and return Shabbat AM to identify his own, and then take it to fulfill the mitzvah of *Nitilat Lulav*. Imagine in our common era (and limited space in our coat closet) how we could possibly have everyone achieve that! I know myself what it is to finally get home on *Erev Yom Tov* in the hustle and bustle of leaving work early, checking the Lulav and the Arba'a Minim to ensure it is set up correctly, finding the lulav and etrog cases, organizing mine, my kids, and then the thought of having to go to shul and drop it off in an orderly fashion so we could pick it up in the morning! The lines would have to be ten times worse than going to do *Mechirat Chametz* in Beth Abraham!

In contrast, the mitzvah of shofar only requires one person to coordinate his thoughts and mind. The *Ba'al Tokea* must remember to bring his shofar, while the only thing the *kehila* must do is pay attention to him when he is up at the bimah. The *kiyum* mitzvah of shofar is listening, not requiring physical action like lulav. It doesn't make sense that Chazal would prohibit shofar on these grounds, (for the concern of one individual) while permitting the Lulav, even outside of the Beit Hamikdash, to be handled on Shabbat (someone may accidentally carry the Lulav to shul on Shabbat). The odds are much greater that an error would occur with lulav, yet the *takanah* was not applied to lulav, rather it was applied only to the Shofar.

I believe the understanding of all this lies in the explanation of the Magid Mishna on the Rambam, (2:9) of Hilchot Shofar, and the Ikari Tosafot Yom Tov on the Mishnayot explained above. When a Beit Din had the power to establish *Kiddush Hachodesh*, they were in control of regulating when the Chagim would fall out. As a result, Tosafot Yom Tov and Magid Mishna deduce that since the *Beit Din* exercised that power to determine when the *chagim* would occur through *Kiddush Hachodesh*, they themselves not only bore the responsibility of determining that the *chagim* occurred at the right

time, but they also had to instill the fear and inspire the *Tok'im*, and ultimately everyone else in the *Kehila* who came to hear Shofar on Shabbat, in front of the *Beit Din* who declared when the Yom Tov should actually occur! This took a lot of guts and confidence on their part. They not only determined when Yom Tov would start, but they had to face everyone, and allow what would normally be considered at least a violation of a *Gezeirah* of the *Rabanan*, in front of everyone, when that action took place on Rosh Hashanah! That statement, showing the absolute power of the *Beit Din*, was enough to inspire and strike fear in the people that might actually violate the *Isur* of carrying on Shabbat afternoon by carrying the shofar to practice with an expert. It also was something that could only be achieved by the *Beit Din Gadol* (it is disputed on how large that *Beit Din* actually was, but it had to be at least 23, or more likely the full Sanhedrin). A group of 3 people that form a Beit Din to determine smaller matters, mostly common/civil disputes was not sufficient.

It is worth noting that Rav Alfasi did actually blow shofar on Rosh Hashanah which occurred on Shabbat in his Shul/*Beit Din*, although it is not absolutely clear how large his *Beit Din* was at the time. There was also a case which occurred in the Old City of Yerushalayim after 1967, where a shofar was also blown on Shabbat Rosh Hashana, but the predominant opinion following the breakup of the formal Sanhedrin (which still operated in Bavel for several centuries following the destruction of the 2nd Beit Hamikdash) was that the power of the *Beit Din* was lost, and as a result, regarding our subject matter, they did not continue to blow shofar on Shabbat.

Therefore, the question that is still outstanding would be, if all the above is true, then the same *Beit Din/Chachamim* who established the necessity of 2 days of Rosh Hashanah (due to the fact of the inability to definitely determine or get the word out fast enough to all communities both in Israel and in Galut which day Rosh Hashanah would take place on) should have been able to prescribe a plan or method, perhaps similar to the way the Lulavim were dropped off and organized on Friday when Shabbat and Succot coincided, to permit the use of the shofar on Shabbat Rosh Hashana. Once again, the question is, isn't shofar a mitzvah from the Torah, and just as Lulav on the first day of Succot was done on Shabbat (before the destruction of the *Mikdash*) why not the Shofar as well?

I believe the complex balance of this lies in the strength of the *Beit Din*. *Beit Din*, in order to validate their conclusion of when the *Chagim* would occur, knowing that in some instances the first day of Rosh Hashana (and Succot) would at times occur on Shabbat, and unlike other *chagim*, there would never be an opportunity to re-capture those Mitzvot. Although they are

mitzvah *D'Rabanan*, when Shabbat and Chanukah coincide, we light the candles before Shabbat. When Purim and Shabbat coincide, we postpone the celebration of the holiday until after Shabbat. But in neither case do we ever skip or miss the mitzvah like Shofar. How could the prescription be written for the generations to miss this rare and inspirational mitzvah?

In discussing this with a long time friend, he suggested something he learnt from the Rav. The *shoresh*, root, of the word *Teruah* (from the pasuk of *Yom Teruah*) is *Resh Ayin Heh* (*Reah*/friend). When one is fortunate enough to have a close friend, you don't need the formal invitation to 'drop in'. Your *Reyut*/intimate friendship allows for the occasional unsolicited visit, but more importantly, it allows for the favor of, "can you please come over? There is something I need help with".

On Rosh Hashana, we yearn to make this same relationship with Hashem. Although, in preserving the words and directions of the *Chachamim*, and upholding their *Takanot*, we don't blow the shofar on Shabbat. However, on Sunday, the 2nd day of Rosh Hashana, we 'call on our friend' to grace us, and help to inspire us. We call on Hashem, only in the way a friend can, and ask him to help us materialize these feelings and emotions. They should be materialized through;

- 1) Our real *tefilot* and sincere plans and thoughts of Teshuvah
- 2) The sounds of the *Teruot* and *Tekiyot* which we hear only on the 2nd day of Yom Tov
- 3) By banning the shofar on the 1st day of Yom Tov and adhering to the guidelines established by the *chachamim* who so endearingly committed their lives to living Hashem's Torah, it connects the dots on the circle of observance and love of the Torah

May we be *Zoche* to be inspired by the Shofar, and all of the aspects of the *Yom Tov*, to bring ourselves closer to Hashem, and all of our *tefilot* should be accepted.

(Thanks Dr. Becker)

How to Confuse and Confound the שטן

Rabbi Avie Schreiber

A statement found in the Gemara in ראש השנה enshrouds the enigmatic Mitzvah of Shofar in even further mystery. רבי יצחק¹, poses the following question: למה תוקעין ומריעין כשהן יושבין, ותוקעין ומריעין כשהן עומדין? - *Why do we blow the Shofar when the congregation sits (prior to the Musaf Amida), and also blow the Shofar while the congregation stands (during the Musaf Amida)?*

The Gemara is asking: why is it necessary to have two sets of thirty sounds, one prior to Musaf and one during Musaf? In order to fulfill the Mitzvah of *Tekiat Shofar* on a Torah level, it is only necessary to blow the Shofar during one of those times! The Gemara cryptically answers,

"שטן כדי לעררב את השטן" - "in order to confuse the שטן". In what way is the שטן confused? And how does repeating the Mitzvah of Shofar confuse him? The טור², as well as תוספות and others, quotes a ירושלמי that offers a mystifying explanation: וכתיב והיה ביום ההוא יתקע בשופר גדול. כד שמע... קול שופר חדא זימנא, בהיל ולא בהיל. אומר: שמא ההיא זימנא דשופר גדול. כד שמע תניינא, אומר: ודאי מטא זמניה, ומירתת ומתעררב ולית ליה פנאי למיעבד קטיגוריא.

"... it is written, "On that day a great Shofar will be blown..." When the שטן hears the sound of the Shofar the first time, he gets partially confused for he says, "Maybe the time has arrived for that great Shofar (of Moshiach)." When he hears it a second time, he says, "The time has definitely arrived (for the great Shofar of Moshiach)." He becomes afraid and confused and doesn't have the opportunity to prosecute."

It is still unclear how this works. How does a simple repetition of a mitzvah have such a profound effect? Why do the second set of sounds, more than the first, convince the שטן that the "great Shofar" is being sounded to herald the arrival of Moshiach? To answer this question, we need to take a step back and delve into the nature of the mitzvah of שופר.

To understand the nature of the Mitzvah of Shofar on Rosh HaShana, we need to first understand its meaning on a more mundane level. What is the basic function of a Shofar in general? The basic function of a Shofar, put simply, is to be used as a method of communication. In the times of the Torah and beyond, it was used to communicate a message to a large mass of people in a quick and efficient manner. Certain simple sounds (broken,

1. ראש השנה דף טז עמוד א, ב
2. אורח חיים סימן תקפה

unbroken) were assigned specific meanings in advance. When the sound of the Shofar reverberated, everyone knew what to do. Similarly, we find that the חצוצרות - the Trumpets - were used by the כהנים to convey different messages to the Jewish People. When an unbroken sound was blown (תקיעה), all of בני ישראל knew that a meeting was convening. When a broken sound was blown (תרועה), all of בני ישראל knew it was time to break camp and prepare to journey.

Even today, we have a similar communication system. When a siren wails with an elongated sound, (such as an air raid siren that unfortunately people in Israel are accustomed to) people know that some sort of warning is being issued. When a siren is sounded in short urgent blasts, everyone knows an ambulance or police car is passing and to pull over to the side of the street.

Since the Shofar is essentially a method of communication, a crucial question needs to be asked about the Mitzvah of Shofar on Rosh HaShanna: **Who** is communicating to **whom** through the Shofar? While there are a number of possible answers to this question, I would like to focus on two:

- a) We are communicating to G-d. (בני ישראל אל ה')
- b) G-d is communicating to us. (ה' אל בני ישראל)

According to the first possibility, the sound of the Shofar is essentially Tefillah. All year round, we communicate to G-d and daven to Him through the medium of words alone, while on Rosh HaShanna, we communicate to G-d and daven to Him through the medium of the Shofar as well. This idea, of course, is well known and substantiated. The clearest indication of Shofar as Tefillah is the placement of the second set of thirty sounds into the Mussaf repetition of the *Amidah* (and in some congregations into the *Amidah* itself.) The sounds of the Shofar merge with the *Amidah* and become a powerful wordless Tefillah. Unencumbered by words, the Tefillah of the Shofar emerges from the depths of the human soul and reaches heights that standard Tefillah cannot attain.

According to the second possibility above, G-d is conveying a message to us through the Shofar's sounds. This aspect of the Shofar is seen in the Rambam as he writes in הלכות תשובה³: הלכות תשובה גזירת: "אע"פ שתקיעת שופר בראש השנה גזירת: הכות תשובה. הכתוב, רמז יש בו: כלומר, "עורו ישנים משנתכם, ונרדמים הקיצו מתרדמתכם, וחפשו במעשיכם וחזרו בתשובה, וזכרו בוראכם... והטיבו דרכיכם ומעלליכם, ויעזבו כל אחד מכם דרכו הרעה ומחשבתו אשר לא טובה."

There is a message to the sound of the Shofar: It is saying, "Wake up from your sleep and from your slumber. Examine your behavior and return through תשובה. Remember your Creator and improve your ways and actions, and let every person abandon his evil ways and his improper thoughts..."

3. פרק ג, הלכה ד.

The first approach views Shofar as a form of **Tefillah**. The second approach, in a sense, views Shofar as a form of **Torah**. While G-d usually communicates to us through the תורה, on Rosh HaShanna, G-d also communicates to us through the sound of the Shofar.

In summary, the Mitzvah of שופר תקיעת is a two-way communication between עם ישראל and ה'. G-d calls out to us, beckoning us to return to Him, while at the same time, we call out to ה' and express our yearning to be close to Him. The בעל תוקע stands at the crossroads of this conversation and he serves a dual role. On the one hand he is שליח - an agent of ה'. He is sounding the Shofar on behalf of G-d and delivering His message. At the same time, the בעל תוקע is שליח - an agent of ישראל. He is sounding the Shofar on our behalf and he is expressing our heartfelt *Tefilot* by generating the Shofar's piercing sounds.

There is a well known question regarding the halachik definition of the Mitzvah of שופר תקיעת. Is the Mitzvah defined as **listening to the sound of the Shofar** as is clearly held by the Rambam,⁴ or is the Mitzvah defined as **creating the sound of the Shofar** i.e. blowing the Shofar which seems to be the view of רבנו תם⁵? Or perhaps the Mitzvah is a combination of these two components - **both creating and listening** to the sound of the Shofar.

I would like to suggest that this question dovetails nicely with the two views of Shofar presented above. One aspect of the mitzvah of Shofar is the תקיעה - to create the sounds, i.e. to blow the Shofar. This aspect of the Mitzvah characterizes Shofar as a form of Tefillah through which we are communicating to G-d. Instead of davening in the standard way by generating **words**, we generate **wordless** sounds. This enables us to communicate to Hashem on Rosh HaShanna in a unique fashion.

A second aspect of the Mitzvah of shofar is the שמיעה - hearing the sounds of the Shofar. This aspect of the Mitzvah characterizes Shofar as a form of communication from G-d to us via the Shofar. The Mitzvah is to **hear** the Shofar and to understand and internalize its divine message.

I would like to further suggest that חז"ל instituted a second set of thirty sounds for the following underlying reason. חז"ל understood that the Mitzvah of Shofar has two aspects to it, each of paramount importance. G-d is communicating to us and, at the same time, we are communicating to G-d. חז"ל wanted us to focus properly on each aspect of the Mitzvah and

4. הלכות שופר פרק א הלכה א: מצות עשה של תורה לשמוע תרועת השופר בראש השנה

5. רא"ש ר"ה פרק ד, סוף סימן י בשם רבנו תם: שיש לברך על תקיעת שופר משום דעשייתה היא גמר מצותה

Confusing *Kolos*¹

Yehuda Zvi Adler

Two of the practices we perform when blowing the shofar are “*Kdei L’arbev Hasatan*” –to “confuse” the *Satan*. One of them is based on the gemara in Rosh Hashana 16 a-b tells us that *Kdei L’arbev Hasatan* is the reason we do *tekios d’miyushuv* and *tekios d’m’umed* (two sets of blowing, before and during *shemona esrei*).

How does blowing the shofar in two sets confuse the *Satan*?

Rashi explains: by repeating this mitzvah we demonstrate our love for *mitzvos* in general. This causes the *Satan* to become “confused” and hold back his complaints to Hashem against us.

There is a *midrash* that further explains what Rashi means. *The midrash* tells us, when one does *teshuva* out of love (for Hashem), one’s *aveiros* become *mitzvos*. When the *Satan* hears us repeating the blowing of the shofar out of love, he assumes that we also did *teshuva* for all our *aveiros* out of love. Therefore, in his eyes, all of our *aveiros* have now become *mitzvos*. Reporting them would be counterproductive.

Tosfos explain: the *Satan* knows that when *Moshiach* will come two of the things that will happen are:

1. The *Satan* will be killed
2. a shofar will be blown.

The first time he hears the shofar being blown he is not sure if it means *Moshiach* is coming. When he hears it repeated he “knows” that *Moshiach* is coming. This causes him to become confused (because he thinks he is about to die) so he cannot concentrate on prosecuting us.

The Ran explains: Reish Lakaish (in Bava Basra 16 a) tells us that the *Satan*, *Yetzer Hara*, and *Malach HaMaves* are all the same entity. The shofar causes **us** to become afraid, do *teshuvah* and subdue our *Yetzer Hara*. Since our *Yetzer Hara* **is** the *Satan*, when we overcome him he can’t be effective against us.

Tosfos ask: why isn’t blowing extra shofar blasts a problem of *bal tossif* (adding on to a *mitzvah*)?

Their answer is that doing complete *mitzvos* repeatedly is not a problem of *bal tossif* (like if a kohen performs *bircas kohanim* in two *minyanim*, or if one shakes the *arba minim* twice). It is only a problem if one adds on to the *mitzvah* itself (like adding a fifth *min* or a fifth *parshah* to *tefillin* or adding to the text of *bircas kohanim*).

Kesiva Vichasima Tova.

1. I would like to thank Benzion Cohen, who learned with me this summer and taught me this *sugya*, my uncle Rabbi Aryeh Adler who told me the Ran, and my father who helped me organize the *Dvar Torah*.

Teshuva - The Path to D'veikut

Jonathan Kaplan

Have you ever started reading a book and were not clear what you were reading? Only when you got to the end did you truly understand what the beginning really meant? Sometimes it might make sense to skip to the end and understand the context and then return to the beginning. Perhaps this approach might be helpful in understanding Rambam's Hilchot Teshuva. This is not to say that the Rambam is not clear at the beginning of Hilchot Teshuva. Rather, if we skip ahead to the latter chapters, we have a better understanding of what the ultimate goals of Teshuva are and with that background we can understand the steps laid out in the earlier chapters.

Rambam Hilchot Teshuva Perek 7 Halacha 6

גדולה תשובה שמקרבת את האדם לשכינה שנאמר שובה ישראל עד ה' אלקיך, ונאמר ולא שבתם עדי נאם ה', ונאמר אם תשוב ישראל נאם ה' אלי תשוב, כלומר אם תחזור בתשובה בי **תדבק**, התשובה מקרבת את הרחוקים, אמש היה זה שאוי לפני המקום משוקץ ומרוחק ותועבה, והיום הוא אהוב ונחמד קרוב וידיד.

*Great is repentance, which draws a person near to the Divine Presence, as it is written, "O Israel, return to the Lord your God". It is also written, "Yet you have not returned to Me", says the Lord, and it is also written, "If you will return, O Israel", says the Lord, "return to Me" - i.e. if we return in repentance we will be **attached** to God. Repentance draws near [even] those who are far away - one day someone can be hated by God as an abomination and a distant loathsome object, and [through repentance] he can be loved the next day, and be [held] close and endeared.*

Ultimately the goal is D'veikut BeHashem as we also see in Perek 7 Halacha 7.

כמה מעולה מעלת התשובה, אמש היה זה מובדל מה' אלקי ישראל שנאמר עונותיכם היו מבדילים ביניכם לבין אלקיכם, צועק ואינו נענה שנאמר כי תרבו תפלה וגו' ועושה מצות וטורפין אותן בפניו שנאמר מי בקש זאת מידכם רמוס חצרי, מי גם בכם ויסגר דלתים וגו', והיום הוא **מודבק בשכינה** שנאמר ואתם **הדבקים** בה' אלקיכם

How wonderful is the uplifting of repentance! Somebody can, on one day, be separated from the Lord, God of Israel, as it is written, "Your iniquities have made a separation between you and your God"; we beg but are ignored, as it is written, "...even when you make many prayers I will not hear"; we perform mitzvot but they are discarded by Him, as it is written, "...who has required this at your hand, to trample my courts?", and, "O that there were

one among you who would shut the doors that you might not kindle fire on My Altar for nothing! I have no pleasure in you', says the Lord of Hosts, 'nor will I accept an offering at your hand'" - and on the next day he can be attached to the Divine Presence, as it is written, "But you who cleaved to the Lord your God".

When a person transgresses and doesn't keep the mitzvot he is creating a separation between himself and Hashem. The Tikun or correction of the separation that is created by sin is Teshuva. The misconception is that Teshuva is simply the removal of the sin, thereby returning the sinner back to where he was before the sin. This is not the case. Chazal explain in Gemarah Berachot 34 b "where a Baal Teshuva stands a complete tzadik cannot stand." If it were true that Teshuva was just the removal of the sin, then the Baal Teshuva would not be able to stand with the Tzadik Gamur, let alone be superior. Rather, what we see is that the Baal Teshuva in his effort to rectify his sins is doing much more than reversing his sins. The Baal Teshuva, in his act of Teshuva, is able to attain a greater connection to Hashem. He is not just the same person he was before the sin but, rather, he attains a greater level in his D'veikut, connection, to Hashem.

Rebenu Yonah explains at the beginning of Sharey Teshuva that Teshuva is a gift that Hashem has bequeathed to his children, which allows us not just to return to our earlier state but rather to reach a greater state of expansiveness. It is through the process of Teshuva that we are able to attain levels of connection to Hashem that we didn't have before. This also explains the concept of זדונות נעשות כזכויות. It is the sin itself, when fixed with Teshuva, that ultimately brings the person closer to Hashem than he was before. In this sense the sin can be viewed as a זכות, merit.

The שלום explains the mechanism of Teshuva. He quotes the Rambam Hilchot Teshuva Chapter 1 Halacha 1. וידי זה מצות עשה. Why is the positive fulfillment of the mitzvah of Teshuva – Viduy(confession)? Why is it not stated that there is a mitzvah to do Teshuva. He answers that when a person does Teshuva alone and resolves not to continue to sin, he has not fulfilled the mitzvah of Teshuva. Rather, the mitzvah of Teshuva is a unique power that Hashem created in which a Jew breaks his heart before Hashem through Viduy(confession) and states, "Hashem: I have sinned and I am ashamed of my actions. I am ashamed with myself and therefore I will not return to these actions." It is through the person's broken heart that he returns to Hashem. Ultimately, this is the Mitzvah of Teshuva as stated in the Torah. It is through this process of lowering oneself in front of Hashem that the repentant ultimately obtains closeness through the Teshuva process.

When we understand that the מטרה (goal) of Chodesh Elul, Yamim Noraim, and Sukkot is D'veikut BeHashem (attaining a higher level of connection with Hashem), then we understand why we recite Tehilim Chapter 27

throughout this period. The Malbim in his introduction to this chapter explains that Hashem's השגחה (providence) is extended based on a person's D'veikut in Hashem. One who is attached to Hashem has continuous השגחה and ה' watches over the person constantly. Therefore one who relies on Hashem continuously has nothing to fear. Therefore, even though a person wishes for and desires many things, he should focus on one request - to be connected with Hashem always. Based on this formula, one should pray that Hashem should assist him in D'veikut, and remove all obstacles that get in the way.

It is along these lines that the Malbim explains pasuk 4.

אחת שאלתי מאת ה' אותה אבקש שבתני בביתי ה' כל ימי חיי לחזות בנעם ה' ולבקש בהיכלי:

The famous question that is asked on this pasuk is the apparent redundancy in the wording. "One thing that I asked of Hashem, that I shall seek". He explains that "שאלה" refers to requests of the past. "בקשה" is for the future. What I have requested in the past is the same thing that I ask in the future. Additionally, I am not asking for the commonly requested items such as good health, livelihood, and security. All I am asking for is one thing and one thing only. Additionally, "שאלה" is what comes out of one's mouth while "בקשה" is what someone desires in his heart, אחד בלב, אחד בפה. The Mouth is a reflection of the heart. They are one and the same. This explains the next line. When I ask to sit in the house of Hashem, I am asking so because I want to be able to experience the pleasantness of Hashem and to be a visitor in his inner sanctuary. Even if the outgrowth of this request is security and well being, it is strictly because this will allow me to get to the ultimate goal of being connected to You Hashem. It is in this context that the chapter continues.

(ז) שמע ה' קולי אקרא וחנני וענני: (ח) לך אמר לבי בקשו פני את פניך ה' אבקש: (ט) אל תסתר פניך ממני אל תט באף עבדך עזרתי היית אל תטשני ואל תעזבני אלקי ישעי: (י) כי אבי ואמי עזבוני ויהוה יאספני:

7- Hear Hashem my voice when I call, show me favor and answer me. 8- On your behalf my heart has said, seek my presence, your presence Hashem do I seek. 9-Do not conceal your presence from me, do not repel in anger your servant; my helper you have been, do not abandon me and do not forsake me O God of my salvation; 10- though my father and mother have forsaken me Hashem will gather me in.

Being secure and victorious over my enemies is an outgrowth of my desire to be connected to Hashem. In my victory I will bring offerings of appreciation and sing praise to Hashem. When we read these pesukim in the context of our desire for D'veikut with Hashem - the message is crystal clear.

In conclusion, we need to remember the final pasuk of the chapter. The hope that we have for Hashem is a hope that will strengthen our hearts. It will empower us. We need to have faith in Hashem. We also need to have faith

in ourselves. We need to remember the deep love and care that Hashem has for us. In turn, we need to never give up hope. Additionally, the hope and faith we have in Hashem is in itself the goal. It is a reflection of our relationship with Him. This is the עבודה of Chodesh Elul, Rosh Hashana, and Yom Kippur. However, it does not stop there. Rather, it continues into Sukkot as we celebrate our new D'veikut with Hashem.

The Bane of an Apartment Dweller's Existence

Shlomo Wohlberg with assistance from Dovid Wohlberg

ובין תנור לכירים
(רש"י דברים א: ט"ז)

בין כסה לעשור
(עשרת ימי תשובה, פזמון, יום שני)

Anyone who's lived in an apartment house knows the drill. Older downstairs couple just wants to sleep *shabbos* afternoon and they expect absolute quiet. Upstairs students just want a social life and have a parade of friends coming over for an extended lunch. Downstairs couple locks the outside door and complains to the landlord; upstairs students invite more and louder friends, and drop bowling balls on the floor..... The passions escalate, the matter spins out of control and reconciliation is now near impossible. It's no longer about some noise but it's all out war; and it's just after *Tisha B'av*, during *Elul*, before *Aseres Yemay Teshuva*. Both sides right and both sides wrong. What to do?

Devorim 1:16- "...and you shall judge righteously between a man and between his brother, and between the stranger."

Rashi: ובין גרו - דבר אחר ובין גרו, אף על עסקי דירה בין חלוקת אחים אפילו בין תנור לכירים:

"another explanation, even in the matter of a dwelling house [don't read "gayro" but "guro" dwelling] - in the division of property between brothers, even if it be a dispute between an oven and a stove." Huh? What's this dispute בין תנור לכירים ?

Rashi above is quoting a gemara. *Sanhedrin* 7b:

בין איש ובין אחיו (ובין גרו) אמר רב יהודה: אפילו בין בית לעלייה, ובין גרו - אמר רב יהודה: אפילו בין תנור לכירים

Rashi explains: - שנפלה להם בית בירושה, אל תאמר: טול אתה בית ואחך עליה, ומה בכך הרי לכל אחד יש לו דירה אלא העלה אותן בדמים, והשווה חלוקתן על ידי מעות.

Briefly, *Rashi* learns that *bais din* is instructed to divide property that is not equal in value (no two houses or apartments can ever be "equal") according to its monetary value with the other side making up the difference in cash. The explanation is a bit difficult. Does the Torah really have to caution *bais din* to not just give one brother the *tanur* (big, worth more) and the other the *kirayim* (small, worth less), and call it even by saying, "Well you each have something to cook with?" Or give one brother an apartment that is worth more and the other an apartment that is worth less, and call it even by saying "Well, you each have a place to live?" Everyone knows you can't just cut up the birthday cake at your 10 year old's birthday party, give each kid a slice and say, "Well you each got a piece of cake". Every kid eyes the piece of

cake the other child received, and begins the litany, "Her piece is bigger/chocolatier/more sprinkles/ and IT'S NOT FAIR". Thus each piece has to be "equivalent" with the right ratio of size to chocolate to sprinkles so that the pieces are "worth the same". Does the Torah really have to teach *bais din* birthday cake cutting 101? Furthermore, according to *Rashi*, if we are dividing the upstairs and downstairs, Rav Yehudah should have said "בין בית לעלייה" "between the downstairs and the upstairs" not "בין בית לעלייה" "between the downstairs to the upstairs", which really connotes the space **between** the upstairs and downstairs, ie; the ceiling/floor. The same is true for בין תנור לכירים. According to *Rashi* the gemara should say בין תנור לכירים, not בין תנור לכירים, which connotes the space **between** the tanur and the kirayim. And what IS this בין תנור לכירים anyway?

Perhaps we can explain as follows: The gemara in *Taanis* 30a quotes from the same Rav Yehudah:

אמר רב יהודה אמר רב: כך היה מנהגו של רבי יהודה ברבי אילעאי: ערב תשעה באב מביאין לו פת חרבה במלח, ויושב בין תנור לכיריים

Rashi: "the dirtiest place in the house".

We see several things from this gemara. First, בין תנור לכירים does not mean to divide a *tanur* to one and the *kirayim* to another, but it means the space in between the *tanur* and *kirayim*. Second, are the brothers really fighting and going to *bais din* over the מקום מנוול שבבית, the dirtiest (and hence least desirable) place in the house? Or rather, did it start as some minor issue that escalated and spun out of control and now "fighting for the principle" has taken over? Similarly, בין בית לעלייה does not mean to divide the house, but the space between the upstairs and downstairs, i.e., the ceiling/floor. And how does *bais din* deal with the upstairs - downstairs situation that has escalated so that neither side has peace? As someone once said, (Artsroll? Paul Simon? Paul Simon working for Artsroll?), "One man's ceiling is another man's floor."

Perhaps this is what the Torah is telling *bais din* (and us). Deciding money issues and the value of a stove, oven, downstairs apartment or upstairs apartment is relatively easy; get an appraisal and divide according to value with the other side making up the difference in money. But how do you decide between brothers who are fighting over מקום מנוול שבבית, or upstairs/downstairs neighbors, where obviously the disagreement is not about money? What's a *bais din* (or us) to do?

The answer might lie in another gemara about Rebbe Yehudah Berebbi Ilayi. The gemara describes one of the the "hallmarks" of Rebbe Yehudah Berebbi Ilayi as follows: *Sanhedrin* 20a: אמרו עליו על רבי יהודה ברבי אילעאי שהיו ששה תלמידים מתכסין בטלית אחת ועוסקין בתורה.

To quote a shmooz from Rav Shvadron: ever try to go to sleep sharing a blanket with someone else? Impossible. First, you pull the blanket to

yourself and fall asleep. A short while later, your neighbor *shleps* the blanket off of you, covers himself, and falls asleep. It doesn't take long before you're awake, cold, and *shlep* the blanket off your neighbor. And so goes the night, with neither getting much sleep. BUT, if each person sees to it that the OTHER person is covered by the blanket, then BOTH will get a good night's sleep. And that is the lesson of the *talmidim* of Rebbe Yehudah Berebbi Ilayi - they were so concerned about the welfare of the OTHER that six were able to share a blanket.

And perhaps this is the charge to *bais din* and to us. We have to address the issues of חלוקת אחים אפילו בין תנור לכיריים . If we are arguing about מקום מנוול שבבית, principle, or who has the right to absolute quiet or to make some noise in an apartment, (my way is right and your way is wrong), then no one is going to get any sleep. But if we think about the OTHER person, i.e. we can't expect perfect silence, and maybe we can keep the noise down, each group will sleep easy. Let us not argue about "principle" - about the space בין תנור לכיריים - the space where Rebbe Yehudah Berebbi Ilayi had his סעודה on the eve of *Tisha B'Av*, the day we commemorate the destruction of the *bais hamikdosh* caused by שנת חנם. During the upcoming days of כסה לעשור, בין כסה לעשור, let us incorporate the lesson of בין תנור לכיריים and see that the OTHER person is "covered" with אהבת חנם, and try to remove the bane from someone else's existence.

ובא לציון גואל במהרה בימנו

You DO Have a Prayer¹

Andrew Neff

As we get ready for Yom Kippur, I have a question: What is Kol Nidre all about? Why do we say Kol Nidre on Yom Kippur? Or, more importantly, why is Kol Nidre which means, All vows, the last thing we say before the start of Yom Kippur, the holiest of holy days, the Shabbos of Shabboses? What is the big deal about vows?

There is a simple answer that is a bit complex and then there is a complex answer that is really simple. And, then, seven rules that I find helpful for enhancing my prayers.

The simple answer is that in Kol Nidre, we renounce all vows we made during the year and according to most authorities the vows that we may make during the coming year as well. But that simple answer doesn't really explain anything. It is much more complex. Why are vows so important? What is the big deal about vows, not only in Kol Nidre but throughout the Torah and Talmud? If a judge asked a man on trial for a capital crime if he has anything to say for himself before sentencing, would he say, "Well, I forgot to pay my Mastercard bill even though I promised I would?"

The complex answer highlights the essence of prayer. It is actually quite simple. We say Kol Nidre because it highlights our direct connection to G-d and G-d's direct connection to us.

Let me give some perspective. The essence of a vow is that it is a contract between G-d and me. Okay. So? I make agreements all the time. I usually feel bad if I don't live up to them, but it's not the end of the world. And I may sometimes make a promise to G-d that I will/won't do something. I try my best but sometimes I don't live up to that vow either. So here's the big deal: the incredible thing about a vow to G-d is what it actually is. A vow is a contract between the Almighty and me. Think about that. It is an outright real enforceable contract. I can make a deal with G-d. It is a direct connection like renting a car or an apartment or any other promise or contract. But think about it- G-d is infinite, ever-expanding, runs the world, feeds the animals, gets the sun to rise and makes the stars. I can make a contract directly with G-d. So a vow gets to the essence of my relationship with G-d. It is one-on-one. I have a personal relationship even to the extent that I can cut a deal with G-d. G-d is in the heavens but I have a one-on-one relationship with the Almighty.

1. A form of this article appears on the OU website - OU.org.

Now, let's get to Kol Nidre. This is no ordinary deal. The relationship with G-d is special. It is not to be taken lightly. With a vow to G-d, if I violate an oath, it is a big deal because we treat a vow as a real contract. But there is more: Kol Nidre gives me an incredible opportunity, i.e., to start the year fresh without any outstanding obligations. But I will come back to that in a moment.

Next: my seven rules for prayer.

1. You don't have to finish praying but you do have to start.
2. Pray early and often.
3. Having a "good prayer" day.
4. Know before Whom you stand.
5. Finding a parking spot in NYC
6. Real men do prayer.
7. Choose your weapons.

1. Prayer: You don't have to finish, but you have to start.

If you go to a typical mainstream Orthodox prayer service, it can be hard to keep up. They go so fast. You don't have to. And you don't have to finish all the prayers. Quality matters over quantity. Looked at another way, we are all influenced by the business world in which the only thing that counts is results. In prayer, you get full credit for the effort. There are certain ones (e.g., Shema, the Amidah) that are more central, but our Sages tell us that you have to understand what you are saying. In the SAT's you get more credit for the right answers. Similarly, in prayer, you get points for knowing what you are saying and not just for rushing through so you finish.

2. Pray early and often.

One of the nice things about Jewish prayer is that the morning and evening prayers bracket your day. You start your day with prayers and you finish your day with prayers. So everything in the middle is in the "prayer parentheses." It helps to put perspective on the world if you start and end your day with prayers. It gives your day more meaning. Everything you do during the course of your day fits inside the brackets that starts with G-d and ends with G-d - with a booster shot in the middle of the day with mincha (mid-day) prayers.

3. Having a "good prayer" day.

I have a friend who made a joke that when Houston was conducting a contest for a city motto, her suggestion was: "Houston: where every day is a bad hair day." I have good "prayer days" and bad "prayer days." There are some days when prayer comes more naturally. You have something bothering you. And there are those days when it doesn't because you are distracted. That's normal. So don't let that get you down or discourage you. Tomorrow can be better. A great baseball player can go 0 for four and then hit a grand slam!

4. Know before Whom you stand.

Prayer does require the right perspective. If I really believe that I am praying to the King of Kings, Who controls the world, I will have a different mind set than if I don't have any particular perspective in mind. Before I walk into my (secular) boss's office, I intuitively know who I am about to address and will act accordingly. It is the same with prayer: you need to think for a moment before you approach your Boss of all Bosses.

What about talking during praying? I used to get very annoyed when other people were talking while I was praying. Where is their sense of dignity, I would huff to myself. Sometimes I would think about telling them to be quiet. But now I look at things differently. Every action, I realize, consists of two parts: what it means for me and what it means for the other person. I don't know why that person is talking, but that is his issue. For me, I believe that G-d is giving me a test, testing me with the temptation for me to talk (since everyone is doing it). But G-d gives us tests to strengthen us, and this is just one more of those tests.

5. Finding a parking spot in NYC.

What should you pray for? What are legitimate grounds for prayer? The answer: I pray for everything. I pray for the big things and I pray for what seem like small things. But first a joke: A man is running very late for the most important meeting of his career. He has to be somewhere to sign some documents in midtown Manhattan. And he needs a parking space right in front of the midtown NYC building. "Oh Lord", he pleads, "if you find me a parking spot in front of that building, I will observe your laws -I will keep the Shabbos, I will keep kosher, I will, oh, never mind - I found a spot." It is legitimate to pray for a parking space. It is okay to pray for anything, for everything. It's a great habit to get into. Because it helps us remember Who is in charge of everything. G-d splits seas, brings the weather, brings the dew in the morning and helps me find a parking spot.

6. Real men pray.

I think there seems sometimes to be a level of elitism in the religious world that prayer is for for the weak and real men learn gemara. But look at the gemara or look at the Torah: real men such as Avraham, Isaac and Jacob prayed. Prayer is for all of us. At a more contemporary level, great rabbis focus on prayer. I have been told that Rav Moshe Feinstein said tehillim (Psalms) every day and that his son, Rav Dovid Feinstein says the whole book of tehillim three times a week. From another perspective, it's like conditioning for a great athlete. They didn't get to the top of their sport without constant practice of the basics.

7. Choose your weapons.

When it comes to prayer books - siddurim - there are a lot of choices. There is Hebrew/English, transliterated, interlinear, Hebrew only. There's large

print, small and portable. There are also some great books on prayer. I find that I like having multiple prayer books because some days I want a different pace or different commentary.

Finally, prayer is personal. While I have a terrific partner - my wife, Nancy - in my spiritual growth, prayer remains an individual activity. Like dieting or exercise, no one can make me pray. It has to come from me. And that is why I started out by trying to put prayer in context - I am praying to G-d, with whom I have a one-on-one relationship.

One last point on Kol Nidre. Not only do we have a direct relationship with G-d, but He will let us out of all of our vows so we can start the year fresh. It is essential to understand that this is a real relationship. When we take a vow to G-d as a very serious thing, then we can look at our prayers as having real meaning - as being a real conversation where we ask for all the things we need - and are thankful for all the things we have. Kol Nidre, then, highlights first, that we have a real tangible one-on-one connection with G-d to the extent that I can enter into an enforceable contract with G-d. Second, that G-d, and this is where he differs with Mastercard or your lender, will forgive us for hasty things we say and start each year fresh and new.

Commitment and Sacrifice - the Keys to *Mechila*

Dov Adler

The קריאת התורה on Yom Kippur, selected from the beginning of עבודת יום הכפורים, focuses on the dramatic ritual of the אחרי מות, commanded by the הקב"ה. The second פסוק introduces the פרשה by saying: ויאמר ה' אל־מֹשֶׁה דַּבֵּר אֶל־אַהֲרֹן אַחִיד וְאַל־גִּבָּא בְּכָל־עֵת אֶל־הַקֹּדֶשׁ מִבַּיִת לַפָּרֹכֶת. Hashem commands Moshe that Aharon is not allowed to enter the קודש whenever he wants. Rather, as continued in פסוק 3: בָּזֹאת יָבֵא אַהֲרֹן 3: פסוק אֶל־הַקֹּדֶשׁ בַּפֶּרַח בְּרֹב־בָּקָר לְחֻטָּאת וְאֵיל לְעֹלָה: כְּתִנְתָּ־בֵד קֹדֶשׁ יִלְבָּשׁ וּמִכְנָסֵי־בַד יִהְיוּ...עַל־בְּשָׂרוֹ. The Torah specifies exactly how Aharon should carry out the עבודה. The exact clothes that Aharon should be wearing, what animals he should bring and what his preparation needs to be prior to entering the קודש הקדשים.

Rashi, on the פסוק, בָּזֹאת יָבֵא אַהֲרֹן, פסוק comments: ואף זו לא בכל עת, כי אם ביום: "with this shall Aharon enter" is coming to emphasize that even if Aharon follows this ritual exactly as prescribed, he is only allowed to enter the קודש on Yom Kippur. Aharon is not allowed to do the ritual any other day during the year.

The Kli Yakar explains that the words בְּכָל עֵת - "at any time", imply that Aharon is not allowed to enter the קודש ANY time he wants, but there are CERTAIN times that he would be allowed to enter as long as he would do the ritual described. But, we know that is not the case, as Aharon is only allowed to enter once a year, on Yom Kippur. The implied question is why would the Torah use such language to explain when and how Aharon should enter when we know there is only one day a year he is allowed to enter? Why couldn't the Torah simply state that you are only allowed to enter on Yom Kippur on condition that you perform the ritual that is described in the פרשה. Why the language of וְאַל־גִּבָּא בְּכָל־עֵת... בָּזֹאת יָבֵא אַהֲרֹן when we know that there is only one day that Aharon is permitted to enter the קודש?

The Sifri explains that the Torah wants to emphasize that even on Yom Kippur there are limitations as to when the כהן גדול can enter the קודש. He is only allowed to enter when performing the ritual described, wearing the proper clothing, and preparing himself in a manner that is consistent with the guidelines that are prescribed by the הקב"ה. The Torah is using this unusual formulation to describe the only day a year that Aharon or the כהן גדול are allowed to enter as a point of emphasis. Even on Yom Kippur there is only one way to get in.

Perhaps we can use the answer of the Sifri as a basis to suggest an alternate answer to this question. The *mishnayos* in Yuma explain in detail the extensive preparation that the כהן גדול must go through prior to Yom Kippur. The first mishna states: שְׁבַעַת יָמִים קִדְּם יוֹם הַכַּפּוּרִים מִפְּרִישֵׁין כְּהֵן ... גְּדוּל מִבֵּיתוֹ לְלִשְׁכַּת פְּלִהָדְרִין ... The כהן גדול is separated from his home seven days prior to Yom Kippur to begin the preparations for Yom Kippur. The *mishnayos* continue: מִסּוּר לֹ זָקָנִים ... וְאֹמְרִים לוֹ, אִישִׁי כְּהֵן גְּדוּל, קָרָא אֶתָּה. The elders are asked to remind the כהן גדול to review what he is going to say and what he is going to do. They are testing him to make sure that he is comfortable with every single detail. After all, the כהן גדול has not done this ritual since the last Yom Kippur and he must ensure that he has all of the details mastered in order to be successful. Once Yom Kippur arrives and it is time to actually do the עבודה, he is extremely well prepared. He has been in seclusion from the outside world and he has been focusing on each and every detail for a significant period of time. That's when the הקב"ה says וְאֶל-יִצְחָק אֶל-הַקֹּדֶשׁ. Even on Yom Kippur, when the כהן גדול feels that he is extremely well prepared to do the עבודה and is prepared to ask *mechila* from Hashem for all of klal yisrael, the הקב"ה tells him to pause and take stock. Even after all of your preparation, you are still not allowed to enter the קודש הקדשים. בְּזֹאת יָבֵא. קוֹדֵשׁ הַקְּדוּשִׁים. Only with this formula will you be able to enter.

פר בְּרִבְקָר The Medrash comments that the פר בְּרִבְקָר that was used during the עבודה is representing Avraham Avinu and the אֵיל is representing Yitzchak. At the beginning of *Parshas Vayairah*, (18:3) after the מלאכים come to visit Avraham, the Torah tells us "ואל הבקר רץ אברהם" and Avraham ran to prepare a meal for the visitors that he had after his bris milah, always looking for an opportunity to do chesed. That is what the פר בקר in the *avoda* is representing. The אֵיל from the *avoda* is representing Yitzchak as he was swapped for an אֵיל, a ram during the עקדה. Avraham and Yitzchak, as a unit, are the ultimate representatives for one's commitment to the הקב"ה, representing both the chesed that one must perform and the commitment that one must have throughout one's life. That is the mindset that the כהן גדול must have as he is about to perform the ritual of the עבודה. At this critical time, Hashem is asking him to make sure that he is focused on his commitment for the upcoming year. Only that will give him permission to enter the קודש. Only when he comes with his reaffirmed commitment to Hashem, represented by the פר בקר and אֵיל לעולה, which are symbolic of the ultimate team of commitment to God, Avraham and Yitzchak, is he allowed to ask for *mechila* for all of klal yisrael. That one moment is critical. Prior to that, even if he is extremely prepared, he is not allowed to enter the קודש.

Today, unfortunately, we don't have the *Avodas Yom Hakipurim* to assist us and be the vehicle through which Hashem provides us with *selicha* and *mechila*. However, the vision of Avraham and Yitzchak together at the עקדה, willing to sacrifice one's life based on God's request, still represents the model of commitment that we each are striving for. Perhaps for this reason we read this פרשה on Rosh Hashana. As we enter Yom Kippur, we have been through a month long preparation of *chodesh elul*, an intense *aseres yimai teshuva* and we are confident that we have put in the time to focus on improving ourselves to allow Hashem to provide forgiveness. At that very moment, פר בְּרִבְקָר לְחַטָּאת וְאֵיל לְעֹלָה expects us to bring our commitments for the next year, the next month, the next week and the next day.

At the end of the עקדה, there is a simple question that can be asked, that perhaps, can give insight into how powerful our actions can be and what an impact our verbalized commitment can have with Hashem. At the beginning of the פרשה Hashem himself asks Avraham to sacrifice his son Yitzchak. The Torah says (22:1,2) "וַיֹּאמֶר אֱלֹהֵי אַבְרָהָם וַיֹּאמֶר הִנְנִי ... וַיֹּאמֶר קַח-נָא "אֶת-בְּנֶךְ אֶת-יִצְחָק. Hashem himself makes the request of Avraham to sacrifice his son Yitzchak. When Avraham is about to sacrifice Yitzchak it is a מלאך ה' who calls down מן השמים and tells him not to touch his son and not to harm him, as God now knows that indeed he is a God fearing individual. Why would a מלאך ה' be the one to call down and stop Avraham from carrying out the mission? Why would the הקב"ה himself not tell Avraham to stop just as He Himself verbalized the commandment to sacrifice his son?

Perhaps, על פי דרוש, we can explain that the plan was for Hashem himself to stop Avraham. When God presented Avraham with this test, He knew that Avraham would pass it and he would be willing to sacrifice Yitzchak. Hashem recognized Avraham's commitment prior to this final test. The plan all along was for God himself to stop Avraham and tell him not to touch Yitzchak. However, there are times in a child's life, when he or she does something so unique and so special that the parent gets overwhelmed with emotion at the moment itself. A child makes a decision that is not an easy one to make or overcomes a hurdle in school he or she has been working so hard on for a long period of time. At the actual moment that it happens, the parents become overwhelmed with emotion and are rendered speechless. A unique sense of pride is instilled so that tears of joy, tears of love are the only expression the parents can manage. God is our ultimate parent, as we say throughout Yom Kippur "אננו בניך ואתה אבינו". When Avraham picked up the knife to sacrifice his son, at that moment, the הקב"ה כביכול, realized that indeed his child, Avraham, is about to do something so unique and so special for one reason only, because he was commanded to do so. The love and respect that Avraham had for Hashem was captured in this one moment. God

himself, at that moment, was speechless. He was unable to call down and tell Avraham to stop. Tears of love, כביכול, were falling from the sky, as He realized the commitment and love that his child had towards Him and words could not be expressed. For this reason, the מלאך had to be the one to call down and tell Avraham to stop and not to sacrifice Yitzchak and to use the איל instead.

By each of us bringing our own personal לעולה ואיל לחטאת and hopefully will be able to re-affirm our commitment to הקב"ה and hopefully have the same impact on Him that Avraham did. Hopefully, He will recognize our sincere commitment to His Torah and mitzvos and a full expression of selicha, mechila and kapara will be attained by each and every member of klal yisrael.

A Boat, A Plant, and the Number Forty – Insights into Sefer Yonah

David Greenberg

The *mishnah berurah* stipulates that we have a custom to read Sefer Yonah at *mincha* on Yom Kippur. The reason that is cited is that Yonah relates the concept of *teshuva* and that one cannot run away from the *ratzon* of Hashem. The many acts of *teshuva* that we see from Yonah himself, the people on the boat, and the citizens of Ninveh, are a source of inspiration for all of us. We learn that heartfelt *teshuva* can reverse the harshest of decrees, and as long as a human being is sincere, he will always be given an opportunity to return no matter how far away he may be.

The Boat

Yonah is sent on a mission to rebuke the people of Ninveh. He is initially afraid to go as he cannot comprehend why Hashem required him to make the city of Ninveh repent, when back home his own people were failing miserably in the service of Hashem. How could He require a non Jewish nation of 120,000 people, to improve their lives, when am yisroel are the ones that really require the mussar. Yonah boards a boat to try and flee from the *ratzon* of Hashem. As the ship tosses and turns and the sailors pray to their gods, Yonah is fast asleep running away from the truth. Yonah runs to the furthest part of the ship and as the pasuk tells us he is “*vayeradem*” in a deep sleep, as opposed to “*vayishan*.” (Yonah 1:5) The deep sleep according to the Vilna Gaon is his refusal to see the *ratzon* of Hashem. The captain wakes him up and asks him to pray to his god, but Yonah knowing that he is the cause of the storm asks him to throw him overboard. The storm settles and he is swallowed by the fish. It is in the belly of the fish that he realizes what he was running away from and he begins the return to the awareness of Hashem, His will, His mercy and it is then that Yonah does *teshuva*.

The question that many *meforshim* ask is – “*why?*” How could Yonah be so blinded as to the *ratzon* of Hashem? Was he really that concerned that the people of Ninveh would outdo *am yisroel*, and was he so fearful that *benei yisroel* would not do *teshuva*?

The answer can be found in Meseches Yoma (85B): “Rabbi Akiva says: **“Fortunate are you yisroel, before whom do you cleanse yourselves? Who cleanses you? – your Father in Heaven.”**

The mishnah then brings down two psukim that we learn this from.

- “I will sprinkle pure water upon you and you shall be cleansed.” (Yichezkel 36:25)

- “The *mikvah* of Yisroel is Hashem.” (Yirmiyahu 17:13) Just as a *mikvah*’s waters purify a person, so too Hashem purifies his nation.

Why does the mishnah cite 2 different sources for this statement? The *Tosfos Yom Tov* explains Rabbi Akiva’s twofold question, stating that the mishnah is trying to explain 2 different types of people and how each goes through the *teshuva* process. The first pasuk speaks of an individual who had intention and understood what he was doing when he sinned. He is an individual that is far removed from Hashem and requires severe intervention by Hashem to help him fulfill *teshuva*. Once this person shows a desire and willingness to return to Hashem, Hashem promises “I will sprinkle clean water on you, and you will be clean.”

The second pasuk speaks of a person that had sinned because his *yetzer harah* took control over his actions. This individual suffered a momentary lapse of control and he immediately recognized his transgression. He seeks forgiveness right away from Hashem and therefore it is within his power to shake off his wrongdoing and actively enter the *mikvah* and become *tahor*.

Yonah fell into both of these categories. He ran away from Hashem only to realize his complete inadequacies and errors. Once Yonah recognized his mistake, Hashem intervened and helped him fulfill the *teshuva* process. We learn from Yonah that we can never become so removed to the point that we can no longer reconnect with Hashem. We should never feel that we cannot change our ways and do *teshuva*. Yonah realized that Hashem had tremendous mercy for the people of Ninveh, and thus he needed Hashem to intervene to help him do *teshuva*.

Human beings have *bechirah* (free choice) to choose between good and evil. The *ratzon* of Hashem will always be maintained, but individuals can choose what direction they want to take. Hashem will always intervene in our lives by sending us messages so that we can reflect on our decisions and decide whether they are the correct ones or should we re-consider them. Ultimately, however we all have free will to make our own life choices as Yonah did. Yonah asked that Hashem behave in a just manner by punishing the people of Nineveh, while Hashem wanted to show them mercy. In the end however, Yonah required both forms of purification, and because he desired it, Hashem was there to accept his *teshuva*.

The Plant

After recognizing the need to do *teshuva* and understanding the will of Hashem, a very strange incident occurs in the last *perek* of Yonah. We saw that Yonah does *teshuva* and accepts the desire of Hashem to spare the people of Ninveh. He realizes that Hashem is compassionate to all his creations and we would expect him to move on. However, in *perek daled* it seems that Yonah does an “*about face*” and begins to question Hashem.

Yonah becomes distressed again about the way in which Hashem has compassion for the people of Ninveh. He is so disillusioned that he is even prepared to die. Hashem must therefore explain to Yonah why He tries to be as merciful as possible. Yonah goes to the outside of town and sits in the hot sun. A *kikayon* bush grows overnight which provides him with shelter. This shelter is only temporary as Hashem causes a worm to eat the roots and the plant withers away. Yonah has the hot sun beating down on his head making him extremely uncomfortable. Hashem asks Yonah how he feels about the *kikayon* dying. Yonah replies that he would like to die. We see that Yonah has completely reverted back to the way he was originally before his *teshuva* process began in the belly of the fish. Hashem speaks directly to Yonah while he was being protected by the *kikayon* plant. When Yonah becomes distressed about it Hashem uses the opportunity to show him that it is appropriate that the people of Ninveh are shown compassion and not killed. Hashem demonstrates to Yonah that it is necessary to be compassionate and helpful to all of Hashem’s creatures, just as Yonah himself had expressed concern for the *kikayon* plant. The obvious question that we can raise is - *why the change of heart?* How could Yonah go from seeing Hashem’s *rachamim* and accepting Hashem’s *ratzon*, to asking for death? How can he stand before the people of Ninveh warning them to do *teshuva*, and a few moments later be so disillusioned about the way Hashem rules the world?

The answer lies in the way the sefer ends. The last pasuk is a cliffhanger. Sefer Yonah ends by Hashem stating to Yonah “*should I not take pity on the city of Ninveh? A city of 120,000 people.*” Hashem was telling Yonah – the *kikayon* plant was only one day old and you want Me to take pity on it, yet Ninveh which was around for much longer, you want Me to forget about? This is the way the story ends. There is no response by Yonah. There are many interpretations to this puzzling ending; however I believe the Yalkut Shimoni gives us the best explanation. The Yalkut Shimoni says that Yonah fell on his face and understood the reasoning of Hashem. He says “Indeed Hashem judges the world with *rachamim*.” Yonah finally understood that *teshuva* is a lengthy and arduous process. It is not something that happens overnight or in a split second. So often we want to do the right and just thing, but what our intentions are and what our actions state are sometimes two different things. Yonah has every intention to complete his *teshuva*, yet we see in *perek daled* that he reverts back and complains to Hashem. *Teshuva* is not easy and may require multiple attempts, but as we see from the story of Yonah, Hashem awaits our *teshuva* even if we take our time getting there.

The Number Forty

As just stated *teshuva* is a lengthy process. It is a method that can take several attempts, and requires constant introspection. Hashem will accept our *teshuva* but it can of course take time. So what is the length of time? Is there a time frame that is set for *teshuva*? In *perek gimel*, pasuk daled it states that

Yonah began to enter the city and walked for one full day. He called out and said, "In forty more days, Ninveh will be overturned."

Yonah tells the people of Ninveh that if they do not do *teshuva*, then in forty days Hashem will destroy Ninveh. Why does Yonah give them specifically forty days? He could have said ten, twenty, thirty days or even one year. What is the reason, or how can we understand the number forty?

The number forty is a very popular number throughout Tanach. Here are three examples:

1. After the sin of the *miraglim* (the spies), Hashem caused benei yisroel to wander around the desert for forty years.
2. Noach was on the *taiva* for forty days.
3. Moshe, after he broke the *luchos*, went back to *Har Sinai* for forty days and then returned with the second set of *luchos*.

So why always the number forty?

The answer I believe is that the number forty represents *teshuva*. In all three examples we see that it took forty days or years for Hashem to accept our *teshuva*.

- In the example of the *miraglim*, the *miraglim* caused the Jews to spend an additional forty years in the desert doing *teshuva* for what they had said about Eretz Yisroel, and only afterward did they go into Eretz Yisroel.
- With regard to Noach, the *meforshim* say that Noach was on the *taiva* for forty days because he was supposed to cause others to do *teshuva* during the building of the *taiva*, but because he did not, he was forced to spend forty days on the *taiva* doing *teshuva*.
- Finally, Moshe and Benei Yisroel spent forty days doing *teshuva* for the *aigal hazahav*, and only after their *teshuva* period did they receive the second set of *luchos*.

Yonah did the same. He gave the people of Ninveh forty days to do *teshuva*, and if they would not, Hashem would have destroyed the city. Yonah did not just pick the number forty out of a hat. He knew that forty days represents the ideal time to do *teshuva*.

We have forty days set aside each year to do *teshuva*. *Rosh chodesh Elul* until Yom Kippur is exactly forty days, which Hashem has given us to do *teshuva*. We are to take this time to reflect on the previous eleven months and see what we can do to improve ourselves and our relationships with our family and friends.

The connection between all three ideas is the underlying theme of Yom Kippur which is *teshuva*. It is not the *teshuva* that we are accustomed to but

rather it is a sincere everlasting *teshuva* that we should all be striving for. We are in the period of *yomim noraim* and we have to feel like Yonah felt which is as a person on a "spiritual journey" trapped on a boat with nowhere to run or hide. It is during this time however that we all need to hear the call of the "sea" and wake up from our slumber and be able to stand before the *Ribbono shel olam* on yom kippur and answer as did Yonah "I am a Jew and I fear Hashem the G-D of the heavens." (Yonah 1:9) Yom Kippur is the time and sefer Yonah the book that we can all feel the journey that Yonah took, and ask for a complete and everlasting *teshuva*.

The Obligation to Eat in a Succah and the Third Meal on Shabbos

Rabbi Yaakov Blau

The gemara in כו דף סוכה suggests that one may use מיני תרגימא (loosely translated as delicacies) as a meal for סוכות. The context there is discussing רבי אליעזר's view that one must eat 14 meals over the duration of סוכות and that if one misses a meal, it may be made up on עצרת. The gemara questions what that make up meal should consist of. At first, it invalidates a meal of bread, because it would then just be the regular meal that one would be having on עצרת anyway. Instead the gemara states that one may use מיני תרגימא.

What is מיני תרגימא? רש"י defines it as fruit. תוס' disagrees based on דף יומא דף תוס' that one is חייב to eat fruit in a סוכה. As a proof that eating fruit does not necessitate sitting in a סוכה, the gemara in יומא quotes our gemara in סוכה that one may use מיני תרגימא. If, reasons the gemara, fruit needed a סוכה, then it should count as a meal and could be used instead of תרגימא. At this point, the gemara is clearly assuming that מיני תרגימא are not fruit. The gemara also seems to be making a corollary between what is חייב בסוכה and what counts as a meal (at least in the context of סוכות). The gemara answers that either מיני תרגימא means fruit or that it was discussing an area where fruit is not available. תוס' feels that this gemara is a disproof of רש"י. Instead, he suggests that מיני תרגימא refers to meat and fish. He adds that, in any event, this discussion has no bearing on what constitutes a meal for סוכות שלישיית, where one needs to have bread (יומא ד"ה "מיני"). The logic that he is rejecting is that whatever is considered a meal in the context of סוכות should be the definition whenever we need a meal and should therefore count for שבת as well.

Each step of תוס' needs to be considered. First of all, why is the גמרא in יומא so clearly against רש"י. Certainly, at first, the גמרא felt that מיני תרגימא was not fruit, but one of its answers held that it was. Perhaps תוס' feels that the הלכה is that fruit does not need to be eaten in the סוכה, but it is not clear from the גמרא that this is the case. Second of all, his assumption about שבת is not so clear. The גמרא in קי דף שבת at first states that one needs to have two loaves of bread on שבת because of לחם משנה (the double portion of מן) and only several lines later the gemara states that one must eat three meals based on how many times it says the word היום in the context of מן on שבת. תוס' seems to be assuming that since the context was מן, we need bread as a substitute, but it never says that in the גמרא. One could argue that since there

were portions for two extra meals on שבת when the מן fell in excess on Fridays, therefore, two meals with bread are enough to commemorate that.

The ר"ן disagrees with תוס' on both counts and believes that מיני תרגימא are fruit and that they can therefore count for שלישיית on שבת. He does also feel that fruit needs to be eaten in a סוכה. The two issues are not necessarily linked however, as evidenced by the ר"א who quotes תוספתא that מיני תרגימא refers to items whose ברכה is מזונות, but also quotes תוס' that one must have bread for the third meal on שבת. In the end, there are three opinions as to what מיני תרגימא are: רש"י and the ר"ן say fruit, תוס' says fish and meat, and the ר"א says מזונות.

The issue becomes murkier in the שלחן ערוך. In הלכות סוכה תרל"ט:ב, the שלחן ערוך says that only bread and מזונות necessitate sitting in a סוכה (the does quote some אחרונים who are מחמיר on meat and fish if it is בקביעות, but the שלחן ערוך does not think so). This would seem to imply that only these two types of foods can be classified as a meal. Yet in לחם משנה שבת רצ"א:ד-ה the שלחן ערוך at first states that one needs לחם משנה שלישיית (with the רמ"א stating that only one loaf is required). But he then quotes that some say מזונות is enough, some say meat and fish and some even say fruit. The last three opinions are clearly based on the various definitions of מיני תרגימא (as quoted by the הגולה). There are two problems though: While תוס' position on מיני תרגימא was in no way conceptually linked to his assuming that סעודה שלישיית has to be bread, there is no opinion that says one without the other. It is therefore unclear how the שלחן ערוך can quote meat and fish as an option for שלישיית. More troubling is that the שלחן ערוך himself only quoted bread and מזונות in the context of סוכה, so how can meat and fruit be viable options for שבת?

Must I Eat Matza on the First Night of Succos? The Connection between Pesach and Succos

Rabbi Dov Hochbaum

There is a *machlokes* in the *Mishna* in *Succa* on *daf* 27a between Rebi Eliezer and the *Chachamim* regarding how many meals one must eat in the *succa* on Succos. According to Rebi Eliezer one must eat 14 meals, one for every night of Succos and one for each day. The *Chachamim* argue and say that one is required to eat a meal only on the first night of Succos. If one wishes to eat a meal on any other evening or day of Succos only then is one required to eat in a *succa*.

The *Gemara* later explains the reasons behind both Rebi Eliezer and the *Chachamim*. According to Rebi Eliezer the *halachos* of eating the meals are patterned after the rule of *תשבו כעין תדורו*. Just like one normally eats one meal in the evening and one meal in the daytime, so too must one eat two meals in the *succa* every day. The *Chachamim* use the rule of *תשבו כעין תדורו* to prove their opinion as well. At home one has the option of eating if one is hungry but is not required to eat if he is not hungry. However, the first night of Succos everyone must eat in the *succa* because of the *גזרה שוה* of *טו טו* - between Succos and Pesach. Since we know that on the first night of Pesach one must eat matza so too one must eat bread in the *succa* on the first night of Succos.

The Rosh asks: To what extent do we carry over this *גזרה שוה* between Pesach and Succos? Do we also apply the *Halacha* of *תיאבון* to Succos and limit eating on erev Succos just as we do on erev Pesach? In addition, must one eat bread in the *succa* on the first night or does *מיני תרגימא*, desserts and sweets, suffice?

Rav Soloveitchick quoted Rav Chaim who had his own approach in understanding this *גזרה שוה*. The Ran in Rosh Hashana discusses whether or not one needs intent when performing *mitzvos*, *מצוות צריכות כוונה או אינם צריכות כוונה*. The Ran then goes on to explain that when it comes to *mitzvos* that require some form of enjoyment like eating one does not need *כוונה*. Would that dispensation carry over to the first night of Succos or is one required to have *כוונה* to fulfill the *mitzvah* of *ישיבת סוכה* by eating a meal? According to Rav Chaim if one lacks that *כוונה* then one does not fulfill the *mitzvah* at all on that first night. However, the Chofetz Chaim in the *Biyur Halacha* in *siman samech* quotes that just like any other *mitzvah* which requires eating one does not need to have *כוונה*, so too by succos one would have fulfilled the *mitzvah* *בדיעבד*.

A *chakira* can be used to explain the opinions of Rav Chaim and the *Biyur Halacha*. Is the main idea that there is a *mitzva* of *ישיבת סוכה* and the *גזרה שוה* is just teaching us that one must eat a *כזית* in the *succa* as part of *ישיבת סוכה*? Or, is the main point the act of eating in the *succa* and we then learn from the *גזרה שוה* that one must eat on Succos in a similar fashion as one eats on Pesach. Rav Chaim would subscribe to the former analysis and the reason why one does not fulfill the *mitzvah* when one does not have *כוונה* is because there is a deficiency in *תשבו כעין תדורו*. According to the *Biyur Halacha* the latter reasoning would explain why one would fulfill the *mitzvah*. Since according to the second side of the *chakira* the requirement to eat is a separate *Halacha* not bound by *תשבו כעין תדורו* it can therefore be compared to the *mitzvah* to eat *matza* on Pesach which is a *mitzvah* of enjoyment. As a result, one would have fulfilled the *mitzvah* even without the proper intention.

In addition, according to Rav Chaim, since the *mitzvah* on the first night is primarily that of *ישיבת סוכה* then maybe one would not be required to eat bread and even *מיני תרגימא* would suffice. Also, the *Halacha* of not eating close to Pesach in order to have a fervent desire to eat matza should not be extended to Succos either. However, the Rema concludes that one must eat a *כזית* of bread in the *succa* on the first night. Furthermore, one should stop eating a meal on erev Succos by *chatzos*. However, one need not eat matza on Succos and bread would suffice.

What is the *כוונה* that is required on the first night of succos? The Torah itself gives us the reasoning. It says in *Parshas Emor* that that the reason for the *mitzvah* of *succa* is because of the succos that Hashem gave to *Bnei Yisrael* when they left Egypt. The Tur brings this down as *Halacha lemaase* and writes that this is in fact a foundation of our faith. The *mitzvah* of *succa* is connected to *yetzias mitzrayim* which in turn shows how *הקב"ה* runs the world through *hashgacha pratit*. Therefore, one must have this *כוונה* while eating in the *succa* on the first night of Succos. May the *mitzvah* of eating in the *succa* elevate our level of *emuna* and *bitachon* in Hashem.

The Problem of Inherent Contradiction – *Tartei D'Satrei*

Yossi Markovitz

The *minhagim* of *Shemini Atzeret* present a great danger to our social calendar. Our unwavering fervor for the *mitzvot* of *Hachanasat Orchim* and *V'Samachta B'Chagecha* are threatened by a divergence of customs. After all, how are we to know which of our friends to invite for the *Yom Tov* meal if we eat it inside or outside of the *Sukka*? Such an inconvenience surely warrants a healthy discussion.

Background

The *chag* of *Shemini Atzeret* is a separate entity from the *chag* of *Sukkot*. It has its own *mitzvot ha'yom*, none of which is to sit in a *Sukka*. The problem that presents itself is that we observe *Yom Tov Sheini Shel Galuyot*, an additional day of festival in reminiscence of the *kiddush ha'chodesh* practice that took place during the time of the *Beit Ha'Mikdash*, yet did not always aid Jews living outside of Israel in knowing on what day *Yom Tov* fell. We add a “*safek*” day to each day of *Yom Tov*, resulting in the eighth day of *Sukkot* becoming a *safek* day for the seventh day. Since the eighth day of *Sukkot* is also the *Shemini Atzeret* holiday, we are faced with a *Tartei D'Satrei* - an inherent contradiction. How are we to act on this day, which assumes two conflicting roles?

The *gemara* in *Sukka* (47a) determines that outside the land of Israel, one must eat in the *sukka* on *Shemini Atzeret*, but without reciting the *bracha* of “*leisheiv ba-sukka*.”

Tosfot explain that while making a *bracha* would diminish the status of *Shemini Atzeret* and treat the *chag* like *Chol Ha-mo'ed Sukkot*, sitting in the *sukka* without a *bracha* is not as problematic since *sukkato areivah alav* (a person often finds it pleasant to eat in the *sukka* even on days when he is not obligated to do so). The act of sitting in a *sukka* is ambiguous enough (on a nice day), while reciting *leisheiv ba-sukka* leaves no room for doubt. It is for this reason that we do not take the *daled minim* on *Shemini Atzeret*, since there could be no other reason that one is taking them other than to fulfill the *mitzvah*. Absent the rationale of *sukkato areivah alav* we would do away with the *mitzvah* entirely.

Discussion

The *Ba'al Ha'maor* (*Rabeinu Zerachya Halevi*) at the end of *Pesachim* uses our discussion to suggest a novel idea. Since we've established that the recitation of the *bracha* of *leisheiv ba-sukka* on *Shemini Atzeret* causes a *Tartei D'Satrei*, why doesn't the same inherent contradiction arise on the

second night of *Pesach*? As we endeavor to count the first night of *Sefirat Ha'Omer*, which should take place *Mi'macharat Ha'shabbat* (after the first day of *Pesach* has concluded) we are still performing the *mitzvot* of the first day of *Pesach*, most notably another *Seder*! Maybe we should omit the *bracha* recited during *Sefirat Ha'Omer* on that night in order to avoid this paradox.

(It should be noted that there are many who have the practice to wait until after the *seder* is completed to recite *Sefirat Ha'Omer*, thereby avoiding this uncomfortable inconsistency. Interestingly, it is often those same sects that avoid sitting in the *sukka* on *Shemini Atzeret* altogether to steer clear of our conflict.)

By asking the above question, the *Ba'al Ha'maor* clearly proposes that the *bracha* itself creates the problem of the *Tartei D'Satrei*. Absent the *bracha*, even the words “*ha'yom yom echad la'omer*” would not be enough to detract from the *kedusha* of *Yom Tov Sheini*. We understand this even deeper in the words of the *Sefer Ha'Chinuch* (ch. 323), who explains that the *bracha* of *leisheiv ba-sukka* is not simply a *bracha* made on a *mitzvah*, but it is a *bracha* that serves to impart the character of the holiday of *Sukkot* onto the day itself. Similarly, the *bracha* on *Sefirat Ha'Omer* is what infuses the day with its character of *Chol Ha'moed* in contrast to *Yom Tov*.

Rav Herschel Schachter in *M'Pninei Ha'Rav* cites the *Ra'avad* to answer the *Ba'al Ha'maor's* question. On *Shemini Atzeret* the *bracha* of *leisheiv ba-sukka* would be recited at night after *Kiddush*. That would render the day *chol* after it has been sanctified as *kodesh*, which is not the standard series of events. In contrast, making a *bracha* on *Sefirat Ha'Omer* after *Maariv* on *Pesach* and then going home to make *Kiddush* and begin the *seder* adheres to the acceptable norm of *kodesh* following *chol*.

Rav Schachter, however, questions the *Ra'avad's* answer since *Sefirat Ha'Omer* follows the *Shmona Esrei* of *Maariv* where we sanctified the day as *kodesh*, therefore when we recite *Sefirat Ha'Omer* we would similarly render the day *chol* after it has become *kodesh*. He points out that Rav Soloveitchik taught the *Ra'avad* may have been concerned with sanctification through *Kiddush* but not through *Shmona Esrei*, a distinction that Rav Schachter does not understand.

Another beautiful explanation of our *sugya* is attributed to Rav Soloveitchik. The Rav is quoted in *Harerei Kedem* (volume 1, *siman* 149) as explaining why the *Rambam* codifies our *halacha* in a most unusual way. The *Rambam* writes:

...And on the eighth day, which is the first day of *Shemini Atzeret*, we sit in the *sukka* but we don't make a *bracha*, similar to a *tumtum*

and *androgynous* who don't make the *bracha* of *leisheiv ba-sukka* because their obligation is in doubt (*safek*) and we don't make a *bracha* in a place where *safek* exists.

Why in the world do we need to bring up a *tumtum* and *androgynous* to make our simple point? To answer this oddity, the Rav breaks down the concept of *Yom Tov Sheini* into two parts. The first aspect is a *takana* that we observe those practices that our fathers observed out of *safek* or doubt, due to the uncertainty of the date. The second aspect is a *takana d'rabbanan*, enacted in order to prevent a *zilzul* or denigration of the day (presumably since it was once *kadosh*).

Based on this *chakira* of *safek* vs. *zilzul*, the Rav explained the *Rambam*. Generally, our *Yom Tov Sheini* observance stems from both *safek* and *zilzul*, and the *takana d'rabbanan* allows us to make *brachot*. However, *Shemini Atzeret* is different. Since it has the definite *kedusha* of a new *chag*, the *takana d'rabbanan* to prevent a *zilzul* was not enacted. All that is left is its precarious status as the seventh day of *Sukkot*, and the *Rambam* wants to tell us that in the cases of *safek*-only obligations (as exist with the *tumtum* and *androgynous*) we do not recite *brachot*.

Summary

We have learned that the various *minhagim* of *Shemini Atzeret* are deeply rooted in *halachic* sources, and based on a multitude of fundamental principles. The insight of the *Sefer Ha'Chinuch* will hopefully influence us to have a different frame of mind as we recite *brachot* pertaining to *mitzvot ha'yom*. Lastly, *Chazal's* concern with *zilzul* of *Yom Tov Sheini*, as explained by the Rav, should motivate us to regard those days with greater reverence and respect.

Rags to Riches

Rabbi Aryeh Stechler

I recently watched a very moving video on YouTube. Mr. Neal Wanless from South Dakota owed the government thousands of dollars in back taxes. Thinking he needed a miracle to get out of his untenable predicament, he bought a lottery ticket. He won 232 million dollars! On YouTube I watched his acceptance speech. Sounding shocked and awestruck he began by recognizing that his rags to riches story was a miracle, an act of G-d. Secondly, he vowed to use his good fortune to help people who face similar challenges of poverty. Mr. Wanless captured the essence of the *Rashbam's* interpretation of *Succos*. Let us take a moment to analyze the meaning behind the *mitzvah* of *Succah*.

The Torah states (VaYikra 23:43) that we sit in the *Succah* "in order that future generations should know that I sat you in *Succos* when I took you out of Egypt." The Gemara in *Succah* 11b quotes the famous debate between Rabbis Eliezer and Akiva whether this refers to the miraculous *Ananei HaKavod* - the Clouds of Glory that protected the Jewish people in the desert from invading enemies and the elements, or *Succos Mamash* - actual huts that the Jews lived in during their stint in the desert. The former opinion makes for a very understandable reason to celebrate a holiday. On *Shavuos* we celebrate the miraculous occurrence of *Matan Torah*. On *Pesach* we celebrate the miracles of *Yitziyas Mitzrayim*. Therefore, it is with perfect symmetry that on *Succos* we celebrate the miracle of the *Ananei HaKavod*. However, according to the opinion that the *Succahs* G-d commands us to recall were merely the normal huts where the Jews resided, what is the great miracle we celebrate on the holiday of *Succos*? Why should remembrance of the huts serve as a central piece to one of the three *Regalim*?

The *Rishonim* and *Achronim* suggest many differing approaches to the miracle of the regular huts. *Ramban* (VaYikra 23:43) suggests that the flimsy huts we recall on *Succos* celebrate the miracle of survival in the desert. For 40 years our people survived without ever living in a normal "Yishuv," limited to a *Bedouin* existence in unstable living conditions. On *Succos* we thank G-d for enabling us to survive in these huts for 40 years. The *Rokeiah* (219) suggests that when the soldiers of Israel went to war against *Sichon* and *Og* they left the *Machaneh* and the protection of the *Ananei HaKavod*. Their military encampment was comprised of these regular huts. G-d protected us from our enemies and granted us victory in these wars. On *Succos* we are celebrating G-d's protection of our military and victory in these wars. *Chasam Sofer* (OC 95) suggests that since *Succos* is holiday noting military success, women who do not normally participate in military activities are exempt from the *mitzvah* of *Succah*.

Rashbam offers a beautiful interpretation of Succos Mamash. Unlike the holidays of Pesach and Shavuot when we celebrate miracles, the holiday of Succos is not a celebration of a miraculous moment in our nation's history. We are actually remembering a very difficult time in our history - a time when we were quite poor, when we were homeless and had nowhere to live but a flimsy hut. In *Sefer Devarim*, Moshe warns his people that one day they will come to Israel and be very successful. They will "have houses filled with only good." (6:11) Their natural response will be "my strength and the power of my hands has made these great accomplishments." (8:17) Moshe advises Israel: "Remember what you experienced in the desert when you had no house. You lived in a shaky hut. Yes, you came out of Egypt with gold and silver, but you had no property and no decent place to lie down your head at night. If throughout your future you continue to look back and recall your meager beginnings in the desert, then you will appreciate that your success in Israel is not only due to your hard work, but is also a blessing that that G-d has granted you."

The Torah teaches us that Succos is the holiday of the harvest. Our home is filled with the success of all our hard work out in the field. It is thus natural to attribute our successes to our own abilities. Therefore, suggests Rashbam, the holiday of Succos mandates that we remember our history. We must remember that we began as a people with no property to our name and with no place to farm and grow food. Israel relied on G-d for food and survival. We were poor and we come from humble beginnings. Therefore, now as we experience great success, remembering our meager beginnings places life in proper perspective. Remembering our rags allows us to recognize G-d's hand in our riches.

Interestingly, for Rashbam the holiday of Succos is therefore very different than the other *Regalim* of Pesach and Shavuot. On those holidays we take out time to remember great miracles of our past, miracles that happened to our people thousands of years ago. We celebrate the greatest moments in our people's history. However, on Succos, we look back to a difficult time, times we too often forget. Through our remembrance of the past, it allows us truly appreciate the miracles of the present. Recalling our humble beginnings shines light on our current successes and helps us to see G-d performing miracles for us in the present day.

These two opinions as to which Succah we are remembering, the clouds or huts, are viewed by the Gemara to possess halakhic import as well. The Gemara 11b argues that if the former is correct then our Succahs must be constructed with the characteristics of a cloud. Since a cloud is not *mekabel tumah* and grows from the ground (see Tosafos 12a *BiPesoles* where he quotes the debate in the Yerushalmi on how clouds are formed), so too the *Sechach* that covers our Succah must contain these qualities. The Succah's roof must be organic and not processed for use. The Gemara then ponders

from where do we know that the *Sechach* must be organic and not contract *Tumah* if we are mimicking the huts of the desert? Perhaps the Jewish people sat in huts covered with metal or sheep skins?

Rabbi Yochanan argues (12a) that this provision that the *Sechach* be organic and not *mekabel tumah* is derived from the Torah which states, "You should make the holiday of *Succos* for yourself for seven days, when you gather in from the threshing floor and from the wine vat." (Devarim 16:13) Rabbi Yochanan argues that this is referring to building the Succah, which must be constructed out of the *Pesoles*, the refuse that comes from the threshing floor and wine vat (and not the actual grain or wine). The *Sechach* must be comprised of materials that are the refuse of the harvest, and refuse of the harvest is organic and does not contract *tumah*.

What is the message of the Succah? Why must the *Sechach* be built specifically of these materials which are organic and not *mekabel tumah*? Why would G-d specifically recommend using refuse and waste in the construction of a religious article? Why must our Succah be literally a piece of garbage?

It is important to remember that this source is specifically used according to the opinion that we are recalling the regular huts in which they lived in the desert. According to Rashbam, G-d wants us to remember our poverty and meager beginnings. Who usually takes the refuse of the harvest season? It is the *Ani*, the poor person, who in the Torah's economic system is sustained through the *Leket*, *Shikha* and *Peah*, the refuse of the harvest. On Succos, we must all experience poverty. We leave our beautiful homes, treasure houses filled with the successes of the harvest and we sit in rickety huts. We build those huts out of refuse, articles that would normally be discarded by a wealthy person, who would rather concentrate on the wine than grape peels. As we sit in the Succah, the hut of garbage, the cardboard box if you will, we appreciate our real homes and recognize the tremendous gifts G-d has afforded us, taking us from rags to riches.

The past year of economic crisis has brought much focus on waste. We are all analyzing our budgets to see what is really important and necessary and what is *Pesoles*. Sometimes we recognize that things we were spending a lot of money on are really *Pesoles*. And sometimes things we thought were merely *Pesoles* can be used and have great potential, even to build our living space.

As we celebrate this upcoming Succos, the Rashbam's understanding of the holiday requires us to truly experience the Succahs of the desert, to feel the poverty that was captured in our meager living situation in the *Midbar*. This should open our hearts to recognize G-d's hand in all of the financial success we have attained. Additionally, our huts of refuse should motivate us to reevaluate our spending habits, ensuring that we are not spending our critical

funds on real garbage. Perhaps this analysis will help us recognize the great potential in the “garbage” we had been discarding. Mr. Neal Wanless said, “I thank the Lord for this blessing and opportunity and I will not squander it.” He captured for us the message of the holiday of Succos. We are recalling our transition from being homeless in the desert to living in our own home in Israel. As Neal was motivated to recognize G-d’s hand in his transformation, the holiday of Succos affords us the opportunity to say thank you to G-d, not just for miracles of the desert of thousands of years ago, but for the paycheck we received last week.

[Extra Note: The Torah (23:42) states that “*Kol Eizrach* – every citizen – in Israel must sit in the Succah.” The Gemara in Succah 28a offers halakhic explanations to the specific meaning of including “citizens” in the mitzvah of Succah. Rashbam makes a puzzling comment. He states that the Torah comes to include “even those who own homes” in the Mitzvah of Succah. Was there a *hava aminah* that only homeless people would be obligated in the mitzvah of Succah? Based on the Rashbam we studied earlier, his comments here are understandable. The mitzvah of Succah is aimed at helping us experience the homelessness and poverty of the Jews in the *Midbar*. Therefore, one might have thought that a person who owns a home cannot truly fulfill the mitzvah of Succah. Can one really feel homeless if he knows *pas besalo* – that as soon as Succos is over he will return to his beautiful estate? The Torah teaches us that every “citizen” – even those who are only pretending to be homeless must spend seven days experiencing the homelessness and poverty of the *Midbar*. If they can truly internalize the homeless feeling for the seven days they live in their Succah/shack, then when they return to their homes they will recognize that it was G-d’s hand that helped them achieve ownership of the residence. While only a homeless person truly feels the Succah, a person with a home is best able to offer thanks to G-d for the blessing of a beautiful home.]

Celebrating Now and Then:

The Contrasting Messages of Succot and Pesach

Rabbi Benzion Scheinfeld

The similarities between the *Shalosh Regalim* are obvious and clear. The Torah groups them together always, the text of the *Amidah*, the number of *Aliyot* (always an excellent barometer if the level of *Kedusha* and the *Issur Melacha* are the same.) However, despite the similarities, each *chag* demands a unique emotional posture and spiritual focus that reflects the particular Mitzvot, Halachot and Minhagim that are unique to its particular motif. Identifying a *chag's* particular focus and theme can be obvious on the one hand but may be tricky at times as well. Some *Moadim* seem to have similar themes and discerning their particular nature and the spiritual and emotional posture they summon from us may be a bit more elusive. But only by comparing it to its most similar partner and seeing the contrasts, can we gain full insight into its true message.

Two *Chagim* that at first glance have similar themes, but are separated by Halachot and Minhagim that point towards a different type of spiritual message and emotional posture, are Pesach and Succot.

The similarities can be seen in both structure and substance. For starters, both Holidays are long, 7 days for one, 7 or 8 for the other. Both Holidays are focused on the journey of Bnei Yisrael out of Egypt in the formative years of *Am Yisrael*. In the Mitzvot of both Holidays we are asked to reenact activities that our ancestors experienced 3300 years ago. For Pesach that is focused on Pesach, Matza and Marror and for Succot it would be by building and sitting in a Succah. (*Arba Minim* is beyond the scope of this discussion and may demand a very different internalization than *Yeshiva BaSuccah*.)

Of course an obvious distinction between the two Chagim is that Pesach is focused on the very beginning of Klal Yisrael’s journey, the actual *Yetziat Mitzrayim* while Succot is focused on the next step of development of Am Yisrael, the sojourn in the desert.

However perhaps we can identify a more fundamental difference between the two Chagim, and thereby help define and explain the different spiritual and emotional postures demanded by each Chag.

I would like to begin this quest with a question that had bothered me for many years, namely, why it is that we make such a big deal about our connection to our past on Pesach and not on Succot. For example, stop a Jew in the street and ask him to tell you his first response to the following question: Which Biblical holiday reenacts our past history more than any

other? Almost certainly the answer would be Pesach. And yet upon reflection, one can certainly argue convincingly (if not conclusively) that the re-creation of the past that Pesach demands pales in comparison with that of Succot.

On Pesach we are asked to stay away from Chametz for 7 days as our ancestors in Egypt ate Matzah and we are asked for 1 night only (according to most Rishonim) to eat Matzah and Marror and drink wine and lean like kings to reenact and remember our past. These are in fact powerful attempts to reenact our past. Yet on Succot, if observed correctly, we are commanded to take our best furniture out of our house and to eat and sleep for 7 days under the open skies (covered by *Sechach*) and as the Mishna says to: eat, sleep and learn and relax and do our activities in the Succah and in fact to make the Succah into our dwelling place for 7 days. The obligation to reenact on Succot is more encompassing in both its time (7 days vs. 1 for Matzah) (Isur Chometz is 7) and its scope, as it encompasses not only eating but all of one's daily activities including sleeping. If observed correctly, Succot seems to be a far more intense re-creation of life in our past history than Pesach, and if so, why does Pesach get all the fanfare as the holiday of experiencing our past when in fact Succot seems to be a far more engrossing experience where we are literally surrounded by our past for seven days for every possible life activity?

Note: It can be argued that Pesach is a far more severe holiday due to the punishment of *Karet* for eating Chametz and that its powerful reputation comes from this high level of emphasis signified by the punishment. Succot, despite its beauty, does not instill such trepidation. A violation of the Mitzvot of Succot incurs not even a *Lo Taaseh* but rather only a *Bitul Aseh*. I however, would like to suggest a different answer that focuses on the essence of the Mitzvot and the theme and not its level of punishment.

Perhaps a deeper understanding of the internal experiences demanded by the reenactment of Peach and Succot can offer an insight into why their reputations differ. This insight into the internal experiences demanded by each *Chag* respectively comes from the famous obligation stemming from the Mishna in Pesachim that on the Seder night, in addition to bringing to the table all the required physical items such as Pesach, Matza and Marror, one must also bring his imagination. Just eating the Matza and Marror, even *Le'shem Mitzva*, would not fulfill one's obligation. **Rather one must use his imaginative faculties to actually envision himself as if he himself were leaving Egypt.** As the Mishna says :*Chayav Adam Lirot Et Atzmo K'ilu Hu Yatzah Mimitzraim. If one eats the perfect Chazon Ish shiur of Matza and Marror but forgets to imagine as he is eating it, that he is in Mitzraim then he has not fulfilled the Mitzva properly. In contrast (and at first glance, surprisingly, given the intense re-creation of Succot) one is not asked to bring our imagination to the Succah. **Eating the Challah in the***

Succah without imagining that you are in the desert in a hut having just left Egypt is just fine. Why, if the Torah goes to such lengths to recreate the Succot experience of the *Midbar* does it leave out the clincher - our obligation to imagine that we are part of Klal Yisrael journeying through the desert, as it does in the Mishna in *Pesachim*.

Note: The Bach based on the Pasuk (Lamman Yadu Doroseichem Ki Basuccot Hoshavti), states that while eating in a Succah, for a proper fulfillment of the Mitzva, one must have the knowledge of the fact that our ancestors dwelled in Succot. But even the Bach only demands cognizance of the facts. He does not demand imagination and fantasy.

The answer is that Pesach and Succot demand very different types of internal spiritual growth and emphasize very different kinds of internal awareness.

Pesach is a holiday that emphasizes a one time event that cannot and will not ever be duplicated. The *Ahava* between Klal Yisrael and Hashem that was expressed on the Night of *Yetziat Mitzraim* was so intense and so powerful that it echoes throughout time. Once a year, the Torah demands that we try our best to "remember" that special night using physical activities to awaken our imagination and connect with this moment, a moment, that will not, could not, and should not be duplicated. We are obligated to do our best to escape our present reality and go back, as if we are in a hypnotist's office, to a time many years ago that is far from our present experience. By going back and touching that distant moment, albeit in our imagination, we are fulfilling the *Avodat Hayom* of feeling the echoes of that incomparable event.

On Succot, however, we are not asked to leave our present reality at all. The powerful re-creation of Succot is not meant to jar our imagination and transfer us to a different period of time. In fact the re-creations of Succot are not reenactments at all. They are such good re-creations that they are actual reality. We are not asked to borrow the vision of our past to feel the internal messages of Succot, but rather to be open to our present reality. For sitting under an open sky on Succot night circa 2009 is just the same as sitting under the open sky circa 1300 BCE. In both cases Jews are sitting in a flimsy shelter (*Dirat Arai*) open to the elements (rain in particular) and aware of our tenuous physical existence in this *Olam* that is ultimately an *Olam Arai*. No need for imagination or connecting to a borrowed experience from our collective past. All that is necessary for Succot is open hearted awareness of the present. No imagination is necessary for the Succot experience - only existential awareness. While on Pesach our spiritual challenge is to connect to a moment long ago in our history and feel the closeness to Hashem that such a connection engenders, on Succot we are asked to be open to our true present reality, without the trappings and false illusions created by our *Divot Kevah*. It is through that openness that we connect to Hashem by embracing our present and the ever present connection to Hashem that is built into the

fabric of present life. **Succot represents the timelessness of man's connection to Hashem while Pesach is all about a moment in time.**

This difference can be seen in a number of the Halachot and Minhagim that differ in each of the *Chagim*. The Megillah *Chazal* chose to read on Pesach is *Shir Hashirim*. It is about a search for a lost love that was once perfect and will hopefully one day again be pristine. It is about memory and is like an anniversary poem to be read to rekindle and recreate an intense moment in time whose echoes have been dimmed but can still be felt by remembering. The Megillah on Succot is Kohelet - a Megillah about the never changing timeless nature of the world. It emphasizes how lost man can get in the emptiness of no truly significant moments unless there is some underlying meaning in the "now" of life wherever and whenever that now may be. (*Sof Davar Hakol Nishma, Et Elokim Tira V'et Mitzvotav Tishmor, Ki Ze Kol Haadam.*)

The Mitzvot of Pesach according to most *Rishonim* are focused around one moment or night (the *Leil Seder*) and afterwards there are no theme related *Mitzot Aseh* (hence no Bracha on Matza for the rest of the *Chag*). Succot, in contrast, is a holiday that commemorates no particular event at all. Just life in the *Midbar*. Hence the Mitzvot of Succot are present and almost equal throughout the *Chag* and hence the Bracha of "*Leishv Basuccah*" is said throughout the *Chag*. In fact, the halachic uniqueness of the first night of Succot (*Chiyuv Achila*, according to some even in the rain) is only derived from a *Gezara Shava* from Pesach and is not even mentioned clearly in the *pesukim*. (Note: A famous *Baal Hamaor* hints that there is a miztvah of *Achilat Matza* all seven days and that Succot is not unique in this regard.) Even the *Peturim* from Succah hint at the "regular lifeness" of the Holiday as one is allowed to leave the Succah and abandon the Mitzvah if he experiences discomfort and would normally leave his house under such circumstances. For our goal on Succot is simply to live in the present surrounded by the messages of daily life. Pesach, in contrast, asks us to remember and connect to a spectacular event far removed from daily life.

Our perspective can offer an insight into the Ran's question in *Moed Katan*. The gemara in *Moed Katan* learns that *Aveilut* is 7 days from the *Pasuk* "*Vehafachtti Chageichem LeAvel*". Just like *Chagim* are 7 days (Pesach) so too *Avelut* is seven days. (the 1 day of Shavuot is used to teach us *Shemuah Rechokah* (hearing about a death after 30 days) when only one day of Shiva is observed. The Ran asks why choose to learn *Aveliut* is 7 days from Pesach? Why not say *Aveilut* is 8 days and learn it from Succot.? (The Ran's question is based on the complex relationship of Succot to Shemini Atzeet which is beyond the scope of this article). The Ran answers that "*Tafasta Meruba Lo Tafasta*". He applies a general halachic principle to this case to say that when given 2 choices we always gravitate to the smaller one - a novel application of such a rule.

Perhaps we can suggest that *Aveilut* is much more similar to Pesach than Succot. For both *Aveilut* and Pesach are commemorating a powerful event that happens at the beginning of a 7 day period (*Yetziat Mitzrayim* or the imagination of it for Pesach and the death of a loved one for *Aveilut*.) Both are searching for ways to ride the waves of that powerful moment for a longer period of time and Pesach is an appropriate model for *Aveilut*. Succot, in contrast, has no such event to latch on to and would not be a model for *Aveilut* even if it were 7 days and "*Tafasta Meruba Lo Tafasta*" would not be a relevant consideration.

May Hashem grant us the ability to develop the spiritual and emotional sensitivity to internalize each Chag's particular message and thereby fully develop our *Neshamot* to experience the full potential of D'veikut b'Hashem *Chag Sameach!*

Will Miracles Never Cease!

Seth Lebowitz

The *sefer hachinuch* in Mitzvah 325 explains the idea behind the mitzvah of *yeshiva b'sukkah*:

"משרשי המצוה, מה שמפורש בכתוב, למען נזכור הניסים הגדולים שעשה הקל ברוך הוא לאבותינו במדבר בצאתם ממצרים, שסיככם בענני כבוד שלא יזיק להם השמש ביום וקרח בלילה. ויש שפירשו שסוכות ממש עשו בני ישראל במדבר. ומתוך זכירת נפלאותיו שעשה עמנו ועם אבותינו נהר במצוותיו ברוך הוא, ונהיה ראויים לקבלת הטובה מאתו."

The *chinuch* explains that the purpose of the mitzvah of *yeshiva b'sukkah* is to remember the miracles God performed for our ancestors in the desert, with a focus on the specific miracle of *annanei kavod* – divine clouds that protected *bnei yisrael*. He also mentions briefly that there exists an opinion that these *sukkot* were *sukkot mamash* – huts. He continues that by remembering these wonders, we'll be more appreciative of God and serve Him properly. It is not clear why the *chinuch* seems to digress and mention the opinion of *sukkot mamash*, as he returns immediately to explaining the purpose of our remembrance of these wonders. It is also not clear why the *chinuch* says that we are intended to remember the wonders that God did for our ancestors as well as for us ("*imanu v'im avoteinu*"). While it is certainly true that we benefit from God's miracles that were performed for our ancestors in generations past, this appears to be a general principle rather than one that has to do with the mitzvah of *sukkah*.

Despite these questions, we are all familiar with the general concepts described by the *chinuch*. But a focus on the relevant pesukim shows that there is much to be understood¹ about what the Torah intends as the purpose for this mitzvah. The Torah is cryptic in relating the mitzvah's purpose – so cryptic in fact that there is a *machloket tana'im*, which is left undecided and becomes a *machloket rishonim*, regarding what the Torah intends for us to be aware of when performing the mitzvah. Which *sukkot* exactly should we be aware of when we perform the mitzvah? Where in the Torah are they found? We know intuitively that anything the Torah wants us to remember must be important enough that the Torah would relate it to us in advance of our being told to remember it. More importantly, the Torah tells us many other times to remember something, sometimes as the purpose for performing a mitzvah, and that something seems always to be well known to us.²

1. By us, not by the *sefer hachinuch* (as we'll see).

2. See, e.g., Devarim 15:15, 16:3.

Let us look more closely at the pesukim themselves and their interpretations by the *rishonim* and see if we can gain greater understanding. The Torah states:

מב בסכות תשבו שבעת ימים כל-האזרח בישראל ישבו בסכות: מג למען ידעו
ד'רתיכם כי בסכות הושבתי את-בני ישראל בהוציא אותם מארץ מצרים אני ה'
אלקיכם:

You shall dwell in *sukkot* seven days, every citizen of Israel shall dwell in *sukkot*. So that your future generations shall know that I caused the children of Israel to dwell in *sukkot* when I brought them out of the land of Egypt, I am hashem your God.

These two pesukim appear to instruct us to dwell in *sukkot* each year in order to produce an awareness that God caused our ancestors in the period following *yetziat mitzraim* to dwell in "*sukkot*." (This word is deliberately left untranslated here and in the translation of the pesukim above.)

The third time that "*sukkot*" is used in these pesukim (the reference to the historical *sukkot* that are to be recalled) is problematic. Which *sukkot* is the Torah referring to? It is difficult to remember an episode recounted elsewhere in the Torah where God causes *bnei yisrael* to dwell in *sukkot*. Indeed, a quick survey of all the places in the Torah where "*sukkot*" appears confirms that there is no such story in the Torah.³

This difficulty apparently is among the factors that led to the *machloket* in which Rabbi Akiva interprets *sukkot* to mean huts ("*sukkot mamash*"), and Rabbi Eliezer interprets *sukkot* to mean *annanei kavod*.⁴ Various *rishonim* adopt one side or the other of this *machloket*, and we will examine two of them, Rashi and the Rashbam.

Ananei Kavod

Rashi, *vaykira* 23:43, ענני כבוד - כי בסכות הושבתי

What led Rashi to explain these historical *sukkot* as *annanei kavod* instead of the usual meaning of the word, which is also the meaning that the same word has (twice!) in the immediately preceding *pasuk*, as well as earlier in *Parshat*

3. The term "*sukkah*" does not appear in the Torah at all. The term "*sukkot*" appears in various forms in the Torah fourteen times. Three of these are in *sefer breishit* and clearly cannot be part of an episode that occurred around the time of *yetziat mitzraim*. Of the remaining eleven times that the word appears, six are referring to the name of the holiday or the mitzvah itself, four are geographic place names, and the last is our instance – "*ki vasukkot hoshavti...*"

4. *Masechet sukka*, 11b; in the *mechilta* the same *machloket* is recorded with the names of the two *tana'im* reversed.

Emor? Presumably his knowledge of the results of our survey played a role. But what led Rashi to conclude that the *sukkot* here are *annanei kavod*?

The Ramban points out⁵ in support of Rashi's position that in *sefer yeshayahu*, the word "*sukkah*" is used in a way that can be understood to refer to a cloud, and a divine cloud at that. On a more general level, the root of the word *sukkah* means "to cover," so "*sukkah*" might be used to refer to anything that serves the purpose of covering, including a protective divine cloud. Additionally, some explain that the use of the word "*hoshavti*" (in *binyan hifil*)⁶ denotes God actively causing *bnei yisrael* to dwell in something, rather than *bnei yisrael* dwelling in ordinary *sukkot* on their own, implying that these *sukkot* were miraculous rather than natural.

The difficulty in Rashi's explanation is obvious (despite all the evidence on his side). Why would the Torah use "*sukkot*" to describe clouds? There is already at least one perfectly good Hebrew word for clouds. Although as noted above the Ramban attempts to deal with this by showing another place in Tanach where "*sukkah*" refers to a cloud, the fact that the same word is used three times in close proximity and only one of the three is claimed to have this special meaning leads one to suspect that this may be one of the places in the Torah that is impossible to understand correctly without *Torah she'ba'al peh*.⁷

Sukkot Mamash

When we read our two pesukim in isolation, it seems clear that "*vasukkot hoshavti*" refers to *sukkot mamash*. After all, (1) the word *sukkah* has a known meaning – a hut, and (2) everyone agrees that the same word used elsewhere in close proximity means a hut. But the lack of any story about *sukkot*, in conjunction with other evidence, leads Rashi and others to conclude that the Torah is referring not to *sukkot* as ordinarily understood, but rather to *annanei kavod*. Against this background, how do other *rishonim* conclude that these *sukkot* are *sukkot mamash*?

The Rashbam interprets the word *sukkot* here to mean *sukkot mamash*. He writes in *Vayikra* 23:43

למען ידעו דורותיכם [וגו'] - פשוטו כדברי האומרים במסכת סוכה סוכה ממש. וזה טעמו של דבר. חג הסוכות תעשה לך באוספך מגרנך ומיקבך באוספך את תבואת

5. Ramban on *vayikra* 23:43.

6. See Mizrahi and other *mefarshai* Rashi on *vayikra* 23:43.

7. This is not to suggest that the various proofs suggested here are not valid or that the *mefarshim* who subscribed to them didn't regard them as valid, but rather that they need to be viewed against the background of Rabbi Akiva's explanation as a possibility.

הארץ ובתיכם מלאים כל טוב דגן ותירוש ויצהר, למען תזכרו כי בסוכות הושבתי את בני ישראל במדבר ארבעים שנה בלא יישוב ובלא נחלה, ומתוך כך תתנו הודאה למי שנתן לכם נחלה ובתיכם מלאים כל טוב, ואל תאמרו בלבבכם כחי ועוצם ידי עשה לי את החיל הזה. וכסדר הזה נמצא בפרשת עקב תשמעון וזכרת את כל הדרך אשר הוליכך ה' אלקיך זה ארבעים שנה וגו' ויאכילך את המן וגו'. ולמה אני מצוה לך לעשות זאת? כי ה' אלהיך מביאך אל ארץ טובה [וגו'] ואכלת ושבעת [וגו'] ורם לבבך ושכחת את ה' וגו' ואמרת בלבבך כחי ועוצם ידי עשה לי את החיל הזה וזכרת את ה' אלקיך כי הוא הנותן לך כח לעשות חיל. ולכך יוצאים מבתיים מלאים כל טוב בזמן אסיפה ויושבין בסוכות לזכרון שלא היה להם נחלה במדבר ולא בתים לשבת. ומפני הטעם הזה קבע הק' את חג הסוכות בזמן אסיפת גורן ויקב, לבלתי רום לבבם על בתיהם מלאים כל טוב פן יאמרו ידינו עשו לנו את החיל הזה:

The Rashbam solves this problem by understanding *chag hasukkot* itself differently from the way we have seen until now. This holiday, according to the Rashbam, is not primarily intended to commemorate God's miracles as the *sefer hachinuch* explains. Instead, in keeping with his general interpretation of the three *regalim* as having a primary agricultural motif,⁸ the Rashbam understands *chag hasukkot* to be a celebration of the harvest, a time to rejoice over, and to thank God for, the material bounty of the year of farming.

The *mitzvah* of *sukkah* and its purpose are a means of ensuring that this celebration takes on the proper character. The Torah itself in *parshat eikev* warns that the achievement by man of material success carries with it the spiritual danger of forgetting or ignoring the fact that God is the source of all material blessing. A person who has just harvested a bountiful crop through the sweat of his brow, and now has storage facilities full of grain, wine and oil naturally feels satisfied with and proud of his accomplishments – perhaps leading him to say "כחי ועוצם ידי עשה לי את החיל הזה,"⁹ forgetting the cardinal truth that "ה' אלקיך כי הוא הנותן לך כח לעשות חיל."¹⁰ The Torah's antidote to this spiritual poison is remembrance of the *midbar* where *bnei yisrael* had no permanent homes (and thus dwelt in *sukkot*) and no means of sustenance. During this period, God openly and obviously provided for *bnei yisrael*'s material needs:

וזכרת את כל הדרך אשר הליכך ה' אלקיך זה ארבעים שנה במדבר ... ויאכלך את המן... שמתלך לא בלתה מעליך ורגלך לא בצקה ...¹¹

Thinking about *Bnei Yisrael*'s experience in the *midbar* reminds a person who has become too satisfied with his own accomplishments that God is ultimately the source that makes these accomplishments possible.

8. See Rashbam on *shemot* 23:16.

9. *Devarim* 8:17.

10. *Devarim* 8:18.

11. *Devarim* 8:2-4.

The Rashbam understands the mitzvah of *sukkah* and its stated purpose as part of this framework. The Torah commands us to celebrate a harvest festival in autumn, and makes this festival's central *mitzvah* dwelling in *sukkot*, which are similar to those dwelt in by *bnei yisrael* in the *midbar*. This is to ensure that *bnei yisrael* will be aware of God's providence for them during the *dor hamidbar*, a time when they had no means of sustaining themselves, and realize that even though their current material success was ostensibly obtained through their own hard work, diligence and ingenuity, in reality that material success comes from God no less than it did during the *dor hamidbar*.¹²

We now have two views of *chag hasukkot* and the *mitzvah* of *yeshiva b'sukkah* and its purpose, based on two schools of thought in the *rishonim*. To Rashi, *chag hasukkot* is primarily a commemoration of God's miracles connected with *yetziat mitzraim*, typified by the protection of *annanei kavod*. The purpose of the *mitzvah* of *yeshiva b'sukkah* is the performance of this commemoration itself. To the Rashbam, *chag hasukkot* is primarily an agricultural festival, and the mitzvah of *yeshiva b'sukkah* is intended to ensure that this festival takes on the proper character –as a celebration of God's goodness rather than man's supposed greatness.

A Cryptic Description

But something is left unexplained according to each view as a result of the Torah's cryptic description of the purpose of the *mitzvah*. To the Rashbam, why didn't the Torah describe anywhere that *bnei yisrael* dwelt in *sukkot*? And to Rashi, why did the Torah use the word "*sukkot*" if it meant "*annanei kavod*," whether this is to be understood through textual evidence alone or along with the benefit of an oral tradition? Let us try to answer each of these questions in turn.

We may be able to answer this question for the Rashbam by recognizing that the context in which the Torah imparts information can be nearly as important as the information itself.¹³ Sometimes the purposeful placement of certain information in the Torah away from its "natural" place serves to highlight that information in a special way or give a different emphasis to the place where it is "transplanted." For example, in *parshat mikeitz*, Yosef's brothers say to one another: אַבְל אֲשַׁמְּמִים אֲנַחְנוּ עַל אֲחֵינוּ אֲשֶׁר רָאִינוּ צָרַת נַפְשׁוֹ . . . בְּהַתְּחַנְּנוּ אֵלֵינוּ וְלֹא שָׁמַעְנוּ.¹⁴ Where is Yosef's supplication to his brothers

12. It is interesting to note that the famous question quoted in the Tur regarding why *chag hasukkot* is celebrated in the fall rather than the spring does not get off the ground according to the Rashbam's view of the *chag*.

13. Nechama Leibowitz wrote an illuminating short essay on this phenomenon in *Iyunim Besefer Bemidbar*, *Parshat Matot*, "Davar Bilam V'Onsho."

14. Breishit 42:21.

recounted in the Torah? It is not. If the Torah had recounted Yosef's pleading with his brothers in its natural place in *parshat vayeshev*, we would have the same facts we do now. By leaving out this detail in its natural place and filling us in during the brothers' conversation here, the image of Yosef pleading with his brothers becomes to the reader part of the story of the brothers' conversation, and therefore part of our understanding of the brothers' feelings of guilt and regret at their prior actions. Had we known in advance that Yosef had begged his brothers from the pit, had the Torah recounted this episode already, the Torah would just be telling us about the brothers' state of mind. But in this case the Torah is *showing* us, and Yosef's pleading becomes a more powerful part of our understanding of the brothers' attitude at this time.

Here too in *parshat emor*, the context in which the fact that *bnei yisrael* dwelt in huts is introduced is significant. Had we been told somewhere in *sefer shemot* or *sefer bimidbar* that *bnei yisrael* lived in huts, and told to remember this fact in *parshat emor*, the existence of the *sukkot hamidbar* would be a seemingly unimportant and unimpressive fact.¹⁵ When it is introduced as part of the *mitzvah*, we immediately know that it has special significance, and we come away from reading about the *mitzvah*'s purpose with the impression that it is something that is easy to overlook (after all, we've never heard of it). This impression seems to fit with the Rashbam's interpretation of what the *sukkot hachag* are about –remembering a prior period the character of which is all too easy to forget when circumstances change. The *sukkot hamidbar* represent a period when *bnei yisrael* had no way of sustaining themselves and openly had to rely on God for all material needs, and are intended to remind us that while circumstances may appear to have changed, fundamentally they have not. How fitting it is, then, that we remember not only the bare fact that *bnei yisrael* dwelt in *sukkot*, but also that those *sukkot* at first glance are easily taken for granted and overlooked.

Because Rashi explains the *sukkot hamidbar* in such a way as to find where they are recounted elsewhere in the Torah, the same question cannot be asked according to Rashi's interpretation. However, one can and must ask a different question – if the Torah meant clouds, why did it say "*sukkot*?"

If we assume, as suggested above, that Rashi (and possibly other *rishonim* who adopt a similar stance) do not ultimately base their *annanei kavod* interpretation on *Torah shebichtav* (though to be sure they use evidence from *Torah shebichtav* in deciding to adopt their interpretation from *Torah sheba'al peh*), it gives us considerable additional flexibility in understanding

15. While we believe the Torah never tells us anything unimportant, compare the idea of dwelling in huts made of plant refuse with other things that we perform mitzvot for the purpose of remembering –such as the experience of slavery in Egypt and the exodus from Egypt.

why the Torah might have used the word “*sukkot*” when it meant “*ananim*.” Rashi makes a methodological statement in his *peirush* on the Torah to the effect that at times pesukim in the Torah are to be understood in multiple ways –one way according to “יתיישב המקרא על פשוטו” and nevertheless “והדרש תדרש.”¹⁶

Using this general approach, perhaps the Torah used the word *sukkot* to get a message across about *sukkot mamash* even according to the *annanei kavod* school of thought. Although one is intended to understand that these *sukkot* were *annanei kavod* based on the *Torah sheba'al peh*'s interpretation, let us put that aside for the moment and read the pesukim. If one focuses on a particular aspect of what is written in these pesukim, perhaps the *annanei kavod* can teach us another lesson. The Torah uses the definite article for all the references to *sukkot* in our pesukim.¹⁷ Thus the later mentions of *sukkot* are referring back to a prior mention of *sukkot*. The first mention of *sukkot* in *parshat emor* is as the name of the holiday –“...*chag hasukkot shivat yamim lashem*.” So now our pesukim need to be translated a bit differently. The Torah is telling us that we should dwell in **the** *sukkot* (i.e. those mentioned above) for seven days, and that we are to know by doing this mitzvah that God caused b'nei yisrael to dwell in **the same** *sukkot* in the midbar. But **the** *sukkot* in this context are not *annanei kavod*, and neither are they any kind of *sukkot* that existed historically. Rather, they are the *sukkot* that we are to dwell in ourselves! When this interpretation is placed beside that of *annanei kavod*, we see that on one level the Torah is telling us that God protected *bnei yisrael* with divine clouds (*sukkot*) and on another that the humble huts we are to sit in are the *sukkot* God caused *bnei yisrael* to dwell in. Perhaps the message is that we are to see no difference between the open miracles of *annanei kavod* on the one hand and the natural world around us on the other, which appears mundane, but in reality consists of constant miracles performed by God.¹⁸

So it is possible that the Torah has a unified message in the *mitzvah* of *sukkah*, although this message is arrived at from different directions depending on how one interprets the *sukkot hamidbar*. If one understands that they were *sukkot mamash*, then through a *mitzvah* that imparts the correct character to a harvest festival, we remember the time in Jewish history when *bnei yisrael* had no means of support and were openly supported by God, which makes us understand that whatever material sustenance we have now comes from God even if it is not as obvious as *man* falling from the sky. If one understands that they were *annanei kavod*, then through the commemoration of God's wondrous miracles we come to

understand that the simple huts we are sitting in to celebrate the holiday are on some level no different from those miraculous clouds of old, since everything in God's creation comes from Him.

This brings us back to the *sefer hachinuch*. Let us recall that the *chinuch* for some reason stuck mention of the *sukkot mamash* interpretation in the middle of his explanation of the commemoration of God's *annanei kavod*. He also wrote what we might have dismissed as a throwaway line that God's wonders are with our ancestors and with us. But now we can see that the *chinuch* had every reason to mention *sukkot mamash* alongside *annanei kavod*, and to describe wonders as having been performed for both us and our ancestors, because both understandings of *sukkot* teach us, by different routes, that our physical world consists of God's wonders whether we recognize it or not, and because a central message of this *mitzvah* is that this lesson is true for us no less than for our ancestors.

16. See Rashi on *Shemot* 6:9.

17. “*Basukkot teishvu...kol haezrach b'yisrael yeishvu basukkot...ki vasukkot hoshavti...*”

18. See Ramban at the end of *parshat bo*.

Rabbi Duvie Weiss

I would like to present in this article a thought that sheds light on many halachik discussions regarding מלאכות שבת and penetrates deeply into their meaning and philosophy. This thought opened up my eyes to a different and unique way of looking at and viewing the *melachos* of shabbos. I hope it will do the same for you.

מלאכת הבערה

There is a *machlokes* between 2 great Chassidic rebbes – The Baal Hatanya and The Avnei Nezer - regarding the nature of מלאכת הבערה. The Baal Hatanya¹ proves from different sources that the nature of this מלאכה is the act of kindling a flame. The creation of a flame or even the enhancing and making larger a flame is the underlying theme of this מלאכה. On the other hand the Avnei Nezer² writes that the nature of the מלאכה is the consumption of the fuel that happens as a result of the flame. What he calls כליון העצים. An important נפקא מינה between these 2 approaches will be the שיטת הרמב"ם who says that heating up a piece of metal to the point where it is red hot would constitute a violation of this מלאכה. In this situation even if the halacha considers the red hot heat a category of flame surely we cannot say that there is any consumption of fuel.³

מלאכת צד

In a typical case of hunting or trapping two things take place. 1) A live creature loses its ability to roam freely as before. 2) The person who did the trapping now has something in his possession that he did not have previously.

In Brisker language one may suggest that the first element is a din in the חפצא, a din in **the animal**, whereby the animal or creature has lost its ability to run wild. The second element is a din in the גברא since **the person** now has something in his possession that he did not have previously.

Both of these elements exist in a typical case of צד. What would happen if we were to construct a case where only one of the two elements appear? Would there still be a violation of צד? If it would still be a violation, then we may conclude that the עיקר מחייב, the essence of the מלאכה, is the lone aspect that exists in that case and alone brings about a חיוב.

1. עיין בעל התניא סימן תצ"ה ובקונטרס אחרון
2. עיין שו"ת אבני נזר או"ח סימן רל"ח
3. לכאורה רש"י ורמב"ן שבת דף ק"ו בסוגיא דמקלקל בהבערה ג"כ נחלקו בחקירה זאת, ויש שרוצים לתלות המח' תוס' ורא"ש ביצה דף כ"ב בחקירה זאת, על מועדים וזמנים ח"א סימן מ"ז

For example, Rashi and Tosafos Rid⁴ argue about whether מלאכת צד would apply to a very slow moving creature. Tosafos Rid holds that a slow moving animal is considered already caught (ניצוד ועומד) and so one cannot violate מלאכת צד on something that is already considered to be in his possession. Rashi, on the other hand disagrees and holds there would be a violation of צד even on a very slow moving creature. We could explain the *machlokes* as follows. A slow moving creature is already considered caught **vis-à-vis the person** who is catching it. No real action needs to be taken on a snail to capture it since its not going anywhere too fast anyway and so catching such a creature would not be a violation of מלאכת צד. On the other hand **'from the snail's perspective'** putting it inside a cup does severely limit its ability to move freely and so to catch and trap it would be a violation of מלאכת צד.⁵

Another issue which may be dependent on the above discussion is a *machlokes* between the בעל התרומות and the טור. The טור quotes the ספר שפר that it is prohibited to close a box on shabbos which contains flies in it since this would be a violation of מלאכת צד. Instead one should place a knife between the box and the lid so that the flies could theoretically escape thus not violating the melacha of צד. The טור himself disagrees on the following logic. He says since when the lid will be taken off the flies will immediately fly away and escape this is not a violation of מלאכת צד.⁶ It is logical that this *machlokes* is based on the issue discussed above. The ספר שפר holds that מלאכת צד is the removal or inhibiting of the creature's freedom to move (in this case to fly) and so putting the lid on the box surely limits the freedom for the flies inside to fly away and would be a violation of מלאכת צד. On the other hand the טור holds that the nature of מלאכת צד is in the גברא, it is the fact that now the person has something in his possession that he did not have access to beforehand. In the case of the flies since when he wants to actually grab the flies he will not be able to, therefore even after putting the lid on the box in effect he still does not have control over them and so would not be in violation of מלאכת צד.

מלאכת קורע

There is a major discussion in the Rishonim and Acharonim regarding the nature of מלאכת קורע. The משנה שבת ע"ג describes this melacha as קורע על מנת לתפור. It is not enough to tear something to be in violation of this melacha. One needs to tear with the purpose of and on the condition to sew. The question is why do we need such a condition? This is where a major

4. עיין רש"י חגיגה י"א ד"ה ותוס' ר"ד שם
5. עיין טור או"ח סימן שט"ז וע"ע מש"כ הב"ח שם שמבאר מח' רבי יהודה וחכמים במתני' שבת דף ק"ו בחקירה שכתבנו בפנים.
6. ב' דעות מובא ברמ"א סימן שט"ז סעיף ג'

discussion ensues. Some say that the need for **על מנת לתפור** is in order to counter the problem of **מקלקל**. There is a halacha in **שבת ה'ל'** that if a **מלאכה** is done in a way that is destructive then one is not liable for that act.⁷ Therefore, one possibility is that tearing which is typically a destructive act cannot be a violation of one of the **מלאכות** since it is **מקלקל**, and so if one tears for the purpose of being able to sew in the place where the cloth is torn, that intent would make the act into one that is not destructive but constructive. It would transform the act from a **מעשה קלקול** to a **מעשה**. According to this approach, in effect, the **מלאכה** really is the act of ripping or tearing - we just need it to be **על מנת לתפור** to make it a constructive as opposed to a destructive act.

On other hand some Rishonim hold that the **על מנת לתפור** is actually part of the **מלאכה** itself. The **מלאכה** is not tearing per say, it is tearing for the purpose of sewing. Or even more - it is the initial act of sewing. It is **תחלת** the **התפירה**. According to this approach the nature of the **מלאכה** is inherently constructive as all steps in the sewing process can be looked at as part of one constructive process. The **נפקא מינה** will be any case of tearing which is not destructive but also clearly not for the purpose of sewing. Tearing open an envelope to read the letter inside is tearing for a constructive purpose but it surely is not for the purpose of subsequently sewing the envelope back together.⁸

מלאכת בורר

The **ט"ז א"ח סימן ש"ב** has a famous position that on Shabbos if one finds that there is a fly in his soup, he can remove the fly together with some soup and this would not be a violation of **מלאכת בורר**. **מלאכת אגלי טל** disagrees and thinks that this would be **מלאכת בורר** של **מלאכת דאורייתא** של **מלאכת בורר**. The Acharonim explain that this issue (and many others) goes to the heart of how to understand the nature of **מלאכת בורר**. According to the **ט"ז** the **מלאכה** of **בורר** is the separation of the **פסולת** from the rest of the mix. Therefore removing a fly together with some soup keeps the fly mixed with at least some soup. It is no longer mixed with the whole bowl of soup but is still

7. עיין משנה שבת ק"ז - כל המקלקלין פטורין

8. עיין ביאור הלכה סימן ש"מ שדן באריכות בחקירה הנ"ל אם ה'על מנת לתפור' הוא לסלק החסרון דמקלקל או אם הוא מעצם חלק המלאכה. וכן יכולנו לחקור אותו חקירה לגבי מלאכות - מתיר (על מנת לקשור), ומכבה (על מנת להבעיר), ומוחק על מנת לכתוב. עיין תוס' שבת דף ל' שהקשה וז"ל, וא"ת כיון דסותר ומכבה בעינן ע"מ לבנות ולהבעיר א"כ בפרק כלל גדול דתנן המכבה ע"מ להבעיר והסותר ע"מ לבנות כי היכי דקתני המוחק ע"מ לכתוב ב' אותיות והקורע ע"מ לתפור ב' תפירות. עיין שם מה שתייך. ואפשר עוד לתרץ שדוקא בקושר ומוחק ה'על מנת' שלהם חלק מעצם המלאכה. כל מלאכת מוחק הוא תחלת מלאכת כתיבה ומלאכת קורע הוא תחלת מלאכת תופר ולכן דוקא באלו נקט המשנה שבעיני' על מנת. אבל במכבה ומתיר אף שהם ג"כ בעי על מנת זהו אינו משום דהוי חלק מעצם המלאכה אלא הוא רק לסלק החסרון דמקלקל ולכן לא נקט התנאי דעל מנת במתני' ע"ג שנקט דוקא ה"ט מלאכות בעיקרם.

mixed with some soup and so we cannot say that the **פסולת** (in this case the fly) has been removed and so there would be no violation of **בורר**. However, the **מלאכת אגלי טל** holds that **מלאכת בורר** is not a halacha in the removal of the **פסולת** but in the fixing of the food (**תיקון האוכל**) that was mixed with the **פסולת**. What the acharonim call **תיקון האוכל**.⁹ Of course in the case of removing a fly with some soup surely the soup that remains is now edible and therefore would be a violation of **מלאכת בורר**.

We have looked at 4 different **מלאכות**, each one having 2 ways to view the **מלאכה**. In actuality we could say that all the **מחלוקות** hinge on one general issue - how to view **שבת**.

Are the **מלאכות** representative of a creative process or the opposite - do they represent the breaking down and nullification of a process?¹⁰

Is **מלאכת הבערה** the creative process of lighting a flame or the consumption of the fuel - which can be viewed as a process of nullification or abolishment?

Is **מלאכת צידה** the creative process of catching and trapping an animal that I did not have beforehand or is it the taking away of the freedom of the animal?

Is **מלאכת בורר** the creative process of fixing a food and making it edible or is it the process of removal and nullification of the **פסולת**?

Is **מלאכת קורע** the creative process of sewing, tearing being the first step in that creative process or is the **מלאכה** the act of tearing which is clearly not a creative act but an act of nullification and invalidation?

9. עיין ביאור הלכה סימן ש"ב שמאריך בזה. ועיין בעל המאור שבת דף ק"ז שכ' דמלאכת בורר הוי מלאכה שאינה צריכה לגופה ועכ"פ חייב עליו דכך היה המלאכה במשכן. מבואר מבעל המאור דמלאכת בורר הוי מעשה ברירת הפסולת וא"כ כיון דהמעשה נעשה בהפסולת ואינו צריך להפסולת לכך נקרא אינה צריכה לגופה. אמנם יש לומר בדרך אחר דגדר מלאכת בורר הוא מעשה תיקון האוכל, דעל ידי הסרת הפסולת נעשה האוכל מתוקן ונמצא שהך ברירה הוי מעשה תיקון בהאוכל שנעשה על ידי זה ראוי לאכילה והרי זה נקרא מעשה חדש דהיינו התחדשות מציאות דאוכל מתוקן. וכ"כ הישועות יעקב א"ח סימן ש"ט דהמלאכה אינה נקראת על ברירת הפסולת רק דמתקן האוכל שיהיה ראוי לאכילה וזה מלאכה הצריכה לגוף האוכל דמשוי אוכל גמור וכו'. עיין אגלי טל מלאכת זורה אות א'.

עוד נפקא מינות בין המהלכים:

(א) שיעור כגרוגרת אם הוא שיעור גרוגרת בפסולת שהסיר או באוכל שנשאר לאחר ברירת הפסולת, עיין הרמ" שבת פרק ח', ועיין בהוצאת פרנקל רמ' בפירוש קדמון ממזרים שכ' דצ"ע אם זה שיעור לשמרים או למשקין כלומר לא יחייב עד שיוציא שמרים כגרוגרת או עד שתהיה המשקה שיעור שמרי כגרוגרת, ע"כ. וז"ל המנחת חינוך מוסף השבת אות ו' וז"ל, והנה במלאכה בורר ומרקד כתב הר"מ כאן הל' י"א וט"ז שיעור כגרוגרת, ולא נתבאר שם אם די שיש בין הכל האוכל והפסולת כגרוגרת, או אפשר צריך שישאר אחר הוצאת הפסולת כגרוגרת וכן מסתבר, כיון דבאוכלין הוי חשוב כגרוגרת, א"כ האוכל בעצמו צריך להיות כגרוגרת.

(ב) בורר פסולת מאוכל ונשאר עדיין קצת פסולת בהאוכל - עיין ספר מי טל מלאכת בורר אות ה' שמביא מח' בבלי וירושלמי אם חייב אי בורר פסולת מאוכל אבל נשאר קצת פסולת בהאוכל.

10. עיין כל ספרי מי טל על יסוד מלאכות שבת שהביא מאות מחלוקות במלאכות שבת שתלוי בחקירה הנ"ל

davening¹¹ and the blowing of the shofar.^{12 13 14} May we all be זוכה to experience this relationship – to feel the love from Hashem as a parent has towards his/her children and to feel towards Hashem the love a child has for his/her parents. שנה טובה ומתוקה.

One of the two approaches is surprising. We generally understand מלאכת שבת as representing a creative process. Hashem created the world in six days and rested from creating on Shabbos. It would be logical that we should rest from those actions that represent a creative process. It is nothing less than astounding to suggest that our resting on Shabbos highlights resting from a process of removal and nullification.

Unless, perhaps we look at מלאכות שבת from a different perspective – the perspective of Hashem.

From whose perspective are the מלאכות of שבת patterned after? Are they patterned after man's perspective or Hashem's perspective? From the perspective of man, when Hashem created the world, obviously, a creative process had taken place. However from Hashem's perspective there was actually a ביטול that had taken place. The *Mekubalim* explain that a process known as צמצום took place to allow the world to exist. Hashem had to remove Himself on some level to allow the world which seems to be independent of Him to exist. Therefore, from Hashem's perspective one can say that the creation of the world was actually a ביטול or a breaking down, a lessening of His presence. The more that he created in the world the more He had to make room for that world. From this approach it would make sense that מלאכות would be highlighting a process of limitation and lessening. A process of nullification and consumption. From this perspective we could understand why the אבני נזר would say that the nature of מלאכת הבערה is the consumption of the fuel and we could understand the position that מלאכת צד is the limiting of the animal's freedom and it would make sense why many ראשונים hold that tearing per se is a מלאכה. Although these approaches highlight the breakdown and limitation of a process, this is precisely what מלאכת שבת is focusing on – that from the perspective of the רבוש"ע there was a צמצום as a result of the creation of the world and this is highlighted in the way that the מלאכות of שבת are presented according to the positions mentioned above.

Of course it is logical and correct to say that both these perspectives are correct. אלו ואלו דברי אלקים חיים. The idea that our relationship with הקב"ה focuses on both how we see Him as אבינו מלכנו and how He views us as His children is a primary theme in Jewish thought, and of course during ימים נוראים this dual relationship between us and הקב"ה is replete in the

11. עיין מש"כ בלקוטי תורה להבעל התניא ז"ל, הנה כתיב כי קל דעות ה' פירוש שכולל ב' דיעות כי ממטה למעלה לפי מה שנראה לעיני בשר העולם הגשמי נראה ליש ודבר והרוחניות שמלמעלה הוא בחינת אין ומה שלמעלה מעלה הוא בחי' אין יותר לפי שאינו מושג יותר וכמו"ש והחכמה מאין תמצא וכל זה הוא בערכנו אנחנו שכוני מטה אבל לגבי קוב"ה דכולה קמיה כלא חשיב הוא להיפך שמלמעלה למטה הוא בחי' אין וכל מה שמשלשל ויורד מטה מטה הוא יותר בחי' אין וכל חשיב ממש.

והענין הוא כי עיני בשר הוא היפך עיני ה' כי בעיני בשר דומה היש הגשמי הנרגש ליש והרוחניות דהיינו מה שאינו נרגש לנו לאין ובאמת הוא להיפך כי הרוחניות והחיות הוא יש והגשמי הנרגש הוא אין.

ועיין ספר מי טל להרה"ג יחיאל מיכל קלמנסון שכ' ז"ל, לפי זה י"ל דהני ב' שיטות ביסוד איסור מלאכה בשבת אם מהות המלאכה הוא הענין דיש מאין או הענין דמיש אין הרי זה תלוי במה שיש לחקור בהא שצינו הקב"ה שלא לעשות מלאכה בשבת אם המלאכה נקראת כמו שהיא לגבי הקב"ה ולגבי הקב"ה הרי המלאכה היתה ענין מיש וא"כ מלאכה שאסר לנו בשבת הוא ג"כ ענין מיש אין. או שנאמר שהמלאכה שנצטוו בה שלא לעשותה בשבת הוא מלאכה כמו שהיא לגבי בני אדם ולגבינו הנה המלאכה דששת ימי בראשית נקראת בשם יש מאין ובגדר כזה נאסר עליו ג"כ לעשות מלאכה באופן דיש מאין.

12. עיין מאמר מאת הרב אבי שרייבר בחוברת הזאת לגבי הב' עניינים של תקיעת שופר.

13. עיין בחי' וביאורים בש"ס ממרן מליובאוויטש ח"א סימן ט"ז שהציע דחקירתנו לגבי מלאכות שבת הוי מח' בין ר"י ור"ע לגבי כל המצוות. שיטת רבי ישמעאל היא שגדר כללי המצוות הוא כמו שהן מצד האדם שנצטוו ושיטת רע היא שגדר הכללי של המצוות הוא כמו שהן מצד המצווה הקב"ה.

14. עוד דוגמאות להדו יחס בין הקב"ה וכלל ישראל: עיין שם משמואל פרשת תרומה שההבדל בין המקדש והמשכן הוא שהמשכן הוא בבחינת מעלה מטה ו בבחינת המקדש בבחינת מטה למעלה. ועיין שיעורים לזכר אבא מרי ז"ל שהוא ג"כ ההבדל בין שבת וי"ט, ועיין ספר ארץ הצבי בהבדל בין קדושת בית המקדש וקדושת בית הכנסת.

The מצוה of תורה - תלמוד תורה - Its שיעור and its ברכה

Rabbi Chaim Ozer Shulman

I. Introduction

On שמחת תורה we will celebrate the finishing and beginning anew of the תורה. It is therefore an appropriate time to review the laws pertaining to the מצוה of תורה, תלמוד תורה, and how much is required to fulfill a person's daily obligation to study תורה.

Below we explore four major issues:

1. How much learning is required each day to fulfill the minimum obligation of studying Torah every day?
2. How does the ברכת התורה we make in the morning suffice for the whole day?
3. The נודע ביהודה states that women, in contrast to men, have to make a new ברכת התורה each time they learn during the day. Why does he say this, and why is it not common practice?
4. Is there a further obligation to become an expert in the Torah?

II. ברכות in the Morning Suffice for the Whole Day

There are two important גמרות that deal with the question of how much time has to be allotted each day to Torah study, one in מנחות דף צט: and another in ברכות דף לה: . There's a famous תוספות in the first פרק in ברכות on דף יא: which sheds light and teaches us a great deal about these two גמרות.

Tosafos states that ברכת התורה only has to be recited once a day in the morning, and applies to the whole day's learning. Thus, when the person learns תורה later in the day or evening he doesn't have to make another Bracha. Tosafos then asks as follows:

- ואם תאמר מאי שנא מסוכה שצריך לברך על כל סעודה וסעודה לישב בסוכה - Why is לישב בסוכה of ברכה different from the ברכה of תורה, which has to be recited each time a person eats in the Succah? וי"ל דשאני - Torah is different since one doesn't get distracted from it (there's no היסח הדעת), because a person is required to study Torah every minute of the day, - דכתיב - as the Pasuk in Yehoshua states: "You should (speak words of

Torah constantly and) study Torah day and night", והוי כמו יושב כל היום בלא, - and therefore it is like he was learning all day without an interruption.

Tosafos' view that the ברכות התורה only has to be recited once in the morning is almost universally accepted, and is brought in שו"ע in להלכה in שו"ע א"ת סימן מ"ז who states: בעסקיו כיון שדעתו לחזור - אם הפסיק מללמוד ונתעסק בעסקיו כיון שדעתו לחזור - if a person stops his learning to engage in business it isn't an interruption since he has in mind to return to his learning.

There are several questions on this תוספות: First, the גמרא in מנחות (דף רבי יוחנן משום רבי שמעון בן יוחי (צ"ט:), which is discussed below, quotes from רבי יוחי בן יוחי ק"ש שחרית וערבית קיים לא ימוש - even reciting twice daily fulfills the obligation to study תורה day and night. How can תוספות say דכל שעה אדם מחויב ללמוד - that Torah is an obligation every minute of the day if one can fulfill the obligation with ק"ש?

Second, even if we say that תוספות doesn't accept רשב"י's view (maybe because he learns that ישמעאל ר' in that גמרא argues and he paskens like ר' (ישמעאל), everyone agrees that a person is permitted to interrupt from תורה study to earn a living as the גמרא states in ברכות. The גמ' derives from the לא ימוש ספר התורה הזה that despite the obligation of תורה דגניך פסוק one is permitted to earn a living. So how can תוספות say that the obligation to study תורה is every minute of the day?

Third: What does תוספות mean that the ברכות התורה in the morning suffices for the whole day since a person is "obligated" to study תורה constantly? How does it help that there's a constant חיוב, if in fact the person does interrupt and doesn't learn constantly?

Fourth: The שו"ע in סי' מ"ז says women also recite ברה"ת . It seems clear that even if women have certain obligations to learn תורה, they don't have the constant obligation that men do of studying Torah day and night. So what would תוס' answer with regard to women? How do women fulfill their obligation by reciting the ברה"ת only once in the morning, since they're not obligated every minute of the day because for them there is an interruption? This question caused the נודע ביהודה in his commentary - the צ"ח - to say that women should make a new ברה"ת every time they learn. Why is the accepted custom for women to make ברה"ת only once a day?

III. Answer to First Question - Explanation of גמרא regarding the לא ימוש of שיעור

By examining the גמרא in מנחות we should be able to answer our first question on תוספות. There appears in the גמרא to be several opinions as to how much daily תורה study is required. אמר רבי אמי מדבריו של רבי יוסי נלמוד אפילו לא שנה אדם אלא פרק אחד שחרית ופרק אחד ערבית קיים מצות פרק משניות of daily תורה study with merely learning a פרק in the morning and the evening. And even though the פסוק states: לא ימוש - "Words of Torah should not cease to be uttered from your lips and study Torah day and night" and לא ימוש - "should not cease" (as well as והגית בו יומם ולילה) implies constant study all day and all night, we see from רבי יוסי in the משנה that the word - לחם הפנים means "daily" (ונתת על השולחן לחם פנים לפני תמיד) but not all day, so לא ימוש can also mean a day and night will not pass without Torah, (and והגית בו יומם ולילה can mean study daily and nightly) but not that Torah has to be all day and all night.

The גמרא then brings a second opinion: אמר רבי יוחנן משום רבי שמעון בן - רבי יוחי אפילו לא קרא אדם אלא קרית שמע שחרית וערבית קיים לא ימוש Rabi Yochanan in the name of Rabi Shimon ben Yochai states that even the recitation of ק"ש in the morning and the evening satisfies the obligation of תורה study. The Vilna Gaon - the גר"א - explains that according to these two opinions even one word of תורה in the morning and evening satisfies the minimum obligation of daily תורה study.

Then the גמרא brings a story, apparently to show a third opinion: שאל בן - אמר רבי יוחנן משום רבי שמעון בן דמה בן אחותו של רבי ישמעאל את רבי ישמעאל כגון אני שלמדתי כל התורה כולה מהו ללמוד - Rabi Yishmael asked his uncle - May someone like myself who has studied the entire Torah learn חכמת יונית? (חכמת יונית, is Greek hints and signs, or according to some interpretations, Greek philosophy.) קרא עליו המקרא הזה לא ימוש ספר - Rabi Yishmael replied by reciting this verse that one should study Torah day and night, צא ובדוק שעה שאינה לא - find a time that is neither day nor night and study then Greek wisdom. Thus, Rabi Yishmael appears to disagree with Rabi Ami and Rabi Shimon ben Yochai and holds that לא ימוש requires constant study, all day and all night. So the only time for learning Greek wisdom, or for that matter any other unnecessary hobby, is a time that's neither day nor night, in other words there's no time for it.

This is how the מהרש"א learns the גמרא, that the story of ר' ישמעאל and his nephew is brought down to show that he holds that the obligation is to study תורה constantly during all available time, in contrast to ר' אמי and ר' רשב"י who hold the obligation is satisfied by learning even a minimal amount during the day and night (and any extra amount of learning, though fulfilling a מצוה, is not a חיוב - is not obligatory).

also seems to learn that there's a מחלוקת in the מנחות on דף סד: on מנחות in תוספות between ר' ישמעאל and the others.

The מהרש"א, however, disagrees with the נדרים in ריטב"א and interprets that there's no disagreement in the גמרא in מנחות. The ריטב"א infers from the גמרא that ר' ישמעאל, who told his nephew that he can study Greek wisdom only at a time that's neither day nor night, does not disagree with ר' אמי and ר' רשב"י that פרק משניות or ק"ש is enough. Rabi Ami and Rabi Shimon ben Yochai are only discussing a person who is busy the rest of the day earning a living - for such a person even ק"ש or a פרק משניות suffices. But otherwise a person has to learn תורה during all available time. That's why ר' ישמעאל told his nephew that there's certainly no time for studying יונית because a person has to use all free time to study תורה.

The ריטב"א and the שו"ע also seem to learn like the רמב"ם that there is no disagreement in the גמרא מנחות. The רמב"ם states: כל איש מישראל חייב בת"ת כו' ואפילו בעל אשה ובנים חייב לקבוע לו זמן לת"ת ביום , and even someone who has to support a family must at least set aside a short time in the morning and the evening for Torah. The שו"ע says the same. This implies that ר' אמי who said that a person can fulfill his obligation with a פרק משניות in the morning and the evening is only dealing with a case where the person is busy the rest of the day earning a living - a בעל אשה ובנים. So ר' ישמעאל would not have to disagree with the story told about ר' אמי and his nephew. A person can fulfill the obligation of ת"ת with a פרק משניות, but only if he's busy earning a living. Otherwise he has to learn תורה day and night, so there's no time for studying Greek wisdom.

Note that the רמב"ם and שו"ע do not say that a בעל אשה ובנים can satisfy his obligation with ק"ש, because they like ר' אמי that a פרק משניות or some other small amount of תורה suffices, but not ק"ש since that's said as part of davening and cannot be used to satisfy the obligation of ת"ת.

The הג' מיימוני states: על הא דאמר רבי יוחנן בפ' שתי - הלחם אפילו לא קרא אדם אלא ק"ש שחרית וערבית קיים לא ימוש כו' סמ"ג כו' - one who is extremely pressed for time can rely on ק"ש. The רמ"א brings this

ת"ת down the obligation of ת"ת. Again we see that fulfilling the obligation of ת"ת with a פרק משניות or ק"ש only suffices for a person who's busy earning a living, since the ת"ת says ובשעות דחוקות הג' מיימוני. Thus there is no reason to say that ר' ישמעאל argues on רשב"י.

Now that we've established that at least according to some ראשונים there is no disagreement in the גמרא in מנחות, we can easily answer our first question on תוס'. Remember we asked: How can תוס' say that the obligation to study תורה is every minute of the day when רשב"י says that one fulfills his obligation with ק"ש שחרית וערבית? (If תוס' answer is not according to רשב"י then he should have specified that?)

The answer is that תוס' will learn like ריטב"א and רמב"ם that there's no disagreement in the גמרא מנחות - not like תוס' or מהרש"א. Thus, even רשב"י agrees with ר' ישמעאל that when a person is not busy earning a living he has to study תורה day and night. So even according to רשב"י the Tosafos was correct in stating that a person is obligated to study תורה every minute, since this is true at least when one isn't earning a living.

IV. Answer to Second Question -Explanation of גמ' in ברכות regarding היתר ואספת דגנך

Our second question on תוס' still remains; How can תוס' say כל שעה אדם תורה every minute, if there's an exemption from studying תורה while earning a living as the גמרא states in ברכות? If we examine the גמרא in ברכות we will be able to answer the second question.

The גמרא on דף לה: states as follows: ת"ר ואספת דגנך מה ת"ל - why does the Torah need to tell us "And you shall gather your corn"?

לפי שנאמר לא ימוש ספר התורה הזה מפיק יכול דברים ככתבן - since it says that one should study Torah day and night, one might take that literally, ת"ל ואספת דגנך הנהג בהן מנהג דרך ארץ, therefore the Torah says "Gather your corn" to teach us that one must combine the study of Torah with worldly obligations, דברי ר' ישמעאל, this is Rabi Yishmael's view. רבי שמעון בן יוחי אומר אפשר אדם חורש בשעת חרישה וזורע בשעת זריעה וקוצר רבי שמעון בן יוחי אומר אפשר אדם חורש בשעת חרישה וזורע בשעת זריעה וקוצר - RabiShimon ben Yochai says if one ploughs in the plowing season and sows in the sowing season and reaps in the reaping season, etc.(threshes, winnows), what will become of the Torah! אלא בזמן שישראל עושין רצון של מקום מלאכתן נעשית ע"י אחרים כו' בזמן when - שאין עושין רצון של מקום מלאכתן נעשית ע"י עצמן שנא' ואספת דגנך Bnei Yisroel follow in Hashem's ways others will support us, but when times are less fortunate we must work. הרבה עשו כר' ישמעאל ועלתה בידן כר' שמעון. Many worked like Rabbi Yishmael and succeeded, בן יוחי ולא עלתה בידן

and many only learned Torah like רשב"י and failed.

The תוס' states (in הל' ת"ת) that the exemption of דגנך that one can earn a living applies not only to earning the bare essentials of existence but even to earning a comfortable living, as long as one devotes some amount of time to Torah study.

The גמרא seems to conclude like ר' ישמעאל that a person should engage in דרך ארץ - in earning a living. In any event, all agree that one who needs to earn a living is exempt at the time of work from studying תורה, as we derive from דגנך. So, to repeat our question, how can תוס' say that a person is obligated to study תורה every minute?

Looking at the language of תוס', note that he states: שאני תורה שאינו מייאש - Torah is different since one doesn't get distracted from it, that is there's no היסח הדעת, because a person is required to study תורה every minute of the day. The Vilna Gaon states that ברכת הפסק are similar to other ברכות, where there's a difference between a הפסק - an interruption, and a היסח הדעת a distraction. He brings the rule by eating bread or other food where the תוס' states (ס' קס"ז) based on גמרא in דף מ. that if a person talked between the ברכה of המוציא and taking a bite, he has to repeat the ברכה; but if the person already took a bite he can talk in the middle of the meal without having to repeat the ברכה as long as there is no היסח הדעת - no distraction, such as מיקום שינוי moving from one house to another house, or saying bring אחרונים (as brought down in the תוס'). The Vilna Gaon explains the difference as follows: Before eating, even a small הפסק - a small interruption isn't allowed since otherwise there's nothing for the ברכה to be חל on - to attach to, but once a person took a bite the original ברכה continues to apply so long as there's been no היסח הדעת.

When Tosafos says אינו מייאש דעתו he sounds like he's talking about a היסח הדעת that a new ברכה doesn't have to be recited each time a person sits down to learn since there was no distraction. If this is the correct interpretation of תוס' we can easily answer our question. We asked how can Tosafos say that the ברה"ת in the morning applies to all the learning during the day based on כל שעה אדם מחויב ללמוד, isn't one exempt from learning Torah while earning a living? The answer is that there's still no היסח הדעת - no distraction since even while a person is earning a living he has in mind to return to his learning later.

This explanation would fit in well with a מגן אברהם who comments on the תוס' that the morning ברה"ת exempt a person from the ברכה for the whole

day only if he has in mind to return to his learning in the evening, but a person who doesn't usually learn תורה in the evening has to recite a new ברכה each time he learns. The ט"ז and the רבה אליה argue, and state that even if the person doesn't have in mind to return to his learning no new ברכה is required.

The problem with using the Vilna Gaon's interpretation in תוס', is that then the end of תוס' makes no sense, as the גר"א himself asks. Tosafos at the end of this discussion brings the custom of the צרפתים - the French to recite so that there should be no interruption, but תוס' himself states that one doesn't really have to say these passages after the ברה"ת (- אבל אין צריך כמו שכבר כתבתי). The שר"ע and the Vilna Gaon pasken that one should recite these passages so that there won't be a הפסק, but they acknowledge that our תוס' doesn't require it. So our תוס' obviously holds that there's no difference between distractions between learnings and interruptions between the ברכה and beginning to learn, contrary to the Vilna Gaon's interpretation.

So our question on תוס' still remains, why is there no הפסק when a person recites the ברה"ת and then goes to work? Isn't working a הפסק since one isn't obligated to learn תורה when he works? And how can תוס' say דכל שעה אדם מחויב ללמוד?

I heard in the name of Rav Soloveitchik לברכה זכר צדיק an interesting answer to our question. Rav discussed this גר"א and asked how can תוס' say that one doesn't even have to learn any פסוקים after the ברה"ת, wouldn't that be a הפסק - an interruption? He answered as follows: The main ברכה is תורה but to engage in תורה. He explained that there are two aspects of תורה. One is to learn תורה and the second is not to forget תורה which is prohibited by the Pasuk in Vaeschanan: - Lest you forget what your eyes saw, and lest they depart from your heart. As long as a person doesn't remove himself from learning and intends to return to it whenever he can, he fulfills תורה constantly by not "turning away" from the תורה. This interpretation, however, doesn't fit well into the words of תוס', who states that והגית בו יומם ולילה is constant but not that the prohibition of forgetting (פן יסורו) is constant!

I would like to suggest the following answer, which may also help us answer the other questions. There is a concept in תוס' of ע"מ לקיים חז"ל, that תוס' doesn't just involve learning תורה but keeping it as well. In אהבה רבה, (which itself is a quasi-Birchas Hatorah) we say: ללמוד וללמד לשמור. Perhaps keeping the תורה (ולקיים את כל דברי תלמוד תורתך באהבה) by doing מצות and by refraining from עבירות, is in a sense part of the

Mitzvah of תוס'. Keeping the Torah is the לקיים part of ע"מ לקיים, and is required so that a person's learning is ע"מ לקיים - not for academic reasons alone. Therefore even keeping the Torah may require ברה"ת just like actual learning.

Perhaps we can draw support to this from the actual words of the ברכה. We don't say אקב"ו לעסוק בדברי תורה but אקב"ו לעסוק בדברי תורה, as Rav Soloveitchik pointed out. This perhaps means that ברה"ת is not just on the learning part of תוס' but also on the לעשות part of תוס'. Even our עסק - our work has to be Torah.

We find this concept in a well known ירושלמי. The רמב"ם (פ"ג מת"ת ה"ד) היה לפניו עשיית מצוה ות"ת, based on a גמרא in מו"ק, that: אם אפשר למצוה להעשות ע"י אחרים לא יפסיק תלמודו ואם לאו יעשה המצוה one who is engaged in one מצוה is exempt from all other מצוות, a person can interrupt Torah learning to fulfill Mitzvos that cannot be done by others. The אחרונים all quote a ירושלמי that gives the reason for this. The ירושלמי says that תורה is different than other מצוות because: הלומד שלא לעשות נוח לו שלא מצוה would have been better off not born. Torah must be for the sake of keeping the מצוות. Torah must be learned with a practical purpose, and cannot be solely for academic, intellectual reasons. I would suggest that what the ירושלמי means is that since Torah has to be לעשות, for the purpose of keeping the מצוות, the מצוות are in a sense part of תוס' because they enhance a person's learning by making it learning that is לעשות, and thus the person isn't really stopping to learn תורה by doing the מצוות. Therefore the general rule, that one who is engaged in a מצוה is exempt from other מצוות doesn't apply to תוס' since מצוות are part of תורה.

The same rationale that the ירושלמי uses to explain why עוסק במצוה פטור מן, would be equally applicable to the rules of the מצוה doesn't apply to תורה, where the ירושלמי would hold that doing תוס' - interruption after a ברכה, where the ירושלמי would hold that doing מצוות are not an interruption from תוס', since keeping the מצוה is part of תוס'.

There are two possible ways to understand the rule of דאספת דגנך, that one can take time out from תוס' to earn a living. It could be seen as a פטור - an exemption from תוס', or it could be seen as an actual מצוה. The Vilna Gaon in his commentary on the first משנה of פאה takes the second view that דרך ארץ - earning a living is actually a מצוה. Thus it's just like any other מצוה that is part of ע"מ לקיים. So there's certainly no interruption since earning a living is a מצוה.

The Vilna Gaon states in שו"ע that women make ברה"ת - נשים מברכות ברה"ת : states ס' מ"ז in שו"ע, and no one seems to disagree with that the שו"ע. We know, however, from a גמרא in תורה, because קידושין דף כט: in גמרא that women are exempt from learning תורה, because בנים - ולמדתם אותם את בניכם - teach your sons, בניכם - ולא בנותיכם - your sons but not your daughters, and the גמרא makes a דרשה of תורה, there's no obligation to teach women ולמדתם ולימדתם - if there's no obligation to teach women תורה, there's no obligation for women to learn תורה. So why does the שו"ע say that women recite ברה"ת ?

There are basically two answers given. The Vilna Gaon states that women are not "required" to make ברה"ת but have the option to do so, like any מצוה that they are exempt from, where women have the option of making a ברכה. There is a famous ר"ת quoted by the רמ"א in הלכות ר"ה that women are allowed to make a ברכה on the Mitzvos that they're exempt from (אינה מצווה) like שופר, לולב, סוכה and so on. The שו"ע in ר"ה and the רמב"ם (הל' ציצית), however, hold that women are not permitted to make ברכות on the מצוות that they are exempt from. The custom of some Sefardic women is therefore not to make ברכות on the מצוות that they're exempt from, while Ashkenazim follow ר"ת and do make a ברכה. So the Vilna Gaon understands that ברה"ת is no different than any other ברכה on a מצוה that women are exempt from, so that according to ר"ת and the Ashkenazic women can recite ברה"ת, and according to the רמב"ם and many Sefardim, women would not be allowed to make ברה"ת.

The שו"ע obviously cannot learn like the Vilna Gaon, because he says that women recite ברה"ת even though in general he disagrees with the ר"ת and rules that women may not make ברכות on the מצוות they are exempt from. So the שו"ע in the בית יוסף (ס' מ"ז) gives a different explanation why ברכה (מצוות) requires women to recite a ברכה. He says, based on a מהרי"ל, that even though women are not obligated in ת"ת (as we derive from בנים את בניכם), and in fact the גמרא says (ולמדתם אותם את בניכם), nevertheless that's referring only to תורה, המלמד בתו תורה כאילו מלמדה תיפלות, and women are obligated to say תורה שבכתב, but not like תורה שבע"פ. In addition, the סמ"ג says women are obligated to learn דינים - the halachos that pertain to their Mitzvos and therefore have an obligation of ת"ת and must recite the ברה"ת, and even those following the Sefardic custom would still make ברה"ת.

The משנה ברורה points out that according to the ב"י women are obligated, and not just permitted, to make ברה"ת, and could be מוציא men (let's say for instance שבועות night where there's some doubt as to whether to recite ברה"ת), but according to the Vilna Gaon women may elect to make ברה"ת

but are not actually required to do so and therefore cannot be מוציא men with the ברכות.

Returning to the נודע ביהודה's question on תוספות, תוס' says that saying ברה"ת in the morning exempts a person for the whole day because he is obligated to study תורה every minute of the day. But women don't have the constant obligation, and at most have an obligation to study the דינים שלהן - the laws that apply to them. So why don't women have a היסח הדעת - a distraction, that would require them to make a new ברה"ת each time they learn?

According to the Vilna Gaon, I would suggest the following:

First one can answer simply that it is not an obligation on women to recite ברכת התורה and therefore even if women want to make the ברכה, once a day would certainly suffice.

Additionally one can answer as follows: The ראשונים ask two questions on the opinion of ר"ת that women are permitted to make a ברכה on the מצוות that they are exempt from: (1) How can women make a ברכה if they don't have the מצוה? And (2) How can they say וציונו and you have commanded us, if they are עושה מצוה ועושה? תוס' in דף צו. answers the first question that כיון שמברך על המצוה שעושה לא היא ברכה לבטלה - since the woman is doing the מצוה it's not a ברכה לבטלה. Similarly, the ר"ן דאע"פ שגדול המצווה ועושה יותר ממי שאינו מצווה ועושה (ר"ה דף לג.) says: In other words, although a woman doesn't have a חייב - an obligation, she still has a קיום מצוה a fulfillment of the מצוה if she performs the מצוה. On the second question of how women can say וציונו, the ר"ן in ר"ה answers: וציונו ואף הן נוטלות - since men are commanded, the וציונו which is בלשון רבים - בני ישראל, that we all were commanded that men amongst us should keep these מצוות and therefore saying וציונו is appropriate.

So the נודע ביהודה's question can now be answered. Since the ר"ן says that women can make the ברכות and say וציונו only because it refers to the command that the men received, women cannot make the ברה"ת more often than the men do, because the men's command only facilitates one ברה"ת in the morning. So women who tag along with the men's commandment with regard to saying וציונו can say the ברה"ת only once. (One could still ask, however, that women had an interruption, and are not better than men, but merely need another recitation because of the הפסק?)

In any event this won't be a satisfactory answer for the שו"ע because if

women have their own obligation of learning תורה שבכתב and דינים שלהן that requires a ברה"ת, it has nothing to do with men, and again one can ask if women don't have to make a new ברה"ת each time they learn?

One cannot say that the obligation of women to learn דינים שלהם is a constant one, because it is not derived from מפיך הזה התורה. (The בית הלוי says that women learning the laws that are applicable to them is not ת"ת at all, but rather part of the particular מצות being studied. In other words, it is a prerequisite to properly keeping the מצות, and therefore the בית הלוי learns like the Vilna Gaon. But the שו"ע doesn't learn this way, because then he wouldn't require women to make ברה"ת, and therefore the שו"ע must learn that ת"ת is דינים שלהן.)

There is some question what the source for the obligation of דינים שלהן is. The ספר החסידים says its derived from הקהל. (The בית הלוי says its not even a Mitzvah of ת"ת but rather a part of the particular Mitzvah being studied as a prerequisite for proper fulfillment of the Mitzvah.) But whatever the source for the obligation of women learning the laws that are applicable to them is, it's certainly not a constant obligation that requires women to learn every minute.

According to our interpretation in תוס', the נודע ביהודה's question can be answered both according to the Vilna Gaon and according to the שו"ע. Even though women are exempt from the learning part of ת"ת as we derive from ת"ת ע"מ לעשות אותם את בניכם, they still have the part of ת"ת. In fact that's perhaps where the דינים שלהם obligation comes from. So women have to live the תורה the whole day just like men have to. Women are obligated in ברה"ת because they also have the ע"מ לעשות portion and have to even learn certain parts like דינים שלהן. Therefore, they have no interruption from living the תורה just like men, and therefore one ברה"ת in the morning suffices even for women.

Since we are discussing the reasons for women making ברה"ת, I would like to mention a totally different explanation of why women make ברה"ת, that Rav Soloveitchik said over in the name of ר' חיים בריסקער, although it doesn't help us with תוס'. He said that ברכת התורה according to most (e.g. the מנין המצות in רמב"ן) is דאורייתא - a Torah obligation, as derives from גמ' ברכות דף כא. , כי שם השם אקרא are only ברבנן, and thus ברה"ת is not a ברכת המצוה. ר' חיים learns that it is a ברכה on the חפצא of ת"ת, on the acquisition of knowledge, somewhat like a ברכת הנהנין. Therefore even according to the רמב"ם and the שו"ע who say that women cannot make a ברכה on the מצות that they're exempt from,

ברה"ת can be said even by women, since ברה"ת is on the הנאה derived from the acquisition of Torah knowledge, and that applies even to women, since women can acquire the same Torah knowledge.

There's a story told, which I heard from Rav Hershel Schachter שליט"א, that the night ר' חיים became a bar mitzva his father the בית הלוי told him that since he planned to learn תורה that night he should have in mind to fulfill his obligation of ברה"ת with אהבת עולם which contains words about learning תורה, since he may not have fulfilled his obligation of ברה"ת by reciting it in the morning when he had not yet become a Bar Mitzva. Reb Chaim responded to his father that since ברה"ת isn't on the מצוה of ת"ת but on the חפצא of תורה even a קטן can have that.

ר' חיים's interpretation is a nice one, of course, but doesn't fit in תוס' who obviously learned that ברה"ת is like a ברכת המצוה from the fact that he compares it to סוכה in asking why one ברכה suffices, and from the fact that he has to explain in the answer why there is no הפסק from ת"ת, which wouldn't have to be explained according to ר' חיים.

VII. The Obligation to Become a תלמיד חכם

Let us review what the minimum halachic requirements are for fulfilling the daily obligation to study תורה. According to the רמב"ם and ריטב"א when a person is not busy earning a living or attending to similar family needs he has to study תורה. Thus the obligation is to study תורה during all free time. And this is according to all the opinions in the גמרא in מנחות. (Our תוס' in מנחות might also hold this way, as we explained.)

According to the מהרש"א and תוס' in מנחות there is a basic disagreement in the גמרא as to how much time must be spent on daily תורה study. ר' יוחנן משום רשב"י and ר' אמי say that even a little bit like a few משניות or ש"ק suffices, while ר' ישמעאל holds that one has to study all available time.

There is a question that many מפרשים raise on the מהרש"א and תוס' in מנחות. How can they interpret רשב"י in מנחות as saying that a person can fulfill his daily obligation to study תורה with ש"ק even when he's not busy, himself in ברכות seems to say that one has to learn constantly. As we explained before, ר' ישמעאל asked on רשב"י, who said ואספת דגנך teaches us that one should earn a living, if a person ploughs in the plowing season and sows in the sowing season what will become of the Torah. (רשב"י himself hid in a cave 13 years from the Romans and compiled the זוהר with his son.) So how can רשב"י himself say in מנחות that one fulfills the daily obligation with ש"ק? This question is raised by many מפרשים

הפסק בברכות

Rabbi Brian Gopin

There is a prohibition of speaking after making a *beracha* and before the performance of the *mitzvah* or eating of the food to which the *beracha* applies. What is not obvious is why this prohibition exists; if one interrupts after the *beracha* has been made, what has he done to that *beracha* to nullify it? This very basic question is a debate between two recent *poskim*, which has many practical ramifications, as we will see.

Rav Tzvi Pesach Frank, in his ס'קנד א' צבי אר"ח א' ס'קנד brings the opinion of רש"י עירובין נ. who discusses the following situation. If a person is counting his animals for the *mitzvah* of *ma'aser beheima* and he designates two separate animals as the tenth, the *gemara* tells us that one of those animals will be a *korban shelamim* and the other will be offered as the *ma'aser beheima*. One of the differences between the *shelamim* and the *ma'aser* is that the *shelamim* requires *semicha* to be performed by the owner while *ma'aser* has no such requirement. Rashi writes that since we are in doubt which one is the *shelamim*, the owner should do *semicha* on both but should not recite a *beracha* on either *semicha* because it is possible that this will be a *beracha l'vatala* (it is a ספק ברכות ולהקל). Rav Frank questions Rashi by asking: Shouldn't the owner recite one *beracha* and then perform the *semicha* on both animals? In one of those actions he would fulfill the *mitzvah* on the correct animal and then the *beracha* would not be *l'vatala*? Rav Frank proves from this opinion of Rashi that the problem of *hefsek* in a *beracha* is that the connection between the *beracha* and the action performed (in this case, *semicha*) has been broken; since the owner might not be performing the *semicha* on a *shelamim* (if the first animal was the *ma'aser beheima*) that would negate the *beracha* that was made. Even though the owner never took his mind off of the performance of the *mitzvah* at hand, nevertheless he interrupted that *beracha* with an unnecessary action, which, in turn, nullifies the *beracha* that was made.

The מגן אברהם ס' רעא ס"ק לב writes that if a person incorrectly recited *kiddush* on water thinking he had wine in his cup, that person would not be required to recite a new בורא פרי הגפן if he were to continue drinking wine. Rav Akiva Eiger questions this opinion. He says, how can we say that the person would be permitted to continue drinking? Why is the *kiddush* that was made on the water - which is not a valid *kiddush* - not considered a *hefsek* to the *boreh pri hagafen* that was made originally? Rav Frank says that one also sees from the opinion of Rav Akiva Eiger that the nature of *hefsek* is that there is a break between the initial *beracha* and the action performed, in this case, the drinking of the wine. Therefore, Rav Frank believes, if a person erroneously recited *she'hechyanu* in his *kiddush* on the

seventh night of Pesach he would be required to recite the *kiddush* again since there was a break between the *kiddush* that was recited and the drinking of the wine.

Rav Shlomo Zalman Auerbach (מקראי קדש שם ומנחת שלמה חלק א' ס' יח) argues that since the person thought that *she'hechyanu* is part of the *kiddush* he never took his mind off (מסיח דעתו) of the *kiddush* which he was reciting and it should not be considered a *hefsek*. Rav Auerbach brings proof to his opinion from the *gemara* in ברכות מ. ותוס' שם. The *gemara* quotes the opinion of Rav Sheishes that if a person makes a *beracha* on his bread and then asks for salt he would not be required to recite a new *beracha*, since the salt is part of his meal and his concentration remains on the meal in front of him. This type of request cannot be considered a break between the *beracha* and his eating. In addition, one can bring another proof to this opinion that *hefsek* in *berachos* is a function of a person's frame of mind from a comment of משנה ברורה ס' תפט ס"ק לב that a person who remembered right after counting the *sefirah* that he counted the wrong day may subsequently count the correct day and would not be required to recite a new *beracha*. In such a case the incorrect counting that was made would not be considered a *hefsek* since he was never מסיח דעתו from the original *beracha*.

This basic disagreement among the *poskim* regarding the nature of *hefsek* - whether the problem is that there is a break between the recital of the *beracha* and the *mitzvah* or the *achila* (Rav Frank) or that there was a היסח הדעת (Rav Auerbach) - has many practical ramifications:

1. The Shulchan Aruch in יב קח סע' יב states that if a person mistakenly recites a prayer within his *shemoneh esrei* that was not required - such as *ya'aleh v'yavo* on a day which was not *Rosh Chodesh* or *Chol Hamoed* - and then completed his *shemoneh esrei*, he would not be required to repeat the *shemoneh esrei*. See the משנה ברורה there who says that most *poskim* argue with this comment of the Shulchan Aruch and that this is no different from speaking unnecessarily during one's *shemoneh esrei* which would require one to repeat. Also, see פסקי תשובות שם who brings a disagreement amongst the *poskim* regarding this statement of the Shulchan Aruch whether this statement is true regarding one's obligatory *shemoneh esrei* or whether the Shulchan Aruch only said that the mistaken prayer was not considered a *hefsek* when the person was reciting a תשלומין, but when reciting the regular obligatory *shemoneh esrei* even the Shulchan Aruch would agree that such a prayer is considered a *hefsek*. Perhaps this disagreement is dependent on the nature of *hefsek* - if *hefsek* is only a problem of היסח הדעת like Rav Auerbach believes, then this incorrect prayer would not be a problem of *hefsek* since the individual never took his mind off of his *shemoneh esrei*; however, according to Rav Frank, since the person recited a prayer which was not applicable to the *shemoneh esrei* at

hand, he created a break within his *shemoneh esrei* which would require him to repeat that *tefilah*.

2. With regard to the mitzvah of *havdala* the Shulchan Aruch in אורח חיים states that one is prohibited from using a candle which was lit in a way that was prohibited on Shabbos. In ביאור הלכה ד"ה אין מברכין ה' states that one is prohibited from using a candle which was lit in a way that was prohibited on Shabbos. In משנה ברורה states – based on the opinion of Rav Akiva Eiger - that if one were to make the *beracha* of בורא מאורי האש on such a candle he would be required to make a new *havdala*. Furthermore, if he wanted to drink any wine before making that *havdala* he would be required to say a new בורא פרי הגפן since the invalid בורא מאורי האש serves as a *hefsek* between the original בורא פרי הגפן and the drinking of the wine. Perhaps Rav Akiva Eiger's view is based on his opinion (as mentioned above) that the nature of *hefsek* is creating a break between the *beracha* and the drinking; however, perhaps Rav Auerbach who said that *hefsek* is a problem of היסח הדעת would argue and say that one could continue drinking wine based on his original *beracha* since the person never took his mind off the *havdala* which he was making.

3. Rav Yaakov Emden in שו"ת שאילת יעב"ץ ח"א סי' קז was asked whether it was appropriate for women to recite the *beracha* of *she'hechyanu* when lighting candles on yom tov. Rav Emden responded that he felt it was inappropriate for *she'hechyanu* to be recited during candle-lighting because he felt that lighting candles is no better than building a sukkah where the *gemara* endorses the practice of reciting *she'hechyanu* but we do not follow that statement of the *gemara*, rather we wait till *kiddush* on yom tov to recite the *beracha*; so, too, women should wait until *kiddush* to fulfill their obligation of reciting *she'hechyanu*. Rav Emden goes on to say that although he opposes the practice, he did not stop his wife from following her *minhag* given that there was no problem of a *beracha l'vatata* if she were to recite the *beracha* on her candle-lighting (see משנה ברורה סי' רסג ס"ק כג). Rav Frank raises the following question: given that most women in fact recite this *beracha* when lighting candles, perhaps they should not answer "amen" to their husband's *beracha* of *she'hechyanu* that is made during *kiddush*. If a woman would answer "amen" to a *beracha* in which she is not obligated would that not constitute a *hefsek* to her *kiddush*? (Rav Frank even goes a step further that perhaps she should not even listen to her husband's *beracha* because of the concept of שומע כעונה.) Rav Auerbach (תנינא סי' ט) argues that it should be permitted for her to answer "amen" because this is part of the *kiddush* that is being said and it should not serve as a *hefsek* to her *kiddush*. Perhaps Rav Auerbach's and Rav Frank's views here are based on their opinions that we have discussed: if *hefsek* is a problem of היסח הדעת here the husband is required to make that *beracha* so it cannot be considered a *hefsek* for his wife since there is no היסח הדעת in this case; however, if the problem of *hefsek* is that there is a break between a person's recital of the

beracha and the fulfillment of the obligation, in this case the wife's *kiddush* contained an unnecessary *beracha* of *she'hechyanu* which would negate the *kiddush* that was recited on her behalf.

Perspectives on Yeshiva Tuition

Rabbi Elchonon Grunwald

As yeshiva tuition is one of the most pressing issues of the day, I decided to use the opportunity of *Ohel Avraham* to address it. The gemara in Beitzta 16a teaches us that

כל מזונותיו של אדם קצובים לו מראש השנה ועד יום הכפורים, חוץ מהוצאת שבתות והוצאת יום טוב, והוצאת בניו לתלמוד תורה. שאם פחת - פוחדתין לו, ואם הוסיף - מוסיפין לו.

All of one's income is predetermined on Rosh Hashana for the entire year, with the exception of what one spends on the honor of shabbos and yom tov, and what is spent on the yeshiva education of one's children. For these categories of expenses, spending more will not deplete, and spending less will not result in savings from, the amount that was set from the previous Rosh Hashana.

The *chazal* in משנה ברורה, סימן רמב, סעיף קטן ד' explains this statement of *chazal* as a warning not to live above one's means (and count on more funds coming in) because each individual's income (or lifestyle) has been decreed on Rosh Hashana, with the three exceptions noted.

I always felt that the gemara does not mean to say that, for example, someone who earns a salary of \$30,000 dollars per year should pay full tuition for his several children and expect the full amount to be reimbursed to him somehow, because most of us are not on the *מדרגה* to rely on open miracles. Rather, each individual within his own income bracket has a certain amount of leeway up and down, and *chazal* are telling us that if one spends a little more on tuition (or Shabbos and yom tov), the money will come back to him, and if one spends a little less on tuition (or shabbos and yom tov), some other expenses will take away the supposed savings.

Many of our discussions over shabbos and yom tov focus on the costs and responsibilities of tuition. Below are two issues that should be considered as part of this discussion.

The makeup of a scholarship committee

In שו"ע חו"מ קסג: ג, the Rema and Sma quote a *teshuva* from the תרומת הדשן concerning tax collection in Jewish communities in the middle ages. During this period, individual income taxes as we have today were unknown. Rather, the government levied a lump sum upon the Jewish community, and the community itself apportioned the responsibility to pay on its members based on tax codes that the rishonim understood from the gemara. The תרומת הדשן addresses a circumstance in which a community has a tax burden and decides to select a committee with five members to decide each

individual community member's share of the total tax burden. This community has two wealthy brothers who in any event are going to bear a significant portion of the tax burden. These brothers want to nominate two members of the committee, while the rest of the community wants all five members to be independent and unaffiliated with any particular community member with a stake in the process. How to choose the members of the committee?

The תרומת הדשן quotes a famous halacha from the beginning of the third *perek* in Sanhedrin. If two Jews are involved in a lawsuit, each has the right to request that his dispute be heard not by an established *beis din* of three judges, but rather by a *beis din* composed of one judge chosen by each litigant, with the third chosen by those two judges. (This is known as a זבל"א an acronym for זה בורר לו אחד) Rashi explains why this is an acceptable system, since three totally independent judges would seem to be preferable. But in the case of a זבל"א, Rashi explains, each litigant will respect the verdict because he feels that he selected one of the judges and any arguments in his favor were raised and considered.

The Rosh (ad loc) writes that many foolish people have misinterpreted Rashi's words to mean that each judge (*borer*) should favor the party who selected him. And they pick judges who know all the legal tricks and claim Rashi as a justification. But Rashi did not say that. Such a practice would be corruption, not justice. Rather, Rashi means that every lawsuit is composed of innumerable details, and a judge focuses on those details that he considers essential. So a *borer* is supposed to ensure that all the details that support the position of the litigant who selected him are considered and discussed by the court. But obviously if after raising them and considering them he believes that justice is on the other side, he should decide in favor of justice, not the party who selected him. The advantage of this system is that each litigant is comfortable that all points in his favor were considered, not that he has one of the judges on his side regardless of the merits. The תרומת הדשן adds to the Rosh (based on the last two lines of Rashi): "and beyond this, since the judge was selected by one party, he will have no hesitation to bring up for consideration the points in favor of the other party because he was trusted."

Based upon this, the תרומת הדשן addresses the situation of the tax committee. The wealthy brothers have the right to nominate two of the five members of the committee, so long as their nominees are known to be honest people, because this way, the points in their favor will be considered. And as long as the majority of the committee is not selected by these brothers, all parties will feel comfortable that the final decision was reached by a fair process.

Does the precedent set by the Trumas HaDeshen relate to a scholarship committee? Can we infer from the תרומת הדשן's ruling which factions should be represented on the committee and how the committee should be composed to make it properly representative? A possible suggestion would be to let the committee be composed of some people who have the ability to be more financially involved in supporting the school, some people who have less ability to be involved, and some who are totally neutral. A second suggestion would be that those who have the financial burden, namely the parent body, form one faction on the committee and the school itself, that is those whose salaries will not be paid if there is a funding shortfall, form another faction. Based on the תרומת הדשן, which of these possibilities is preferable? Now, my dear reader, is when I turn to you for your thoughts and perspective.

Spending Money on Extras

Before we address this topic head-on, we need to address the basic way in which we view yeshiva tuition. Do we view tuition as an individual obligation of each parent to pay for the education of his children, or do we view tuition as an obligation of the community to provide education for its members' children? Is education simply the obligation of parents, and a school is merely a collection of many individuals that exists because education in a school setting is more effective, or is providing education for our youth a communal responsibility, and each individual's payment of tuition to a school is a fulfillment of that individual's share of the communal responsibility? (As a side point, the notion of public schooling as it exists in the non-Jewish world and in Israel even in the religious world assumes education to be a communal responsibility.)

In the Shulchan Aruch we find the question addressed in many areas of religious and civic responsibilities. For example, see חו"מ and חו"ח נ"ג: כ"ג. Education is mentioned in חו"מ there, but only as a minor point as most education in ages past was not conducted on the communal level and other communal obligations constituted a much heavier financial burden. However, the Rema does quote a *Rabeinu Yerucham* (from the early fourteenth century), who quotes a *teshuva* from Rav Hai Gaon (from the tenth century) about how such responsibilities should be borne. It seems to me that Rabeinu Yerucham understands that we should view tuition as partly a personal obligation and partly a communal obligation. Each parent has the obligation on an individual level to provide the barest minimum of education, and everything beyond the barest minimum is a communal obligation. (But see the Rema and the Biur HaGra who view education as a fully communal responsibility.)

If we view education as an individual responsibility, in essence we are saying that it is every parent's duty to pay the full tuition, and for those who cannot afford to pay the full tuition there is tzedaka, like there is for all

human needs –the Torah requires those who have more to assist those who have less. If we view tuition as a communal responsibility, however, then each member of the community would be assessed based upon income, or more probably, standard of living, and the fact that some would be assessed less than others would in no way mean that they are not fulfilling their duties. (The public school model of financing education with property taxes appears to be standard of living based.) In sum, if tuition is a private responsibility then a scholarship is tzedaka, and if tuition is a communal responsibility then a scholarship is not tzedaka.

According to Rabeinu Yerucham's approach, tuition would be split conceptually into two components. An amount sufficient to cover the bare minimum would be the obligation of every parent, and the amount of tuition in excess of this minimal amount would be borne differently by different individuals, depending on their means and/or lifestyle. Rabeinu Yerucham's reasoning is that people who are blessed with the ability to provide more amenities for their children's education would naturally expect more - nicer buildings, newer equipment, etc., in comparison with those who have not been blessed with such an ability.

Now I would like to introduce a delicate topic. If a family is receiving a scholarship, is it morally wrong for this family to spend money on extras? The extremes are obvious; clearly going on an extended vacation abroad or making an extremely lavish simcha is wrong for someone accepting scholarship money. At the same time, no one should feel guilty every time he buys a can of soda merely because he does not pay the full yeshiva tuition for his children. But the middle ground between these two extremes is considerable.

If someone is not fully paying the portion of tuition that is a personal obligation, because he cannot afford it, then in essence the school is giving that person tzedaka and, as we know from the last mishna in פאה, taking tzedaka is a last resort and every effort should be made to avoid it. (See לעולם ירחיק אדם עצמו מהצדקה - שולחן ערוך יורה דעה סימן רנה.)

However, on the portion of tuition that is a communal obligation, then everyone's assessment should be, לפי הממוץ and if a person is paying his fair share of the communal responsibility, even if it is less than full tuition, he is fulfilling his responsibility. The tuition assistance this person receives is not considered tzedaka, and there is nothing wrong with spending a few dollars here and there on extras.

Having said this, clearly the first priority for one's extra (and even not so extra) funds should be his children's yeshiva. It is a known הצלחה סגולה for one's children's חינוך to pay as much as one is able.