

אוהל אברהם

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in Honor of

הימים הנוראים

וחג הסוכות

תשרי תשע"א - 5771

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Congregation Beth Abraham

Bergenfield, NJ

Dedicated

in honor of the birth of our son

Daniel Leib Yitzchok

by

Mayer and Sara Crystal

Dedicated

לזכר נשמת רבינו ומורינו

HaRav Shlomo Elimelech Drillman, zt"l

&

In Honor of

רבינו ומורינו

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Rebbetzin Peshi שתחיל' Neuburger

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*in commemoration of his yahrtzeit on*  
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*By*

*Roniel and Aliza Weinberg*

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LK

Editors' Note

We are pleased to present the third edition of the Beth Abraham Torah Journal, Ohel Avrohom, which is a journal of *divrei* Torah published by Congregation Beth Abraham in honor of the upcoming חגים. The articles in Ohel Avrohom were written by members of the Beth Abraham community and reflect our community's goal of placing talmud Torah as a central value and activity in our lives.

We are grateful to all of those who have contributed articles to this edition—both to those who have contributed to multiple editions of the Ohel Avrohom, and to those who are first time contributors. A special thank you to Barry Finkelstein for his time and effort and editorial help.

Thank you to all of the sponsors of this volume for their generosity and for their support of communal talmud Torah.

In דף ד עמוד א' on מסכת מגילה we are taught:

"משה תיקן להם לישראל שיהו שואלין ודורשין בענינו של יום: הלכות פסח בפסח, הלכות עצרת בעצרת והלכות חג בחג."

"Moshe enacted a law for the Jewish People that they should inquire about and delve into the laws of Pesach on Pesach, the laws of Shavuot on Shavuot, and the laws of Succot on Succot."

From here we see, that learning and discussing Torah related to the holidays forms an integral part of the character of each holiday. By investing our intellectual creativity into the חגים and by dedicating time to understand the themes of the day more profoundly, we are able to better appreciate the richness of each חג. We hope that the articles in this journal facilitate our community's fulfillment of this תקנה of משה, thereby enhancing our experience of the upcoming *yomim tovim*.

Avie Schreiber

Seth Lebowitz

A Message from the Rabbi

Moreinu HaRav Yaakov Neuburger

We welcome the Ohel Avrohom vol. #3 – now having established its “*chazaka*” as part of 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 have given us a “*geshmack*” moment of learning. Most notably, it adds a dimension to the Biblical mandate to fashion 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 includes 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 all of our sponsors who are singled out in the introductory pages. Their generosity and graciousness made this project possible. In the merit of the Torah study and *simchas* yom tov generated by this booklet, may Hashem fulfill all of your prayers *letovah lyomim tovim va'aruchim*.

Table of Contents

Divrei Torah from our Rav:

The Elul Shofar: Directives for Teshuva

Moreinu HaRav Yaakov Neuburger 1

ימים טובים

Treatments of *Eiruv Tavshilin*:

How Can an *Eiruv Tavshilin* Possibly Help Me?

An Exploration of this Tishrei's Most Common Mitzva

Rabbi Tanchum Cohen 4

Eiruv Tavshilin

Josh Gelernter 7

***Nussach* Nuggets**

Uri Jacobs 10

Yomim Tovim and the Life Cycle

Dr. Avraham Lynn 14

ראש השנה

יום הדין

How to Obtain a Good Judgment on the High Holy Days

Dr. Sam Friedman 17

Rosh Hashana - The Nature of Judgment

Jonathan Kaplan 19

שופר

***Zichron Teruah* or *Yom Teruah*?**

Rabbi Yaakov Blau 22

The Procedure for *Tekias Shofar* -

According to the Minhag of Congregation Beth Abraham

Dr. Barry Finkelstein 24

Themes of Rosh HaShana

Based on the teachings of HaRav Shlomo Elimelech Drillman, zt"l

Written by Rabbi Ben Kelsen 27

Above and Beyond -Using a Ram's Horn for *Tekiat Shofar*

Seth Lebowitz 33

***Tekiat Shofar* and the Complexity of Crying**

Rabbi Avie Schreiber 38

Shofar Shel Rosh HaShanah VeShofar Shel Yovel

Moshe Kahan 42

יום כפור ועניני תשובה

Kamtza and Bar Kamtza -

Did the Grasshoppers Learn the Lesson?

Shlomo Wohlberg 46

Teshuva - A Question of Context

Yossi Markovitz 49

Mixed Emotions

Dov Adler 52

סוכות

The Mitzvah of *Simcha* on Succot

Rabbi Dr. Aaron Ross 55

The Mitzvah of Lulav in the *Mikdash*

Yossi Kra 59

The Case of the Stolen Sukkah

Rabbi Jonathan Feldman 63

Women and the Mitzvah of פרו ורבו

Rabbi Elchonon Grunwald

66

קדושת ארץ ישראל

מאיר שמחה פינקלשטיין

69

The *Elul* Shofar: Directives for Teshuva*Moreinu HaRav Yaakov Neuburger*

Is there a more sobering and even disquieting sound in our tradition than the *Elul* shofar, announcing that Rosh Hashana is upon us once again and then marking the march of time as we get closer and closer? Indeed, it is in this two step fashion that (at the end of *Maseches* Rosh Hashana) presents the history and observance of the *Elul* shofar.

I

The earliest source of this practice presents it as a rabbinic legislation but sees it limited to blowing the shofar on Rosh Chodesh *Elul* alone. A *medrash* (*Pirkei deRabi Eliezer*, chapter 46) records that on our very first Rosh Chodesh *Elul*, a few months after מתן תורה and the calamitous חטא העגל, we were, understandably, a shaken and spiritually diminished people. As Moshe was invited to ascend הר סיני to accept the לוחות one more time, we grew concerned that we would err once again in calculating Moshe's return, and despair over his absence. Therefore, we decided to sound the shofar as Moshe left us. The *medrash* concludes that the Rabbis realized that Hashem was greatly honored by this shofar sound, and as such, they legislated its reenactment every Rosh Chodesh *Elul*. The *Rosh* further comments that we then continue to sound the shofar every morning of the month to remind us to do teshuva.

What impressed our sages so, that they decided to memorialize that one sounding of the shofar of Rosh Chodesh? Moreover, did the *Rosh* record a second and independent practice which happens to dovetail with the rabbinic enactment of Rosh Chodesh? Are we to continue memorializing that event throughout *Elul* and if so, why?

I would suggest that the shofar of *Elul* reminds us of the "עבודת" of *Elul*. It reminds us of the spiritual responsibilities and challenges that we face throughout our preparation for the *yamim tovim*. I believe that the decision to sound the shofar as Moshe ascended, added a voluntary but oftentimes indispensable dimension to the teshuva process. Perhaps that is why Hashem Himself was honored in an unparalleled fashion at that moment. Let me explain.

It is well known that the mitzvah of teshuva prescribes that we must respond to our flaws and errors by admitting our lapses, expressing regret and shame at our lack of compliance to Hashem, and articulating our further commitment to do better going forward. Rambam teaches that our thought process must be earnest enough to win the nod of Hashem Himself. He further teaches that the process is completed once we are tested and we err not again (*hilchos teshuva* chapter 2).

However, Moshe's generation adopted a new behavior to bolster their pledge for the future and thus introduced a new concept to the teshuva process. The halachos of teshuva are fully satisfied by a genuine and deep "חשבון הנפש" – soul searching introspection and commitment. Yet we know that we often have trouble following through, especially if we are repeat offenders and have unsuccessfully tried with all the seriousness we can muster, to improve. Many of us find ourselves honestly mentioning the same misstep in the על חטא year after year.

The shofar reminds us of a technique that we established long ago when we experienced deep remorse of the past and profound fear of our frailty in the future. Sometimes even deep-seated regret may simply not be enough. Action may be required. In halacha and in the *mussar seforim* it is called a creating a "גדר" - a "fence", a protective measure.

In practice, the person who has trouble rousing himself for *minyan* creates a גדר to learn with someone else before davening adding extra pressure on himself when he is still half asleep. The person who finds the days roll by without learning will establish the גדר of setting time to learn immediately after dinner or *maariv*. Similar "גדרים" may aid the individual who never finds the time to exercise or to make the all important phone calls. Self awareness and creativity will help one find a protective move or act that will forestall compromising another's privacy or dignity, thereby maintaining the standards of interpersonal conduct for which we strive.

The decision to sound the shofar on Rosh Chodesh *Elul* at *Har Sinai*, signaled the deepest remorse, the insightful realization of human weakness, and launched a form of "תקוין" that deserved eternal observance. Later generations understood this and established the daily shofar so that we would consider this "תקוין" over and over again as part of our עבודה throughout the month of *Elul*.

II

There is another less quoted section of the same chapter of *Pirkei deRabi Eliezer*, which ascribes much greater preparation for the final ascent of Moshe than sounding of the shofar alone. According to Rabbi Yehoshua ben Korcha, Moshe initiated national soul searching, guiding every individual to confront any lingering appreciation of paganism. The חטא העגל was not to be seen as happening in a vacuum or as a random event. It raised troubling questions of possible persisting comfort with עבודה זרה. Every individual had the opportunity to dig deep and question, and to receive direction and inspiration to complete their exclusive faith in Hashem (see commentary of Rada"l). The *medrash* further intimates that every שבט was further instructed to carve out its own unique culture of faith and עבודה – of serving

Hashem, no doubt borne out of each שבט's unique experiences, talents and challenges.

Accordingly, the sounding of the shofar was the culmination of another necessary part of the mitzvah of teshuva. Simply examining behaviors and exploring strategies to improve them is essential to teshuva and define the mitzvah. However, adopting new behaviors alone can, at times, be perfunctory, superficial and entirely disconnected from a soul that is yearning to be vibrant and full of faith. Thus Moshe pressed us to analyze our actions and decisions and to question the depth of our commitment. He enabled us to understand that our teshuva would forever be uncertain and leave us quite unsatisfied without first probing deeply to see what inspires us and what fails to move us, without the quiet moments inquiring into our triumphs of self control and self restraint, without the painful examination of our moments of defeat and disappointment, and without the freedom to ask penetrating questions about our contemporary culture.

This may be what Rambam refers to (teshuva 2:2) when he writes, "and [the *ba'al teshuva*] should remove the sin from his thinking."

Once again, the emotional effort of genuine self analysis and the strength of the teshuva it evokes is memorialized by the Rosh Chodesh shofar. Our forerunners wanted us to appreciate that this kind of scrutiny is the עבודה of the month of *Elul* for all of us, and through the sound of the shofar we are to be reminded of this crucial lesson every morning after *shacharis*.

How Can an *Eiruv Tavshilin* Possibly Help Me? An Exploration of this *Tishrei*'s Most Common *Mitzva*

Rabbi Tanchum Cohen

A relatively rare practice is now headed our way three times in as many weeks. When a *yom tov* falls on Friday, one may cook, bake, and otherwise prepare on that day for Shabbos only if one has already begun the Shabbos cooking before the onset of *yom tov* by designating an *eiruv tavshilin* on *erev yom tov*. This article will briefly explore some of the background for this *mitzva mi-de-rabbanan* and survey some relevant *halachos* as well.

I

In introducing the first *yom tov* mentioned in the Chumash, the Torah (*Shemos* 12:16) makes clear that although *melacha* is forbidden on *yom tov*, the scope of this prohibition is much more limited than on Shabbos. As we know, one may perform *melacha* if the purpose it serves qualifies as *ochel nefesh*, which includes food preparation and many other *yom tov* needs. However, this license is subject to several limitations, including the following: *ochel nefesh* only covers the needs of that day (“*tzorech ha-yom*”). To bake a birthday cake on *yom tov* for a party the next week could thus constitute a *de-oraysa* violation of *melechtes yom tov*.

With this in mind, the Gemara (*Pesachim* 46b) raises a troubling problem. Cooking on a *yom tov* Friday for Shabbos would seem to fall outside of the *ochel nefesh* license, and is thus forbidden on the *de-oraysa* level since the cooking is not meant to be eaten on the same day. *Eiruv tavshilin* provides no solution for this, the Gemara continues. *Eiruv tavshilin* is an institution created by the *chachamim*, and a purely *de-rabbanan* solution cannot permit a *de-oraysa* prohibition.

The Gemara presents two solutions to this question; the predominantly accepted view is that of Rabba. The food can be eaten today, Rabba argues, we just don't intend to consume it so quickly. Even if there's simply too much for the family to finish on a Friday afternoon, it could be served to and finished by unexpected, hungry guests before the end of the *yom tov* day, were such guests to appear on *yom tov* afternoon. In other words, Rabba holds that in principle – on the *de-oraysa* level – *ochel nefesh* is defined by the potential for the food's use today, not by its intended purpose. Cooking on a *yom tov* day for the following day is a *de-rabbanan* violation, and it is now understandable that *eiruv tavshilin* can render that entirely permissible from Friday to Shabbos. In other words, preparing on a *yom tov* Friday for the next day is permitted by the combination of two factors: Rabba's principle (commonly known by the nickname “*ho'il*”) and an *eiruv tavshilin*.

II

Tosfos (*ad loc.*, “Rabba”) wonders whether indeed *tzorech ha-yom* is ever relevant in light of Rabba's position. Let's illustrate Tosfos' question by revisiting the case of the birthday cake. Although we plan to save the cake in the freezer for next week's party, it certainly could be eaten today as well, and so the baking is definitely permitted *mi-de-oraysa* based upon the *ho'il* concept. (Practically speaking, though, this baking project is forbidden *mi-de-rabbanan* on *yom tov*, since *eiruv tavshilin* is only effective on Friday for Shabbos.) However, if *ho'il* indeed always applies, then it seems that all *melacha* is deemed *tzorech ha-yom* on the *de-oraysa* level, and the entire *tzorech ha-yom* criterion is irrelevant *mi-de-oraysa*.

Tosfos replies with a logical observation. *Ho'il* can only apply if the cooking is completed on that day of *yom tov* with sufficient time for all the food to be plausibly eaten before the end of the day (by hypothetical guests). If, however, the cooking is only completed after nightfall or near the end of the afternoon, Rabba will freely admit that this cooking cannot possibly be deemed as “for today,” and will therefore be forbidden *mi-de-oraysa*.

III

Several *poskim* note that Tosfos' discussion is very relevant in a year such as ours. Although an *eiruv tavshilin* is necessary in order to cook on a *yom tov* Friday for Shabbos, it can only function in tandem with Rabba's principle of *ho'il*, as explained above. The *Magen Avraham* (527, intro.) therefore insists that all food must be ready on Friday with sufficient time to spare such that it could all be served and eaten before sunset; otherwise, *ho'il* does not apply and one risks violating *melechtes yom tov mi-de-oraysa*. In fact, he records that the common custom of his day was to begin Shabbos early on an *eiruv tavshilin* week in order to ensure that everyone had finished all Shabbos preparations well in advance of sunset.

HALACHIC SURVEY

The following is a selection of some of the common *halachos* of *eiruv tavshilin*:

- The *eiruv* must consist of a cooked food (or equivalent), such as gefilte fish or a hardboiled egg. If one plans to bake on Friday for Shabbos, then the *eiruv* should also include a baked good, such as matza or challa.
- The *eiruv* is valid if it consists of even a relatively small amount of food, but *hiddur mitzva* dictates that one use a large, respectable portion whenever possible.

Eiruv Tavshilin

Josh Gelernter

- In general, the *eiruv* food should not be eaten before all Shabbos preparations are complete. Some have the practice to eat the *eiruv* during *seuda shelishis*.
- The *eiruv* designation is preceded by a *beracha*, as detailed in the *siddur* or *machzor*. The designation itself (“... בהדין עירובא”) may be said in any language which one understands; those unfamiliar with Aramaic should say it in English.
- As explained above, the *eiruv* only permits cooking and other preparatory activities if the cooking is completed and the food can be entirely eaten up before the end of that day of *yom tov*.
- This year, the *eiruv* should be designated on Wednesday (*erev yom tov*). If one realizes during *yom tov* that he/she forgot to designate the *eiruv* beforehand, it pays to consult as quickly as possible, as the protocol if one remembers on Thursday is much simpler than for one who only remembers on Friday.
- In order for the house *eiruv* to include guests and others who are not members of the household, those people should take possession (and partial halachic ownership) of the *eiruv* food before the *eiruv* is designated.
- Even if one plans to neither cook nor bake, an *eiruv tavshilin* should still be made to allow for any other acts of preparation for Shabbos on Friday.

It is a well known tenet of *hilchos yom tov* that *melachos* done for the sake of food preparation are permitted to be done on *yom tov* itself. It is equally well known that it is forbidden to do *melachos* on *yom tov* for after *yom tov* (whether the next day is a second day of *yom tov* or a weekday), so for example if it were late on Thursday afternoon on any of the upcoming *yamim tovim* it would be forbidden to start preparing a meal with the intent that the food be used for Thursday night’s meal (i.e. the second day of *yom tov*).

The gemara presents a major leniency in this area. The gemara rules that one is allowed to prepare food on the afternoon of *yom tov*, even a large quantity, for it is possible that guests may unexpectedly arrive (“*ho’il*”) and the food being prepared could be used to serve these potential guests. If guests, inevitably, do not arrive, it is permissible to use the food on the second day of *yom tov*.

There is a *machlokes* in the gemara regarding preparing for Shabbos on *yom tov*. The Ran in the 3rd perek of Pesachim rules that it is *assur mid’oraysah* to cook on *yom tov* for Shabbos if not for the leniency of *ho’il*. Along the same lines, Tosafos rules that if one were to cook immediately prior to *shkiyah*, thereby removing the possibility that guests may arrive that day, one would be *chayav malkos*. The Magen Avraham writes that *ho’il* allows one to cook on *yom tov* for Shabbos, but the *chachamim* forbade cooking on *yom tov* for Shabbos, either in order to safeguard *yom tov* (i.e., to guard against cooking on *yom tov* for weekdays) or to safeguard Shabbos (i.e., to ensure that proper food is prepared in honor of Shabbos).

The concept of *eiruv tavshilin* was instituted to permit cooking for Shabbos on *yom tov* by alleviating these concerns. By cooking some of the Shabbos meal on *erev yom tov*, one is allowed to cook further on *yom tov* for Shabbos. The Shulchan Aruch Harav explains that this acts as a safeguard for *yom tov*, because people will understand that if one is only allowed to cook on *yom tov* for Shabbos if one prepared something from before *yom tov* so it appears as if one is just finishing that which was already started, how much more so that it is forbidden to cook on *yom tov* for a weekday even if one has already prepared something before *yom tov*. He explains further that this also acts as a safeguard for Shabbos by requiring a person to have prepared at least one thing for Shabbos on *erev yom tov*, so the person will be reminded of all the necessary Shabbos preparations and will come to choose nicer portions for Shabbos.

The Shulchan Aruch Harav points out a practical difference between these two reasons. If the reason for *eiruv tavshilin* is to safeguard yom tov, it would suffice to prepare the *eiruv tavshilin* weeks before yom tov, provided the items prepared were maintained and are available to be eaten over yom tov. Additionally, it would be permitted to set up one *eiruv* and have it be effective for a number of *yom tov hasamuch l'Shabbos* situations such as we have in 5771 (provided the food items are available for eating on all of the days). However, if the reason for preparing an *eiruv tavshilin* is to safeguard Shabbos, it would not be sufficient to prepare the *eiruv* weeks in advance because that would not serve as a reminder to properly prepare for Shabbos. Based on this, the Shulchan Aruch Harav rules that *l'chatchilah* one should prepare an *eiruv tavshilin* on each *erev yom tov*. However, if one prepared an *eiruv* days before *erev yom tov* and forgot to make an *eiruv* on *erev yom tov*, he may rely on that which he prepared previously. If he remembers on *erev yom tov*, he should make a second *eiruv* but not say the bracha.

There is a rule within *hilchos eiruv tavshilin* which is most interesting. When it comes to virtually all *halachos*, if one is supposed to do something and neglects to do it, he has no way to benefit as though he had done the required action. However, when it comes to *eiruv tavshilin*, *chazal* enacted a rule that if a person forgets to prepare an *eiruv*, he may nevertheless cook on *yom tov* for Shabbos because he may rely on the fact that the Rav of the town made an *eiruv*. The Shulchan Aruch *paskins* in ס' תקנ"ז, סעיף ז' that there is a mitzvah for each individual to make his own *eiruv* and it is also incumbent on the Rav of the town to make an *eiruv* for all of the people in his town so that one who forgot or through *אונס* was not able to make an *eiruv* (or made an *eiruv* and lost it) can rely on that. The Shulchan Aruch concludes that *סעיף* by saying that one who can make an *eiruv* and chooses not to, or wants to rely in the first instance on the *eiruv* prepared by the Rav is called a *פושע* and cannot rely on the *eiruv* of the Rav. The *רמ"א* adds that an ignoramus who does not know the rules of *eiruv tavshilin* can rely on the *eiruv* of the Rav.

The Mishna Berura clarifies several *dinim* brought down by the מחבר. First, in ס"ק כב, someone who forgets to make an *eiruv tavshilin* can only rely on the Rav's *eiruv* one time. If he forgets a second time, he is in the category of *פושע* and cannot rely on the Rav. In ס"ק כו, the Mishna Berura also explains that the reason a *פושע* cannot rely on the *eiruv* of the Rav is because the Rav does not have in mind to include those who are lazy or not careful to fulfill the commands of *chazal*. The Mishna Berura then brings a second opinion that holds that one is allowed to rely *לכתחילה* on the Rav's *eiruv* because the Rav even has these people in mind. The only people who are excluded are those who in the past made their own *eiruvim* and have since stopped *במיד* or forgotten several times.

The פסקי תשובות brings different explanations to the first *din* of the Mishna Berura mentioned above. The כף החיים explains that when the Mishna Berura ruled that a person can no longer rely on the Rav's *eiruv* once he forgot a second time, that is only if he forgot on two consecutive *yom tov hasamuch l'Shabbos* situations. If, for example, one forgot to make an *eiruv* for Rosh Hashana, then remembered for Sukkos and forgot for Shmini Atzeres, he would be allowed to rely on the Rav's *eiruv*. The חיי אדם holds that the rule of the Mishna Berura applies even if one forgot on non-consecutive *yom tov hasamuch l'shabbos* situations. Once an individual forgot a second time, he can no longer rely on the Rav's *eiruv*. The ערוך השולחן holds that nowadays, even one who forgets twice can still rely on the Rav's *eiruv* and only a תלמיד חכם who forgets is precluded from doing so. The פסקי תשובות concludes the *סעיף* by stating that these rules of forgetting to make an *eiruv* only apply to a person who forgets due to *אונס*; a person who is lax and through his laziness or lack of attentiveness forgets to make his own *eiruv* is considered a *פושע* and cannot rely on the Rav's *eiruv*. In the very next *סעיף* the פסקי תשובות addresses the point in the Mishna Berura about relying on the Rav's *eiruv* *לכתחילה*. He points out that the author of the Mishna Berura himself in the שער הציון says that the accepted *minhag* throughout *klal yisrael* is for each and every individual to make his own *eiruv* and not to rely on the Rav.

One final halacha brought down by the פסקי תשובות is that even if one does not intend on cooking at all for Shabbos on yom tov, he should still make an *eiruv tavshilin* in order to be able to make the bracha and perform the mitzvah. He quotes the של"ה הקדוש that we should be careful not to take this mitzvah lightly and to remember that *chazal* praised Avraham Avinu by saying that he performed even the mitzvah of *eiruv tavshilin*.

Nussach Nuggets

Uri Jacobs

In an effort to enhance our appreciation of the origins and beauty of the *nussach* and *minhagim* of the *Yamim Noraim*, below you will find a few “**Nussach Nuggets**” with various insights and connections of which you might not have been aware.

I. Rosh Hashana

Borochu of Ma’ariv

This grand tune, which dates as far back as the 8th century, begs us to ask the following question: Why do we start off *Rosh Hashana* with this long, majestic and lofty introductory melody? After all, it is the Day of Judgment!

The Maharil, the 14th century *gadol*, was one of the key codifiers of the tunes and *minhagim* for the *Yamim Noraim* for *Ashkenazim*, and therefore wielded great influence regarding these matters. He said the following: This long melody is a “call to davening,” to give us time to gather our thoughts and get ready for the approaching day, and to set the atmosphere correctly for the approaching *Malchus*, which is one of the important themes of *Rosh Hashana*.

Side note: Chasidim call this night the “coronation night” – declaring *Hashem* to be the King of the world. This explains why we sing this tune together and loudly as a *kahal*, as this is the optimal way to proclaim *Hashem’s Malchus*.

Hamelech

Rabbi Yehuda Hachasid in the 12th century wrote in his *Sefer Hachasidim*, that the *Hamelech* tune is one of the many “*MiSinai*” tunes - ancient tunes whose origin goes back a very long way (although obviously not to *Har Sinai*). The *Shulchan Aruch* writes that these *MiSinai* tunes, which include among others the *Kaddish* before *Musaf*, *V’Hakohanim*, the *Avodah*, *Selichos*, *Vidui*, *Kol Nidrei* and many *piyutim*, **cannot** be changed. They should be elaborated upon and prolonged. The tune for *Hamelech* originated with the Maharam of Rutenberg and was popularized by the Maharil. The *chazan* starts the melody in a hushed voice, standing away from the *amud*, and then humbly walks forward towards the *bima* as his voice gets stronger, as he “approaches” the King.

Side note: The regular wording after *Hamelech* during the year is “*Hayoshev*” (who sits). But for the *Yamim Noraim*, it says “*Yoshev*” (is sitting), since *Hashem* is, *kiveyachol*, now on His throne and ready to judge us!

II. Yom Kippur

Kol Nidrei

One of the most profound, emotional and recognizable tunes throughout all of our *davening* is *Kol Nidrei*. Although the tune as we know it today was only introduced around the mid- 15th century, we do know that singing *Kol Nidrei* dates back to Rav Yehudai Gaon in the 8th Century in Sura, Babylonia. We know from the *Machzor Vitry* that in the 11th century it was sung three times: first slowly and softly, then increasing in strength for the next two, similar to *HaMelech*. This represents entering the King’s Palace, first with trepidation and then with confidence.

Shema Kolainu

The *Shema Kolainu* that we say responsively beginning with *selichos* and throughout *Yom Kippur* consists of a few verses and appears in different orders in various *machzorim* and *selichos*. All agree, however, that the first and second verses are *Shema Kolainu* (taken from the *Shemona Esrei*) and *Hashivaynu* (taken from *Eicha*). There is a *machlokes* regarding the placement of the *Amarainu* and *Yiheyu Leratzon* verses (both found in *Tehillim*). Birnbaum places them as the 3rd and 4th verses, and Artscroll places them towards the end of the paragraph.

One possible reason they are placed towards the end is that many say these verses silently. Everyone agrees that *Yiheyu Leratzon...* is said silently since this was *Dovid HaMelech’s* plea to *Hashem* asking for forgiveness regarding the incident with Bat-Sheva.

According to the *Matteh Ephraim*, only four verses are actually said aloud, which include the first two and the two that begin with *Al Tashlichainu*.

The exact origin of the supplication of *Shema Kolainu* is unknown, though most agree it was probably compiled in the 16th century.

Side note: Similar to the *bracha* of *shema kolainu* in the *shemona esrei*, this *shema kolainu* is placed towards the end of the “*bakashos*” section of *selichos*.

Asarah Harugai Malchus

A few interesting points about this tefillah:

- It is said on both *Tisha B'Av* and *Yom Kippur* (although it is more elaborate on *Yom Kippur*.)
- The two readings do not mention all the same names.
- Four of the ten are actually described by *Chazal* in various places.
- The story as told in the liturgy actually never happened (it is more an invention of a poetic expression.)

So why do we say it? To teach us that:

1. without *Rabbeim*, we are in danger of losing everything.
2. the death of *Tzadikim* is equal to the *Churban Beis Hamikdash* (*Tisha B'av*.)
3. the death of *Tzadikim* should be a *kapara* for the rest of *Klal Yisroel* (*Yom Kippur*.)

Side note: Although there are numerous outward similarities between *Tisha B'av* and *Yom Kippur*, they are in fact fundamentally different since *Tisha B'av* is a day of *Aveilus* and *Yom Kippur* is a day of *Kapara*.

L'Shana HaBaah B'Yerushalayim

This phrase is said in our liturgy only twice a year: at the end of *Neilah* and during the *Seder*. What is the connection? The answer originates in a *machlokes* between Rabbi Eliezer and Rabbi Yehoshua. The former says that *Bnai Yisrael* were redeemed from *Mitzrayim* in *Nissan* and will eventually be redeemed again in *Nissan*, while the latter says we were first redeemed in *Nissan* and then ultimately will be redeemed in *Tishrei*. So like many *machlokos*, we try to accommodate both opinions and we say *L'Shana HaBaah* in both *Tishrei* and *Nissan*.

Side note: Some have the *minhag* to say this phrase three times.

Side note II: Those living in *Yerushalayim* add the word *Habenuyah* as well.

III. *Shalosh Regalim*

In the *Chazaros Hashatz* of *Musaf* on the *Shalosh Regalim*, beginning with the words “*Bnai Vaisicha C'vatichila*”, the *nussach* all of a sudden changes. Did you ever wonder why?

If you listen closely, you actually might find the slow and haunting tune to be familiar since it is the same tune that we sing on *Tisha B'av* for the *kinnah Eli Tzion*. What is the connection?

The tune of *Eli Tzion* has become so popular and musically synonymous with *Tisha B'av* and the feeling of loss that we have for the *Beis Hamikdash* on *Tisha B'av*. (It is also one of reasons why we have the *minhag* to use this tune in various other *davenings* during the *Nine Days* leading up to *Tisha*

B'av, like in *Lecha Dodi* and *Kel Adon*). Similarly, this part of the *Shemona Esrei* speaks about the rebuilding of the *Beis Hamikdash*, which has the same theme as *Tisha B'av*. This explains the musical connection.

May we be *zoche* to sing these tunes this year in *Yerushalayim* within the rebuilt *Beis Hamikdash*!!!

I would like to thank Cantor Sherwood Goffin, Cantor Bernard Beer and Rabbi Macy Gordon, whose publications contributed to this article.

Yomim Tovim and the Life Cycle

Dr. Avraham Lynn

Why does the holiday of Sukkos come after Shavuos? After all, didn't the Jewish people dwell in booths between leaving *Mitzrayim* and receiving the Torah on *Har Sinai*? A famous answer given is that if Sukkos were in the springtime, it would not demonstrate our *emunah* as beautifully as sitting in booths during the autumn, when the weather is less conducive. In other words, our commemoration of sitting in booths should not be misconstrued as an act of springtime indulgence. Hence, Succos is celebrated in the fall. Personally, I never found this explanation completely compelling.

Why does the holiday of Yom Kippur come after Rosh Hashanah? Wouldn't it make sense to receive our *kapara*, and then begin the New Year fresh and clean? From the perspective of Rosh Hashana as the *Yom HaDin*, we would likely prefer that the *kapara* precedes the judgment, so that we could receive a more favorable judgment.

Why do we invite *ushpizin* to join us during Succos but not on Pesach? Since both *chaggim* are week-long holidays, what is different about Succos that we invite *ushpizin* into the succah, but there is no mention of them at the Seder on Pesach?

These three questions puzzled me for some time. Then the idea occurred to me that the *Yomim Tovim* parallel the life cycle of a human being. Evidence for this deep connection between the *Yomim Tovim* and the Jewish people lies in the fact that the first mitzvah Hashem gave to *Klal Yisroel* was determining Rosh Chodesh. Not only are the Jews responsible for performing this mitzvah, but the entire Jewish calendar is dependent on man. The Jewish people, not Hashem, determine when the *Yomim Tovim* occur- what a radical idea! This concept unlocks not only the three questions above, but also may add insight into the energy of each *chag*. In order to answer these questions, we must first demonstrate how each holiday is represented in the life cycle of man. The term life cycle refers to the involuntary milestones that a person goes through.

Pesach: On one level, *Mitzrayim* is compared to a womb in the sense that the Jewish People developed and matured there and in the sense that *Yetzias Mitzrayim* represents the birth of the Jewish People on a national level. The *shoresh* of the word *Mitzrayim* is "*metzar*" meaning "narrow" and it can be likened to the birth canal of a woman through which the baby passes to be born. *Chazal* tell us that *Mitzrayim* was like a crucible in which the Jewish people were formed. We are also told that we preserved our names, clothes and language in *Mitzrayim*- this was like our Jewish DNA. Regarding the life cycle of a person, Pesach represents birth on a personal level. *Chazal*

tell us that timing was of the essence; if we had remained in *Mitzrayim* one moment longer, we would have ceased to exist. Likewise, when a baby is born, the moments surrounding birth are filled with tension and urgency as the life of the baby hangs in the balance. Births are filled with intense emotion. Happiness, relief, excitement, humility and hope characterize the birth of *Am Yisroel* at *yetzias Mitzrayim* as well as the birth of each child.

Shavuos: As we know, Shavuos, means "weeks". This *chag* is integrally linked to Pesach, as we count the seven weeks between *yetzias Mitzrayim* and *mattan Torah*, known as *Sefiras haOmer*. What are we counting? While we count the days and weeks between these two holidays, we are also growing in the *middos* of *chesed*, *gevurah*, *tiferes*, *netzach*, *hod*, *yesod*, and *malchus*, striving to become complete human beings. The period of *Sefiras haOmer* corresponds in the human life cycle to early adolescence- the years between birth and bar mitzvah. During this time, children grow in observance and understanding of Torah. Shavuos represents the national (and personal) bar mitzvah - the culmination of this growth process, when we fully receive and accept the yoke of Torah.

After Shavuos, with *mattan Torah* representing our bar mitzvah, the remainder of *Shemos*, as well as *Vayikra* and *Bamidbar* are dedicated to Hashem giving explicit instructions to *B'nai Yisroel* in the mitzvos of *bein adam l'chavero* and *bein adam l'Makom*. We learn halacha and *hashkafa*, including building the *mishkan*, *bigdei kehuna*, kashrus, proper human relationships and business practices, laws of damages, *korbanos*, Shabbos, the festivals, the sanctity of *Eretz Yisroel*, and the many trials and tribulations of *emunah* and *bitachon* both in *Moshe Rabbenu* and Hashem *l'havdil*. These adventures make up the forty years in the *midbar*, and correspondingly, these subjects comprise the bulk of a Jew's life, from bar mitzvah throughout adulthood. We learn how to be a good person in terms of how we treat others and in terms of growth in *avodas Hashem*. *Devarim* is the culmination of the Jewish journey in the *midbar* - in life itself. *Moshe Rabbeinu* reviews *dinim*, but especially the *ikkarim* of our faith in *sefer Devarim*. It is a *sefer* that is more reflective in nature, and forces us to look at the ways we have fallen short personally and collectively. It is surely no coincidence that we always read *Devarim* after the "three weeks" and Tisha B'Av. As we prepare for and live through the month of Elul, the *parshios* parallel the process of introspection that corresponds in the life cycle to the twilight years of one's life.

Rosh Hashanah and Yom Kippur: Rosh Hashanah is the *Yom HaDin*, the Day of Judgment, when we meet the King of Kings, face to face. Among other things that are judged on Rosh Hashanah, *Chazal* tell us that on Rosh Hashanah, Hashem decides who will live and who will die in the coming year. We pass before him, one by one, and our merits and sins are meticulously reviewed. In the life cycle, Rosh Hashanah represents the day

How to Obtain a Good Judgment on the High Holy Days¹

Dr. Sam Friedman

of one's death, when we are also judged according to our speech and deeds. Interestingly, even though we are judged on Rosh Hashanah, it is not a morbid or somber day when we beg for forgiveness and *clap* our chests. Rather, on Rosh Hashanah, we focus on the *malchus* of Hashem, with a sense of awe. Focusing on Hashem's greatness is the formula for a favorable judgment. Perhaps this sheds light on what our attitude towards death should be- not fear or sadness, but rather that we are going to meet the King of Kings! Furthermore, the kaddish prayer for the deceased refers to G-D's might, mercy and peacefulness. The *aseres yemei t'shuva* between Rosh Hashanah and Yom Kippur therefore represent the 12 months that a person's *chailek* in *olam haba* is in the balance. During this time, we learn and *daven* and give *tzedakkah* for the *niftar*, so they can achieve a higher place in *olam haba*. It is stated in the liturgy of the Yom Kippur service that Torah, *t'shuva* and *tzedakah* remove an evil decree. Yom Kippur itself is when we are atoned here on Earth. We wear white *kittels* and engage in the "five afflictions" in order to transcend this world. Likewise, I believe Yom Kippur corresponds in the life cycle to the releasing of the neshama from this world to *olam haba*. This would explain why Rosh Hashanah comes before Yom Kippur in the Jewish calendar- since death comes before *olam haba* in the personal life cycle.

Succos: Succos is *z'man simchasainu*, a time of joy. It is the festival when we harvest the years' produce, as we celebrate agricultural (physical) accomplishment. Simultaneously, Succos is also about *emunah*, as we dwell in temporary structures representing the "clouds of glory." We gather the *arba minim* together in a gesture of *achdus* among *Klal Yisroel*. During the times of the *Beis Hamikdash*, there were numerous *korbanos* offered, indicating the closeness and thanks that we felt towards Hashem. Hence, Succos is a very spiritual holiday, paradoxically centered around a physical structure, the succah, which is a metaphor for the world. Succos is the coexistence of revealed spiritual truth in the physical realm. In the life cycle we have been referencing, Succos represents the period of history known as the Resurrection of the Dead, when the *neshamos* that have been resting in *olam haba* come back to reinhabit the Earth. This explains why we invite *ushpizin* to the succah but not the seder; because the succah is the place of *Techiyas Hamaisim*, when our forefathers will come back to join us here on Earth again. It also explains why Succos comes after Shavuos- one's bar mitzvah comes before *Techiyas Hamaisim*. Interestingly, the climax of Succos is Shemini Atzeres/Simchas Torah, when we rejoice with Hashem without the physical structure of a succah- there is only Hashem, Torah and *Klal Yisroel* dancing together.

Most of the *Book of Devarim* is read in the few months leading up to the High Holy Days. Toward the beginning of *Devarim* the Jews are told, "וַעֲשִׂיתָ הַיָּשָׁר וְהַטּוֹב..." - "And you shall do the upright and the good..." (*Devarim* 6:18). Rashi explains: "אִי פְּשָׁרָה וְלִפְנֵי מִשְׁתָּרַת הַדִּין" - "this is compromise and [going] beyond the letter of the law." In his commentary on *Devarim* 12:28, Rashi adds that "הַטּוֹב" - "the good" refers to what is good "in the eyes of Heaven" and "הַיָּשָׁר" - "the upright" refers to what is right "in the eyes of man." This concept of going beyond the letter of the law to do what is right in the eyes of G-d and of man is so important that the *Gemora* in *Avodah Zarah* 25a teaches that the entire *Book of Devarim* is also called "סֵפֶר הַיָּשָׁר" - "*The Book of the Upright*."

Going beyond the letter of the law is so important that the *Gemora* in *Bava Metzia* 30b teaches that "Jerusalem was destroyed only because its inhabitants...limited their judgments to the letter of the law of the Torah, and did not do beyond the letter of the law." Rabbi Zelig Pliskin cites Rav Eliyahu Lopian, of blessed memory, who discusses this *Gemora*, in *Lev Eliyahu*. In an essay entitled "אֵיזוֹ הִיא דֶּרֶךְ יִשְׂרָאֵל?" - "Which is the right path?," Rav Lopian asks, how can the *Gemora* in *Bava Metzia* say that Jerusalem was destroyed because the Jews did not go beyond the letter of the law? This seems to contradict the *Gemora* in *Yuma* 9b that says that the First Temple was destroyed because of idolatry, immorality and bloodshed and that the Second Temple was destroyed because of "שְׂנֵאת חֵנֶם" - "gratuitous hatred."

Rav Lopian explains that the *Gemora* in *Bava Metzia* is teaching that if the Jews would have gone beyond the letter of the law, they would have been saved despite having committed the terrible sins of idolatry, immorality, bloodshed and gratuitous hatred. The seventh *Mishna* in the first chapter of *Sotah* teaches that G-d judges a person measure for measure. Therefore, Rav Lopian explains that if the Jews would have been accustomed to go beyond the letter of the law, G-d would have done the same for them and would not have destroyed Jerusalem, even though they were deserving of this punishment because of their sins.

In the months leading up to the High Holy Days we read and study the *The Book of Devarim* which is called "סֵפֶר הַיָּשָׁר" - "*The Book of the Upright*." The Torah is teaching us the importance of going beyond the letter of the law to

¹ A different essay with a similar title was published in Dr. Sam Friedman's *sefer* on *Chumash, Joyous Torah Treasures* and in last year's *Ohel Avraham*. It discusses being easy-going, lenient and forgiving as a means of obtaining a good judgment on Rosh HaShanah and Yom Kippur.

do what is right in the eyes of G-d and of man. As Rav Lopian explains, if we go beyond the letter of the law, G-d judges measure for measure and will also go beyond the letter of the law to excuse us for our sins. In this way, with G-d's help, we can all be privileged to merit a good judgment on the High Holy Days.

Rosh Hashana-The Nature of Judgment

Jonathan Kaplan

One of the oddities of the *amidah* on Rosh Hashana is the absence of the mention of judgment. (All of the additional sentences, such as *Zachreinu LeChaim*, that we recite are not from the original text but were added by the Geonim.) If Rosh Hashana is the *Yom Hadin*, it would make sense to beseech Hashem, the Judge, for compassion on the Day of Judgment. But instead we ask Hashem to reveal Himself to the world and we focus on anointing Him as our King. How are we to understand this? One thing that is for certain is that Rosh Hashana is *Yom Hadin*, the Day of Judgment. How then do we explain the way Chazal set our *tefilah*? What is the nature of judgment on Rosh Hashana?

The second mishna in Rosh Hashana states:

ברבעה פרקים העולם נידון: בפסח, על התבואה. בעצרת, על פירות האילן. בראש השנה, כל באי עולם עוברין לפניו כבני מרון, שנאמר "היוצר יחד ליבם; המבין אל כל מעשיהם (תהילים לג, טו)" ובחג, נידונים על המים.

At four times the world is judged: On Pesach, for the crops. On Shavuot, for the fruits of the tree.

On Rosh Hashana, all the world passes before Him like sheep, as it says, "He that fashioneth the hearts of them all, that considereth all their doings." (Psalms 33:15) And on Sukkot, they are judged for the water.

The nature of judgment on Rosh Hashana differs greatly from the three others listed in the mishna. On Pesach, Shavuot, and Sukkot the nature of the judgment is what type of crops, fruits, and rain there will be in the upcoming year. Concerning Rosh Hashana, it should have said – “Man is judged for life and death.” Instead it says that on Rosh Hashana all those who come into the world pass in front of Hashem one by one like sheep. In other words, each individual, on his own, stands before Hashem. Why is Rosh Hashana different?

Rav Moshe Shapiro explains with regard to each holiday that the event that helped establish the holiday re-emerges at the time of the holiday. On Pesach, the time when we left Egypt, we return to and leave Egypt. We are obligated to see ourselves as if we are currently leaving. Similarly, on Shavuot, we once again receive the Torah. The same is true for Rosh Hashana. It is the day when Man was created. Therefore, when we come to Rosh Hashana we once again experience Man's creation. It is with this in mind that we need to understand two teachings of Chazal concerning the creation of Man.

The gemara in Sanhedrin 37A says:

לפיכך נברא אדם יחידי בעולם ללמד שכל המאבד נפש אחת מעלין עליו כאילו איבד עולם מלא וכל המקיים נפש אחת כאילו קיים עולם מלא.

For this reason, the first human being was created alone to teach that whoever destroys a single life is as though he had destroyed an entire universe, and whoever saves a single life is as though he had saved an entire universe.

This gemara teaches us a very powerful idea. The fact that Man was created alone teaches us that each individual has within him all of Humanity. In other words, each person is a microcosm of all of Humanity. Therefore, when one individual is saved, it is as if a complete world is saved. Each person is an *Olam Maleh* – a full world.

The second teaching of Chazal is on the pasuk - Bereshis Chapter 1:26

וַיֹּאמֶר אֱלֹקִים, נַעֲשֶׂה אָדָם בְּצַלְמֵנוּ כִּדְמוּתֵנוּ

And God said: 'Let us make man in Our image, after Our likeness.

It says in Bereshis Rabbah 8:5 "Rabbi Shimon said, - at the moment the Holy One chose to create the first Adam the ministering angels broke up into factions. Some of them said, 'Create him,' while others said, 'Don't do it.' Thus it is written: 'Lovingkindness and truth will meet, righteousness and peace will kiss.' (Psalms 85:11)

Lovingkindness said: Create him, for he will do acts of lovingkindness.

Truth said: Don't create him, for he is drenched in lies.

Righteousness said: Create him, for he will do much tzedaka.

Peace said: Don't create him, for he is essentially quarrelsome."

Rav Moshe Shapiro explains that the midrash is teaching us that the existence of Man is one that hangs in doubt, should he be created or not.

As it says at the end of *Parshat Nitzavim*, Devarim Chapter 30:15

רָאֵה נָתַתִּי לְפָנֶיךָ הַיּוֹם, אֶת-הַחַיִּים וְאֶת-הַטּוֹב, וְאֶת-הַמָּוֶת, וְאֶת-הָרָע.

See, I have set before thee this day life and good, and death and evil,

The nature of Man has two sides, and this question of whether he should have been created constantly hangs in the balance. It is up to man to choose the path that justifies his being created. We are empowered to justify נַעֲשֶׂה אָדָם, our being created.

We return to our original question. What is the nature of judgment on Rosh Hashana? How do we understand the mishna that says we each independently pass before Hashem? When we understand that we are re-experiencing the creation of Man on Rosh Hashana, we are able to see

things in a different light. Man was created alone, as a complete world. It is for this reason that on Rosh Hashana when Hashem is once again creating Man, He must assess whether or not He should create us. Therefore, similar to the initial creation, where Man was created alone, on Rosh Hashana we once again are created individually. As a result, we pass in front of Hashem one by one (as described in the mishna in Rosh Hashana). The goal of Rosh Hashana is to position each person as an עולם מלא, an entire world, and to see what he looks like in this capacity. Has he elevated the world? Has he elevated his world? From this perspective, our *Nusach Hatefilah* makes perfect sense. Our focus is on the entire world as each of us is an entire world. Man was created to bring the glory of Heaven into the world. It is for this reason that on Rosh Hashana, our focus –and the focus of our *tefilah*-- is bringing the glory of Hashem and His Kingship into the world. It is with this in mind that we must each elevate ourselves on this most lofty of days. We must each realize our potential, that we are each a complete world, and with this incredible power elevate the world by fulfilling our role of bringing the glory of Hashem into it.

Zichron Teruah or Yom Teruah?

Rabbi Yaakov Blau

The ראש השנה of יום טוב is described twice in the Torah, once in אמור and once in פנחס. However, there is a discrepancy in the two descriptions. In במדבר כט:א, we are told “יום תרועה יהיה לכם”, whereas in ויקרא כג:כג the nature of the day is one of “זכרון תרועה.” The former is clearly referring to the מצוה of שופר, but what is meant by the term “זכרון” in the פסוק in ויקרא?

The מפרשים have 3 approaches as to how answer this question: 1) the 2 פסוקים are referring to 2 different situations 2) זכרון is an added requirement or 3) שופר זכרון is describing the result of blowing שופר.

The first approach is proposed originally, but then rejected, by the gemara in ראש השנה דף כט עמוד ב. The gemara at first believes that the פסוק of זכרון only applies when ראש השנה occurs on שבת. Since the שופר is not blown on שבת, we only have a remembrance of the שופר. The gemara ultimately rejects this idea, because the rule of not blowing a שופר on שבת is actually just מדרבנן. It is therefore somewhat surprising that the חזקוני (ויקרא) quotes this approach.

The second approach, that זכרון adds to the הלכה, has several variations. רשי based on the gemara in ראש השנה לב עמוד א (ויקרא), says that the פסוק is telling us to do זכרונות and שופרות. Oddly, he does not mention מלכויות, something which the רמב"ן (על אתר) takes him to task for. A different variation is given by Rav S R Hirsch, who believes that the פסוק is telling to look back on our past actions and to consider what we can do to improve ourselves in the future. Finally, the Netziv feels that שופר ought to have a higher level of כוונה than the “average” מצוה. He bases this on the gemara’s מצוות אין צריכות ראש השנה דף כח in הוה אמינא that even if one believes that מצוות אין צריכות, still תוקע לשיר would not be acceptable. While the gemara rejects this line of thought, the Netziv believes that that there is still a higher requirement of כוונה, it just is not לעיכובא, as the gemara originally thought.

The final approach understands the שופר of ראש השנה as being similar to the other major discussion of blowing an instrument in the תורה, namely the list in פרק י במדבר. There the Chumash describes different situations where חצוצרות are blown. That section of Chumash concludes with the promise (פסוק י, ה) “והיה לכם לזכרון לפני אלקיכם” (that you will be remembered by

Along the same lines, both the רשב"ם and רמב"ן understand זכרון תרועה to mean that as a result of our blowing שופר, ה' will remember us for good.

May we be זוכה to fulfill all the requirements suggested by the term זכרון תרועה and merit having ה' remember us in a positive way.

The Procedure for *Tekias Shofar* - According to the Minhag of Congregation Beth Abraham

Dr. Barry Finkelstein

There are many opinions regarding the *kolos* of shofar on Rosh Hashanah. The practice in our shul¹ is ideally to blow “bent” *shevarim* during the first 60 *kolos* and “straight” *shevarim* during the final 40 *kolos*. *Shevarim-teruah* during the *tekios demeyushav* are blown with one breath, while *shevarim-teruah* during the *tekios demeumad* are blown with two breaths. During the final 40 *kolos*, the first set of *shevarim-teruah* are blown with one breath and the final set of *shevarim-teruah* are blown with two breaths.

Explanation:

A. *Shevarim-Teruah*

There is a *machlokes* in the Rishonim whether the *shevarim-teruah* should be blown with one breath or two breaths. Rabbenu Tam and the Rambam maintain that it need not be blown with one breath; while the Ritz Geus, Rosh and Ramban maintain that it must be blown with one breath.² The basis for the dispute is our doubt about the meaning of the word “*teruah*” in the Torah. The pasuk³ instructs us “*yom teruah yihyeh lachem.*” The gemarah⁴ explains that we are not sure whether “*teruah*” means “*genuchi*” (longer moans that we call “*shevarim*”) or “*yeluli*” (shorter sobs that we call “*teruah*”) or both. Therefore, we blow “*shevarim*,” “*teruah*” and “*shevarim-teruah.*”⁵ All agree that people generally do not moan and then sob without breathing in between and the position of Rabbeinu Tam and the Rambam is, therefore, understood. However, the Ritz Geus, Rosh and Ramban maintain that the “*teruah*” must be performed with one breath even if it involves two different types of sounds.⁶ Even according to the first opinion, if one blew the *shevarim-teruah* with one breath, he fulfills the mitzvah, *b’dieved*.⁷

The Shulchan Aruch⁸ writes that a *yerei shamayim* should conduct himself according to both opinions and should blow *shevarim-teruah* with one breath

1. כך שמעתי מפי מו"ר הגר"י נוברגר שליט"א.
2. טור (ס' תקצ) ובאר הגולה שם (סק"ז, ח).
3. במדבר (כ"א).
4. גמ' ר"ה (לד).
5. תקנת ר' אבהו בקסרי (בגמ' שם), ומבואר בטור (שם).
6. דברי הרא"ש, מובאים בטור (שם).
7. ב"י וב"ח, הובאו במ"ב (סק"ז).
8. שם (ס"ד).

during the *tekios demeyushav* and should blow the *shevarim-teruah* with two breaths during the *tekios demeumad*.⁹

This is the basis for our practice to blow the *shevarim-teruah* with one breath in the *tekios demeyushav* and with two breaths in the *tekios demeumad*.

B. *Shevarim*

There are various *minhagim* regarding the *shevarim*. Many Russian and Lithuanian communities have the tradition to blow “bent” *shevarim* (Tu-U-Tu). Polish and Hungarian communities have the tradition to blow “straight” *shevarim*.¹⁰ Many German communities also have the tradition to blow “bent” *shevarim*. This is the basis for our practice to blow “bent” *shevarim* for the *tekios demeyushav* and for the *tekios demeumad* and to blow “straight” *shevarim* for the final 40 *kolos*.

C. The Number of *kolos*

According to Torah law, one must hear 9 *kolos* to fulfill the mitzvah of hearing shofar on Rosh Hashanna, i.e. three “*Teruah*” sounds, preceded and followed each time by a *Tekiah*.¹¹ As explained above, there are three possible explanations for the word “*Teruah*” referred to in the Torah, i.e. what we colloquially refer to as *shevarim*, *teruah* or *shevarim-teruah*. We, therefore, blow each one three times, preceded and followed by a *Tekiah*¹², for a total of 30 *kolos*. This procedure fulfills the requirement for sounding the shofar during *malchios*, *zichronos* and *shofros* of the *mussaf shmoneh esreh*¹³; however, the gemara teaches us that this procedure should be duplicated earlier in davening as well¹⁴ for a total of sixty *kolos*.¹⁵ The minhag is to blow 100 *kolos*.¹⁶ The final forty *kolos* are blown at the end of davening.

9. והנה אנו נוהגים לתקוע תשר"ת, תש"ת, תר"ת למלכיות וכן לזכרונות וכן לשופרות. ובמ"ב (סק"ט) כ' דבמקומות שנהגים כן יכול לעשות גם להיפך במיזשב בב' נשימות ובמעומד בנשימה א'. וכ' הרמ"א (שם) "המנהג הפשוט לעשות הכל בב' נשימות ואין לשנות".
10. עי' בס' מו"ז (ח"א ס' ה'). ושם הביא הרבה ראיות בראשונים וגאונים שהחילוק בין שבר ותקיעה הוא באריכות הקול ולא בשינוי הניגון. ושם הקשה על החולקים ממה שדנו בתוס' ובהג' אשרי בענין אורך השבר שלא יהיה כתקיעה. אמנם ציין למש"כ בדרשת הרמב"ן שאין השבר קול פשוט אלא קול שבור.
11. משנה וגמ' (ר"ה לג:), ומבואר בשו"ע (ס' תקצ ס"א).
12. תקנת ר' אבהו בקסרי (גמ' ר"ה לד:).
13. שנינו (משנה ר"ה לג:): "סדר תקיעות שלש של שלש שלש" ופרש"י "א' למלכיות וא' לזכרונות וא' לשופרות".
14. בתפלת שחרית לפי מנהג הקדמונים, ובמוסף קודם שמו"ע לפי מנהגנו.
15. איתא בגמ' (טז:), "למה תקועין ומריעין כשהן יושבין ותקועין ומריעין כשהן עומדין כדי לערבב השטן".
16. במ"ב (ס' תקצו סק"ב) כתב כן בשם השל"ה.

Summary

As explained earlier, the core obligation on Rosh Hashanah is to hear 30 *kolos*. According to the practice in our shul, most opinions are satisfied. The first set of 30 *kolos* is blown with *shevarim-teruah* done in one breath, while the second set of 30 *kolos* is blown with *shevarim-teruah* in two breaths. All 60 *kolos* in these first two sets are blown with “bent” *shevarim* and, thus, bent *shevarim* are blown for *shevarim-teruah* with one breath and for *shevarim-teruah* with two breaths. During the final 40 *kolos*, we blow “straight” *shevarim*. The first 30 of these *kolos* are blown with *shevarim-teruah* in one breath. As explained earlier, even according to the dissenting opinion, one fulfills his mitzvah if the *shevarim-teruah* was blown with one breath. Therefore, the mitzvah is likewise satisfied according to the opinion that “straight” *shevarim* is the proper form. The final 10 *kolos* are blown with “straight” *shevarim* with *shevarim-teruah* blown in two breaths.

Themes of Rosh HaShana

HaRav Shlomo Elimelech Drillman¹, zt"l

Rosh Yeshiva, *Yeshivas Rabbeinu Yitzchok Elchanan*

Written by: Rabbi Benjamin Kelsen

I. תקיעת שופר על סדר הברכות

Note: The following is the first part of a lengthy shiur given by HaRav Drillman in *Elul* of 5754, wherein he taught the following ideas that he had learned from his Rebbe, The Rav, zt"l, at the annual *Yarchei Kallah* held by The Rav, zt"l in Boston in 5742 (August of 1982).

According to the Ramban the term "*Zichron Teruah*" means that "this is the day in which we are remembered by הקב"ה through *Teruah*."

1. Born in Germany, Rabbi Drillman began studying with Rabbi Elchanan Wasserman zt"l *Hy"d* in the famous Yeshivas Ohel Torah in Baronovich at the age of twelve. *HaRav* Drillman served as a *mishoreis* to Reb Elchanan, zt"l and would sleep at the Rosh Yeshiva's home on Shabbos and accompanied him on his travels during the *bein hazemanim*. In 1939, urged by Reb Elchanan to leave Europe before the oncoming *Churban*, *HaRav* Drillman applied for a visa to the United States. Unable to obtain a visa *HaRav* Drillman spent time learning with the great *Gaon HaRav* Baruch Ber Leibovitz, zt"l in Kaminetz before fleeing to Siberia with his family for the duration of WWII. Rav Drillman came to America in 1946, where he entered RIETS and became a *talmid* of Rabbi Yoseph Dov Soloveitchik, zt"l until the latter's retirement. *HaRav* Drillman also received *Semicha Yadin Yadin* from *HaRav* Moshe Feinstein, zt"l.

HaRav Drillman was a rebbe at Yeshiva University's High School for Boys – Brooklyn and became a Rosh Yeshiva at RIETS in 1982 when the high school closed. In addition to his *shiur*, Rabbi Drillman coordinated the *Halakha L'Maaseh* program at the Yeshiva, thereby interacting with every *semicha* student in the yeshiva. Rav Drillman also gave a popular weekly shiur on *Parshas HaShavua*. *HaRav* Drillman was a powerful orator, and he would excite audiences in Yeshiva not only with his brilliant analysis and *chiddushim* but also with stories about life in Europe, his experiences during the Holocaust, and his relationship with the *Gedolim* of the previous generation.

In addition to the many hours that Rav Drillman spent delivering shiurim and interacting with his *talmidim* at the yeshiva, he also served as rabbi of the Glenwood Jewish Center, one of the first Orthodox shuls in the greater Flatbush section of Brooklyn for almost forty years, helping to turn Flatbush into the vibrant Jewish community it is today.

Rashi *HaKadosh*, on the other hand, interprets the notion of "*Zichron Teruah*" as "*zichron pesukei Zichronos u'pesukei Shofros.*" By this we mean to say, that we are required to recite *Malchios*, *Zichronos*, and *Shofros* sometime on Rosh HaShanah. Interestingly, it appears as though the Ramban understands Rashi as being of the opinion that *Malchios*, *Zichronos*, and *Shofros* are *Chiyuvim m'Doraisa*. This would mean that the obligation on Rosh HaShanah is not only to blow the Shofar and produce a sound, but that the concept of *Zichron Teruah* requires us to verbalize the concept through the recitation of *Malchios*, *Zichronos*, and *Shofros*. While there is no doubt that the concept of *Malchios*, *Zichronos*, and *Shofros* is based on the idea of *Zichron Teruah*, it is interesting to note that we do not have a similar obligation of a "*Zikaron*," a recitation of those *pesukim* in the Torah that require us to do other *Mitzvos*, such as the *Mitzvos* of Lulav and eating Matzah. This manifests a double *Kiyum* for *Zichron Teruah*: blowing shofar per se as well as doing it in the framework of *Malchios*, *Zichronos* and *Shofros*.

The Ramban poses a fascinating question: why does Rashi omit the idea of *Malchios* from his commentary on *Zichron Teruah*, instead referring only to *Zichronos* and *Shofros*? The Ramban answers this question as follows: According to the Gemara in *Maseches Rosh HaShanah* (32a) the obligation to recite *Malchios* is derived from a *Binyan Av* and the notion of *Zichron Teruah* relates only to *Zichronos* and *Shofros*. Therefore Rashi only mentions those categories that emanate specifically from *Zichron Teruah*, though obviously Rashi, too, holds that the same obligation as with *Zichronos* and *Shofros* exists regarding *Malchios* as well. The Ramban himself, however, citing the Gemara in Rosh HaShanah *Daf* 34b, disagrees, and states that the recitation of *Malchios*, *Zichronos* and *Shofros* within the context of *Tekias Shofar*, as arising from *Zichron Teruah* is only an *asmachta* and therefore Rabbinic in nature. The Gemara states that if one has a choice to participate in one of two different services, one where he might hear *Tekias Shofar* or one where he will definitely hear the *Berachos* of *Malchios*, *Zichronos* and *Shofros*, the person is charged to attend the former. We can see from this scenario that the obligation to hear the Shofar itself takes precedence over the obligation to hear *Malchios*, *Zichronos* and *Shofros*. Had both *Mitzvos* been *m'Doraisa* there would have been no reason to prefer one *tzibbur* over the other. HaRav Drillman quoted the Rav, zt"l who himself quoted *Ha'Eimek She'eilah* who, in defense of Rashi, suggests that Rashi, in actuality, is in agreement with the position espoused by the *Geonim Kadmonim* that *Malchios*, *Zichronos* and *Shofros* are *m'Doraisa* only when combined with *Tekias Shofar*. Should there be no *Tekias Shofar*, then the recitation of *Malchios*, *Zichronos* and *Shofros* are merely *m'drabbanan*. This is proven by the Gemara cited above. If it is preferable to go to the place where only the shofar will be blown without the recitation of the *Berachos* of *Malchios*, *Zichronos* and *Shofros*, rather than to go to a place where only the *Berachos* of *Malchios*, *Zichronos* and

Shofros will be recited without *Tekias Shofar*, then it must be that the recitation of *Malchios*, *Zichronos* and *Shofros* are *m'drabbanan*. HaRav Drillman further explained that according to the Ramban the term *Zichron Teruah* means *Zichron* through the carrying out of the *teruah* while according to Rashi it means *Zichron* of *Teruah*, i.e. through the recitation of *Malchios*, *Zichronos* and *Shofros*. (However, the Ramban is still bothered as to how we come to know that the word "*Teruah*" connotes the creating of a sound with a Shofar as opposed to the *Chatzotzros*, trumpets. The Ramban gives two possible answers. First, the Ramban suggests that as the *pasuk* in *Sefer Vayikra* (25:9) states *v'ha'avarta shofar teruah*" the mitzvah of "*Zichron Teruah*" must be done with a shofar. Second, the Ramban posits that since the *Chatzotzros* are not explicitly mentioned in the Parsha of Rosh HaShanah but rather are introduced in *Sefer Bamidbar* we can postulate that they were not intended for use in the fulfillment of the Mitzvah of Shofar.)

II. היום הרת עולם

Note: The following is based upon a private conversation with HaRav Drillman, zt"l which took place on Erev Rosh HaShanah 5755.

As we all know, Rosh HaShanah commemorates the creation of the world. This idea is reflected in the Mussaf of Rosh HaShanah which states "*HaYom haras Olam...*" "Today the world was born." According to *Chazal* as brought down in *Maseches Rosh HaShanah* (27a), however, the world was created on the 25th of *Elul*, so that the day that we celebrate Rosh HaShanah, the first of the month of *Tishrei*, actually marks the sixth day of creation, the day on which the *Ribbono Shel Olam* created *Adam HaRishon* and *Chava*. HaRav Drillman asked: why do we commemorate the creation of Man and not the creation of the whole world? This question is especially vexing, as it would appear that the greater miracle occurred on the 25th of *Elul*. The Ramban, on Bereishis 1:1, and Rashi on Bereishis 1:14, explain that on the first day of Creation הקב"ה created the entire universe ex nihilo, from absolute nothingness. On the five following days הקב"ה "formed" the various creations, making new entities though from existing substance. As the *Ba'al HaTanya* explains in the *Iggeres HaKodesh*, Epistle 20, only the *Ribbono shel Olam's* essence, which is free of all limitation, can bring about being from utter nothingness. HaRav Drillman answered that the Torah refers to the 25th of *Elul*, the first day of the world's existence, in *Sefer Bereishis* 1:5 as "*yom echad*" ("one day"). As Rashi (ad. loc.) quotes from *Bereishis Rabbah* (83:8), this terminology is used as opposed to the more intuitive "*yom rishon*" ("the first day"), thus indicating that on the first day of creation, G-d was "alone in His world." Therefore despite its uniqueness, the 25th day of *Elul* is overshadowed by Rosh HaShanah because the creation of Man opened up a new and deeper relationship between G-d and the created world.

As the Rambam explains in *Hilchos Teshuvah* (ch. 5): of all the beings created by הַקב"ה, Man alone can choose to accept Divine sovereignty through the use of the gift of free will. Though obviously הַקב"ה creates and regulates everything in the universe, those creations do not consciously choose to accept this relationship. In the words of The Rav, ז"ל, their link with the *Ribbono Shel Olam* flows from His creativity; and does not result from their own decision making. With the creation of Man, הַקב"ה introduced the potential for voluntary acceptance of consent to His will. HaRav Drillman cited the following analogy which he heard from his father, ז"ל: the difference between הַקב"ה's relationship with Man and His relationship with the remainder of creation can be understood by contrasting two distinct forms of absolute rule, tyranny and sovereignty. A tyrant exercises dominion over his subjects without their consent simply by virtue of his might while the subjects of a sovereign, even if he is an absolute ruler, may willingly accept his authority and seek his sovereignty. Understanding that Man, unlike every other aspect of Creation, has the choice of assenting to Divine dominion or rebelling against the same still leaves us with a question. Why must Divine sovereignty be consciously accepted by Man? הַקב"ה's influence and presence in the world encompasses every facet of creation and, in truth, Man is rarely able to recognize the Divine Presence from this perspective. Why then, should our awareness and recognition be of any importance? *Chazal* teach us in the *Midrash Tanchumah* on *Parshas Bechukosai* (sec. 3) that הַקב"ה created the world because He "desired a dwelling place in the lower worlds." In order to completely realize this desire, the establishment of a dwelling place requires not only that the Divine be extended into those realms, but also that those same worlds be aware of, and accept, the *Kedushah* in their midst. Only then is the *Makom HaShechinah* in this world complete. Before the creation of Man, *Kedushah* and this world appeared to be opposites; this world, the *Olam HaTachton*, did not relate to the potential with which it is invested. It is only with the creation of Man that the possibility for an internalized awareness of *Kedushah* came into being.

Man was created not merely as an end in and of itself, for the purpose of expressing oneness with הַקב"ה in his own life. Rather, Man was also given the potential to infuse the world with an awareness of the Divine. The *Zohar HaKadosh* teaches us that *Adam HaRishon* gave expression to this possibility on the very first day of his existence by suggesting to all of the rest of creation, as *Dovid HaMelech* writes in *Tehillim* 95:6: "Come, let us bow down; let us bend the knee before Hashem, our Maker." *Chazal* in *Maseches Shabbos* (10a) explain that by refraining from work on Shabbos we are sharing this superior relationship with הַקב"ה with the entire world, and thus Man becomes the *Ribbono Shel Olam's* partner, *K'vayachol*, in creation. This approach to הַקב"ה's relationship with creation and Man

explains why Rosh HaShanah, the day of man's creation, eclipses the creation that began on the 25th of *Elul* - the potential for oneness with the *Ribbono Shel Olam* that came into being only with the creation of Man overshadows all previous levels of creation.

The question, however, remains as to why do our *tefillos* on Rosh HaShanah proclaim that the world was formed on the first day of *Tishrei*? Even if it is acknowledged that Rosh HaShanah takes precedence, it was still on the 25th of *Elul* that the world itself was created. HaRav Drillman stated that this question can be answered by looking at the *Halachos* of *Tumah v'Taharah*, the laws of ritual purity. According to the Rambam in *Hilchos Keilim* (5:1), the *Halachos* of *Tumah v'Taharah* only apply to objects that are complete. For example, a piece of metal that is shapeless cannot become impure until it is fashioned into a *keli*, a useful object. Though obviously the metal itself exists, the *Halachos* of *Tumah v'Taharah* do not yet apply to the material. On the other hand, certain types of objects may be deemed complete at any one of a number of stages. For example, animal skins can be used at one stage as blankets or, with further work, can be made into clothing. With such items the question arises as to whether or not the object can become *Tamei*, ritually impure, in a less developed, though still useful state. The Mishnah in *Maseches Keilim* (Ch. 26:7-8) rules that the status of the hide is dependent upon the owner. If the owner would be content with the hide as a cover then the skin is considered impure. However, if the owner were a tanner who would ordinarily be expected to further refine the skin, it is pure. With an understanding of this halacha we can now understand the status of creation before the creation of Man. The 25th of *Elul* and the five days following revealed stunning Divine powers. However, the creation of Man completely overshadowed the previous creations because Man revealed a deeper purpose to creation and revealed that the world's prior existence was to be considered unfinished. Through the creation of Man, הַקב"ה established a new definition for existence, according to which the world did not previously exist as a complete entity. Therefore, the anniversary of the creation of Man is considered to be the anniversary of creation as a whole.

At the end of his discussion of the *Tekufas HaGeulah* in *Hilchos Melochim*, the Rambam quotes the *Navi Yeshayahu* who prophesies in 11:9, that in the times of Moshiach "the world will be filled with the knowledge of G-d as the waters cover the ocean bed." In other words, the ultimate state of unity between הַקב"ה and the world will be expressed through universal understanding of the ways of Hashem and that this will be accomplished through the efforts of Man. However, the reaching of such a *madreiga*, a level, depends on our ability to perceive and express the *kedushah* within the world. It is only by developing a conscious bond with הַקב"ה and extending that relationship into every element of our existence that we can bring closer

So in contradistinction to the Rambam, who believes that a shofar must be made from a ram's horn, the Ramban lists three aspects in the kashrut of a shofar. First, all shofarot are כשרים בדיעבד other than a cow's horn.⁵ Second, חז"ל chose certain shofarot (those with a bent shape) from among the kosher shofarot as a mitzvah לכתחילה. Third (and only third in importance), a ram's horn is considered to be מצוה מן המובחר because it is reminiscent of עקדת יצחק.⁶

The source of this מחלוקת is varying interpretations of the first two⁷ mishnayot in *masechet* Rosh Hashana that focus on the mitzvah of *tekiat shofar*⁸, and the relationship between these mishnayot. The first of these mishnayot records a מחלוקת between the *tana kama* and Rabbi Yosi regarding whether a cow's horn is an exception to the general rule that all shofarot are valid for use on Rosh Hashana. The *tana kama* says that a cow's horn is not valid, while Rabbi Yosi argues that it is valid. The second of these mishnayot records, among other issues not directly relevant here, a *machloket* between a *tana kama* and Rabbi Yehuda regarding whether the shofar that is blown on Rosh Hashana is from a "יעל פשוט" or from "זכרים כפופים." The gemara explains that the *machloket* in the second mishna is based on a disagreement about what is the preferred physical posture⁹ for prayer on a day associated with *tekiat shofar*—those who believe that an upright posture is preferable say to use יעל פשוט, while those who believe that a bent posture is preferable say to use זכרים כפופים. The gemara's conclusion appears to be "מצוה של ר"ה...בכפופים."

The Rambam somehow draws the conclusion from these mishnayot and the accompanying discussion in the gemara that the only valid shofar is a ram's horn. The link between the mishnayot and this conclusion is not clear on its face or from the Rambam's פרש המשנה. The *Maggid Mishneh* explains that the Rambam interprets these two mishnayot as being linked in a four-way *machloket*. The *tana kama* in the first mishna states that all shofarot are valid except for a cow's horn while Rabbi Yosi disagrees and says that even a cow's horn is a valid shofar. A different anonymous *tana kama* states that

5. The Ramban makes this statement against the background of his understanding that the horns of certain animals do not have the physical characteristics necessary to be considered a shofar (an inner piece surrounded by a hollow shell which can be removed and used as a shofar) and thus the horns of such animals are not even part of the discussion of what constitutes a proper shofar for the mitzvah.

6. The Ramban learns about this third characteristic from a statement of Rabbi Abahu on ראש השנה in דף טו, discussed below.

7. לפי חלוקת הגמרא.

8. ר"ה דף כו. - כו.

9. רש"י ר"ה דף כו: ד"ה כמה דכייף.

the straight horn of a *yael* is required, and Rabbi Yehuda states that the curved horn of a ram is required.¹⁰ The *Maggid Mishneh's* explanation of this difficult-to-understand *psak* of the Rambam leaves us with several questions, not least of which is the wording of the mishnayot themselves, which do not give any indication that the anonymous *tana kama* in two consecutive mishnayot disagree with each other in a way that is fundamental to understanding a halacha applicable to the whole Jewish people each year. Another is that while the first mishna and its discussion in the gemara go into fundamental reasons why a certain type of shofar may not be valid for use, the second mishna does no such thing.

The *Lechem Mishneh* offers an alternative explanation of the Rambam, according to which the Rambam understands the first mishna to be about which shofarot are valid or invalid מן התורה. The second mishna is about which shofarot are valid or invalid, even בדיעבד, on the basis of a rabbinic decree.¹¹ While the *Lechem Mishneh's* explanation appears to formally answer several difficulties that arise out of the *Maggid Mishneh's* interpretation, it also leaves us with several difficulties—such as why would *chazal* invalidate perfectly acceptable shofarot even בדיעבד? While reflecting the proper posture during tefila on Rosh Hashana is certainly important, if it is not required by the Torah as an essential feature of the shofar, why should a community or individual who owns a non-curved or non-ram's horn (but clearly כשר מן התורה) shofar be unable to fulfill the mitzvah?

The Ramban, on the other hand, interprets these two mishnayot as two separate *machlokot*—the first about the basic halacha of what is acceptable as a shofar, and the second, once the principles of the first are established, about what shape of shofar is preferable, but not required.¹²

On אמר "רבי אבהו: למה תוקעין בשופר של איל? - אמר הקדוש ברוך הוא: תקעו לפני בשופר של איל, כדי שאזכור לכם עקידת יצחק בן אברהם, ומעלה אני עליכם כאילו עקדתם עצמכם" - לפני? Rabbi Abahu asked: Why do people blow a shofar made from a ram's horn? Because God said: Sound a ram's horn shofar before Me, and I

10. מגיד משנה שופר א:א.

11. לחם משנה שופר א:א.

12. An essential issue in understanding this second mishna is whether the *machloket* is only about the shape of a shofar or also about the species of animal that it comes from. While the Rambam appears to believe the *machloket* is about both issues, the Ramban states that shape but not species is the subject of the mishna, and the species mentioned are merely examples of shofarot that have the desired shape.

will remember the *Akeida* and consider it as though you have sacrificed yourselves to Me.”

This statement is understandable according to the Rambam’s approach (at least as explained by the *Maggid Mishneh*). Rabbi Abahu assumes that everyone uses a ram’s horn for a shofar, and attributes this practice to an idea that emanated from God, which fits with the position that use of a ram’s horn is inherent to the Torah’s mitzvah of *tekiat shofar*. Apparently Rabbi Abahu is teaching us that part of the mitzvah of shofar is to serve as a “reminder” of the *Akeida*, so that the great merit of Avraham’s actions will be a merit to us, his descendants, at Rosh Hashana each year.¹³ But to the Ramban (or even to the Rambam as explained by the *Lechem Mishneh*), who believes that a ram’s horn is not called for at all by the Torah, how is one to understand the phrasing “אמר הקב"ה”?

The Ramban addresses this problem and explains that Rabbi Abahu is asking about the minhag to use a ram’s horn that he had observed, and that Rabbi Abahu answers that God told us to blow a shofar (as defined by the mishnayot in the third perek) and הקב"ה will remember *Akeidat Yitzchak* as a result. Once *Akeidat Yitzchak* is associated with the mitzvah, there is an added *hiddur* or מצוה מן המובחר to use the horn of a ram for the mitzvah.

This explanation is difficult to understand, however, because it appears to be circular --to the Ramban there is no connection between the *Akeida* and the mitzvah of *tekiat shofar* until after the advent of the minhag to use a ram’s horn as a shofar, so why would God tell us He will remember the *Akeida* when we blow a shofar (of any sort)?

The Ritva answers this question by interpreting Rabbi Abahu’s answer differently.¹⁴ הרי הבטיח הקב"ה לאברהם שכל זמן שמחזיקין בדרכיו ועושין המצוה "הרי הבטיח הקב"ה לאברהם שכל זמן שמחזיקין בדרכיו ועושין המצוה" בחבה, שיזכור להם עקדתו" According to this interpretation, God established a principle at the dawn of Jewish history that when Avraham’s descendants show great devotion to God’s commands (“עושין המצוה בחבה”), in some way approximating Avraham’s devotion to God’s command exemplified by his actions in the *Akeidah*, God will consider the descendants to have performed an act of devotion to God comparable to Avraham’s at the *Akeidah*.

The Ritva’s explanation seems to be either equally circular to that of the Ramban, or to fail to explain why we use a ram’s horn, since to the Ritva there is no inherent connection between a shofar and the *Akeidah*. Perhaps the explanation is that there is no direct connection between the fact that

God’s promise to Avraham relates to the *Akeida* and the fact that the ram’s horn here is reminiscent of the *Akeida*. Rather, when *bnai yisrael* go above and beyond God’s explicit dictates regarding a *mitzvat aseih*, they emulate Avraham’s love for God’s commands. So when the Jewish nation maneuvers within the Torah’s definition of a shofar to incorporate extra קיימים --first a symbol of how prayer should be conducted and then a reminder both for us and (כביכול) for God of the *Akeida*, these actions are comparable in some sense with those of Avraham. Of course Avraham *Avinu* followed God’s command to sacrifice his son, but even with the most difficult command one can imagine, he refused to be satisfied with the minimum of what he had been commanded, sacrificing a ram “תחת בנו” - “in place of his son.”

Many communities, including our own, are fortunate to use the horn of a ram for the mitzvah of *tekiat shofar*. May our performance of *tekiat shofar* above and beyond the minimum requirements –both in the sense of the Ramban’s מצוה מן המובחר and in the sense of being מקיים the opinion of the Ramban despite the fact that the halacha does not follow him in this case-- set an example for our devotion to God’s commands throughout the coming year, and may God consider to our merit that we sacrificed ourselves before Him.

לשנה טובה תכתבו ותחתמו

13. See בראשית רבה נ: ; בראשית כב: יג ד"ה היום (ומדרש אגדה...) on רש"י

ט
ריטב"א ר"ה טו.

Tekiat Shofar and the Complexity of Crying

Rabbi Avie Schreiber

תקיעה, תרועה, שברים - these sounds, ingrained in us from our youth, conjure up a myriad of feelings and associations. The sounds of the shofar are perhaps intentionally cryptic, allowing each of us to experience them in our own way with complexity and nuance. Nevertheless, attempting to decode the message of the sounds is useful in order to reveal facets of meaning that we can incorporate into our fulfillment of the Mitzvah of תקיעת שופר. This article will focus on the meaning of the sounds of שברים and תרועה.

The sounds we refer to as שברים and תרועה originate from the פסוק in במדבר 29:1, "וּבַחֹדֶשׁ הַשְּׂבִיעִי בְּאֶחָד לַחֹדֶשׁ... יוֹם תְּרוּעָה יִהְיֶה לָכֶם: " "תרועה", learn that the central sound we are mandated to hear on Rosh HaShana is a broken sound resembling crying, as אונקלוס translates "יום יבא" - "a day of crying." But what kind of crying sound are we supposed to hear? The Gemara in מסכת ראש השנה דף לג עמוד ב tells us that there is a dispute regarding this point.

"אמר אביי: בהא ודאי פליגי, דכתיב יום תרועה יהיה לכם... מר סבר: גנוחי גנח, ומר סבר: ילולי ילול."

One school of thought defines the תרועה sound as גניחה - groaning, which we refer to as שברים (three slightly elongated sounds), and one school of thought defines it as ילילה - sobbing, which we refer to as תרועה (nine very short sounds). רש"י explains each view in more detail.

גנוחי גנח - כאדם הגונח מלבו, כדרך החולים שמאריכין בגניחותיהן.
ילולי יליל - כאדם הבוכה ומקונן, קולות קצרים סמוכין זה לזה.

Rashi explains that גניחה is a type of crying typically expressed by someone who is suffering from an illness, while ילילה is a type of crying akin to a lament, which is typically expressed by someone experiencing bereavement and loss.

What is the significance of these two types of crying sounds, and why should we be obligated to hear specifically one or the other on Rosh HaShana? By delving into the process of תשובה, we can begin to understand the meaning of these "shofar cries."

The Rav z"l in על התשובה and Rav Kook z"l in אורות התשובה describe many different types and forms of תשובה. Let us focus on two of the types they describe:

Rav Kook, in פרק א' describes a type of תשובה that he refers to as תשובה טבעית - natural repentance. He explains: הוא מה שקוראים מוסר - טבע הנפש האנושית הוא ללכת בדרך ישרה, וכשסר מן הדרך, כשנפל בחטא... הרי

... Rav Kook explains that the החיש הזה של ישרות מדאיב את לבבו והוא מתמוגג מכאב... on a basic level, תשובה is motivated by a natural impulse to remove oneself from the stain of sin. Due to a person's conscience and inner sense of right and wrong, he experiences revulsion at his own behavior and is propelled to improve his ways.

In על התשובה, the Rav expresses a similar idea, albeit in stronger terms. Rav Soloveitchik, in the chapter entitled "Thou Shouldst Enter the Covenant of the Lord," writes: "Sin is ... a disease and it ... reaches human consciousness through the language of suffering, through deep and piercing pain, through spiritual agony which can be sharper and more unbearable than any bodily suffering."

This view expressed by the Rav and Rav Kook is based on an elevated and hopeful understanding of the human soul. It embraces the idea that the "natural state" of a person is to be just and good, as Rav Kook states explicitly, "טבע הנפש האנושית הוא ללכת בדרך ישרה" - "the nature of the human soul is to follow the just path." Because of this, a person's soul is sensitive to the effects of his sin and he yearns to return to his original, natural state. According to this, "תשובה" - "return" means returning to one's own self - returning to one's natural state of goodness and purity.

There is a second type of תשובה that Rav Kook discusses. It is תשובה that emanates, not merely from a sense of spiritual pain and agony due to the sin, but rather from a sense of loss that is caused by the sin - the loss of one's connection to הקב"ה and to all that is holy and meaningful in life.

Rav Kook, in פרק ב' compares and contrasts "sudden repentance" to "gradual repentance." In his description of "gradual repentance," Rav Kook powerfully describes how חטא separates us from הקב"ה. He writes:

והלא באמת הכול הוא טוב וישר כל כך, והישר והטוב שבנו הלא הוא בא מהתאמתנו אל הכל, ואיך אפשר להיות קרוע מן הכל, פרור משונה, מופרד כאבק דק שכלא נחשב. ומתוך הכרה זו, שהיא הכרה אלוקית באמת, באה תשובה מאהבה...

It is true that the 'the Source of All [Existence]' is good and just. And the goodness and integrity within us emanates from aligning ourselves with 'the Source of All [Existence]'. How could we remain torn from 'the Source of All [Existence]' separated from it like an almost non-existent bit of dust? From this awareness, which is a true Godly awareness, תשובה מאהבה results.

Rav Aharon Lichtenstein *shlita* states this as well in his inimitable fashion:

As a result of sin, the personal relationship between man and God has been fractured, if not ruptured. It has been fractured because, in sinning, man himself is corrupted, spiritually corroded, and hence less worthy and less capable of having a relationship with God. It has been fractured because the sin itself, apart from the evil inherent within it, is an affront to God. Hence, whatever relationship a person had enjoyed with God is adversely affected by sin.

This aspect of תשובה is based on the understanding that the natural state of a person is to be דבוק בה' - to be connected and intimately bound up with הקב"ה. Rav Kook states this explicitly and poetically in many places. In עולת האיה, for example, Rav Kook writes:
"הנשמה היא תמיד מתפללת. היא עפה ומתרפקת על דודה בלא שום הפסק כלל, אלא שבשעת התפלה המעשית הרי התפילה הנשמית התדירה מתגלה בפועל."
"The soul is constantly praying. It yearns for its Beloved without cease, but at the time of actual prayer, the continuous prayer of the soul is revealed in action."

As a result of a person's powerful natural inner connection to ה', the loss of that connection is felt acutely in the wake of sin. תשובה, in this sense, means returning to הקב"ה and repairing the relationship that the person once enjoyed.

To summarize, there are (at least) two effects of sin. Firstly, by straying from one's natural state of goodness, sin infects a person with spiritual illness accompanied by symptoms of pain and disgust. Secondly, sin drives away הקב"ה and holiness from one's life, leaving the sinner with a deep sense of loss and mourning. Consequently, תשובה as well entails two aspects. Returning to one's natural state of טוב and returning to הקב"ה. Rav Aharon Lichtenstein *shlita* encapsulates these two types of teshuva in an essay entitled, "Teshuva: Repentance and Return"¹ He writes:

Thus, teshuva becomes not only a process whereby a person, recognizing sin and dissociating himself from it, goes on to purify and purge himself of the negative influence of sin, but, beyond that, also a process of reconciliation, of rebuilding bridges to God, of removing barriers which sin has established between the sinner and God.

Now we can understand the significance of גניחה as opposed to ילילה. These two sounds represent and express two different effects of sin - and

1. See www.vbm-torah.org for full article.

consequently two different types of teshuvah. As Rashi explains, גניחה which is "כדרך החולים" - "in the way that an ill-stricken person cries" - emanates from the sense of illness that sin imparts to the sinner. This is the "natural teshuvah" that Rav Kook describes. Our internal sense of holiness and goodness causes us to feel "sick" with shame and pain at our actions. We desire to return to our natural self, to our natural state of goodness. We are compelled to express our pain in the form of "גניחה" - groaning.

ילילה - sobbing, on the other hand is crying of a different order. As Rashi explains "כאדם הבוכה ומקונן" - "like a person who cries and laments (in mourning.)" This emanates from a sense of אבלות - from a sense of void and loss caused by sin. We have lost what is dear to us; we have lost our connection to הקב"ה - to the Source of all existence. We are overwhelmed by the enormity of the gulf that now separates us from our Creator. We yearn to be reunited with our Beloved. We are induced to tears of mourning - to crying in the form of "ילילה."

Thus, the cries of שברים and תרועה express two types of crying because they reflect two effects of sin and consequently two types of Teshuvah.

May these powerful sounds serve to purify us from the negative affects of sin, returning us to our own true selves and reuniting us with הקב"ה. Just as the שברים and the תרועה are flanked by the strong triumphant sounds of the תקיעה², so too, may our cries lead us to emerge strong and confident in ourselves and in our relationship with הקב"ה.

2. Phraseology taken from a *sicha* delivered by Rav Moshe Lichtenstein, Tishrei 5770.

Shofar Shel Rosh HaShanah VeShofar Shel Yovel

Moshe Kahan

“Would a girl from Class 401 – not Moshe Kahan – please come to the office!” blared over the loudspeaker. I stood in the classroom feeling slightly confused. I was a freshman in high school and I had been elected at the beginning of the school year to the grand position of class president. This primarily consisted of being sent to the office any time a teacher was more than two minutes late to class, by my classmates who were clamoring for a free period. So the announcement that a female representative of class 401 was required and that the normal representative – me – should not show up, made sense. And yet my double exclusion, a general one by my being a boy, and then another exclusion specific to me, left me feeling disquieted, as though my teenage masculinity were being questioned by the secretary who manned the loudspeakers in the high school office. We face a similar conundrum in understanding the Rambam at the beginning of *Hilchot Shofar Perek Bet*:

“הכל חייבין לשמוע קול שופר כהנים ליום וישראלים וגרים ועבדים משוחררים, אבל נשים ועבדים וקטנים פטורין.”

My double inclusion in the mitzvah of shofar, both as a member of the Jewish people and as a Kohen, gives pause at the beginning of Rambam's treatment of the mitzvah of shofar.

The Rambam is quoting verbatim the ברייתא from *Masechet Rosh HaShanah* 29a. There, right after this long version of the ברייתא, a similar shorter version is introduced where only Kohanim, Leviim and Yisraelim are mentioned. The Gemara then asks our question as to why the ברייתא chose to specifically include Kohanim. The answer that is ultimately accepted is that there is a connection between Yovel and Rosh Hashana with regard to shofar, per the Mishnah on 26b, “שנה היובל לראש השנה לתקיעה ולברכות.” Therefore, only those Jews who can participate in the Yovel should participate in Rosh Hashana. Kohanim form an exception, in that Yovel does not affect their land sales the way it does the rest of *nachalat Yisrael*, which returns to the “rightful” owner once the 50-year cycle is complete. Since Kohanim and Leviim don't participate in Yovel, there is a *hava amina* that they don't participate in the mitzvah of Rosh Hashana, and thus the need for a specific inclusion in the ברייתא. The same logic applies to the additional groups of people listed in the first ברייתא, who also do not participate in the land reversal halachot of Yovel. The Gemara in Erchin 4a has the same *shakla v'tarya* (discussion), but rejects the *hava amina* that Kohanim would not participate in Rosh Hashana because of their non-participation in Yovel, explaining that Kohanim do participate in שלוח השמטת כספים and עבדים during Yovel. One may wonder why השמטת כספים is cited to demonstrate the inclusion of Kohanim in Yovel, as השמטת כספים

is a דין in שמיטה and not in Yovel. The *Baalei HaTosafot* address this question, suggesting that since without Yovel there would be שמיטה, there is sufficient connection between the two areas of halacha to support the claim that Kohanim “participate” in Yovel. Even without this explanation of the Tosafot we still have the halacha of שלוח עבדים to include Kohanim in Yovel.

Ostensibly we should be done. The Rambam cites the language of this first ברייתא, about which the Gemara has explained why Kohanim need a specific inclusion. However, a number of questions now arise.

First is the fascinating connection between Yovel and Rosh Hashana. Is there some intrinsic connection between these two areas of halacha? The Rambam and Rashi explicitly say that there is not. Rashi (Rosh Hashana 26b “ואף על גב דתקיעתו ביובל, לא לתפלה ולא לזכרון אלא לסימן שילוח עבדים והשמטת מכירת שדות, אפילו הכי... גמרינן לה לגזירה שנה שביעי שביעי” In other words, Rashi thinks that despite the fact that Rosh Hashana and Yovel do not share a thematic connection, nonetheless the גזירה שנה שביעי still applies. In a similar vein, Rambam in *Sefer HaMitvot* 137, in his discussion of the mitzvah of blowing shofar on Yovel Yom Kippur, explains that the blowing of the shofar on Yovel serves to publicize the slaves' freedom and is a form of announcement, while on Rosh Hashana shofar comes to give us a “*zikaron*” before Hashem. (This difference could account for the fact that the mitzvah on Rosh Hashana is to listen to the shofar, while the mitzvah of shofar during Yovel is to blow the shofar, with a possible difference in the *birkat hamitzvah* reflecting this distinction.) The Chinuch on the same mitzvah (Mitzvah 371) emphasizes this distinction, explaining that while the *tekiot* on Rosh Hashana are meant to concentrate our thoughts on the *akeida*, the shofar on Yovel comes to publicize the liberty being given to all slaves. However, in the *Mishorshei Hamitzvah*, he does present a possible thematic commonality, indicating that the connection may be more than a mere technical גזירה שנה שביעי. He explains that the sound of the shofar is known for its property of waking people up, arousing them emotionally “either to war or to peace.” Thus, the sound of the shofar on Yovel instilled in both the masters and slaves the strength to sever their long-standing, possibly mutually beneficial connection. This general concept of the shofar as a powerful spiritual public address system connects the shofar of Yovel to the shofar of Rosh Hashana with regard to all of the technical details of shofar (using a shofar versus some other musical instrument, its shape, and the number of *tekiot* and *teruot* that are required), while their spiritual goals differ.

While the Rambam, Rashi, and Chinuch do not identify any deeper connection between Rosh Hashana and Yovel, there are two issues that remain to be addressed. The ברייתא in *Erchin* applies this connection between Yovel and Rosh Hashana to actually exclude Kohanim from the

mitzvah itself, which points to a more intrinsic relationship. Even if we choose to discount this piece of evidence, as this *hava amina* is ultimately rejected by the ברייתא, we still need to understand the issue of the nine berachot which comprise *malchuyot*, *zichronot*, and *shofarot*. The Gemara explicitly understands the connection between Rosh Hashana and Yovel to include the fact that we use the mussaf davening of Rosh Hashana for the Yovel Yom Kippur davening, to the point that the Gemara wonders about the applicability to Yovel of "זה היום תחלת מעשיך". If the only purpose of shofar on Yovel were to serve as a spiritual public address system, the usage of the Rosh Hashana davening for Yovel would be strange. Consider the Chinuch on Mitzvah 330, who explains that Yovel comes to declare Hashem's kingship over the world by proclaiming that everything in the world is His. Thus, all of our mortal concepts of ownership are superseded by the divine singular ownership of Hashem. This theme, of course, is related to Rosh Hashanah, which is largely focused on the kingship of Hashem and His greater immanence during Rosh Hashana and the entire *Yamim Noraim* period.

We can apply this understanding to the mishnah on Rosh Hashana 26b, which equates the two mitzvot as follows: "שהו היובל לראש השנה לתקיעה ולברכות". There are two connections between Rosh Hashana and Yovel deriving from the גזירה שהו. One is the fact that shofar is used on both occasions and the גזירה שהו demands a technical equivalence in what type of shofar is used and how the shofar is used on both occasions. However, there is another manifestation of the connection between Rosh Hashana and Yovel, which speaks to the intrinsic nature of both occasions as public manifestations of the kingship of Hakadosh Baruch Hu. That connection, though, is limited to the berachot and does not affect the reason that the shofar is used on either day. The shofar on Rosh Hashana is a form of tefillah, evoking thoughts of the *akeidah*, while on Yovel the shofar is used to announce that liberty has arrived. Therefore, when the ברייתא connects Yovel and Rosh Hashana to exclude kohanim, it does so based on the intrinsic connection that is evidenced in the berachot being the same. The shofar itself, however, fulfills separate and distinct roles on each of the two days.

A second question that we need to address goes back to the specific inclusion of Kohanim in the mitzvah of shofar. While the Rambam is merely using the language of the longer ברייתא, I believe we can still try to understand why the Rambam chooses to begin with this usage. The Gemara in *Erchin* includes several versions of this ברייתא, including Kohanim, Leviim, and Yisraelim for a variety of mitzvot such as sukkah, tzitzit, tefillin, *mikra megillah*, and *zimun*. The Rambam does not quote any of these *braitot* when he introduces each of these other mitzvot in the *Yad Hachazakah*. (A possible exception is *zimun*, where the ברייתא is not quoted explicitly but the Rambam does address the concern that one might think

Kohanim who are eating *kodshim* or *terumah* are not included in *zimun*). So if we return to our original topic, why quote this ברייתא and specifically include Kohanim? I would like to suggest three possible reasons.

1. The ברייתא that the Rambam does quote is the longer ברייתא from Rosh Hashana, which provides a fuller list and serves as a good framework for discussing the mitzvah of shofar. The parallel *braitot* about other mitzvot only include Kohanim, Leviim and Yisraelim, and the Rambam does not assume that anyone would think Kohanim and Leviim would not participate in any of the other the mitzvot such as tzitzit, for example.
2. The Rambam before and after *Perek Bet* makes extensive use of the comparison to Yovel in discussing the shofar and the required number of *tekiot*. Perhaps in light of this, the Rambam judged it wise to include the longer ברייתא, as the *hava amina* of excluding those who do not participate in Yovel was more attractive in light of the numerous other comparisons to Yovel.
3. Rosh Hashana speaks to the manifestation of the kingship of *Hakadosh Baruch Hu*. As noted earlier, this theme provides a possible connection to Yovel. Paradoxically, the ברייתא wanted to use this connection to exclude Kohanim, but this very same idea could motivate the Rambam to include a list of all the King's subjects who must listen to the sounds of the shofar as another way of making manifest the kingship of *Hakadosh Baruch Hu* on this day. While there may be technical exceptions, such as women who are *patur* because of *mitzvot aseh shehazman grama*, the overriding theme of Rosh Hashana and Yovel is the kingship of Hashem as manifest in the land (during Yovel), in the people (during Rosh Hashana and Yovel) and in their regular possessions (השמטת כספים). As an introduction to the mitzvah of shofar, what better way to begin than to list the King's subjects--Kohanim, Leviim, and Yisraelim—who all stand on this day to accept Hashem's sovereignty.

May we all merit to see the ultimate manifestation of the kingship of *Hakadosh Baruch Hu* together במהרה בימינו.

Kamtza and Bar Kamtza - Did the Grasshoppers Learn the Lesson?

Shlomo Wohlberg

Quick, what is the classic *שנאת חנם* gemara? You probably answered Kamtza and Bar Kamtza. While *שבעים פנים לתורה* (there are seventy facets to the Torah), let's not miss the grasshopper at our feet and take a closer look at the gemara itself (which curiously never mentions the phrase “שנאת חנם”).

Gitin 55b: *אמר רבי יוחנן, מאי דכתיב: (משלי כ"ח: יד) 'אשרי אדם מפחד תמיד ומקשה' "Rabbi Yochanon said, what is the meaning of the pasuk: 'Happy is the person who is constantly afraid, and he who hardens his heart will fall into misfortune?' Because of Kamtza and Bar Kamtza Yerushalayim was destroyed, because of a rooster and a hen [the city of] Tur Malka was destroyed, because of the shaft of a carriage [lit.: litter] [the city of] Betar was destroyed." Rashi: "מפחד: he who worries about the consequence of his actions, so that nothing bad will result from what he does." The gemara then continues with the story of Kamtza and Bar Kamtza.*

Based on the introductory *pasuk* of R Yochanon, we have a very different perspective of this gemara, a “רוצה את הנולד” perspective, and based on this viewpoint we can understand each detail of the story in a new light and learn a different type of lesson. From a *שנאת חנם* standpoint, the host throws Bar Kamtza out which was caused by and which leads to *שנאת חנם*, and the rest of the story is the consequence. But from an “אשרי אדם מפחד תמיד” standpoint, each step of the story teaches a lesson of considering the consequence of our acts. Perhaps the host should have been more careful when he instructed his servant, perhaps the servant should have paid more attention to whom he was inviting, perhaps Bar Kamtza, who Rashi says was a Jew, should have realized he was causing a lot more damage than just a little trouble for the Rabbis, and perhaps R' Zechariah ben Avkulis should have allowed the *korban*. Granted, all of this is in hindsight, and hindsight is 20/20, but the lesson still stands.

Now we can also understand the connection of Kamtza and Bar Kamtza to the other two stories of destruction that R' Yochanon mentions in his introduction. “Because of a rooster and a hen [the city of] Tur Malka was destroyed” - briefly, the gemara on 57a explains that the custom at a wedding was that a rooster and a hen would walk in front of the *chosson* and *kallah* (perhaps the precursor to our minhag of the parade of family and friends walking down the aisle to the chuppah). One fine day at a wedding procession, a passing band of Roman soldiers seized the rooster and hen. The angry Jews yelled “*Chaptzem!*” Word got back to the Roman general, who ultimately destroyed the city of Tur Malka. The third story, “because of

the shaft of a carriage [lit.: litter] [the city of] Betar was destroyed” is similar. The lesson from both the latter two stories is clearly “אשרי אדם מפחד תמיד” - due to lack of calm foresight, the Roman army was needlessly antagonized and destruction resulted. So too, the story of Kamtza and Bar Kamtza, as related in the gemara, is not about *שנאת חנם*, but about “אשרי אדם מפחד תמיד”; one must always consider the consequences of his acts.

Furthermore, what exactly is the reason we encounter such strange names in the story of Kamtza and Bar Kamtza? In Aramaic, Kamtza is a grasshopper; who (besides a kung fu monk) would name a kid “grasshopper” or “son of grasshopper”? And what are the odds that the two should end up in the same story? Interestingly enough, we find two places in Tanach where people are referred to as “grasshoppers”: 1) Bamidbar 33:13, the *meraglim* (spies) said that they were like “grasshoppers” (*targum = kakamtzin*) in the eyes of the giants, and 2) in the *haftarah* of shabbos *nachamu*, *Yeshaya* 40:22, Hashem sits high up in the sky and the inhabitants of the earth are like “grasshoppers” (*targum = kakamtzin*). In both places the idea is that people are small and insignificant compared to the big picture. Perhaps this is part of the lesson of Kamtza and Bar Kamtza and the other two stories. Bar Kamtza felt that his slight was so great, it was worthy to be taken to the Supreme Court, so to speak. In the other two stories the Jews felt that their slight was so great that the Roman soldiers needed to be punished. The lesson is that although we all think our personal agendas are big and important, we are actually small grasshoppers and we must consider how our acts will affect the bigger picture, and that if not thought out properly, they can lead to dire consequences. In hindsight, had the players in Kamtza and Bar Kamtza and the other two stories internalized “אשרי אדם מפחד תמיד,” destruction might have been avoided.

Finally, the story of Kamtza and Bar Kamtza ends with: *אמר רבי יוחנן: ענותנותו של רבי זכריה בן אבקולס, החריבה את ביתנו, ושרפה את היכלנו, והגליתנו "R' Yochanon said, because of the 'humility' of R' Zechariah our beis hamikdosh was destroyed..."* What exactly does R' Yochanon mean, and what does R' Yochanon believe was the reason for the destruction of the *Beis Hamikdosh*?

Perhaps the simple answer is as follows: Bava Metziah 30b: *אמר רבי יוחנן: לא - חרבה ירושלים אלא על ... שהעמידו דניהם על דין תורה, ולא עבדו לפני משורת הדין.* - R' Yochanon said that Yerushalayim was destroyed because the people insisted on the strict letter of the law and did not compromise. This is exactly the same idea that R' Yochanon stresses in the epilogue to the story of Kamtza and Bar Kamtza. In hindsight had R' Zechariah ben Avkulis not insisted on the strict letter of the law and gone “לפנים משורת הדין” (either by letting Bar Kamtza bring a *korban* with a blemish or taking measures to prevent him from reporting against the Jewish People) perhaps the

destruction would have been avoided. Again, not a שנת חנם issue, but a failure to consider the consequence of one's actions.

The real question, however, remains: have the "grasshoppers" learned the lesson of "אשרי אדם, מפחד תמיד" of going לפני משורת הדין and striving for compromise? Let's hope so, and in the coming year גואל לבצרון.

Teshuva - A Question of Context

Yossi Markovitz

The Gemara in *Masechet Rosh Hashana* (16A) writes: "אמר הקדוש ברוך הוא: תקעו לפני בשופר של איל, כדי שאזכור לכם עקידת יצחק בן אברהם, ומעלה אני עליכם כאילו עקדתם עצמכם לפני."

"Says Hashem: Sound before Me the horn of a ram so that I may remember the binding of Yitzchak ben Avraham and consider it as if you (Bnai Yisrael) bound yourselves before Me."

Some questions arise from this Gemara:

Q1. We can understand that Yitzchak *avinu's* actions were steeped in *gevurah* (strength/bravery). He lay down on an altar and allowed his father to approach him with a knife! Why, then, do we refer to his great sacrifice as "*Akeidat Yitzchak*" (the binding of Yitzchak), not "*Aliyat Yitzchak*" (Yitzchak's ascent to the altar)?

Q2. Additionally, while we generally refer to *Akeidat Yitzchak*, the Gemara above says "*Akeidat Yitachak ben Avraham*." Why the need to identify Yitzchak as Avraham's son?

We recite in slichot a verse from *Yishayahu* 1:18:

"יאמר ה'; אם-יהיו חטאיכם בשנים בשלג ילבינו, אם-נאדימו בתולע בצמר יהיו."

The Gemara points out that the word שנים is used, not שני. Says the Gemara, "If your *aveirot* are "*mesudar*," arranged in order like years, then Hashem will help you obliterate them."

Q3. What does it mean to arrange sins like years, and why would anyone want to arrange them?

The answer is based on a *Sicha* by Rabbi Aryeh Lebowitz of *Beis Haknesses* of North Woodmere:

The Gemara in *Yoma* 86B poses a question, "One who recited *Vidui* one year on a particular sin, should he recite it again for the same *aveira* the following year?" The Gemara rules that he should, because of the verse in Tehillim: "ורטא נדי תמיד". Adds the *K'tav Sofer*: A person who has been sick in the past must constantly remind himself to eat healthy or he will get sick again. We too should recite *Vidui* again lest we become vulnerable and sin again. When we are proactive, we can strengthen ourselves for future battles. Similarly, Rav Chaim Shmulevitz cites a Gemara in *Baba Batra* which praises a man who doesn't go down to the riverbank while the woman

are doing the laundry, simply because he doesn't want to put himself in a precarious situation.

Rabbi Lebowitz gives an example of a man whose doctor orders him to cut out snacks from his diet. Every night this individual works late hours and comes home exhausted. He wakes up at the last possible minute to complete his morning routine and rushes to work. When hunger strikes him at 11 o'clock in the morning he visits the snack machine for a snickers bar. By the time he gets to the machine, even to the office, his battle has been lost. He is powerless against the snickers bar.

True penitence for this individual must come in another form. This man's diet correction does not consist of fighting his temptation at the candy machine. The **context**, not **content**, of his diet is flawed. For this man to eat well he needs to go to bed at a normal hour, wake up refreshed, and make himself a brown bag lunch (including a sandwich and some healthy snacks). That lifestyle change will offer him a fighting chance at eating right.

Therein lies the secret to *Teshuva*. It's not about hoping that I'll make a better decision next time, it's about being in a different context next time.

Based on this understanding of *Teshuva*, we can answer the questions above:

A1. We refer to our father Yitzchak's great sacrifice as "*Akeidat Yitzchak*" (the binding of Yitzchak) because he asked to be bound. Even after agreeing to be sacrificed, Yitzchak realized that he may have doubts at the exact moment and try to flee. Yitzchak knew that in order to overcome a great challenge and perform the will of Hashem he needed to be bound; he needed to change the **context** of the moment. That was truly a remarkable act.

A2. Yitzchak is referred to as *Ben Avraham* because he learned the lessons of **context** from his father. Avraham ran away from his birthplace, Charan, because he knew he'd be powerless versus the lure of *Avodah Zarah*, which was rampant there. He decided, rather than fighting an internal war each day, he would change the landscape of his life and move to another place.

A3. Finally, this is the meaning of "Sins arranged like years." When a person realizes that his flaws are ingrained in the patterns of his life, the only way to repent is to rearrange the patterns. If we are willing to reconfigure our **contexts** and move out of our "comfort zone" routine, then we are assured that Hashem will whiten our sins.

Rabbi Dr. Norman Lamm explained in his *drasha* to the Jewish Center in 1969 that the word "שנה" has two polar opposite meanings. On one hand, it means to repeat. Other times, it means to change. He writes: "If this is to be

a *Shanah Tovah*, a good year, we must know what to repeat and what to change; to continue that which deserves perpetuation and to abandon that which does not, even at the risk of self-invalidation."

May we take the opportunity of this New Year to build new frameworks. Not simply to commit to try harder to perform *mitzvot* and to stay away from *aveirot*, but to change the basis of our daily routines, the **context** in which we function, so that Hashem will grant us all a life of peace and goodness.

Mixed Emotions

Dov Adler

When we analyze the *tefilos* and the motif of *Yom Hakipurim*, on the surface, we seem to be getting mixed messages. On the one hand, it is clearly a day of awe and fear. The *piyut* of *Unisaneh Tokef* rarely leaves a dry eye as one wonders *מי יחיה ומי ימות*. When we read about the *Avodas Yom Hakipurim* and the *שעיר לה'* and the *שעיר לעזאזל* we tremble at the thought of being in the *mikdash* waiting for the *kohain gadol* to emerge from the *kodesh hakadashim*. On the other hand, the days leading up to the *Yom Hadin* and *Yom Kippur* itself are referred to as *Yimai Ritzui*. Days that we can truly feel closer to *הקב"ה*. The *Piyutim* of *מראה כהן*, *לחי עולמים*, *מראה כהן* all inspire us to truly feeling a sense of closeness to the *Ribono Shel Olam*. On the one hand *Yom Kippur* is a day of *עינוי*. We are not allowed to eat, bathe and wear shoes - all in order to help us focus on the task at hand. On the other hand *Yom Kippur* is still a day of *kedushas hayom* just like any other *yom tov*. If one needed to eat on *Yom Kippur* he would recite *יעלה ויבא* in *bentching*. These ideas seem to be polar opposites. What should our thoughts be focused on at this time? If we are appealing to G-d and begging Him for forgiveness to allow us to survive another year are we truly focused on our overall relationship? If we focus on what we can't do and think about the *עינוי* that we are putting ourselves through, is it possible to focus on *Simchas Yom Tov*?

There is a very special *tefilah* that we recite once a month for the entire year, except when it comes to *Rosh Chodesh Tishrei*. The *Birkas Hachodesh* that we recite on a monthly basis is not said for *Rosh Chodesh Tishrei* because the Torah uses the description for *Rosh Hashana* of "בכסה ליום חגנו" - as a day that should not be publicized. Therefore we do not announce the upcoming *Rosh Chodesh* with the *tefilah* of *Birkas Hachodesh*. However, when one reads the *tefilah*, which we are all familiar with, it seems like this is the perfect *tefilah* for this time of year. We ask Hashem for long and meaningful lives, for *parnasa*, and for any request that our hearts can think of. Each of these requests is done once. However, there is one request that we ask for twice. We say *חיים שיש בהם יראת שמים ויראת חטא* - asking for fear of G-d and fear of sin. We then ask for *אהבת תורה ויראת שמים* - asking for love of Torah and fear of G-d. The two questions are obvious. Why do we repeat *יראת שמים* (other than the fact that it's a very important part of our commitment) and why do we reverse the order. First asking for *יראת שמים* and then *יראת חטא* and then in the second phrase asking for *אהבת תורה* and then *יראת שמים*?

Perhaps we can suggest the following. There are two types of *יראת שמים* which are totally independent from one another, yet both are needed to be a complete *עובד ה'*. On the one hand we have the fear of G-d - fearing the letter of the law - fear of the system. That is the *יראת שמים ויראת חטא*. The only way to have fear of doing sin is to fear the system itself. If you don't have respect for the leader and ruler of the system, you will not have respect and fear for doing what you should not be doing. For that we ask *הקב"ה* to give us *יראת שמים ויראת חטא*. However, there is a second level of *יראת שמים*. One where we have a sense of awe and reverence for our Creator. We yearn for the *התרווממות* and the *דבקות* that we each strive for as we try to get closer to *הקב"ה*. That sense of *יראת שמים* can only come about through a true *אהבת תורה*. Only when we have a true love and appreciation of Torah and *Mitzvos* can we feel that true sense of *יראת שמים*, that sense of awe of Hashem. For this reason the second request for *יראת שמים* can only come after we have asked for *אהבת תורה*. Without the former, the latter is impossible.

The fact that we need to ask *הקב"ה* to instill these feelings in us indicates how hard they are to really feel and achieve. However, one can't have one without the other. Having the fear of sin and the true fear of G-d needs to be complemented by having the love and closeness to Hashem as well that manifests itself through a true sense of awe.

During these times, we remind ourselves of the fact that Hashem is a *Melech* and a Father at the same time. Viewing the *רבונו של עולם* in this sense is a challenge unto itself. *Yom Hakipurim* is forcing us to synthesize both of these feelings at the same time and we must act as one unified body. There needs to be a sense of *Kedushas Hayom* and the *עינוי תוקף* and *ונתנה תוקף* need to complement each other in order to allow us to properly reflect on the past and continue to concentrate and have hope for the future.

As we say *חטא* many times throughout the day, we are telling *הקב"ה* that indeed we are sorry for what we have done in the past. Our lack of *יראת שמים* when it comes to the letter of the law has been unfortunately palpable. However, as we are preparing to take on a *קבלת העתיד*, we are appealing to the softer side of *אהבת תורה* and *יראת שמים*. We are telling G-d that things will be different and we will not be the same individuals next year as we were this past year.

Even though this *tefilah* of *birkas hachodesh* will not be recited in conjunction with the *Yamim Noraim* it will be recited for the next 11 months, reminding us of the same themes that are on our minds today. Perhaps we can use this fact to "check in" throughout the year. Once a month, think back to the month that this *tefilah* was not said. The emotional commitment that we each strive for during the *Aseres Yimai Teshuva* and *Yom Hakipurim* and

the focus that we have on the future can not be sustained on a day to day basis. However, once a month, when we ask for *יראת שמים ויראת חטא* and *אהבת תורה ויראת שמים* we can focus and check in to see how we are doing compared to our original goals that we had set. We can think about how we can re-energize ourselves on a monthly basis to the same energy level of *Tishrei*. Let us hope and pray that indeed this year will be one that is filled with all of our *tefilos* being answered in a way that is expressed through *חיים שימלאה' משאלות לבנו לטובה*.

The Mitzvah of *Simcha* on Succot

Rabbi Dr. Aaron Ross

We are familiar with the fact that one of the names of Succot is "אמן שמחתנו," literally "the time of our happiness." Why is this so? Why is Succot singled out among all of the holidays as the one that represents our happiness? One part of this article will seek to answer that question. At the same time, we will try to answer the question of exactly what is meant by "happiness" in both the Torah and the words of the Sages.

There are four times in the Torah when the term "שמחה" is used in connection with the holidays. Once is in Vayikra 23:40, in connection with the four species taken on Succot. The other three times occur in Devarim 16:11,14, & 15. The first of those times is in connection to Shavuot, while the latter two are in connection to Succot. With regard to those two, one speaks about שמחה in terms of sharing with the unfortunate and poor members of society, while the other verse connects שמחה to the celebrations held at the Temple. While Rashi sees the phrase "ושמחת בחגך" - "you shall be happy in your festivals" - as a promise from Hashem, Ibn Ezra claims that this is a commandment. It is the understanding of the Ibn Ezra which pervades the gemara and which will be our focus here.

What is included in the commandment of שמחה? The gemara in Pesachim 109a states that a person is commanded to make his family happy on the festivals. How does he accomplish this? The first opinion is that wine must be used. Rabi Yehuda claims that everything goes according to the individual - wine for males and new clothes for females. Rabi Yehuda ben Beteira claims that so long as the Temple is standing, there is no happiness without meat; after the destruction of the Temple there is no happiness without wine. Rambam (*Hil. Yom Tov* 6:17) claims that the essence of the commandment is to have the meat of sacrifices, but there is also an aspect of providing for everyone as per their individual nature, as well as to give to the poor and unfortunate.

Taking the position that the commandment is fulfilled primarily through the eating of sacrificial meat, we have to ask what sacrifice we are dealing with here. Is there merely a commandment to eat meat on the holiday, and thus any sacrifice will suffice, or is there a special sacrifice that must be brought in fulfillment of this command? A key ramification of this question is whether or not women have any requirement of שמחה. If there is a special sacrifice that must be brought on the holiday, then that sacrifice is a time-bound positive commandment, and thus women should be exempt. If

there is no special sacrifice, then perhaps there is room to say that women share in this obligation.

Rambam (*Hil. Chagigah* 1:1) states that the mitzva of שמחה is that one must bring an extra קרבן שלמים on the holiday, and women are obligated to fulfill this commandment. How can this be so? Seemingly, it is a time-bound positive commandment! The Ra'avad jumps on this point and claims that, in fact, women have no obligation to bring the sacrifice, but rather rejoice with their husbands. The Lechem Mishne comments that, according to the Ra'avad, it seems that women have no connection at all to the sacrifice, and thus their husbands are not required to feed them meat of this sacrifice in order to make them happy on the holiday, but rather may rejoice with them in other ways as well.

From this point, there are two directions to be taken. The first is to point out that the sacrifice to be brought is not necessarily a special one. The gemara (*Chagigah* 8a; *Beitzah* 19b) points out that a person may bring any voluntary sacrifice that he owes, and through that fulfill his requirement of שמחה on the holiday. Rambam himself (*Hil. Chagigah* 2:10) codifies this as law. This can perhaps shed light on Rambam's law referred to above. Women are obligated to have sacrificial meat on the holiday because it is not a time-bound law! As far as the sacrifice itself is concerned, it may be a sacrifice that can be brought throughout the year!

(As a side point, the gemara in *Rosh HaShana* 6b discusses the law of "בל תאחר," the prohibition of delaying the bringing of a voluntary sacrifice. We are taught that one is considered to have delayed a sacrifice once three consecutive festivals have passed in order (Pesach, Shavuot, Succot). The question raised is whether or not this prohibition applies to women as well. One opinion says that they are exempt, since they have no requirement of "ראיה" - appearing in the Temple with a sacrifice on the holiday, and thus they do not have a full connection to the cycle of holidays. A second opinion claims that they do have a requirement of "בל תאחר," since they have a requirement of שמחה and thus do have a real connection to the holidays.)

We still have a problem - even if שמחה is not an issue of the sacrifice, it is still a time-bound positive commandment! Tosafot (*Rosh HaShana* 6b) cite Rabbeinu Tam as claiming that, indeed, the commandment of שמחה applies to men but not to women, and part of that commandment is for the man to ensure that all members of his household are able to rejoice properly (opinion shared by Rashi on *Chagigah* 6a). How are we to answer this challenge, given the fact that several gemarot and Rambam believe that women are obligated? It is here that the second direction is to be followed. It seems that the commandment of שמחה is not merely a commandment to

bring a sacrifice. Several facts point to the notion that the mitzva of שמחה is a more general notion, and the sacrificial meat is merely the best way to fulfill it. As we have already seen, there are other opinions as to how to fulfill this mitzva. We have already cited Rambam's view that this mitzva's main focus is that everyone be provided for as per their particular needs. The *Sefer HaChinuch* (#488) states that in addition to bringing a sacrifice, there is an obligation in all forms of שמחה, be it food, clothes, or the שמחת בית השואבה that took place in the Temple. The *Minchat Chinuch* claims that even those people who would ordinarily not be obligated to bring any form of sacrifice still had an obligation of שמחה during the time of the Temple, demonstrating the distinction between the essence of שמחה and the sacrifice. To touch on a different area of law, the gemara in *Moed Katan* 14b states that a mourner does not adhere to any of the practices of mourning during the festival, as they impinge on his happiness (Tosafot there claim that this refers specifically to eating and drinking), and we know that the festivals actually cancel the shiva period.

Yet our problem remains. Even if the mitzva of שמחה is not connected to the sacrifice itself, it still seems to be a function of the holiday, and thus is still to be viewed as a time-bound commandment! Once again, how are we to assert that women have an obligation?

The solution to this problem will lead directly into our second issue - why Succot is singled out as "זמן שמחתנו." The *Pesiqta D'Rav Kahana* points out why שמחה is not mentioned at all by Pesach, why it is mentioned only once by Shavuot, and why it is mentioned three times by Succot. The answer relates to the three festivals as agricultural events. On Pesach, all produce is being judged, and thus there is no reason for genuine שמחה. On Shavuot, the grain has been judged (חג הקציר - the harvest festival), but the fruits are still being judged. By the time of Succot, all produce has been judged and can now be gathered in (חג האסיף - the gathering festival). As a result, Succot is naturally a festive occasion, as it marks the end of the agricultural year, just weeks before the new rainy season begins. The gemara (*Pesachim* 36b) and Rambam (*Hil. Bikkurim* 4:13) both state that when one brings *bikkurim* (first fruits), he only recites the required verses (*Devarim* 26:5-11) if he brings them during the time of "שמחה." When is the time of "שמחה?" Between Shavuot and Succot, when all produce is being gathered in. Rambam, in *Moreh Nevuchim* 3:43, states that the שמחה on Succot is due to the harvest, and cites Aristotle who says that this was a regular practice of farmers to have a festival at this time.

Perhaps the verse itself implies this notion. *Devarim* 16:14 says "שמחתך" - and you shall be happy in 'your' festival. Why is it called 'your' festival? The reason may be exactly this point, that the festival exists

The Mitzvah of Lulav in the *Mikdash*

Yossi Kra

Introduction

"ולקחתם לכם ביום הראשון פרי עץ הדר כפת תמרים וענף עץ עבת וערבי נחל ושמתחם לפני ה' אלקיכם שבעת ימים."

"And you should take for yourself on the first day a fruit of a beautiful tree, branches of palm trees, and branches of thick trees, and willows of the brook, and you should rejoice in front Hashem your God seven days (*Vayikra* 23:40)."

In commanding us to take a lulav on Succos, the Torah starts by expressing that the mitzvah only applies on the first day, but then concludes with a seven day obligation. The mishna in Succah (41a) explains that there is a Biblical requirement to take a lulav in all parts of the world on the first day of Succos while there is a Biblical mitzvah to take a lulav in the *Beis Hamikdash* all seven days of Succos. The mishna continues that following the destruction of the *Beis Hamikdash*, Rav Yochanan ben Zakkai instituted that a lulav should be taken everywhere for seven days as a remembrance to the *Mikdash*.

Classical Brisker Analysis of Lulav in the *Mikdash*

The Gemara in Succah records that there are several technical requirements that apply only on the first day of Succos (e.g. a lulav must be owned and can't be borrowed and an esrog must be whole). However, we are not required to observe these requirements on the other days (29b, 36b). Rashi and Tosafos there explain that when Rav Yochanan ben Zakkai instituted that a lulav should be taken as a remembrance to the *Mikdash*, he didn't include all of the Biblical stringencies. However, Rashi and Tosafos both imply that all technical requirements from the first day would apply all seven days in the *Mikdash* where the obligation is Biblical and not Rabbinic.

The Ramban (*Milchamos*, 15a) disagrees and maintains that after the first day one could use a borrowed lulav in the *Mikdash*.

Rav Chaim Soloveichik¹ explained that the basis of this *machlokes* is whether there is one mitzvah of lulav or two. Rashi and Tosafos maintain there is one mitzvah of lulav, and the *Mikdash* merely has a longer time period for the mitzvah. As there is only one mitzvah, the same requirements are applicable. However, the Ramban maintains there are two independent mitzvos, albeit utilizing the same physical articles. Therefore, there is no reason to assume that certain requirements such as ownership will equally apply to each mitzvah.

1. References to the opinions of Rav Chaim Soloveichik and the Rav are based on the sefer *Rishimos Shiurim*, published by Rabbi H. Reichman.

already and Hashem is giving us a commandment of happiness over and above our earthly joy. Why is the commandment needed? The Sefer HaChinuch claims that the entire point of this commandment is that man by nature needs to have periods of happiness in his life. Thus, Hashem commands us to take the times when we are naturally happy, and to consecrate them towards Him. This may explain why the main approaches towards this mitzva claim that it is fulfilled either through a sacrifice or by ensuring that everyone - including "God's family" (poor, orphans, widows, Levites) - must be provided for. There is no true happiness without Hashem being included. To go a step further, the other two verses concerning שמחה on Succot refer to the four species and to the Temple. The connection with regard to the Temple is obvious, and the main fulfillment of the four species was done in the Temple, and only there were the species taken every day, even on Shabbat. Again, true happiness must connect to Hashem.

Thus we see that the commandment to be happy on Succot is not a "time-bound" commandment. To translate more literally, it is not a commandment whose performance and existence depends on a specified time (שהזמן גרמא). The main thrust of the commandment is not to be happy, but rather to take a natural happiness and to direct it towards Hashem. This is not an instance of Hashem regulating the calendar, but rather of Hashem commanding man and woman alike to remember Him at all times, even during the most mundane periods of joy.

Rabbi Joseph B. Soloveichik (the Rav z"l), observed that the Rambam seems to align with the Ramban. The Rambam writes,

“All of these that we said are invalid because they are considered blemishes ... or because they are stolen, apply on the first day only; however, on the second day and the rest of the days they are all acceptable (Lulav 8:9).”

The Rambam doesn't limit the leniencies after the first day to outside the *Mikdash*. Therefore, the Rav explained, the Rambam also maintains that the technical requirements varied in the *Mikdash* on the basis that the mitzvah was unique and independent from the mitzvah to take a lulav on the first day.

These fundamental approaches lead to practical differences. For example, if someone takes a lulav outside the *Mikdash* on the first day, would he have a mitzvah to take the lulav a second time in the *Mikdash* on that day? According to Rashi and Tosafos, the answer is “no”; he already fulfilled the one mitzvah of lulav. However, according to the Ramban and Rambam, he should take the lulav a second time as he has not fulfilled the independent mitzvah of taking a lulav in the *Mikdash*.

Problems with the Classical Approach

I think we can raise several challenges to this explanation of the Ramban and Rambam:

- The Rambam in *Sefer Hamitzvos* counts taking a lulav outside the *Mikdash* and in *Mikdash* as one integrated mitzvah. Furthermore, the Rambam quotes the portion of the pasuk describing the taking of the lulav on the first day as a proof text to the obligation to take a lulav in the *Mikdash* all seven days. He writes:

Mitzvah 169 is that we are required to take a lulav and rejoice in it in front of Hashem for seven days. And this Hashem said, ‘And you should take for yourself on the first day...’ And the rules of this mitzvah were already described in the third *perek* of Succah, and there it is explained that there is no requirement of this mitzvah for seven days except in the *Mikdash*; however, in other lands, only the first day...

The Ramban in his commentary on the *Sefer Hamitzvos* unabashedly expresses disagreement with many positions of the Rambam. However, the Ramban does not comment on the mitzvah and tacitly endorses this position of the Rambam.

- The Gemarah (Succah 44a) questions why we take a lulav for seven days as a remembrance to the *Mikdash* but we don't take an aravah for seven days as a remembrance for the separate mitzvah of aravah in the *Mikdash*. Rav Zvid answers in the name of Rava that Rav Yochanan ben Zakkai only instituted a mitzvah of lulav outside the *Mikdash* for seven days since we are already Biblically obligated to take a lulav anyway for one day outside the *Mikdash*. However, according to the aforementioned explanation of the Ramban and Rambam, taking of the lulav outside the *Mikdash* for one day has nothing to do with taking of the lulav in *Mikdash* and doesn't seem to provide a meaningful basis to distinguish between our remembrance of the lulav and the aravah.

Alternate Explanations

Perhaps, we can suggest that everyone agrees there is only one mitzvah of lulav.

Firstly, the Rambam may have only intended that the technical requirements varied after the first day outside the *Mikdash*. Admittedly, the Rambam does not explicitly provide this qualifier. However, the Rambam implies he may be referring to outside the *Mikdash*. The Rambam says the “second day and the rest of the days” differ from the first day instead of simply stating “the rest of the days”. If the Rambam is focused on outside the *Mikdash*, in areas where we celebrate two days of Yom Tov, we can understand why the Rambam goes out of his way to clarify that the full restrictions only apply on the first day and not even on the second day of Yom Tov.² Therefore, the Rambam may agree with the original positions of Rashi and Tosafos.

Regardless of how we interpret the Rambam, the Ramban is clear that ownership is not required in the *Mikdash*. Rather than explaining that there are two mitzvos, I think we can suggest three alternate approaches:

1. The Rambam records that the mitzvah to rejoice seven days in the *Mikdash* was not limited to taking the lulav (contrary to what is implied by the pasuk). “The religious leaders would dance and celebrate and the rest of the people would watch (Lulav 8:14).” The fact that only select individuals would actively participate while others were sidelined seems to indicate that the mitzvah to rejoice in the *Mikdash* was a *mitzvas hatzibbur*, a communal obligation, not a *chovas hayachid*, a personal obligation. Similarly, we can suggest that while there is only one mitzvah of lulav, it was a communal activity in the *Mikdash*. Therefore, the requirement of personal

2. The Ritva also records a parallel opinion that distinguishes between the first and second days of Yom Tov in *Chutz La'aretz*.

ownership is not relevant in the *Mikdash* where everyone is celebrating as one collective unit. If anyone owns a lulav, everyone can use that lulav since they're all part of the same collective unit.

- Perhaps, all stringencies applied on the first day according to all opinions, even in the *Mikdash*. However, according to the Ramban and possibly the Rambam, the mitzvah evolves so that after the first day several of the formal requirements are relaxed.³
- While there is only one mitzvah of lulav, it is one component of a larger celebration that took place in *Mikdash*. In a subordinate role, perhaps we are less exacting than when lulav stands on its own outside the *Mikdash*. We have a more extreme example of this notion in halachah. If one temporarily does not have access to a kosher lulav and the minyan reaches Hallel, the Rema rules one should take a *posul* lulav for Hallel (as explained by the Mishna Berurah O.C. 649:59). While taking a *posul* lulav has no independent purpose or value, it is recommended when its role is complementary to the recitation of Hallel.

Therefore, the Ramban and Rambam may agree with the opinions of Rashi and Tosafos that there is only one mitzvah of lulav. However, they argue regarding whether the mitzvah is expressed differently in the context of *Mikdash* or during the period of Chol Hamoed.

The Case of the Stolen Sukkah

Rabbi Jonathan Feldman

The Gemara (Sukkah 31a) records a dispute between the *Chachamim* and R' Eliezer regarding the validity of a stolen sukkah. R' Eliezer disqualifies this mitzvah, and the Gemara explains that he maintains his objection regardless of whether land can ever be classified as stolen property. If land can indeed be considered stolen, then the sukkah, which is fixed to the ground, is disqualified on that basis. And even according to the opinion that holds that only movable objects can be tainted with the status of stolen property, R' Eliezer would still invalidate this "borrowed" sukkah by virtue of the *pasuk* of *חג הסוכות תעשה לך*, which he interprets as requiring ownership in order to fulfill the mitzvah of sukkah, similar to lulav on the first day (Sukkah 27b). The *Chachamim*, however, rule that the stolen sukkah is valid for fulfilling the mitzvah. This is because the *Chachamim* hold that a) land (and therefore the sukkah) cannot have the status of stolen property, and b) although the sukkah remains the property of the original owner, ownership is not a requirement for fulfilling this mitzvah (See Ritva and Meiri for explanations as to why this is not a case of *מצוה הבאה בעבירה*). The Gemara adds that R' Eliezer and the *Chachamim* would both permit a sukkah built with stolen materials. Rashi explains that this is for two reasons- the stolen materials undergo a status change when they are built into a sukkah, and the resulting product is a new item with no "rap sheet." Furthermore, the "*Takanas Hashavim*," instituted to encourage thieves to change their ways and make restitution to their victims, allows for equivalent monetary compensation instead of returning the original item in cases where that would require undoing a significant project.

Rashi points out the following problem- if the *Chachamim* validate a stolen sukkah, whether it was stolen after it was built or beforehand, how can the Gemara (Sukkah 27b) say that the *Chachamim*, who disagree with R' Eliezer's ownership requirement, use the *pasuk* of *חג הסוכות תעשה לך* to invalidate a stolen sukkah? Rashi answers that this is limited to a specific situation- a sukkah constructed on top of a wagon or boat. This sukkah is not fixed to the ground, and thus can have the status of stolen property like all movable items. Additionally, the *Takanas Hashavim* is not in effect, for the thief has not invested any time or resources in constructing this sukkah, and therefore it must be returned as is. In summary, according to Rashi there are three types of stolen sukkahs. 1. The thief forcibly appropriates someone's existing sukkah- this is the subject of the dispute between R' Eliezer and the *Chachamim*. 2. The thief steals raw material and constructs his own sukkah- both agree that this is valid. 3. The thief absconds with an existing mobile sukkah- this is invalid according to all, and this is the case the *Chachamim* learn from the *pasuk* *חג הסוכות תעשה לך*.

3. As a rationale for this evolution, we can explain that Chol Hamoed represents a transitional period between the first day when we have rigid requirements to Shemeni Atzeres when we celebrate without any formal mitzvos of the day. Succos transitions us from the aftermath of Yom Kippur, when we confronted Hashem as the ultimate *dayan* and begged for our survival and wellbeing, to the daily existence of the coming months when we celebrate the mitzvos and view Hashem as our Guide and Partner. Immediately following Yom Kippur, we can only dare to approach Hashem as a fearful servant solely focused on the command of our Master. By the end of Succos, we hope to rekindle a loving relationship with Hashem which transcends the physical props of the holiday. The evolving obligations of the lulav may demonstrate this evolution.

According to Tosafos, however, there is no need to search for a third category. True, the Gemara on 31a quotes the *Chachamim* as accepting a sukkah that was stolen either before or after construction. And yes, the Gemara on 27b has the *Chachamim* using the *pasuk* חג הסוכות תעשה לך to disqualify a stolen sukkah. But they need not contradict one another, according to Tosafos. The Gemara on 27b reflects the original reality on the Torah level -- the *pasuk* indeed eliminates a sukkah made from stolen material. But when the *Chachamim* permit such a sukkah in the Gemara on 31a, Tosafos explains, it is precisely because they are incorporating the Rabbinic *Takanas Hashavim*. According to Tosafos, the *pasuk* does not necessarily have any practical applicability in a post-*Takanas Hashavim* world, and Rashi's explanation is unnecessary.

Perhaps Rashi can be understood in light of the following: according to R' Eliezer, how can the *pasuk* disqualify a stolen sukkah regardless of whether land has the status of stolen property? If stolen land does transfer into the thief's possession, then why would the sukkah be excluded simply by the word לך? Evidently, the emphasis is not on לך, but rather תעשה לך. Although the sukkah does now technically belong to the thief, this does not satisfy the requirements of the *pasuk*. According to R' Eliezer, the sukkah must be *constructed* from the user's material, and therefore the sukkah is invalid if it is stolen after being built. If this is Rashi's understanding, then he can be defended from the attack of Tosafos. If the *pasuk* invalidates specifically a sukkah that was stolen *after* being built, then even prior to the *Takanas Hashavim* it would not have applied to building a sukkah from stolen material, which does technically satisfy the requirement of תעשה לך. This is why Rashi is troubled by the *Chachamim*'s application of the *pasuk* to exclude a stolen sukkah, and so he develops an alternative scenario: the case of a mobile sukkah.

The *pasuk* חג הסוכות תעשה לך באספך מגרנדך ומיקבך has a deeper message about the meaning of Sukkos. In *Sefer Devarim*, the *shalosh regalim* are presented in light of the agricultural calendar. Pesach is at the beginning of the grain harvest, which puts our financial accomplishments in the context of our humble origins and Divine benevolence. The commentaries are bothered by the seemingly irrelevant instruction to remember the slave experience on Shavuot as well, and explain it along the following lines (Devarim 16:12-See Rashi, Ibn Ezra, Sforno, Chizkuni): after seven weeks of the grain harvest, we should think of the less fortunate and be happy to share our bounty with them. Sukkos, which comes as the produce is gathered inside at the end of the harvest season, is introduced with the aforementioned *pasuk*. The Torah tells us to use the byproducts of the bygone harvest to construct our sukkah, to spend a week surrounded by tangible reminders of why we are thankful to Hashem. According to R' Eliezer, this is appropriately done only with one's own sukkah. The *Chachamim* permit the mitzvah to be

fulfilled in another's sukkah (based on a different *pasuk*), but do prohibit use of a stolen sukkah. Certainly, using stolen property undermines the lofty ideals of the *shalosh regalim*.

פרו ורבו and the Mitzvah of Women

Rabbi Elchonon Grunwald

On the first day of ראש השנה we read one of the most moving stories in the תורה - the story of חנה. We read of her suffering, of her tribulation, of her davening, and of her ultimate reward. This brings home to all of us on יום כיפור how much Hashem pays attention to every individual, and how He weighs our deeds and our hearts to see if we should receive our most precious wish.

But this also brings to mind a halacha which on the surface seems to defy logic – האשה מצוה על פריה ורביה אבל לא האשה. The מצוה of having children is obligatory on men but not on women (יבמות סה:). Given that childbearing is so much part of the essence of a woman's nature, one would expect the opposite. Indeed רבי יוחנן בן ברוקא (גמרא שם) disagrees and says על פי חכמים – the obligation is equally on both men and women; nonetheless the halacha follows the *chachamim* (ש"ע אבן העזר איג). As an aside, there may be other sources for a woman's obligation. The פסוק in ישעיהו that says לא תוהו בראה לשבת יצרה may apply to women also (see below). See also the ר"ן in the beginning of the second *perek* of *kiddushin*: דאף על גב דאשה אינה מצוה בפריה ורביה, מכל מקום יש לה מצוה מפני שהיא מסייעת לבעל.

The *משך חכמה* offers two explanations. Since childbirth is dangerous to the mother (before relatively recent advances in medical science, it was not uncommon for women to die during or following childbirth) the תורה would not demand that women endanger themselves. This explanation does not seem compelling. Even though women do not have a mitzvah per se, clearly it is Hashem's intent that they should marry and have children, and clearly throughout history they never hesitated because of the risks involved.

The second explanation of the *משך חכמה* is that since women have such a natural inclination to have children, there is no need for them to have a מצוה. This explanation also does not appear to reach into the heart of the matter as we have many מצוות in the תורה that also seem to be natural, such as אמונה בה', לא תגנוב, and לא תרצח. Besides, there are halachick ramifications from the fact that women are not explicitly commanded in פריה ורביה. See ש"ע אבן ש"ע, which states that if a woman cannot have children, her husband may divorce her in order to marry another woman who can have children. (In principle, בית דין used to compel the husband when he did not request a divorce. Nowadays, however, we do not interfere in such a

situation unless one of the parties requests. See רמ"א אבה"ע א"ג, קנ"ד: who quotes the (שבועות רי"ט סימן טו.) If, however, the husband is incapable of impregnating his wife, the wife's demand for a divorce is only recognized if she wants a child for future financial support (חוטרא לידה ומרה לקבורה). If the only reason פרו ורבו was not directed to women was because it was unnecessary to obligate them, then this distinction would be incomprehensible – why would a wife have any less legitimate reason to want a divorce than a husband?

We find another ramification of women not being obligated in פרו ורבו in the ספר תורה to raise funds to facilitate a marriage. Selling a ספר תורה is strongly discouraged and should only be done in extreme circumstances. One of the examples which is allowed is if one needs the funds to get married. The בית שמואל writes that one may sell a ספר תורה to marry off a poor man, but is unsure whether one may sell a ספר תורה to marry off a poor woman, since the מצוה of פרו ורבו does not apply. The בית שמואל concludes that it depends on whether the פסוק of לא תוהו בראה לשבת יצרה applies. If the only reason the Torah did not direct פרו ורבו to women is that it is a given, why should there be a distinction regarding selling a ספר תורה?

It would appear that we should look in another direction for the explanation why פרו ורבו does not apply to women. The solution probably lies in the תורה itself. The גמרא gives as a source for this halacha a specific portion of the פסוק. The relevant part of the פסוק reads "פרו ורבו ומלאו את הארץ וכבשוה". "Be fruitful, multiply, fill the earth and conquer it." The גמרא continues "איש" "It is the nature of man to conquer, and it is not the nature of woman to conquer." רש"י explains that it is the nature of man to conquer through battle, and פרו ורבו only applies to those who will conquer. (But see מהרש"א who suggests an alternative explanation.) What is so important about conquering that makes it a component of פרו ורבו, the very first directive that man received from Hashem?

Whenever a nation, or a community, or even an individual, is successful and prominent, and they attribute their success to Hashem, they have conquered that part of the earth, and this is the greatest קדוש השם possible. (I should point out that conquering is not only in battle, and in any case a war that is won based only on brute force is not a true conquest in this sense.) While clearly this is only possible with the assistance of women to build strong families (every nation in history in which family life became corrupted has ultimately collapsed), because the last step in פרו ורבו is this public

proclamation of the land under Hashem's flag, the command is only to men, even though women have an intrinsic part in it being fulfilled.

May we suggest the following; since there is so much spirituality in the מצוה of פרו ורבו, women, who have a much stronger feel for what is spiritual, have a much stronger emotional drive to fulfill their part. However, since there are four steps in the מצוה – פרו ורבו ומלאו את הארץ וכבשיה – and the final one is specific to men, the legal obligation applies only to men and not to women.

קדושת ארץ ישראל

מאיר שמחה פינקלשטיין

הקדמה – השייכות לראש השנה

א. סגולת ארץ ישראל

ב. סגולת הארץ לבני ישראל

ג. עם ישראל בחוץ לארץ

ד. ארץ ישראל בזמן הזה – אתחלתא דגאולה?

ה. חטא המרגלים

הקדמה – השייכות לראש השנה

כת' בפ' עקב (י"א:ב), "ארץ אשר ה' אלקיך דרש אתה תמיד עיני ה' אלקיך בה מרשית השנה ועד אחרית שנה". וכת' רש"י, מרשית השנה – מר"ה נדון מה יהא בסופה עכ"ל.

ידוע לנו שראש השנה היא יום הדין וביום הזה עוברין כל באי עולם לפני ה' כבני מרון. אבל גם ארץ ישראל בכלל זה. גם הארץ הקדושה שלנו נדון בראש השנה. לכן, ראוי הוא שבראש השנה נלמד בענייני הארץ ובסגולתו ונתפלל בעדה כמו שמתפללים אנו בעבורינו ביום הדין.

א. סגולת ארץ ישראל

ידוע היא לנו שיש לארץ ישראל קדושה יתירה שלא כשאר הארצות. היא הארץ שנתן ה' לאברהם אבינו אחרי שהוא הכיר ודבק בה, הוא הארץ שעליו נשבע לתת לבניו, והוא הארץ שמתפללים אנחנו בכל יום ויום לחזור לשם. אבל מה היא הסגולה שיש לארץ ישראל מכל שאר הארצות?

כת' הרמב"ן¹ שלכל ארץ וארץ שברא הקב"ה יש מלאך, שר, כוכב, או מזל וכדומה שמושל בו ושומר אותה תמיד. לא כן ארץ ישראל. ארץ ישראל שהיא נחלת ה' וקדוש לו, אין לה איזה שר או מלאך או שום דבר אחר שמושל בה. אלא הקב"ה בכבודו ובעצמו מושל בארץ ישראל. שכינתו תמיד בארץ הזאת. לכן, הארץ הזאת תקיא עוברי עבירה. קדושתו אינה מקבלת רשעים ועוברי עבירה. אבל להפך, רק יכולים לקיים מצות בארץ הזאת; עשיית מצות בשאר ארצות (שעליהם מושלים מלאכים וכו') הם רק כדי שלא יהיו עליכם כחדשים כשתחזרו לארץ.²

ועוד, בגמ' כתב ש"אוירא דארץ ישראל מחכים"³. הרוח עצמה שבארץ ישראל גורם יותר חכמה באדם. התוארים האלו של ארץ ישראל מתארים אותה כמו ארץ של קסם. היא תקיא עוברי עבירה וגורמת חכמה יתירה באדם, וגם עוד הרבה דברים מיוחדים בארץ. למה נתנה הקדושה הזאת לארץ ישראל בפרט? מובן שבחר ה' בארץ ישראל להיות לארץ עם קדושה יתירה על כל שאר ארצות, אבל למה בחר בארץ ישראל? למה לא בחר להשרות שכינתו בשום ארץ אחרת?

כת' בגמרא ש"ארץ ישראל נבראת תחילה וכל העולם כולו לבסוף"⁴. מפרש הרשב"א שביאור של זה הוא שכשכתוב בתורה, "בראשית ברא אלקים את השמים ואת הארץ"⁵, הביאור של

1. ויקרא, י"ח:כ"ה.
2. רש"י, דברים, י"א:י"ח (בשם הספרי).
3. בבא בתרא, קנח:.
4. תענית, י:.

הרב קוק מפרש שלהלן בגמרא, התירוץ השני, באמת הוא ההמשך של התירוץ הראשון. כת' שם, "אמר רב יהודה אמר רב שלא ברכו בתורה תחילה". מפרש הרב קוק שהיסוד בברכת התורה הוא מה שצריך אדם לזכור כשהוא לומד תורה וזה צריך להיות דרך הלימוד שלו. הברכה היא, "אשר בחר בנו מכל העמים ונתן לנו את תורתו". בחר ה' בבני ישראל להיות לו לעם, ורק אח"כ, נתן להם את התורה. מחויב כל אחד ואחד להבין את זה קודם שילמוד. צריך להבין שהוא חלק מעם ישראל והתלמוד תורה שלו הוא חלק מעבודת ה' של הכלל. הדרך של לימוד תורה צריך להיות שזה מה שאני צריך לעשות לעזור לכלל בעבודת ה'. התורה לא ניתנה ליחידים. היא ניתנה רק לכלל. בני ישראל היו כשרים לקבל את התורה רק בסוף שנים ארוכות שבהם היתה יצירת העם סגולה, והשנים המרים במצרים שבהם באו בני ישראל יחד להיות עם. תלמוד תורה בלי הזכרת הכלל וכל התכלית והסיבה שהוא עוסק בזו, אינו שוה לכלום.

בזה הענין כת' המשך חכמה¹⁴ שיש הרבה מצות שבתורה ששייכים לאנשים שונים. יש מצות שהם פרט לכהנים, מצות שהם פרט ללויים, מצות שהם פרט לסנהדרין, מצות שהם פרט למי שיש לו בית, מצות שפרט למי שיש לו שדה, וכו'. יש הרבה אנשים בציבור אחד והרבה מצות ששייכים לאיזה מהם. כשאדם מקיים המצות ששייכים לו, כל הציבור מקבל שכר כי "כל ישראל ערבים זה לזה"¹⁵. כל ישראל הם איש אחד בגוף אחד. יש אנשים שהם העיניים, יש אנשים שהם הראש, יש אנשים שהם האזניים, וכו'. אבל כל חלקי הגוף צריכים לעשות העבודה שלהם כדי לקיים את הגוף. הציבור הזה הוא מיוחד לבני ישראל. אין צבור בשום אומות העולם. יכול להיות שום אדם שבחר לעבוד את ה' וללכת בדרכיו אבל עבודת ה' בציבור הוא מיוחד לבני ישראל ומה שמקדש אותם מכל שאר אוה"ע.

"ויאמר אליו אני ה' אשר הוצאתיך מאור כשדים לתת לך את הארץ הזאת לרשתה. ויאמר ה' אלקים במה אדע כי אירשנה"¹⁶. אחרי שהבטיח ה' לאברהם שהוא יירש את ארץ ישראל, שאל אברהם, איך יכול לידע שהוא יירש אותו. רוב המפרשים תמיהים בשאלה זו. האם חשב אברהם שאין לה' יכולת לתת לו בנים ולתת להם את הארץ הזאת לירושה? איך חשב אברהם שה' לא יקיים שבועותיו? לכן, פירש הנצי"ב שבאמת זה לא היה השאלה של אברהם. השאלה היה, "באיזה דבר היא מסוגלת ביחוד שתפול עליה שם ירושה דוקא לזרעו?" איזה דבר מהארץ הזאת מסוגלת שיהיה דוקא לזרעי ואין שום אומה אחרת יכול לטעון שהארץ שלהם? השיב ה' שהסגולה של ארץ ישראל לבני ישראל היא הקרבנות שנאמר בהמשך¹⁷ "קחה לי עגלה משלשת ועז משלשת ואיל משלש ותר וגוול." דבר זה צריך ביאור. איך סגולת ארץ ישראל לבני ישראל תלויה בקרבנות?

כת' בדעת מקרא בפתיחה לספר ויקרא, שלעולם אחר בריאת העולם כל אדם הקריב קרבנות לאלהיהם. היה זה מנהג בעולם לעבוד עבודה זרה. אבל הבוטחים בה' כמו הבל ונח הקריבו קרבנות לה'. וגם אברהם, יצחק, ויעקב הקריבו קרבנות בימיהם. כל אדם הכיר שבקרבנות יכול לעבוד ה' אבל היה לכל אחד מהם דרכים שונים בהקרבנות. יש מנהגים שונים וכל אדם עשה מה שישר בעיניו. זה היה דרך העולם עד מתן תורה. אבל במתן תורה, קבלו בני ישראל סדר הקרבנות. מכאן ואילך, כולם יביאו קרבנות באופן אחד בלי מנהגים שונים. ומצות הקרבנות היא המצוה היחידה שנשאר עד היום הזה כמו שהיה מאז. יש לכל

14. שמות, י"ט:ה'.
15. סנהדרין, מג.
16. בראשית, ט"ו:ח'.
17. שם, שם:ט'.

מלת ארץ הוא ארץ ישראל. ארץ ישראל היא הארץ שהיתה תחילת בריאת העולם ורק אח"כ ברא ה' ארצות אחרות. ארץ ישראל היא העיקר וכל שאר ארצות הם הטפלים, ולכן, ארץ ישראל נקראת ארץ. העיון יעקב האריך בזה ומפרש שכשם שכשברא ה' את האור, ראה שאין הכל ראוי להשתמש בו וגנן את האור הראשון לצדיקים לעתיד לבא וברא אור אחר לעולם⁴, כך כשברא ה' את הארץ, בתחילה הוא ברא את ארץ ישראל אבל הוא ראה שלא הכל יהיו ראויים לגור בארץ המיוחדת הזאת, וברא ארצות אחרות להם ולבני ישראל כשיחטאו.

ברא ה' את ארץ ישראל תחילה בקדושה עליונה ואז ברא ארצות אחרות בלי הקדושה הזאת כשראה שאין כל העולם יתקיים בארץ ישראל. אבל ארץ ישראל נשאר בקדושתה. ולכן, הכין ה' את הארץ הזאת להיות לעם שיקבל את התורה ויעבדנו בלב שלם.

מפני חשיבותה וקדושתה הגדולה של ארץ ישראל, אי אפשר לאדם לחיות בדרך המובחר בחוץ לארץ. כתב המשך חכמה⁷ שצוה ה' את אברהם ללכת לארץ כנען מפני שהוא מקום המיוחד לעבודת ה' ולקרבנות ורק שם יכול לפרסם שם ה' ולעבדו בלב שלם. היו הרבה מוחות בלב אברהם לעבוד את ה' אבל לא היה יכול לשום את הכח אל הפועל עד שהיה בארץ ישראל. וזהו הפירוש של הפסוק, "ומצאת את לבבו נאמן לפניך"⁸. בארץ ישראל, מצא אברהם שהיה יכול לקחת הכוחות שבלבו ולשום אותם לפועל.

ואפשר שבזה הדרך למד הרשב"א את דברי רש"י⁹, "בראשית – בשביל התורה שנקראת ראשית דרכו"¹⁰ ובשביל ישראל שנקראת ראשית תבואתה"¹¹. ברא ה' את ארץ ישראל בשביל העם שיקבל את תורתו וזהו עם ישראל.

ב. סגולת הארץ לבני ישראל

בשעת מתן תורה, כשקרב בני ישראל אל הר סיני כת' בפסוק, "ויחן שם ישראל נגד ההר"¹². תמונה לרש"י, למה דבר הכתוב בלשון יחיד? למה לא כתב "ויחנו שם ישראל"? מתוך שכשבו להר סיני, בני ישראל היו כאיש אחד בלב אחד. האחדות ביניהם היה במדריגה העליונה ואז היו יכולים לקבל את התורה. אבל למה היה צורך לאחדות ישראל קודם קבלת התורה? מפני מה אין יכולים כל אחד מבני ישראל לעבוד את ה' בדרכו בלי חבירו? למה צריך לאחדות?

כת' בגמרא¹³, "מאי דכתיב 'מי האיש החכם ויבן את זאת (ואשר דבר פי ה' אליו ויגדה על מה אבדה הארץ נצתה כמדבר מבלי עבר)' דבר זה נשאל לחכמים ולנביאים ולא פירשוהו עד שפירשו הקב"ה בעצמו דכתיב 'ויאמר ה' על עזבם תורתיו וגו'". מפורש בגמרא זו שאבדו בני ישראל את ארץ ישראל מפני שהם עזבו את תורת ה'. שואל הרב קוק, הלוא בזמן ההוא היו הרבה ישיבות ותלמידי חכמים והיה תלמוד תורה במעלה עליונה. מה ההסבר של גמרא זו?

5. בראשית, א'א'.
6. חגיגה, יב.
7. בראשית, י"ב:א'.
8. נחמיה, ט:ח.
9. בראשית, א'א'.
10. משלי, ח'כ"ב.
11. ירמיה, ב'ג'.
12. שמות, י"ט:ב.
13. נדרים, פא.

בראנו והיא כוונת היצירה שאין לנו טעם אחר ביצירה הראשונה ואין קל עליון חפץ בתחנותים מלבד שידע האדם ויודה לאלקיו שבראו וכוונת רוממות הקול בתפילות וכוונת בתי כנסיות וזכות תפילת הרבים זהו שיהיה לבני אדם מקום יתקבצו ויודו לקל שבראם והמציאם ויפרסמו זה ויאמרו לפניו בריותך אנחנו וזו כוונתם במה שאמרו ז"ל ויקראו אל אלקים בחזקה מכאן אתה למד שתפילה צריכה קול חציפה נצח לבישה."

מדבריהם יוצא, שתכלית המצוות שנתן לנו ה' הם להיות אמצעי בינינו ובין ה' שכשאנחנו שומרים את המצוות וחיים בהם ועושים אותם את החיים שלנו אנו מכירים בה' ובאים לקרב אצלו. זהו תכליתנו בעולם, להכיר את ה' ולבא בכל יכולתנו ולקרב אליו.

הפסוקים שמתארים גלותינו מהארץ והחיוב שלנו בגלות הם: "ואבדתם מהרה מעל הארץ הטובה אשר ה' נתן לכם. ושמתם את דברי אלה על לבבכם ועל נפשכם וקשרתם אותם לאות על ידכם והיו לטוטפות בין עיניכם. ולמדתם אותם את בניכם לדבר בם בשבתך בביתך ובלכתך בדרך ובשכבך ובקומך. וכתבתם על מזוזות ביתך ובשערך."²⁴ ומפסוקים אלו לומד רש"י שצריך לקיים מצוות בגלות אבל רק שלא יהיו עליכם כחדשים כשתחזרו. אבל מסיימת הפרשה שתכלית עשיית כל המצוות בגלות הוא, "למען ירבו ימיכם וימי בניכם על האדמה אשר נשבע ה' לאבותיכם לתת להם כימי השמים על הארץ" וכתב רש"י, "לתת לכם אין כתיב אלא לתת להם מכאן מצינו למדים תחיית המתים מן התורה". יש סתירה בדברי רש"י! האם תכלית המצוות הללו הם כדי שלא יהיו עליכם כחדשים כשתחזרו או למען אריכות ימים בימות המשיח?

התירוץ לזו יתיר ג"כ שאלתינו על אודות קיום מצוות בחוץ לארץ. נ"ל מדברי רש"י שיש שתי מעלות שישגי בו האדם ע"י קיום המצוות. הא' הוא שכר וחיים ארוכים לעתיד לבא וזו יכול אדם לקיים אפילו בחוץ לארץ. אפילו בחוץ לארץ יכול אדם לקבל שכר. אבל, אינו יכול להשיג המעלה השניה שהוא קיום תכלית כל האדם והבריאה והוא שהאדם יקרב עצמו אל הקב"ה ויודה אליו שהוא בראו. אינו יכול להשיג מעלה זו אלא ע"י עבודת ה' בציבור במקום שיש בו קדושה יתירה על כל העולם ובו הקב"ה שולט בכבודו ובעצמו שהיא ארץ ישראל. אינו יכול להשיג המעלה העליונה שהוא תכלית העולם אלא בארץ ישראל. אבל בודאי יכול לקבל שכר על מעשיו ולזכות לחיי עולם לעתיד לבא.

וזאת הסיבה שיש היתר לצאת מארץ ישראל ללמד תורה. אם אין תורה בארץ ישראל מסתמא אי אפשר להשיג המעלה שיש יכולת למצוות לעשות בארץ ישראל בזמן ההוא ואדם שגר בזמן ההוא אינו זוכה לעבד ה' בארץ ישראל, וצריך הוא לצאת לחוץ לארץ כדי ללמד תורה וכדי שיזכה הוא לחיי עולם ולשכר לעתיד לבא. אבל אפילו בכל זה, אין זה תכלית המצוות כי אי אפשר לעשותו בחוץ לארץ.

לפי מה שבארנו, אין אנו עם סגולת ה' אלא בארץ ישראל. כל תכלית העם סגולה הוא לעבד את ה' בציבור וכשאין אנו בארץ ישראל אי אפשר לעשות את זה. ברור הוא שאם אין תורה בארץ ישראל צריך לצאת לחוץ לארץ כדי ללמד תורה אבל כמו שכתב הרמב"ם שם שבכל הסיבות הללו לצאת מן הארץ, צריך לזכר תמיד ולחשב בלבו לשוב לארץ ישראל. ומפרש הכסף משנה שם שצריך להיות ישיבה של ארעי בחוץ לארץ ולא ישיבה של קבע. צריך לזכר תמיד שאין עיקר עבודת ה' ותכליתה אלא בארץ הקדושה.

ד. ארץ ישראל בזמן הזה – אתחלתא דגאולה?

דברים, י"א:ז-כ'.²⁴

המצוות האחרות מנהגים שונים ודרכים שונים לקיימם. אבל מצוות הקרבנות היא המצוה היחידה שלא שנה שכל ישראל עושים כאחד עד היום הזה.

קרבנות הם מורים על אחדות ישראל. הגיד ה' לאברהם שלאחר שיקבלו בניו את התורה ויהיו ראויים לרשת את הארץ הנבחרת, אם הם יבאו כאחד באחדות ויירשו וישבו בארץ באחדות, כאיש אחד בלב אחד, אז הארץ יהיה שלהם ויהיה לה שם "ארץ ישראל" – השם ירושה שדוקא לזרעו. כל התכלית לשיבת בני ישראל בארץ ישראל הוא מפני שאין יכול להיות עבודת ה' אמיתית עד שיהיה עם אחד שגרים ביחד בארץ אחת שעובדים אותה בציבור אחד כמו שבארנו לעיל שזה עבודת ה' – בציבור ולא ביחיד. מתחילת מעשה בראשית ברא ה' ארץ אחת שהיא מסוגלת ומקודשת מכל שאר ארצות כמו שבארנו, ויהיה הארץ הזאת לעם שיקבל תורתו ושהוא יבחר להיות לו לעם סגולה. לכן, הגיד ה' לאברהם שאם בניו יקבלו התורה כאיש אחד בלב אחד, הארץ הנבחרת תהיה שלהם. ארץ ישראל ניתן לכלל ישראל. לא ליחידים.

ג. עם ישראל בחוץ לארץ

כת' בגמ'¹⁸ שלא נעשו ישראל ערבים עד שבאו להר גריזים והר עיבל וקבלו עליהם את השבועה. ועוד, כת' רש"י על הפסוק, "הנסתרות לה' אלקינו והנגלות לנו ולבנינו עד עולם"¹⁹ שהעבירות שבני אדם עושים בסתר, אין הקהל נענשים עליהם. אבל העבירות שבני אדם עושים בגלוי ויש יכולת למחות בידן, כל הקהל נענשים. אבל דבר זה לא התחיל עד שבאו בני ישראל להר גריזים והר עיבל כי שם נעשו ערבים.

נראה מדברים הללו שלא השלימו בני ישראל להיות עם סגולה ה' עד שכבשו וחלקו את הארץ ובאו להר גריזים והר עיבל. ונראה שזו מפני מה שבארנו למעלה שתכלית העם סגולה הוא לעבוד את ה' בציבור ואין זה אלא בארץ ישראל. לכן, עד שכבשו וחלקו את הארץ, לא נעשו עם סגולה.

כת' רש"י²⁰ שאין מצוות נוהגות בחוץ לארץ, רק צריך לעשותם מפני שלא יהיו עלינו כחדשים כשנחזור לארץ. והרמב"ן האריך בזה ונתן הטעם שבארנו למעלה שהקב"ה בכבודו ובעצמו מושל ושולט על ארץ ישראל ולא שום מלאך, שר, וכו'. ונראה שיש להוסיף שכאשר אנו בגלות ואין אנחנו יכולים לעבוד את ה' בציבור, אין שום יכולת בידינו לקיים המצוות לתכליתם. אבל יש שאלה פשוטה לשאול על דעה זו שברש"י וברמב"ן, והוא, האם זה אמת שצדיק שבחוץ לארץ לא מקיים שום מצוה שבתורה מימיו? היתכן? אנשים כמו משה רבינו, הגר"א מווילנא, רש"י עצמו, הרמב"ם, ועוד הרבה, לא קיימו מצוות מימיהם? ועוד כת' הרמב"ם²¹ שלאחד מד' סיבות יכול אדם ללכת מארץ ישראל לחוץ לארץ והם: ללמוד תורה, לישא אשה, להציל מן העכו"ם, ולסחורה. אבל אם אי אפשר לקיים מצוות בחוץ לארץ איך היתר בכלל לצאת מן הארץ?

כדי להבין את זה, צריך עיון בשיטות רש"י ורמב"ן שהם שווים בענין תכלית המצוות בעצמם. כת' רש"י²², "מהו האהבה והיו הדברים האלה" שמתוך כך אתה מכיר בהקב"ה ומתדבק בדרכיו". כת' הרמב"ן²³, "וכוונת כל המצוות שנתמין באלקינו ונודה אליו שהוא

סנהדרין, מג. 18.
דברים, כ"ט:כ"ח. 19.
דברים, י"א:יח. 20.
הל' מלכים, ה'ט'. 21.
דברים, ו'י. 22.
שמות, י"ג:ט"ז. 23.

ה. חטא המרגלים

מה היה חטא המרגלים? בשעת שליחתם שאלם משה שאלות והגיד להם מה לראות וכן עשו וחזרו והגידו לעם מה ראו. מה היה חטאם? מפרש הרמב"ן³² שכשהגידו המרגלים מה שראו בארץ עדיין לא חטאו. גם המרגלים עצמם הסכימו שהארץ היא טובה. לא חטאו אלא במילה אחת. אמרו "אפס כי עז העם."³³ במילת "אפס" הם אמרו שאינם יכולים לכבוש את עמי הארץ ושלא האמינו בה'. אמרו שעמי הארץ חזקים מאד ואין יכולת לישראל להורישם. לא האמינו בה'. ומוכח הוא שלא רק המרגלים לא האמינו בה' אלא כל ישראל לא האמינו כי אחר שדברו המרגלים, עמד כלב ושתק את העם ואמר "עלה נעלה וירשנו אותה כי יכול נוכל לה."³⁴ אבל העם לא רצו לשמוע לדבריו ובקשו לרגום אותם באבנים. הם בחרו להאמין במרגלים ואמרו "בשנאת ה' אותנו הוציאנו מארץ מצרים לתת אותנו ביד האמרי להשמידנו."³⁵

גם השפת אמת מבאר כעין זה ומפרש שמשם שאלם רק לראות את הארץ ולהגיד להעם מה שראו. לא לפרש פירושים על שליחותם. "וזהו החטא שלהם שהיה להם לומר מה שראו ולא לפרש פירושים בהשליחות." הוא ממשך ואומר שחזרו המרגלים ואמרו "ונהי בעינינו כחגבים וכן היינו בעיניהם."³⁶ הם חשבו שהיו כחגבים בעיני יושבי הארץ. אבל מי הגיד זאת להם? שמא היו בעיניהם כמלכים. אבל מכיון שלא היה להם אמונה בה', הם בעצמם חשבו שבדאי הם כחגבים בעיניהם.

היתכן? אחרי שהיו עבדים במצרים ועבדו בחמר ובלבנים ובעבודת פרך ל210 שנים, ונהרגו הבנים שלהם, והם נצטערו ונהרגו, וצפו ליום שיראו עוד את הארץ שלהם, איך יכול להיות שהעם הזה לא מצא את הארץ להיות טובה ורחבה? ועוד, אחרי כל מה שראו במצרים ואת הנפלאות שעשה ה' כשלקח "גוי מקרב גוי במסת באתת ובמפתים ובמלחמה וביד חזקה ובזרוע נטויה ובמוראים גדולים."³⁷ ואשר עשה להאומה הכי עצומה שבעולם, איך אפשר שעדיין לא האמינו בה'?

אין מי שיכול לתרץ קושיא זו אלא עצמינו. הדור שלנו מאד דומה לדור שיצא ממצרים. חושבים אנו שהעבדות ויציאת מצרים הם הסטוריה ישנה ולא דברים אקטואליים. הנסים האלו אינם קורים בזמננו. לומדים אנו את מעשים הללו ולא לוקחים המוסר שלהם לחיינו בזמן הזה. אבל זה לא נכון.

איך נעשו בני ישראל עבדים במצרים? איך היה רשות לפרעה לעשות כל העם לעבדים? איך דבר זה היה מקובל בידי העולם ועוד, איך אפשר שלא לחמו בני ישראל עמהם?

מפרש הרמב"ן שרצה פרעה להשמיד את ישראל אבל לא היה יכול להורגם בחרב כי אין רשות אפילו למלך לעשות כדבר הזה. ועוד, אם יעשה את זה, בני ישראל ילחמו בו לנפשיהם והיתה מלחמה גדולה בארצו. לכן, חשב פרעה שצריך לאבדם בחכמה וזהו לשונו – "הבה נתחכמה לו."³⁸ בתחילה, הוא לקח מס מבני ישראל כי זה הוא רגיל שגרים בארץ ישלמו מס למלך. אז, בצנוע, הוא צוה למילדות להרוג את כל הבנים הזכרים באופן שאפילו אמותיהן

32. במדבר, י"ג:כ"ח.

33. שם.

34. שם, שם:ל'.

35. דברים, א'כ"ז.

36. במדבר, י"ג:ל"ג.

37. דברים, ד'ל"ד.

38. שמות, א'י.

"גאולת ישראל כעלות השחר."²⁵ מפרש הירושלמי שבעלות השחר אין היפוך בין חשך לאור ברגע אחד אלא בזמן רב במעט מעט, האור בא. קמעא קמעא בא האור והולך החשך. זהו דרך גאולת ישראל גם כן. לא שברגע אחד יהיו צרות ויגון ואנחה וברגע השני יבוא משיח ויהיו ששון ושמחה. אלא במעט מעט הגאולה באה והגלות הולכת. והנה שאל הר' שמעון שוואב על הפסוק, "בעת ההיא אביא אתכם ובעת קבצי אתכם"²⁶, למה נכפל הלשון? מפני מה צריך להזכיר לשון "אביא" וגם לשון "קבצי"? הוא מתרץ שהפסוק בא ללמד שיש שתי חלקים לגאולת ישראל. הא' הוא שבמשך הרבה שנים יהיה רשות לישראל לחזור לארץ והרבה צדיקים יעשו כן. ואז, אחרי זמן רב, הב' בא שביום אחד ה' יקבץ כל שאר ישראל שעודם בחוץ לארץ.

צריך להבין את זאת. הגאולה לא תהיה כהירף עין ביום אחד, אלא, במשך זמן רב הרבה דברים יקרו וסוף התכלית כולם היא היא הגאולה. אפשר שעכשיו אנו במשך ה"עלות השחר" של הגאולה.

כת' "בבלה יובאו ושמה יהיו עד יום פקדי אותם נאם ה'."²⁷ על זה כת' הרד"ק שה"יום פקדי אותם" היה בימי כורש מלך פרס. השביע ה' שהגאולה ראשונה יהיה ע' שנים. בסוף נ"ב שנים התיר כורש לבני ישראל לחזור לארץ ישראל ולבנות את בית המקדש. כמה אנשים מישראל חזרו לארץ והתחילו לבנות הבית, אלא בעוד זמן קצר, כורש הפסיק ואסר להם להמשיך הבנין. הבנין לא נגמר עד ימות דריוש בן אסתר מלך פרס (שהיה ב' מלכים אחרי כורש). אבל, אעפ"כ, כת' הרד"ק שה"יום פקדי אותם" הוא בימי כורש שהוא ההתחלה להגאולה. כת' הרד"ק במקום אחר²⁸ שכשם שהגאולה ראשונה התחילה ע"י מלך נכרי, הגאולה השנייה גם כן תתחיל ע"י מלך נכרי.

צריכים אנו להבין מה שקורה בימינו. אפשר (ונראה) שכשהכירו האו"ם את הארץ בשם "ארץ ישראל" בשנת 1948 ונתן את הארץ לבני ישראל, שזו היא אתחלתא דגאולתינו. כת' בגמ'²⁹ שסימן ברור שמשיח בא הוא כשארץ ישראל נתן פריה. בזמנינו הסימנים האלו ניכרים בברור. ארץ ישראל הוא הכי מפואר ויופי עכשיו מכל הזמן מחורבן הבית. צריכים אנו להכיר את זה ולא להתעלם מה שאומר לנו ה'.

שמעתי מהר' רוטווקס³⁰ שבגמ'³¹, יש ו' שאלות שישאל ה' את כל אחד אחרי מותו וכל השאלות הללו מכוון כנגד אחד מהששה סדרי משנה. אחד מהשאלות הוא, צפית לישועה? והוא מכוון כנגד סדר נויקין. שאל ר' רוטווקס, למה השאלה שמדבר בגאולה מכוון כנגד הסדר שמדבר בדיני ממונות? הוא פירש שכשחייב אחד להשלים ממונו לחבירו, לא ישלם עד שיתבע האחר את הממון. בדרך זה, צריך אנו לתבוע את הגאולה. לא יתן לנו ה' את הגאולה. צריכים אנו לתבוע אותה ולקחה.

אפשר לומר שבנותינת ארץ ישראל לנו, נתן ה' לנו את התחילה לגאולתינו. עכשיו יש לנו לקחת את ארץ ישראל ולתבוע הקץ.

25. ירושלמי, ברכות, ה. 25.

26. צפניה, ג'כ'.

27. ירמיה, כ"ז:כ"ב.

28. לא ידעתי מקומו אבל שמעתי את זה מהר' טאובוס (הרב בקהילת זכרון מרדכי).

29. סנהדרין, צ"ח.

30. הרב בקהילת בית אהרן.

31. שבת, ל"א.

יהיה כמו דור המדבר שבכל מה שעשה ה' להם לא יכלו להכיר את טוב הארץ ולהאמין בה'. צריכים אנו לסור מדרכי המרגלים וללמוד מוסר מדברי כלב – "עלה נעלה וירשנו אותה כי יכול נוכל לה."

של התינוקות לא תדעו מה נעשה. אז, אחר זמן, צוה לכולם, "כל הבן הילוד היאורה תשליכהו."³⁹ לא צוה לשום אדם להרג אותם ולא גזר על שום אדם שיהיה נהרג. הוא גזר גזירה כללית שכל הבנים יהיו נשלכים ליאור ואם אב הבן הנהרג יבא לפרעה בתלונה, יאמר פרעה להביא עדים על הדבר ויהרג את הרוצח. ואחרי עוד זמן, צוה פרעה לעבדיו ליכנס לבתיהם של היהודים בלילה ולהרג את כל בניהם. לא ידעו בני ישראל איך קרה אבל פתאום, בניהם נהרגים והם עבדים לפרעה.

גם האור החיים והבעל הטורים פירשו כעין זה. אומרים שעבדות ישראל התחיל בפה רך וסופו "בפרך."⁴⁰ בתחילה אמר פרעה שיבנו ערים לו ונשלמו לעבודתם. אבל בסוף, היו עבדים בעבודת פרך בלי שום תשלום.

פרעה העביד את ישראל בדרך חכמה ולא ידעו בני ישראל מה קרה להם. אבל לא זה הפעם היחיד בהיסטוריה שהיינו עבדים בפה רך לבדו. אלא ג"כ בהיסטוריה יותר קרובה לנו בימות מלחמת עולם השנייה, העבידו הגרמניים ימח שמם וזכרם את בני ישראל בפה רך. כשנעיין במעשים לפני השואה, יבין שהתחיל השואה בפה רך. בתחילה היו בני ישראל שמחים ובטוחים בגרמניה ולא ידעו מה קרה עד זמן שלא יכול לעשות שום דבר.

אחרי העבדות במצרים, גאל ה' את בני ישראל בנסים גלויים ונפלאות גדולות שכולם היו לתכלית ביאתם לארץ. בקע להם את ים סוף, נצחם במלחמת עמלק, נתן להם את המן, והכינם ליכנס לארץ ישראל מקום שהגוי הקטן הזה ינצחו נגד ל"א מלכים גדולים ועצומים.

ג' שנים אחרי השלמת השואה התחיל ה' לעשות נסים גלויים ונפלאות גדולות לבני ישראל לתכלית ביאתם לארץ. בשנת 1948, היום אחרי שהא"מ הכיר את הארץ בשם ארץ ישראל ולמקום ליישוב הבני ישראל, נכנסו צבאי מצרים, סוריה, אירק, לבנון, ירדן, וערב הסעודית להלחם עם ישראל. יש לה 600,000 מצה"ל להלחם נגד ה-1.2 מיליון ערביים שסביבם ממקום רע ביותר ובכלי זיין שלא טובים כהערביים. נראה שאין תקוה לישראל, אבל יכולים היו לנצח ולקבל עצמאות.

בשנת 1967, נכנסו עוד הערביים להלחם בישראל. הצבאים של אירק, ירדן, ומצרים היו גדולים מצבא ישראל במספר 456,000 ל-275,000 היה לאומות הערביים יותר משנים לכל אחד מהטנקים לישראל וארבע לכל אחד מאוירוני מלחמה שהיו לישראל. אבל עוד פעם, נצחו ישראל, פעם זה ברק ששת ימים והרחיבו את גבולם כמלא שלשה שהיה לפניו וגם קבלו את המקומות הקדושים – הכותל והר הבית.

בשנת 1973, ביום הכיפורים, נכנסו צבאי מצרים וסוריה. 180 מהטנקים ישראלים היו נגד 1400 מהטנקים הסוריים וגם 436 חיילים יהודים לחמו נגד 80,000 מהמצריים. עוד פעם נצחו ישראל והראו לאויביהם שבכל זמן ובכל מקום, אין ישראל יאבדו.

דורינו כמו הדור שיצא ממצרים. כמותם, גם אנחנו נפדו ביד ה' והוא הביאנו לארצנו בנסים גדולים. אבל חטאנו בזמן הזה כמו החטא שהיה להם. איך אפשר שאחרי שכל מה שהראה לנו ה' שעדיין אין אנחנו מאמינים בו? איך אפשר שעוד אנחנו מרחיקים את עצמינו מהארץ? כמותם, אנחנו ראינו והרגשנו מה שהוא באמת רע וראינו את נפלאות ה' שהוצאתנו מעבדות לחירות לתת לנו את ירושתינו. צריכים אנו לזיזר שלא ישנה ההיסטוריה פעם שניה שאנחנו

שם, שם: כ"ב. 39.

שם, שם: י"ג. 40.

אוהל אברהם

Congregation Beth Abraham