

אוהל אברהם

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in Honor of

הימים הנוראים

וחג הסוכות

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Congregation Beth Abraham

Bergenfield, NJ


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# *Dedications*

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Dedicated

In Honor of

*our children
and grandchildren*

Nechie & Heshie Schulhof

In honor of

Aliza's

engagement to

Efrayim Clair

Dena and Alex Kaye

Dedicated by

Yaffa Leah and Jonathan Field

in memory of Yaffa Leah's grandmother

Pesia bas Etta A'H

in commemoration of her yahrzeit

~~~~~

לעילוי נשמת

אסתר בת ישראל ע"ה

*We would like to thank הקב"ה for all the brachos of  
the past year and ask for continued strength to accept  
the sorrows.*

*May this new year be filled with only good for all  
Klal Yisrael.*

The Kosowsky Family

*Dedicated by*

Uri and Chaya Adler and Family

לזכר נשמות

דוד אליעזר בן חיים דב ע"ה

החבר שמעון בן שלמה ע"ה

רייזעל עטל בת אברהם ע"ה



*Dedicated by*

*Claire Strauss and family*

*in memory of Claire's father*

Edmond J. Lang A'H

יוסף בן חיים ע"ה

*in commemoration of his yahrzeit on*

כ"א אלול

*Dedicated in memory of  
our beloved grandparents*

יצחק בן משה ע"ה

נפטר ב' תשרי תשמ"ז

יעקב בן מאיר יצחק ע"ה

נפטר ה' תשרי תש"ע

*Aaron and Tzipora Ross  
and family*

~~~~~

לזכר נשמת

מאיר יעקב בן הרב שמואל אריה ע"ה

טעבא בת הרב ישראל ע"ה

מנשה בן הרב אהרון ע"ה

רבקה זלטא בת חיים ע"ה

Ari and Sharon Wieder and family

Dedicated in honor of

דבורה בת בלומא

In this merit may she be זוכה to a

רפואה שלמה

*David and Shira Greenberg
and family*

~~~~~

*In gratitude to Hashem  
for our children*

Dov, Yoel, Asher, and Chaim Yisroel

*Betti and Ari Jacobson*

לזכר נשמת

טאבא בת ר' חנון זאב ע"ה  
ו' מרחשון תשל"ה

ר' ישראל שלמה בן ר' אברהם אבוש ע"ה  
כ"ד תמוז תשמ"א

ר' חנון זאב בן ישראל שלמה ע"ה  
י"ט מנחם אב תשע"א

משפחת לייטמאן

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לעילוי נשמת

Harvey Citron A·H
חיים צבי בן זאב ע"ה

The Flamholz and Javasky Families

~~~~~

*Dedicated by*

Aliza and Benjy Rubin

*Thank you to our wonderful shul*

לזכר נשמת

Meira Riemer A'H  
מאירה מינדל בת משה ע"ה

Rivka and David Felman  
and family

~~~~~

In honor of

*our grandchildren -
in America and in Israel*

Toby and Philip Bardash

~~~~~

*In honor of our parents*

*Nechemia and Esther Crystal*

*and*

*Ethel Tarshish*

Mayer, Sara and Daniel Crystal

## *A Message from the Rabbi*

*Moreinu HaRav Yaakov Neuburger*

How grateful we must be to Hashem that our community takes pride in publishing our studies, now on our seventh volume!

The continued publication of the Ohel Avrohom gives great expression to our aspirations to create a culture of the sublime primacy of Torah study within our community. To take pride in an insight, to share an inspiring thought, to research a question and to formulate a thesis all express a love of Torah study that, I pray, will continue to grow boundlessly in our homes and community.

Most notably, the Ohel Avrohom adds a dimension to the Biblical mandate to make our holidays into “mikra’ai kodesh” as explained by the Ramban. He interprets it to refer to the holy ventures that bring people together such as learning and davening together as a community.

To make it all happen, I thank all of you who took the time to contribute. Above all I am extremely grateful to Rabbi Avie Schreiber and Seth Lebowitz and their team for their remarkable diligence and dedication, and remain thankful to their families for allowing them the time for this project.

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 Seth and Avie and their families with all the brachos that communal work can bring. May they and all our contributors enjoy beautiful yamim tovim replete with much nachas, good health and prosperity.

We are especially thankful to all our sponsors for their generosity and graciousness that 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*.

## Editors' Note

We are pleased to present the seventh edition of the Beth Abraham Torah Journal, Ohel Avraham, in honor of the upcoming חגים of Rosh Hashana, Yom Kippur, and Sukkot. Ohel Avraham is a journal of *divrei Torah* consisting of articles written by members of the Beth Abraham community and is published by Congregation Beth Abraham.

After nearly a month replete with the observance of multiple Yamim Tovim, each with its own unique mitzvot, we complete our observances for the month and the season with Shmini Atzeret, which lacks its own unique mitzva. After the Shofar of Rosh Hashana, the Inuyim of Yom HaKippurim, and the Sukka and Lulav of Sukkot, Shmini Atzeret might be seen as a finishing touch on our observance of the Yamim Tovim of Tishrei, tying all of the other experiences together. Klal Yisrael itself has added a dimension to Shmini Atzeret --that of Simchat Torah, rejoicing in the Torah. Torah study and its celebration might be seen as the act that ties each of these disparate holidays together.

Our active observance of the Yamim Tovim is highly experiential, and our study of the laws and concepts behind these experiences prepares us for the experience and puts that experience in its proper context. We hope that this edition of Ohel Avraham, the Yom Tov Torah Journal of Congregation Beth Abraham, adds in a meaningful way to our community's experience of this year's Chagei Tishrei.

Thank you to all of those who contributed their thoughts in written form and of course to those who generously sponsored the publication. My we all, along with all of Bnei Yisrael around the world, be written and sealed for a good year to come.

חג שמח!

Avie Schreiber

Seth Lebowitz

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## The Breaking of the *Luchos* - A Lesson in Ownership

*Moreinu HaRav* Yaakov Neuburger

Probably one of the great surprise endings of Torah literature is Rashi's closing comment to the תורה שבכתב, which concludes with Hashem's הספד (eulogy) for Moshe *Rabbeinu*. The הספד explicitly refers to the unsurpassed level of prophecy which Moshe achieved and to the role that Moshe had in performing the miracles of our redemption from *Mitzrayim*. Yet it concludes with a vague reference to the "mighty hand and most awesome acts that Moshe did for all to the Jews to see" (34:12). Obviously this *pasuk* needs Rashi's elucidation.

Rather surprisingly, Rashi interprets that this refers to the shattering of the first Ten Commandment tablets. Thus the final verse of Hashem's tribute to Moshe and its climax brings us back to what must have been one of the most painful events of Moshe's career. Furthermore, Rashi seems to place this grand disappointment on par with Moshe's unique status as a prophet, peerless in clarity and understanding. Moreover, it is at first blush quite difficult to see how a moment of desperation and failure should figure together with Moshe's majesty as he orchestrated the miracles of the Exodus and *Yam Suf*. Where are the references to the many items we would expect to see in the הספד for Moshe: feeding millions with the miraculous manna, the traveling wellspring, arguing with G-d in defense of His people, silencing the powerful and popular rebellion of Korach, building the Mishkan, and the superhuman efforts in climbing Har Sinai and the ensuing lifetime of teaching Torah?

Simply glancing at the last two *pesukim* of the Torah one can readily see what was bothering Rashi. Reading them together we understand that Hashem distinguishes between the mighty miracles that Moshe did as an agent of Hashem (34:11) and the awesome event that Moshe himself publicly performed for the entirety of our people (34:12). Indeed it would be hard to find a better fit. What other event aside from throwing down the *luchos* was witnessed by all the Jews and showed Moshe's unparalleled independence as he clearly was not acting as an agent of Hashem? This independence is

emphasized by Rashi, who also quotes the passage in the gemora that records Hashem's consent and praise for Moshe and his actions.

Nevertheless we still need to understand why the culmination of Hashem's homage to Moshe should include what seems to be a moment of grave and enduring failure.

It would seem to me that though the frustration and disillusionment of Moshe's descent from Har Sinai were enormous, the shattering of the *luchos* turned into the consummate expression of his acquisition and ownership over Hashem's greatest gift to us. No teaching or observance, no legislation or appropriate change, expresses our title to the Torah as clearly as the decision to withhold and even ruin its divinely determined form. Pondering that moment will forever remind us that we have been entrusted with Hashem's Torah not only to observe it and teach it, but to treat it as our own and interpret it, take responsibility for transmitting it and legislate based on our understanding of it.

Thus the climax of Hashem's words about Moshe describe a defining moment of Moshe's life, one that would never be surpassed by mortal man and one that would forever inspire us to care for our *mesorah* and its study with depth and rigor, with passion and concern.

Perhaps that is also communicated in the manner in which we celebrate Simchas Torah. This most joyous celebration of Torah study is marked almost entirely by customs that our people have conjured up over the centuries. The *hakafos* and dancing, the *chasanim* and their *berachos*, the unending *aliyos* and the *kol ne'arim*, to name a few, are all "grassroots" expressions of our joy even as they celebrate our privileges and responsibilities of ownership of our tradition.

*Tantzen Oif Tzvei Chasunos!?*

Dancing, Multitasking, and the Simchas Torah Conundrum

HaRav Tanchum Cohen

“Simchas Torah” readily brings to mind a number of associations; chief among them is typically the joyous dancing of *hakafos* in celebration of the annual *siyyum* of the national study of *Chumash* via *kerias ha-torah*. Yet, surprisingly, this precious image raises a vexing halachic quandary.

I

One of the common denominators of our *yamim tovim* – and the *shalosh regalim* in particular – is the mandate to experience *simcha*. In addition to the more typical expressions of *simcha* such as feasting, learning Torah, and reciting *hallel* – all of which are active – the *mishna*<sup>1</sup> indicates that there is a passive aspect to *simcha* as well. The *mishna* teaches us that one may not marry on *yom tov* or *chol ha-moed*, and the *gemara* explains that this is paradoxically an expression of *simchas yom tov*. *Ein me-arevin simcha be-simcha* – the joy of the wedding would dilute and distract from *simchas yom tov*<sup>2</sup>, and the wedding may therefore not be held during *chol ha-moed* or *yom tov*. In discussing why this rationale does not apply similarly to celebrating a *pidyon ha-ben* (or *bris mila*) during *chol ha-moed*, some *poskim*<sup>3</sup> distinguish between the exuberant dancing typical of a wedding and the far more reserved expression of *simcha* at a *pidyon ha-ben* or a *bris mila* which does not impinge upon nor impede *simchas yom tov*.

With this backdrop in mind, R Moshe Sternbuch<sup>4</sup> wonders how contemporary *minhagei Simchas Torah* are permissible. Although

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1. (מועד קטן ח:)

2. תוס' (שם ד"ה לפי)

3. עי' תוס' (שם סוף ד"ה מפני); שו"ת שבות יעקב (ח"ג סי' ל"א סוף ד"ה וביחוד) לענין קידוש לבנה

4. מועדים וזמנים (ח"ב סי' קל"ב)

celebrating with *hakkafof* is an ancient Ashkenazic *minhag*<sup>5</sup>, it cannot trump the concern (potentially *mide-oraysa*) of ruining *simchas yom tov* by violating *ein me-arvin*. The great energy that characterizes our *hakkafof* certainly resembles a wedding far more than a *pidyon ha-ben*, and so the issue of *ein me-arvin* stands.

While there exist several solutions to this puzzle,<sup>6</sup> for now we will consider one inspired by R Sternbuch's own approach.

## II

If *simcha* is indeed a common denominator of the various *yamim tovim*, one wonders how similar it actually is across the yearly calendar. Is the theme and content, the topic of the *simcha*, the same for all *yemei simcha*, or is the *simcha* of each *yom tov* about the unique topic of that *yom tov* – *simchas Pesach* celebrating *yetzias Mitzrayim*, *simchas Shavuot* delighting in *matan Torah*, and so on?

The fact that “*Ata vechartanu*” is common to all the *yamim tovim*, and indeed the entire *amida* is virtually uniform across all *regalim*, might indicate the *mitzva* of *simchas yom tov* has a constant, global theme.<sup>7</sup> If all *yamim tovim* celebrate *bechiras Yisrael*, our unique relationship with *Hakadosh Baruch Hu*, as indicated by the common *nusach ha-tefilla* of “*Ata vechartanu*”, then our puzzle is solved. *Torah* is crucially central to our *bechira*, and the *hakkafof* of *simchas Torah* then enhance the subject matter of *simchas yom tov* rather than detract and distract from it as a wedding might. Hence, if this assertion is correct then there is no concern of *ein me-arvin* for *hakkafof* as there could be at a wedding.

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הו' בטור אורח חיים (סי' תרס"ט) ובדרכי משה, ושורשו אולי רמוז בגמ' מגילה (לא). 5.

לדוגמא, עי' היטב בב"י (סי' תקמ"ו סעיף א') בשם שו"ת הריב"ש (סי' ר"ס) לענין ריקודי אירוסין.

וכן עי' רמב"ם בסוף הל' לולב (ריש הל' י"ב והל' ט"ו) ובחינוך (מצוה שכ"ד בשרשים), 7. ובפרט ד"ה וכמו כן)

### III

This solution, though, is incomplete. Although there may be an element common to all *yamim tovim*, R Sternbuch marshals a fascinating *gemara*<sup>8</sup> which rigorously demonstrates that each *simchas yom tov* also has its own unique flavor:

... שמחת יום טוב נמי מצוה היא דתניא  
רבי אליעזר אומר אין לו לאדם ביום טוב אלא או  
אוכל ושותה או יושב ושונה  
רבי יהושע אומר חלקהו חציו לאכילה ושתיה וחציו  
לבית המדרש  
ואמר רבי יוחנן ושניהם מקרא אחד דרשו  
כתוב אחד אומר (דברים טז)  
עצרת לה' אלהיך  
וכתוב אחד אומר (במדבר כט)  
עצרת תהיה לכם  
רבי אליעזר סבר או כולו לה' או כולו לכם  
ורבי יהושע סבר חלקהו חציו לה' וחציו  
לכם  
אמר רבי אלעזר הכל מודים בעצרת דבעינן נמי לכם  
מאי טעמא יום שניתנה בו תורה הוא.

The *tannaim* Rabbi Eliezer and Rabbi Yehoshua clash over the mandated vehicle for fulfilling *mitzvas simchas yom tov*. According to Rabbi Eliezer, one must choose between the two options presented in the *Chumash*: physical expressions of *simcha* such as feasting (“*lachem*”), or spiritual ones such as increased *Torah* study (“*la-shem*”); according to Rabbi Yehoshua, everyone must blend both elements (*lachem* and *la-shem*). On *Shavuos*, however, all agree that there must be a *lachem* aspect, since *Shavuos* celebrates the giving of the *Torah*.

The final line of this *gemara* speaks to our issue. The premise of the final line is that the details of *simchas yom tov* might vary from *yom tov* to *yom tov*, and specifically that each one differs because it

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8. פסחים (סח:)

expresses the unique theme of that *yom tov*, such as *mattan Torah* on *Shavuos*.

#### IV

Returning to our opening quandary of *minhag hakkafos* seemingly violating *ein me-arvin* and thereby impeding *mitzvas simchas yom tov*, we might successfully adapt our solution above by demonstrating that the *hakkafos* even speak to and enhance the specific theme of *simchas Shemini Atzeres*.

What is *Shemini Atzeres* about? A helpful clue may lie in the subtle patterns of the *temidin u-mussafin*. An analysis of *Bamidbar perakim* 28-29 yields four categories:

1. everyday (*tamid* and *Shabbas*)<sup>9</sup>,
2. standard *yom tov* (*Pesach*, *Shavuos*, and *Rosh Chodesh*)<sup>10</sup>,
3. *Sukkos*, which has a system distinct from the other *yamim tovim*, and
4. *Rosh Hashana*, *Yom Hakippurim*, and *Shemini Atzeres*<sup>11</sup>.

One would have expected *Shemini Atzeres* to find its home in group 2 or perhaps in group 3. Curiously, however, it belongs to neither. Instead, the *Torah* sets the *mussaf Shemini Atzeres* as *פר אחד איל* *פר אחד איל*, which places it squarely in group 4 together with *Rosh Hashana* and *Yom Hakippurim*.

Although *Shemini Atzeres* is presumably neither one of the *yamim noraim* nor the *yemei ha-din* as are *Rosh Hashana* and *Yom Hakippurim*, it does fit well if we define the fourth category instead as *yemei ahava*. The days demarcated by *Rosh Hashana* and *Yom Hakippurim* are the days that Yeshayahu highlights as the time of greatest individual access and intimacy to *Hakadosh Baruch Hu*<sup>12</sup>, and these *pesukim* indicate that *Shemini Atzeres* as well is an annual

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9. ב' כבשים בלבד

10. ב' פרים, איל א', ו' כבשים לעולה

11. פר א', איל א', ו' כבשים לעולה

12. רבה בר אבובה בגמ' ר"ה (יח.) ויבמות (מט: קה.), עפ"י ישעיה (נ"ה ו')

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apex in our relationship with *Hashem*. In fact, this *parsha* is the source for understanding *Shemini Atzeres* as Divine pining, as it were, for a more expansive relationship with *keneses Yisrael*<sup>13</sup>.

With this rubric in mind, *hakkafos* are an apt complement to *Shemini Atzeres* and its *mitzvas simcha*, as we have discovered that the specific theme of *Shemini Atzeres* is the same as the global theme of all *simchas yom tov* – namely, *bechiras Yisrael* – and, by extension, our connectedness (both intellectual and emotional) to the *Torah* that cements that reality of *Ata vechartanu* throughout the year.

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May the *hakkafos* and the entire *yom tov* season inspire us fill our lives and our souls with *Torah*, with palpable spirituality, and with great pride in the central place that our relationship with *Hashem* occupies in our lives and our thinking.

אבינו האב הרחמן
המרחם רחם עלינו ותן בלבנו בינה
להבין ולהשכיל, לשמוע ללמוד וללמד, לשמור ולעשות ולקיים
את כל דברי תלמוד תורתך באהבה

והאר עינינו בתורתך
ודבק לבנו במצוותיך
ויחד לבבנו לאהבה וליראה את שמך

כי בשם קדשך הגדול והנורא בטחנו
נגילה ונשמחה בישועתך

גמ' סוכה (נה:).13

A Single Prayer for Rosh Hashana

Benji Rubin

One of the great Jewish leaders in 19th century Poland was the Rebbe, R' Yitzchak Meir of Gur, known by the name of his work, the *Chidushei Hari'm*. At the time, the many Chassidim of Gur comprised one of the largest Chassidic groups in Europe. Each day, numerous Chassidim would present the Rebbe with various requests - for blessings or advice, or simply to ask personal questions of their venerated leader.

One year, before Rosh Hashana, the Rebbe received a somewhat peculiar letter. The author wrote, "To my holy master and teacher, may he live long years - we are approaching the time of Rosh Hashana, a day that we spend almost completely in prayer. Could the Rebbe please tell me, which is the one prayer that I should really say with all my heart?"

The Rebbe's reply read, "You should know that I received thousands of letters this year, and I am unable to answer all of them. However, when I felt how your letter was still wet with your emotional tears I could not let it go unanswered. You should know that all the prayers that we say are powerful and can penetrate up to the heavens. There is one prayer, though, that a Jew must say and continue to say throughout his life, it is the prayer of *Meloch al kol haolam...*" (story told by R' Shlomo Carlebach).

Although only two short days, Rosh Hashana is rich with meaning and ideas, all seemingly central to the holiday. The variety of themes is captured in the statement of the gemora in Rosh Hashana 16a: "*imru lifonay malchuyos... b'shofar*," "you should say before Me *malchuyos* in order to establish My rule over you, *zichronos* in order that your memory arise before Me for the good, and with what? with the shofar." The mussaf of Rosh Hashana morning, the highlight of our prayer service, is built around these three elements, described here by the gemora. The *malchuyos* section of the Shemone Esrei is the act of recognition of Hashem as our king and

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the acceptance of His rule. *Zichronos* is a discussion of Hashem's omniscience and connection to all that occurs in this world. And *shofaros* seems to be a presentation of the role and meaning of the shofar, followed by a request that the shofar return to us in its role as a harbinger of the redemption.

Similarly, if we are to consider the critical concepts that are brought to our consciousness on Rosh Hashana they would be: 1. The coronation of Hashem our King, 2. Rosh Hashana as the day of judgment, and so we desire that Hashem "remember" us positively, and finally 3. The single Biblical mitzvah that characterizes the day, and that is the command to hear the sound of the shofar. Three apparently diverse themes, all seemingly equal in stature and importance.

Presumptuous as it may be, let us ask the question, which of these themes is really the central motif of this unique and holy day? At first glance, the answer to this question would have to be the mitzvah and meaning of shofar, the only one of the three which is explicitly commanded, or even mentioned, in the Torah. The Torah goes as far as to describe Rosh Hashana as a "day of *teruah*" (B'Midbar 29:1), that is, a day that is characterized by the sound of the shofar. The implication is that shofar is so central to the meaning and purpose of Rosh Hashana. Although the crucial role of the shofar is undeniable, the aforementioned gemora teaches us that there is more here than meets the eye.

Rather than just looking at the three elements of the gemora's statement, let us examine the way that they are presented. Each of the three themes of both mussaf and the overall Rosh Hashana experience is meant to serve a specific purpose. *Malchuyos* is our way of coronating Hashem as our King, and *zichronos* is our way of bringing about a positive view of ourselves in heaven. *Shofaros*, however is there for what reason? "*U'v'mah ...*" In other words, the shofar is actually subservient to the other two! The shofar is the medium through which we are able to accomplish the tasks of *malchuyos* and *zichronos*. And so we are left to consider which of

these two, if any, is our central focus on the powerful day of Rosh Hashana.

Rav Itamar Schwartz, in his book *Bilvavi Mishkan Evneh*, points out that the two facets of Rosh Hashana, the Day of Judgment and the day that we recognize Hashem as our king, are actually somewhat incompatible. Not incompatible in the sense that they cannot happen together, but incompatible in that we cannot meaningfully focus on both at once. If we are focusing on one it is to the exclusion of the other and vice-versa. That is because each one of these two ideas centers on a different subject. Thoughts about the Day of Judgment are personal, and the subject of these thoughts is the person who is thinking them. What will my year be like? I hope for a year of health and happiness, etc. Essentially all these concerns about the judgment of Rosh Hashana are concerns about myself, the subject of the judgment, or at best about other people (which is often the case, as we worry about the health and well being of family, relatives, neighbors, and the broad Jewish people as we express our broad horizons of caring and concern). However, in order to properly engage in the process of recognition of Hashem as our King, we are required to completely shift focus away from the self or even other people. It is like attending the simcha of another where the focus is on the *baal hasimcha*, and the role of the guest is to enhance the joy of the bride and groom or guest of honor in whatever way appropriate. Rosh Hashana is Hashem's simcha, as it were. The Jew is meant to realize his subservient role to the true King of Kings, *Hakadosh Boruch Hu*, and a servant can only accomplish that role properly with a single-minded pledge of dedication to the King that he serves. Thus, it is actually impossible for us to both consider our standing in front of the court, and to contemplate our subservience to the King in a meaningful way. The first is a mindset about an individual's own welfare and concerns, and the second (in its ideal and true form) is a complete abrogation of one's own importance in favor of the Master of our world, the King.

Rav Schwartz concludes that the dominant theme of Rosh Hashana is the task of recognizing Hashem as our King, because that is the

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higher calling that we aspire to on this special and holy day. Rather than sit and contemplate our human needs and desires, we place our focus on the role that Hashem plays in the world and the extent to which the world recognizes its complete dependence on the One above.

Rav Alexander Ziskind of Horodna, the Yesod V'Shoresh Ha'Avodah, writes, "My brothers and friends, you should know that almost all of the text for the prayers of Rosh Hashana and Yom Kippur are solely dedicated to the request that the name of Hashem should be sanctified in all of the worlds, because this is the focal point of the prayers for this time (of year)."

It is interesting to note that after all the talk and thought that goes in to the judgment of Rosh Hashana, it barely receives a mention in our prayers! One would expect that something so important as the day that "*sifre chaim v'sifrei meitim p'tuchim...*" would be a recurring theme in our prayers. We should be begging for life, for health, happiness, financial stability etc., but none of these make their way into the central prayer text of the day, the Shemoneh Esrei. Even in our *piyutim*, the poems that we recite as the chazzan repeats the shemoneh esrei for the community, there is nary a mention or request for any result of our critical court date in heaven. Rather, what we find is a singular focus on the status and standing that is accorded to Hashem by the population of our world.

The shemoneh esrei for Rosh Hashana and Yom Kippur is composed of a text that is unique to this time of the year. It begins in a manner similar to every other shemoneh esrei that we recite, however, once the third blessing commences, the text then departs from the familiar and routine. What special prayers do we recite in this Shemoneh Esrei? We ask Hashem to instill the fear of heaven within the totality of creation, so that the world may unite in His service. Inasmuch as Hashem has declared that His own glory is connected to the honor of the Jewish people, His representative agents in this world, we ask that Hashem restore the role of prominence to the Jewish people. In essence we are asking that Hashem elevate the standing of His nation of priests, because His

honor is reflected in theirs. Finally, we find a brief mention of how the glory of G-d is elevated in His role as our Judge, but the aspect of judgment is clearly secondary to its greater meaning as a tool for us to recognize the primary role of Hashem in our lives.

After reciting the prayer text that is common to all holidays, beginning with *atah bechartanu* and *v'titein lanu*, we move on to the bracha that encapsulates the essence of the holiday. This *beracha* is preceded by an introductory paragraph that forms a more elaborate version of the succinct message of the *beracha*. This *beracha* also forms the *bakasha*, the beseeching portion of our prayers. On a day when so much is personally at stake, it is notable that our single opportunity to beseech our Judge and Creator does not include any mention of our personal needs. Instead, we ask only for one thing, "... *meloch al kol haolam...*," that Hashem should rule over the world in His glory, and both reveal Himself to and elevate Himself above the people of the earth. We conclude by blessing Hashem, King over the whole world, Who has sanctified the Jewish people and the Day of Remembrance.

The message of Rosh Hashana is especially simple, yet challenging and rigorous. We are not asked to plead our case or beseech Hashem for human needs and desires. It is not a day of standing in judgment, hopefully being acquitted, and moving on with life as if the day never happened. Instead it is meant to impart a lasting message, one that both each year and cumulatively forms the foundation for our *avodas Hashem* through life. As the Rebbe, the Chidushei Hari'm wrote, the Jew lives his life with the supplication of *meloch* on his lips. Once a year, the focus is especially stark and intense as our sages direct us through the medium of our prayers to shift our mindset, if ever so slightly, to the role of Hashem in our lives. Meaningful prayer is accompanied by contemplation of what the words mean, and in this case, contemplation of what small things one can do to bring the will of Hashem into sharper focus in everyday life. It is painfully difficult to step away from one's own cares and concerns, some of them exceedingly pressing or noble, in favor of the greater and deeper truth. And so the work of Rosh Hashana is not an everyday occurrence. However, the two days a

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year contain a power and strength that allow their impact to bear fruit for a long time to follow.

May we all merit a year of life, health, and blessing as we should all be written in the book of life. And may we all be privileged to take advantage of the special opportunity that the Rosh Hashana prayers afford to us, to encounter and appreciate the King and Master of our world.

**The Path to Gehonim is Paved with Good Intentions:
Penina's Well Meaning Acts Towards Chana**

Rabbi David Flamholz

Throughout תנ"ך, we encounter personalities that possess such torn legacies that it is often difficult to assess them. יפתח הגלעדי, for example, was born from a woman of ill repute¹ and associated himself with a band of outlaws, and yet he seemingly redeemed himself by leading בני ישראל to a victory over עמון. שאול המלך was described early on in the highest regard² only for his legacy to be pulled tragically down by his envious and manic chase after דוד.

Another person for whom we seemingly carry mixed feelings, and read about in the הפטרה for the first day of ראש השנה is פנינה, the wife of the prophet, אלקנה. On the one hand, when we are first introduced to פנינה, she seems to be a malicious, insensitive woman, seeking only to further embitter the life of poor חנה who, unlike פנינה, had no children:

"וְכַעֲסֶתָּה צָרְתָּהּ גַם פְּעַס בְּעִבּוֹר הָרַעְמָה כִּי־סָגְרָה בְּעַד רַחֲמָה" (שמואל א' א:ר)

Her rival would provoke her again and again in order to anger her, for Hashem had closed [Chana's] womb.

Yet, the Rabbis find redeeming value in פנינה's actions, explaining that her intentions were, in fact, pure:

"א"ר לוי: שטן ופנינה לשם שמים נתכוונו... פנינה דכתיב וְכַעֲסֶתָּה צָרְתָּהּ גַם כַּעַס בַּעֲבוּר הָרַעְמָה."

R' Levi said: The intentions of the Satan and Peninah were for the sake of Heaven... Peninah, as it is written, 'Her rival would provoke her again and again in order to anger her.'

1. וַיִּפְתַּח הַגַּלְעָדִי הַנָּה גִבּוֹר חָיִל וְהוּא בְּרֵאשֵׁי זִוְנָה וַיִּלְכֵּד גַּלְעָד אֶת־יִפְתָּח (שופטים א:א)

2. וְלִדְהִלָּה בָּן וַשְׁמוֹ שְׂאוּל בְּחֹר וְטוֹב וְאִין אִישׁ מִבְּנֵי יִשְׂרָאֵל טוֹב מִמֶּנּוּ מִשְׁכִּמוֹ וְנִמְעָלָה גְבָהּ מִכָּל־הָעָם (שמואל א' ט:ב)

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Rashi explains that the תורה itself reveals that פנינה's real motivation was "בעבור הרעמה" - which the גמרא understands to mean "to motivate her" to pray to Hashem for a child.

If this was really the case, why in fact do we find that פנינה was punished so harshly for the way she acted toward חנה? After all, our Rabbis interpret one of the verses in חנה's prayer to be referring to פנינה's tragic loss of children - punishment for the way she treated חנה:

“עֲדַעְקָרָהּ יִלְדָה שְׁבַעָה וְרַבַּת בָּנִים אֲמִלְלָהּ” (שמואל א' ב:ה')

While the barren woman bears seven, the one with many children becomes bereft.

The מדרש שמואל (פרק ה') interprets this stanza in חנה's prayer to reflect the harsh reality that was פנינה's fate as punishment for the way she treated חנה; each time חנה had another child, פנינה tragically lost one.

But why was פנינה punished so harshly if her intentions were for the good?

Further, חז"ל tell us that when weighing a bad deed performed with good intentions against a good deed performed for the wrong intentions, a bad deed is deemed in Heaven to be superior.

“אמר ר' נחמן בר יצחק: גדולה עבירה לשמה ממצוה שלא לשמה” (נזיר כג:)
R' Nachman Bar Yitzchak said: A transgression performed with good intentions is better than a precept performed without good intentions.

This concept of “עבירה לשמה” should have been sufficient justification for פנינה's actions - after all she was ridiculing חנה in order to motivate her to turn to ה' to help. Why then was she punished at all for what she did?

One possible way to explain פנינה's harsh punishment is to suggest that although פנינה's intentions were indeed pure, she did receive some satisfaction - albeit very minimal - from חנה's suffering since it propelled her to a position of primacy within the family of אלקנה. In such an instance, a מצוה performed in the framework of an עבירה is not justified. The נצי"ב³ suggests just such an approach to explain why, according to חז"ל בני ישראל were punished for the suffering יעקב caused to עשו when he took the blessing of the בכור away from him⁴ but were not punished for the great fright he caused to יצחק for the same act.⁵ The נצי"ב explains that the principal of לשמה does not apply when one receives any amount of satisfaction - even the slightest bit - from the עבירה committed, even if that עבירה was committed for primarily good intentions.⁶ One who engages in an עבירה לשמה must be extremely careful to do so only with the purest of intentions and without any personal benefit or enjoyment. The reason is that the personal benefit received taints the act done to the point that the purity of the purpose ceases to be adequate justification for the עבירה and one is then left with just that - an עבירה. Accordingly, writes the נצי"ב, while יעקב did not receive any benefit from יצחק's frightened reaction to his scheme (in fact, he was probably pained by it), he did receive some modicum of satisfaction from עשו's reaction and it was because of this satisfaction that his descendants were punished.

Based on this explanation of the נצי"ב, we can explain why פנינה's pure intentions did not amount to a justifiable עבירה לשמה. Although her intentions may have been pure, because she received even the slightest bit of satisfaction out of her perceived elevated

3. See the פירוש of the נצי"ב in (הרחב דבר בראשית כ"א)

4. כְּשִׁמְעַע עֵשָׂו אֶת-דְּבָרֵי אָבִיו וַיִּצְעַק צָעֲקָה גְדֹלָה וַיִּמְרָה עַד-מְאֹד (בראשית כ"ד). מדרש

(בראשית רבה ס"ד:) links this "cry" to the "cry" that מרדכי let out in the Purim story and explains that the latter was brought about because of the former.

5. וַתִּרְדּוּ יִצְחָק תְּרַדָּה גְדֹלָה עַד-מְאֹד (בראשית כ"ג:לג)

6. See also (חלק ג' דפים 149-150) where he brings a similar approach in the name of Harav Yisroel Salantar.

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status, her “pure” intentions became tainted and her עבירה לשמה became unjustified.

A second approach is suggested by R' Chaim Shmulevitz,⁷ who writes that פנינה was punished because pure intentions are meaningless when it comes to interpersonal (מצוות שבין אדם למקום) (לחבירו). To the extent that עבירה לשמה can be applied at all to justify what is normally a prohibited act, that is only with regard to מצוות שבין אדם למקום and not with regard to לחבירו. מצוות שבין אדם לחבירו.⁸ This however requires further explanation. What is it about מצוות שבין אדם לחבירו that make them so different from מצוות שבין אדם למקום, that an act done with pure intentions, while perhaps laudable in the realm of מצוות שבין אדם למקום, is not acceptable in the realm of מצוות בין אדם לחבירו?

The answer perhaps lies in a conceptual difference between מצוות שבין אדם למקום and מצוות שבין אדם לחבירו. When it comes to מצוות שבין אדם למקום, for the most part, the two most important components of the מצוה are the proper performance of the מצוה and the intent to do the מצוה.⁹ By contrast, when it comes to מצוות שבין אדם לחבירו, the most critical component is the result and impact that act has on others. Should there be a negative impact on others, then the מצוה performed is incomplete. This is because מצוות שבין אדם למקום are performed for the sake of Heaven and no other individuals need to be impacted or considered for the מצוה to be effective. That is not the case at all with regard to מצוות שבין אדם לחבירו where the primary concern and very essence of the מצוה is, obviously, the impact it has on others.¹⁰ Performing a מצוה שבין אדם

7. שיחת מוסר תשל"א פרשת בהעלותך "זכירת מעשה מרים"

8. Thank you to Josh Gelernter for bringing this answer of R' Chaim Shmulevitz to my attention.

9. Some point out that there are some מצוות בין אדם למקום where the result is critical as well. See for example, Rav Solovetchik's approach to תפילה and the necessity of a "קיום שלב" (an internal impact) although it is clearly a מצוה שבין אדם למקום.

10. See ר' יוסף ענגאל where אתון דאורייתא (יג) makes this very distinction between מצוות בין אדם לחבירו and מצוות בין אדם למקום to explain why the concept of אונס can often excuse a person's obligation to perform מצוות

לחבירו requires great consideration and sensitivity towards the individual for whom the מצוה is being performed. If a person were to give צדקה but somehow make the person he or she was giving to feel degraded, then the מצוה has not been fulfilled. Similarly, if one were to visit a sick person but leave the חולה with the impression that he or she was rushed and eager to leave, the מצוה of בקור חולים has not been fulfilled - no matter what the intent. No matter how many הידורים are used in the performance of a לחבירו אדם שבין אדם, the most critical component is the positive impact that מצוה has on others.

It is for this reason that good intentions for an לחבירו בין אדם עבירה can never in any way justify the act. Because an עבירה בין אדם לחבירו will undoubtedly leave a negative impact on the other individual, לשמה cannot turn the עבירה into a positive act.

This is the mistake that פנינה made. She misguidedly believed that because her intentions were pure (to motivate חנה to pray to 'ה) she was justified in making her feel bad. However, she did not realize that as pure as her intentions might have been, the impact her actions had on חנה was negative, and that is an unacceptable result. It is for this reason that, despite her good intentions, she was punished for what she did.

As we approach the Days of Awe and devote time to introspection and reflection, it is incumbent upon all of us not only to examine our עבירות and do proper תשובה for the ones we did, but also to look carefully at the מצוות that we performed and see if we performed them in the right way. In particular, did the מצוות we performed on behalf of our fellow Jews have the desired impact on them or did it create negative feelings due to our lack of care and consideration for their particular situation? In performing those מצוות, did we pay proper attention to the feelings and sensitivities of the other individual? As פנינה learned, good intentions can only take us so far. We must also make sure that that the מצוה creates a positive impression and is performed for the sake of - and not in spite of - the feelings and sensitivities of our fellow Jew.

מצוות בין אדם לחבירו but בין אדם למקום.

Indeed, a Time to Cry

Yosef Markovitz

As the Days of Awe rapidly approach, many of us grow uneasy at the thought of standing in introspection for many hours in shul. The idea of recounting our actions and justifying them before the Almighty can easily be described as unnerving. Those who began their process of repentance on Rosh Chodesh Elul (kudos, by the way, since Labor Day was not until the 16th day of Elul) are surely exhausted and penitent by the time Rosh Hashana arrives, and are not likely to be in a playful mood.

Despite this, many Jewish communities throughout our history have considered the *Yamim Nora'im* as some of the happiest days of the year. In fact, Sephardic Jews are known to approach the High Holy Days with optimism and confidence. They certainly have their sources to rely upon.

The Talmud Yerushalmi (Rosh Hashana 1:3) writes:

Normally, when a person is being judged, they wear black clothing, they appear unkempt, as their sole concern is their fate: will the decision be favorable? However, the nation of Israel on Rosh Hashanah is different. They wear white clothes, they are finely groomed, and they feast and drink and rejoice. Why? Because they know that Hashem can perform wonders for them.

Additionally, the Mishnah in Masechet Ta'anit (26b) states:

There is no greater day for the Jewish people than Yom Kippur, when we are granted the extraordinary opportunity to do *teshuvah* and to atone for our transgressions.

So which is it - trepidation and tears, or cheerfulness and self assurance?

I'd like to propose a hybrid answer, citing the Mishna at the end of Yoma:

For sins between man and God, Yom Kippur atones. But for sins between a man and his fellow, Yom Kippur does not atone until he appeases his fellow (*ain Yom Hakippurim mechaper ad she'yiratzeh et chavero*).

In the subsequent Gemara, R. Elazar ben Azariah is quoted as having derived this principle from the pasuk in Vayikra (16:30): "For on this day atonement shall be made for you to cleanse you of all your sins; you shall be cleansed before God." Only sins before God are atoned for by Yom Kippur. Atonement for transgressions committed against other people depends not on God but on reconciliation with one's fellow man.

Borrowing a phrase from the business world, let's take a 30,000 foot view of the current status of the Jewish people. Our relationship to Hashem and his mitzvot is not perfect, but much can be said of our strides to remain loyal in our scholarship and observance in a world of spiritual mayhem. We can enter this period with the confidence that He will reconnect with us and dust us off to begin the new year in a good place.

On the other hand, our generation does not have as much to be proud of when looking at our relationships down here on earth. Every week we read about lawsuits, strife, libel, and even murder involving our Jewish brothers and sisters. For those of us not involved in such blatant discord, we still tend to look at those individuals to our "right" as disingenuous zealots and those to our "left" as misguided fools. Rather than approaching serious issues with serious and heartfelt dialogue we often succumb to name calling and grandstanding.

Returning to the Mishna in Yoma, why does God require us to appease our fellow Jew, to make our victims become the masters of

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our futures? Only the victim's pardon can make atonement possible?¹

Each month we all recite *birkat ha'chodesh* (the prayer for the new month) with intense concentration. We implore Hashem to grant Klal Yisrael a month of longevity, of goodness, righteousness, sustenance, and fear of Him. For me, it goes pretty well until I reach the portion of *mi she'asa nissim*:

“May He who performed miracles for our ancestors and redeemed them from slavery to freedom, redeem us soon and gather in our dispersed people from the four quarters of the earth, **all Israelites are friends** (*chaveirim kol Yisrael*), and let us say: Amen.”

Chaveirim kol Yisrael - are you kidding me? Is that really a prerequisite for *geula*?

And yet that is our charge. To love our Jewish family because they share our history and destiny. To search deep within ourselves for empathy, so we can avoid conflict and embrace forgiveness. Great people have the ability to put down their arms and to love all Jews. After the tragic *Altalena* affair on June 1948, in which a violent confrontation took place between David Ben-Gurion's newly formed Israel Defense Forces and Menachem Begin's Irgun, an amazing thing happened. Despite the death of his soldiers and the deliberate attempts to kill him, Begin wept openly in his radio address, "Long live the people of Israel. Long live the Jewish homeland. Long live the soldiers of Israel, the heroes of Israel - forever and ever." This reaction was surprising for a proud and battle-tested warrior, and months later Begin explained:

Whoever has followed my story knows that fate has not pampered me. From my earliest youth I have known hunger and have been acquainted with sorrow. Death, too, has often

1. Based upon an idea by Moshe Habertal in "At the Threshold of Forgiveness: A Study of Law and Narrative in the Talmud", Jewish Review of Books, Fall 2011.

brooded over me. But for such things I never ever wept. I did weep that night, however, for the *Altalena*. Why? I wept because there are fateful times when a choice has to be made between blood and tears. During our revolt against the British, blood had to take the place of tears. But at the time of the *Altalena* - Jew against Jew - tears had to take the place of blood. Far better for one Jew to shed tears from his heart than to cause many Jews to weep over graves.²

Conclusion

Many times I try to envision the end of days. (The best I can do is assume it will look similar to *Birkat Kohanim* on Sukkot in Israel.) We will all return to Jerusalem and stand shoulder to shoulder as we recite joyous prayers at *Har Ha'bayit*. Unquestionably, of the thousands of Jews present, some will be pushy, some will have poor hygiene, some will be clueless and staring into oblivion. Am I going to love each one of these individuals as a friend?

Chaveirim kol Yisrael is our charge for **the ultimate redemption**. *Ain Yom Hakippurim mechaper ad she'yiratzeh et chavero* is our charge for **this year**. The long-term process of *geulah* starts by repairing the immediate relationships before us. It begins with shedding tears rather than blood.

2. As retold in *The Prime Ministers*, Yehuda Avner, Toby Press, 2010.

Seth Lebowitz

On the second day of Rosh Hashana each year, we read the story of *Akeidat Yitzchak* from the end of *parshat va'yera*.¹ The reason for this practice is to mention the merit of the *Akeida* on Rosh Hashana.² Presumably, part of this merit comes from God in some sense “remembering” our forefather Avraham’s great deeds. But God’s “remembrance” of the Jewish people’s merits—including the *Akeida* itself—is addressed primarily in the *zichronot* section of our *tefilat musaf*. When the story of the *Akeida* is read as a public Torah reading, our duty is to listen and understand. That is, any merit of the *Akeida* that is to be invoked by reading about it publicly from the Torah must come from our understanding and internalizing the message of this event.

The obvious lesson of the *Akeida* is that a person should be totally obedient to God, even if it involves great self-sacrifice. Although none of us is capable of or called upon to equal Avraham’s sacrifice for God, this is a lesson that we can surely understand on an intellectual level and relate to in our own way. But the *Akeida* contains one significant aspect that we cannot relate to. Avraham was called on not just to make a self sacrifice for God, but also to make a sacrifice *of someone else*—to end the life of his only son, whom he and his wife had hoped and prayed for well into their old age, who had been promised to him by God, and whose birth and continued existence were fulfillments of the mission and destiny that God Himself had assigned to Avraham. This was a supreme sacrifice on Avraham’s part, but it didn’t impact only him. It would have had an even stronger impact on Yitzchak, who was the one to be sacrificed!

Whether Avraham did what he did because of the level of clarity with which a prophet receives his prophecy³ or because of the direct

1. Shulchan Aruch Orach Chaim 601:1.

2. Mishna Brura 601:1.

3. See Moreh Nevuchim 3:24.

encounters with God that he experienced⁴ need not concern us for now. Whatever the explanation, none of us are comparable to Avraham in this respect, and none of us would be justified in carrying out such an action. The question remains –what are we to learn from the public reading of this story on Rosh Hashana that will affect our lives in a practical way?

The *Akeida*'s lesson for our lives may come from examining the life of Avraham before God commanded him to sacrifice his son. One of the major themes of Avraham's life, one of the major aspects of his personality, was kindness and concern for others. Avraham didn't keep his newfound knowledge of God to himself, but rather shared it with others. Along with only a small band of shepherds and household servants, he chased down and engaged in battle four armies who had been successfully waging war and conquering throughout the region for years –all to rescue his nephew who had turned his back on Avraham and his God-centered way of life. And most striking of all, Avraham pleaded for the fate of the people of Sdom, even to the point of directly challenging God Himself –“*haShofet kol ha'aretz lo ya'aseh mishpat!?*” “Shall the Judge of the entire world not do justice!?”

God called on Avraham to sacrifice his son, but only after Avraham had shown over many years that his natural way of thinking and acting exemplified kindness to others, even when it required great bravery and personal expense, and even (what requires the greatest bravery imaginable) to the point where Avraham would challenge God in order to defend other human beings. Had an act of obedience similar to the *Akeida* been performed by anyone other than Avraham, it would not have the same meaning. Any person other than Avraham performing the *Akeida* would have shown great obedience, but such obedience would have been tinged with insensitivity.

At times, we are faced with situations where our performance of mitzvot – or the manner, time or place in which we perform them – may have a negative impact on others. While we all understand the

4. See Kuzari 4:17.

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importance of consideration and sensitivity, sometimes these values may be overlooked in our zeal to perform the mitzvah properly, all in obedience to God. We can learn from the reading of the *Akeida* on Rosh Hashana that our obedience to God should be in the tradition of Avraham Avinu. If we truly make Avraham our example, our obedience will be built on a foundation of instinctive and bountiful kindness to others, even at great personal expense, and a refusal to believe that the Judge of the entire world would not perform justice. Such a foundation will instill our observance of God's mitzvot with sensitivity and balance.

We don't have the ability to have a direct two-way conversation with God, and we're not in a position to argue with God about His decrees. But when having an internal conversation, when wrestling with what God wants from us in a given situation, when deciding how to balance *mitzvot bein adam laMakom and mitzvot bein adam l'chavero*, we should emulate Avraham by asking “*HaShofet kol ha'aretz lo TZIVAH mishpat!?*” Has the Judge of the entire world not **commanded us to do** justice?!” This powerful internal message will remind us that God expects us to perform the mitzvot in the most sensitive way in which we are able, and that before performing a mitzvah at someone else's expense we should carefully consider what God wants from us in that situation.

K'tiva V'Chatima Tova to the entire community.

Living On a Prayer

Dov Adler

When we look carefully at the *laining* of Rosh Hashana we see an immediate connection to the theme of the day. The first pasuk of the *laining* of the first day describes the fact that Hashem remembered Sara - "וזה' פקד את שרה כאשר אמר" - remembering - is a common theme that we emphasize numerous times throughout the yom tov. If we look at the first Rashi on that first pasuk we can gain further insights into the יום הדין, expanding on this common theme. Many times throughout the chumash, Rashi asks about סמיכות הפרשיות. Why is one topic and verse put next to the other? The topic immediately preceding the *laining* on the first day of yom tov is the story of Avimelech. Avraham tells Sarah to tell Avimelech that she is his sister in order to protect them from Avimelech and the פלשתים. That night, Hashem appears to Avimelech and warns him not to touch Sarah, while at the same time punishing him for putting Avraham in this situation. God causes Avimelech's entire community to become sterile. Avraham then prays for Hashem to heal Avimelech. His prayers are answered, as the Torah tells us - ויתפלל אברהם אל-האלקים וירפא אלקים את-אבימלך ואת-אשתו ואמהותיו - And Avraham prayed to God and God healed Avimelech and his wife and his maidservants and they were all able to have children.

Rashi asks about סמיכות הפרשיות - what is the connection between the story of Avimelech and the story that immediately follows - of Hashem remembering Sarah and the birth of Yitzchak? Rashi answers by paraphrasing the Gemarah in *Bava Kama* on Daf 92a - סמך פרשה זו לכאן, ללמדך שכל המבקש רחמים על חברו והוא צריך לאותו דבר הוא נענה תחלה, שנאמר "ויתפלל וגומר" (לעיל כ"ז) וסמך ליה "וזה' פקד את שרה", שפקדה כבר קודם שרפא את אבימלך.

The reason these two *parshios* are next to each other is in order to teach us a very important concept. Anyone who is in need of something specific and davens for someone else and asks God for mercy for that other individual who needs the exact same thing, the individual who is praying for his friend will be answered first. This is a very powerful statement about the effects of davening for

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another individual and the impact on one's own tefila.

Sifsai Chachamim asks the following question on the interpretation of Rashi and on the Gemara in *Bava Kama*: What proof do we have from this story for the idea about prayer stated in the gemara in *Bava Kama*? The reason Avraham's prayers were answered first was because this was the time that God had promised Avraham and Sarah that they would have a baby! It would seem that his davening for Avimelech had no impact at all on his situation. In a certain sense, at this point, Avraham didn't have to daven at all to be granted a child. If God Himself promises you something, you can pretty much guarantee that it is going to happen. God promised Avraham and Sarah that they were going to have a baby and now was the time for that promise to be fulfilled. What changed from the beginning of the parsha where Avraham felt totally comfortable with the word of God, in contrast to now where he views himself as being in the same situation as Avimelech - needing a child and not knowing if his prayers are going to be answered?

Perhaps we can suggest that the answer lies in the previous narrative of Sedom and Amorah. This story occurs in between the beginning of the parsha where Avraham is promised that he will have children and the story of Hashem remembering Sarah. We are all familiar with the dialogue between Avraham and Hashem concerning the saving of Sedom and Amorah. Avraham pleads on their behalf to God, asking if He would destroy the cities even if there are 50 *tzadikim* living amongst the *reshaim*. Hashem responds that He would not destroy the city if Avraham can find 50 *tzadikim*. The same dialogue takes place for 45, 40, 30, 20 and 10 *tzadikim*. Immediately after God tells Avraham that He will not destroy the city if there are 10 *tzadikim*, the Torah tells us: וַיֵּלֶךְ ה' בַּאֲשֶׁר בָּלָה לְדָבָר - אֶל-אַבְרָהָם וְאַבְרָהָם שָׁב לְמִקְמוֹ - God left Avraham's presence once He finished talking to Avraham, and Avraham returned to his place." Rabbi Kanotopsky in his sefer *Lail Shimurim* asks the following question: Where exactly was God going? וַיֵּלֶךְ ה' - and God went. We never find this kind of description when God finishes a conversation with others, such as Moshe, Aharon, Ya'akov, or Avraham in other places. Why the emphasis that now God has left and Avraham returned to his place? Rabbi Kanotopsky suggests the

following powerful idea: God knew what Avraham's next question was going to be. He knew that Avraham was going to ask Him, "Will You destroy the cities for 9? for 5? for 1 *tzadik*?" כל "השוֹפֵט לָא יַעֲשֶׂה מִשְׁפָּט?" הארץ לא יעשה משפט? God didn't want to have to explain this to Avraham. He didn't want to have to go into details about how the world works - מי יחיה ומי ימות. By simply walking away from the conversation, God is telling Avraham that there are certain things that man will never be able to understand. Man will never understand the decisions of God. For this reason God distances Himself from the conversation. Avraham recognizes this and therefore retreats to his place, to his home. He now returns to the "unknown" in terms of his relationship with God.

Fast forward to the story of Avimelech. Avraham lies and tells Avimelech that Sarah is his sister, putting his wife in a situation where she might be violated. He then sees that God has to intervene and cause Avimelech to get sick and not be able to have children. He realizes the distance - the lack of ability to understand God's ways which is how he felt after the destruction of Sedom and Amorah. Perhaps this is a message from God being sent through Avimelech, that there is no longer a guarantee about Avraham's own child. At this time, he had every reason to daven. He had every reason to take a step back and think of himself and his own wife. Did he make the mistake of a lifetime by lying to Avimelech and putting his wife at risk? This is the time to daven. אם לא עכשיו אימתי - if not now, then when? However, Avraham decides not to pray for himself, but rather to pray for Avimelech. Avraham realizes that he contributed to Avimelech's sin and that now was the time for him to try and make up for that by praying not for himself, but rather for Avimelech. וַיִּתְפַּלֵּל אַבְרָהָם אֶל הָאֱלֹהִים - שֶׁכָּל הַמְּבַקֵּשׁ רַחֲמִים עַל חֲבֵרוֹ. והוא צריך לאותו דבר הוא נענה תחלה.

This level of care and consideration that we have to have for our fellow man is a very challenging discipline to maintain. To daven for your neighbor, your friend, when you need the exact same thing is very difficult. For example, if someone is struggling with פרנסה - with earning a livelihood, can he be expected to daven with a full heart for his friend who is also struggling? For this reason the

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reward for someone who is able to accomplish this is great.

This underlying theme of the day of Rosh Hashana can be seen as well in our references to the *yom tov* in our davening and our kiddush. When we describe every *yom tov* in davening and in kiddush we always refer to the theme of the day. For example, את חג הסוכות המצות הזה...זמן חרותנו, את חג השבועות הזה...זמן מתן תורתנו, את חג הסיכות את יום הזה...זמן שמחתנו. However regarding Rosh Hashana we say את יום הזה...זמן חרותנו, את חג השבועות הזה...זמן מתן תורתנו, את חג הסיכות את יום הזה...זמן שמחתנו. On Rosh Hashana, why are we not referring to the theme of *teshuva* or of tefillah, but rather to a specific mitzvah of the day - the Teruah sound- which seems to refer to the sound of the shofar? The Rav explains that we are misunderstanding the word Teruah in this context when associate it with the blowing of the shofar. One of the *pesukim* that we reference in *Malchuyos* is taken from the prayer of Bilam when he describes Klal Yisrael. לַאֲהֲרָבִיט “He gazes at no iniquity and sees no evil schemes in Israel. Hashem his God is with him and the AFFECTION of the King is in him. The word Teruah in this Pasuk does not refer to the sound of the shofar, but rather, it means “affection.” Rashi translates this word as לשון חבה - a language of love and friendship. This emphasizes one of the themes of the day. Rosh Hashana is not just a day dedicated to prayer and to recognizing the bond that we have with Hashem as our *Melech*, but in addition it's a day of friendship, a day of רעות - a day to think about each other and to put ourselves in someone else's shoes and really feel a connection to their needs and to their prayers.

Hopefully, this will be a year in which all of our collective *tefilos* will be answered and each of us should be *zocheh* to פל המבקש והוא צריך להיותו דבר הוא נענה תחלה.

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| <i>L'Chaim - To Life</i> |
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Jonathan Kaplan

L'chaim – to life. When it comes to the *Yomim Noraim*, the days of Awe, beginning with the month of Elul, *chaim* – life – becomes our focus. We enter a time when our lives hang in the balance. We hope we will be granted life. This *moed* – appointed time – when our lives converge with time, when the powers of the calendar are charged with specific energies, we experience the fundamental question of our existence. If we look back at our history we understand why this is the case. In our formative years as a nation, on the 6th of Sivan, just fifty days after leaving Egypt, we experienced the revelation at Mount Sinai. It was forty days later, when Moshe descended with the Tablets, that the process of receiving the Torah was intended to be completed. Unfortunately, it was on that day that the Tablets were shattered as a response to the sin of the Golden Calf. This occurred on the 17th of Tammuz. Following this tragic event, Moshe prayed to Hashem for forty days to spare the Jewish people from annihilation (R'L). It was on Rosh Chodesh Elul that Hashem instructed Moshe to craft a second set of tablets. On this same day, Moshe once again ascended Mt. Sinai to finalize the process of the Jewish people's atonement. What we take for granted is that we were forgiven. At the time, this was not a foregone conclusion. It was not until the fortieth day, the tenth of Tishrei, Yom Kippur, when Moshe descended with the second set of Tablets. This was the day that we finally were granted atonement. From Rosh Chodesh Elul until Yom Kippur we were in state of doubt, as our survival was not guaranteed. For this reason, as we return to this time of year, these questions present themselves again and require our attention.

As we progress from Rosh Chodesh Elul to Yom Kippur and get closer to the final atonement, things begin to intensify. On Rosh Hashana we begin to insert into Shemoneh Esrei four additional sentences.

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זְכַרְנוּ לְחַיִּים. מֶלֶךְ חַיָּו בְּחַיִּים. וְכַתְּבֵנוּ בְּסֵפֶר הַחַיִּים. לְמַעַנְךָ אֱלֹקִים חַיִּים
*Remember us for Life, O King Who desires Life, and inscribe us in
the Book of Life- for Your sake, O Living G-d.*

מִי כְמוֹךָ אֵב הַרְחֵמִים. זוֹכֵר יְצוּרֵי לְחַיִּים בְּרַחֲמִים
*Who is like You, Merciful Father, Who recalls His creatures
mercifully for Life!*

וְכַתֵּב לְחַיִּים טוֹבִים כָּל בְּנֵי בְרִיתְךָ
And inscribe all the children of Your covenant for a good life.

בְּסֵפֶר חַיִּים. בְּרַכָּה וְשָׁלוֹם. וּפְרֻסָּה טוֹבָה. נִזְכָּר וְנִכְתָּב לְפָנֶיךָ. אֲנַחְנוּ וְכָל עַמֶּךָ בֵּית
יִשְׂרָאֵל. לְחַיִּים טוֹבִים וּלְשָׁלוֹם
*In the book of life, blessing, and peace and good livelihood, may we
be remembered and inscribed before You- we and Your entire
people the Family of Israel for a good life and for peace.*

The first two sentences focus purely on “life,” while the latter two on “good life.” More striking though is the second sentence. It does not make a request, rather it is in the form of praise. Each of the other three sentences is in the form of a request. Why is the second sentence different? In order to understand this we need to explore the second blessing of Shemoneh Esrei, the context of the second sentence. The second bracha of Shemoneh Esrei is called *Gevurot* and is focused on the subject of *Techiyat Hamaitim*, the resurrection of the dead. HaGaon Rav Moshe Shapiro *shlita* in *Reah Emunah*, explains that of the thirteen principles of faith delineated by Rambam, *Techiyat HaMaitim* is unique in its formulation. The Gemarah in Sanhedrin 90a states:

ואלו שאין להם חלק לעולם הבא: האומר אין תחיית המתים מן התורה
*The following are the ones who do not have a share in the World to
Come, one who says that there is no reference to the Resurrection of
the Dead in the Torah.*

Rashi comments that even if a person believes in the resurrection of the dead, but does not accept that it is alluded to in the Torah he is called a denier. The key point is that he does not believe that the

idea is derived from the Torah. Why should this matter? Rashi explains that if he does not derive the idea from the Torah then from where would he know the concept? In other words, the concept of resurrection of the dead is not something that one would know from the laws of nature. It is something unique that Hashem has promised that He will perform, and this is only found in the Torah.

The Gemara on the initial statement asks:

וכל כך למה? תנא: הוא כבר בתחיית המתים - לפיכך לא יהיה לו חלק בתחיית המתים, שכל מדותיו של הקדוש ברוך הוא מדה כנגד מדה

Why so much? (That he has to believe that Tichiyat Hamaitim is from the Torah) A Baraita taught: He denied the resurrection of the dead; therefore he shall have no share in the resurrection of the dead. For all measures of the Holy One, Blessed is He, are measure for measure.

This idea that one has to believe in order to experience is unique to *Tichiyat Hamaitim*. For example, if we don't believe in *Mashiach* it will not prevent us from experiencing *Mashiach*. On the other hand, with *Tichiyat Hamaitim*, if we don't believe in it we will not get to participate. The Gemara frames it as a function of measure for measure. The fact that Hashem promises to perform *Tichiyat Hamaitim* is a function of *Emunah* as well. We say in the second bracha of *Shemoneh Esrei* that Hashem is *נֶאֱמָן* *Lehachyot Maitim* – He is reliable to resurrect the dead. The meaning of *נֶאֱמָן* here is that Hashem is reliable and that we know that He will fulfill His promise. But there is more to this idea of *נֶאֱמָן*.

It says in *Devarim*: Perek 32; Pasuk 4

קל אֱמוּנָה וְאֵין עָוֹל צְדִיק וְיֵשֶׁר הוּא

A faithful God, without injustice, He is righteous and upright

Rashi comments on a faithful G-d: [Faithful] to reward the righteous their due in the world-to-come. And even though He defers their reward, in the end He will fulfill (לְאֵמֶן) His words. The *Sifrei* adds that Hashem believed in the world and therefore created it. In other

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words it is because He believed in the world that He created it. HaGaon Rav Moshe Shapiro adds that the act of creation was the creation of Emunah. Hashem inserted Emunah into the world and this Emunah became part of the creation. Emunah functions as the surety that creation will reach its intended purpose. In a certain sense, this underlying belief that Hashem has in creation is what guides it to its ultimate objective. It is within this framework that *Tichiyat Hamaitim* operates.

The Gemara states in Sanhedrin 91a

אמר ליה ההוא מינא לגביהא בן פסיסא: ווי לכון חייביא דאמרינתון מיתי חיין
דחיין מיתי - דמיתי חיין? אמר ליה: ווי לכון חייביא דאמרינתון מיתי לא חיין
דלא הוו - חיין, דהוי חיין, לא כל שכן

A sectarian [min] said to Geviha b. Pesisa, 'Woe to you, ye wicked, who maintain that the dead will revive; if even the living die, shall the dead live!' He replied, 'Woe to you, ye wicked, who maintain that the dead will not revive: if what was not, [now] lives, — surely what has lived, will live again!'

It is from this give and take that we see diverging world views. The sectarian sees this world as the be-all and end-all. It is within this framework that the sectarian sees the world's progression leading towards a final ruin. Geviha, on the other hand, through the prism of Torah, sees this world as a planting for growth into a future world. It is this view that is the basis for *Tichiyat Hamaitim*. A similar idea is expressed in the gemara in Berachot 15b

אמר רבי טובי אמר רבי יאשיה, מאי דכתיב: שלש הנה לא תשבענה שאול ועצר
רחם, וכי מה ענין שאול אצל רחם? אלא לומר לך: מה רחם מכניס ומוציא - אף
שאול מכניס ומוציא; והלא דברים קל וחומר: ומה רחם שמכניסין בו בחשאי-
מוציאין ממנו בקולי קולות, שאול שמכניסין בו בקולי קולות - אינו דין
שמוציאין ממנו בקולי קולות! מכאן תשובה לאומרים אין תחיית המתים מן
התורה

R. Tabi further said in the name of R. Josiah: What is meant by the text, there are three things which are never satisfied ... the grave and the barren womb? How come the grave next to the womb? It is to teach you that just as the womb takes in and gives forth again, so

the grave takes in and will give forth again. And have we not here a conclusion a fortiori: if the womb which takes in silently gives forth with loud noise, does it not stand to reason that the grave which takes in with loud noise will give forth with loud noise? Here is a refutation of those who deny that resurrection is taught in the Torah.

What we learn from this is that *Tichiyat Hamaitim* is based on this world being a spring board into a future world. When we view our world in this way, we understand that our actions in this world are significant as they are building blocks for a future existence. This idea of the future is only found in the Torah. The Zohar states “Hashem looked into the Torah and created the world.” The Torah is infused with Emunah that Hashem had in His creation. When we connect to the belief in *Tichiyat Hamaitim* as derived from the Torah, we link ourselves to this sphere of Emunah that gives us access to the continuum of life. (It is not a coincidence that we call the Torah – *Torat Chaim* – Living Torah.)

It is with this in mind that we can understand our original question.

מִי כְמוֹדָ אֵב הַרְחֵמִים. זֹכֵר יְצוּרֵי לְחַיִּים בְּרַחֲמִים

*Who is like You, Merciful Father, Who recalls His creatures
mercifully for Life!*

Why do we say the second sentence in the form of praise? When we say the second bracha of Shemoneh Esrei we are actively connecting to belief in *Tichiyat Hamaitim*. We refer to the fact that Hashem is נִאֲמָן וְנִאֲמָן אֶתְּהָ לְחַיִּים מֵתִים: נִאֲמָן. ומקיים אמונתו לישני עפר and ונאמן אתה לחיית מתים: נאמן. When we say that Hashem is נִאֲמָן it carries a very powerful idea. When Hashem promised Avraham that He would give his offspring the Land of Israel it says, Bereishit 15; 18

לְזֶרַעַךָ נִתַּנְתִּי אֶת הָאָרֶץ הַזֹּאת

To your seed I have given this land

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Rashi explains the past tense of “I have given”:

לזרעך נתתי: אמירתו של הקב"ה כאילו היא עשויה

The word of the Holy One, blessed is He, is like an accomplished fact.

The nature of Hashem’s promise is so reliable that it is as if it has already happened. When we speak of the promise of *Tichiyat Hamaitim* the same is true. It is a promise from the One who gives life and therefore we give praise because when we focus properly it is not something we need to request as we understand it to be a reality. We must always remember the Emunah that Hashem has in His creation and renew ourselves at this time of year to be able to re-connect ourselves with the King Who is the source of life.

Thoughts on the Concept of Tekias Shofar¹

Rabbi Shlomo Elimelech Drillman, zt"l

Rosh Yeshiva, RIETS

Compiled by Rabbi Benjamin Kelsen Esq.

According to the Ramban (Vayikra 23:24) the term “*zichron teruah*” means that “this is the day in which we are remembered by *HaKadosh Baruch Hu* through *teruah* (shofar blasts)”. Rashi *HaKadosh*, on the other hand, interprets the notion of “*zichron teruah*” as “*Zichron pesukei zichronos u’pesukei shofros*, mentioning the verses relating to remembrance and to shofar blasts”. By this we mean to say that we are required to mention *malchuyos* (kingship), *zichronos* (remembrance), and *shofros* sometime on Rosh HaShanah. Interestingly, it appears as though the Ramban understands that Rashi is of the opinion that *malchuyos*, *zichronos*, and *shofros* are *chiyuvim m’Doraisa* (Biblical obligations). This would mean that the obligation on Rosh HaShanah is not only to blow the shofar and to produce a sound, but that the concept of *zichron teruah* requires us to verbalize the concept through the recitation of *malchuyos*, *zichronos*, and *shofros*.

While there is no doubt that the concept of *malchuyos*, *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 or the eating of matzah. This manifests a double *kiyum* (fulfillment) for *zichron teruah*: blowing

1. In Elul of 1993 HaRav Drillman taught the following ideas to the semichah students at RIETS that he had learned from his rebbe, Rabbeinu u’Moreinu HaGaon HaRav Yosef Dov HaLevi Soloveitchik, zt”l, at the annual Yarchei Kallah held by The Rav, zt”l in Boston in 5737 (August of 1977). That year, The Rav expounded upon the Ramban’s approach to the concept of “*zichron teruah*” and the nature of the mitzvah of shofar and how it reflects the kedushas hayom of Rosh HaShanah as described in Sefer Vayikra (23:24).

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shofar per se as well as doing it within the framework of *malchuyos*, *zichronos* and *shofros*.

The Ramban poses a fascinating question: why does Rashi omit the idea of *malchuyos* from his commentary of *zichron teruah*, instead referring only to *zichronos* and *shofros*? The Ramban answers this question as follows: According to the Gemorah in *Maseches Rosh HaShanah* (32a), the obligation to recite *malchuyos* is derived from a *binyan av* (extrapolation) and the notion of *zichron teruah* relates only to *zichronos* and *shofros*. Therefore, Rashi only mentions those categories which emanate specifically from *zichron teruah*, though obviously Rashi, too, holds that the same obligation relating to *zichronos* and *shofros* exists regarding *malchuyos* as well.

The Ramban, however, citing the Gemorah in *Maseches Rosh HaShanah* (34b), disagrees, and states that the recitation of *malchuyos*, *zichronos* and *shofros* within the context of *tekias shofar*, derived from *zichron teruah*, is only an *asmachta* (hint in the text) and therefore merely 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 *malchuyos*, *Zichronos* and *Shofros*, the person is charged to attend the former rather than the latter. We can see from this scenario that the obligation to hear the *shofar* itself takes precedence over the obligation to hear *malchuyos*, *zichronos* and *shofros*. Had both *mitzvos* been *m'Doraisa* there would have been no reason to prefer one option over the other.

HaRav Drillman quoted the Rav, zt"l as citing the *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 *malchuyos*, *zichronos* and *shofros* are *m'Doraisa* only when they are combined with *tekias shofar*. Should there be no *tekias shofar*, then the recitation of the *pesukim* of *malchuyos*, *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 the shofar only might be blown and the *brachos* of *Malchuyos*, *Zichronos* and *Shofros* recited, rather than to go to a place where

only the *brachos* of *malchuyos*, *michronos* and *shofros* are recited without Tekias Shofar, then it must be that the recitation of *malchuyos*, *zichronos* and *shofros* is *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 *malchuyos*, *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*, you shall proclaim with shofar blasts” 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.

What is the reason for the mitzvah of *tekias shofar*? Why did the Torah not explain the reason behind this mitzvah? Furthermore, asks the Ramban, what is the significance of the *teruah* itself and the idea of “*zichron teruah*” on this day specifically? HaRav Drillman pointed out that in all other cases where we are required to do something as a commemoration, we are told what we are commemorating. However, in the case of Rosh HaShanah there is no such historical event mentioned.

There is a disagreement between Rabbi Eliezer and Rabbi Yehoshua, found in *Maseches Rosh HaShanah* (10b-11a), as to whether the world was created in Nissan or Tishrei. It is for this reason that in many communities, references such as “*Zeh hayom techilas ma’asecha*, this day is the beginning of Your work” are not included in the *Amidah* of Rosh HaShanah. The Rav, zt”l noted that since even in such communities, Rosh HaShanah is nonetheless

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celebrated and the shofar is blown, the creation of the universe cannot be the event that led to the establishment of Rosh HaShanah.

It is interesting to note that the Ramban writes that while he cannot identify a lone event that occurred on Rosh HaShanah, we know that Rosh HaShanah and Yom HaKippurim are fundamentally linked within the notions of *teshuvah* and *kapparah* (atonement). Perhaps, suggests the Ramban, the mere fact that Rosh HaShanah is connected with Yom HaKippurim in the same month is indicative of the special and unique nature of Rosh HaShanah within the realm of the Yomim Tovim.

HaRav Drillman explained that the Rav felt that perhaps the Ramban, when he says “*v’Al derech haemes teruah hi sh’omdah l’avoseinu v’lanu*, In truth, the *teruah* is what has stood for our forefathers and us...”, was following the position of the Rambam in *Hilchos Chovel u’Mazik* (Chapter 1) where the latter formulates the idea that there are certain laws that we have accepted simply based upon the *Mesorah* (tradition) and that throughout the generations, Rosh HaShanah has been singled out as a unique and extraordinary day in the year.

It is with this understanding that the Rav explained the Ramban’s position as to the meaning of the concept of “*zichron teruah.*” Furthermore, commented HaRav Drillman, this approach into Rosh HaShanah, as expressed by the Ramban, can be seen in all aspects of the *Machzor* (Rosh HaShanah liturgy).

HaRav Drillman gave the following example: The Gemara in *Maseches Eirchin* (10b), tells us that the *Malochei HaShareis* asked the *Ribbono Shel Olam* for the reason that *Klal Yisroel* does not recite Hallel on Rosh HaShanah. The *Ribbono Shel Olam* answered that it is not appropriate that when the *Melech Malchei HaMelochim* is sitting on the “throne” of *din* (judgment) and the books of the living and dead are open before Him that *Bnei Yisroel* should recite the Hallel. From here we can clearly see that the main feature of Rosh HaShanah is that of *din*.

The Rav, zt”l pointed out that the use of the phrase “*Melech yosheiv al kisei din*, the King Who sits on the throne of judgment” teaches us that the *Malchus* of *HaKadosh Baruch Hu* is expressed through the characteristic of *din* which manifests itself on Rosh HaShanah. Additionally, *malchus* is the medium through which *HaKadosh Baruch Hu* relates His presence and omnipotence to the entire universe. It is quite fascinating that the same laws, both the physical and metaphysical, apply to all creation. This form of *din* is referred to as the “*ratzon HaKadmon*” which *HaKadosh Baruch Hu* has implanted in each and every one of His creations with the sole purpose of extolling the glory of the *Ribbono Shel Olam*. The *ratzon HaKadmon* is completely in control of the dynamics of the universe and is the ultimate manifestation of the concept of *din*.

How do we recognize this attribute of *HaKadosh Baruch Hu*? HaRav Drillman pointed to the unchangeable rising of the sun in the east and setting in the west, the inviolability of nature’s law, as proof of the concept of *din*. Therefore, if one accepts this opinion that on Rosh HaShanah the world was created, then Rosh HaShanah is truly the ultimate *Yom dDin*.

Yet, how do we know that *malchus* is *din*? We have the concept of *teruah milchomah*, the sounding of the shofar in times of war. “*Teruah*” in Hebrew means not only a certain unique sound. It also connotes to break, as the navi Yishayahu says “*roah hisroa’ah ha’aretz, por hisporerah ha’aretz*” (24:19), after the Earth quaked, something broke to pieces. *Teruah* is associated with breakage and damage, for example we find the people of Sodom threatened to do damage (*nara*) to Lot for not turning over his guests to them (Bereishis 19:9).

Rosh HaShanah, as mentioned above, is a day of absolute *din*. It is the day when all creations pass before Hashem in judgment, with no exceptions. It is a day exclusively of *din*, during which there is no room for *selichah u’mechilah* (forgiveness). As we recite in the *Nissaneh Tokef*, even the angels are frightened of the power of *din* on Rosh HaShanah. The *teruah* of *milchomah* indicates that the *Ribbono Shel Olam* should be seen this day as *Hashem Ish*

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Milchomah. Rosh HaShanah is a day of destruction. If G-d were to exact true *din* from all creation on Rosh HaShanah, as the day demands, no one would be found righteous before Him on this day and that implies doom and complete destruction. This is why the *Zohar*, *Parshas Pinchas*, as well as later Chassidic works, describe Rosh HaShanah, particularly the first part of the day prior to the sounding of the Shofar, as *takifa dina*, the time when unswerving *din* rules. The second day of Rosh HaShanah is described as *chulshah dina*, the period when the attribute of *din* is lessened.

Rav Drillman noted that the Rav, zt"l recounted that on the first night of Rosh HaShanah through the following morning, it was impossible to talk to his great-grandfather and namesake, the great Gaon, HaRav Yosef Dov HaLevi Soloveitchik, the *Bais HaLevi*, as he was in a depressed mood and incapable of communicating. This was because of the fear of the attribute of *din* that characterized Rosh HaShanah until the sounding of the *shofar*. From here we can see that the *eimas hadin* (fear of judgment) of Rosh HaShanah was so significant that it reached even to the Misnagdim!

In contrast to the above, the *malchus* of *HaKadosh Baruch Hu* on Rosh HaShanah is reflected not only within nature but also through *Knesses Yisroel*. *Knesses Yisroel* reflects the sphere of *malchus*. The Ramban notes in *Parshas Chayei Sarah* (24:1) on the verse of: "v'Hashem Beirach Es Avraham ba'Kol" that *Knesses Yisrael* reflects the divine glory of *HaKadosh Baruch Hu*, the *Malchus* of *HaKadosh Baruch Hu*. Though clearly *HaKadosh Baruch Hu* can and does reveal Himself through nature, he also can reveal His *Malchus* through His Chosen People, *Knesses Yisrael*, as *Malchuso b'khal adaso* (His kingdom is expressed through His congregation). It is this which *HaKadosh Baruch Hu* promised Avrohom Avinu and that Avrohom would command his succeeding generations- to keep the ways of Hashem. By keeping the mitzvos Hashem, *Knesses Yisrael* reflects the *sefirah shel Malchus b'khal adaso*.

HaKadosh Baruch Hu reveals Himself to the world through two different means:

1. Through *Malchuso b'soch olamo*, the universe itself and its exacting laws, through the unswerving aspect of *din*. Such a universe does not tolerate deviation, there is no *selichah u'mechilah*;
2. Through the aspect of *Malchuso b'khal adaso*, through the special relationship between the *Ribbono Shel Olam* and *Klal Yisroel* that is apparent to the other nations of the world when *Klal Yisroel* does the *ratzon Hashem* (the will of G-d). *Selichah u'mechilah*, makes sense in this medium, because of the special unique relationship that *Klal Yisroel* enjoys with *HaKadosh Baruch Hu*.

In order that Rosh HaShanah be a day when transgressions are overlooked, the attribute of *Hashem Ish Milchomah*, of *teruas milchomah*, that symbolizes complete *din* and *Malchus HaOlam Shel HaKadosh Baruch Hu* at the beginning of Rosh HaShanah, must be transformed by *Bnei Yisroel* into *Malchuso b'khal adaso*. On Rosh HaShanah, each Jew should say that from now on, he will mend his ways and improve his actions to such an extent that he will command the respect of others and the *Malchus Shomayim* will be reflected in his actions and his behavior. In fact, the Rambam includes this as the core of *teshuvah* when he describes the shofar as representing *teshuvah*.

The concept of *Malchuso b'khal adaso* allows *Bnei Yisroel* to transform the *teruah* from a destructive sound of war into a sound that shows the friendship and love between *HaKadosh Baruch Hu* and *Knesses Yisroel*. The root of the word “רעה” means “friend” as *Elokim haroeh osi me'odi*, G-d who has been my shepherd, (Breishis 48:15, see the Ramban ad loc.). This, indeed, is the *teruah* of “*u'teruas Melech bo*, the blast for the King is among them” (Bamidbar 23:21) mentioned in the verses of the *Malchuyos* blessing. This connotes the closeness and intimacy between the *Ribbono Shel Olam* and *Bnei Yisroel* and is proof that we are privileged to have *HaKadosh Baruch Hu* as a friend. This is not *din*, but rather *rachamim*, mercy.

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Rosh HaShanah starts as a *yom din*. On the night of Rosh HaShanah when we say “*yom teruah*” in Kiddush, we are describing the characteristic of the ultimate Day of Judgment, a day of doom and destruction. By contrast, however, in the Kiddush of the second night of Rosh HaShanah, *yom teruah* takes on a different meaning, that of *teruas Melech bo*, the close friendship between the King and His subjects.

We find in the *piyut* of *l'Keil Orech Din*, the description of the utter fear that true *din* inspires in creation. At this point, *teruah* connotes destruction. The job of the shofar is to change the semantics of *teruah* from destruction to the friendship of *HaElokim haroeh osi me-odi*. The verses of *malchuyos*, *zichronos* and *shofros* also describe this relationship. For example, in *malchuyos*, we recite the verse of *u'teruas Melech bo*. The shofar, when used as an instrument of proclamation, can announce both destruction as well as redemption as it will be used to announce the coming of Moshiach and the ultimate redemption of *Bnei Yisroel*. The shofar must change the *teruah* from *l'heira*, to destroy, to *l'hisroa*, to befriend.

When the Ramban says that it is the *teruah* that has sustained our forefathers throughout the generations, he means that *teruah* reflects the ability of *Bnei Yisroel* to take the *teruah* of *Malchuso b'soch Olamo*, that cannot be reconciled with *salachti*, and turn it into the *Malchuso b'khal adaso* that is consistent with *salachti*. As the Ramban points out, the *pasuk* we recite after *tekias shofar*, “*Ashrei ha'am yodei teruah*, blessed is the nation that knows *teruah*” (Tehillim 89), places emphasis on the *yodei teruah*: those that love Your name with the *sefirah* of *malchus* as *Malchuso b'khal adaso*, the Jewish People. The Ramban interprets the word *yodei* as meaning loving, similar to (Bereishis 4:1) “*Ve HaAdam yada es Chava ishto*, Adam ‘knew’ his wife Chava.” The term “*yodei shemetchah v'lomdei Torasecha*, those who know Your name and learn Your Torah” connotes the concept of those that love Your name rather than those that know Your name.

The Medrash, *Vayikra Rabbah, Emor* (29:4) asks the following question regarding the *pasuk* “*ashrei ha’am yodei teruah*”: don’t the other nations of the world know how to make the sound of the *teruah*? Why are *Bnei Yisroel* considered unique in this respect? Rav Drillman explained that the Medrash is focusing on the unique ability of *Bnei Yisroel* to identify with the special *sefirah* of *malchus* and to reflect the glory of the *Ribbono Shel Olam* and His love for all creation. The obligation of the Jew is to keep the Torah and mitzvos and by doing so identify with the *teruah* of *yom teruah yihye lachem*, to transform the day from one of cosmic *malchus* that has no room for forgiveness into a day of *Malchuso b’khal adaso*, a day of friendship and love between *HaKadosh Baruch Hu* and His people. Forgiveness on this day is fully consistent between those that love each other.

The Ramban teaches that *zichron teruah mikra kodesh* means that the *zichron* should take place through the sound of the *teruah*. The Ramban does not interpret *zichron* as remembering. Rather he explains it in terms of being “fond” of one another: As the *pasuk* (Yirmiyahu 31:19) states “*HaBein yakir li Efraim... ki midei dabri bo zachor ezkerenu...*, Is Efraim a dear son to me... as I speak to him I have fond memories”.

According to the Ramban, *HaKadosh Baruch Hu* is teaching us that whenever He speaks of Efraim, He immediately becomes fond of him. In this context, *zichron teruah* means a day in which *Knesses Yisroel* should manifest its love for the *Ribbono Shel Olam* by proclaiming His *malchus* throughout the world. The face of each Jew should radiate and reflect the majesty of *HaKadosh Baruch Hu* and His love for His people.

The Ramban states that this is why Rosh Hashanah is a Yom Tov rather than an intense day of fear and the ominous portending of doom. Even though Rosh HaShanah does not commemorate a specific event in Jewish History, it is a metaphysical event that allows *Knesses Yisroel* to identify with the *Ribbono Shel Olam* through the revelation of the sound of the *teruah*. *HaKadosh Baruch Hu* desires that His revelation to the world as King should occur

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through the Jew instead of coming through the general universe. In other words, the sound of the shofar changes the revelation of *HaKadosh Baruch Hu* from *Malchuso b'soch olamo* into *Malchuso b'khal adaso*.

The philosophy of the Ramban is pointedly reflected by Rabbi Eliezer HaKalir in the *piyut* found in Shacharis of Rosh HaShanah:

He ascends the throne of judgment amid the sounds of the teruah, causing the earth and its inhabitants to tremble. Through the shofar blasts and the bending of the knee I seek to reconcile him, together with friends in His garden I will enjoy His friendship.

נעלה בדין עלות
בתרועה גיא עם דריה
לרועעה.
בשופר אפתנו ובברך
כריעה במגנת רעים בגנו
אתרועעה.

The tune used by the *shaliach tzibbur* on the first half of this verse is one of complete fear as he mentions the nature of *Malchuso b'olamo*, where absolute *din* rules. [Note that the different semantics of *teruah*/shofar are used within the *piyut*.] However, the *shaliach tzibbur* concludes the stanza with a tune of joy and confidence reflecting the ability of the Shofar to transform the destruction of *Iro'a'ah* into *maginas rayim*, the protection of a close group of friends. The beginning of Rosh Hashanah is characterized by the pending destruction feared by those that are alone and dwell in the unprotected valley. The initial *teruah* that is mentioned connotes impending destruction. The shofar provides the key that allows me to persuade Hashem to forgive me and protect me, just as friends protect and comfort each other. [Parenthetically, the Rav noted that the *nussach* of Yamim Noraim interprets the prayers. Simply singing the words cannot convey their true meaning.]

The Ramban continues by saying that the character of the *Yom HaDin*, when accompanied with the shofar, changes from the destruction of war, *teruas milchomah*, to mercy. This is accomplished by surrounding the *teruah* (destruction), with two companions, the *tekiah* before it and the *tekiah* after it. The *tekiah* sound connotes mercy, as the Torah says that when the people are to

assemble the *tekiah* should be sounded, not the *teruah*. The *teruah* sound connotes war and a sense of fear. On Rosh HaShanah, we take the *teruah* “prisoner” by surrounding it with the attributes of mercy, the *tekiah* before and after the *teruah*. According to the Zohar this same idea applies to *Akeidas Yitzchok*. Yitzchok is characterized through the attribute of *gevurah*, i.e. the *midas hadin* as seen through the *pasuk* (Bereishis 31:53) “*vayishava Yaakov b’fachad aviv Yitzchok*, Yaakov swore by the Fear of his father Yitzchok”. Avrohom Avinu is the personification of the attribute of *chessed* (kindness), while Yaakov Avinu is the attribute of *tiferes* (splendor). It is these two attributes that bind the *midas hadin* which is represented by Yitzchok Avinu with attributes of mercy similar to the binding of Avrohom with Yitzchak at the *Akeida*. That is why the *pasuk* says *Ashrei ha’am yodei teruah*. We are the only people that are capable of taking the *Malchuso b’olamo*, with all the fear and destruction it represents and surround it on all sides with the attributes of *chessed* and *tiferes* and turn it into *Malchuso b’khal adaso*, of friendship and love between the *Ribbono Shel Olam* and His people.

Rosh Hashanah which begins with a sense of fear and trembling is transformed by the shofar into a day of friendship and mercy. Yom HaKippurim, on the other hand, begins as a day characterized by complete mercy from *HaKadosh Baruch Hu*. It is said that Gedolei Yisroel were depressed and withdrawn on Rosh HaShanah, the day characterized by *midas hadin*, while they were in a joyous mood on Yom HaKippurim, the day characterized by the *midas harachamim*.

Rav Drillman noted that some Gedolei Yisrael were of the opinion that the recitation of *piyutim* in Shacharis on Rosh HaShanah should be kept to a minimum in order to get to the *tekias shofar* as quickly as possible and affect the associated changeover in the character of Rosh HaShanah, i.e. from *din* to *rachamim*.

This is the entire philosophy of Rosh HaShanah according to the Ramban. Rosh HaShanah and *din* represent *Malchus Hashem*. *Knesses Yisroel* has the ability to identify with the majesty of *HaKadosh Baruch Hu* and reflect His greatness and glory through

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Torah and mitzvos. *Klal Yisroel* has the ability to take the *teruah* and transform it from the context of *l'horah*, to destroy, to one of love and friendship and the *selicha* that is part of such a friendship.

***Tekias Shofar: An in Depth Analysis
of the Sound of the Shvarim***

Josh Gelernter

In Ohel Avraham Volume 3 (September 2010), Dr. Barry Finkelstein wrote about the customs of Congregation Beth Abraham regarding the various combinations of *kolos* that we blow on Rosh Hashana. In summary, the Gemara in Rosh Hashana Daf 34a explains that we are not sure whether the word “*teruah*” in the *pasuk* “*yom teruah yihyeh lachem*” means what we call *shvarim*, what we call *teruah*, or both of them together. Therefore to avoid all doubt we blow *shvarim*, *teruah* and *shvarim-teruah*¹ to cover all possibilities.² There are debates amongst the rishonim how to blow the *shvarim* and how to blow the *shvarim teruah*. The minhag of Beth Abraham, as Dr. Finkelstein explains, is to blow “bent” *shvarim* (*Tu-U-Tu*) for both the *kolos d’myushav* (the shofar sounds before mussaf) and the *kolos* during mussaf, and “straight” *shvarim* (*Tu-Tu-Tu*) for the *kolos* in kaddish after mussaf. Furthermore, each *shvarim-teruah* of the *kolos d’myushav* is done in one breath (i.e. one continuous sound of *shvarim-teruah*) while each *shvarim-teruah* of the *kolos* of mussaf is done in two breaths (i.e. *shvarim*, break of a fraction of a second,³ *teruah*). For the final forty *kolos*, each *shvarim-teruah* in the first set of *shvarim-teruah* is done in one breath, and the final set is done in two breaths.

To summarize, we have four combinations of *shvarim-teruah*: 1) bent *shvarim*, *shvarim-teruah* in one breath, 2) straight *shvarim*,

1. *Shvarim* emulates the sound of moaning or groaning, and *teruah* emulates the sound of sobbing. The gemara explains that people groan and then sob but generally do not sob and then groan. That is why we do not have a *teruah-shvarim* sound.

2. The gemara there explains that all shofar sounds meant to meet the Torah’s definition of “*teruah*” --that is, all three possibilities that we perform, must be preceded and followed by a *tekiah*.

3. Whether an actual breath is required or just a slight pause between the *shvarim* and *teruah* suffices is an important and interesting question but is beyond the scope of this article.

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shvarim-teruah in one breath, 3) bent *shvarim*, *shvarim-teruah* in two breaths, and 4) straight *shvarim*, *shvarim-teruah* in two breaths.

The issue of bent *shvarim* versus straight *shvarim* is a question of minhag. Polish, Hungarian and German communities generally sound straight *shvarim* while the Russian and Lithuanian custom is to blow bent *shvarim*. An analysis of the early sources, however, seems to favor the straight *shvarim* opinion. The Ritva at the very end of *Maseches Rosh Hashana* writes that the *shever* is shorter than the *tekiah*, otherwise it would be a *tekiah*, and that the only difference between the two is in duration. In an even earlier source, the siddur of Rav Saadyah Gaon, he states that the *tekiah* is a long drawn out sound and the *shever* is three short sounds each equaling one third of the length of the longer sound. This opinion can also be found in other opinions of rishonim⁴ who caution against extending the length of the *shever* lest it turn into a *tekiah*. If the sound of the *shever* is *Tu-U-Tu*, then extending it would not be confused with a *tekiah*. Accordingly, it is clear from those Rishonim that a *shever* is a straight blast similar to a *tekiah* but shorter in length. The obvious question then is what is the source for the minhag of the Russian and Lithuanian communities⁵ that blow the *shever* as *Tu-U-Tu*?

In order to answer this question, we must understand the different opinions regarding how long a *shvarim* is supposed to last. The Mishna in Rosh Hashana (33b) says that the *shiur* of a *tekiah* is three *teruos* and the *shiur* of a *teruah* (in each case, referring to a *terua* as defined by the Torah, which as noted above could refer to what we call a *terua*, what we call *shvarim*, or what we call *shvarim-terua*) is “three *yevavos*.” Rashi on the mishna and other rishonim including the Rosh and the Ba’al Haitur say that *yevavos* are “. . . *kolos b’alma kol shehu*” meaning that each “*yevava*” is a single beat, and that a *teruah* in total is three beats. Tosafos argues with Rashi and says each *yevava* is three beats, so that a *teruah* in total is nine beats. When the gemara says that a *tekiah* equals a

4. Tosafos and the Rosh on the gemara in Rosh Hashana, among others.

5. The custom can also be found in many communities today including many places in Eretz Yisroel as it appears to have been the minhag of the Gr’a.

teruah, the *machlokes* between Rashi and Tosafos applies there as well, so that according to Rashi, a *tekiah* is equal to three beats while according to Tosafos, a *tekiah* is equal to nine beats. Tosafos points out that according to Rashi, there is a very small window of how to blow a *shevarim*. Since a *teruah* is three *yevavos*, each of which is a single beat, and a *tekiah* is equal to a *teruah*, or three beats total, the only way to blow a *shvarim* is for each *shever* to be no more and no less than two beats in length. According to Tosafos, since a *teruah* is three beats of three or nine total, the *tekiah* is a total of nine beats and therefore, the *shevarim* can be up to 8 beats in length without being confused with the *tekiah*. However, the Ramban in his *Drasha L'Rosh Hashana* has a novel approach and explains that it presents no problem to blow *shvarim* that are three beats in length, as they will not be confused with a *tekiah*, because the sound of the *shever* is not one straight sound but rather it is broken into a high tone and a low tone. It is this Ramban that serves as the basis for the custom to blow a “*Tu-U-Tu*” *shvarim*.

There are many opinions amongst the Rishonim as to how long each of the *kolos* needs to be. Without getting into all of the detailed discussion, it may be of interest to include a short summary table⁶ of the different opinions. The general rule is that the *tekios* must be equal in length or slightly longer than the *shvarim*, *teruah*, or *shvarim-teruah* to which they are connected.

| | <i>Tashrat</i> | | | | <i>Tashat</i> | | | <i>Tarat</i> | | |
|--------|----------------|-------|---|----|---------------|-------|-----|--------------|---|-----|
| Rashi | 9 | 2,2,2 | 3 | 9 | 6 | 2,2,2 | 6 | 3 | 3 | 3 |
| Riva | 18 | 3,3,3 | 9 | 18 | 9 | 3,3,3 | 9 | 9 | 9 | 9 |
| Raavad | 9 | 3,3,3 | 9 | 9 | 9 | 3,3,3 | 9 | 9 | 9 | 9 |
| Rambam | ** | 3,3,3 | 9 | ** | 4.5 | 3,3,3 | 4.5 | 4.5 | 9 | 4.5 |

As described above, Rashi holds that the *teruah* is a short blast totaling three beats in length, and each of the beats of the *shvarim* is slightly longer than each beat of the *teruah*, i.e., two beats each

6. From the Hebrew ArtScroll gemara Rosh Hashana 34a.

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times three notes for a total of six beats. The *tekiah* before and after the *shvarim-teruah* must equal the total length of the *shvarim-teruah*, i.e., nine beats in total. Similarly, for the *Tashat* and *Tarat*, each *tekiah* equals the length of the middle sound.

The Riva and Raavad argue against Rashi, as shown in the chart, and they hold that each of the sounds of the *shvarim* must be three beats in length, and the *teruah* is a total of nine beats in length. The argument between Riva and Raavad is whether the *tekiah* of the *tashrat* should equal the *shvarim-teruah* total or each note individually.

The Rambam has a much different opinion. He holds that the two *tekios* in total need to equal the length of the middle note. Therefore he holds the *tekiah* before and after the *shvarim* should each be four and one half beats in length, for a total of nine beats worth of *tekios* connected with each *shvarim*. The same goes for the *tekios* before and after the *teruah*. What is unclear from the Rambam is how long the *tekios* before and after the *shvarim-teruah* need be although it would be conceivable to say each *tekiah* needs to be nine beats in length, i.e., half of the total of eighteen of the combined *shvarim-teruah*.

Aseres Yemei Teshuva and Pas Yisrael:

To be *Machmir* or not to be *Machmir*? That is the Question

Dr. Elly Gamss

Rav Yosef Karo in Shulchan Aruch (Siman 603) mentions the practice of eating only bread produced by Jewish baking during the days of עשרת ימי תשובה:

“Even one who is generally not diligent in avoiding bread made by non-Jews, during the עשרת ימי תשובה one has to be careful.”

Rav Moshe Isserles, in his gloss, writes that during these days people should reflect on their actions and work toward correcting one’s wayward ways - “and each person should search and assess his actions and repent from them during the עשרת ימי תשובה...”

It is interesting to see the juxtaposition of a seemingly mundane culinary suggestion by the מחבר with the lofty, religiously transformative notion of חשבון הנפש mentioned by the רמ"א. Admittedly, the רמ"א is not writing his own code of laws, but rather annotating that of the מחבר, but nonetheless, the contrast is striking.

What is the source for the halacha cited by the מחבר? Why this חומרא in particular? What deeper lesson can we learn from it? Are we deluding ourselves into believing that we are better than we truly are and that Hashem will “fall for it?”

First, some background information. What is the halacha regarding eating bread produced by a non-Jew? The Mishna and Gemara in *Maseches Avodah Zarah* (35b-37b) discuss areas in which Chazal enacted גזירות to protect the integrity of Klal Yisrael. One of the areas in which they felt compelled to impose a גזירה to avoid undo mingling/socializing with non-Jews was regarding eating the bread produced by a non-Jew.

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The common Ashkenazi practice, (as elucidated in Y”D 112) is to avoid bread made by a non-Jew for private use, known as פת עכו”ם, but one can be מיקל and allow the use of bread made by a non-Jew for public consumption, known as פת פלטר (i.e. a community baker, manufacturing company).¹

What is the source of this חומרא to avoid even פת פלטר during עשרת ימי תשובה?

The Gemara Yerushalmi (Shabbos 1:3) is quoted as the source for suggesting this עשרת ימי תשובה practice: “Rav Chiya suggested to Rav, 'If you can eat your food all year in purity (בטהרה), you should do so. If not, at least do so for seven days.’”

The Yerushalmi does not specify to which seven days Rav Chiya refers. The Raavya (529:1) writes: “And I have received that the seven days are the days between Rosh Hashana and Yom Kippur.” (The source for the Raavya appears to be Rav Nissim Gaon as cited by the Sefer Chasidim.)

The Tur (O”C 603) cites this Yerushalmi and the Raavya as the source for the practice to eat only פת ישראל during the עשרת ימי תשובה. The Tur writes that we already have a mandate to do so for Rosh Hashana, and we fast on Yom Kippur, hence the seven days (of 10) mentioned by Rav Chiya.²

1. Interestingly, the Aruch Hashulchan (O”C 603 and Y”D 112) suggests that when one analyzes the Gemara, one may conclude, as does he, that the גזירה against eating bread baked by a non-Jew did not remain in place for posterity. He believes that when one analyzes even the later *poskim*, one is forced to come to that conclusion. Of note, he seemingly differs with numerous *rishonim* on this point, though he does seem to defer to them for actual practice.

2. Interestingly, the Or Zarua, when mentioning the statement of Rav Nissim Gaon, states the reason for only seven is that we are fasting the other three days. He cites this in the debate on whether fasting on Rosh Hashana is allowed.

The מחבר is emphasizing that even those who do not follow the practice of only eating פת ישראל during the rest of the year, should do so during the עשרת ימי תשובה. The Mishna Berura writes, although the מחבר appears to only be addressing פת עכו"ם, one should avoid even פת פלטר as well during the עשרת ימי תשובה.

Why this חומרא?

The Aruch HaShulchan (O"C 603) suggests a reason for why the practice evolved to be מחמיר regarding eating פת של גויים in particular. He states that if one were to be מחמיר even for a short time about an issue in halacha in which opposing formal opinions exist whether to be stringent or lenient, then even if one is usually lenient, one would be committed to keeping that חומרא for the future. The Aruch HaShulchan believes that there is no true prohibition against eating non-Jewish baked breads all year (איך "בהם איסור מן הדין"). As such, even if one refrains from eating these breads, the individual has not committed him or herself to having to perpetuate this practice the rest of the year. Whereas, had the individual chosen to be מחמיר in other areas of halacha, (his examples are: not eating חדש in חוץ לארץ, or eating Glatt meat) then the person would be obligated to perpetuate this practice the rest of the year. The Aruch HaShulchan sees such a חומרא as an acceptance and acquiescence to the noted and viable שיטות להחמיר in those circumstances.

The Eleph Hamagen (commentary on the Mateh Ephraim) in O"C 603:2 disagrees. He posits that חומרות undertaken during this time of the year are being undertaken with the implicit intention of being limited to עשרת ימי תשובה and as such, are not binding going forward. He recommends being stringent in numerous areas of halacha during this time period (i.e. seeking out the most reputable butcher to purchase from).

In fact, the מחלוקת between the Aruch HaShulchan and the Eleph

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Hamagen may, in fact, have its origins in Rishonim on our *sugya*.

The Bais Yosef (O”C 603) cites a Teshuvah HaTashbetz who cites a Rav who felt one should not be מחמיר regarding פת של גויים during the עשרת ימי תשובה as this would obligate the individual going forward. The Bais Yosef disagrees, stating that since the practice of avoiding פת של גויים is במנהג אלא תלוי ברור, avoiding it during these days would not constitute a perpetuating responsibility.

It is reported that Rav Elyashiv זצ”ל would recommend that people take on many חומרות/הידורים for the days of עשרת ימי תשובה.

The practice of taking on חומרות begs the question: do we think we are fooling Hashem? What is the point of taking on random stringencies during this period with the intention of not perpetuating them afterward?

Rav Moshe Cordovero in Seder Avodas Yom Hakippurim offers an explanation: During the period of the Yomim noraim, הקב”ה ascends to the כסא רחמים and acts with חסידות during this time period. We too, should therefore act in a manner of חסידות to carry favor in His eyes. Our relationship with Hashem is fundamentally changed during עשרת ימי תשובה. Taking on חומרות, in effect, serves as a demonstration of our acknowledgement of this change and as an effort on our part to make ourselves look “better” in the eyes of the Judge reviewing our cases. How logical it is for us to want to “look good” in Hashem’s eyes to sway Him to be בחסידות with us.

The Eleph Hamagen suggests that we should give particular focus to interpersonal issues - בין אדם לחבירו - during this time frame, since Yom Kippur is not מכפר for them, unless we have already attained forgiveness from the people we have offended.

As we approach this period of judgement, may our outward actions be a reflection of our inner determination to improve and בעזרת ה' we will all be טובה ורחימה טובה to זוכה.

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| Teshuva |
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Rabbi Elozor M. Preil

Rav Doniell Fishkind, a brilliant young talmid chacham (and Professor of Applied Mathematics at Johns Hopkins University), published a *sefer*, *Yagel Yaakov Yismach Yisrael*, filled with sharp insights and *chidushim*. He wrote the following about teshuva (chapter 115).

Rambam states (Hil. Teshuva 3:3): “Every year on Rosh Hashana, each individual’s mitzvos and sins are measured. A righteous person is sealed for life; a wicked person is sealed for death. The verdict of a *beinoni* (50% mitzvos, 50% sins) is suspended until Yom Kippur. If he did teshuva, he is sealed for life. If not, he is sealed for death.”

Lechem Mishna asks: Since the *beinoni* by definition has an equal number of mitzvos and sins, why should he be doomed to die if he does not do teshuva? Should he not be given the “benefit of the doubt” (in his words – *v’rav chesed mateh k’lapei chessed*) and be inscribed for life? He answers that the *beinoni*’s failure to do teshuva during these ten days designated for teshuva is counted as an additional sin that tips the balance toward the side of sin and death.

Let us compare Rambam’s formulation above with the statement of the Talmud (Rosh Hashana 16b): “Three books are opened (in Heaven) on Rosh Hashana ... the fate of *beinonim* is held in suspense from Rosh Hashana until Yom Kippur. If at that time they are deserving (*zachu*), they are then inscribed for life. If they are not deserving, they are inscribed for death.” The Gemara implies that the *beinoni* can become deserving in many ways, such as by accumulating more mitzvos than sins in the days between Rosh Hashana and Yom Kippur, even if he fails to repent for earlier sins. By contrast, Rambam is not interested in how many new mitzvos he adds to his ledger. If he fails to do teshuva, he is doomed. How can Rambam be reconciled with the Gemara?

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Rambam believes that the verdict for life and death issued on Rosh Hashana is solely a function of one's actions **heretofore** – more mitzvos=life; more sins=death. **However**, teshuva has the power to remove sins, or even to change them into mitzvos. Thus, teshuva during the propitious ten days can effect a re-count and improve his scorecard for the past year. (Perhaps Rambam would even extend this opportunity to one previously sentenced to death, since teshuva can change the final score for the past year. Enough teshuva may even change a loss to a win.)

The Gemara in Rosh Hashana is discussing a different judgment – specifically, what a person can do to merit a favorable judgment for the year now beginning. As Rambam states in the very next halacha (Hil. Teshuva 3:4): “All Jews do more mitzvos, increase their gifts to charity and get up early to pray more in shul between Rosh Hashana and Yom Kippur.”

Let us all focus on doing teshuva to improve last year's score, while we begin to pile up mitzvos of all types to begin this New Year of 5773.

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| ישראל אף על פי שחטא ישראל הוא |
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Ari Wieder

At the conclusion of נעילה, as we come to the end of a 40 day period of introspection and תשובה and as we conclude 25 hours of fasting, during which we have spent nearly every waking hour engaged in dialogue with הקב"ה, we publicly declare: "ה' הוא האלוקים". On the surface, this declaration appears to fit the moment perfectly, as we are reaffirming our belief that Hashem is the One and only G-d. However, it might be suggested, based on an approach offered by הגאון הרב משה שפירא שליט"א¹, that there is a deeper connection between this declaration and the תשובה process.

One of the central events in פרשת וישלח is the encounter between שרו של עשו and יעקב. As שרו של עשו wrestles with יעקב, the latter pleads with יעקב to release him. In response, יעקב responds: "לא יצא" - "I will not release you until you have blessed me," - which רש"י explains as a demand that שרו של עשו acknowledge and affirm יעקב's entitlement to the ברכה that he received from יצחק. The angel tries to avoid acceding to יעקב's demand by telling him that there is a more appropriate time for such an acknowledgment and affirmation, and that in the near future, יעקב will appear to יעקב in בית אל and "officially" give him the name ישראל and when this happens, שרו של עשו will be present and acknowledge יעקב's entitlement to ברכת יצחק.² Despite this offer, יעקב refuses to let him go, and insists on receiving the acknowledgment at the moment they are engaged in their struggle. What is so significant about this moment in time that the הודאה על הברכות must take place precisely now?

Moreover, when הקב"ה appears to יעקב in בית אל (as שרו של עשו had said) and affirms that his name will now be ישראל, He also tells him: "גוי וקהל גוי יהיה ממך." Rashi explains that הקב"ה was telling יעקב

1. עיין שיעורי ליל שישי פרשת וישלח תשע"א ("כי שרית ותוכל") ותשע"ב ("נצח ישראל").

2. וישר אל המלאך ויכל בכה ויתחנן לו: "וישר אל המלאך ויכל בכה ויתחנן לו" רש"י. His comment is based on the verse: "וישר אל המלאך ויכל בכה ויתחנן לו" רש"י. בת אל ימצאנו ושם ידבר עמנו" (הושע יב:ה)

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that many years into the future, during the time of אליהו הנביא, his descendants would offer sacrifices on במות - private altars (i.e., outside the המקדש (בית המקדש) just like other nations of the world.³ What is Rashi telling us – how could this news possibly be viewed as part of the ברכה that was being given to יעקב and how is this connected to the “official” change of his name to ישראל?

The answer lies in the circumstances that led to the struggle, the message of the struggle and the significance of the name ישראל. שר attacks יעקב at the moment in time when יעקב returns for the פכים קטנים – the small, virtually worthless vessels. The פכים קטנים represent those members of כלל ישראל who have sinned and fallen. Nevertheless, יעקב returns for them because no matter how far they have fallen, they are still fellow Jews and still part of עם ישראל. The שר attacks precisely at this moment because he disagrees with this world view. He is willing to acknowledge that the מקנה רב that יעקב carried across the river – those who are שומרי תורה ומצוות – belong to יעקב and are out of שר's jurisdiction. But the שר is asserting his claim to the sinners (i.e., פכים קטנים). And this is precisely why יעקב insists on receiving the blessing – in the form of the name ישראל – now. Because יעקב – the one who set out to the house of לבן to build the בית and the nation that would bear his name – כלל ישראל – is teaching us that one of the foundational principles of that nation is: "ישראל אף על פי שחטא ישראל הוא" – the פכים קטנים are as much a part of כלל ישראל as the מקנה רב.

This message is also embedded into the explanation that the שר של offers for the name change: "כי שרית עם אלהים ועם אנשים ותוכל". The descendants of יעקב carry with them the ability (and confidence) that no matter what battles they face (whether they are battles בין אדם לחבירו or בין אדם למקום), and no matter that they may sometimes appear to lose those battles and fall to the level of פכים קטנים – to the point that they are offering sacrifices to false gods like the בני ישראל did during the times of אליהו הנביא, they are capable of realizing they have fallen and getting back up and

³ "שעתידים בניו להקריב בשעת איסור במות כגוים בימי אליהו" (רש"י וישלח להיב).

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returning to ה'. And when they (or we) do so, their (or our) response will be the same response as that of the בני ישראל who had observed the victory of אליהו over the false prophets on הר הכרמל : "ה' הוא האלקים."

We now understand the deeper message of our declaration at the end of נעילה. After 40 days of תשובה that began on ראש חודש אלול, that continued through ראש השנה and the עשרת ימי תשובה and culminated with יום כפור, we affirm that we understand that no matter how far we may fall, we are always capable of returning home – because as our father יעקב taught us, in returning to retrieve, and then fighting for, ישראל ישראל אף על פי שחטא הוא : פכים קטנים

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| <p align="center">“Salachti Ki’Dvarecha”</p> |
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Dr. Jeff Rosenfeld

One of the most repeated phrases throughout selichos and the Yom Kippur davening is *ויאמר ה' סלחתי כדברך*. This phrase is literally translated as “And Hashem said, I have forgiven you as you have asked.” We generally view this phrase as meaning that Moshe prayed for forgiveness of the Jewish people and that his prayer was answered. As a result, the people were spared their punishment and were forgiven. This phrase in our selichos occurs directly after the recitation of the 13 divine attributes of mercy, and it is likewise viewed as a divine answer stating that our prayer has been answered. A more focused understanding of this phrase and its context leads to a different conclusion.

The Context in the Torah

This phrase occurs in Bamidbar (14:20) after the incident of the *meraglim* who came back from Israel and spoke *lashon hara* about the land. The rest of the Jewish people believed the slanderous statements of the ten spies (besides Yehoshua and Calev) and cried about their lack of desire to enter into Israel and their hope to return to Egypt. Hashem was extremely angry about this situation and said that he intended to kill all of the Jewish people and make a new nation from Moshe. Moshe pleaded with Hashem to reconsider, arguing that: (1) The Jews have three *Avos* (Avraham, Yitzchak and Yaakov) and if the people cannot be saved in the merit of the three of them, how could the merit of one new patriarch (Moshe) save them in the future? (2) The other nations will say that Hashem was unable to bring the people into Israel as a result of His lack of power to do so. As a final prayer, Moshe stated an abridged version of the thirteen attributes of mercy (Bamidbar 14:18-19): *ה' ארך אפים ורחימון ורבה חסד ונשא עון ופשע ונקה לא ינקה פקד עון אבות על-בנים על-שלשים ועל-רבעים: סלח-נא לעון העם הזה כגדל חסדך וכאשר נשאתה לעם הזה ממצרים ועד-הנה*. Interestingly, this phrasing is missing a few words that are found in the original statement of the thirteen attributes of mercy in Shemos (34:6-7) after Moshe broke the first set of *luchos* upon seeing the golden calf. There, the statement is:

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ה' ה' קל רחום וחנון ארך אפים ורב־חסד ואמת: נצר חסד לאלפים נשא עון ופשע וחטאה ונקה לא ינקה פקד עון אבות על־בנים ועל־בני בנים על־שלימים ועל־רבעים

This statement in Shemos is made by Hashem in order to teach Moshe how to act in a case where divine anger needs to be calmed and divine mercy needs to be invoked. In Bamidbar, Moshe is speaking himself as a plea for the Jewish people to be spared from destruction. One possible explanation for the discrepancy between the wording of the attributes in Shemos and their wording in Bamidbar is that Moshe was overwhelmed by the plight of the people, and he was not able to say the prayer in its entirety. However, this is problematic as Moshe was full of divine knowledge, and it is doubtful that he would have forgotten any of the words of the Torah. Also, if Moshe did remember the entire prayer, he would have included any parts of it that he thought would help to save his people.

The more likely explanation is that Moshe saw a need to modify this prayer slightly to fit his particular situation. Where they appear in both Shemos and Bamidbar, the thirteen attributes are used in response to a specific great *aveira* that needs atonement. In the case of Shemos, Hashem says the attributes Himself and is teaching Moshe how to act in the future, so there is no need for the words סלחתי כדברך. However in Bamidbar, where סלחתי כדברך does appear, this statement is critical to understand that Moshe's prayer has been heard and answered.

What was Moshe Asking for and What Did He Get? When Moshe was praying after the sin of the *meraglim*, he was just trying to save the Jewish people from complete destruction. Any judgment short of that would have been acceptable. If, for example, the response had been that everybody would be able to survive, but they would have to be slaves to Amalek for 100 years, while not an ideal situation, it would have represented an answer to the prayer. All Moshe wanted was to decrease the level of the punishment.

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Fortunately, Hashem's response was not so harsh, and He responded *סלחתי כדברך*. As we stated above, the basic reading of this phrase is to assume that atonement was granted. However, when one looks at the actual result, it is not as obvious that atonement was granted. The judgment was that instead of everybody being killed right away, the people would die gradually over the next thirty eight years. But the people were still not going to be able to enter Israel, and they still would not have the *shechinah* resting upon them for the next thirty eight years. Also, they were stuck wandering around the *midbar* for the duration of their punishment. This is definitely a reduced punishment from instant death, but it is not exactly complete salvation either.

The Chizkuni explains this punishment as directly in relation to what Moshe requested: *אֲרַךְ אַפַּיִם* - Rather than killing all of the adults right away, they would die gradually during the time that the nation was wandering in the *midbar*. *פּוֹקֵד עוֹן אֲבוֹת עַל בְּנֵיהֶם* - the children would be punished and their punishment would lessen the punishment of the parents. Instead of the parents being killed right away and the children being able to enter into Israel immediately, the children were required to wait for thirty eight more years until they could enter Israel. (Apparently, Chizkuni understood that there was never a possibility of the children being killed right away, only the adults.)

To clarify, Moshe's beseeching Hashem with a modified version of the thirteen attributes results in Hashem turning immediate death for the adults into delayed death for the adults over thirty eight years and the children having to wait to enter into Israel. Moshe knew that there was no possibility of getting the *aveira* to be completely absolved, and this was the best that he could do.

The Or HaChaim Hakadosh has a similar explanation that Hashem could have just said *סלחתי* which would have meant that the people were totally absolved of punishment. Rather he said, *סלחתי כדברך* meaning that he only forgave the people to the extent that was requested by Moshe. He goes on to explain that the reason for the delayed punishment was so that the other nations would not think of

Hashem as being too weak to bring us into Israel which would lead to a *chillul* Hashem.

The Gemara in Berachos 32a relates the following dialogue between Hashem and Moshe: Moshe - The nations will think that You are too weak to bring the Jewish people into Israel. Hashem - How can the nations think that I am not powerful? Didn't they see the miracles that occurred in Egypt and when I split the sea? Moshe - They will say that You were powerful enough to conquer the one king (Pharaoh), but not powerful enough to conquer the thirty one kings in Israel. Hashem - סלחתי כדבריך. I agree with what Moshe said and I will make the people wait thirty eight years, but their children can go into Israel. In the words of the Maharsha, Moshe won the argument!

What does this mean for us? One important aspect of the Yomim Noraim is doing teshuva for our *aveiros* and asking for a good judgment for the new year. One way that some people determine whether they received a favorable judgment is by comparing how things were for them over the previous years. If I perceive 5772 as being worse than 5771, then there must have been something missing in my teshuva and prayer on Rosh Hashanah 5772 that led to that judgment. Based upon our analysis, this is not the conclusion that a person should reach. Rather than thinking that their teshuva was incomplete at the beginning of 5772, in fact, maybe they were supposed to have had a terrible judgment for that year but they were saved from that through their teshuva.

For example, suppose that a person is praying for his business to be successful. After praying, the business continues to limp along and just barely makes enough for the person and his family to live on. The person praying might think that his prayer was fruitless since his business did not thrive as he had prayed for. The other way to think of this is that the person's prayer was able to keep the business going at all. Had the person's teshuva and prayers not been effective, his business may have gone bankrupt. Because of סלחתי כדבריך, we assume that our prayers are answered and that whatever

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punishment is received is less than it would have been had we not prayed.

At this time of year it is important to remember the point that all prayer has an effect and is answered, just not necessarily in the way that we think it should be answered. We do not know what our judgment would have been without prayer and therefore we cannot know how much better things have become because of our prayer. May we all internalize the message of סלחתי כדברך and not get frustrated by thinking that our prayers are not being answered.

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| תנאי בקדושת סוכה |
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Rabbi Duvie Weiss

איסור הנאה

The 'ט דף גמרא tells us that it is forbidden to derive any benefit from the sukkah for all seven days of the Sukkos holiday.

אמר רב ששת משום רבי עקיבא: מנין לעצי סוכה שאסורין כל שבעה - תלמוד לומר חג הסוכות שבעת ימים לה'. ותניא, רבי יהודה בן בתירה אומר: כשם שחל שם שמים על החגיגה כך חל שם שמים על הסוכה, שנאמר חג הסוכות שבעת ימים לה', מה חג לה' - אף סוכה לה'.

In relation to the above halacha, the ראשונים in סוכה discuss and argue about whether:

- 1) This is an איסור דאורייתא או דרבנן¹.
- 2) The איסור applies to only the סכך or even to the הסוכה².
- 3) The איסור הנאה is broad or limited. In other words, is any הנאה problematic, even a type that doesn't in any way destroy the סוכה, e.g. hanging one's jacket on a piece of סכך OR is only a problem, e.g. to use עצי סוכה as firewood.³

תנאי בקדושת סוכה

Most of this סוגיא is discussed in גמ' סוכה דף ט. However, tucked away in דף ל' גמרא ביצה דף ל' there is a discussion about whether somehow this above prohibition can be bypassed. In other words, is one able to make a תנאי before סוכות which would allow him to derive benefit from the סוכה even during the טוב יום.

תניא סככה כהלכתה ועטרה בקרמים ובסדינין המצויירין ותלה בה אגוזים שקדים אפרסקים ורמונים ופרכילי ענבים יינות שמנים וסלתות ועטרות שבלים אסור להסתפק מהן עד מוצאי יום טוב האחרון של חג ואם התנה עליהם הכל לפי תנאו אביי ורבא דאמרי תרוייהו באומר איני בודל מהם כל בין השמשות דלא חלה קדושה עליהו אבל עצי סוכה דחלה קדושה עליהו אתקצאי לשבעה.

1. על 'תוס' סוכה ט' ד"ה מנין וברא"ש.

2. על הרא"ש סוכה שם.

3. על 'ט"ז סימן תרל"ח, ועונג יום טוב סימן מ"ט וקהלות יעקב סוכה סימן ז' ועוד.

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תנאי holds that the possibility of deriving הנאה by making a תנאי is limited to the decorations of the sukkah. One may benefit through the use of תנאי only from that which is peripheral to the סוכה עיקר. However, the actual סכך is never בהנאה, and even if one were to make the proper תנאי before the yom tov, it would be ineffective and the הנאה איסור would remain intact.

The רמב"ן במלחמות במס' ביצה דף ט"ז בדפי הר"ף holds that תנאי works to permit not only the decorations of the sukkah but even the סכך itself.

So רש"י holds תנאי does not work to allow for הנאה to be derived from the סכך, while according to the רמב"ן, a תנאי is effective even to allow הנאה from the הסוכה סכך.

הסבר המחלוקת רש"י ורמב"ן

We can suggest that the nature of this מחלוקת is dependent on a fundamental essay written by אלחנן ווסרמן in הרה"ג ר' אלחנן ווסרמן קובץ הערות סימן הרה"ג ר' אלחנן ווסרמן where he explains that there are two types of חלות (lasting halachik impact) that exist in the halachik system. One which is created automatically "by heaven" and one which is created by man. There are certain categories in halacha whereby if a certain action is done then the חלות sets in automatically. In this type of חלות we do not view the person performing the action as creating the חלות but simply as the impetus which triggers the חלות to set in on its own. For example, when an animal is slaughtered properly, the שוחט is not seen as the one who created the kosher animal. Instead, the Halacha says that when an animal is slaughtered properly, then the animal is deemed kosher - automatically. On the other hand when a man marries a woman, the man is seen as creating the חלות הקידושין.

The difference between these two types of systems is whether the person performing the act may perform the מעשה על תנאי⁴ (make the action conditional). The more a person is seen as the בעל (the owner/master) over the action, the more we can understand that he has the ability to manipulate the conditions under which the action

על' בפנים בקובץ הערות שם שהר' אלחנן מביא כמה וכמה נפק"מ בין הב' מיני חלות. 4.

and impact will set in.⁵ Thus, in reference to קידושין, where the בעל is the creator of the חלות הקידושין, we find that he can be מקדש על תנאי. In fact, מסכת גיטין and מסכת קידושין are filled with examples of קידושין וגירושין being performed על תנאי. However, regarding שחיטה, where the שוחט is not the creator of the היתר השחיטה, but only the impetus by which the חלות ההיתר happens on its own - we are not surprised that a שוחט may not תנאי על שוחט. He is not the בעלים over the היתר השחיטה and as such, he cannot manipulate the היתר השחיטה at his will, i.e. a שוחט may not stipulate that the היתר השחיטה should only be חל if he finds a buyer for the animal.

Based on this introduction, we may begin to understand what רש"י and הרמב"ן are arguing about. According to רש"י, the person building the סוכה is not at all considered the בעלים over the קדושת הסוכה. When a person builds a כשרה סוכה, the הלכה says that automatically קדושת סוכה sets in. Therefore, since the person is not the בעלים over the קדושת סוכה he may not make a תנאי that would prevent or delay the קדושת סוכה from setting in. However, the רמב"ן holds that the person who made the סוכה is actually the בעלים over the קדושת סוכה. He sees the חלות of קדושת סוכה more like קידושין than like שחיטה. Therefore, it makes sense that the one who created the קדושה can also decide to build a סוכה without קדושה.

האם קדושת סוכה מעכבת?

An interesting outgrowth of this מחלוקת is another important point. Is it possible for one to be יוצא מצות סוכה in a סוכה that has no קדושה? In other words – מעכבת בקיום מצות סוכה –

According to the רמב"ן, this is the whole point. One can build a סוכה and make a תנאי that the סוכה should carry no קדושה. This סוכה will be מותר בהנאה, and yet one is יוצא מצות סוכה in such a סוכה.

רש"י, on the other hand, may hold that there is no such thing as a סוכה without קדושה. A סוכה without קדושה is by definition not a סוכה and thus it would be not acceptable for one to be יוצא מצות סוכה

על תוס' כתובות ע"ד, וח' חתם סופר גיטין ע"ד ובכ"מ. 5.

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is קדושת סוכה without רש"י, a סוכה in such a סוכה. According to לקיום מצות סוכה is no more than a hut and is not capable to be used

סוכת גנב"ך

This point is highlighted by the רשב"א ביצה דף ל' The גמ' סוכה דף ח' says כשרה סוכת גנב"ך, which basically means that a סוכה need not be built by someone who is חייב במצות סוכה. The רשב"א says that while סוכת גנב"ך, it lacks קדושת סוכה. It is clear from this רשב"א that סוכת גנב"ך is not מעכבת in סוכה for he says while the סוכת גנב"ך is not קדושה and thus one would be able to derive benefit from such a סוכה.⁶ This רשב"א seems to be working with the position of the רמב"ן. The רמב"ן holds one can make a תנאי so that the קדושת סוכה would not set in and the רשב"א says a סוכה built by one who is an אינו בר חיובא also does not have קדושת סוכה – and yet both these סוכות are מצות לקיום מצות סוכה.⁷

סוכות ממש או ענני כבוד

Let us take it a step further. What is this issue dependent on – whether קדושת סוכה is created by man or does it happen on it own? Is it a חלות הבא מכח האדם או חלות הבאה משמיא?

I would suggest that this discussion is most likely dependent on the סוכות if we celebrate the holiday of סוכות because of עקיבא רבי אליעזר רבי because of ענני כבוד או ענני כבוד. It seems obvious that if we celebrate because of ממש סוכות that would imply a סוכה whose קדושה is created by man while ענני כבוד implies that the סוכה קדושת סוכה is created משמיא.

כתיבה וחתימה טובה

6. עוד למדנו מדברי הרשב"א שקדושת הסוכה חל בגלל עשיית הסוכה, ועי' בס' גור אריה יהודה סל' א'.

7. עי' שו"ת עונג יו"ט סל' מ"ט שמקשר הני ב' הענינים להדדי.

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| <p>Can one use an ‘old’ sukkah? Extending oneself in mitzvot</p> |
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David Felman

One of my most vivid memories of Eretz Yisrael around the time of Sukkot is visiting the *Shuk Arbat Haminim* in Mea Shearim. Anyone who has been in Yerushalayim, and particularly in that neighborhood, just before Sukkot has no doubt been amazed at the overwhelming scene. The main street of Mea Shearim is transformed into a bustling market where people pore over the *Arbat Haminim* that are taken throughout the chag of Sukkot. The streets have a carnival-like atmosphere, the light poles and shop windows adorned with various *kishutim* (decorations) for the Sukkah. Like thousands of others, my cousins and I would meticulously scrutinize the available merchandise, rejecting hundreds of etrogim until we found the perfect one. Each one tried to outdo the other in finding the most *mehuddar* set of *Arbat Haminim*.

I would like to further develop this theme: that of trying to extend oneself in the performance of mitzvot.

Can one use an “old” sukkah?

The gemara in Sukkah Daf Tet Amud Aleph records a *machloket* between Beit Shamai and Beit Hillel with regard to whether one may use what is termed a “*sukkah yeshana*” (an old sukkah- i.e. one constructed more than 30 days prior to the chag). Suppose, instead of building a sukkah for the purposes of Chag HaSukkot, a person employs an old hut, which just happens to be built according to the halakhic parameters of a sukkah.

The mishna states: “An old sukkah (an already existent sukkah not made specifically for Sukkot): - Beit Shamai rule unfit (for fulfilling the mitzvah of dwelling in a sukkah) and Beit Hillel rule as suitable.”

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What is the underlying argument between Beit Shamai and Beit Hillel? I would like to suggest that it relates to their view about the role of sukkah and our theme of extending oneself in the performance of mitzvot.

According to Rashi, the argument between Beit Shamai and Beit Hillel revolves around whether a sukkah must be “*lishma*” or not (i.e., whether or not it must be erected specifically for the fulfillment of the mitzvah). Clearly, on this line of reasoning, Beit Shamai believe that the sukkah must be built specifically for Sukkot, whereas Beit Hillel disagree.

Understanding the approach of Beit Shamai

The gemara notes that Beit Shamai develop their approach from the pasuk: “You shall make for yourself the festival of Sukkot for seven days” (Dvarim 16:13). In other words, it is necessary that the sukkah be constructed specifically for the chag. Moreover, it should be noted that Beit Shamai appear to follow the same approach as R. Eliezer when he states that one may not construct a sukkah during Chol Hamoed, presumably on the basis that such a sukkah would not have been constructed for the entire chag. In fact, on Daf 27B, the gemara in Sukkah records R. Eliezer’s ruling and provides the same pasuk of “You shall make for yourself the festival of Sukkot for seven days” as support.

In addition to ruling that one may not use a sukkah constructed on Chol Hamoed, R. Eliezer also rules on 27B that: (i) one cannot go out from one sukkah to another; and (ii) one cannot fulfill one’s obligation in the sukkah of his friend. From the cumulative rulings of R. Eliezer, it appears that he learns from the pasuk of “You shall make for yourself the festival of Sukkot for seven days” that a person is required to construct an alternative abode for the entire seven days of Sukkot, and to perform the act of dwelling within it. Therefore, R. Eliezer requires that a person be an owner of the sukkah in the same manner in which a person owns his permanent abode, and that this dwelling place actually serve as such for all seven days of the chag.

I would like to suggest that Beit Shamaï follow the same track, learning from the same pasuk that an “old” sukkah is not suitable for the mitzvah. According to Beit Shamaï, the sukkah must be constructed specifically for the chag, and in the absence of such condition, it would not meet the definition of a sukkah at all.

Understanding the approach of Beit Hillel

In contrast, Beit Hillel appear to argue that the definition of a “sukkah” is not based specifically on the chag of Sukkot, but rather the term “sukkah” is defined in common, everyday terms. As such, the sukkah serves as a temporary construction whose primary function is protection from the sun. According to Beit Hillel, this is supported by the pasuk in Yishayahu: “And a sukkah shall be for shade in the day.”

In short, Beit Shamaï appear to hold that a sukkah is an alternative dwelling place constructed for the duration of Sukkot. Beit Hillel, on the other hand, are of the opinion that the definition of a sukkah is a functional one, a structure which provides shade.

A parallel machloket between R. Eliezer and R. Akiva

It is possible that these two definitions of “sukkah” are based on the same principles as another well-known machloket, between R. Eliezer and R. Akiva regarding the nature of the sukkot in the *midbar*. The gemara in Sukkah on Daf 11B notes that:

“It is taught in a *beraita*: ‘For I have provided B’nei Yisrael with sukkot’ – R. Eliezer says that the sukkot here were the *Ananei Hakavod* (clouds of glory), while R. Akiva is of the opinion that Hashem made for them actual booths.”

According to R. Akiva, the mitzvah requires normal, actual booths whether or not constructed specifically for the chag. In this way, our dwelling in a sukkah facilitates a re-enactment of the experience of

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B'nei Yisrael in dwelling in such booths in the *midbar*. However, for R. Eliezer, a regular, functional sukkah will not suffice. In his opinion, the mitzvah is an attempt to re-enact the *Ananei Hakavod* (the clouds of glory), which were a supernatural sukkah that provided protection to B'nei Yisrael and therefore requires sukkot made specifically for the chag.

The approach of the Talmud Yerushalmi

The Yerushalmi in Sukkah provides a unique approach. According to the Yerushalmi, even according to Beit Hillel: “It is necessary to add a new element to it” – “*ve-tzarikh lechadesh bah davar.*” Indeed, the Ran (in the first page of the Rif on Sukkah) refers to this obligation of the Yerushalmi as “*mitzva min ha-muvchar.*” The Beit Yosef in Orach Chaim Siman 636 is of the opinion that without this “new element” the mitzvah cannot be fulfilled. Thus, even though Beit Hillel tolerates the use of an existing structure, they require a small act of new construction so that the person will fulfill his obligation to build a sukkah. The implication therefore is that even Beit Hillel require that a sukkah be specifically for the chag.

The distinction between the opinion of Beit Hillel and Beit Shamai, according to the Yerushalmi, is that while Beit Shamai require the construction of the whole sukkah explicitly for the chag, Beit Hillel rule that it is sufficient to merely introduce something new, even after the construction of the sukkah is complete.

Perhaps this is what the Yerushalmi is adding to our understanding of Beit Hillel's approach. Beit Hillel believe that there are two possible aspects to sukkah: (i) the practical, functional aspect; (ii) the specification of the sukkah as being for the purpose of the mitzvah. This duality is also reflected in the presentation of the pesukim in the Torah around sukkah. In Parshat Emor, the pesukim relate to sukkot of the practical, functional type. In contrast, in Parshat Re'eh, there is no mention of the sukkot that were in the *midbar* – the entire parsha focuses on the notion of the *Shechina* resting among B'nei Yisrael.

As we described above, the Yerushalmi introduces the concept that an “old” sukkah may be used only where an additional element has been added to it. On a different level, the Yerushalmi may be exhorting us that last year’s sukkah which is still standing will not suffice. Our achievements last year are not good enough this year. Whatever we did last year, whether we attended one, two or three shiurim a week, we must build upon it. As Rabbi Yissochar Frand so eloquently outlined at the recent *Siyum Hashas*, we must have a “plan” to extend ourselves. With such a plan in place, may we be *zoche* to add a new element to our *Avodat Hashem* this year and thereby internalize the essential message of the sukkah.

Three Levels of Simcha

Dr. Avraham Lynn

Sukkos is known as “*z'man simchasainu*”, or “the time of our joy.” Why is Sukkos singled out regarding simcha, since all the *Regalim* (Pesach, Shavuos, and Sukkos) are happy holidays? For example, when mentioning Sukkos, the Torah says (Devarim 16:14) “*v'samachta*” (you shall rejoice). However, the same word (“*v'samachta*”), is used regarding Shavuos just a few pesukim earlier (Devarim 16:11). In order to answer this question, first let us define what simcha is. According to Rav Dessler in *Michtav Me-Eliyahu*, one definition of simcha is the result of resolving a problem. Problems cause tension, and when tension is removed, the by-product is simcha. According to this definition, one might argue that Pesach should be *z'man simchasainu*, since Hashem removed B'nai Yisroel from Mitzrayim, thus removing the problem of slavery by delivering Klal Yisroel to freedom. Thus, we could make a case for each of the three chagim to have the title “*z'man simchasainu*.” So, the question remains why is Sukkos defined as “*z'man simchasainu*?”

The placement of Sukkos in the Jewish calendar gives us insight into this question. If we observed the holidays in the chronological order of the events they commemorate, Sukkos would be celebrated in the springtime (between Pesach and Shavuos), since that was when B'nai Yisroel dwelled in booths. Some have offered that we observe Sukkos in the fall to demonstrate our love for the mitzvah, since living in the sukkah would be more pleasurable during the early summer. But, for me, this argument is not fully satisfying, and the placement of Sukkos after the *Yomim Norayim* is highly significant. I propose that there are three levels of simcha in Sukkos, corresponding to three levels of a person; body, emotions and soul.

The first level of simcha relates to the fact that Sukkos occurs during the harvest season. In short, we are happy when our bellies are full and our fridges are well stocked. We are told in the Mishna

(Avos 3:21) “*Im ain kemach, ain Torah; im ain Torah, ain kemach.*” In other words, Hashem created us with an inevitable tension between our physical and spiritual needs. The *guf* seeks physical pleasure, while the *neshama* seeks closeness to Hashem. However, the physical and spiritual are dependent on each other in *olam hazeh*; if we only seek pleasure, the experience is ultimately empty, since pleasures are fleeting. On the other hand, if a person is starving, it will be impossible for him to perform the mitzvos. This tension is resolved during Sukkos. The body enjoys the pleasure of eating great food and sleeping in the Sukkah, while the neshama soars through shaking lulav and esrog, and making the bracha of *layshaviv*. Thus, we can see that on the physical plane, Sukkos is *z'man simchasainu*.

The second level of simcha relates to the emotional part of a person. As humans, we are emotionally engaged in three primary relationships: our relationships with ourselves, with other people and with Hashem. The megilla that we read on Sukkos is Koheles, written by Shlomo Hamelech. Essentially, Koheles is about man's universal, existential search for happiness. Where we find happiness, we find ourselves. Isn't it true that the people and/or activities you most enjoy are what you “identify” with?! YOU are where your heart/mind is. Concerning our relationship with others, I think the biggest tension lies in whether we choose to be “givers” or “takers.” Sukkos provides unique opportunities to practice being a “giver,” including ushpizin and physical guests, as well as *simchas bais hasho'eva*. Having guests in our sukkah elevates us, and celebrating *simchas bais hasho'eva* increases the level of *achdus* among Klal Yisroel. Regarding our relationship with Hashem, Sukkos facilitates closeness. The Sukkah itself represents the *annanei hakavod* (“Clouds of glory”) which embody divine protection as well as Hashem's presence. Thus, Sukkos fosters simcha across three levels of human relationships.

The third level of simcha involves the neshama and our spiritual life. I think the primary human spiritual tension concerns one's “place” in the world, which is directly addressed during the High Holidays. What I mean by one's “place” in the world is illustrated

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by the question: “Am I living a “me-centered” or a “G-d-centered” existence?” The central theme of Rosh Hashanah is Hashem’s *malchus*. Post Rosh Hashanah, we should have greater clarity as to Who runs the world, and therefore, a greater resolve to live a “G-d centered” life. In order to internalize this shift from being “me-centered” to “G-d-centered,” our prayers are modified during the *Aseres Y’mei T’shuva* with the insertions “*Hamelech Hakadosh*” and “*Hamelech Hamishpat*” in Shemoneh Esrei, and the addition of *Avinu Malkeinu*. Though the *Aseres Y’mei T’shuva* are very intense and involve judgment, we experience *simcha* as the by-product of realigning ourselves to becoming more “G-d-centered.” We experience joy in knowing with clarity that Hashem is our King, and we are His subjects.

After Rosh Hashanah and the *Aseres Y’mei T’shuva*, Hashem gives us *kapara*. Why? I think that once we coronate the King, He “wipes the slate clean” because we have fulfilled the purpose we were created for; namely, to give *kavod* to Hashem. When we recognize that He is the King and we return to a “G-d-centered” existence, His mercy is aroused. After *ne’ilah*, people feel recharged, since they are in sync with their higher self. I believe this is why the Rema states that the first mitzvah a person does after Yom Kippur (besides eating) is to start building the sukkah. Once a person has achieved *kapara*, and the *yetzer hara* is squelched, then he is truly ready for *z’man simchasainu*.

**Just Passing Through or Here to Stay? -
Lessons from the Sukkah**

Rabbi Avie Schreiber

The Kelemer Maggid, addressing a congregation once exclaimed, "Imagine that a heavenly voice proclaimed, 'All the people in the cemeteries, arise! You have one half-hour to do with as you please'. Soon, people are seen rushing from the cemetery into the city. Some run to the synagogue to pray with great concentration. Some run to go study the Torah, others can be seen running to visit the sick, console the mourner, feed the hungry, each person doing mitzvot with his or her own unique talents. Each of them, knowing his time is limited, constantly checks the clock." The Kelemer Maggid then concluded with a strong message, "And what is so bad if G-d gives us more than a half-hour?" Treasure every moment you have.¹

While this story is meaningful and inspiring, does it reflect the attitude we should have towards life? Should we embrace the above message of "limited time" as a philosophy on which to base our lives? Let's examine the question further.

The message of the Kelemer Maggid seems to be embedded in the mitzvah of the Sukkah as well. The Gemara in Sukkah explains the intent of the Pasuk "בסכת תשבו שבעת ימים" as follows:

אמרה תורה: כל שבעת הימים צא מדירת קבע ושב בדירת עראי. (סוכה דף ב.)
The Torah declares: For all of the seven days (of Sukkot) leave your permanent residence and dwell in a temporary residence.

While this is primarily a halachik statement about the structure of the Sukkah, it also may be imparting to us one of the important lessons of the mitzvah of the Sukkah. Moving into a Sukkah - into a "temporary dwelling", reminds us that life itself is temporary. Through the course of the seven days of living in the Sukkah, we internalize the lesson that our homes - our "permanent dwellings" are not that permanent after all and that we should not get too attached to our physical possessions. We are granted time in this

1.As told by Rabbi Yissochar Frand

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world, but the reality is that we are “just passing through.” This theme is echoed in the Tefillah of Yom Kippur when we describe life as “a passing breeze, a fading flower, and a fleeting dream,” - descriptions that point to life as temporary.

But just how temporary and fleeting should we view our lives?

I vividly recall, as a teenager, accompanying my father on a visit to the hospital to see a man named Paul², a close and long-time friend of my father who was gravely ill. Upon seeing Paul in his hospital bed, it was clear that he had at most a few weeks left to live. He was extremely frail and rapidly succumbing to his illness. Though his body and face were gaunt and thin, his eyes seemed large and bright. An English novel was lying on Paul’s bedstand (he used to be an English Lit. professor) but he clutched a Tanach in his hands. My father, grasping for something innocuous to talk about, pointed to the novel and asked, “Paul - you’re reading this book?” I clearly remember Paul’s response. Pointing to the Tanach and pulling it close to his chest, he responded to my father: “David - at this point, this is the only book I read.” My father nodded quietly, understanding all too well.

This poignant moment encapsulates the tension between viewing life primarily as tentative and temporary or viewing it as lasting and stable. Paul, of course, viewed his life as temporary and as such, he deemed certain activities as essentially meaningless; consequently, he focused only on the deeply meaningful. But I am fairly certain that if Paul had many years ahead of him, he would most certainly have spent time reading works of English literature and the like and he would have viewed this as a constructive activity. But in the context of his illness, and with a clear awareness that his time was limited, he viewed anything else besides pure Torah and Mitzvot as a poor use of his time.

How does this story apply to us? Should we view our time in this world as fundamentally limited? Please G-d we should all live עד מאה ועשרים, but in the grand scheme of things, we all know that “life

2. Not his real name.

is short.” After all, what is the difference between two weeks or two years or twenty years or even forty years? The difference is merely quantitative! Ultimately, our time is limited and as a result, perhaps we should view neutral and mundane activities as essentially wasteful.

This view seems to be supported by a Mishna in Pirkei Avot and a Braita that elaborates on the Mishna. The Mishna states and the Braita elaborates:

Rabbi Eliezer says: Repent one day before you die. Rabbi Eliezer's students asked him: Does a person know on what day he will die? He responded to them: Certainly then - one should repent today, for perhaps he will die tomorrow; all his days will thus be spent with repentance.

רבי אליעזר אומר ... שוב יום אחד לפני מיתתך ... שאלו תלמידיו את רבי אליעזר: וכי אדם יודע איזהו יום ימות? - אמר להן: וכל שכך! ישוב היום שמא ימות למחר, ונמצא כל ימיו בתשובה.

According to Rabbi Eliezer, we should view each day as possibly our last. We should not live life with a sense that life is long, as if we have many years ahead, but rather, as if we may be here today, but gone tomorrow.

On the other hand, perhaps there is another point of view. Perhaps we should view our lives in a fundamentally different way than one who is faced with his imminent passing. Of course, time is precious and limited for us all, but having more time qualitatively changes the nature of our relationship to the time we have in this world. It enables us to broaden our scope and involve ourselves in activities that have more indirect effects on our development - activities that in and of themselves may not be תורה ומצוות, but serve to round out our personalities, and improve our character in incremental and subtle ways.

There is a Gemara in *Masechet Beitza* that I believe upon close

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reflection deals with this question.

תניא, אמרו עליו על שמאי הזקן, כל ימיו היה אוכל לכבוד שבת. מצא בהמה נאה אומר: זו לשבת. מצא אחרת נאה הימנה - מניח את השניה ואוכל את הראשונה. אבל הלל הזקן מדה אחרת היתה לו, שכל מעשיו לשם שמים. שנאמר +תהלים סח+ ברוך ה' יום יום

It was taught in a Braita - They say about Shammai the Elder that every day of his life, he would eat in honor of Shabbos. If he found a good cut of meat he would say, "This is for shabbos." If later he found an even better piece, he would set the better one aside (for Shabbos) and eat the first one (at his next meal). (In this way, he was always eating in honor of Shabbos.)

But Hillel the Elder had a different way of acting. All of his actions were done for the sake of Heaven, as it is written, "Bless Hashem each and every day..."

Why would Hillel not save the better piece for Shabbos? Shammai's practice seems correct. Shouldn't we show honor to Shabbos all week if we can? Various explanations are offered by אחרונים to explain the position of הלל. I would like to suggest that שמאי and הלל are arguing about the relationship of the weekdays to the Shabbos, of *chol* to *kodesh*. שמאי believes that there is no way to achieve real meaning during the mundane week unless we connect the weekday to the holy day of Shabbos. By preparing for Shabbos throughout the week, we can transform otherwise neutral activities, such as eating, into holy activities. But הלל has another approach. Each and every day can be meaningful in its own right. הלל quotes the pasuk, ברוך ה' יום יום, to indicate that each day has its unique blessing and unique potential for קדושה. This idea is expressed by the חתם סופר. He writes:

הלל - כל מעשיו לשם שמים. ויש לומר שגם אכילתו והנאת גופו ביום חול היה קודש וקרבו לה' ואם כן מצוה שבא לידך אל יחמיצנה לשמור על שבת כי גם היום מצוה בבהמה שמינה.

All of Hillel's actions were for the sake of Heaven...even his eating and his physical pleasure on the weekday was holy and like an offering to Hashem, and therefore, when he had the opportunity to eat a good cut of meat, he did not want to delay the Mitzvah and

wait for Shabbos, as there was a Mitzvah to be fulfilled today with the “delicious” meat.

I would like to suggest further that the debate between הלל and שמאי about the relationship between the weekdays and Shabbos is also a metaphor for a deeper argument which relates to our question above. The relationship between Shabbos and the rest of the week can be viewed as symbolizing the relationship between *Olam HaBa* and *Olam HaZe*. As we find quoted in a number of places,

מדרש משלי פרשה ו

בעולם הזה שהייתם בן דומה לערב שבת, והעולם הזה (כלומר עולם הבא) דומה לשבת. אם אין אדם מתקן עצמו בערב שבת מה אוכל בשבת?

The world that you were in is similar to erev Shabbos, and the world to come is similar to Shabbos. If you do not prepare yourself on erev Shabbos, what will you eat on Shabbos?

Shammai and Hillel are not only arguing about Shabbos vis-a-vis the week, but about how to view the relationship between this world and the next. According to Shammai, the only way to find meaning in this world is by using this world as a way to prepare for the next world - עולם הבא. Shammai's worldview is expressed clearly by the Mishna in Pirkei Avot that states,

רבי יעקב אומר, העולם הזה דומה לפרוזדור בפני העולם הבא. התקן עצמך בפרוזדור, כדי שתכנס לטרקלין;

Rabbi Yaakov said, this world is like a corridor leading to the world-to-come. Prepare yourself in the corridor in order to enter the palace.

Hillel, on the other hand, believes that עולם הזה can be meaningful in its own right. קדושה can be found and brought into this world. We can live firmly in this world and still live an ideal and spiritual life. Hillel's view is expressed by the second half of רבי יעקב's statement,

הוא היה אומר, יפה שעה אחת בתשובה ומעשים טובים בעולם הזה, מכל חיי העולם הבא.

He would say - one moment of repentance and good deeds in this world is better than all of the world-to-come.

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The סופר חתם explicitly suggests this interpretation of the argument between Shammai and Hillel.

בית שמאי אומרים מחד בשבתין לשבתין. לומר שיזכור כל ימיו לעולם הבא יום שכלו שבת. ובית הלל סבירא להו ברוך ה' יום יום דיפה שעה אחת לצדיקים בתשובה ומעשים טובים בעולם הזה מכל חיי עולם הבא. (חתם סופר מסכת ביצה דף טז עמוד א)

And so, while we learn from moving into the Sukkah that the temporary Sukkah mirrors life itself, we must also keep in mind that ultimately, on the final day of the Chag - on Shemini Atzeret, we move back into our homes. Our task is to bring קדושה into our lives thereby creating a permanent and lasting impression in this world.

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| <i>Minhagim of Simchas Torah</i> |
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Rabbi Elchonon Grunwald

One year, in anticipation of Shabbos Bereishis, the *Maharik* (Rav Yosef Kolon, Italy late 14th century) was asked an interesting question. The question arose as a result of a custom practiced in a community near him. In this particular community the *minhag* was that the Choson Breishis was not called to the Torah on Simchas Torah. Rather, he was called on the following Shabbos when *Parshas* Breishis was read. The first Aliyah, starting the new cycle, was considered a great honor and was auctioned off to the highest bidder. This *minhag* presented a challenge. According to our *minhag* which is to read Breishis on Simchas Torah itself from a second Sefer, the Choson Breishis can be a Cohen, Levi, or Yisroel. But if the Choson Breishis is designated for the first Aliyah on the following Shabbos, then it should have to be a Cohen. Nevertheless, the option of purchasing it was open to all. Despite this complication, it would usually work out. Often, a Cohen would purchase it, but if not, and instead a Levi or Yisroel bought it, then the Cohen would leave the Shul for *Laining* and go to another shul (as the entire ceremony of Choson Breishis was only done in the main shul of the town). The question posed to the *Maharik* was that a Yisroel had purchased Choson Breishis that year and the Cohen refused to agree to leave the shul during the Aliyah. The community, of course, wanted to give the Aliyah to the person who had purchased it, but a Cohen was going to be present. The question was if the congregation was allowed to prevent the Cohen from entering Shul in order to give the Aliyah to the Choson Breishis.

In his response, the *Maharik* addresses the force of Minhagim in general. He quotes Rav Hai Gaon (Babylonia 10th century) regarding several practices on Simchas Torah. The first practice Rav Hai Gaon dealt with was the *minhag* of lighting sweet-smelling coals to perfume clothing on Simchas Torah. Rav Hai Gaon concluded that this was forbidden because it is clear from the Gemara that this type of action is forbidden on Yom Tov. Then Rav Hai Gaon addressed the custom of dancing on Simchas Torah, even though the Mishna prohibits certain types of dancing on Yom Tov

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(so people shouldn't come to play musical instruments). He writes that the custom serves to enhance the honor of the Torah which is being completed and we should follow the custom. Another custom he addressed is the custom of certain communities to make a wreath or crown made from women's jewelry and put it first on the Sefer Torah and then on the head of the Choson Torah. Is there a problem of *Lo Yilbash* (of men wearing women's attire)? While Rav Hai Gaon is not excited about this Minhag, nonetheless he writes that wherever this custom exists they should continue it. Another Minhag he addressed is the custom practiced by certain towns to leave the Sefer Torah uncovered as a sign of mourning since we read about Moshe Rabbeinu's passing. This would appear to be against Halacha. Again, while he doesn't encourage it, he still writes that those who have this Minhag should follow it.

The *Maharik* writes that from all the above you see that a Minhag is a very powerful notion and should be followed even if it appears not to be in line with Halacha (provided it was established by *Talmidei Chachamim* and has become accepted). Therefore, writes the *Maharik*, the Minhag of selling the first Aliyah to the highest bidder (in order to show the importance of starting the Torah anew) should be maintained. The Cohen would have no rights to it, and a Levi or Yisroel could purchase it.

We do have to clarify some details in Rav Hai Gaon's position because it appears that certain practices he allowed and certain ones he did not. The perfuming of clothing he did not accept. In Shulchan Aruch (Orach Chaim #690) the *Rema* quotes this statement from the *Maharik* in *Hilchos Purim* (where he endorses the Minhag of *Klopping* for Haman) that Minhagim should be treated with respect even if they appear to contradict Halacha. The Magen Avraham (ibid) says that this does not mean a Minhag can directly overrule Halacha. What the *Maharik* means to say is, for example, if there is a debate in the Gemara and the majority opinion is one way but the established Minhag is like the minority opinion, then you would follow the Minhag. Or if the Gemara's conclusion is one way, but there are Midrashim (that date from early times) that support the Minhag, then the Minhag should be followed. But if the Minhag totally contradicts Halacha then it should be rejected.

Perhaps we can explain Rav Hai Gaon's rulings as follows. As far as the Choson Torah wearing a wreath made from women's jewelry, there is no direct problem of *Lo Yilbash* as women don't wear such wreaths. Nonetheless, it is similar enough that normally it should be avoided. In such a situation, a Minhag should be followed. Similarly when it comes to leaving the Sefer Torah uncovered, follow the Minhag because while the Sefer Torah is usually supposed to be covered, clearly sometimes it will be uncovered and we don't have an exact time frame.

When it comes to dancing on Yom Tov for respect of the Sefer Torah, which he allows and even encourages, even though there is a clear Mishna that forbids it, perhaps this is because the Gemara itself mentions that this particular Halacha was not always followed. But for perfuming clothing on Yom Tov there is no justification in Halacha.

We should also explain the custom of giving away the Cohen's Aliyah. The Chasam Sofer (Orach Chaim #24) explains that when the custom was originally instituted it was done with the consent of the local *Cohanim*; the *Cohanim* agreed to forgive their rights for this one-time-a-year occasion. Therefore, even if in a later year a Cohen objected, the objection was irrelevant, as it was already a done deal.

Perhaps the reason Minhagim are so important is because they create the strongest impression on young and old alike. The Possuk says in Mishlei "שמע בני מוסר אביך ואל תטוש תורת אמך". *Chazal* understand "אביך" to mean Hashem and "אמך" to mean Klal Yisroel. "Follow the dictates of the Torah and don't forget the customs that Klal Yisroel instituted." Do not disregard the Minhagim because they are the 'mother's milk' of Yiddishkeit.

Becoming a “Learner Earner”¹

Andrew J. Neff

I started out my life as an earner. That was the focus of my life – *the* focus of my life. Then – through a series of steps -- I became an earner/learner. Then – and this was what “From Bear Stearns to Bava Metzia” was all about – I became a learner. For those of you who heard my talk or read it on the internet, I was able to extol the virtues of learning and of taking time off to learn. But despite many positive reactions to “From Bear Stearns To Bava Metzia,” I heard an issue from a number of people: ‘It’s great to talk about taking off time to learn, but that’s not practical.’ I understand that. So now I am in my next phase: I am back at work, but I still start my day in the yeshiva with my learning seder. I am a learner-earner with the emphasis on the “learner.” However, now that I am back at work, I realize that this is a more challenging phase, It is more challenging but it is also a more rewarding phase.

Here are five thoughts and recommendations on being a *learner earner*.

1. Become your own cheering section.
2. It just takes two.
3. Pick your peer pressure.
4. Form strong partnerships. And...
5. Use technology to your advantage.

First: become your own cheering section.

Learning is great but it’s not like work. Work has in it feedback mechanisms. You get paid. You have projects with start and stop dates. You have deals. You get praised. You get the glory.

Learning is more internal. You have good days. And you have challenging days. It’s hard to measure your progress. And every day you back up and review. And each day you realize how deep

1. This essay is based on a speech given at the Yeshiva Gedola of Teaneck dinner that was held in July 2012.

the Gemara is and how much you know but – at the same time – how much you don't know.

But there are rewards and they are there for the taking. There are two types of reward, but they have to come from you: the first is internal and the second is eternal. You have to make your own reward and feedback – that's internal. But the only way to do that is by focusing on the eternal – what your real reward is.

Let me address the internal. There is a well-known mishnah in Pirkei Avos: Ben Zoma says: Who is wise? He who learns from every person. Who is strong? He who subdues his nature. Who is rich? He who is happy with his lot. Who is honored? He who honors others. A very powerful mishnah, but a very curious one because that's not how the world defines wisdom, strength, wealth and honor. But there is another important aspect to each of these traits: the only way to achieve them is through your own perspective. No one else can make you rich, strong, honored, or wise. It's up to you to create your own rewards.

Similarly in learning, you have control over how to you view your progress. I will come back to this point in a few moments.

Second: It just takes two.

I have discovered something that is better than sliced bread. It's better than the iPad. It's better than Facebook. Hard to believe. It's called: learning b'chavrusa. With all due respect to learning in a shiur or learning by yourself, a shiur or learning on your own just doesn't cut it. When you learn in a group, there's no internal pressure to really get it. And it's usually on someone else's timetable and at someone else's speed.

When you learn by yourself, it is not enough. Read the label on your Artscroll: it is an aid to Talmud study -- not a replacement. Isn't that right Rabbi Zlotowitz? Rabbi Scherman?

Learning by yourself or going to a shiur – you should see them as a prelude to learning with a chavrusa.

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For Shavuot, I used to go to shiurim and it would be a struggle to stay awake all night. Now, I learn b'chavrusa and it is invigorating.

But when you learn with a chavrusa, there is no escape. You either get it or go over it again. You can't hide in the crowd. But it's better than that because when you learn with a partner you somehow bring out insights that you would not otherwise see. It is a marvelous way of learning.

Do not get me wrong. It is great to go to a shiur. It is great to pick up a sefer. But I have spent my professional career as an analyst trying to understand what works – what makes great investments. Learning with a chavrusa is what works.

Third: Pick your peer pressure.

Here is how you can create a cheering section: pick the right peer pressure. Peer pressure is the most powerful influence in our lives. It is the key behind marketing because they know that we care what people think about us. It is the key behind social media because we want to know what people think.

You need to have the right peer pressure. But that's one of the largest challenges about returning to the work world. It's important to hang around with your colleagues at work, but that is not the peer pressure that you need. You need to hang around with people who are learning. Hang around with people who are learning or -- better yet -- you need to hang around with Talmidei Chachamim.

Fourth: Form strong partnerships.

It's more than the partnership with your chavrusa and choosing the right peer pressure. You have to form strong partnerships. I am talking about three types of partnerships.

First – with Hashem. This is where it all starts. Why is learning so challenging? Why can't it be easy? Because Hashem wants us to *earn* it.

Another story: In Israel, keeping kosher can be complex. There are so many hechsherim. My initial reaction was: it should be easier. You should be able to eat everything. After all, you're in Israel. Keeping kosher should be easy here. And then I realized that when you are in Jerusalem you are closer to the center, closer to the Beis Hamikdash. When you have a minor cut, a band-aid suffices. When you have open heart surgery, you need the highest level of sterile environment. In Jerusalem, you need the highest level of stringency because we are closer to the center.

It's the same with learning. When you are sitting down, you are getting closer to Hashem. That shouldn't be easy because if it was easy then we wouldn't care about it.

Second – your spouse. Another story. When we have a bris we don't say the bracha of yotzer ha-adam – thanking Hashem for creating man. When do we say it? We say it under the chuppah when a man gets married. Why do we say it then? Because a man is not complete until his wedding. There are 613 mitzvos but we can't do them all because some are only for men and some are only for women. But when a man is married, he gets the credit for his wife's mitzvos and she gets credit for his. It's a partnership. So when I am learning, I am learning for the home team. When a woman stays home with the kids and sends her husband off to learn, they both get credit for the learning.

Third, your mara d'asra or rosh yeshiva, depending on where you find yourself at a particular point in life. They have an insight that relates to people. It's a resource that you should use. My wife and I have consulted with various roshei yeshiva over the course of our lives when we have big decisions. It's not a crutch but it's an incredible resource. They can help you when you are an earner/learner and then can also help you make the transition into becoming a learner/earner.

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Fifth: Use technology to your advantage

Finally, a practical insight on how to make the transition to learner/earner. Use technology to your advantage. Technology is both a blessing and a curse. If you think it's a blessing, just wait – you ain't seen nothing yet. If you think it's a curse – same thing – just wait.

With all the wonderful things that come from technology, how can I say it is a curse? Because, first, it is all-consuming. It is intrusive. However, as observant Jews, we don't realize how fortunate we are because we get a 25-hour break each week. Imagine how it is for the rest of the world that doesn't get that break.

Another story. When I got out of college, I remember that the investment theme of the day was to own theme park and sporting good stocks – Disney and Rawlings -- because technology was going to change our lives and we were going to have all this free time so we would be going to Disney World and playing sports. That's not exactly the way things worked out.

And the key is that technology is going to accelerate. I work in technology. My business is to understand how things will change. The pace of change is accelerating. How are we going to be able to cope? How will we be able to handle it?

We can use technology to our advantage.

Another true story: when I was at Bear Stearns we had a daily minyan at 1:45pm. I sometimes had meetings at that time but I wanted to carve out time for mincha. So I had a pager (you may have heard of them) and I would set it at 1:40 pm. When it would go off, I would look at my pager – it was really my alarm going off – and say “oh, it's my boss – I'll be back in a few minutes.” I was telling the truth. It was my Boss but with a capital “B.” And off I would go to mincha.

We have got to get control of technology. It's going to get better. Which means it's going to get worse.

But to return to my earlier point: you need to focus on the rewards which are internal and eternal. I talked about creating the internal rewards. And you can create the eternal rewards.

The eternal rewards from learning are that it ties you to your parents, your grandparents and your earlier generations. And the other eternal reward is that learning ties you to your children and grandchildren.

Lessons Learned from the Prohibition of *Tachanun* on Shabbos:

Rabbi Benzion Scheinfeld

For most of my life I must admit that תחנון was a lost few moments of prayer. Even if I had possibly been able to muster up the inner focus to have כונה for the rest of my tefillah, somehow תחנון always seemed like an add-on that was defined more by the secret hope of avoiding it than the actual content of the prayer. The ease of avoiding תחנון (*choson* in the audience or in some synagogues, in the zip code, or a long lost Chassidic rebbe's yahrzeit) seemed to reinforce the notion that it was not much more than an extra extension, reinforcing themes already mentioned adequately. When I was in a situation where תחנון was skipped (Nusach Sefard Mincha), it seemed to me that I missed nothing either in terms of the nature or the intensity of my Tefillah experience. In this world of hard-to-find כונה, it seemed that תחנון was best to be skipped or avoided if possible. Our tefillah is hard enough to concentrate on without adding an avoidable extra 3 to 10 paragraphs.

However, a Rambam in a rather unlikely place changed all that. For me, תחנון has now become a particularly focused few moments of Tefillah - moments that introduce a completely different emotional sense to the Tefillah experience, moments that I would at least notice are missing on the days that we don't say תחנון (even if I still secretly hope there is a *choson* in the audience). I would like to share this Rambam with you and explain how it affected the unlikely transformation of my attitude toward תחנון.

תחנון on Shabbos

If asked why we don't say תחנון on Shabbos, many would reply that on Shabbos we are not allowed to ask for things (בקשות). For this reason we leave out the middle ברכות of our normal weekday עמידה on Shabbos. It seems to follow that if regular בקשות are forbidden on Shabbos then certainly the extra בקשות of תחנון are forbidden.

However, upon further analysis this reasoning is flawed. First, we do in fact have בקשות in our *Shemone Esrei* on Shabbos. The entire paragraph of אלוקינו ואלוקי אבותינו leading into the Bracha of מקדש is, in fact, a בקשה. Evidently we are allowed to have בקשות on Shabbos.

Moreover a careful reading of the Rambam in *Hilchot Tefillah* would suggest that not only are בקשות allowed on Shabbos, but rather we are obligated to include them. The Rambam in *Hilchot Tefillah* Perek 1: Halacha 2, following his famous declaration that Tefillah is דאורייתא each day, notes that even though there are no specifically mandated words to be said according to the Torah, there is a protocol that MUST be followed every time one approaches Hashem in prayer:

Rambam *Hilchot Tefillah* 1:2

אלא חיוב מצוה זו כך הוא שיהא אדם מתחנן ומתפלל בכל יום ומגיד שבחו של הקדוש ברוך הוא ואחר כך שואל צרכיו שהוא צריך להם בבקשה ובתחנה ואחר כך נותן שבח והודיה לה' על הטובה שהשפיע לו כל אחד לפי כחו:

This protocol demands that any valid Tefillah MUST include a בקשה. Presumably, this protocol is not simply a היתר that allows us to include בקשות sandwiched in between our שבח and הודאה, but rather, it is a demand - any time we approach Hashem in communication we must define our rightful place in this interaction by including a בקשה. For the Rambam, leaving the בקשה section out of the Tefillah protocol would be as egregious a breach as leaving out the שבח or the הודאה.

If this is the protocol that one must use to approach G-d in Tefillah, then this would be in effect any time we approach Hashem, whether it be Shabbos or *Chol* since the essential Mitzvah of Tefillah is the same each day. Accordingly, not only would we be allowed to ask for things on Shabbos during our Tefillah, we would be obligated to do so.

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Having established that בקשות are certainly allowed and may in fact be obligated on Shabbos, we are left to figure out why the בקשות of תחנון are omitted on Shabbos. With regards to the בקשות of תחנון on Shabbos, one might be tempted to differentiate between spiritual and physical בקשות on Shabbos and to argue that only spiritual בקשות are allowed on Shabbos such as those that we find in אלוקינו but בקשות for physical needs are not allowed. תחנון which perhaps falls into the physical need category, would therefore not be allowed.

However, it seems clear from Tosafot in Berachot (26) that even בקשות for our physical needs are “in theory” allowed on Shabbos. In the midst of justifying the *tashlumin* of Shabbos mincha on Motzei Shabbos (even though the Motzei Shabbos עמידה contains many more Berachot) Tosafos (26:) points out that in truth these בקשות should be said on Shabbos and are only omitted due to *tircha detzibura* caused by the length of davening on Shabbos. Accordingly, there would be no problem doing *tashlumin* for these בקשות that are meant to be said on Shabbos as well. The בקשות that Tosafos is referring to are the regular בקשות of our weekday Tefillah, which are about physical needs, and even those, Tosafot says, are allowed on Shabbos. So omitting תחנון, because of the presence of physical בקשות would not be justified. We need to find a better reason to omit תחנון.

The Rambam in Perek 30 of *Hilchos* Shabbos discusses the 2 terms of Shabbos introduced by Yeshayahu *HaNavi*, namely that of Kavod and Oneg. In differentiating between these two concepts and the Halachos that they inspire, some have said that Kavod involves what one does in preparation - cleaning, showering, shopping, cooking for Shabbos, while Oneg is what one does on Shabbos itself (eating). That is in fact true, but a more direct way of defining the concepts is that Kavod is what one does to show respect for Shabbos while Oneg is in fact a command to feel a sense of well being and pampered enjoyment. It is not so much what one does, but rather what one feels that fulfills the Mitzvah of Oneg. Hashem commanded us to make sure we enjoy ourselves on Shabbos and we

therefore turn Shabbos into a beloved and venerated day. In commanding *Klal Yisrael* to fulfill Oneg Shabbos, Hashem is commanding us to **experience** something, not necessarily to **do** something.¹ In that sense the Mitzvah of Oneg on Shabbos is similar to the mitzva of simcha on Yom Tov. Although there are specific actions that might be required, the point of the actions is to ensure that we are experiencing a certain state of mind.²

So our Chiyuv of Oneg Shabbos is to venerate the day by ensuring that we are enjoying it. A rather wonderful and convenient Mitzvah when one considers it. We must be sure that we are in a state of well-being, enjoyment and serenity and by doing so, we are turning the day into something special and making Shabbos special to us.

1. I always wondered what should take precedence - Oneg or Kavod in a case when the two conflict. For example, Kavod might demand of you to wear special Shabbos clothes while Oneg might dictate that you should be in your most chilled out and comfortable attire. Which would be a more important *Kiyum*?

2. There is, I believe a subtle difference between the *chiyuvim* of Simcha on Yom Tov and Oneg on Shabbos beyond the subtleties necessitated by the terms themselves. Whereas Simcha is a mood you must be in on Yom Tov, Oneg is an attitude that one must have towards the day of Shabbos. The way to regard Shabbos as special is to make sure one is experiencing a sense of Oneg. The Oneg is there to define the special quality of the day of Shabbos. Our focus is not the state of Oneg itself, but rather, the fact that by being in a state of Oneg, we are venerating the Shabbos. Simcha on Yom Tov, in contrast, is not a way of venerating Yom Tov (as Yom Tov is not an entity to be venerated but rather a time period with *chiyuvim*).

This subtle distinction is reflected in an idea I heard in the name of the Rav with regards to why we have Zemirots on Shabbat but not on Yom Tov. I heard that the reason is because Shabbos is an entity that exists, and that is “other” than Bnei Yisrael. It is a fixed day that can be sung about and venerated. In contrast, Yom Tov is not an entity that can be sung towards or about. Rather, it is a time period with obligations, but not an entity in itself, and therefore, one cannot compose Zemirots about Yom Tov for Yom Tov is not an “it.”

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Among the numerous Halachot the Rambam quotes as connected to the *Chiyuv* of Oneg on Shabbos is the following:

אסור להתענות ולזעוק ולהתחנן ולבקש רחמים בשבת ואפילו בצרה מן הצרות שהצבור מתענין ומתריעין עליהן אין מתענין ולא מתריעין בשבת.

The Rambam points out in *Hilchot* Oneg Shabbos that there is a certain type of communication with Hashem that is forbidden on Shabbos because communicating this way is a violation of one's Oneg, a violation of one's obligation to feel whole and complete and serene on Shabbos. One of the terms the Rambam uses to define this manner of communication is "להתחנן" - another form of the word תחנן. And although the Rambam was not necessarily referring to the text of "תחנן" as we know it, it seems correct to say that the themes and content of "תחנן" would fall under the prohibition of "להתחנן." We may say that according to the Rambam saying "תחנן" is forbidden on Shabbos because it is a violation of Oneg Shabbos.

After reading this Rambam I was struck by the fact that the Rambam felt that the תחנן of בקשות were of a sort that simply by communicating to Hashem in this manner would violate Oneg Shabbos. I was struck by how seriously the Rambam took the emotional difference one experiences when approaching Hashem to be "מתחנן" and how the emotional sense created by approaching Hashem in this manner was enough to violate Oneg Shabbos. What is so different about תחנן than the regular בקשות of our daily עמידה?

It seems that the Rambam is pointing out a major difference between regular Tefillah and תחנן in the emotional posture one must take when approaching Hashem during each type of communication.

During regular עמידה (even during the weekday עמידה where we have many בקשות and even the בקשה of *Selach Lanu*) we approach Hashem with a dignified sense of dependency and appreciation. We realize that we need Hashem, but we also feel a sense of worthiness and value. We come to praise Hashem, ask Hashem, and thank Hashem, with a sense that we are "*Tachlis Maasei Bereishis*" the

pinnacle of G-dly creation, and that we are asking for something we may in fact be worthy of receiving. The experience of approaching Hashem in this manner and mindset can ennoble one's soul and add to one's sense of self. One walks away from such a prayer with a feeling of wholeness and connection.

In contrast, during תחנון we are doing something quite different. During תחנון we are not approaching Hashem with a dignified and confident sense of self, asking for something we might deserve, rather, we are approaching G-d with a sense of desperation at our situation and embarrassment for our actions. We are emphasizing not our worthiness, but rather, how totally unworthy and shameful we feel about who we are and how we have acted. It is as if we are begging and grabbing the Judge's feet and asking Him to please have mercy despite how unworthy we are. We feel desperate and shaken and broken. The emotional posture is one of hopelessness and pleading.

And it is precisely this state of mind which is forbidden on Shabbos according to the Rambam. For the *Chiyuv* of Oneg is not about this or that action, but is rather about an overall sense of enjoyment and well-being that one experiences and maintains on Shabbos, and the emotional posture demanded by תחנון violates that sense of well-being that is obligated on Shabbos. Regular בקשות and in general, the experience of עמידה, does not demand or even call for any of this. The emotional posture of Tefillah is one of dignity and grace and does not at all violate the serenity and wholeness required for Oneg Shabbos.

After internalizing the different nuances of approaching Hashem during the עמידה and תחנון, respectively, I no longer regarded תחנון as a few extra paragraphs that I was always hoping to skip. Rather I regarded it as a completely new way of relating to Hashem every day. During עמידה I was expressing a dignified sense of connection; during תחנון I was breaking down and going to the more embarrassed and desperate side of my need to speak to Hashem. And that desperate side of my soul was forbidden for me to access on Shabbos!

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I began to look forward to the few moments after the regular עמידה when I could open up my heart to Hashem with the sense of embarrassment and desperation which sometimes felt more genuine to me given the mistakes we make in life. The text we use for our Nusach ashkenaz daily תחנון begins with Dovid Hamelech's response to the *navi* Gad about how he would prefer to be punished for his *Chet* of counting the Jewish people. And like an actor who is successful because he truly puts himself in the role of the script he is reading and feel the emotion of the character as if it were he, so too, every time I read what Dovid Hamelech said to the *navi* Gad, I felt the embarrassment and desperation he must have felt and tried to transfer that to my own situation.

Having noticed and felt the desperation of תחנון, I have become more keenly aware of how I could not say those words on Shabbos without violating Oneg, without violating the sense of well-being that Shabbos demands of us.

Four things were clarified to me through the Rambam's prohibition of תחנון on Shabbos:

- 1) The dignified emotional posture one should have during regular עמידה
- 2) The desperate, embarrassed emotional posture one should feel during *Tachanun*
- 3) The sense of well-being and wholeness that we should make sure to experience in order to venerate the Shabbos
- 4) And perhaps most importantly, how emotionally invested and aware we should be whenever we approach Hashem. For as the Rambam points out - for an emotionally aware Jew, saying תחנון on Shabbos would actually violate his Oneg Shabbos.

May we all be *Zocheh* to be emotionally invested enough in our Tefillah so that the prohibition of saying תחנון on Shabbos should fully apply to us!

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| בענין מצוות צריכות כונה |
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ישראל ברוך פינקלשטיין

איתא בגמ' ראש השנה (כח.) "כפאו ואכל מצה יצא אמר רבא זאת אומרת התוקע לשיר יצא, פשיטא היינו הך, מהו דתימא התם אכול מצה אמר רחמנא והא אכל אבל הכא זכרון תרועה כתיב והאי מתעסק בעלמא הוא קמ"ל." ופרש"י "אע"ג דמתעסק הוא יצא דמצוות אין צריכות כונה."

ונחלקו הראשונים בענין מצוות צריכות כונה, וכמבואר בסמוך.

הנה בגמ' פסחים (קיד:) דן במי שיש לו רק ירק אחד לכרפס ולאכילת מרור. דעת רב הונא דמעיקרא [לאכילת כרפס] מברך בפה"א, ולבסוף [לאכילת מרור] מברך על אכילת מרור, ולדעת רב חסדא מברך מעיקרא גם על אכילת מרור "דלאחר שמילא כריסו הימנו חוזר ומברך?"

ופרשו בתוס' (ד"ה מתקיף) שבין לרב חסדא ובין לרב הונא מצוות צריכות כונה, אלא דס"ל לרב חסדא "דאין נכון לברך בטיבול שני כיון שכבר מילא כריסו" (וההסבר לשיטת התוס' הוא שמברכים גם על דבר שאינה המצוה העיקרית, שמצוה העיקרית מתקיימת אחרי זה באכילת מרור, ויותר מזה, מברך אף אם לא יצא י"ח שהרי לא כוון). והשוו התוס' דין זה לדין תקיעת שופר, שמברכים על תקיעות דמיושב אע"פ שאינה המצוה העיקרית.

ושיטת הר"ן (דף כה. בדפי הר"ף ד"ה היכא) כתוס' שמצוות צריכות כונה "דאי אין צריכות כונה על כרחך מקמא נפק ידי חובתיה ועלה בעי ברוכי."

והראב"ד (ד"ה וההיא) כ' דבעצם מצוות צריכות כונה "והיכא דכפאוהו ואכל מצה יצא דשניא אכילה משאר מצוות הואיל נהנה."

ושיטת הבעה"מ (ד"ה הא) היא שמצ' א"צ כונה.

והרמב"ם (פ"ו מהל' חור"מ ה"ג) כ' "אכל מצה בלא כונה כגון שאנסוהו עכו"ם או לסטים לאכול יצא י"ח." משמע דס"ל להרמב"ם מצוות א"צ כונה. אבל כ' הרמב"ם (פ"ב דהל' שופר ה"ד) "נתכון שומע לצאת יד חובתו ולא נתכון התוקע להוציאו או שנתכון התוקע להוציאו ולא נתכון השומע לצאת ידי חובתו לא יצא ידי חובתו עד שיתכון שומע ומשמיע" - משמע דס"ל מצוות צריכות כונה. וכן בהל' מגילה (פ"ב ה"ה) כ' "הקורא את המגילה בלא כונה לא יצא." הרי שדברי הרמב"ם סותרים זה"ז.

וכ' המ"מ (הל' שופר שם) "ולא מצאתי בזה תירוץ נאות לדעתי..." והציע חילוק בין

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תקיעת שופר שאין בו מעשה (שגם התוקע עיקר מצותו היא השמיעה) ואכילת מצה שיש בה מעשה. ועכצ"ל להוסיף על דבריו דבעצם ס"ל להרמב"ם שמצוות צריכות כונה, ובה מתורץ שיטתו במגילה.

ועדיין קשה, שהרי כ' הרמב"ם בהל' ק"ש (פ"ב ה"א) "הקורא את שמע ולא כיון לבו בפסוק ראשון שהוא שמע ישראל לא יצא י"ח והשאר אם לא כיון לבו יצא."

ושמעתי שהגרי"ד סולובייציק זצ"ל אמר בשם ר' חיים ששיטת הרמב"ם הוא שמצוות א"צ כונה, ומובנים הדינים באכילת מצה וק"ש, ושאיני מגילה שמצותה משום פרסומי ניסא ואם אינו מכיון אין זה פרסום, ושאיני תקיעת שופר שצריכים כנות "שומע ומשמיע" שזה עושה צירוף ביניהם. [ולפ"ז, לכאן י"ל שהתוקע לעצמו יצא אפ"י אם לא כיון לבו].

וחשבתי שאולי יש להציע פשט אחר ברמב"ם על פי דברי המ"ב.

והנה בשו"ע (סי' ס' ס"ד) הביא ב' דעות אם מצוות צריכות כונה, ותפס לעיקר שצריכות כונה. ושם (ס"ה) כ' שבשאר ק"ש, אחרי פסוק ראשון, אם לא כיון לבו יצא. ובמ"ב (סקי"א) באר בשם הריטב"א ושיטה מקובצת "שכונה זו האמורה כאן [בשאר ק"ש אחרי פסוק ראשון] איננו הכונה האמורה בס"ד דשם הוא הכונה לצאת י"ח מצוה זה בעינין לכל הפרשיות משא"כ כונה זו הוא להתבונן ולשום על לבו מה שהוא אומר ולכך הוא לעיכובא רק בפסוק ראשון שיש בו עיקר קבלת עומ"ש ואחדותו". עוד כ' שם בשם הכ"מ "י"א שאפילו כונה לצאת הוא לעיכובא רק בפסוק ראשון".

וקשה לומר שהשו"ע תפס לעיקר שמצוות צריכות כונה שהרי כ' בשו"ע בהל' פסח (סי' תעה ס"ד) "אכל מצה בלא כונה כגון שאנסוהו נכרים או לסטים לאכול יצא י"ח כיון שהוא יודע שהלילה פסח ושהוא חייב באכילת מצה אבל אם סבור שהוא חול או שאין זו מצה לא יצא." משמע כהר"ן והראב"ד שמצ"כ חוץ מבאכילה שכן נהנה. וקשה, שא"כ אפ"י במתעסק או סבור שהוא חול או שאין זה מצה, יצא. (הסברא לחלק בין סבור שהוא חול וידע שהוא פסח הוא רק לדעת מ' אין צריכות כונה שמודה לפחות שצריך לדעת שהוא פסח).

וא"כ לשון ראשון של המ"ב בהל' ק"ש לא מובן להסביר שיטת השו"ע. אבל דבריו מובנים להסבר לשיטת הרמב"ם (שלא כ' "כיון שהוא יודע שהלילה פסח ושהוא חייב באכילת מצה"), דאפשר לומר דס"ל להרמב"ם שמצוות צריכות כונה, ובאכל מצה ע"י אונס יצא שכן נהנה, ובקרא ק"ש ולא כיון לבו אחרי פס' ראשון יצא, היינו אם לא התבונן וכו' אבל כונה לצאת צריך אפ"י בשאר ק"ש.

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