

A large, stylized graphic of a leafy branch, rendered in a light gray color, curves across the left and bottom portions of the page. The leaves are simple, rounded shapes, and the branch is a thick, curved line.

# אודה לַאֲבֹרָהֶם

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יום כּפּוּר

סוּכוֹת



# Dedications



Dedicated anonymously

In memory of our fellow citizens

who lost their lives on

September 11, 2001 (23 Elul 5761)

and to all those

who have made the ultimate

sacrifice to protect and defend this

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*and grandchildren*

Nechie and Heshie

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לזכר נשמת

our wonderful grandfather

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and the *yahrtzeit* of David's brother,

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ה' מרחשון

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# The Rabbi's Message

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*Moreinu HaRav Yaakov Neuburger*

**A**s I write these lines of introduction and thanks, I am moved by the many communities that have followed our example and have published the collected Torah of their members. That our community could impact, by example alone, *kehilos* from Ramat Beit Shemesh to the West Coast of America and many in between is both inspiring and frightening at once. That shuls should take pride in the Torah study of their membership and appreciate its importance is undoubtedly one of the great signs of growth of our people that we are blessed to witness. I pray that we should continue to have the *zechus* to incubate many initiatives that will impact our own *avodas Hashem* and influence far beyond our campus, as well.

These *zechuyos* are ours only due to the dedication of our very devoted editors, and that should give us ever increased appreciation for their work. We can only imagine the hours a *choveret* of this size and scope require. May Hashem bless Seth and Tiffany and Avie and Navi and their families with all the *berachos* that communal work and teaching Torah can bring. May they and all our contributors enjoy beautiful *yamim tovim* replete with much nachas, good health, and prosperity.

Personally, I am so grateful for the quality and quantity of Torah study in our own *kehilla* that this journal represents; and for the concomitant growth that we are experiencing in the hours, participants, and vibrancy of our own *bais hamedrash*. The participants in the virtual *bais hamedrash* of the Ohel Avrohom and of the very real *bais hamedrash* at New Bridge and Westminster, and their

spouses should take a moment to reflect that their commitment is generating an all-embracing atmosphere of Torah study within the *kehilla*. We pray that Hashem gives us the strength to continue to grow our *bais hamedrash* and that it continues to set the culture of the primacy of Torah study for our children.

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 –perhaps the spirited and spiritual conversations – that bring people together on a *yom tov*, such as learning and davening together as a community.

We are especially thankful to all our sponsors for their generosity and graciousness which made this project possible. May this add meaning and blessings to the various events that our sponsors wish to mark and give great honor to the people to whom they wish to pay tribute with their largesse. 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*.

# The Editors' Message

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**W**e are pleased to present the 15th volume of the *Ohel Avraham*. *Ohel Avraham* is a journal of *divrei Torah* published by Congregation Beth Abraham in honor of the upcoming *Chagim* of Rosh HaShanna, Yom Kippur and Sukkot. The continuous and sustained creativity and efforts of members of the community to write, publish and share *divrei Torah* reflect the love for and commitment to *limud Torah* that our *kehillah*, under the loving guidance of Rabbi Neuburger and Rabbi Cohen, strives to achieve.

For each of the upcoming *chagim*, *talmud Torah* plays a significant role. On Rosh HaShanna, the sound of the shofar recalls the call of the shofar at *har Sinai*, on Yom Kippur, we celebrate the gift of the *luchot shniyot* – the second set of tablets, and Sukkot culminates with our enthusiastic and joyous celebration of *Simchat Torah*. May the *Ohel Avraham* serve to enhance the themes of Torah already embedded in these holidays, as well as give us the opportunity to come together as a community to share words of Torah.

Thank you to all those who contributed essays to this journal for finding the time to collect, organize and express their thoughts. A special thank you is due to David Flamholz and David Mogilensky for their late night assistance with editing. And of course, a great debt of gratitude is owed to all of this journal's sponsors, whose consistent generosity enables the production of the journal. *K'siva v'chasima tova* to the entire community.

Seth Lebowitz

Avie Schreiber



*Divrei Rabboseinu*



## המלך הקדוש

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*Moreinu HaRav Yaakov Neuburger*

The most notable change in the daily liturgy of the התשובה עשרת ימי is that we recite "המלך הקדוש" instead of "הקל הקדוש". Additionally we contract the longer ברכה signature "מלך אוהב צדקה ומשפט" to read "המלך הקדוש" "המשפט". Unusual as it is to change the text of a ברכה, our sages further established that this expression of Hashem's sovereignty (saying "המלך הקדוש") is a necessary part of the davening and its omission demands repetition of the *shemone esrei*.

To be sure, expressing the unique aspect of many days is one of the requirements of *shemone esrei*. That is why the omission of *ya'aleh veyavo* requires the repetition of that prayer. That the year begins with the insistent incorporation of Hashem's *malchus* into the daily prayers further underscores that reinforcing our recognition of Hashem's dominance is one of the seasonal themes, alongside the theme of teshuva and renewal. No doubt, that is the premise for the explanation of the Avudraham, the earliest running commentary on the davening as we know it today. He reasons that these changes in the davening give expression to our heightened awareness of Hashem's authority due to the Heavenly judgment that we all experience at this time of year.

However, I am intrigued by the choices of *Chazal*. First, why did they select this one blessing referring to the "*kedusha*," the sanctity of Hashem, to reinforce the theme of Hashem's dominion? And how does the omission of Hashem's love of justice strengthen the expression of *malchus* that is already in the *berochos* of *melech ohaiv*

*tzedoko umishpat*? Finally, and not unrelated, why are the only times that Hashem as “*melech*,” as King, is mentioned in the body of the *berochos* of requests, is in the prayer for health, teshuva and forgiveness, and in none other?

After all, is not every *berochos*, every request, an indication of Hashem’s all-powerfulness? Do we not find His ability to confer wisdom, grant salvation from any of your troubles, and provide livelihood, all expressive of His total control? Is there a greater expression of our submission to His *malchus*, than that we turn to Him alone, asking for the return of our people to Yerushalayim and the return of a theocracy in the very same prayer in which we ask Him to help us just get through the day? That is why stressing Hashem’s control as we note His *kedusha* and as we omit His love of justice puzzles me.

Perhaps it is precisely because every *berochos* speaks to Hashem’s *malchus* that it need not be reinforced. Indeed, in the *berochos* which does not describe Hashem as a powerful deliverer from all that plagues us, or the provider of prosperity, but rather as a seemingly inactive lover of justice, we remind ourselves that in fact, He delivers justice as well. In other words, our request for the return of the Torah’s judicial system is underscored not only by Hashem’s pining for justice as it would seem from the year round text (אודה צדקה ומשפט) but rather as the one who could restore the apparatus of justice. That deserves greater expression to be consistent with our mindset during this season.

That would explain as well, why *Chazal* included Hashem’s *malchus* in the year round prayers specifically in the *berochos* of forgiveness, where the text portrays Hashem’s grace, rather than power, in granting much forgiveness (חנון הרבה לסלוח, הרוצה בתשובה).

Similarly, being holy, as expressed in the third *beroch*, does not represent *malchus*, as it is hardly seen as a monarchical attribute. That is why it is precisely in that *beroch* that we articulate that we do indeed see regal quality in every form of His revelation.

Allow me to suggest a deeper meaning in the seasonal text of המלך הקדוש. The commentary *Iyun Tefila* explains that the year round *beroch*, *hokel hakadosh*, acts as an introductory moment of reflection to the upcoming *berachos*. He suggests that as we are about to embark on expressing all of Hashem's graciousness in very human and sometimes personal terms, we pause to remind ourselves of His lofty distinctiveness (קדושה) in all that He does. For example, we will refer to Hashem as one who can listen and grant our prayers. Nevertheless, we recognize that this speaks to Hashem, who we cannot really describe, and to the depths of the revelation and relationship into which prayer begins to bring insight.

During this season we take pause to recall that whereas we may speak of His *malchus* most often as His ability to grant all of our prayers, we nevertheless recognize that we do not grasp the meaning and scope of His sovereignty.

Finally, the expression of *malchus* in our prayer for the relief from illness is particularly worthy of probing at this time of year, as elucidated by Harav Shmuel Rozovsky, tz"l. The venerable and very gifted Rosh Yeshiva of Ponovezh spent many months in America tending to the illness that ultimately claimed his life. Upon his return to Israel, he explained that Hashem's power to heal is akin to the authority to commute a sentence to pardon from punishment. That is usually associated with the highest form of power.

Indeed the Rashbo explains that we say *birchas hagomel* after being released from illness, prison, and completing threatening travel with this allusion that we were placed or placed ourselves to be considered for severe punishment. Consequently, we express our appreciation for kindnesses extended to one who is guilty and unworthy of that grace. (הגומל לחייבים טובות)

Thus it should not surprise us that *malchus* should be experienced as we petition for forgiveness and *teshuva*, requests that are very much related to the commutation of a judgment, though not necessarily motivated by it. Accordingly, Rav Chayim Kanievsky *shlit"א*, in his commentary on the machzor, posits that when we say *hamelech hakadosh*, we should be thinking of His power to commute any difficult decree and to decree for us all that is good and meaningful. May it be His will for all of us *l'arichus yamim ve'shanim*.

Rosh Hashanna



# The True Power of Prayer

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*Rabbi Jonathan Kaplan*

**R**osh Hashanah — the day of judgment. We pass in front of G-d as sheep, one by one, and we each are judged individually.<sup>1</sup> So what do we do? We pray, and pray, and then we pray some more. Why is this the answer to the challenge at hand? It is something so ingrained in our approach to Rosh Hashanah that if we stop to ponder how it is that long extended sets of prayer can help us in judgment we usually have a hard time articulating a cogent answer. Simply stated- how does prayer impact our judgment? Hashem, the all-knowing G-d, cannot be sweet talked.

In order to gain some perspective we need to understand the backdrop of the day. Rosh Hashanah historically is the day that G-d created man. It is not the first day of creation but rather the sixth. Creation of the world began on the twenty fifth of Elul, and man was created on the first day of Tishrei, which is when Rosh Hashanah is celebrated. Rosh Hashanah is the day that G-d decided that there was a need for Man in His world.<sup>2</sup> Since we know the creation story and have read it many times, we often don't pay enough attention to what is right in front of our eyes. It doesn't help that we learn the story

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<sup>1</sup> Mishna Rosh Hashana (1:2) בראש השנה כל באי העולם עוברין לפניו כבני מרון. שנאמר (תהלים לג, טו) היוצר יחד לבם המבין אל כל מעשיהם.

On Rosh Hashanah, all the world passes before Him like sheep, as it says, "He that fashioneth the hearts of them all, that considereth all their doings." (Psalms 33:15)

<sup>2</sup> The Lubavitcher Rebbe encouraged people to celebrate their birthdays, as that is the time when Hashem decided that the person was needed in the world.

when we are very young and tend not to reexamine it critically when we are older and more mature.

The Torah tells us that before Man was created, all the vegetation was in a stagnant state (Bereishis 2:5):

וכל שיח השדה טרם יהיה בארץ וכל עשב השדה טרם יצמח כי לא המטיר ה' אלקים על הארץ ואדם אין לעבד את האדמה.

“When no shrub of the field was yet on earth and no grasses of the field had yet sprouted, because the Lord G-d had not sent rain upon the earth and there was no man to till the soil.”<sup>3</sup>

Before Man was introduced into creation, things were on hold. As Rashi explains, it was only after Man was inserted into creation and then prayed that rain was able to fall and vegetation was able to grow.

When we think about prayer we tend to think that we are somehow outside of the system of the world. We give praise to Hashem and ask Him for our needs. We do not see how this has any impact on the world at large. The creation story teaches us that we have a crucial role in the

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<sup>3</sup> Rashi on Bereishis 2:5 -- Therefore you must explain this verse also thus: “No plant of the field was yet in the earth” at the time when the creation of the world was completed on the sixth day before man was created, and *וכל שיח השדה טרם יצמח* means “and every herb of the field had not yet grown.” But as regards to the third day of creation about which it is written “The earth brought forth, etc.” this does not signify that the plants came forth above the ground but that they remained at the opening of the ground (i. e., just below the surface) until the sixth day (Chullin 60a). **Because G-d had not caused it to rain**— and what is the reason that G-d had not caused it to rain? כי אדם אין לעבד את האדמה—**Because there was no man to till the ground, and there was, therefore, no one to recognize the utility of rain.** When Adam came (was created), however, and he realized that it was necessary for the world, he prayed for it and it fell, so that trees and verdure sprang forth.

ecosystem of the world. We are not outside the flow, but rather a crucial part of it. The Torah teaches us that when Man was created, he was a necessary part of the workings of the world. Without him things would not function properly.<sup>4</sup> It is perhaps for this reason that when it comes to Rosh Hashanah, the time when Hashem chose to put Man into the world to play this crucial role, the answer to judgment is prayer.<sup>5</sup> The Torah tells us that Man was meant to impact the world and one of the major ways is through prayer.

What is the nature of this prayer that Man has been tasked with? The answer can be found in the Rambam's Mishna Torah, *Hilchot Tefilah* 4:15–16. <sup>6</sup> "כוונת הלב כיצד" - Inner mindfulness: how does one attain it? "כל תפלה שאינה" - "Any prayer for which one is not fully mindful is not considered prayer." Prayer by definition requires mindfulness. At the time of creation it was Man with his awareness that helped him realize that the world

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<sup>4</sup> The environmentalists are correct that we impact the world in a fundamental way, however their assumption that we are making the globe warmer is debatable.

<sup>5</sup> Judgment is a process of assessing if the purpose and goal of creation is being fulfilled.

<sup>6</sup>

כוונת הלב כיצד כל תפלה שאינה בכוונה אינה תפלה ואם התפלל בלא כוונה חוזר ומתפלל בכוונה מצא דעתו משובשת ולבו טרוד אסור לו להתפלל עד שתתיישב דעתו לפיכך הבא מן הדרך והוא עיף או מיצר אסור לו להתפלל עד שתתיישב דעתו אמרו חכמים ישהה שלשה ימים עד שינוח ותתקרב דעתו ואחר כך יתפלל.

Inner mindfulness: how does one attain it? Any prayer for which one is not fully mindful is not considered prayer. And if one prays without mindfulness, one must go back and pray [again, this time] with mindfulness. One who is confused or inwardly agitated is forbidden from praying until he settles himself; thus, one who has come in from traveling and is tired or unsettled is forbidden from praying until he settles himself. The sages used to say that he ought to wait for three days until he has rested and his emotions have cooled, and only afterward may he pray.

was lacking. The key for Adam was his mindfulness and then his responsiveness in prayer.

This too is what G-d requires of us. We are directed to work on having proper כוונה -mindfulness. We must strive, as the Rambam says, to create a space for the presence of G-d. It is therefore not a coincidence that on Rosh Hashanah we spend our time focused on prayer. We blow the shofar as a wakeup call <sup>7</sup> and focus on being aware of Hashem as our King. On the day that commemorates our introduction into the world we are reminded of the crucial role we play in it. We must remember this essential idea and take it with us for the rest of the year and in that way, we and the world will be blessed with a year filled with blessing and goodness.

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<sup>7</sup> Rambam Mishna Torah Hilchot Teshuvah 3:4

אף על פי שתקיעת שופר בראש השנה גזירת הכתוב, רמז יש בו: כלומר עורו עורו ישנים משינתכם, והקיצו נרדמים מתרדמתכם; וחפשו במעשיכם וחזרו בתשובה, וזכרו בוראכם. אלו השוכחים את האמת בהבלי הזמן, ושוגים כל שנתם בהבל וריק אשר לא יועיל ולא יציל--הביטו לנפשותיכם, והטיבו דרכיכם ומעלליכם; ויעזוב כל אחד מכם דרכו הרעה, ומחשבתו אשר לא טובה.

Even though the blowing of the shofar on Rosh Hashanah is a Biblical decree, it hints at something, i.e., “Wake up, sleepers, from your sleep! And slumberers, arise from your slumber! Search your ways and return in *teshuvah* and remember your Creator! Those who forget the truth amidst the futility of the moment and are infatuated all their years with vanity and nothingness that will not help and will not save, examine your souls and improve your ways and your motivations!

# Rosh Hashana: The Keys to the Kingdom

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*Rabbi A. Felsenthal*

Rosh Hashana is an enigmatic, seemingly unsatisfying holiday. It involves long prayers but without the climax or the strong emotion of Yom Kippur. We eat meals but without the fanfare of Yom Tov. This is related to the famous question about the relationship between Rosh Hashana and Yom Kippur, wherein the question is asked that, logically, we should obtain forgiveness on Yom Kippur before we crown Hashem as *melech* and receive our *din* on Rosh Hashana. Rosh Hashana appears to be a mere introduction, a walk-through or rehearsal for the true *Yom Hadin*, Yom Kippur.

Further, while we understand that Hashem's "*malchus*" is a theme of Rosh Hashana, upon reflection it is hard to appreciate why this theme deserves such central religious import. On a basic level, such a theme, that Hashem is the true all-powerful King, is a simple one to understand, even for a small child. Yet, we drill and drill on this theme all day on Rosh Hashana, as if it were extremely complex and difficult to internalize.<sup>1</sup> What are we trying to realize on Rosh Hashana? Even more so, if Rosh Hashana is simply reflecting a theme of relationship between an all-powerful Monarch and passive subjects, this theme is not just anachronistic – it is archaic.

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<sup>1</sup> This applies even more so to those Rishonim (Baal haMaor, Rashi) who write that originally all four tefilot on Rosh Hashana had the three sections of *malchuyos*, *zichronos* and *shofaros* that we only find in our siddur in Mussaf. To these Rishonim, this theme is truly inescapable.

## Rosh Hashanna

Certainly when one considers the world today, non-ceremonial kings, and rulers with similar powers are, essentially without exception, immoral despots who restrain their populaces from realizing their potential in order to keep their power. This is not just a modern phenomenon – power-hungry kings do not have a history to be proud of. Shmuel Hanavi himself warns the Jewish people of the excesses inherent in the concept of monarchy. Obviously we are doing something on Rosh Hashana more than oppressed North Koreans praising Kim Jong-un.

The Mishna traditionally begins its exploration of a particular topic not with what would generally be considered clearly important and fundamental aspects of that mitzvah, but with a small detail within the topic. In beginning to discuss the laws of the shofar, the Mishna follows this rule and tells us that a shofar cannot be made from the horn of a cow.<sup>2</sup> This is a surprising halacha – halacha does not typically exclude particular kosher species from a halachic rule. The Gemara explains that a cow reminds one of the golden calf, and it is thus inappropriate to use a cow's horn because "אין קטיגור נעשה" "אין קטיגור" – since we are trying to advocate on Rosh Hashana, it is inappropriate to remind ourselves of the golden calf. This explanation merely redirects the question – why was a cow the animal that miraculously emerged from the fire as the golden calf, and what is it about the golden calf, more than other serious sins such as the sin of the spies, that is so odious that we avoid any connection to it on Rosh Hashana?

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<sup>2</sup> Rosh Hashana 26a.

We can answer these questions by expanding our conception of the theme of *malchus* of Rosh Hashana to self and communal empowerment –realizing our true power and abilities, strength and force of will. We see this through many aspects of Rosh Hashana. First, the manner in which the halacha threads a line with regard to eating on Rosh Hashana reflects this nature. While the custom is to have festive meals on Rosh Hashana, there is a well-known argument about whether these festive meals are a fulfillment of the same Biblical requirement of simcha that we fulfill on the other *yomim tovim*.<sup>3</sup> Several authorities even indicate that one is allowed to fast on Rosh Hashana.<sup>4</sup> I heard from Rav Schachter that Rav Soloveitchik explained that there is indeed a requirement of simcha on Rosh Hashana. However, the “*ofan*” or method of fulfillment of that requirement is not specified in the halacha as opposed to other *yomim tovim*; rather the method is left up to each individual. With this *klal*, we see the *halachos* of eating on Rosh Hashana as a method of empowerment. There is indeed a requirement of simcha – but we are empowered to determine how to fulfill it— to the extent that if one’s simcha on the *Yom Hadin* is through fasting, then one is empowered to make that choice as well. Further, the generally accepted course of eating is designed to fully enhance one’s power and self-confidence. The *Shulchan Aruch* indicates we should avoid excessive simcha on Rosh *Hashana*.<sup>5</sup> Other authorities state that we should not eat to the point of being completely satiated, and instead, we should “leave some room.” There is also a

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<sup>3</sup> Compare Rambam Hilchos Chanukah 3:6 and Hilchos Yom Tov 6:17-18 with Magen Avraham introduction to chapter 597 citing Hagahos Maimonios.

<sup>4</sup> Beis Yosef 597 citing Kol Bo; Agur; Rama 597:3 citing Terumas Hadeshen.

<sup>5</sup> 597:1, citing Rambam.

discussion about the permissibility of eating lavishly—eating meat and drinking wine on Rosh Hashana,<sup>6</sup> as opposed to other *yomim tovim*.<sup>7</sup> The recommended course is to eat but to avoid over-indulging ourselves. Someone who is fasting or eating very little cannot be powerful, as he or she is too weak, and the *Orchos Tzadikim* notes as well that fasting makes one more likely to lose control and lose one's temper. On the other hand, eating too much tends to deaden one's energy and can be deleterious to one's health.

We also see this through two customs associated with Rosh Hashana. We see this through the negative quality that Rosh Hashana associates with sleep. We are asked to avoid sleeping during the daytime of the first day of Rosh Hashana,<sup>8</sup> and the purpose of the shofar, the Rabbis tell us, is to awaken us from our slumber.<sup>9</sup> Sleep is when we most lack power – we cannot ask for sleep, but it overtakes us; further, while sleeping, we are beholden to whatever our dreams provide. We are asked to awaken from our slumber with the shofar – which is also used as a battle instrument – to realize our true strength.

We also see it through the minhag of performing *hataras nedarim* specifically “*b'reish shata*” – at the beginning of the year.<sup>10</sup> This passage can technically be said at any time and does not mention Rosh Hashana. However, we use *hataras nedarim* as another example of the incredibly broad nature of our power – to even create additional *issurim* upon ourselves with the same status as

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<sup>6</sup> E.g., Magen Avraham, *supra*.

<sup>7</sup> Pesachim 109a.

<sup>8</sup> Rama 583:2, Mishnah Berurah 583:9.

<sup>9</sup> Hilchos Teshuvah 3:4.

<sup>10</sup> Nedarim 23b.

one that Hashem provided Moshe at Har Sinai, and then to remove them.

Returning to our original questions, a cow is a fundamentally lazy, powerless animal. This is true not just in the natural world but is reflected multiple times in halacha and hashkafa as well. The *par he'elam davar* is brought when the Jewish people or great Rabbis have passively forgotten key aspects of the Torah; the *para aduma* punishes affirmative action, being *metamei* the person who throws its ashes to purify another; when the Gemara seeks to express a case of one animal hurting another, it uses the example of *shor shenagach es hapara*<sup>11</sup> – the cow is the passive victim. And the most powerful proof is from the Gemara's source itself for the rule that a cow's horn cannot be used for the shofar –because of the sin of the golden calf. Jewish goldsmiths did not hammer out the golden calf; rather, it emerged after Aaron passively threw a bunch of gold into the fire. The sin of the golden calf was that of *atzvus* and a feeling of powerlessness, both on the part of Aaron as well as the people themselves. They could not deal with the loss of Moshe for even one day and needed a new leader for them to passively follow and complain to. The *baalei mussar* tell us that *atzvus* and feelings of powerlessness is the cause of many, if not most *averos*. On Rosh Hashana, we are called to stand powerfully against it. Of course a cow's horn cannot be used for the shofar, for the feelings of powerlessness that a cow and the golden calf in particular symbolize are the “קטיגור” that directly contradict the “סניגור,”— the powerful advocate— that we are trying to create on Rosh Hashana.

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<sup>11</sup> Bava Kama 46a.

It is only on Rosh Hashana that we realize how powerful we are. Through the fundamental concept of *bechira chofshis*, we have ultimate power over ourselves, our choices, and our world. The true extent of our power is indeed difficult to internalize and requires extensive drilling via the shofar and the elongated *tefilos* of the day. Rav Schachter<sup>12</sup> points out that the Rambam, when articulating the concept of free will, does not use the language of “*bechira*” that we are used to. Instead, he articulates that each person has “*reshus*” to choose whether to do right or evil. Rav Schachter explains that a “*bechira*” is an election, wherein one has the option to choose one of two or a few choices. However, *bechira chofshis* provides human beings with plenary power. With *bechira chofshis*, a human being can be faced with a situation where he or she can choose one of several options – and he or she can choose a completely different outcome, despite the difficulty that such a choice may require overcoming. Such is the extraordinary and sometimes difficult-to-accept power we must teach ourselves that we have on Rosh Hashana. The vehicle for this lesson is the concept of *malchus*— that Hashem is indeed an all-powerful King, but in His benevolence He has also deputized us with a *tzelem elokim* and exhorted us to preserve it with the power of *bechira*.<sup>13</sup>

We now also understand why Rosh Hashana comes before Yom Kippur. If we had Yom Kippur before Rosh

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<sup>12</sup> [http://torahweb.org/torah/2008/parsha/rsch\\_reeh.html](http://torahweb.org/torah/2008/parsha/rsch_reeh.html).

<sup>13</sup> While we intuitively understand that a king has plenary power, the halacha illustrates the unique power of a *melech* in several ways. The halacha tells us that a *melech* can be “*poretz geder*” – a *melech* is free to travel through and violate other people’s property rights . Second, a *melech* has the power to kill, without following the regular rules of capital punishment, anyone who rebels, under the *din* of “*mored b’malchus*”

Hashana, we would go through the motions and receive a *kapara* and then crown Hashem passively on Rosh Hashana. In turn, it is no accident that we celebrate the forgiveness of the Jewish people after the golden calf on Yom Kippur. After the golden calf, Hashem told Moshe that He was going to destroy the Jewish people and build a new people from him. Generally, religious people tend to listen to what Hashem directly tells them. But Moshe did not do so, despite the honor that Hashem was indicating—that he personally deserved to be the source for rebuilding the Jewish People and despite the difficulty that the Jewish people had caused Moshe to endure. Instead, Moshe realized the power he had, and through his prayer ultimately reversed the decree, even though his actions were seemingly bucking Hashem's will.

On Rosh Hashana, we have the ability to realize our true plenary power. On an individual level, we can realize that we have the power to forgive and to ask forgiveness for the unforgiveable; the power to reclaim irreconcilable relationships; the power to reverse the *din* we have seemingly been presented with in our lives; and the power to exercise our *bechira* regardless of the choices presented to us. In the general world as well, expressions of prejudice, disaffection, blame, powerlessness and victimhood are frequent themes of the political and social dynamics in the United States and around the world today, and portend danger if we do not realize our true abilities and power. Finally, with regard to our community, one word people frequently use to describe our problems is that of "crisis." Crisis implies powerlessness. A *pogrom*, perhaps, can be called a crisis. Our problems are not crises; they are eminently solvable by our community with the resources that we currently have, if we only realize our true power and our true *bechira*.

# Rav Hutner and Kindness on Rosh Hashanah

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*Tzvi Aryeh Benoff*

## I - Introduction

**R**av Yitzchak Hutner was one of the most influential Orthodox philosophers and theologians of the twentieth century. As *Rosh Yeshiva* of Chaim Berlin, he became well known for his *ma'amarim*, discourses on Jewish theology, which he would deliver to students during holidays.<sup>1</sup> Drawing upon his rich and diverse background, Rav Hutner combined the Lithuanian analysis he learned in *Knesses Yisrael*, the Chassidic and Kabbalistic philosophy of his mentor Rabbi Avraham Yitzhak Kook, and general scholarship to transform seemingly benign textual nuances into fundamental theological principles rife with practical implications for personal and communal divine service. The Maharal, R. Bezalel Loew of Prague, was one of the greatest influences on Rav Hutner's thought. The Maharal influenced not only the content of Rav Hutner's thought, but also its style. Much like the Maharal, Rav Hutner often explains esoteric ideas in a manner that is understandable even to laymen. Moreover, he, like Maharal, would often leave much to be deduced by the reader through a combination of critical analysis of his sermon and outside knowledge of Jewish theology. One such example is his famous *Kuntris HaChessed*. Although

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<sup>1</sup> See the introduction to each volume of *Pachad Yitzhak* in which Rav Hutner acknowledges and explains his unique style of delivery and content.

Rosh Hashanna

Rav Hutner devotes over twenty pages to explaining different aspects of “kindness” and its importance on Rosh Hashanah, a richer, more nuanced perspective is left for the reader to discover.

## II – The Prominence of *Chessed*

The holiday marking the New Year is given many names in the Torah and rabbinic works. Each title evokes a different aspect of the day: “*Yom Teruah*” recalls the shofar blowing. “*Yom Hazikaron*” and the more colloquial name “*Yom Hadin*” evoke the fear of judgment.<sup>2</sup> The later term “Rosh Hashanah” simply describes it as the beginning of the New Year for chronology, *shmittah*, and *yovel*.<sup>3</sup> However, Rav Hutner develops another dimension to Rosh Hashanah: kindness.

As with most of his works, Rav Hutner quotes a source that serves as the textual basis for this idea. One of the more famous narratives of Rosh Hashanah in *Tanach* appears in *Sefer Nechemiah*.<sup>4</sup> Ezra and Nehemiah gather the Jews to the newly built Temple and teach them various laws of the Torah that they had been neglecting. Upon learning of their numerous transgressions, the Jews begin to cry bitterly. Nechemiah comforts them, insisting that instead of crying, they should rejoice in their renewed commitment to God and in their faith that He will forgive them, and express this rejoicing and gratitude through feasting. Additionally, Nechemia instructs the Jews to

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<sup>2</sup> See *Ramban (Vayikra 23:24)* who elaborates on the term “*zikaron*” and its relevance to judgment.

<sup>3</sup> See Rosh Hashanah 2a.

<sup>4</sup> *Nechemia* 8.

send portions [of food] to those who lack the financial means to celebrate.

While most readers studying these verses would focus on the usual themes of accepting God as King or of repentance,<sup>5</sup> Rav Hutner chose to focus on a different element, namely the seemingly extraneous insistence to supply the impoverished with food and drink. Why was it so important to mention this command? Just as a similar verse was used in Megillas Esther as the source for the practice to give *matanos la'evyonim*, gifts to the poor, on Purim,<sup>6</sup> so too Rav Hutner uses this verse as the source to conclude “that acts of kindness are embedded into the framework of the holiness of the day.”<sup>7</sup>

The duration of the *ma'amar* elaborates on the centrality of *chessed* to Rosh Hashanah. Rav Hutner explains that Rosh Hashanah does not merely commemorate the creation of the world, but also heralds the reawakening of the powerful spiritual forces of creation. Indeed, these “holy lights,” as Rav Hutner calls the spiritual forces involved in the act of creation, are qualitatively different from those employed in the perpetuation of the world after its creation. The Talmud states that the first chapter in *Bereishis* should not be expounded publicly.<sup>8</sup> Rav Hutner explains that this is because this chapter describes those spiritual forces of creation that are not expressed anymore – other than on

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<sup>5</sup> For example, see *Ralbag (Nechemia 8:10)*.

<sup>6</sup> See Maimonides end of Laws of *Yom Tov* about giving food to the poor for celebrating holidays, and compare to here and *Megillas Esther*. See also Laws of *Megillah*. See also *Metzudas David (Nechemia 8:10)* and *Ralbag (id.)*.

<sup>7</sup> *Pahad Yitzhak: Rosh Hashanah*. Discourse 1, Chapter 1.

<sup>8</sup> *Chagigah 13a*.

Rosh Hashanah. Since the creation of man in the “image of God” is mentioned in this chapter, it stands to reason that divine characteristics of man are most expressed during this time as well. Since the world was created with kindness – “*olam chessed yibaneh*”<sup>9</sup> – man is enjoined to imitate God and perform acts of kindness which better manifest his image of God.

### III – The Role of Kindness

Although performing acts of kindness is obviously a virtue, the connection between doing these acts and the other themes of Rosh Hashanah appears somewhat tenuous. One might suggest that acts of kindness would be in consonance with a day dedicated to accepting God as the King because such acts represent sacrificing the “I” for a greater purpose. However, a closer analysis reveals a starkly different perspective.

In his second discourse, Rav Hutner states that *chessed* in its notional form<sup>10</sup> does not involve any loss on the part of the benefactor, because this would limit the giver’s munificence.<sup>11</sup> It is only once the desire to do good is manifested in the physical world that the act of kindness appears to involve an element of sacrifice. Thus, although traditional acts of kindness generally involve an expenditure of resources,<sup>12</sup> the impetus or desire to do good is not a manifestation of nullification or servitude.

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<sup>9</sup> Psalms 89, 3

<sup>10</sup> Rav Hutner calls this term “*betaharta ha’atzmis.*”

<sup>11</sup> Although Rav Hutner does not state this explicitly, it can be inferred from his explanation in the second discourse (2:4).

<sup>12</sup> This notional form of kindness is more apparent when the kindness involves spiritual elements.

Moreover, kindness is not only a lack of subservience, but also an act of empowerment. At the end of the first discourse, Rav Hutner summarizes the imperative to perform acts of kindness as it relates to Rosh Hashanah as the time of creation, specifically the creation of man in the image of God. In other words, it is the commandment of *imitatio dei* that mandates kindness.<sup>13</sup> It is not a medium of self-nullification, but rather a tool of divine empowerment.

Kindness is actually a manifestation of creativity. This idea is best reflected in *Lonely Man of Faith*.<sup>14</sup> In this work, Rav Joseph B. Solovetichik develops an exegetical framework for understanding the two accounts of man's creation in *Bereishis*. Adam I is created in the "image of God" and charged with dominating the world to achieve the grandeur that man deserves as being the pinnacle of creation and an "image of God," while Adam II seeks a covenantal relationship with God involving servitude and sacrifice. Even if one were to ignore the secular overtones of Adam I, such a description is still far from a picture of self-nullification. Reduced to its simplest form, Adam I is a creative being. Kindness may be the product of such creative impulses; but such acts would only further buttress man's position as munificent caretaker (or, in cruder terms, benevolent despot) of his surroundings.

This concept of man actualizing his divine potential and thereby imitating God is expressed even more forcefully in the *Sefer Habahir*<sup>15</sup> which recounts God

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<sup>13</sup> This is the reason for the concept of "*mah hu rahum af atah rahum*" (*Maseches Sofrim 3:17*), just as [God] is merciful, so too should [man] be merciful. See *Pachad Yitzchak: Pesach* (43).

<sup>14</sup> Chapter 1.

<sup>15</sup> See *Sefer Ha-Likuttim: DAC" H Tzemach Tzedek*. Vol. 1 *Avraham 3:1*.

commenting that as long as Avraham was alive he did not have to do any “work” because Avraham embodied the *middah* of *chessed*.<sup>16</sup> Avraham, as it were, assumed God’s role. How does such a perspective promote servitude to God and acceptance of His kingship, the much more apparent theme of Rosh Hashanah?

#### IV – Degrees of Nullification

In order to reconcile this apparent contradiction, one must first understand the concept of nullification before God. Understandably, this relationship with God is not binary but occurs in varying degrees of conception of the self and God. Rabbi Schneur Zalman of Liadi, however, notes<sup>17</sup> that there are two broad degrees of nullification: 1) *bittul b’yesh* and 2) *bittul b’m’tzius*. The first degree is the internalization that God is the Supreme Being that rules the physical and spiritual realms, while the latter is the understanding that God transcends the worlds and that there is nothing but God; the purest form of fear is the fear of what God is and not what He does.

Avraham and Moshe personify these two perspectives. The Talmud states<sup>18</sup> that the degree of servitude of Moshe was greater than that of Avraham

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<sup>16</sup> A full understanding of this concept is beyond the author’s capability. However the term *melachah* is important. This term refers to creative work. Such a term was used to describe the process of creation (see *Breishis* 2:2) – transforming the *tohu vavohu* into its fullest potential. Kindness could be conceptualized as acts that facilitate someone or something developing into its full potential. See also *Bava Basra* 10a regarding the discussion between *Turnus Rufus* and Rabbi Akiva regarding the necessity of creating rich and poor people and a discussion about the importance of charity.

<sup>17</sup> *Likkutei Amarim* Ch. 34 and Siddur, “Introduction to *Tikkun Chatzos*.”

<sup>18</sup> *Chullin* 87b.

because Avraham declared that he was “dust and ashes,” whereas Moshe declared that he was “nothing.” Rabbi Elya Weintraub<sup>19</sup> explains that Avraham found God by looking through the world. This is best expressed by the midrash<sup>20</sup> which relates that Avraham gazed at the world as if it were a building and was able to perceive the builder. The building must exist as a separate, distinct entity if one hopes to find its Builder. Thus, Avraham could internalize the reality that God was the Creator and Ruler of the world. However, Moshe’s degree of *hisbatlus* transcended the world. He, along with the rest of creation, was nothing, merely an expression of godliness.

Such a distinction leads one to the conclusion that Moshe was on a higher spiritual level than Avraham. Indeed, one of the Thirteen Principles of Faith<sup>21</sup> is that Moshe was the greatest prophet that ever lived, enabling him to receive the Torah. However, such a position is problematic. Maharal<sup>22</sup> and others state that Avraham, along with the other forefathers, became a *merkavah*, a chariot for God (to drive and propel His will forward). In other words, they totally nullified themselves to the will of God. If Moshe’s degree of nullification was greater, why wasn’t he a part of this dynamic as well? This problem is also connected to Rosh Hashanah. The *Midrash Rabbah*<sup>23</sup> states that Avraham is connected to the holiday of Rosh Hashanah, and Maharal<sup>24</sup> comments that Avraham was even born on Rosh Hashanah. If Rosh Hashanah is a day of

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<sup>19</sup> *Chayei Yosef. Discourse on the Two Sets of Tablets*, note 3.

<sup>20</sup> *Bereishis Rabbah Lech Lecha* 39.

<sup>21</sup> See Maimonides’s *Introduction to Perek Chelek*.

<sup>22</sup> *Nesivos Olam (Nesiv Ahavas Hashem, Chapter 1), Tiferes Yisrael* Chapters 20 and 24.

<sup>23</sup> *Vayikra Rabbah (Emor 29)*.

<sup>24</sup> *Hiddushei Aggadot: Rosh Hashanah* 10b.

accepting God's sovereignty over the world, why is Moshe not representative of this day instead?

## V – The Roles of Avraham and Moshe<sup>25</sup>

An analysis of Maharal's descriptions of Moshe and Avraham leads to the conclusion that these Biblical figures manifested two different stages of a Jew's relationship with God: Avraham was the first Jew, while Moshe was the paradigmatic Jew. This distinction is manifested with the Maharal's concept of *nivdal*, separate, a term used to describe a qualitative gap between two entities. Such a gap may be required for two reasons: 1) because the second entity is qualitatively different from the first or 2) because the second entity is to be the counterpart of the first (thus, this separation facilitates the second entity's connection to the first). Maharal states<sup>26</sup> that Avraham was called a *ger* because he was separate from the nations of the world. Similarly, he was given the commandment of circumcision to separate himself from the physical world.<sup>27</sup> Thus, Avraham was separated from the physical, heathen world to serve as the beginning of the Jewish nation.<sup>28</sup>

Moshe, however, was to be the ideal Jew, the one capable of leading the Jewish nation and receiving the

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<sup>25</sup> The vast majority of this concept is explained fully in *Tiferes Yisrael* Chapter 24.

<sup>26</sup> *Gevuros Hashem* Chapter 38.

<sup>27</sup> *Tiferes Yisrael* Chapter 24.

<sup>28</sup> One can argue that Avraham's status as a *nivdal* was also for the second reason – that he and the Jewish nation were the spiritual counterpart to the physical world. Although this is true, this essay focuses on Avraham's and Moshe's status from the perspective of the Jewish people.

Torah. Thus, he was born circumcised, a stage which Avraham spent the first 98 years of life building up to.<sup>29</sup> To be able to relate to the entire Jewish entity, he needed to sever all ties to specific components of it. Thus, Moshe was separated from the Jewish nation because he was the spiritual embodiment of the entire Jewish nation.<sup>30</sup> He was raised in the Egyptian palace, away from the rest of the Jewish people. Moreover, he married a convert, someone who had no biological connection to the Jewish nation. In effect, he became a parallel Jewish nation unto himself.<sup>31</sup> Thus, while Avraham's role was to serve as a transition (i.e. a separation) between the nations of the world and the Jews, Moshe's role was to serve as a counterpart to the Jewish nation by serving as its emissary to God (and receiving the Torah).

Rav Weintraub's analysis of the Talmudic statement above indicates that being an initiator requires that the individual serving as a bridge remain anchored on *both* ends. In order to begin the quest of "traveling beyond the world" to find God, one needs to remain grounded in the world. Thus, Avraham needed to retain a sense of self, that he was something physical – dust and ashes. The Torah, however, is something that is completely spiritual, something so transcendent that it predates the world by 2000 years.<sup>32</sup> As such, Maharal writes<sup>33</sup> that Avraham was able to divine the practical *mitzvos* of the Torah but could

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<sup>29</sup> *Gevuros Hashem* Chapter 19.

<sup>30</sup> *Gevuros Hashem* Chapter 33. Moshe is referred to as the *tzurah*, the ideal spiritual form, of the Jewish people.

<sup>31</sup> One can now understand God's desire to create an entire new nation beginning with Moshe after the Jews had sinned by creating the golden calf.

<sup>32</sup> *Avodah Zarah* 9a.

<sup>33</sup> *Tiferes Yisrael* Chapter 20 and *Derech Chayyim* (1:2).

not receive the text itself. The ability to receive and bring down the Torah requires someone with a higher degree of nullification and connection to the divine – Moshe.

However, Moshe's qualifications were insufficient without the efforts of Avraham. The *midrash* states<sup>34</sup> that the angels did not allow Moshe to accept the Torah until God changed Moshe's face<sup>35</sup> to resemble Avraham's. Maharal explains that the only way to bring down the Torah is through *chessed*. Thus, although Moshe was the medium capable of receiving the Torah, he needed to build upon Avraham's connection to God, the bridge Avraham created between the physical and spiritual realms, in order to do so.

Based on the above, one can now understand why Moshe was not part of the *merkava*. The forefathers who were part of the *merkava* were the progenitors of the Jewish nation. By becoming the *merkava* they succeeded in engendering an intimate connection with God into the Jewish spiritual makeup.<sup>36</sup> It would be impossible for a *nivdal* to fulfill that role because he is separated from them; one cannot help form the entity that one was separated from. On a deeper level, the *merkava* was only established with the participation of all three forefathers; each of those traits alone only comprised a part of being

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<sup>34</sup> *Shmos Rabbah* (*Yisro* 28:1).

<sup>35</sup> Hashem transforming Moshe's face may be for one of several reasons. One is that it is the medium through which other people interact with the individual. Thus, one's expression is only an externality and does not fully encapsulate the individual's complete personality. Another possibility is that the face is traditionally associated with kindness. The constant phrase in *Tanach* is to find favor in one's eyes. Similarly, the final *berachah* in *Shmoneh Esrei* states "*Sim...vchessed...barcheinu Avinu...b'or panecha.*"

<sup>36</sup> See *Pachad Yitzhak: Rosh Hashanah Discourse 2*.

vehicle (i.e. subservient) to God. Moshe, however, was the complement to the Jewish nation and the mouthpiece of God. He did not constrict divine service to a particular trait. In a sense, his role transcended the diffraction of normative *dveikus*, cleaving to God with a particular trait.<sup>37</sup>

## V – Rosh Hashanah: The First Step

One can now understand why Rosh Hashanah is so critically connected to the theme of *chessed*. Accepting God's dominion is a graduated process with well-defined steps. Although the ultimate goal may be to internalize that there is "nothing but God," the first step must be to acknowledge that God is the Ruler of the world. However, there must also be people to accept God as the King.<sup>38</sup> Thus, we also celebrate the birthday of man, an entity created in His image, the being capable of giving to others and furthering the divine plan of revealing the Godliness of this world. By performing acts of kindness, man harnesses his ability as a creator, thereby reinforcing and elevating his status as a physical being infused with spirituality – an "image of God."

It is only later, on Yom Kippur, that we can achieve the next step in connecting to God. On this day Moshe brought down the second set of *luchos*, and the Jews' *teshuvah* process was completed. When the Temple stood,

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<sup>37</sup> Thus, he is referred to as "*ish*." (See also *Ma'amarei Pachad Yitzhak: Sukkos* Discourse 10 in which Rav Hutner describes the divine service of Ya'akov in similar terms. See *Tiferes Yisrael* Chapter 24 and *Sefer Halikutim*: Moshe for complete comparison of Moshe and Ya'akov). However, see *Tiferes Yisrael* Chapter 24 where *Maharal* says that Avraham is called *Adam* because he is a progenitor.

<sup>38</sup> See *Gra Mishlei* Chapter 27.

the Kohen Gadol would enter the Holy of Holies, a realm that took up no physical space.<sup>39</sup> This sanctuary was the bridge to the spiritual worlds<sup>40</sup> in which the most intimate connection with God occurred. This is the second stage of *hisbatlus*, the nullification of Moshe.<sup>41</sup>

This perspective also influences the process of repentance. In order to step out of the mire of sin, one foot must first remain grounded in the cesspool. Thus, on Rosh Hashanah, we accept God as the King of the world. When God is the King of the world, the full severity of sin becomes instantly apparent for even the most distant Jews, like those who stood before Ezra and Nechemia. Although pain and sorrow may rightfully ensue, Ezra and Nechemia's commandment to rejoice and perform kindness serve as a reminder of both the potential of man and God's infinite kindness to facilitate genuine repentance, thereby ultimately reaching the second level of *bitul* on Yom Kippur:<sup>42</sup> when there is nothing but God.<sup>43</sup>

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<sup>39</sup> *Megillah* 10b. The application of this Gemara to the Yom Kippur service was told to the author by Rabbi Mendel Blachman.

<sup>40</sup> See *Likkutei Amarim* Chapters 53-55.

<sup>41</sup> Thus, Moshe received the second set of Tablets on Yom Kippur. One can also better understand the midrash that Moshe was initially destined to become the High Priest (see Rashi *Shemos* 5).

<sup>42</sup> For a more nuanced description of the role of Rosh Hashanah, see *Likkutei Torah* and *Sefer Halikutim (Avraham, 3:1)* which indicate a significant degree of *bittul* on Rosh Hashanah as well. To understand this dichotomy, see *Bet Yishai: Drashos (Ma'amar Bechiras Yisrael)* and *Pachad Yitzhak: Rosh Hashanah (Discourse 20)* which describe two perspectives of Rosh Hashanah. (This answer can also be used to homiletically explain why Yom Kippur is omitted in *Nechemia*. See *Yalkut Shimoni* ad loc which alludes to several themes of Yom Kippur. Thus, although both themes are present, the theme of Yom Kippur was stressed on Rosh Hashanah.)

<sup>43</sup> See *Likkutei Torah*, which describes the process of repentance as developing a connection with G-d that transcends the rift of sin. See also

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*Sifsei Chayyim*, which describes the spiritual transformation between Rosh Hashanah and Yom Kippur in slightly different terms. However, the general idea is the same. See also *Sichos Rabbi Shimshon David Pinkus: Yom Kippur* (Discourse 1) and *Pachad Yitzchak: Rosh Hashanah* (Discourse 20) which also develop this theme.

# *Teshuva and Yom Kippur*



# Can You Hear Me Now?

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Yossi Markovitz

**T**he *Rambam* begins *Hilchot Teshuva* with the following instructions:

כל מצות שבתורה בין עשה בין לא תעשה אם עבר אדם על אחת מהן בין בזדון בין בשגגה כשיעשה תשובה וישוב מחטאו חייב להתודות לפני האל ברוך הוא.

If a person transgresses any of the *mitzvot* of the Torah, whether a positive command or a negative command, whether willingly or inadvertently, when he repents, and returns from his sin, he must confess before G-d.

The *Minchat Chinuch* explains that if one repents only in his heart, he forfeits the performance of a Torah commandment, because the *psukim* in the *Torah* that refer to *teshuva* call for verbal repentance. Why the need to verbalize through וידוי? As Jews, we do not share the belief that confession to a priest brings forgiveness from Above. Our Father in heaven is יודע; מחשבות; He knows our thoughts. It therefore seems redundant to have הרהורי תשובה, thoughts of repentance, followed by words.

To help us understand the phenomenon of וידוי, we can look at a מסכת קידושין in גמרא as quoted by Rabbi Yakov Meskin<sup>1</sup> (my great-grandfather) in his פלפול לשבת שובה.

קידושין מט: על מנת שאני צדיק, אפילו רשע גמור - מקודשת, שמא הרהר תשובה בדעתו.

If a man says to a woman, “You are betrothed to me on condition that I am righteous,” even if he is absolutely wicked,

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<sup>1</sup> Meskin, Rabbi Yakov. *Even Yakov: Novellae and Responsa*. Twersky Brothers, NY 1959.

she is betrothed, for he may have meditated repentance in his thoughts.

This is a lovely idea. It's wonderful to give everyone the benefit of the doubt. And so it is codified in the *Rambam*. However, the *Rambam* also rules that if a *p'sul eidut* (such as a gambler with dice, a lender who collects interest, a chaser of doves, or a merchant who profits from produce of *shemittah*) is one of the witnesses at a wedding ceremony, the bride and groom are not married. Why shouldn't we apply the same rule as in the aforementioned גמרא? Why don't we consider that the witness may have "meditated repentance in his thoughts" and returned to being a qualified witness?

R. Abraham Hiyya de Boton (c. 1560– c.1605), known as the להם משנה, writes that the two situations differ because the wedding witness never proclaimed his repentance. This is shocking since the proposing man in the גמרא does not appear to be announcing his desire to repent either. He is casually saying, "If I'm a righteous man," to the disbelief of all those around him.

Clearly, the להם משנה assigns great power to offhand verbalization, and even more to intentional statements. Even though the groom was a sinner, his flippant words have the capacity to move him to good behavior. It is the power of speech that can nudge potential thoughts to actual deeds. An utterance is no simple act.

When we speak, we share our ideas with our environment. Often an entire room full of people will hear us; sometimes our words reach the ears of only one person. But we've made a commitment. I may not fully succeed, but once the words have left my lips I will likely give it a try. We can call this phenomenon Social Goal Setting. The (unusually positive) impact of social exercise technology like Fitbit and Runtastic is a testament to the potential of social goals. In a 2013 research study published in *Translational Behavioral Medicine*, participants who published their weight loss progress on

Twitter lost more weight than those who kept their progress to themselves.<sup>2</sup>

Psychologist Elizabeth Lombardo, author of the book *Better than Perfect: 7 Steps to Crush Your Inner Critic and Create a Life You Love*, agrees that accountability is a huge factor in motivating us to cross items off our to-do lists. "When no one is around to say anything about an incomplete task," Lombardo argues, "it's easy to push it to the next day and the next week, and so on. Putting the task out there for others to see, she says, helps motivate us to get it done so we don't look bad to others. Crossing things off your list is a way to save face, so to speak."<sup>3</sup>

Returning to our original question, וידוי is most effective when we trust there is someone listening. My dear friend Rabbi Netanel Lauer, a Jewish educator and marriage counselor living in Israel, pointed out a fascinating רש"י in מסכת יומא כא. He explains that the famous miracle in the Temple, wherein there was barely enough room to stand yet everyone had room to bow, was performed specifically so that each person could say וידוי without anyone else hearing. We are not required to confess to any other person. Yet we must remember that we are not simply talking to ourselves. וידוי is a special opportunity for us to solidify our personal relationship with Hashem by having our own private conversation with Him. This idea can be beautifully summarized in the following quote:

By using words, which are themselves a Divine tool, man can bring G-d into the situation, make G-d an ally; hopefully, that will spiritually fortify the person and provide the strength needed to succeed.<sup>4</sup>

יהי רצון שנוזכה לשנים רבות.

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<sup>2</sup> <https://www.fastcompany.com/3047432/work-smart/why-sharing-your-progress-makes-you-more-likely-to-accomplish-your-goals>

<sup>3</sup> *Ibid.*

<sup>4</sup> <http://www.aish.com/tp/i/moha/50614402.html> (Hat tip: Rabbi Dr. Avi Oppenheimer)

# The Potential of the Average Joe

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*Yossi Friedman*

**T**he Rambam states in *Hilchos Teshuva* 3:1: “Every human being has some merits and some sins. One whose merits outnumber his sins is considered righteous, and one whose sins outnumber his merits is considered wicked. One whose deeds are equally divided between sins and merits is considered a *beinoni* –an average person.” This statement by the Rambam is perplexing – how does one identify where he falls on the wicked–righteous scale? Can this wicked–righteous equation be so simple and objective that it can be graphed on some sort of chart, and does Hashem, according to Rambam, not consider other factors, such as sinning due to ignorance or other extenuating circumstances? How does Hashem weigh sins or mitzvos that a person planned on performing but did not actually perform? Surely there must be more to this formula than meets the eye. Rambam himself admits that these calculations cannot be fathomed by the human mind and states in the next Halacha 3:2, “Such calculations only take place in the mind of the Divine, as He is the One Who knows how to evaluate merits against sins.” Again, one is left wondering how knowledge of this general formula can help us when we face the *Yom HaDin* if only G-d really knows how it works.

Later in the same *perek*, Rambam addresses this quandary by advising everyone to look at himself as if he were a *beinoni*. “A person should see himself all year long as if he were half innocent and half guilty. If he commits

one sin, he has tilted himself and the whole world to the side of guilt and caused its destruction. If he performs one mitzvah, he has tilted himself and the whole world to the side of merit and caused its redemption.” The Rambam cites Mishlei 10:25 in support of this idea: “The righteous are the foundation of the world—this refers to a righteousness that has tilted the whole world toward merit and saved it.”

Rambam’s dramatic interpretation of the powers and influence of the *beinoni* seems to state that the entire world’s existence is based on the *beinoni*’s actions! What pressure, especially for a person who by definition is not extraordinary but rather is average. However, despite that pressure, we also can appreciate the potential of the *beinoni* in the grand scheme of our existence. An average person, an average Joe (or Josephine) can bring about not only personal redemption but also redemption to the world as a whole! But how does this self-improvement strategy that the Rambam introduces become the foundation of the world? Where is the missing link between the *beinoni* and redemption? I believe this idea needs to be absorbed and internalized, yet clarified in some detail, as we prepare ourselves for the *yemei hadin* and follow the Rambam’s guidance for the days ahead.

The Gemara (Shabbos 55A) recounts an *aggada*: Hashem says to the angel Gavriel, “Go and draw the letter “*tav*” with ink on the foreheads of the righteous, so that the destructive angels do not cause any harm to them, and on the foreheads of the wicked draw a “*tav*” with blood so that the destructive angels bring destruction upon them.” The *midat hadin* asks how are the righteous different from the wicked, to which Hashem responds that the righteous are completely righteous, and the wicked are completely

wicked.” This Gemara begs us to question the Rambam’s idea of *beinonim*. Based on the Gemara, we are left to assume that there are no *beinonim* in this world. Either one is completely righteous or one is completely wicked. Are these opposite extremes the only categories within *klal yisrael*? Is there no subset of Jews that falls in between? If there is, then why doesn’t the Gemara mention them? And if there are only *tzadikim* and *resha’im*, but not *beinonim*, in the world, on what does the Rambam base the instruction to imagine ourselves as *beinonim*? The in-between status, that of the “average Joe,” and its link to redemption seems to be used by the Rambam as a way to guide individuals in the process of teshuva. But if it is only an educational method, how can it bring about the redemption of the world?

A teaching of the *Ohr Hachaim Hakadosh* (Bemidbar 24:17) comes to aid and support the Rambam in teaching about the potential power of *beinonim* in bringing about the redemption.

The *pasuk* states:

אראנו ולא עתה  
אשורנו ולא קרוב  
דרך כוכב מיעקב  
וקם שבט מישראל...

“What I see for them (אראנו) is not yet (A);

What I behold (אשורנו) will not be soon (B)

A star rises from Jacob (A),

A scepter comes forth from Israel (B)”

Sections A and B of the *pasuk* contain similar use of imagery although in different words אראנו/אשורנו, דרך כוכב/וקם שבת. However, there is a critical difference, and its significance ultimately aligns and proves Rambam's "beinoni-redemption" link.

The *Ohr Hachaim* comments that this entire *pasuk* is alluding to the end of days and the times of the Messiah – and he quotes the Gemara in *Sanhedrin Daf 98* – discussing the timing of Messiah's arrival based on this *pasuk*. Hashem states that if *Bnei Yisrael* are deserving, He will hasten the coming of Messiah, and if they are not, it will come in its proper time, at some point far off in the future. The word אראנו is interpreted as a time in the near future – "What I see for them"...down the line, but still visible. Comments the *Ohr Hachaim* – it doesn't necessarily need to be somewhere out there in the distance; rather, we can see it and it is attainable. If we make the effort, then we have the ability to bring it closer. If *Bnei Yisrael* repent sincerely, and make the necessary effort as they should, then redemption is reachable immediately. However, if *Bnei Yisrael* do not repent fully then it will be אשורנו, – a term only used for viewing very great distances, as in "It's out there somewhere, but we can't actually see it—we will get there eventually but nothing we can do will hasten its arrival." It is "ולא קרוב."

What a beautiful interpretation! We now start to appreciate the linkage between *teshuvah* and redemption as the Rambam postulated. If we all repent, we obtain the redemption. However, how does that relate to the *beinoni*-redemption promise of the Rambam? The Rambam's specific language is to view ourselves as *beinonim* – and then Redemption will be brought about. Perhaps the *Ohr Hachaim* is simply stating that if we all repent and become

*tzadikim gemurim* as the Gemara stated – knowing Torah from *aleph* through *tav*, only then can we merit the hastening of the Messiah – and this would exacerbate the argument against the *beinoni*-redemption model?

To answer this we need look to the second part of the *Ohr Hachaim Hakadosh*, his interpretation of the latter part of the *pasuk*, referencing the symbolic imagery: – “A star rises from Jacob/ A scepter comes forth from Israel.” He states as follows:

When Bilaam spoke of the arrival of the Messiah as a result of Israel’s merits, he described his arrival as similar to that of a star, i.e. a celestial figure making a prominent appearance in the sky. When Bilaam spoke of “a scepter arises in Israel,” he referred to the other alternative, i.e., the Messiah arriving at the end of time. Although at first glance, we would have expected Bilaam to associate the early redemption with Israel and the delayed redemption with Jacob instead of vice versa, Bilaam is true to form in his vision. If the average Israelite (Jacob) is deserving, then the redemption will occur ahead of the original timetable set for it. If however, Hashem has to fall back on the *tzaddikim* (Yisrael) in order to bring redemption, it will only occur at its pre-arranged time.

We are familiar with referring to someone as a rising star – which typically symbolizes an individual lifting himself up from a lower point to a higher one with the potential to reach amazing heights of success in his field of endeavor. This is what the Rambam is asking us to become if we look to earn redemption. According to *Ohr Hachaim Hakadosh*, the Torah specifically refers to it as Jacob’s star, as opposed to Israel’s star – which would have

symbolized a loftier level reserved for the righteous. The term Yaakov is often used to indicate a more natural, human status – that of the *beinoni*. This is in contrast with the phrase, וְקָם שְׂבִיט, which the *Ohr Hachaim* states will happen via a natural occurrence of events as a result of a foreign king lowering his scepter, thereby “forcing” the Messiah’s arrival due to our lowly state. This derogatory redemption outcome awaits if the *beinonim* neglect the call of the Rambam and *Ohr Hachaim* and remain stagnant in their ways. As the Gemara in Shabbos suggested, Hashem will then provide a free pass for the *midat hadin* to decide who will be inscribed with ink and live, and who with blood and perish—a much stricter level of judgment where only the “Yisrael” level Jews, true *tzadikim*, will survive.

We don’t know whether we really are *beinonim* (or *tzadikim* or *resha’im*), and we lack any absolute formula to follow. Only Hashem in His infinite wisdom and justice can truly categorize our souls with such labels. Nevertheless, it is incumbent upon us, as the Rambam advised and as the *Ohr Hachaim* demonstrated from the Torah, to view ourselves as *beinonim* at our own personal level, and to push through our natural human inclinations, and rise just a bit higher from our present average state, to become “stars,” to enter into a higher level of observance, dedication, and consistency in our *avodas Hashem*. That is the key to real redemption. That is the potential of the *beinoni*! In the merit of our appreciating and internalizing these ideas and acting on the Rambam’s guidance, may *Klal Yisrael* be *zoche* to **see** the redemption, speedily and in our days.

# The Others

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*Seth Lebowitz*

The Torah presents the Temple service of Yom Kippur “*acharei mot shnei b’nei Aharon...*,” after the death of the two sons of Aharon.<sup>1</sup> These two sons of Aharon are of course Nadav and Avihu, who died for an unspecified sin earlier in the book of Vayikra.<sup>2</sup> But what is the connection between the sin of Nadav and Avihu and the sacrificial *avoda* of Yom Kippur? The Chatam Sofer<sup>3</sup> supplies an answer that can enrich not only our experience of Yom Kippur, but also our own personal *avoda* all year long.

In order to understand the connection between the sin of Nadav and Avihu and the Yom Kippur *avoda*, one must first understand the sin itself. The Chatam Sofer interprets two hints in the Torah to teach us the nature of this sin.

First, the Torah describes Nadav and Avihu as “*uvanim lo hayu lahem*,” they did not have children.<sup>4</sup> The Chatam Sofer understands that this reference to *banim*, ordinarily referring to children, is to students –Nadav and

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<sup>1</sup> Vayikra 16:1.

<sup>2</sup> Vayikra 10:1-3. Regarding the unspecified nature of their sin, see, for example, Kli Yakar on Vayikra 10:1.

<sup>3</sup> I originally saw this drasha quoted in *Parshegen* by Rabbi Rafael Binyomin Posen, z”l. *Parshegen* is a marvelous work on Targum Onkelos that is of great benefit to those learning *shnayim mikra v’echad targum* or otherwise learning Chumash. The Chatam Sofer’s presentation of this idea is found in the *sefer* Torat Moshe, in the second entry on *Parshat Acharei Mot*.

<sup>4</sup> Bimidbar 3:4.

Avihu did not have a group of students. They did not actively pass on the great Torah knowledge they must have gained from their proximity to Moshe and Aharon. This was problematic, says the Chatam Sofer, “*shezeh ikar letakein zulato*,” because helping others grow and improve is fundamental.

The Chatam Sofer finds the second hint in the meaning of the word “*ketoret*.” Based on the relationship between the Hebrew and Aramaic languages, he explains that “*ketoret*,” incense, is related to the word “*keshet*,” meaning close connection or knot.<sup>5</sup> The goal of bringing *ketoret* in the Mishkan, he explains, is to create a close connection between the Jewish people with God. When Nadav and Avihu brought *ketoret* in the Mishkan, says the Chatam Sofer, they intended to achieve a close connection with God, but for themselves rather than for the Jewish people as a whole. For this reason their offering of incense and fire was not accepted.

It appears that we would have trouble identifying the sin of Nadav and Avihu as such if we saw it. We would admire them for having absorbed so much from Moshe and Aharon. We would be in awe of them for having served in the Mishkan. Nevertheless, the Chatam Sofer tells us that we must learn from them that even one’s personal *avodat Hashem* cannot be solely focused on oneself. “הם לא נכנסו אלא לתקן עצמם... כללו של דבר ועקרו—לתקן” Nadav and Avihu entered the Mishkan for the commendable and essential goal of personal growth and improvement, but it was not acceptable because they were missing the component of helping others do the same.

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<sup>5</sup> See, for example, the Midrash Tanchuma about the meaning of the name Ketura quoted by Rashi on Breishit 25:1.

The *avodat yom hakippurim* is one of the most individualized acts prescribed by the Torah. Unlike other *mitzvot*, which can be performed by everyone (such as praying or eating matzah) or by a specified group (such as reciting *birkat kohanim*), it can only be performed by one individual –the *kohen gadol*. The *kohen gadol* gets to have a religious experience that is his and his alone. This isn't an act of selfishness, rather it is a duty placed on him by the Torah. But given this individual focus, it is important to emphasize that this intricate and intense *avoda* is on behalf of the entire Jewish people. The Chatam Sofer finds this very message in a verse in the middle of the *avoda*— "וכל אדם לא יהיה באהל מועד, בבאו לכפר בקדש עד צאתו, וכפר בעדו" ובעד ביתו ובעד כל קהל ישראל" which he interprets homiletically to mean "No man is allowed to be in the inner precincts of God's Temple if he enters in order to perform atonement only until he has fulfilled his own obligation ("עד צאתו"). Rather, he should atone for himself, for his household, and for all of the congregation of Israel."

May we all find the proper balance in our own *avoda* between the personal and the "לתקן זולתו."

# A Closer Look at the *Se'ir LaAzazel*

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Rabbi Dr. Aaron Ross

There may be no holiday that we celebrate today that is as different from the original form of its observance as is Yom Kippur. Vayikra 16 and the first seven (out of eight) chapters of *Masechet Yoma* provide us with the many intricate details of the *avoda* in the Beit HaMikdash that served as a major spectacle and focal point for this holiest of days. Yet, with the loss of the Beit HaMikdash, we are left only with our *tefillot* to fill the void as we ask for forgiveness.<sup>1</sup>

To compensate for the loss of the *avoda*, a major portion of our Musaf is devoted to a recounting of the details of the various *korbanot* and other rituals performed in the Beit HaMikdash on Yom Kippur. Told over as an extended *piyyut*, with several interactive and responsive portions, the *Seder HaAvoda* is intended to offer us a window into the intense holiness and solemnity of the day, and the immense and intense pressure placed upon the Kohein Gadol who was tasked with performing virtually every act by himself.

Yet, mere words cannot effectively portray one of the most dramatic and quixotic portions of the *avoda*, the

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<sup>1</sup> Rav Neuburger has noted that this may be why Yom Kippur and the Pesach seder are the two times that we conclude by saying לשנה לשה - הבאה בירושלים - they are the two times that we most acutely notice the absence of the Temple service.

*Se'ir LaAzazel*, the goat that was sent to be thrown off of a cliff in the wilderness. This goat begins its ordeal as if it is to be brought as a *korban*, standing in the courtyard of the Beit HaMikdash and having a *vidui* (confession) recited over it. However, it is then sent out into the wild, and is pushed to its certain death in an act that is seemingly meant to achieve some some form of expiation for the sins of the people.

How are we to explain this bizarre ritual? Is the *Se'ir LaAzazel* a *korban*? If so, how do we explain a *korban* that is offered outside of the Beit HaMikdash?<sup>2</sup> If not, then what is it, and why is there a *vidui* offered on it (and not on its companion goat) as if it was a *korban*? Why was a lottery used to select which goat would meet which fate? Usually, a *korban* has to be specifically designated for its purpose in advance! Was the *Se'ir LaAzazel* meant to achieve forgiveness like the other *korbanot* of the day or did it have a different purpose? Finally, what does the term “Azazel” mean? In the following pages we will endeavor to provide some answers for these questions, and to understand how the ritual of *Se'ir LaAzazel* can still inform our teshuva process today.

### ***Bribing the Accuser***

Rashi (Vayikra 16:10) writes that the word *Azazel* means a hard mountain and a steep cliff, and thus this term refers to what literally happens to the goat - it is

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<sup>2</sup> A similar question could be asked about the *Para Adumah* and the *Egla Arufa*. The former, while described with some of the terminology of a *korban*, does not seem to function as one, as it purifies but does not seek to achieve atonement. The latter does seek to achieve forgiveness, and thus does resemble a *korban*, although the specific rituals in no way conform to the rules of *korbanot*.

thrown off of a cliff, and, as the Mishna relates, its body broke apart as it slammed against the rocks on its way down.

Departing from his usual strict approach to *pshat*, Ibn Ezra offers one of the most cryptic statements in his entire commentary on the Torah. After asserting that the *Se'ir LaAzazel* could not be a korban as it is not ritually slaughtered, he then writes that the meaning of the term is a secret and “when you are thirty-three you will know it.”

Aside from not offering an explanation, what is Ibn Ezra talking about? Ramban *ad loc.* writes that the thirty-three that Ibn Ezra mentions is a reference to the thirty-third *pasuk* after the first mention of Azazel. That brings us to Vayikra 17:7 where the Torah states (not in the context of Yom Kippur) that the Jews will no longer bring their offerings to the *se'irim* that they stray after. Rashi, Ibn Ezra, and others explain the word *se'irim* in this context to be referring not to goats but to demons, and thus the *pasuk* is taken as an injunction against offering sacrifices to various pagan cults that were extant at the time. Building on this connection, Ramban writes that Ibn Ezra's intent is to postulate that the *Se'ir LaAzazel* was meant as a bribe to Sama'el, one of the significant demons, to convince him not to interfere with our *avoda* on this day.<sup>3</sup>

Obviously, this explanation is rife with difficulties, most prominently the idea that we are being commanded to offer a sacrifice to a demon, something that would be shocking on any day and is outright preposterous on Yom

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<sup>3</sup> Ohel Yosef, a supercommentary on Ibn Ezra, notes that the fact that the *Se'ir LaAzazel* was not slaughtered is proof that it was not actually a korban to Sama'el.

Kippur. Ramban, sensitive to this glaring critique, offers a parable. He claims that we should think about this idea through the prism of a king who commands his subjects to not only give him a meal, but to provide a meal for one of his servants as well. Clearly, the subject who is providing the meal to the servant is really intending to give it to the king, but is diverting it to the servant at the king's behest. Similarly, claims Ramban, by offering the goat to Sama'el, we are really doing the will of Hashem.

Yet this explanation simply begs the question. Why would Hashem want us to offer a korban on Yom Kippur outside of the context of the Beit HaMikdash?<sup>4</sup> Why do we have a need to "bribe" a demon on this day? The Zohar (Tetzaveh 102) writes that by offering this goat, we cause the *Sitra Achra* (the Kabbalistic term for the realm of evil) to believe that it has partaken of Hashem's meal in the hopes that it will leave us alone and not stand to accuse us while we are seeking forgiveness. Rav Eliyahu Dessler (*Michtav MeEliyahu*, vol. 1, p. 262) suggests that it is a bribe in the sense that by offering an animal outside of the Beit HaMikdash, we make the *yetzer hara* think that we are doing its will, when in reality everything we are doing is in accordance with the will and command of Hashem.<sup>5</sup> We

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<sup>4</sup> It is interesting to note that Yom Kippur is the only time that *avoda* is done inside the *kodesh kodashim* and the only time that a korban is offered outside of the Beit HaMikdash entirely. Understanding this movement towards both extremes, and especially the fact that we do so on the holiest day of the year, is beyond the scope of this study.

<sup>5</sup> Rav Dessler bases this idea on the Gemara in Chullin 109b, where Yalta postulates that for everything that Hashem has made forbidden to us, He has given us a similar pleasure in its place. Rav Dessler explains that this is so we do not build up a strong desire to chase after that which is forbidden. By allowing us to enjoy the pleasure associated with the forbidden item (without having the item itself),

will return to this concept later on, as these explanations still do not fully explain why such a strange ritual needs to exist in the first place.

### ***Twin Goats and Twin Brothers***

Abarbanel observes that the entire service surrounding the *Se'ir LaAzazel* calls to mind Tanach's first encounter with twins, namely Yaakov and Eisav. Just as the two goats were identical yet met vastly different fates as a result of divine providence (the lottery), so too did Yaakov and Eisav, born of the same womb, emerge to have vastly different natures and paths in life as a result of a divine decree (the message given by Hashem to Rivka during her pregnancy). Abarbanel sees the sending of one goat to the wilderness as representative of Eisav, who was known as an *ish sadeh*, a man of the fields. The *Yalkut Shimoni* further notes that the term *se'ir*, goat, is similar to the term *sa'ir*, hairy, the word used to describe Eisav at birth. As such, the *Yalkut Shimoni* sees this ritual as a symbolic placing of our sins on our *bête noire*, Eisav, and sending them along with him far away. Abarbanel views this as a prayer that our enemies, and not only our sins, should be distanced from us.

Rabbi Lord Jonathan Sacks sees a slightly different reference in the two goats. He notes that two goats actually appear in the Yaakov and Eisav story - they are the food that Yaakov prepared when he disguised himself as Eisav in an effort to steal the bracha from his older brother. What are we to learn from this connection? Rabbi Sacks explains that this story brings to a head the

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we satisfy our natural desire to have that which is denied to us. Similarly here, Hashem allows us to do a form of *avoda* which is normally forbidden so as to satisfy our curiosity.

major difference between Yaakov and Eisav. While *Chazal* have portrayed Eisav as a wicked character, in the *psukim* themselves he is more of a tragic figure, and in fact he is often deserving of our sympathy as he suffers multiple deceptions at the hands of his twin brother. Rabbi Sacks suggests that Eisav's major flaw in *pshat* is his impulsive nature, in contradistinction to Yaakov's patient and thoughtful approach.<sup>6</sup> That is what leads Eisav to sell his birthright in exchange for a momentary satisfying of his hunger, and it results in his hastily arranged marriage to a more suitable wife.<sup>7</sup>

Rabbi Sacks then expands this point and applies it to the case of the *Se'ir LaAzazel*. Abstracting Yaakov and Eisav to broader human characteristics, Rabbi Sacks notes that sin comes as the result of the Eisav-impulse, the quickness to act before processing and considering the eventual results of our actions, while refraining from sin demonstrates a Yaakov-like quality of contemplative practice. By sending one goat out to the wilderness, we are symbolically letting go of the Eisav-like aspect of our nature that has the potential to lead us to sin.<sup>8</sup>

### ***A form of kappara or a spur towards repentance?***

Rambam (*Hilchot Teshuva* 1:2) writes that the *Se'ir LaAzazel* atones for all sins, regardless of severity or intent, so long as the individual has done teshuva for the sin. Coming as this statement does at the very beginning of *Hilchot Teshuva*, this would seem to be a fairly unequivocal

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<sup>6</sup> Rabbi Sacks further notes that Yaakov rejects this characteristic even in his own sons. See his *brachot* to Reuven, Shimon, and Levi, all of whom are castigated for acting impulsively.

<sup>7</sup> See Bereishit 28:8-9.

<sup>8</sup> Rabbi Jonathan Sacks, *Covenant and Conversation, Leviticus: The Book of Holiness*, pp. 259-264

position that the purpose of this offering is to serve as a crucial component in almost every process of teshuva that a person undergoes. A more narrow approach is offered by the Gemara in Yoma 67a, which cites *Tanna d'Bei Rabi Yishmael* as seeing the word *Azazel* as being derived from *Uzza* and *Azael*, the two fallen angels (*nefilim*) who had relations with women as referenced in Bereishit 6. As such, the Gemara sees the *Se'ir LaAzazel* as atoning specifically for sins of licentiousness.

However, others view the *Se'ir LaAzazel* not as an actual part of the forgiveness process, but rather as something that is done to inspire the Jews to repent. According to Rav Dovid Tzvi Hoffman (Vayikra 16), *Azazel* comes from the word *Azalzel*, which roughly translates as a total separating or distancing from something. This *avoda* represents a case where Hashem accepts the sins in place of the sinners, and has the sins symbolically cast out and sent to a place where they can be completely abolished. Rather than having this serve as an actual atonement, Rav Hoffman claims that this ritual is meant to show us what Hashem is willing to do and the extent to which He is willing to go in order to forgive us.

Rav Hoffman notes a parallel between this case and another case where two animals are brought, with one being released into the wild, namely the two birds that are brought as part of the purification process of the *metzora*. While Rav Hoffman does not elaborate on that point, Rav Soloveitchik's opening essay in *Al HaTeshuva* may help explain a possible connection. In that essay, Rav Soloveitchik notes that there are two aspects to Yom Kippur - it is both *metaher* and *mechapper*, it purifies us from the stain caused by the sin and it atones for the wrong that was contained in the performance of the sin.

This is connected to the fact that a sin has a double impact on the individual who commits it - it makes one impure in the sense of lowering the person spiritually, and it makes one obligated to redress the grievance that he has caused. For both the *Se'ir LaAzazel* and the bird that is sent away there is an aspect of casting away one's shame,<sup>9</sup> while simultaneously keeping the other animal to serve as a more standard form of atonement.<sup>10</sup>

At the other end of the spectrum from Rambam, Rav Yaakov Tzvi Mecklenburg, in *HaKetav VeHaKabbala*, writes that the word *Azazel* is derived from the words *aza*, meaning strong, and *zal*, meaning repulsive. He then moves to explain that *Azazel* refers to something that is exceedingly shameful, namely idol worship, and our sending out this goat is meant to symbolize our utter rejection of worshipping other gods, and that the Jews should see this *avoda* and take a lesson from it. He notably does not see this as a form of repentance for the sin of idol worship, but just as a very public yet symbolic rejection of it.

### ***Turning a negative into a positive***

In the final essay in *Al HaTeshuva*, Rav Soloveitchik sees the *Se'ir LaAzazel* in broad metaphorical terms,

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<sup>9</sup> Of all of the forms of *tum'a* that are discussed in Vayikra 11-15, only *tzara'at* is intimately connected to a specific sin (most notably *lashon ha-ra*; see Erchin 15b), as opposed to coming in contact with something that is impure.

<sup>10</sup> Rabbi Sacks sees these two concepts as being emblematic of a culture of shame and a culture of guilt, respectively. On *Yom HaKippurim*, the two are brought together and we both send away our shame in the form of the *Se'ir LaAzazel*, which allows us to then atone for our guilt through the goat that remains behind. See Covenant and Conversation, pp. 247-252.

representing the third of three fundamental aspects to tempering the potential judgment against us that takes place on Yom Kippur. The first aspect is based on the halachic concept of *mashehu*, a minimally small amount, and is expressed in the fact that Hashem will accept even the slightest inkling of teshuva as a step towards full atonement. The second aspect is that of *chalipin*, of substitution, and is expressed in the fact that Hashem will allow us to suffer a lesser punishment, a lesser form of inconvenience in lieu of that which we fully deserve.

The third aspect is embodied by the *Se'ir LaAzazel*. Rav Soloveitchik begins by recounting the view of Ramban cited above and raising the obvious question of how Ramban can even suggest that we are offering something to the demons. He proceeds to explain that the *Se'ir LaAzazel* represents the trials and tribulations that a person suffers during the year as a result of his own misguided ambitions. Sometimes we go through suffering that is positive, but sometimes we have hard times due to our chasing after money or power or other less-than-pure motivating factors. While those sufferings can be seen as "*korbanot*," as sacrifices, they are not *korbanot* to Hashem, but rather to Azazel. They are not bumps on the road to complete service of Hashem, but rather the inevitable consequences of making the wrong choices and setting the wrong priorities. However, on Yom Kippur, if a person feels remorse for the actions that led to those sufferings, if he realizes that he needs to reset himself and alter the path that he is on, then Hashem accepts those "*korbanot*" as well, Hashem credits him for the sufferings he has endured, even though they were sufferings made for *Azazel*, for false gods and improper aspirations. The lesson of the *Se'ir LaAzazel* is that we can turn even our missteps into *avodat Hashem* if we are able to understand

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where we have erred and use that understanding to guide our path forward back towards Hashem.

### ***Concluding Thoughts***

Meiri, in his *Chibur HaTeshuva*, highlights Rambam's position that the *Se'ir LaAzazel* atoned for sins only if teshuva had been done by the individual. As such, even now when we lack the *Se'ir LaAzazel*, we are still capable of fulfilling the more important part of the equation, namely the sincere regret and repentance that serves as the focal aspect of Yom Kippur today. Whether we see this ritual as having been a concession to some darker forces within or external to us, or whether we see it as a having been a dramatic casting off or casting out of sins, the idea that Hashem once provided us with a way to confront and overcome our internal and external demons can hopefully inspire each of us to engage in sincere introspection and *cheshbon ha-nefesh*, secure in the knowledge that Hashem awaits our spiritual return, if only we are willing to take the first steps.

# *Mee Mitaher Etchem -* The Lessons of Teshuva and Mikvah

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*Dr. Aliza Frohlich*

**A**s we approach the *yamim noraim* and attempt to gain a better understanding of teshuva, it is enlightening to note the connection between mikvah and teshuva. Elucidating this link will enable us to better comprehend our responsibilities in achieving true teshuva.

This connection between mikvah and teshuva is referred to in Rabbi Akiva's famous statement as found in the Gemara Yoma 85b:

אמר רבי עקיבא: אשריכם ישראל, לפני מי אתם  
מטהרין, מי מטהר אתכם - אביכם שבשמים, שנאמר  
(יחזקאל לו) וזרקתי עליכם מים טהורים וטהרתם ואומר  
(ירמיהו יז) מקוה ישראל ה' מה מקוה מטהר את  
הטמאים - אף הקדוש ברוך הוא מטהר את ישראל.

*"Rabbi Akiva said, Happy are you, O Israel. Before whom are you purified and who purifies you? Your Father in Heaven, as it is stated, 'And I will sprinkle on you purifying waters, and you shall be cleansed,' and it states, 'Hashem is the hope (mikvah) of Israel' just as a mikvah purifies the impure, so does the Holy One Blessed be He purify Israel."*

What is this “purification” referred to here by Rabbi Akiva? It is purification from sin, referring to the repentance and the forgiveness from sin that happens on Yom Kippur. The Yom Kippur process is compared to immersing in the mikvah. And, in fact, over and over we state in the Yom Kippur machzor לפני ה' תטהרו - *before Hashem you will be purified*. The Rambam in his Hilchot Teshuva 2:3, when discussing the laws of repentance, compares repentance to mikvah.

כל המתודה בדברים ולא גמר בלבו לעזוב הרי זה  
דומה לטובל ושרץ בידו שאין הטבילה מועלת לו עד שישליך  
השרץ.

*Anyone who verbalizes his confession without resolving in his heart to abandon [sin] can be compared to [a person] who immerses himself [in a mikvah] while [holding the carcass of] a lizard in his hand. His immersion will not be of avail until he casts away the carcass.*

The Rambam in *Hilchot Mikvaot* 11:12 as well, refers to the similarity between teshuva and mikvah -

כשם שהמכוין לבו לטהר כיון שטבל טהור ואף על פי שלא  
נתחדש בגופו דבר כך המכוין לבו לטהר נפשו מטומאות  
הנפשות שהן מחשבות האון ודעות הרעות כיון שהסכים  
בלבו לפרוש מאותן העצות והביא נפשו במי הדעת טהור הרי  
הוא אומר וזרקתי עליכם מים טהורים וטהרתם מכל  
טומאותיכם ומכל גלוליכם אטהר אתכם השם ברחמיו הרבים  
מכל חטא עון ואשמה יטהרנו אמן.

*“One who focuses his heart on purifying himself becomes purified once he immerses, even though there was no change in his body. Similarly, one who focuses his heart on*

*purifying his soul from the impurities of the soul, which are wicked thoughts and bad character traits, becomes purified when he resolves within his heart to distance himself from such counsel and immerse his soul in the waters of knowledge. And Ezekiel 36:25 states: "I will pour over you pure water and you will be purified from all your impurities and from all your false deities, I will purify you."*

Similarly, the Braitta in Niddah 81a states "*Great is the woman who observes the laws of niddah. They separate her from sin and bring her close to Gan Eden.*" Again, mikvah is connected to ridding oneself of sin and Gan Eden refers to a sin-free existence.

Mikvah and teshuva are linked. By understanding this link it will give new meaning and life to the *mayim chayim*- the living waters- of mikvah, and help us get ready for *Yom Hadin*- the Day of Judgment.

First, one must realize that the mikvah's purpose is not to change unclean to clean, rather it is meant to be a change of status. We see this change in status in numerous places. Aharon and his sons immersed right before they became *kohanim*. On Yom Kippur the *Kohen Gadol* would dip before entering the *Kodesh Hakadoshim*. And, we certainly see this with a convert as he changes his religious status. Only water can accomplish this change. The difference between a fluid and a solid is change. Fluids have no permanence and cannot hold any one shape. Water therefore represents the ability to change.

But, what is at the root of this change in status? It is as if a person is reborn or recreated after dipping in the mikvah. A person is no longer the same person he/she

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was before going to mikvah. It is an opportunity to start fresh. The convert is no longer the person he was before. Each month, when women go to mikvah they have the chance to start life anew. The importance of this rebirth and change is integral to the teshuva process.

Rabbi Akiva Tatz, in his book *Living Inspired* speaks of Rosh Hashana and teshuva.

He explains:

*“When thinking about the birth of a child, the closer one is to conception the more sensitive the fetus is. For example, a small damage can have an incredible impact. Everything is being coded- it’s a critical moment. All that occurs later is simply an expression of all that was encoded in conception.*

*And so, Rosh Hashana is the conception, the next ten days the gestation, and Yom Kippur the rebirth. A person is judged for the whole year as he/she appears on those days. But, change is much easier on those days- and the same change will take supreme effort later on. At this time one can ‘manipulate the genes of one’s character.’ And, this all begins at Rosh Hashana which is really the day the first man was created; - thus, contained within this time is the power of re-creation.”*

The Rambam in *Hilchot Teshuva* 2:4 highlights this idea again.

מדרכי התשובה להיות השב צועק תמיד לפני השם בבכי  
ובתחנונים ועושה צדקה כפי כחו ומתרחק הרבה מן הדבר

שחטא בו ומשנה שמו כלומר **אני אחר ואיני אותו האיש**  
**שעשה אותן המעשים** ומשנה מעשיו כולן לטובה ולדרך  
ישרה וגולה ממקומו שגלות מכפרת עון מפני שגורמת לו  
להכנע ולהיות עניו ושפל רוח:

*Among the paths of repentance is for the penitent to a) constantly call out before God, crying and entreating; b) to perform charity according to his potential; c) to separate himself far from the object of his sin; d) to change his name, as if to say **"I am a different person and not the same one who sinned;"** e) to change his behavior in its entirety to the good and the path of righteousness; and f) to travel in exile from his home. Exile atones for sin because it causes a person to be submissive, humble, and meek of spirit.*

And so, this rebirth is an integral part of teshuva and mikvah. What an incredible privilege to have the ability to start again! That is what Rabbi Akiva meant when he said that teshuva is a mikvah— a rebirth.

In *Bereishit perek 2*, in the middle of the story of the sin of *Adam Harishon*, the Torah describes the different rivers that flowed from Gan Eden. Why? Before the *cheit* of Adam, the evil inclination was external to man, and man was, so to speak, "perfect." Gan Eden represents *Adam lifnei hacheit* –man before he sins. The Malbim on those *pesukim* explains that all water in the world ultimately has its roots in the river leaving Gan Eden. Rabbi Aryeh Kaplan, in his book *Waters of Eden*, explains that whenever a person associates with the waters in the mikvah, he is maintaining his link with the water of Gan Eden, and he thereby re-establishes a link with man's perfected state. Even though man has been expelled from Eden- a link

remains to the creation or birth of man, allowing for the re-creation and rebirth of one who goes to mikvah.

Rabbi Kaplan continues to explain that the amount of water needed for a mikvah, as stated in Eruvin 4b, is forty *sa'ah*. Why? The Rivash states that there is a general rule that if something is mixed with twice its volume, it is considered nullified. The average human body is 20 *sa'ah* and therefore forty *sa'ah* is needed to nullify it. This fits in beautifully with the concept that mikvah is rebirth- just like teshuva.

The number forty is found many places in the Torah: the flood of Noach, the days on Har Sinai, and the years in the desert. Why forty? In the Gemara Nidda 30a it states that it takes forty days for an embryo to attain human form. And, it does not attain the status of a human until forty days. Forty represents birth. That explains the significance of the other 40's above. The *mabul* was the purification and the rebirth of mankind. Har Sinai was the "birth of the Torah and the Jewish people were born anew." During the forty years in the desert there was a rebirth of the entire nation, preparing the people to enter *Eretz Yisrael*.

Rabbi Kaplan continues that the numerical value of the first and last letter of *mayim* – *mem* is forty. The *mem* is significant when it comes to the meaning of mikvah. The Midrash in Bereishit Rabba 81:2 expands the significance of the *mem*.

*What is G-d's seal? Our Rabbi said in the name of Rabbi Reuven, "G-d's seal is truth." Reish Lakish asked, "Why is אמת the Hebrew word for truth?" Because it is spelled aleph, mem, tav. Aleph is the first letter of the alphabet. Mem is the middle letter of the alphabet, and Tav is the last*

*letter of the alphabet. Hashem thus says, "I am first and I am last." Aleph is the past. Tav is the future. And, mem is the transition-the here and now- the present.*

We cannot change the past. We cannot touch our future. But, the present is the essence of where change happens. When a person enters a mikvah, the past and future mean nothing to him. That too is the essence of teshuva.

Going back for a moment to Rabbi Akiva's statement in Yoma that Hashem is our mikvah when it comes to Teshuva: What does Rabbi Akiva mean? The context of the comparison of Hashem to the mikvah is in Yirmiahu 14:8: מקוה ישראל מושיעו בעת צרה - Mikvah in this *pasuk* does not mean a body of water; it means hope. What was Rabbi Akiva teaching us here? We know that Hashem is היה הווה ויהיה – was, is and will be, as represented by His name *yud, heh, vuv, and heh*. Time is meaningless to Hashem- He exists outside of time. Past, present and future are the same. He sees all of the past and future of mankind in one glance. The name *yud, heh, vuv, and heh* also is known to represent Hashem's attribute of mercy- which is actually related to His being above time. The most awesome example of G-d's mercy is teshuva.

But, how can repentance undo a harm that was already done? The *Sefer Haikarim* gives a profound answer. A person can murder someone in self-defense or out of anger. Clearly, self-defense is not considered sinful. The motive determines the status of the act. When a person repents, his repentance is now counted as his motive. This is the meaning of the Gemara in Yoma 86b: גדולה תשובה, שזדונות נעשות לו כשגגות - *repentance is great, since it can make purposeful sins to be counted as accidental ones.*

But, how can one's regret in the present be transferred to an act that was done a long time ago? How do we remove the barrier of time? We, of course, cannot remove the barrier of time. Only Hashem can. He is not bound by time. So, the regret and the deed can be seen as if they happened together. Past, present, and future are one.

This is the meaning of Rabbi Akiva's words that Hashem is Israel's mikvah. Hashem draws all of man's past and future into his present. Mikvah, which we said earlier represents the present, is the past and future as well when Hashem is the mikvah.

### **Nullification**

What is an important first step to teshuva to achieve this miraculous forgiveness? Earlier, we quoted the Rivash who explained that the forty *sa'ah* of mikvah water nullifies the body—this can provide us with further elucidation. What is the significance of this nullification? Rabbi Kaplan points out, *“When a person immerses in water, he is nullifying his ego and asking, ‘What am I?’ Ego is the essence of permanence, while water is the essence of impermanence. When a person is ready to replace his ego with a question, then he is also ready to be reborn with its answer.”*

Likewise, teshuva requires nullification—humility. Our *yamim noraim* tefilot are replete with this message, as we state, *“Meh anu? Meh chayeinu?”* Rabbeinu Yonah in his *Shaarei Teshuva* 1:27 (and elsewhere in his work), stresses this point, הגאוה מסבבת כמה עבירות ומגברת יצר לב האדם עליו, שנאמר ורם לבבך ושכחת את ה' אלקיך – *“Arrogance causes many sins and causes man's baser inclinations to overcome him, as it is written, ‘And your heart will become haughty and you will forget the L-rd your G-d.’”*

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One who is arrogant cannot submit to anyone, even Hashem. We cannot make room for G-d and for others to do *mitzvot bein adam lamakom* and *bein adam l'chaveiro* if we are full of ourselves. Self-nullification is a primary step to teshuva.

Rav Hirsch stresses a similar idea in his commentary on Shemot 30:18, stating that “*u'rchatz*” which is the word used in Tanach to wash in a mikvah is related to word “*raatz*” which means to overthrow or breakdown, referring to the breakdown of the ego. Rivka Slonim, in her book Total Immersion, points out that the word *bitul* (בטל)- which means nullification, can be rearranged to form the word *tovel* (טבל) .

### **Tahara versus Kapparah**

Rav Soloveitchik develops a similar comparison between mikvah and teshuva, (*Before Hashem You Shall Be Purified, Rabbi Joseph B. Soloveitchik on the Days of Awe*, p. 69). The Rav differentiates between the *vidui* of *Erev Yom Kippur* and the one of *Yom Kippur* itself. He quotes Rabbi Akiva's statement from the Gemara in *Yoma- Happy are you, O Israel. Before whom are you purified and who purifies you? Your father in Heaven...* Rabbi Akiva says there are two kinds of purification from sin: One involving sprinkling “*haza'ah*” and a second involving immersion “*tevilah*” in a mikvah. *Hazaah* requires the involvement of a second person to do the sprinkling. As it says in *Bamidbar* 19:19 “And, a pure man shall sprinkle upon the impure.” One cannot sprinkle oneself. In *tevilah* there is no second party involved. The entire initiative rests with the individual who desires purification.

Parallel to the two types of purification are two types of teshuva-

1. The person who through his own initiative decides he no longer wants to be a sinner. This is the teshuva which exists throughout the year. As it says in *"v'khol ma'aminim"* that Hashem "waits for the evil person and desires his becoming righteous." Or in *U'netaneh tokef*, *"Until the day he dies You wait for him – and if he returns You will immediately receive him."*

2. With the second type of teshuva Hashem helps the person to repent, as in the *amidah* of Neilah, *"You offer a hand to sinners and your right hand is outstretched to receive those who repent."* Hashem plays an active role and brings him to repentance.

The Rav further explains that Rambam calls the mikvah waters *"mei hada'at"*- the waters of knowledge (*Hilchot Mikvaot* 11:12) because teshuva requires recognition of sin. "The requisite steps of teshuva – remorse and resolve not to continue sinning, both stem from this recognition, from this knowledge. The sinner has in a sense lost his prestige. This lost sense of self-worth is restored by immersion in the mikvah." On the other hand, on Yom Kippur, Hashem takes the sinner by the hand and leads him back to Hashem *"I will sprinkle on you purifying waters and you shall be cleansed."*

The Rav highlights that in actuality, these two types of teshuva relate to two types of sinners. He compares sinning to falling. When a person falls, it is either because he tripped over something or it is due to a physiological defect in perception- dizziness etc. If the cause is external- he can just move away the item he tripped over. But, if it is a result of a distorted perception, as in the case of sin, and distorted values, something else is needed. He needs outside help or help from Hashem. That is what Rabbi Akiva means when he says, "Before who are you purified

and who purifies you?” It does not say who “who pardons you?” or “who provides atonement?” Rather, Hashem does the purification.

The Rav continues that the words of Rabbi Akiva are a ray of hope to those of us far from the *avoda*. His words are on the surface puzzling. Of course it is Hashem who purifies us- who else could? We must understand the historical context of the quote. It was the first Yom Kippur after the *churban*. The people could not conceive of a Yom Kippur without the *Kodesh Hakadoshim* and the *sair lazazel*. How can there be a Yom Kippur without a Beit Hamikdash? The answer is that though we have lost outward ceremonial rights, we have not lost *taharah*—there is “nothing transcendent, miraculous, or non-rational about *taharah*.”

The Rav elsewhere, in his book *Al Hateshuva*, again speaks of teshuva and mikvah. There are two elements of Yom Kippur- Yom Kippur is *m'chaper* – atones, and is *m'taher* – purifies. These two elements of Yom Kippur correspond to two elements of sin. Sin makes a person guilty –it is “*m'chayev*” and sin is “*m'tameh*” makes the sinner impure. *Kapparah* erases the punishment associated with sin, but *tahara* is different. *Tumah* becomes part of the personality of the *choteh*. The person after the sin is not the same person as before the sin. There is some metaphysical *p'gam*—lacking in this person. For this, *tahara* is needed.

According to Rabi in Yoma 84:2, the actual day of Yom Kippur is *m'chaper* for those who do teshuva and also for those who do not. One can achieve *kapparah* without teshuva, but not *tahara*. *Tahara* is dependent on being “*lifnei Hashem*.” And, there is no *shaliach*—no messenger or agent for *tahara*. You cannot send someone else to

## Teshuva and Yom Kippur

mikvah for you. Teshuva of *tahara* needs more than leaving the *aveirah*. It demands leaving the “*derech chotim*”—leaving the environment, surroundings, and influences. As Rambam said in *Hilchot Teshvua*, “*acher hu*”—he is someone else after teshuva. Teshuva makes the person new- a new heart, a new outlook, and a new soul.

One who comes to shul on Yom Kippur solely out of fear—not really willing to change- may receive *kapparah*, but not *taharah*. And so, Hashem on this day is the mikvah of *B’nei Yisrael* – the purifier and the hope. Our challenge on Yom Kippur is to achieve both *kapparah* and *tahara*.

But, being in a pure state must last beyond the *yamim noraim*. The Rambam in *Hilchot Avot Hatumah* 6:16, states that one is purified only upon leaving the mikvah and not while still inside of it. As the Lubavitcher Rebbe stated in *Likkutei Sichot*, vol. 1, pp. 14–15, holiness is not meant to be kept to oneself or for spiritual places; holiness is for when we go out into the world. It is determined by how we act when in regular, non-holy places. And that is what teshuva is all about. This year in shul, as we repent and promise to do better, can we sustain it in everyday life? Can we bring the feeling of the holiness of Yom Kippur into our everyday existence? This is our challenge.

May each of us merit this coming year to build a mikvah in our hearts by bringing the lessons of rebirth, humility, and holiness into our daily lives.

# Making a *Beracha* on a Tallis for Mincha of Yom Kippur: Does one have the ability to control his *berachos*?

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*Rabbi Brian Gopin*

**E**very Yom Kippur we are faced with a problem regarding our tallis: after Mussaf we remove our tallis, take a relatively lengthy break and then subsequently put the tallis back on for Mincha. Is one required to make a new *beracha* on his tallis once it is removed for a lengthy break or can one rely on the *beracha* he made in the morning before Shacharis to cover the donning of the tallis at Mincha? Does the removal of the tallis after Mussaf constitute a הפסק which requires the recitation of a new *beracha* or not? The שלחן ערוך אורח חיים הלכות ש"ק לא:יג writes that if a person removes his tallis, even if he had in mind to put the tallis back on right away, he would require a new *beracha* since the removal of the tallis is considered a הפסק (and he did not have in mind at the time of his initial *beracha* that he would take off his tallis – see (משנה ברורה שם ס"ק לא). The Rema there argues and says that as long as one is wearing his *tallis katan*, if one has in mind to replace the tallis subsequently, then he is not required to make a new *beracha*. The משנה ברורה qualifies this statement of the Rema and says that even if a person changes scenery (שינוי מקום) he would not be required to say a new *beracha*.

The משנה ברורה makes an additional, very important qualification to this halacha: if a person has in mind when removing the tallis that he will only replace it after a certain amount of time ("איזה זמן") then he is required to make a new *beracha* when he puts the tallis back on again המצוה, since he had in mind that his mitzvah of wearing the tallis should end he would be required to make a new *beracha*. However, the אחרונים struggle to define what is meant by איזה זמן – how much time should the tallis be removed for it to be considered a הפסק and require a new *beracha*. See פסקי תשובות סימן ה הערה 245 who quotes poskim who contend that a break of 2 or 3 hours would require a new *beracha* but then quotes Rav Moshe Shternbuch שליט"א who believes that one hour would be enough time to constitute a הפסק. The ביאור הלכה also struggles to define the length of time considered to be a הפסק (with regards to removing one's טלית קטן when one goes into the shower) which would require a new *beracha*, and at the conclusion of his discussion offers a compromise position to avoid this problem:

ויותר טוב שיכוין בבקר בעת הברכה שלא תפטור בברכה זו להט"ק רק עד שיפשטנו בבית המרחץ ואז יוכל לברך אח"כ לכ"ע

The משנה ברורה tells us that it is best for one to have in mind at the time of his initial *beracha* in the morning that the *beracha* should only be in effect for as long as he has his *tzitzis* on, but once he decides to take them off his *beracha* should be ineffective and he should recite another *beracha* when he puts them back on. According to the משנה ברורה one has the power to control how long his *beracha* will be effective, and perhaps we can suggest that in the morning of Yom Kippur one should have in mind that the *beracha* on his tallis should only be in effect until the

conclusion of Mussaf which would require him to make another *beracha* later when he puts on his tallis later at Mincha. However, this suggestion seems to be subject to debate as we shall see.<sup>1</sup>

The מגן אברהם תרל"ז quotes the opinion of the לבוש that on Sukkos if a person would like to eat again in the sukkah after bentching without leaving the sukkah he should not say a new *beracha* of לישב בסוכה since he did not have a היסח הדעת from his initial mitzvah of eating in the sukkah. Because the focus of the person on his mitzvah never changed there is no need to recite a new *beracha*. The מגן אברהם then brings the opinion of the ב"ה who argues and says that one would have to recite a new *beracha* if he would want to continue eating in the sukkah – דכל אדם דעתו מן הסתם שלא תהא הברכה פוטרנו אלא עד שעה שיחזור – ויאכל – since a person has in mind when making his initial *beracha* that that *beracha* should only be in effect until he concludes his initial eating. According to the ב"ה, one has the power to control how long his *beracha* will last and therefore, he has in mind at the time of his *beracha* that it would only last until the completion of his meal which would require a new *beracha* should he want to continue eating. The מגן אברהם challenges this opinion:

דאטו מי שיש ציצית בבגדו ויכוין שלא יפטרנו בברכתו אלא עד הצות וכי יחזור ויברך בהצות?

The מגן אברהם asks that according to this idea that one can control the effectiveness of his *beracha*, then if someone made a *beracha* on his *tzitzis* with the intent that the *beracha* should only last until noon, he would be

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<sup>1</sup> A lot of these sources were taken from a shiur I heard from הג' הרב אשר שו"ת מנחת ווייס שליט"א in 2011 and later reprinted in the first edition of his אשר

required to make a new *beracha* after noon—which is an untenable conclusion. The מגן אברהם therefore argues and believes that a person does not have the ability to control how long his *beracha* can be effective. At first glance, it appears that the מגן אברהם and the ב"ה argue whether one has the ability to control how long his *beracha* should remain in effect and therefore the suggestion of the משנה ברורה to have in mind in the morning that the *beracha* on one's *tzitzis* should only be in effect until one takes them off for his shower is questionable.<sup>2</sup>

This disagreement between the מגן אברהם and the ב"ה has many ramifications in halacha:

1. ביאור הלכה כה:ה ד"ה וטוב writes in the name of R' Akiva Eiger that since there is a disagreement between רש"י and רבנו תם whether one should make one *beracha* on both his ראש של יד ותפילין של יד – namely להניח תפילין – in order to follow both opinions a person should have in mind that his initial *beracha* of להניח תפילין should only be effective for his יד של יד and therefore, he would be required to make a second *beracha* even according to רש"י who is of the opinion that one makes only one *beracha*. It is clear that R' Akiva Eiger is following the opinion of the ב"ה that one can control how long his *beracha* can be in effect.

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<sup>2</sup> See הגות חת"ם סופר שם who defends the ב"ה. Also see the מגן אברהם who notes a contradiction within the opinion of the מגן אברהם and answers that the מגן אברהם would agree when there is a new מעשה מצוה that a new *beracha* is recited – therefore, perhaps the מגן אברהם would agree that on Yom Kippur one could have in mind that his *beracha* should only be in effect until the conclusion of Mussaf since there will be a new action of putting on the tallis later at Mincha.

2. The *מטה אפרים* writes regarding *selichos* that a chazzan should have in mind that his *ברכת התורה* should only be in effect until after the *selichos* are recited so that he can then recite the *ברכת התורה* again to be *מוציא* the congregation their own *ברכת התורה* as is done every day.
  
3. If a *שוחט* has many animals to slaughter he should only recite one *beracha* to cover all of them. The Achronim discuss whether a person should recite a new *beracha* if he was *מפסיק* before completing all of the *שחיטות*. To avoid this problem the *פרי חדש* advises the *שוחט* to have in mind at the recitation of the *beracha* that his *beracha* should only be in effect until the time that he talks and then he would be required to recite a new *beracha* according to all opinions. The *תבואות שור* argues and says that we would not allow a person to do this – he compares this case to a person who wants to eat many fruits and has in mind to make a *beracha* on each fruit where we would not allow the person to make multiple *berachos*, so too in this case, the *שוחט* would not be permitted to have his *beracha* be effective for a portion of the mitzvos. It seems like the *תבואות שור* is following the opinion of the *מגן אברהם* who believes that one cannot control when his *berachos* should and should not be effective.

We have seen that there is a fundamental *machlokes* between the *מגן אברהם* and the *ב"ח* regarding the ability of a person to control the power of his *beracha*. The *ב"ח* allows a person to set a specific time for the *חלות הברכה* while the *מגן אברהם* does not. But what is this disagreement based on? What is the fundamental difference between these two opinions? I believe that this

could be explained based on two different understandings of the nature of a ברכת המצוה. נודע ביהודה (קמא יו"ד סימן ג) was asked whether it was appropriate for one to recite the הנני מוכן ומזומן passage before performing a mitzvah. The נודע ביהודה was against this practice for many reasons but one of his main arguments was that the whole purpose of the recitation of a *beracha* before performing a mitzvah is to have the person concentrate on why he is performing that mitzvah – היא התעוררות הדיבור והמחשבה – thereby making the whole paragraph of הנני מוכן ומזומן meaningless. According to the נודע ביהודה the *beracha* was instituted by *Chazal* to help us have the proper כוונה during the mitzvos we perform.<sup>3</sup> However, Rav Soloveitchik (see שיעורים לזכר (אבא מרי בענין ברכת התורה רמב"ם in *Hilchos Brachos* who seems to have a different understanding of the purpose of our המצוות):

ומדברי סופרים לברך על כל מאכל תחילה... וכשם שמברכין על ההנייה כך מברכין על כל מצוה ומצוה ואחר כך יעשה אותה

The רמב"ם compares the recitation of a *beracha* on the mitzvos we perform to the *berachos* we make before eating foods. Rav Soloveitchik explained that just like we need to ask permission of Hashem before eating any food (since all food belongs to Hashem before we recite the *beracha*) so too we are required to ask permission of Hashem to perform his mitzvos; the *beracha* serves as a מתיר to allow us to perform the mitzvos.

With these two understandings of the nature of the *berachos* we make on the *mitzvos* we perform – namely, to prepare us with the proper כוונה (נודע ביהודה) or to give us permission to perform the mitzvah (Rav Soloveitchik) –

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<sup>3</sup> See ריטב"א פסחים ו who explains along the same lines the reason why all *berachos* must be recited עובר לעשייתן.

we can understand the disagreement between the מגן אברהם and the ב"ח mentioned above: perhaps the ב"ח, who allows a person to control the effectiveness of the *beracha* he is reciting, is following the understanding of the נודע ביהודה who believes that the whole purpose of a *beracha* is to put the person in the correct frame of mind; if the *beracha* is there to help a person with his focus, then it would seem logical that the person should be able to control when that *beracha* should and should not be effective. However, if one were to follow the opinion of Rav Soloveitchik that the *beracha* is granting us permission to perform the mitzvah then it should not be dependent on the person's intention when reciting the *beracha* and he should not be able to control the power of his *beracha*, which is the opinion of the מגן אברהם.



Sukkos



# Moving Out - An analysis of the Mitzvah of Sukkah

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*Rabbi Avie Schreiber*

**W**ith anticipation and excitement we walk out of our homes on the first night of Sukkot and we enter a light-filled, lovingly decorated structure. Despite the chill in the air (at least in our neck of the woods), there is a sense of warmth we all feel inside this holy abode. The warmth is generated by our families around us and even more, by the realization that we have entered תחת כנפי השכינה – “under the wings of Hashem” – into a place that symbolizes the protection Hashem provides for us - the Jewish People.

The *medrash* in the פסיקתא דרב כהנא<sup>1</sup> starkly shatters this picturesque scene we just described:

אמר רבי אלעזר בר מריום, למה עושים אנו סוכה לאחר יום הכיפורים? לומר לך שכן את מוצא בראש השנה יושב הקב"ה בדין על באי עולם, וביום הכיפורים הוא חותם את הדין, שמא יצא דינם של ישראל לגלות? ועל ידי כן הן עושין סוכה וגולין מבתיהם לסוכה, והקב"ה מעלה עליהם כאילו גלו...

Why do we celebrate Sukkot after Yom Kippur? Because on Rosh HaShanna, God judges all of the people in the world and on Yom Kippur He seals the judgment. Perhaps the verdict for the Jews was to go into exile. For this reason, the Jewish People build the sukkah and exile themselves from their homes into the sukkah – and God counts this as if

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<sup>1</sup> פסיקתא דרב כהנא, פסיקתא אחריתא דסוכות

they were actually exiled (and as a result they are spared the true sentencing of גלות).

Far from the idyllic experience described above, the *medrash* views the sukkah as a form of punishment, or at least a punishment replacement. We are not stepping into the warmth of Hashem's protection; to the contrary, we step into a place that is decidedly distant from Hashem - a place of גלות.

We can more fully understand these two ways of looking at the sukkah experience by reflecting on the following question: What would lead a person, not in the context of Sukkot, to leave his home and live in a temporary dwelling? There are two main circumstances that would lead a person to this situation. One, for some reason, a person's house is unlivable - for example, construction is underway or his house is damaged; in this situation, the family has to find an interim residence. In this scenario, the family is displaced and they feel unsettled, "exiled" from their home. But there is a second reason for living in a makeshift abode. If a person or a family is travelling - on their way to some desired destination - then throughout the course of their journey they need to find temporary quarters. The family is not really displaced; rather they are on their way to a new place; their current residence, albeit temporary, is part of that experience. And so apparently on Sukkot, we experience living in a makeshift home in both of these manners. The sukkah is a place of comfort and shelter as if protecting us while on a journey, but it is also a place of exile and dislocation as described by the פסיקתא דרב כהנא.

But what is the source for these two opposing views of the sukkah experience?

These two aspects of the sukkah are rooted in the sukkah experience of the Jews in the desert. When the Jews first left *Mitzrayim*, they were on their way to the Land of Israel. The exciting journey had begun. During this journey, *Hakadosh Baruch Hu* housed them in *sukkot*. The Jews did not at all feel displaced by living in these dwellings. These *sukkot* were their temporary homes, providing them with shelter on their way to their ultimate destination. But the situation quickly changed and deteriorated. In the aftermath of the מרגלים, the Jewish people were sentenced to wait forty years to enter the land, wandering circuitously through the desert. The *midbar* was no longer a means to reach Israel; it was now a means to keep them away from Israel. In essence, the Jews were now in a state of גלות – exile from the land of their dreams. The *sukkot*, which until then sheltered them on their exciting excursion, would now shelter them in their state of exile as they waited for the demise of their generation.

And so it is for our *sukkot*. On the one hand, we experience the כנפי השכינה — a feeling of divine grace envelops us in the sukkah, commemorating the initial *sukkot* of the desert; but on the other hand, we experience feelings of displacement and instability, as we commemorate the *sukkot* of the latter years in the desert.

We can also see this duality of the sukkah by examining one of the well-known directives about the sukkah taught to us by רבא. He states: כל שבעת הימים צא -- מדירת קבע ושב בדירת ארעי "For all of the seven days of Sukkot leave [your] permanent residence and dwell in a temporary residence."<sup>2</sup> We can understand this statement

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<sup>2</sup> סוכה דף ב' עמוד א

in two ways depending on which part of the statement we emphasize. Is the emphasis on leaving our homes - צא - מדירת קבע - meaning that where we go exactly is only of secondary importance. The main point, according to this perspective, is for us to move out and not live in our usual permanent places of residence. Or should we emphasize the latter part of the statement - ? שב בדירת עראי - the point of the mitzvah, according to this, is to move to and reside in a structure that is built in a temporary manner. Obviously, we need to leave our homes to accomplish this, but the focus is not on exiting our homes, but on experiencing life in the sukkah.

According to the first approach, the sukkah is meant to be a physical manifestation of “not our house”- צא - מדירת קבע. Instead of living on the street for seven days, the Torah allows us to live in a defined structure that represents the departure from our homes. According to the second approach, the sukkah is not experienced through what it is **not** - our home - but through what it **is** - a temporary dwelling that possesses its own unique feel and atmosphere— שב בדירת ארעי.

Once again, these two perspectives dovetail with the two views of sukkah we have presented. The emphasis on “leave your permanent residence” sees the sukkah as a place of exile. The emphasis on “live in a temporary dwelling” sees the sukkah as a unique positive spiritual experience in and of itself.

There are a few areas of halacha and aggadah where these two contrasting themes may play a role.

1 – One of the most well-known debates about the sukkah is whether the *sukkot* we live in commemorate the ענני הכבוד - the miraculous clouds that protected the

Jews in the desert (רבי אליעזר), or the סוכות ממש – actual physical huts that the Jewish People were provided with and used as shelter in the desert (רבי עקיבא).<sup>3</sup> According to the view of ענני הכבוד, we can suggest that the focus of the mitzvah is on the living in the sukkah (שב בדירת ארעי), whereas according to the view of סוכות ממש, the focus is on not being in one's home (צא מדירת קבע). The argument between רבי עקיבא and רבי אליעזר may in fact be about which stage of the desert experience we are commanded to remember and relive. In the first year, prior to the sin of the spies, the *sukkot* of the desert were a wholly positive, spiritual, and miraculous experience (ענני הכבוד) – as the Jews travelled toward Israel. But thereafter, the glory of the *sukkot* may have diminished (סוכות ממש) as their time in the desert became a barrier to their ultimate destination.

2 – We know that the first night of Sukkot is fundamentally different than the rest of the holiday. On the first night, we are obligated to eat bread in the Sukkah. We do not have the option to forgo a meal that night, thereby bypassing the requirement of eating in the Sukkah. But for the rest of Sukkot, such an option is in theory open to us. If we choose to “skip a meal” and thereby “skip” the sukkah we may do so. These two modes of the mitzvah of sukkah may relate to the two perspectives we have outlined. On the first night, the focus is positive – the mitzvah is to be in the sukkah, to eat and dwell there (שב בדירת ארעי). It is not about leaving our homes as much as it is about experiencing the temporary dwelling. But during the rest of Sukkot, the focus is on not being in our homes (צא מדירת קבע). We don't necessarily have to eat in the Sukkah, but we absolutely may not eat in our permanent residence.

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<sup>3</sup> שם י"א:

3 – There is wide spectrum of opinions among the תנאים and אמוראים that range from requiring (or allowing) the sukkah to be an extremely temporary structure to requiring (or allowing) the sukkah to be more of a permanent structure. These opinions relate to the height requirement of the sukkah (is higher than 20 *amot* allowed), the required number of walls (2 and a *tefach* or 3 and a *tefach*), the shape of the sukkah (can a sukkah be round) and many other similar types of issues.<sup>4</sup> We can suggest that the underlying debate is precisely the two views we have described. Demanding that the sukkah be more permanent seems to hold that living in the sukkah is a positive experience in its own right and is not merely an exit from our homes. Seeing the sukkah as more of a temporary structure seems to hold that the main point is indeed to leave our permanent residence. Where we live exactly during these seven days is not as significant as the imperative to leave our place of permanence.

Incorporating both of these aspects of sukkah into our observance and experience of the mitzvah, can perhaps enhance our fulfillment of the mitzvah. The movement from the sukkah as a place of exile and displacement to a place of security and intimacy with *Hakadosh Baruch Hu* is a goal of the holiday.

On the first night of Sukkot, we are granted the gift of the sukkah in its most elevated form- as a symbol of the ענני הכבוד. For the rest of Sukkot, it is up to us to transform the sukkah from a place that conjures feelings of exile and instability into a place of sanctity and heightened spirituality. By choosing to spend more time in the sukkah, by engaging in “*divrei reshus*” - (optional activities) in our

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<sup>4</sup> שם ז':

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sukkah, we demonstrate that the sukkah is not a “punishment,” – it is not a type of exile from our home; but a home of exaltedness. We are not being pushed away, חס ושלום from *HaKadosh Baruch Hu*, but we are being brought close— enveloped in the protection of כנפי השכינה.

# And You Shall Rejoice Before Hashem

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*Dr. Benjy Rubin*

**T**he Gaon of Vilna (1720-1797) was renowned for his great diligence and dedication to Torah study. At the age of 77, he passed away on the 3<sup>rd</sup> day of *chol hamoed Sukkos*. A number of stories were told about events around the time of his death. According to one fairly well-known version, the Gaon began to weep as he lay on his deathbed. His students asked him, “Rebbe, why do you cry?” The Gaon held up the strings of his tzitzis and declared that, “In this world, one can acquire a mitzvah, good deed, for pennies. These strings cost almost nothing, but the value is eternal. In the next world, I will have no such opportunity.” Even though the next world would surely be a place of eternal joy and spiritual growth for one such as the Vilna Gaon, it paled for him in comparison to the experience of performing a seemingly small mitzvah, like tzitzis. As he was about to die, the Gaon could do nothing more than lament the impending loss of the joyous experience of performing a mitzvah, knowing that he was about to leave the world.

It is recorded that the practice of the Gaon was to hold the lulav and esrog throughout the entirety of the day during the holiday of Sukkos. The Gaon’s observance was based on the account of the Talmud (*Sukkah* 41b) that the great men of Jerusalem were accustomed to hold their four *minim* not just during portions of davening, but rather all day long. The book *תהילות אליהו* recounts that the Gaon held the lulav and esrog in his hands all of his final day on

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this earth and continued to do so as his soul exited his body.

As Sukkos is the *yahrzeit* of the Gaon, I would like to try to understand the significance of this mitzvah which was evidently so dear to him. Even given his profound appreciation of the meaning embedded in each mitzvah, the lulav and esrog seem to have a special association with the Gaon that stood fast even until the time of his death.

In *Sefer Vayikra*, the *pasuk* states:

וּלְקַחְתֶּם לָכֶם בַּיּוֹם הָרִאשׁוֹן פְּרֵי עֵץ הָדָר כַּפַּת תְּמָרִים וְעֵנָף  
עֵץ עֵבֶת וְעֵרְבֵי נַחַל וּשְׂמַחְתֶּם לִפְנֵי ה' אֱלֹהֵיכֶם שִׁבְעַת  
יָמִים.

*And you shall take for yourself on the first day...and rejoice before Hashem your G-d for a seven day period.*

The Rambam writes in his *Mishneh Torah* at the very end of the laws of Lulav:

אף על פי שכל המועדות מצויה לשמוח בהן, בחג הסוכות  
הייתה שם במקדש שמחה יתרה, שנאמר "ושמחתם, לפני  
ה' אלוהיכם--שבעת ימים" (ויקרא כג, מ).

רמב"ם הלכות לולב פרק ה

According to the Rambam, on Sukkos there is a special imperative to rejoice in the festivities of the day. Indeed, the *מעשה רב*, widely considered the authoritative record of practices of the Vilna Gaon, notes as follows: הגאון  
the Gaon was very happy during the holiday of Sukkos.

From the Rambam and practice of the Gaon, it would seem that “extra joy” is a quality inherent in the observance of Sukkos. Nonetheless, a careful reading of the above *pasuk* suggests that the extra joy is not a function of Sukkos but rather is associated with the four *minim*, since it is stated at the end of the commandment to take the lulav and esrog.

The *Sefer HaChinuch* is a compendium of the 613 mitzvos that was authored anonymously in 13<sup>th</sup> century Spain. In an effort to compose appropriate reading material for his son, the author listed each mitzvah included in the weekly Torah reading, followed by four sections. The sections include the source of the mitzvah, the philosophical roots of the mitzvah (roughly equivalent to the commonly known טעם or reason of the mitzvah) the detailed laws of the mitzvah and the list of people who are obligated in the mitzvah. Discussing the laws of lulav and esrog, the *Sefer HaChinuch* explains:

משרשי המצוה:

וכמו כן מצות הלולב עם ג' מיניו מזה השורש הוא, לפי שימי החג הם ימי השמחה גדולה לישראל, כי הוא עת אסיפת התבואות ופירות האילן בבית ואז ישמחו בני אדם שמחה רבה, ומפני כן נקרא חג האסיף. וציוה הקל לעמו לעשות לפניו חג באותו העת לזכותם להיות עיקר השמחה לשמו יתברך. ובהיות השמחה מושכת החומר הרבה ומשכחת ממנו יראת אלקים בעת ההיא, ציונו השם יתברך לקחת בין ידינו דברים המזכירים אותנו כי כל שמחת ליבנו לשמו ולכבודו, והיה מרצונו להיות המזכיר מין המשמח כמו שהעת עת שמחה, כי צדק כל אמרי פיו. וידוע מצד הטבע כי ד' המינים כולם משמחי לב רואיהם.

*And similarly, the commandment of the Lulav and the associated three species develops from this source (the notion that activity can influence one's thinking).*

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*The days of the holiday are days of great joy for the Jewish people. Since it is the time of gathering the harvest and fruits into the home, a cause for great joy, the celebration is named the holiday of gathering. God commanded His nation to establish before Him a celebration at that time (of gathering) for their benefit in order that the primary source of joy will be the rejoicing in God's name. And since joy arouses the physical senses and causes one to forget his fear of heaven at that time, God commanded to take in our hands items that will remind a person that all joy is [in truth] in the name of and for the glory of God. And it was the will of God that the reminder should be in the form of an item which naturally arouses joy, since the time is one of joy, and all of His words are righteous. And it is well known that the four species naturally bring joy to the heart of one who views them.*

The words of the Chinuch require a careful reading in order to be properly understood. According to the Chinuch, the season in which Sukkos takes place is, in and of itself, a time of happiness. The gathering of the harvest, the bringing in of the fruits, and the realization of the hard work that man exerted over the course of a year, are all causes for great joy. God's imperative to mankind is to understand that while events may bring about happiness, it is the connection to God that is the source of true joy. To that end, God granted the Jewish people the holiday of Sukkos so that the primary joy of the time period should be associated with divine worship rather than with the bringing in of the crops. The necessary question at this point is what is accomplished with the addition of the Sukkos holiday? It would appear to be nothing more than an additional reason to rejoice, and should not impact one

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way or another upon the satisfaction of the farmer who will still be glad in harvesting his crops.

The Chinuch then continues to explain that the joy, at this point, referring to the holy joy of Sukkos, causes one to become overly involved with the material dimension and lose sight of the fear of Heaven. To that end, the lulav and esrog serve as reminders. However, this also requires further analysis. What could possibly be wrong with the joy of Sukkos?! It is not the mundane happiness of the farmer but is instead the holy joy, which we are told that God desires of the Jewish people!

It is apparent that the Chinuch is speaking of a three stage progression of joy. The first is a mundane, earthly experience that develops from a feeling of satisfaction in one's own accomplishments. This type of happiness does not include recognition of God or of anything beyond the simple facts of life; I worked and I have produced. A more spiritually elevated state of happiness occurs when one is able to rejoice in the fulfillment of God's will, and in the open revelation of God's immanent presence. Here, the individual realizes that he may have achieved something, but the result is, in truth, the fruition of God's intended plan.

Finally, there is a risk that is embedded in the very nature of joy, no matter its source. In becoming overly happy, man naturally arouses an awareness of the bodily and physical dimensions of being. The possibility of losing one's fear of heaven then becomes quite real. The lulav and esrog revive the awareness of God above.

To elaborate on this last point, I would like to cite an explanation of Rav Kook on the words of the prayer of the great Kabbalist Rabbi Nechunia: קבל רנת עמך שגבנו טהרנו

נורא - Accept the joyous song of your people, refine and purify us, Awesome One.

Rav Kook notes that the juxtaposition of these two clauses at first seems somewhat unusual. Why does one pray for refinement and purification immediately after asking for God's acceptance of his song? Rav Kook explains that joyous song, more than an expression of emotion, is an elevated form of worship. For this reason, the Jewish people pray that God accept their service of joy. Within the joy, man's physical and bestial existence comes to the fore, and so it is necessary that one undergoing this unique form of service pray for God's protection.

The essence of joy is connection. Conversely, sadness occurs when parts are divorced from the whole. While it is possible for layers of the person to feel depression, anger and anxiety, true joy encompasses the totality of the human being, including the lowest, base elements. Deep spiritual ecstasy, by its nature, brings together the entire person in the worship of God. Unity is both the source of tremendous joy, as well as a most pressing danger. For many, it is unwise to draw upon the more unrefined elements of the personality in Godly worship, as the service becomes tainted with the crassness of physicality. However, for a select few who have merited purifying even the most basic parts of their nature, the Rambam writes:

מצוה להרבות בשמחה זו. ולא היו עושין אותה עמי הארץ  
וכל מי שירצה אלא גדולי חכמי ישראל וראשי הישיבות  
והסנהדרין והחסידים והזקנים ואנשי מעשה, הם שהיו  
מרקדין ומספקין ומנגנין ושמחין במקדש בימי חג הסוכות;  
אבל כל העם, האנשים והנשים--כולן באין לראות, ולשמוע:

*It is a positive commandment to engage enthusiastically in this joy (of Sukkos). [Nevertheless,] The simple people did not take part, nor did anyone who wanted to simply join in. Only the great wise men of the Jewish people, the heads of academies and Sanhedrin, the pious ones, wise men, and men of deeds; these were the people who would dance, clap, sing and rejoice in the Temple on the holiday of Sukkos. However, all of the nation, the men and women came to see the spectacle and to listen.*

The role of the lulav and esrog is now clear. Man experiences a deep spiritual joy during the holiday of Sukkos. In so doing, he comes into contact with the entirety of his being. As the Chinuch so astutely notes, השמחה מושכת החומר הרבה, joy arouses the physical which then exerts a gravitational pull on man, causing him to lose the fear of Heaven which would otherwise provide a restraining influence. Hashem provided the Jewish people with lulav and esrog in order to facilitate an unfettered joy that will not devolve into debauchery or inappropriate silliness. Man is able to express and experience the fullness of his happiness, knowing that the lulav and esrog will maintain his focus and awareness of the immanent God.

While it is impossible for us to truly understand what the lulav and esrog meant for the Gaon, we can now at least have a glimpse. As recorded in מעשה רב, Sukkos was a time of special joy for the Gaon. In his greatness, the Gaon understood the inherent risks of joy as well as the value of a lulav and esrog in allowing him to experience the fullness of his joy on Sukkos. To conclude with the

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words of Rabeinu Bachya the 13<sup>th</sup>-14<sup>th</sup> century sage from Spain:

וכמה נאה ליטול את הלולב שיש בו שבעה אלו בשבעה ימי  
סוכות שהן כנגד אותן שבעה.

*How beautiful it is to take the lulav that has seven (1 lulav + 1 esrog + 3 hadasim + 2 aravos) on the seven days of Sukkos that parallel these seven!*

# Hoshana Rabba: A Riddle Wrapped in a Mystery inside an Enigma

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*Josh Gelernter*

I have always found Hoshana Rabba to be a most fascinating, albeit almost completely overlooked day. Most of us just view it as the day we go to shul and argue about which *nusach* should be used during which parts of davening, complain how it is impossible to complete seven circuits around the bimah and spend a few dollars to buy more *aravos* which we proceed to smack on the ground. To top it all off, we wish each other “*a gitten kvittle*” which is a greeting unlike any other with which we address each other through the year. In this article, I hope to shed a bit of light on this most unique day.

There is very little mention of Hoshana Rabba in Talmud Bavli. The Mishna and Gemara in the 4<sup>th</sup> *perek* of *Maseches Sukkah* describe the “*minhag neviim*” of taking the *aravah* on the 7<sup>th</sup> day of Sukkos. This is based on a practice that was done in the Beis Hamikdash where the Jews would gather willow branches from a place in Yerushalayim, lean the branches against the *mizbeach* and encircle the *mizbeach*. If one goes through the entire Mishna and Gemara in *Maseches Sukkah*, one would find nary a mention of the idea that Hoshana Rabba has any other aspect other than the enhanced focus on the *aravah*. Similarly if one looks in Shulchan Aruch there is one *siman*, *Siman* תרס"ד, which deals with the laws of Hoshana Rabba. Of the eleven סעיפים in the *siman*, ten of them deal with the rules regarding *aravah* and the *arba minim*. Only

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the first סעיף deals with rules of davening which allude to the idea that Hoshana Rabba is a different type of day, but the halachos included in that סעיף allude to Hoshana Rabba as a day more like *yuntif* than a *Yom Hadin*. There is one line in the Rema where he says that some have the custom to wear a kittel like on Yom Kippur but that is just about the only connection in Shulchan Aruch. In order to find a source which describes Hoshana Rabba in terms of a full blown *Yom Hadin*, one needs to look in the זוהר, a place one does not usually look for Halachik practices.

The Zohar states in a number of places (*parshas Vayechi, Terumah* and *Tzav*) that on that day (i.e. the 7<sup>th</sup> day of Sukkos), the judgment process of the world is completed and the signed document is released from the palace of the King.<sup>1</sup> It is based on this idea in the Zohar that our Hoshana Rabba has taken shape. As we know, the Zohar is attributed to Rabbi Shimon Bar Yochai but was not revealed to the world until much later, until the 1200s when it was published by Rabbi Moshe de Leon. Many have dealt with the question of what was the nature of Hoshana Rabba prior to the Zohar becoming publicized. As mentioned, on the surface, none of our traditional texts allude to Hoshana Rabba as a *Yom Hadin*.

Rav Yaakov Kaminetzky deals with this question in his *sefer, Emes L'Yaakov*. In *parshas Emor*, on the *pesukim* that describe the *avodah* of Rosh Hashana, Rav Yaakov comments:

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<sup>1</sup> A careful reading of the Zohar would indicate that the absolute final judgment is not issued until Shmini Atzeres, not Hoshana Rabba. An explanation given to resolve the apparent contradiction is that Hoshana Rabba is the last day in which one can change the judgment. Whoever has not changed his ways will be finally sealed on Shmini Atzeres.

When one looks at the *pesukim* that describe Rosh Hashana, the only thing that stands out is that it should be a *יום תרועה*; there is nothing in the *pesukim* that indicate it is a *Yom Hadin*. Even the *tefillos* that were established by the *Anshei Kneses Hagedolah* only allude to the fact that we are obligated to coronate Hashem as our king. It is only much later that the idea of davening for our very sustenance and indeed our very lives, became part of the fabric of Rosh Hashanah. The question needs to be asked, prior to this revelation, how did the earlier generations merit a successful judgment on Rosh Hashana without being armed with the necessary tools of the davening of the day?

Before answering the question regarding Rosh Hashana, Rav Yaakov discusses some relevant ideas for our question. Rav Yaakov writes that he was asked by R' Kalman Epstein how it is possible that Hoshana Rabba is the day when all judgment is absolutely finalized when *Chazal* do not mention it at all—neither in *Talmud Bavli* nor in *Talmud Yerushalmi*? As described above, the Mishna and some midrashim describe the practice of beating the *aravos*, but they don't mention anywhere about Hoshana Rabba being a *Yom Hadin*.

Rav Yaakov answers by providing an insight into *takanos Chazal* in general. His entrée into the explanation is a famous Gemara in Shabbos that one of the *gezeiros* of *Beis Shammai* and *Beis Hillel* was that on Shabbos, one cannot read by the light of a candle lest one come to tilt the candle and violate a *melacha* of Shabbos. Rav Yaakov asks, what was the situation at the time of the *gezeirah*: If this situation was occurring in previous generations, that people would tilt the candle, why didn't earlier *Chachamim* enact this *takanah*, and if it wasn't an issue, why did *Beis*

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Shammai and Beis Hillel enact it? Why were they concerned that this might happen? Rav Yaakov suggests that it has to do with the decline of the generations. The Shulchan Aruch writes that the issue of tilting the candle is not a concern on Yom Kippur because the fear of Yom Kippur will prevent a person from violating it. Similarly, back in earlier times, if one had not separated *terumah* and *ma'aser* before Shabbos, one can ask a merchant on Shabbos, and rely on his claim that it was done before Shabbos because the merchant will not lie out of fear of Shabbos. Shammai and Hillel were acutely aware of the level of reverence of Shabbos in their time and therefore felt compelled to make this *takanah*.

Rav Yaakov concludes that it is for this reason that *Chazal* hid the true nature of Hoshana Rabba. *Chazal* understood that if they would publicize that Hoshana Rabba is the ultimate day of judgment, it would cause people much fear and trepidation, which is in direct contrast to the correct feelings of Sukkos, i.e. *simcha*. Therefore, only the *chasidim* and *anshei ma'aseh* knew the true nature of the day. The true elite were able to celebrate at a *simchas beis hashoavah* despite knowing that Hoshana Rabba is a day of judgment. However, once the sixth millennium<sup>2</sup> arrived, the *Chachamim* of that time realized that people no longer had a true fear of the day of judgment and therefore, revealing the true nature of the day to the masses (although *via* the Zohar), would not cause a diminishment to the joy of Sukkos.

There are many more hidden ideas with respect to Hoshana Rabba. One fascinating idea can be found in the Rema. He states in *siman* הרס"ד that certain Rishonim wrote that on the evening of Hoshana Rabba one can

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<sup>2</sup> The Zohar was rediscovered around the year 1240.

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determine what will occur to a person and his relatives during that year by looking at the shade that is made by the moon. He further writes that normative practice is to not engage in looking into these things because most people won't understand what they are seeing and it is better to live life based on the *pasuk* in *Parshas Shoftim*, "תמים תהיה עם ה' אלוקיך" — that it is better to walk wholeheartedly with ה' rather than search out what will be in the future.

# *Emunah: The Song of Creation*

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*Avi Gurell*<sup>3</sup>

Imagine the sight: 600,000 men, together with their wives and children, marching out of the epicenter of civilization into a desert wasteland. Most rational people would think that this is insane. Yet this mass exodus was used by *Yirmiyahu* in describing the great *emunah* the Jews had. “*Lechtech acharai bamidbar b’eretz lo z’ruah*”— follow me into the barren desert. Immediately following the exodus, G-d continued to display His love with *krias yam suf*. The Torah describes this event as a mass prophecy, as *Rashi* explains that even a simple maidservant saw things that even the great prophet *Yechezkel* did not see. Of course such a momentous occasion would require great praise to G-d, and before this *shira*— song of praise— was sung, the Torah says: “*Vaya’aminu bashem uv’moshe avdo*” – they believed in Hashem and in Moshe His servant.

*Shira* means more than just a song. In reality it is a harmony of many different notes, which when put together, make a pleasant sound. If one were to play a single note on a piano, it would sound dull; similarly, if one pounded one’s hands on the keys of a piano it would produce a cacophony of notes, yet still no music. Only when played in order and in harmony do the notes produce the desired effect of music. The same idea

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<sup>3</sup> The author would like to express his thanks to Rabbi Moshe Wolfson, Rabbi Mordechai Finkelman, Rabbi Shmuel Greenberg and Rabbi Yitzchak Cohen. Many of the ideas expressed here were learned through their *shiurim* and/or through discussion with them.

operates with words – individual words and sentences have meaning, but only when they are specially selected and ordered, do words produce the pleasant sound of poetry. A painting is also defined by the harmony of colors which produce a magnificent portrait. In the long run, everything in this world is a harmony, a *shira*, which was designed and created by Hashem.

A clear example of this is history which is a chain of events centered on the Jewish people. Each event perfectly matches and is managed by Hashem. For example, in *Megilas Esther* the events all come together and work out for the best for the Jews. On a greater level, we can view this in our own personal lives in that every occurrence is handpicked by Hashem to be sent to us in order to create a *shleimus hanefesh* at the end of our lives. Although this is difficult to recognize on a day to day basis, at the end of our lives, in the *olam ha'emes*, we will recognize the full picture and how “it all came together.”

The human is not the only creature that sings *shira*, as a collection of *braysos* known as *perek shira* teaches us that every animal has its own *shira* that it sings to Hashem. The songs of all these creatures create an amazing symphony known as the song of creation.

This is the idea behind *shiras hayam*. After the miraculous splitting of the sea, *Bnei Yisrael* burst into song solely because they realized that the world is a harmony. They too realized that just as in a song the perceived connection between notes creates beauty, so too in our lives the connections between each event and experience create life's song, controlled by the eternal Composer. This song is a reflection into our own lives, full of daily *hashgacha pratis*. Every moment in one's life is part of the song, or a harmony of occurrences ordered by Hashem. It

is within our *bechira* to choose to sing this song, known as the song of life.

The *k'siva* of the paragraph *az yashir* in the Torah is a “brick formation” – one line, a break, another line – continued until the end of the song. What is the purpose of these breaks in the song? The answer lies in the secret behind a song. If one were to play a song, hitting every note, but not keep to a beat or insert the appropriate pauses, the instrument would produce a cacophony of sounds with no resemblance to the intended music. Only with the proper beat and pauses will the instrument produce the desired effect of beautiful music. So too in our own lives, as we each experience “pauses” or parts which we may not “choose” to experience, we must realize that these “pauses” are handpicked from Hashem and ultimately lead to the perfection of the *shira* of our lives. If we embrace the “pauses” within our lives, just as the pauses can contribute to the beauty of a song, so too these empty spaces in our lives contribute to our own personal *shira*.

This idea is clearly expressed in the *pasuk* in Tehillim “*lihagid baboker chasdecha ve'emunascha baleilos*” –to tell of Your kindness in the morning and of Your faithfulness during the nights.” The “night” referred to in the *pasuk* is the harder times in our lives, during which we still sing of our *emunah* that we have in Hashem. This idea is also echoed in *Eicha*, where in the midst of destruction, the *pasuk* writes “*kumi roni balaila*” –arise and sing in the night. What song does one sing at the destruction of the center of Jewish life, the *Beis Hamikdash*? Even in the darkest times we continue to sing our song of life. Ultimately, at the *yam suf*, we saw the “*vaya'aminu bashem uv'moshe avdo.*” Because of this belief that life is a song, every Jew sang along to contribute.

The word *shira* is related to the word “*ashurenu*” (*Bimidbar* 24:17), to see something from afar but not up close; because through *shira* there is the ability to look into the future and realize that it is all from Hashem. In fact, the *Gemara* occasionally uses the word *shir* to mean a ring, to illustrate that just as a ring, which is a circle, never ends, so too the *shira* of our life never ends – not even during the hardships. Maybe this is why the Shulchan Aruch writes (*Orach Chayim* 51:9) that one must sing *mizmor lesoda*, as all other songs will ultimately be *batel* except for this one. What is the connection between other songs eventually being *batel* and singing *mizmor lesoda*, which is eternal? *Shira* is eternal and just as the *shira* of the world will never end, the *shira* of *mizmor lesoda* will also stand eternally. This potentially may be why the Torah is also referred to as a *shira*, as it says in *parshas vayelech*: “*va’ata kisvu lachem es hashira hazot.*” The Rambam writes that this is referencing the Torah as a whole. Since the Torah is eternal and never ending, it is like a *shira*, an eternal song encompassing our own lives.

Within our life’s song, each person plays a critical role—both as the instrument and as the producer. Each Jew has the ability to be the most beautiful instrument in the world, as we learn in the last *perek* of *Tehilim*. After listing many instruments (such as drums, cymbals and trumpets) we bring in the most powerful of all instruments, “*kol haneshama tehallel yah.*” The *neschama* of a person is the most powerful and beautiful instrument of all creation. Not only do we possess the ability to create the most precious sound; we also have the great responsibility as conductor of the orchestra and leader of the symphony of creation, as *Tehillim* teaches us “*halleluhu kol malachav, halleluhu kol tzeva’av, halleluhu shemesh vijarei’ach...*” We command every creature when to chime in to sing their part of the ultimate song. We can only

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channel this ability with the “*vaya’aminu bashem,*” the belief in Hashem, and then we may continue with the “*az yashir.*”

In the *midbar* the *b’nei yisrael* experienced a period with no food or water. They requested food and water, and Hashem sent food to them in the form of *mann*. The whole *parsha* of *mann* is one big exercise of *emunah*, as we see that *Bnei Yisrael* were only allowed to collect food for that day and were not allowed to store it for the future. In fact, this level of *emunah* is revealed in the *pasuk* in *Tehilim* (131:2-3) “*im lo shivisi vidomamti nafshi kigomul alei imo kagomul olai nafshi. Yachel yisrael el Hashem...*” The *Gra* explains this *pasuk* to be a paradigmatic example of *emunah*— just as a baby nursing from its mother does not worry if it will receive food the next day, so too we should not fear for the next day, as we know that Hashem will take care of us. (Of course, this is not to diminish the requirement of *hishtadlus*.)

After the first shower of *mann*, *Bnei Yisrael* did not understand what they were receiving and said “*mann hu*” – what is it? *Chazal* teach us that the phrase “*mann hu*” consists of the same letters as the word *emunah*. This is referenced by *Moshe* putting the *mann* in a flask and leaving it in (or on) the *aron*. Later, this flask was used by *Yirmiyahu* in rebuke of *Bnei Yisrael* to show them the need to learn and to teach them the lesson that ultimately, *parnassa* is from Hashem.

Later in the *midbar*, when *Bnei Yisrael* asked for water, *Moshe* brought water from a dry rock and called the episode *masa u’miriva* because they quarreled and asked if Hashem was with them. This *sofek* if Hashem was present was a great decline in *emunah* and was rooted in the sin of *Adam* and *Chava* as the *nachash* denied Hashem’s superiority in this world by telling them to eat from the

tree. This decline in *emunah* was the sole cause of the next event in the *chumash*: the attack of Amalek. As we see from the Torah, the war with Amalek is “*mi’dor dor*,” an eternal war. This is referencing the root of Amalek, which represents *sfeikos*—doubt in *Emunah*. The only recipe to fight this is the way *Bnei Yisrael* did in the *midbar*, as the *Torah* describes Moshe’s hands “*vayehi yadav emunah*,”—only if we confidently and proudly carry our *emunah* do we have the power to fight Amalek, and continue to sing the ultimate song of creation.

Only through true *emunah* in Hashem can we be successful in singing the song of creation. The message we need to internalize is that even though life may take many paths, some of which may be unpleasant, it is all part of the greater *shira* that we sing to the Creator. May we all be *zocheh* to strengthen our own personal *emunah*, as well as our collective *emunah* as *Hashem’s am hanivchar*.

# *Assorted Topics*



# A Possible Understanding of *Sholom Aleichem*

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*Reuven Escott*

**H**ow well can a person in our times relate to the concept of angels as winged holy creatures? I remember my rabbeim over the years telling us that *ma'aseh merkava* is beyond our capacity to understand. We should not think that we truly know what *ofanim* and *chayos hakodesh* and *kruvim* are. When we sing the many beautiful and moving *nigunim* that we know for *Sholom Aleichem* on Friday night, it can be hard to relate to this sweet composition beyond its conveyance of a vague sense that Hashem is sending His messengers into our homes to bless us at this special time.

I would like to suggest an approach to *Sholom Aleichem* that I personally relate to more easily and more fully. *Malachim* are Hashem's messengers. When singing *Sholom Aleichem*, I have come to see many things that surround me as potential objects of heavenly communication—the silver candlesticks that my great uncle gave to my parents as a wedding present, the dining room set that my wife and I chose to be the setting of our Shabbos and Yom Tov meals, the light fixtures in our dining room, the special dishes and glasses that we use on Shabbos, the kiddush cup and challah cover, the aroma of the Shabbos food, and most of all, our loved ones who surround us at the table. We see all these objects during the week. On Shabbos though, they are *malachei elyon*, divine messengers bringing us the *bracha* of inner peace because our Shabbos-enhanced senses allow us to

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experience a heightened sense of gratitude for the blessings Hashem has granted us.

As we start our Shabbos meal, we say: “*Sholom aleichem* – hello, lofty messengers of Hashem. *Bo’achem le’sholom* –you have entered our home to bring it true inner peace. *Borchuni le’sholom* – bless us so the goodness that surrounds us brings us to a state of harmony with the *Borai Olam* that will endure throughout the week. *Tzeis’chem le’sholom* – good-bye, messengers; you have accomplished your mission, blessing us with inner peace and with a sense of unity with *HaKadosh Baruch Hu.*”

# Nationalism: Patriotism or Bigotry?

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*Rabbi Elchonon Grunwald*

**T**he candidacy of Donald Trump has raised this question: by being nationalistic and focusing on the citizens of one's own country to the exclusion of foreigners, is one doing the right thing by showing concern for his own? Or is he being selfish and biased?

This reminds me of the beginning of the Kuzari, where the Khazar king (circa 740 CE) was searching for the true religion and asked many people to explain to him their value system. The first person he asked was a philosopher.<sup>1</sup> The philosopher describes his value system as believing that the main thing in life is to be a good person and sincere. He claimed that it doesn't make a big difference which religion one picks as long as the person is good and sincere.<sup>2</sup> The king wasn't impressed with him for several reasons. One of them was that this world view doesn't resolve gray areas. It is easy to assume that logic alone will tell us what is morally good or bad, but very often in life we come across situations where the moral issues are complex and the decision is not so clear (and the only solution is to have a code from God).

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<sup>1</sup> Afterward he brought in a Christian priest, and then a Moslem imam. Only when none of them satisfied him did he bring in a Jewish rabbi. However, the end result was that he was so impressed with Judaism that he converted along with a significant portion of his country. The Khazar country survived until roughly the end of the 10th century.

<sup>2</sup> His description and the king's response are longer. I am only quoting the detail which applies here.

There are two parts to nationalism I want to address. First, should positions of government, authority, and leadership be restricted to native-born citizens or should they be open to all? Second, should the border be open to all those who would like to immigrate even at the expense of the citizens, or should immigration be restricted?

Let us look at the first question. We have a *posuk* that instructs us not to appoint a foreigner to be king. We might have learned that this is only restricting someone who is not Jewish, but *Chazal* in Yevamos 45b clearly say even a *ger* cannot become king. Probably their source is that the *posuk* doesn't just stop after saying not an *ish nochri*, but adds that he must be *mi'kerev achecha*. *Chazal* go further and say that not only is this true for a king, but *kol m'simos*, any position of authority is closed to someone whose parents were not Jewish. At least one of an individual's parents must be Jewish to be fit for public office.<sup>3</sup>

Is the reason for not appointing a *ger* because we should care more about our own? The Torah does demand of us to give Tzedaka to the *ger*, to make sure not to offend him, even to love him. But nonetheless, someone who is born to Jewish parents comes first. Or, are *geirim* not acceptable for public office because we need our leader to identify in his heart of hearts with the Jewish nation? We do not doubt the sincerity of the *ger* and we do not question his commitment, but nonetheless, a person's past and lineage are part and parcel of who he is, and one

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<sup>3</sup> This refers to if his father is Jewish and his mother is a *giyores*, or the reverse. Obviously, if his father was Jewish but at the time of his birth his mother was not Jewish, he would be ineligible.

cannot totally forget these elements overnight or even in the process of a generation.

The second question is regarding immigrants: to allow entrance or not to allow? When it comes to *Eretz Yisroel*, clearly, *geirim* are totally welcome. But as far as non-Jews, it is limited to a *geir toshav*. What does that mean? The exact parameters are a source of discussion among the Rishonim. The basic idea seems to be two conditions for someone to be eligible to be a *geir toshav*: one, he must not serve *avoda zara*. And two, a *geir toshav* must accept that the land really belongs to the Jewish People and that he can only stay in the land because the Jewish People allow it.

There are statements in the *novi* that seem to say very strongly that countries should welcome people with open arms. One is the criticism of Sdom for having much wealth and being very stubborn about letting others in. Another *posuk* in *Ovadiah* seems to criticize Edom for closing its borders when *Klal Yisroel* was being attacked.

Perhaps this is the answer: if there are refugees, we should not be cold-hearted. If Hashem made a country wealthy, His intent was not that it should keep it all for itself, but share it with others who need it. But *Klal Yisroel* can and must insist on others renouncing *avoda zara* so they do not become a bad influence.

Would this principle apply to other nations too? It would be logical to assume that nations that believe that God has certain expectations of them, should give the right to live among them only to people who accept their standards. However, if they are not concerned about any responsibility to God, if they are not looking to maintain a moral standard, then their objection to immigrants is

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motivated by selfish reasons. What right would they then have to tell others that they are not welcome in their land? And why should they even be entitled to expect others to conform, if their lifestyle is not one expected by God, but simply what the locals are used to.

## בענין אכילת גבינה אחר בשר

ישראל ברוך פינקלשטיין

א. מחלוקת הראשונים והפוסקים בענין המתנה בין אכילת בשר ואכילת גבינה

**א** יתא בגמ' (קה.) "בעא מיניה רב אסי מרבי יוחנן כמה ישהה בין בשר לגבינה א"ל ולא כלום איני והא אמר רב חסדא אכל בשר אסור לאכול גבינה מותר לאכול בשר אלא כמה ישהה בין גבינה לבשר א"ל ולא כלום גופא אמר רב חסדא אכל בשר אסור לאכול גבינה גבינה מותר לאכול בשר א"ל רב אחא בר יוסף לרב חסדא בשר שבין השינים מהו קרי עליה הבשר עודנו בין שיניהם [פרש"י אלמא מיקרי בשר] אמר מר עוקבא אנא להא מלתא חלא בר חמרא לגבי אבא [פרש"י לדבר זה אני גרוע מאבי כחומץ בן יין] דאילו אבא כי הוה אכיל בשרא האידנא לא הוה אכל גבינה עד למחר כי השתא ואילו אנא בהא סעודתא הוא דלא אכילנא לסעודתא אחריתא אכילנא".

מבואר, שא"צ להמתין בין אכילת גבינה לאכילת בשר, וצריכים להמתין בין אכילת בשר לאכילת גבינה, לכל הפחות עד "סעודתא אחריתא".

ובגמ' (קד): "תנא אגרא חמוה דרבי אבא עוף וגבינה נאכלין באפיקורן [פרש"י דרך הפקר שאינו נזהר בהן וכדמפרש] הוא תני לה והוא אמר לה בלא נטילת ידים ובלא קינוח הפה רב יצחק בריה דרב משרשיא איקלע לבי רב אשי אייתו ליה גבינה אכל אייתו ליה בשרא אכל ולא משא ידיה אמרי ליה והא תני אגרא חמוה דרבי אבא עוף וגבינה נאכלין באפיקורן עוף וגבינה אין בשר וגבינה לא אמר להו ה"מ בליליא אבל ביממא הא חזינא בית שמאי אומרים מקנח וב"ה אומרים מדיח... " ומסקנת הגמ' היא מדיח וה"ה למקנח.

היוצא, שיש סתירה בגמרא, שרב יצחק בריה דרב משרשיא לא המתין בין האכילות. ואע"פ שאכל בשר אחר גבינה, מתשובתו משמע שלא

שנא באיזה סדר אכלם. אלא, אכל בשר צריך קינוח והדחה [או בדיקת ידים ביום] ומותר לאכול גבינה מיד.

אבל הנקודה הבולטת היא שרוב יצחק בריה דרב משרשיא אכל בשר אחר גבינה ולא גבינה אחר בשר, וכך הקשו בתוס'.

כתבו בתוד"ה עוף "תימה דהיכי פריך מגבינה אחר בשר אבשר אחר גבינה דרב יצחק גבינה ואח"כ בשר אכיל ולא דמי כדאמר בסמוך [שאכל גבינה מותר לאכול בשר, אכל בשר אסור לאכול גבינה] וי"ל דהכי פריך דברייתא דאגרא משמע עוף וגבינה נאכלין באפיקורן בלי נט"י ובלא קינוח הפה אבל שאר בשר בעי נטילה וקינוח הפה והיכי דמי אי בשר תחלה אפי' בנטילה וקינוח לא סגי עד סעודה אחריתי כדאמר בסמוך אלא לאו אגבינה תחלה [כלומר, אם נדייק מאגרא שצריך נטילה וקנוח בבשר וגבינה ע"כ היינו רק בגבינה ואח"כ בשר, שבבשר ואח"כ גבינה לא מהני קנוח והדחה. וקשה על ר' יצחק שאכל גבינה ואח"כ בשר בלא נטילה וקנוח] והא דנקט הכא בשר וגבינה לא דק אלא גבינה ובשר לא ואגב דמזכיר בברייתא עוף תחלה נקט נמי הכא בשר תחלה דאפי' עוף תחלה נאכל באפיקורן] [לפ"ז האוכל בשר אחר גבינה צריך קינוח והדחה אא"כ הוא ביום דאז מותר בלי קינוח והדחה כמו שעשה ר' יצחק]. ור"ת מפרש וכן הלכות גדולות דאכל בשר אסור לאכול גבינה היינו בלא נטילה וקינוח אבל בנטילה וקינוח שרי אכל גבינה מותר לאכול בשר אף בלא נטילה וקינוח ומר עוקבא דלא אכיל עד סעודה אחריתי היינו בלא נטילה וקינוח אי נמי מחמיר על עצמו היה [כלומר, מאגרא למדנו שמותר לאכול גבינה אחר עוף בלי נטילה וקנוח, ומשמע אבל גבינה אחר בשר צריך נטילה וקנוח. ובשר אחר גבינה מותר אפי' בלי נטילה וקנוח. וא"כ קשה למה הקשו בגמ' על ר' יצחק כמו שהמשיכו בתוס'] ולפירושו קשה מאי פריך הכא ארב יצחק (שאכל גבינה ואח"כ בשר בלי נט"י ואילו לפר"ת מותר לעשות כן) וצ"ל לפירושו דלענין נט"י אין חילוק בין בשר תחלה לגבינה תחלה ולגבי קינוח [הפה] דווקא יש חילוק. [וההסבר לכאן] הוא שיש לחשוש שיהיו על ידיו שיורי מאכל ויכול להתערב בשר בחלב לא שנא איזה מהם היה שם תחילה ויבא לידי איסור אכילת בשר עם חלב] והעולם נהגו שלא לאכול גבינה אחר בשר כלל ואפי' אחר עוף. ואע"ג דתני אגרא עוף וגבינה נאכלין באפיקורן דמשמע עוף

תחלה דילמא משום דסבר בשר עוף בחלב לאו דאורייתא ולא קיימא לן הכי [וצ"ע, דבפשוטות לא סבר ר"ת שהוא דאורייתא] ומיהו קשה ברייתא דאגרא כמאן אי כר' יוסי הגלילי הא אף לכתחלה שרי לבשל ולאכול זה עם זה כדאמר לקמן (קטז). דבמקומו של ר' יוסי הגלילי היו אוכלין בשר עוף בחלב (וא"כ אין חידוש שנאכלין באפיקורן) ואי כר"ע הוה ליה למיתני חיה בהדי עוף ודוחק להעמידה כב"ש דאמרי העוף עולה ואינו נאכל ומיהו אשכחן נמי לר' אלעזר בר' צדוק דתניא בתוספתא כב"ש א"נ כר"ע ונקט עוף משום דשכיח וה"ה חיה דהכי נמי קאמר לעיל הא עוף אסור מדאורייתא כמאן דלא כר"ע והוה ליה למנקט נמי חיה ור"ת מפרש טעמא דאגרא משום דעוף אינו נדבק בידים ובשיניים וחניכים".

**היוצא, שלפי הדעה הראשונה בתוס', העיקר הוא כמש"כ בדף קה. שאכל בשר אסור לאכול גבינה עד סעודה הבאה. ומה שכ' בגמ' בדף קד: שמותר מיד אחרי קינוח והדחה, הכונה היא לבשר אחר גבינה אבל לא לגבינה אחר בשר. ולדעת ר"ת ובה"ג העיקר כמש"כ בדף קד: שאכל בשר [וה"ה עוף] מותר לאכול גבינה מיד אחרי אכילת בשר בקינוח והדחה, ומה שכ' בדף קה. שצריך להמתין עד סעודה הבאה היינו בלי קינוח והדחה או שהוא משום חומרא. ועכ"פ, לפי ר"ת, העולם נהגו שלא לאכול גבינה אחר בשר כלל. ונפק"מ בהמתנה בין בשר לגבינה עד סעודה הבאה, שלדעת התוס' הוא מעיקה"ד ולדעת ר"ת הוא משום מנהג.**

[דעת הרמב"ם (מובא בר"ן) הוא שלא התיר אגרא אלא גבינה ואח"כ עוף, אבל לא עוף ואח"כ גבינה].

ובענין הדגרת "סעודה אחרית", פי' בתוס' (קה. ד"ה לסעודת אחריתא אכילנא) "לאו בסעודתא שרגילין לעשות אחת שחרית ואחת ערבית אלא אפילו לאלתר אם סילק השולחן ובירך מותר דלא פלוג רבנן". ויוצא לפי תוס' שיעור קל. וחלק הרא"ש (סי' ה'), וז"ל "פי' בזמנה שרגיל אדם לסעוד דהיינו מזמן סעודת הבקר עד זמן סעודת הערב ופחות משיעור זה אין לאכול גבינה אחר בשר דלא אשכחן מאן דשרי אף בהאי שיעורא אלא מר עוקבא וקא קרי נפשיה חלא בר חמרא". [וכ"כ הרי"ף]. כלומר, בין לתוס'

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בין להרא"ש והרי"ף הפשט במר עוקבא הוא אכל סעודה של חלב מיד אחרי שגמר סעודה של בשר ולא המתין מסעודת בקר עד סעודת ערב. ונחלקו בדבר, שלדעת ר"ת בתוס' מר עוקבא היה מחמיר על עצמו (כמש"כ בתוד"ה עוף) [וא"כ כדי לקיים חומרת מר עוקבא צריכים רק להמתין מסעודה לסעודה אבל לא מסעודה שרגילין לעשות אחת שחרית ואחת ערבית]; ולדעת הרא"ש מר עוקבא היה מקיל על עצמו, ולכן מעיקה"ד צריך להמתין מסעודת שחרית עד סעודת ערבית.

ובהגדרת "סעודת שחרית וערבית", כ' הרמב"ם (פ"ט מהל' מאכ"א הכ"ח) "מי שאכל בשר בתחלה בין בשר בהמה בין בשר עוף לא יאכל אחריו חלב עד שישהה ביניהן כדי שיעור סעודה אחרת והוא כמו שש שעות". ובהג' אשרי (שם) כ' בשם הגמיי"מ שיעור שש שעות וכו' שזהו השיעור של סעודת שחרית וערבית וכו' "דהיינו דלא כה"ג ור"ת והתוספות שפירשו בסעודה אחרית אכילנא לאו בסעודה שרגילין לעשות אחת שחרית ואחת ערבית אלא אפי' לאלתר אם סילק ובירך מותר דלא פלוג רבנן וכן נראה לראבי"ה". [כלומר, שלדעת ר"ת, ובה"ג, ותוס', וראבי"ה, נחלקו בדבר אם ההמתנה היא מעיקה"ד או משום מנהג אבל הסכימו ששיעור ההמתנה היא לאלתר אם סילק וברך. ובזה חלקו הרי"ף והרא"ש והרמב"ם]. [ע"ע שם בהג' אשרי שהביא מעשה בשם המהר"ם שהחמיר ע"ע באכילת בשר אחר גבינה לשהות מסעודה לסעודה שפעם אחת מצא גבינה בין שיניו].

וכ' בשו"ע (ס"א) "אכל בשר אפי' של חיה ועוף לא יאכל אחריו גבינה עד שישהה שש שעות...". וכ' הרמ"א "וי"א דאין צריכין להמתין שש שעות רק מיד אם סלק ובירך בהמ"ז מותר ע"י קנוח והדחה [תוס' ומרדכי והג' אשרי"י והגמיי"מ וראב"ה] והמנהג הפשוט במדינות אלו להמתין אחר אכילת הבשר שעה אחת... ויש מדקדקים להמתין שש שעות אחר אכילת בשר לגבינה וכן נכון לעשות".

וכ' בגליון מהרש"א (סק"ג) בשם הפר"ח "להמתין שש שעות, ר"ל מסעודה לסעודה ואף שבחורף אין בין סעודת צהרים לסעודת ערבית כי אם ד' שעות וזה מוסכם". כלומר, ששיעור ההמתנה לעולם הוא שש שעות ואינו משתנה כפי רגילות האדם בסעודותיו (כמש"כ הרא"ש).

ויש לפרש שדעת המחבר ומסקנת הרמ"א כהרא"ש והרי"ף [שהמתנה היא מעיקה"ד וצריך להמתין כשיעור מסעודת הבקר עד סעודת הערב] וכהרמב"ם [ששיעור זה הוא כמו שש שעות]. ודעה ראשונה ברמ"א כתוס' ור"ת ובה"ג וכו' ששיעור ההמתנה היא מיד אם סלק ובירך] [ולא הכריע אם הוא משום מנהג או מעיקה"ד] וגם מה שהביא הרמ"א מנהג להמתין שעה אחת, היינו המשך של הדעה הראשונה שלו [או שהוא ע"פ ט"ס כמש"כ הט"ז (סק"ב), והבאנו דבריו בסמוך] בשם הלבוש]. ובסוף דבריו פסק לכתחלה כהרי"ף והרמב"ם והרא"ש. כן נראה.

ובדבר המנהג להמתין שעה אחת, כ' הט"ז (סק"ב) "ורש"ל פ' כ"ה סי' ט' תמה על זה למה נהגו להקל בזה נגד הרי"ף ורמב"ם שהצריכו לכל הפחות שש שעות וכ' שערי דורא (סי' עו) שנוהגים כרמב"ם ולא כתוס' דמתירים ומ"מ גם סילוק ובירך בעינן דאל"כ אפי' המתין כל היום אסור וכ' עוד ואף שא"א למחות ביד בני אדם שאינן בני תורה אבל בני תורה ראוי למחות ולגעור בהם שלא יקילו פחות משש שעות ע"כ והוא האריך ובלבוש (ס"א) כ' דהך המתנת שעה שזכר רמ"א הוא מדברי סמ"ג והוא ט"ס שלא כ' שום פוסק כן אבל לא דדינא הכי".

**וכ"כ הש"ך (סק"ה) וז"ל "דכן ראוי לעשות [להמתין שש שעות אחר אכילת בשר לגבינה] לכל מי שיש בו ריח תורה".**

ובבדי השלחן (סקל"ד) כ' "והנה אף שהרמ"א לא הכריע כן מתורת חיוב רק שכן נכון לעשות אבל במקומותינו שכבר נהגו הכל להמתין כן נתחייבנו בזה מטעם מנהג ומי שאינו ממתין קעבר בבל תטוש תורת אמך", ובציונים (סק"נ) כ' "וכמש"כ בערוה"ש".

ובדבר המנהג להמתין שלש שעות, לא מובא שיטה זו בשו"ע ורמ"א. וצ"ע מקורו. [בס' איסור והיתר לר' ירוחם (סי' לט) הביא שיטת הרמב"ם וכ' "והוא ג' שעות", אבל עכצ"ל שהוא ט"ס ששיטת הרמב"ם הוא ו' שעות]. י"א שבארצות גרמניה היו רגילים לאכול הרבה סעודות קצרות וממילא הזמן "בין סעודה לסעודה" לא היה אלא ג' שעות. וי"מ שדעתם כתוס' ור"ת ובה"ג, והמרדכי וראבי"ה ששיעור ההמתנה הוא מסעודה

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לסעודה דהיינו שמותר מיד אם סילק וּבִירַךְ. ובבדי השלחן (סקנ"ג) ציין למש"כ בחיי אדם שכ' שיש מקילים להמתין רק איזה שעות. ונחלקו הפוסקים אם ראוי לאלו שמחכים ג' שעות לשנות מנהגם להמתין ו' שעות. ע"ע בעיונים א'.

### ב. קנוח והדחה

איתא בגמ' (שם) דבין גבינה לבשר בעי הדחה וקנוח הפה. לדעת רש"י ותוס', צריכים קנוח וגם הדחה. פ"י רש"י שהקינוח (כגון דאוכל פת בינתים) מסיר את מה שנדבק בחניכין וההדחה במים מסירה מה שבפה ולא נדבק. וכן הש"ך (סקי"א) שיקדים איזה מהם שירצה, וכן הדרכי תשובה (סקכ"ח) דעדיף לקנח תחלה. וכן בהג' אשרי (סק"ה) "ואם שורה פת ביין או במים ואוכל שפיר מהני לקנוח הפה או אוכל שום דבר שמקנחין בו ושותה מים או יין אח"כ". כלומר, דמהני לשניהם. לדעת הרשב"א והריטב"א (וכן משמע ברמב"ם) באחד מהם סגי. שיטת הרש"ש הוא שלא נאמר דין זה אלא דוקא בגבינה כיון שהוא קשה ונדבק בחניכין.

לדעת הרמב"ם והר"ן הדחה היינו הדחת הידים, ולא הפה.

### ג. ב' טעמים להמתנה בין בשר לגבינה

והנה כ' הרמב"ם (שם) ששוהין בין בשר לגבינה "מפני הבשר של בין השיניים שאינו סר בקינוח" [ובבדי השלחן סק"א כ' בשם הב"ח "ואפילו ינקר ויחצוץ ביו שיניו להוציאו אין סומכים ע"ז דשמא לא ינקר יפה"]. ורש"י (קה. ד"ה אסור) כ' "משום דבשר מוציא שומן והוא נדבק בפה ומאריך בטעמו" [ונראה לפרש שאסרוהו חכמים שמא יבא לאכול בשר וחלב ביחד ממש. כ"כ בבדי השלחן סק"א]. וכן הטור נפק"מ שאם מצא בשר בין שיניו אחרי ששהה השיעור, לדעת רש"י צריך להסירו ולדעת הרמב"ם א"צ (שלדעת הרמב"ם הענין הוא הבשר שבין השיניים וכן בגמ' ששהיית סעודה לסעודה מתירו; ולדעת רש"י הענין הוא מה שמאריך טעמו ולא דנה הגמ' בבשר שבין השיניים וא"כ אין מקור להתירו אחרי שהיית סעודה לסעודה). ועוד נפק"מ בלועס בשר לתינוק ולא אכלו, לרש"י א"צ להמתין דבזה אינו מאריך טעם, ולדעת הרמב"ם צריך להמתין שגם בזה ישש לחשוש לבשר

שבין השיניים. וכ' בבדי השלחן (סקט"ז) עוד נפק"מ "שהטועם את הבשר בלשונו ומוציאו מפיו מיד א"צ להמתין דליכא בזה לא חשש השארת טעם בפיו ולא חשש בשר שבין השיניים". וכ' הטור וטוב לאחוז כחומרי שני הטעמים.

ויש חולקים על ב' הנפק"מ של הטור. בש"ך (סק"ב) הובא דעה א' שגם לדעת רש"י אם לעסו לתינוק ולא אכלו צריך להמתין דמ"מ טעם הבשר נשאר בפיו ומושך לו טעם השומן. וכ' הפר"ח שגם לדעת הרמב"ם אם מצא בשר בין השיניים אחרי שהייה בין סעודה לסעודה צריך להסירו (ולדבריו, לא התיר הרמב"ם הבשר אחרי שש שעות אלא שאחרי זמן זה מסתמא לא שכיח למצוא בשר).

[וכ' בכו"פ טעם שלישי להמתין בין בשר לחלב שזהו שיעור עיכול המאכל. וטעם זה לא כ' בראשונים].

וכ' בשו"ע (שם) "ואפ"י אם שהה כשיעור [שש שעות] אם יש בשר בין השיניים צריך להסירו". וכ' הרמ"א "ואם מצא אח"כ בשר שבין השיניים ומסירו צריך להדיח פיו קודם שיאכל גבינה". והש"ך (סק"ג) כ' בשם הר"ן "דאין צריך שהייה שש שעות מאותו זמן שמסירו אלא מאכילה". [וכ' בבדי השלחן (סקי"ב) "ונראה שאין לו לבולעו דאז יצטרך להמתין עוד ו' שעות לפי הטעם הראשון שבס"ק א' [שמושך טעם בשר בפיו] ואף שהוא רק דבר מועט הא לא חילקו חכמים בזה בין רב למעט"].

#### ד. אכילת בשר אחר גבינה

כ' בשו"ע (ס"ב) "אכל גבינה מותר לאכול אחריו בשר מיד ובלבד שיעיין ידיו שלא יהא שום דבר מהגבינה נדבק בהם ואם הוא בלילה שאינו יכול לעייו אותם היטב צריך לרחצם וצריך לקנח פיו ולהדיחו והקינוח הוא שילעוס פת ויקנח בו פיו יפה וכן בכל דבר שירצה חוץ מקימחא ותמרי וירקא לפי שהם נדבקים בחניכין ואין מקנחים יפה ואח"כ ידיה פיו במים או ביין בד"א בבשר בהמה וחיה אבל אם בא לאכול בשר עוף אחר גבינה אינו צריך לא קינוח ולא נטילה". וכ' הרמ"א "ויש מחמירין אפ"י בבשר אחר גבינה וכן נוהגין שכל שהגבינה קשה אין אוכלין אחריה אפ"י בשר עוף כמו

בגבינה אחר בשר ויש מקילין ואין למחות רק שיעשו קנוח והדחה ונט"י ומיהו טוב להחמיר".

ובש"ך (סק"ד) כ' שנראה שהענין של אכילת בשר אחר גבינה תלוי על המח' בטעם שהייה בין בשר לגבינה. דאילו לפי דעת הרמב"ם שהוא משום שהבשר שבין השינים קרי בשר, זה לא שייך כלל בגבינה (שרק בבשר גלה הכתוב שעדיין נחשב בשר), ורק לטעם שמושך טעם אולי שייך בגבינה, וכ' שם "אבל נלע"ד דדוקא בגבינה מתולעת יש להחמיר כן והוא מדינא מטעם שזכרנו אבל בגבינה ישינה ואינה מתולעת ... או אוכל חמאה אין להחמיר בזה יותר מקינוח וניקור שינים והדחת פה וידיים ...". ולכאור' רוב הגבינות שאנו אוכלים, כגון בפיצה וכדו', אינן בכלל זה וא"צ להחמיר. וכ' בבדי השלחן (סקע"א) "ואם ספק לו אם הוא בכלל גבינה קשה כגון שמסופק אם נתייבש כבר ששה חדשים יש להקל לאכול אחריו בשר ונראה טעמו שאף בודאי ישנה יש מקילים כמש"כ הרמ"א בסמוך ולא פסק הרמ"א בהחלט לאיסור רק מסיק שטוב להחמיר ולכן בספק יש להקל בו".

#### ה. אכילת גבינה אחרי אכילת תבשיל של בשר

כ' בשו"ע (ס"ג) "אכל תבשיל של בשר [פירוש: תבשיל סתמי שנתבשל עם הבשר] מותר לאכול אחריו תבשיל של גבינה והנטילה בניניהם אינה אלא רשות". וכ' הרמ"א "ויש מצריכים נטילה".

ובבדי השלחן (סקע"ט) באר הטעם לדין זה, וז"ל "אבל להמתין ביניהם שש שעות א"צ ... דלטעם השני הנזכר בס"ק א' שממתין מפני בשר שבין השינים פשוט דלא שייך זה בתבשיל של בשר ואף לטעם הראשון שם שממתין מפני שהבשר מושך טעם בפה ה"מ בשר בעין אבל תבשיל של בשר אינו מושך טעמו בפה כל כך".

והמשיך בשו"ע (שם) "אם בא לאכול הגבינה עצמה אחר תבשיל של בשר ... חובה ליטול ידיו". וכ' הרמ"א "ונהגו עכשיו שלא לאכול גבינה אחר תבשיל בשר כמו אחר בשר עצמו מיהו אם אין בשר בתבשיל רק שנתבשל בקדירה של בשר מותר לאכול אחריו גבינה".

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וכ' הש"ך (סקי"ט) "לקמן ריש סי' צ"ה יתבאר דאפי' לאכלו עם גבינה מותר דהוי נ"ט בר נ"ט ונראה דהא דאשמועינן הכא דמותר לאכול גבינה אח"כ היינו **אפי' נתבשל בקדרה שלא הודחה יפה דהוי קצת ממשות של איסור** דבכהאי גוונא אסור לאכלו עם גבינה כמבואר לשם ושרי הכא". ושמעתי מפי הגר"מ וויליג שליט"א שההיתר הוא רק אם יש שומן בקדרה אבל לא בשר בעין או שהיה שם בשר ונימוח בתוך התבשיל. [ועי' בסי' צ"ה שהחמיר הרמ"א בנ"ט בר נ"ט שלא לאכלו עם גבינה, אבל זהו רק משום חומרא ולא מעיקה"ד כמש"כ הגר"א שם].

וכ' הפ"ת (סק"ז) "ונראה דר"ל אפילו אם אין ששים נגד הטוח בעין שעל פני הקדרה דאל"כ הדק"ל ולפ"ז פשיטא דתבשיל שהושם בו מעט שומן מותר לאכול אחריו גבינה אף אם לא היה ששים נגד השומן [כעת ראיתי בספר בית לחם יהודה ס"ק ט"ו שכ' על דברי הש"ך וז"ל ונראה לי דוקא שאינו נותן טעם ממשות בתבשיל רק לחלוחית טוח על פניו אבל אם נותן הממשות טעם בתבשיל הוי כמו שומן עכ"ל ולפ"ז בתבשיל שיש בו שומן ואין בתבשיל ששים נגדו אין להקל"]. ושמעתי מפי הגרמ"ו דלפ"ז אם אכל צ'יפס שנתבשלו בשמן, ותוך השמן היה שומן של עוף וכדו', ואפי' אם הכניסו את השומן של עוף בכונה, מותר לאכול אח"כ חלב וא"צ להמתין שש שעות. (ויש חולקים ומתירים רק בדיעבד).

ובחי' רע"ק (סק"ד) תי' לקושית הש"ך דנפק"מ לענין דבר חריף, וז"ל "לענ"ד י"ל דנפק"מ אפי' בשלו חומץ דחריף בקערה של בשר דאין בו משום נ"ט בר נ"ט אפ"ה מותר לאכול גבינה אחריו". (ע"ע בסי' צ"ו עיונים א' מה שכתבנו בזה).

ולפי מש"כ בבדי השלחן (סקע"ט) מובן דין זה שלא שייכים ב' הטעמים המצריכים המתנה בין בשר לגבינה. ויש לבאר שלא תקנו המתמת שש שעות בין בשר וחלב אלא כשאכל בשר ממש או כשאכל תבשיל שנתבשל עם בשר ממש. ואם אכל תבשיל שנתבשל עם "קצת ממשות של בשר" א"צ להמתין שש שעות אבל אסור לאכלו ביחד עם חלב שזהו תערובת של בשר וחלב. וה"ה בדבר חריף שנחתך בסכין של בשר שאסור לאכלו עם גבינה וא"צ להמתין אחרי אכילתו שש שעות. ואם נתבשל

תבשיל בכלי של בשר ואח"כ בכלי של חלב, אסור הוא אא"כ יש ששים כנגד החלב.

ולענין מרק של בשר (או עוף) צלול, עי' בט"ז (סק"ה) שהביא דעת הג' מיי' שיש לו דין בשר, ודעת ר' יונה דיש לו דין תבשיל של בשר הואיל והוא צלול. אבל לדינא אין נפק"מ בשבילנו לפי מש"כ הרמ"א שנוהגים עכשיו להמתין אף בין תבשיל של בשר לתבשיל של גבינה. וכ"כ בבדי השלחן (סקפ"ז).

#### ו. שמש המשמש בסעודה ונוגע באוכלין

כ' הרמ"א (שם) "שמש המשמש בסעודה ונוגע באוכלין אינו צריך נטילה דלא הצריכו נטילה אלא לאוכלין". וע' בש"ך (סקכ"א) שכ' "דפשיטא שאין חילוק בין אוכל לנוגע". ובבדי השלחן (סקצ"ו) כ' "ולכן הנשים העוסקות במאכלי בשר ושוב רוצות להתעסק במאכלי חלב (או להיפך) צריכים לרחוץ ידיהם". ושמעתי מפי הגרמ"ו שאם אירע שנדבק במאכלי סתם קצת שומן של בשר, מותר לאכול אחריו גבינה אבל אסור לאכלו ביחד עם גבינה. וזה דבר שכיח במסעדות וכדו' שאם נגע השמש במאכל סתם והיה על ידיו לחלוחית של בשר, מי שאכל את המאכל סתם מותר לאכול אח"כ גבינה (וכמו הדין של תבשיל של בשר, ע"ע בעיונים ה'). והדגיש החילוק בין לחלוחית לדבר גוש שאם אכל מאכל סתם שנדבק בו חתיכה של בשר, אסור לאכול אחריו גבינה.

#### ז. פתיתים שעל השלחן ושאר דינים מיוחדים

כ' בשו"ע (סי' פט ס"ד) "מי שאכל גבינה ורוצה לאכול בשר צריך לבער מעל השלחן שיורי פת שאכלו עם הגבינה" ובביאור הגר"א (סקי"ח) כ' שמקורו בירושלמי בפסחים "הדין דאכיל חוביץ ובעי למיכל קופר מבער פתיתין".

ובהג' אשרי (סי' ז') מובא הדין הנ"ל בשם האו"ז וכ' בלשון "מצוה מן המובחר". וכ' באג"מ (או"ח ח"א סי' ל"ח, ומובא בבד"ה סקצ"ט) שהירושלמי קאי אפתיתים, כלומר חתיכות קטנות שנשתיררו על השלחן

## Assorted Topics

והחיוב לבערם מעל השלחן הוא מעיקה"ד כיון שאין נזהרים מליגע בהם בידים מלוכלכים, אבל הפת הגדולה שהיא עומדת בין למאכלי חלב בין למאכלי בשר נזהרים בה ואין חיוב מעיקה"ד אלא "מצוה מן המובחר" לבערו מעל השלחן.

ושמעתי מפי הגרמ"ו שקשה חילוק זה בין פתיתים והחתיכה הגדולה שהרי באו"ז (שהוא מקורו של ההג"א) ציין למקורו בירשולמי הנ"ל וכ' שהוא "מצוה מן המובחר". ועוד, שכ' וז"ל "ומצוה מן המובחר היכא שאכל גבינה ורוצה לאכול בשר צריך להעביר מעל השולחן הלחם... וצ"ע שכ' "מצוה מן המובחר" וכ' "צריך". אלא, י"ל שהכל לפי נמוסי דרך ארץ ואם הדרך הוא שלא לנגוע בכל החתיכות, מותר להעלותם על שלחן שאוכלים שם חלב, כמש"כ בבד"ה (שם) לענין שאר דברים סתמיים.

כ' בבדי השלחן (שם) "ולענין שאר מאכלים סתמיים שאוכלים במשך הסעודה כסלט וכדו' נראה שתלוי באופן לקיחתם מן הקערה שהם מונחים בה שאם נוטלים במזלג או בכף שאוכל בו סעודתו אין לאכול עוד הנשאר עם המין שכנגדו... אבל אם נוטל עליו מהם במזלג או בכף המיוחד להם מותר לאכול הנשאר עם המין שכנגדו" (וע"ע שם שהחמיר לכתחלה בפתיתי לחם ושאר מאכלים).

כ' בשו"ע (שם) "ואסור לאכול גבינה על מפה שאכלו בה בשר" וכ' הרמ"א "וכן להפך אסור" וכ' בפ"ת (סק"ה, ומובא בבדי השלחן סק"ב) בשם הרדב"ז דה"מ כשמניחים המאכלים על המפה בלא הפסק כלי אבל כשהמאכלים מונחים בקערה לית לן בה. ובבדי השלחן (שם ובביאורים ד"ה ואסור) הביא דעת הב"ח להחמיר אפ"י בכה"ג מפני שיש לחשוש לבליעת טעם בקערה ושיצא לתוך המפה. ואע"פ שהכלים שעלו על השלחן רוב הזמן הם כלי שני וכ"ש אינו מבשל, הב"ח לשיטתו בסי' ק"ה שכ"ש מפליט ומבליע ואפ"י אם אינו יס"ב ולכן מעיקה"ד יש לנו לפסוק לקולא דקיי"ל שכ"ש אינו מפליט ומבליע וגם שחום שאין היס"ב אינו מפליט ומבליע.

ח. כלי סעודה שונים לבשר ולחלב

כ' בשו"ע (סוס"ד) "אסור לחתוך גבינה אפי' צוננת בסכין שרגילין לחתוך בשר ולא עוד אלא אפי' הפת שאוכלים עם הגבינה אסור לחתוך בסכין שחותכין בה בשר" וכ' הרמ"א "וכן להפך נמי אסור מיהו ע"י נעיצה בקרקע קשה שרי...". והענין הוא שיש לחשוש שיש רוטב מהבשר שנשאר על הסכין וע"י נעיצה בקרקע מסיר הרוטב. ובט"ז (סק"ו) כ' שאם רוצה לחתוך לחם לא צריך רק קינוח הסכין. והט"ז ג"כ הזכיר הענין של נ"ט בר נ"ט וצע"ג שניידון שלנו הוא איסור בעין ולא בלוע, ע"ע ברקע"א שעמד בזה. וסיים הרמ"א "אבל כבר נהגו כל ישראל להיות להם שני סכינים ולרשום אחד מהם שיהא לו היכר ונהגו לרשום של חלב ואין לשנות מנהג של ישראל" [וכל זה בסכינים צוננים, אבל בחמים צריכים ב' סכינים מעיקה"ד].

והרמ"א כ"כ רק לענין סכינים, אבל כ' בבדי השלחן (סקק"ט) "והנה אף מלשון הרמ"א משמע דרק בסכין נהגו כן ולא בשאר כלי סעודה כגון כפות וצלחות מ"מ המנהג בזה עכשיו שכל כלי סעודה הם מחולקים לבשר לבד ולחלב לבד וכן כלי השתייה אפי' של זכוכית יהיו מחולקים לסעודת בשר לבד ולסעודת חלב לבד".

[איתא בגמ' (צז). "קדרה שבשל בה בשר לא יבשל בה חלב ואם בשל בנ"ט". וכ"כ בשו"ע (סי' צג ס"א) וז"ל "קדרה שבשל בה בשר לא יבשל בה חלב ואם בישל בה מתוך מעת לעת אסור בנ"ט אבל אם שהה מעל"ע קודם שבישל בה הוי ליה נ"ט לפגם ומותר התבשיל...".

והריטב"א (בחידושו, ד"ה אמר) הביא דעת רבו הרא"ה ז"ל שדייק מזה שכ' בנ"ט" שהאיסור הוא רק בקדרה בת יומא אבל באינה בת יומא מותר דנ"ט לפגם ולא גזרו חכמים באינה בת יומא אטו בת יומא. וחלק עליו הריטב"א, וז"ל "היה מדקדק מורי הרא"ה ז"ל דמדקתני ואם בשל בנ"ט מכלל דבקדרה בת יומא עסקינן וא"כ ל"ל למתני לא יבשל בה חלב פשיטא אלא הא קמ"ל דדוקא בבת יומא לא יבשל לכתחלה אבל לאו בת יומא שריא לכתחלה נמי כיון דנ"ט לפגם דלא גזרו חכמים דלאו בת יומא אטו בת יומא

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כדאיתא בפרק בתרא דע"א אלא דבקדרה דבלעה איסורא שעשאוו בשעת בליעתה איסור אבל הא דכי בלעה התירא בלעה לא גזרו בה ... וכן ראיתי שהיה עושה מעשה בדבר זו לעצמו והוא דין חדש שלא נמצא בכל ספרים הראשונים ז"ל וחביריו היו חולקין עליו ...". (עיי"ש שהביא הרא"ה ראייה מהגמ' בפסחים דמשהין הכלים של חמץ ומותרים לאחר הפסח. ודחה הריטב"א ראייתו ששם דנו בחמץ שעבר עליו הפסח לפי דעת שמואל שהוא קנסא בעלמא ולא גזרו כשהחמץ בעין, משא"כ בבב"ח שאיסורו מדאו').

ולענין הגעלת כלים, כ' בבדי השלחן (סקקי"ב) בשם המג"א "שהעולם נוהגים איסור להגעיל כלי מבשר לחלב או להיפך וטעם המנהג משום דאם גיתר כן יחזיק אצלנו רק כלי אחד וישתמש בו לשניהם ע"י הגעלה בין שימוש לשימוש ויש לחוש שמא יטעה פעם ולא יגעילנו אמנם במקרה שמכשיר כלי חמץ לפסח מותר אז לשנותו מבשר לחלב או להיפך דבזה לא שייך הטעם הנ"ל." וכ"כ במ"ב (ס"א תקט סקכ"ה).

